

## **Arunachal Pradesh Judicial Service Rules, 2006**

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## **Arunachal Pradesh Judicial Service Rules, 2006**

No.Jud-10/2006 :- In exercise of the powers conferred by the proviso to Article 309 read with Article 234 of the Constitution of India, the Governor of Arunachal Pradesh is pleased to make, in consultation with the Gauhati High Court and Arunachal Pradesh Public Service Commission, the following rules regulating the conditions of service of persons appointed to the Arunachal Pradesh Judicial Service.

## **1. Short Title & Commencement :-**

- (1) These rules may be called the Arunachal Pradesh Judicial Service Rules, 2006.
- (2) They shall come into force from the date of their publication in the Official Gazette.

## **2. Definition :-**

In these Rules, unless there is anything repugnant to the subject or context :-

- (a) "Chief Justice" means the Chief Justice of the Gauhati High Court ;
- (b) "Governor" means the Governor of Arunachal Pradesh ;
- (c) "Constitution" means the Constitution of India ;
- (d) "Commission" means The Arunachal Pradesh Public Service Commission ;
- (e) "Government" means the Government of Arunachal Pradesh ;
- (f) "High Court" means "The Gauhati High Court";
- (g) "Members of the Service" means the officers appointed or deemed to have been appointed under the provisions of these Rules ;
- (h) "Appointing Authority" means the authority mentioned in Rule-6 ;
- (i) "Service" means the Arunachal Pradesh Judicial Service ;
- (j) "Year" means the English Calendar Year.

## **3. Constitution of service :-**

There shall be constituted a service to be known as the Arunachal Pradesh Judicial Service, consisting of three grades of officers as shown in Schedule -A appended to the Rules.

## **4. Strength of the service :-**

- (1) The strength of the service and cadre shall be determined by the Governor in consultation with the High Court, from time to time.
- (2) The Governor may, except in case of the Registrar, from time to time, leave unfilled or hold in abeyance any post in the Cadre or may increase the Cadre by the creation of additional, permanent or temporary posts as may be found necessary, in consultation with the High Court.

## **5. Recruitment :-**

(1) The Chief Justice shall fill up the post of Registrar, Deputy Registrar and Assistant Registrar by virtue of Article-229(1) of the Constitution ordinarily from Grade-I, Grade-II and Grade-III of the service respectively.

( 2 ) Notwithstanding anything contained in these Rules, the conditions of service of the persons appointed to the post of Registrar, Deputy Registrar and Assistant Registrar, shall be regulated by the rules that may be made under Article-229(2) of the Constitution.

## **6. Appointing authority :-**

(1) Appointment to the posts in Grade-I, Grade-II and Grade-III shall be made by the Governor.

(2) Conferment of Super Time Scale and Selection Grade Scale in Grade-I shall be made by the High Court.

## **7. Method of recruitment, qualification, reservation and age limit :-**

In respect of each category of posts specified in Column (2) of the Table below, the method of recruitment and minimum qualification, age limit etc. are specified in the corresponding entries in column (3) and (4) thereof.

Provided that the 3 (three) adhoc Additional Sessions Judges who were selected and appointed by the Government, in consultation with the Gauhati High Court, in the year 2002 as Presiding Officers of the 3(three) Fast Track Courts on contract basis under the specific scheme of the Central Government and have since been rendering services under the control and supervision of the Gauhati High Court, may be considered for absorption in the Grade-I of the Service.

Provided further that the High Court shall have the power to relax the qualifying period of Judicial Officers for the purpose of promotion in case the same is considered necessary in the interest of service.

<b>Sl. No</b>	<b>Cadre</b>	<b>Method of Recruitment</b>	<b>Qualification</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
			1. Must be holder of degree in law of a recognized University

