

## **Delhi Higher Judicial Service Rules, 1970**

### **CONTENTS**

#### **PART 1 :- General**

1. Short Title And Commencement
2. Definitions
3. Constitution Of The Service

#### **PART 2 :- Authorised Strength**

4. Strength Of The Service

#### **PART 3 :- Method of Recruitment**

5. Method Of Recruitment
6. Section 6
7. Regular Recruitment
8. Section 8
9. The Qualifications For Direct Recruits Shall Be As Follows
10. Section 10
11. Disqualifications

#### **PART 4 :- Appointment, Probation and Confirmation**

12. Section 12
13. All Persons Appointed To The Service On Probation Shall Be Confirmed At The End Of The Said Period Of Two Years
14. Section 14
15. Section 15
16. Section 16
17. Section 17

#### **PART 5 :- PART V**

#### **PART 6 :- Pay and Allowances**

18. The Pay Scales Of The Service Shall Be As Follows
19. The Initial Pay Of A Direct Recruit Shall Be The Initial Pay In The Time Scale Mentioned In Rule 18
20. Section 20
21. Section 21

#### **PART 7 :- Other Provisions**

22. Section 22
23. Section 23

- 24. Section 24
- 25. Section 25
- 26. Section 26
- 27. Residuary Matters
- 28. Interpretation
- 29. Section 29

## **Delhi Higher Judicial Service Rules, 1970**

(Published in Delhi Gazette (Extra), Part IV, No. 90, dated August 27, 1970) No.F.1/1/70-Judicial (i) - In exercise of the powers conferred by the proviso to Article 309 of the Constitution read with the Government of India, Ministry of Home Affairs' notification No.1/2/70-Dh (S), dated the 29th May, 1970, as amended by notification No.F.1/2/70-Dh (S), dated the 25th July, 1970, and all other powers enabling him in this behalf, the Lieutenant-Governor of Delhi in consultation with the High Court of Delhi, is pleased to make the following rules, namely:-

### **PART 1 General**

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

These rules may be called the Delhi High Judicial Service Rules and they shall come into force from the date of publication in the Delhi Gazette.

#### **2. Definitions :-**

In these rules, unless the context otherwise requires -

- (a) "Administrator" means the Administrator appointed under Article 239 of the Constitution for the Union Territory of Delhi.
- (b) "Cadre Post" means any post specified in schedule and includes a temporary post carrying the same designation as that of any of the posts specified in that schedule and any other temporary post declared as cadre post by the Administrator.
- (c) "High Court" means the High Court of Delhi.
- (d) "Member of the Service" means a person appointed in substantive capacity to the service under the provision of these rules.
- (e) "Service" means the Delhi High Judicial Service.
- (f) "Schedule" means the schedule as amended from time to time and appended to these rules.
- (g) "Initial recruitment" means the first recruitment and appointment made to the service after the commencement of these

rules.

(h) "Promoted officer" means a person who is appointed to the service by promotion from Delhi Judicial Service.

(i) "Direct recruit" means a person who is appointed to service from the Bar.

### **3. Constitution Of The Service :-**

(a) On and from the date of commencement of these rules, there shall be constituted a Civil Service to be known as the Delhi High Judicial Service.

(b) The posts included in the service shall be Central Civil Post, Class I, Gazetted.

### **PART 2 Authorised Strength**

### **4. Strength Of The Service :-**

(1) The authorised permanent strength of the service and the posts included therein shall be as specified in the Schedule.

(2) The Administrator may create from time to time as many cadre posts as may be necessary.

### **PART 3 Method of Recruitment**

### **5. Method Of Recruitment :-**

(1) The recruitment of persons to the Service from the Delhi Judicial Service shall be made by the Administrator in consultation with the High Court.

(2) In regard to the persons not already in the Delhi Judicial Service appointment to service shall be made by the Administrator on the recommendation of the High Court.

### **6. Section 6 :-**

(1) For initial recruitment to the service, the Administrator shall, in consultation with the High Court, appoint persons to the service substantively from amongst the following -

(a) District Judge and Additional District Judges functioning as such in the Union Territory of Delhi on deputation from other States;

(b) District Judges and Additional District Judges whose names may be recommended by their respective States for appointment.

(2) The High Court may at its discretion examine the character rolls and hold such other tests as may be deemed fit.

(3) The seniority of the candidates appointed as the initial constitution shall be in accordance with the length of service rendered by them in the cadres to which they belong at the time of their initial recruitment to the service provided that the inter-se seniority as already fixed in such cadres shall not be altered.

(4) The number of officers to be appointed from the States of Punjab and Haryana shall not, subject to availability, be less than the number of posts borne on the cadre of such States for the purpose of Union Territory of Delhi.

## **7. Regular Recruitment :-**

Recruitment after the initial recruitment shall be made:

(a) by promotion on the basis of selection from members of the Delhi Judicial Service who have completed not less than 10 years of service in the Delhi Judicial Service.