1.	Grade-I	(i) Not exceeding 25% of the posts in the Grade may be filled by direct recruitment on the basis of the aggregate marks / grade secured in a competitive examination conducted by the High Court as specified in Schedule-B of the rules	<p>2. Must be practicing as an advocate in Courts of Civil and Criminal jurisdiction on the last date fixed for receipt of applications and must have so practiced for a period of not less than seven years as on such date.</p> <p>Must have attained the age of thirty five years and must not have attained the age of forty eight years in case of candidates belonging to Arunachal Pradesh Scheduled Tribes and forty five years in the case of others, as on the last date fixed for receipt of application.</p>
		(ii) 25% of the posts in the Grade shall be filled by promotion from the cadre of Grade-II strictly on the basis of merit through limited departmental competitive examination conducted by the High Court as specified in Schedule-B of the Rules.	Must have been in the cadre of Grade-II for a period of not less than five years.
		(iii) Remaining 50% of the posts in the Grade shall be filled by promotion from the cadre of Grade-II of the Service on the basis of merit cum seniority by the High Court, following the criteria in Schedule-C.	Must have been in the cadre of Grade-II for a period of not less than five years.
2.	Grade-II	By Promotion from the cadre of Grade-III selected by the High Court on the basis of criteria indicated Schedule-C	Must have been in the cadre of Grade-III for a period of not less than five years.
		<p>(i) 50% of the posts may be filled up by direct recruitment on the basis of aggregate marks secured in competitive examination to be conducted by the Commission in the manner indicated in Schedule-B</p> <p>(ii) 50% of the posts may be filled up on the basis of the results of the competitive</p>	<p>1. Must be holder of degree in law granted by a recognized University established by law in India</p> <p>2. Must not have completed, as</p>

3.	Grade-III	examination to be conducted by the High Court as indicated in Schedule-B  Provided that all the vacancies may be filled up from one source only if the other source fails to recommend candidates within the period specified in the letter of requisition and it is considered expedient so to do in public interest	on the last date fixed for receipt of applications 38 years of age in the case of candidates belonging to Arunachal Pradesh Scheduled Tribes and 35 years of age in the case of others.
4.	Selection Grade Scale	25 % of the posts in Grade-I shall be in Selection Grade to be conferred in accordance with the procedure laid down in Schedule-C	Must have served in Grade-I for not less than five years.
5.	Super time Grade Scale	10% of the posts in Grade-I shall be in Super time Scale to be conferred in accordance with the procedures laid down in Schedule-C	Must have served in Selection Grade for not less than three years.

### **8. Reservation :-**

Save as otherwise provided hereinabove relating to relaxation of age for reserved category candidates, appointment to the Service made by direct recruitment and promotion shall be subject to the following provisions of the Govt. of Arunachal Pradesh reservation policy in force :

(a) Direct Recruitment : 80 % reserved for APST candidates 20 % unreserved

( b ) Promotion : 50 % reserved for APST candidates 50 % unreserved

### **9. Disqualification for appointment :-**

No person shall be eligible for appointment to the service

(a) unless he is a citizen of India ;

(b) if he has been dismissed from service by any High Court, Government or statutory or local authority ;

(c) if he has been convicted of an offence involving moral turpitude or who is or has been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing in any examination or selection conducted by it ;

(d) if he directly or indirectly influence the recruiting authority by

any means for his candidature ;  
(e) if he /she has more than one spouse living.

## **10. Selection Procedure :-**

(1) For a vacancy to be filled by promotion the recruiting authority shall take all necessary steps well in advance so as to finalize the list of persons considered eligible for promotion at least 15 days before the occurrence of the vacancy.

(2) (i) Whenever two or more vacancies required to be filled by direct recruitment occur in cadre in the service or once in two years, whichever is earlier, the recruiting authority shall invite by advertisement in the official Gazette and in at least two newspapers, applications in such form as it may determine from intending candidates who possess the prescribed qualifications. The advertisement shall indicate the number of vacancies reserved for Arunachal Pradesh Scheduled Tribes and contain all necessary information relating to the recruitment. It shall also indicate that an additional list of selected candidates would be prepared as per clause(iv).

(ii) The decision recruiting authority authority as to the eligibility or otherwise of a candidate for admission to the written and viva-voce examination shall be final and no candidate to whom certificate of admission has not been issued shall be admitted for the examination.

(iii) The recruiting authority shall, on the basis of cumulative grade value secured by a candidate, and taking into consideration the orders, if any, in force relating to reservation of posts for Arunachal Pradesh Scheduled Tribes, prepare in the order of merit assessed as provided in Schedule-B, a list of selected candidates which shall be equal to the number of vacancies notified.

(iv) The recruiting authority shall, in accordance with the provisions of clause-(iii), also prepare an additional list of candidates on merit not included in the list of candidates prepared under clause (iii) above, in which the number of candidates to be included shall, as far as possible be 10% of the number of vacancies notified for recruitment or one, whichever, is higher.