(b) by direct recruitment from the Bar.

Provided that not more than 1/3rd of the substantive posts in the service shall be held by direct recruits.

## **8. Section 8 :-**

(1) The inter-se seniority of members of the Delhi Judicial promoted to the service shall be the same as in the Delhi Judicial Service.

(2) The seniority of direct recruits vis-à-vis promotes shall be determined in the order of rotation of vacancies between the direct recruits and promotes based on the quotas the vacancies reserved for both categories by rule 7 provided that the first available vacancy will be filled by a direct recruit and the next two vacancies by promotees and so on.

## **9. The Qualifications For Direct Recruits Shall Be As Follows :-**

(1) must be a citizen of India,

(2) must have practiced as an Advocate for not less than seven years.

## **10. Section 10 :-**

The High Court shall before making recommendations to the Administrator invite applications by advertisement and may require the applicants to give such particulars as it may prescribe and may

further hold such tests as may be considered necessary.

**11. Disqualifications :-**

(1) No person who has more than one wife living shall be eligible for appointment to the

(2) service:

Provided that the Administrator may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this sub-rule.

(3) No woman who is married to any person who has a wife living shall be eligible for

(4) appointment to the service.

Provided that the Administrator may, if he is satisfied that there are special grounds for doing so, exempt any such woman from the operation of this sub-rule.

**PART 4 Appointment, Probation and Confirmation**

**12. Section 12 :-**

(1) Persons appointed to the service at the initial recruitment shall stand confirmed

(2) with effect from the date of appointment.

(3) All other candidates on appointment to the service shall be on probation for a

(4) period of two years.

**13. All Persons Appointed To The Service On Probation Shall Be Confirmed At The End Of The Said Period Of Two Years :-**

Provided that the Administrator may, on the recommendation of the High Court, extend the period of probation, but in no case shall the period of probation extend beyond the period of three years.

**14. Section 14 :-**

The services of a person on probation are liable to be terminated without assigning any reason.

**15. Section 15 :-**

After successful completion of the period of probation the officer shall be confirmed in the service by the Administrator in

consultation with the High Court and the same shall be notified in the Gazette.

**16. Section 16 :-**

- (1) The Administrator may create temporary posts in the service.
- (2) Such posts shall be filled, in consultation with the High Court from amongst the
- (3) member of the Delhi Judicial Service.

**17. Section 17 :-**

Notwithstanding anything contained in these rules, the Administrative may, in consultation with the High Court, fill substantive vacancies in the service by making temporary appointments thereto from amongst members of the Delhi Judicial Service.

**PART 5 PART V**

**PART 6 Pay and Allowances**

**18. The Pay Scales Of The Service Shall Be As Follows :-**

- (1) Time Scale -Rs.16400 - 450 - 20000.
- (2) Selection Grade -Rs.18400 - 500 - 22400.

**19. The Initial Pay Of A Direct Recruit Shall Be The Initial Pay In The Time Scale Mentioned In Rule 18 :-**

Provided that the Administrator may, on recommendation of the High Court, give advance increments to suitable candidate appointed to the service.

**20. Section 20 :-**

The pay of a promoted officer shall be fixed in the aforesaid time rule in accordance with the financial rules, regulations, orders, or directs, applicable from time to time, to the members of the I.A.S.

**21. Section 21 :-**

The number of selection grade and super-time scale posts shall be as shown in the schedule.

**PART 7 Other Provisions**

**22. Section 22 :-**

The reservation of posts for the Scheduled Castes and Scheduled

Tribes shall be in accordance with the orders issued by the Central Government from time to time.

**23. Section 23 :-**

The Administrator may make regulations not inconsistent with these rules to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.

**24. Section 24 :-**

Every member of the service unless he has already done so, shall be required to take the oath of allegiance to India and to the Constitution of India as established by law.

**25. Section 25 :-**

The initial recruitment shall be subject to the consent of the officer selected and the consent of the parent Government.

**26. Section 26 :-**

Direct recruits will have to produce before appointment a certificate of physical fitness in accordance with the standards prescribed for the I.A.S.

**27. Residuary Matters :-**

In respect of all such matters regarding the conditions of service for which no provision or insufficient provision has been made in these rules, the rules, directions or the order for the time being in force, and applicable to officers of comparable status in the Indian Administrative Service and serving in connection with the affairs of the Union of India shall regulate the conditions of such service.

**28. Interpretation :-**

If any question arises as to the interpretation of these rules, the same shall be decided by the Administrator in consultation with the High Court.

**29. Section 29 :-**

On the commencement of these rules and until persons are appointed to hold cadre posts in accordance with the provisions of these rules, such posts may continue to be held by officers appointed thereto on deputation either before or after the commencement of these rules as if these rules have not come into force.