(v) The list of successful candidates so prepared under clauses (iii) and (iv) above shall be published in at least two newspapers and they shall cease to be operative on the expiry of one year from the date of such publication.

(vi) Candidates whose names are included in the first list prepared

under clause

(iii) above shall be considered for appointment in the order in which their names appear in the list. Candidates whose names are included in the additional list may be similarly considered for appointment against vacancies, if available, after appointment of the candidates of the first list.

(vii) Inclusion of the name of a candidate in any list prepared under clause-(iii) or (vi) shall not confer on the candidate any right of appointment.

### **11. Fees :-**

Every candidate for direct recruitment shall be required to pay such fees as may be specified in the notification inviting application.

Provided that in the case of candidate belonging to Arunachal Pradesh Scheduled Tribes, the fees payable shall be one half of the fees specified in the notification for other candidates.

### **12. Conditions relating to suitability, fitness and character :-**

(1) No person selected for appointment by direct recruitment shall be appointed-

(i) unless the appointing authority is satisfied that he possesses a good moral character and is in all respect suitable for appointment to the service ;

(ii) unless he is certified by the medical authority of the State Health department for the purpose that he is medically fit to discharge the duties of the post to which he is selected for appointment.

(2) Every candidate selected for appointment by direct recruitment shall furnish certificates from two respectable persons unconnected with his college or university where he studied and not related to him, testifying to his character, in addition to the certificate which may be required to be furnished from the educational institution last attended by him.

### **13. Joining time for appointment :-**

(1) A candidate by direct recruitment shall report for duty to such authority and within such date as may be specified in the order of appointment.

( 2 ) Notwithstanding anything contained in sub-rule-(1), the

appointing authority may, on an application by the candidate, if so satisfied that there are good and sufficient reasons for doing so, by order in writing, grant such further time as it may deem necessary for joining.

(3) An appointee who fails to assume the charge of the post within the time specified in the sub-rule (1) or (2), shall cease to be eligible for joining the service and his name shall be removed from the list of selected candidates.

#### **14. Training :-**

(1) There shall be a training for the officers appointed in Grade-III and Grade-I of the service by direct recruitment as the High Court may deem fit and proper as per Schedule-D.

(2) The High Court may arrange Refresher Course for officers of all cadres from time to time. The Judicial Officers may also be deputed for Training / Refresher Course outside the State or outside the country in consultation with the State Government.

#### **15. Probation, officiation, confirmation and increment :-**

(1) All appointments to the service by direct recruitment shall be on probation for a period of two years.

(2) All appointments by promotion shall be on officiating basis for a period of two years.

(3) The period of probation or officiation, as the case may be, of an officer may, for reasons to be recorded in writing, be extended by such period not exceeding the period of probation or officiation, specified in sub-rule-(1) or (2).

(4) At the end of the period of probation or officiation or the extended period of probation or officiation, as the case may be, the appointing authority shall consider the suitability of the person to hold the post/grade to which he was appointed or promoted and -

(i) if he/she is found suitable to hold the post/grade and has passed the special examination or tests, if any, required to be passed during the period of probation or officiation, as the case may be, the appointing authority shall, as soon as possible, issue an order declaring him/her to have satisfactorily completed the period of probation or officiation, as the case may be; and such an order shall have effect from the date of expiry of the period of probation or officiation including extended period, if any, as the case may be.

(ii) if the officer is not found suitable to hold the post/grade to

which he/she was appointed or promoted, as the case may be, the appointing authority shall by order-

(a) if he/she is a promotee, revert him/her to the post/grade which he/she held prior to his/her promotion ;

(b) if he/she is a probationer, discharge him from service.

(5) A person shall not be considered to have satisfactorily completed the period of probation or officiation, as the case may be, unless a specific order to that effect is passed. Any delay in passing such an order shall not entitle the person to be deemed to have satisfactorily completed the period of officiation or probation.

(6) (i) Notwithstanding hereinabove, the appointing authority may, at any time during the period of probation, discharge from service a probationer on account of his/ her unsuitability for the service.

(ii) An order under clause (i) shall indicate the grounds for the discharge but no disciplinary enquiry shall be necessary.

(7) No appeal shall lie against an order discharging a probationer or an order reverting a promotee to the post held by him/her prior to his/her promotion.

(8) An officer who has been declared to have satisfactorily completed his/her period of probation or officiation shall be confirmed in the service in the category of post/grade to which he/she was appointed or promoted, as the case may be, at the earliest opportunity against substantive vacancy.

(9) (a) A promotee or probationer may draw the increment that fall due during the period of probation or officiation. He/she shall not, however, draw any increment after the expiry of the period of probation or officiation unless and until he/she is declared to have satisfactorily completed his/her probation or officiation, as the case may be.

(b) When a probationer or promotee is declared to have satisfactorily completed his/her probation or officiation, as the case may be, he/she shall draw, as from the date such order takes effect, the pay he/she would have drawn had he/she been allowed the increment for the whole of his/her service from the date of his/her appointment on probation or officiation, as the case may.

(10) Notwithstanding anything contained in sub-rules (1) and (2) where the validity of the appointment of an officer -

(a) on probation is questioned in any legal proceedings before any Court of law, the period of probation of such officer shall continue till the final disposal of such proceedings ;

(b) on officiating promotion is questioned in any legal proceedings before any Court of law, the period of officiation of such promotion

of such officer shall continue till the final disposal of such proceedings ;

**16. Pay :-**

(1) The pay of all the members of the various grades of service shall be as mentioned in the Schedule-Aappended to these Rules.

(2) The existing members of the service may be absorbed in the respective grades as they may be holding on the commencement of these Rules and shall be eligible for pay scales provided for such posts.

**17. Seniority :-**

(1) An officer appointed or promoted in accordance with the Rules, on regular basis shall be senior to persons appointed on ad-hoc or temporary basis.

(2) The seniority inter-se of the members of the service, appointed on the basis of result of Competitive Examination/Limited Departmental Examination shall be determined according to the Merit List prepared by the Concerned authority.

(3) Where officers are recruited to a Cadre by promotion or by direct recruitment on the same date the officers recruited by promotion shall take precedence over the direct recruit officer(s).

(4) Where two officers are placed at the same position of the Merit List, the person senior in age shall be senior to the other.

(5) The inter-se seniority of persons appointed in Grade-I shall be determined in accordance with the dates in which they report for duty subject to merit list.

(6) Where more than one Officer is promoted to a cadre by the same order, the inter-se seniority of persons so promoted shall be determined by their inter -Se Seniority in the Lower Cadre unless directed otherwise.

(7) A 40 (Forty) point roster is to be maintained for appointment/promotion to the post of Grade-I in service. The posts at Serial Nos. 1 and 2 will go to the promotees under 50/ quota. The post at Serial No. 3 shall go to the promotees under the limited departmental Competitive Examination and the post at Serial No.4 shall be available to direct recruit. This process shall be repeated till all the posts in the cadre are filled up in the roster in the manner stated.

(8) The High Court shall prepare and publish a seniority list of Officers in all Cadres from time to time and the list so published

shall be used for the purpose of consideration for promotion to the next higher cadre.

(9) The Seniority inter-se of the members of the service absorbed by way of initial recruitment will be determined on the basis of their inter-se seniority under the State Government prior to their absorption by way of such initial recruitment.

### **18. Promotion :-**

(1) The promotion of members of the service shall be one grade to another grade and not from one post to another post.

(2) The promotion of the officers under the various Grades in the Service shall be as per the criteria laid down in Schedule-C.

### **19. Retirement :-**

(A) Except as otherwise provided in this Rule every Judicial Officer shall retire from service on the afternoon of the last date of the month in which he attains the age of 58 years.

Provided that all Judicial Officer whose date of birth is the 1st day of a month shall retire from service on the after noon of the last day of the preceding month on attaining the age of 58 years.

(B) Notwithstanding anything contained in Clause (A) above a Judicial Officer belonging to the Arunachal Pradesh Judicial Service who in the opinion of the High Court, has the potential to continue with his/her service shall be retained in service upto 60 years.

(I) The potential for continued utility shall be assessed and evaluated by the High Court, and the evaluation shall be made on the basis of the officer's past record of service, character roll, quality of judgments and other relevant matters.

(II) The High Court shall undertake and complete the exercise well within time before the Officer attains the age of 58 years and take a decision whether the benefit of extended service is to be given to the officer or not. In case the officer concerned is found fit for being given the benefit of extended age of superannuation, the Governor shall, on the recommendation of the High Court, issue necessary order.

### **20. Retirement in Public interest :-**

(1) The High Court may review the career progress and other attributes of all Judicial Officers from time to time.

(2) This review will be undertaken on the officer(s) attaining the

age of 50 and 55 years. If the High Court considers that in public interest the officers should be retired from service he shall be compulsorily retired by giving him a notice of not less than 3 months in writing or 3 months pay and allowance in lieu thereof.

## **21. Re-employment after retirement :-**

(1) Judicial Officers of Grade-I retired at the age of 60 years are eligible for re-employment on such consideration by the High Court, provided there are vacancies in Grade-I and they satisfy the following conditions. :-

(i) There is no adverse comment in the ACRs so far disposal of cases /integrity and character are concerned.

(ii) The Officer was not dismissed or removed or compulsorily retired or made to seek retirement.

(iii) The Officers had not sought voluntary retirement after initiation of departmental proceedings/inquiry.

(2) The Judicial Officers will have to be found fit and eligible to continue in service by the High Court after assessing and evaluating the record for his continued utility.

(3) The order of re-employment shall be made by the Governor in consultation with High Court.

## **22. Addition of certain service for the purpose of pension :-**

Notwithstanding anything contained in the civil Services (Pension) Rules, 1972 as adapted by the Government of Arunachal Pradesh or in any other Rules. :-

(1) The members of the Service initially recruited to Grade-III of the Service having not less than 10 years of actual qualifying service shall be entitled to add to their service qualifying for superannuation pension the actual period of practice put in by him at the Bar not exceeding three years.

(2) The members of the Service directly recruited from the Bar to Grade-I of the service having not less than 10 years of actual qualifying service shall be entitled to add to their service qualifying for superannuation pension the actual period of practice put in by him at the Bar not exceeding seven years.

## **23. Residuary Provisions :-**

The conditions of service of the members of the service for which no express provision is made in these rules shall be determined by

the rules and orders for the time being applicable to officers of State Civil Service.

**24. XXX XXX XXX :-**

XXX XXX XXX

**24A. Conduct :-**

A Judicial Officer appointed under the Rules shall be required to maintain the integrity and conduct himself in conformity with the dignity of the office he holds. He should follow the Code of Conduct as provided in Appendix - A to the Rules.

**24B. Disqualification :-**

A member of the service shall disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to instances where ;

(a) he has personal bias or prejudice concerning a party or a party's lawyer or personal knowledge of disputed facts concerning the proceeding ;

(b) he has dealt with the matter in controversy when he was a lawyer or he previously practiced in close association with the lawyers or any of them when dealt with the said matter or he has been a material witness concerning the said matter ;

(c) he knows that he individually or a fiduciary, or his spouse, parent or child wherever residing or any other member of his family residing in his household, has an economic or has other interest that could be affected by the proceeding ;

(d) he or his spouse, or a person within the third degree of relationship to either of them or the spouse of such a person-

(i) is a party to the proceeding or an officer, director or trustee of a party ;

(ii) is acting as a lawyer in the proceeding ;

(iii) is known by him to have interest that could be substantially affected by the proceeding ;

(iv) is to his knowledge likely to be a material witness in the proceeding.

**24C. Disciplinary Authority :-**

(1) The members of the service shall be under the disciplinary control of the High Court.

(2) The provisions of Central Services (Classification, Control and Appeal) Rules, 1965 shall be applicable in relation to disciplinary proceeding.

## **25. Leave, Pension etc :-**

Except as provided in these rules, pay, allowances, pension, leave and other conditions of service of the members of the service shall be regulated by Central Civil Services (Classification Control and Appeal) Rules, 1965, Fundamental Rules, the Central Civil Service Manual and other relevant rules in force in the State.

## **26. Repeal & Savings :-**

On and from the date on which any of the provisions of these rules are brought into force in the State of Arunachal Pradesh any executive instructions/directions/orders as relate to the matters covered by these rules, shall stand superceded / cancelled.

Notwithstanding such supercession /cancellation, any appointment made, order issued, action taken or anything whatsoever done shall, in so far it is not inconsistent with these rules, be deemed to have been made, issued, taken or done under the corresponding provisions of these rules.