

Allahabad High Court Officers And Staff (Conditions Of Services And Conduct) Rules, 1976

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Allahabad High Court Officers And Staff (Conditions Of Services And Conduct) Rules, 1976

In exercise of the powers conferred by clause (2) of Article 229 of the Constitution of India, the Chief Justice of the High Court of Judicature at Allahabad makes the following rules with respect to the conditions of service of persons serving on the staff attached to the High Court of Judicature at Allahabad.

PART 1 Part 1

1. Short title and commencement :-

(1) These rules may be called the Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976.

(2) They shall apply to all officers and other members of the establishment of the High Court.

(3) They shall come into force with effect from the date of publication in the Official Gazette.

2. Definitions :-

In these rules unless the context otherwise requires--

(a) Chief Justice means the Chief Justice of High Court of Judicature at Allahabad;

(aa)¹ "Registrar General means Registrar General of the Allahabad High Court"

(b) Registrar means Registrar of the Allahabad High Court;

(c) Additional Registrar means the Additional Registrar of the Allahabad High Court;

(d) Joint Registrar means the Joint Registrar of the Allahabad High Court;

(e) Deputy Registrar means the Deputy Registrar of the Allahabad High Court;

(f) Citizen of India means a person who is or is deemed to be citizen of India Under Part II of the Constitution;

(g) Commission means the Uttar Pradesh Public Service Commission;

(h) Constitution means the Constitution of India;

²(i) Establishment means the establishment of the office of the High Court at Allahabad and Lucknow;

(j) Government means the Government of Uttar Pradesh;

(k) High Court means the High Court of Judicature at Allahabad;

(l) Member of the Establishment means a person appointed in accordance with these rules or of rules or orders in force prior to the commencement of these rules;

- (m) Year of Recruitment means the period of twelve months commencing from the first day of July of a calendar year;
- (n) Appointing Authority means the Chief Justice of the Court or such other Judge or Officer as he may direct.

1 Inserted by Notification dated 26.8.2002

2 As amended by Notification dated 26.8.2002

PART 2 Cadre

3. Strength of the establishment :-

- (1) The number of permanent posts of the various categories in classes I, II, III, and IV, respectively, in the establishment of the High Court shall be such as may be determined by the Chief Justice from time to time with the approval of Governor of Uttar Pradesh.
- (2) The Chief Justice may, from time to time, create such temporary posts as may be considered necessary with the approval of the Governor.
- (3) The Chief Justice may leave unfilled or may hold in abeyance any vacant post without thereby entitling any person to compensation.
- (4) There shall be separate cadre for each category of posts.

PART 3 SOURCES AND METHOD OF RECRUITMENT TO CLASS IV POSTS

4. Sources of recruitment to class IV Posts :-

The sources of recruitment to the various class IV posts in the establishment shall be as follows :

- (a)¹ Peon, Farrash, Coolie, Sewak Bhisti, Sweeper, Mali, Fireman, Chowkidar and Liftman.

By direct recruitment as provided in rule 5

"Provided that in making such recruitment preference shall first be given to suitable persons already engaged by the High Court as Daily Labourers. If after making recruitment from this source some vacancies are left unfilled for want of suitable persons, the remaining vacant posts shall be filled by inviting applications through Employment Exchange."²

Provided that the services of SEWAK shall be terminable without any notice on the recommendation of the Honble Judge concerned with whom SEWAK is not satisfactory whereupon the SEWAK

concerned shall cease to work:¹

Provided further that the services rendered by the SEWAK shall include domestic work and attending to house-hold chores at the assigned residence.

(b) Jamadar By promotion from amongst permanent peons, Sewak.¹

(c) Daftari By promotion from amongst permanent peons, farrashes and liftmen.

Provided that for the post of daftari only such persons shall be eligible who, to the satisfaction of the appointing authority, possess requisite knowledge and experience of the work of book binding.

(d) Bundle Lifter By promotion from amongst permanent peons, farrashes and liftman:

(e) Head Mali By promotion from amongst permanent malis, provided a suitable person is available: otherwise, by direct recruitment of a person possessing requisite knowledge and experience of gardening and ability to supervise the work of malis.

1 As amended/inserted by Notification dated 21.8.2003

2 Inserted by Notification dated 10.10.2002

5. Academic qualification :-

(1)1 A candidate for recruitment to the post of peon, Sewak and farrash must have passed class V.

(2) A candidate for recruitment to the post of liftman must have passed class V and must, to the satisfaction of the appointing authority, also possess requisite knowledge and experience of running a lift. Preference shall be given to a qualified electrician.

(3) No. academic qualification is required for the posts of Coolie, Bhisti, Sweeper, Mali, Fireman and Chowkidar, but a literate person will be preferred.

(4) A candidate for the post of Mali must possess requisite knowledge and experience of the work of a Mali, "and a candidate for the post of "SEWAK" who possesses good knowledge and experience of Cooking will be given preference."

(5) Knowledge of cycling will be essential for the post of peon and Sewak and it will be an additional qualification for all other posts.

6. Appointing Authority :-

If the appointing authority is other than the Chief Justice the exercise of his power shall always be subject to any general or

special order of the Chief Justice.

6A. Power of Nazir to impose fine :-

2 6A- Power of Nazir to impose fine:

The power of the appointing authority to impose minor penalty of fine upon Class-IV Employee may be exercised by the Nazir with the approval of the Registrar General, in accordance with the provisions of the Rules applicable in this regard.

7. Recruitment by promotion :-

7¹. Recruitment by promotion

Whenever it is required to make recruitment by promotion to any of the posts of Jamadar, Daftari, Bundle lifter, Sewak or Head Mali, the Appointing authority shall make selection of the required number of candidates keeping in view the service record and performance of the candidates from amongst eligible candidates. Seniority shall be determined by the order in which the names are arranged in the list.

1 As amended by Notification dated 21.8.2003

PART 4 SOURCES AND METHOD OF RECRUITMENT TO CLASS III POST

8. Sources of recruitment to class III post :-

The sources of recruitment to the various class III posts in the establishment shall be as follows.

GENERAL OFFICE

(a) (i) Routine Grade Clerks	(i) By direct recruitment through competitive examination conducted by the appointing authority or in any manner so directed by Chief Justice.
(ii) Telephone Operators and Telex Operators	(iii) By selection from amongst the persons who apply for such appointments.
(b) Assistant Review Officers.	(i) 50 per cent by direct recruitment through competitive examination or selections.
	(ii) 50 per cent by promotion from amongst

	permanent Routine Grade Clerks, permanent Telephone Operators and permanent Telex Operators.
	(a) Provided that nothing in this rule shall be construed as affecting the promotion of Routine Grade Assistants and Typists appointed before the coming into force of this rule.
	(b) Provided further that all available vacancies may, in the discretion of the Chief Justice, be filled from any of the above sources.
	(c) Provided further that promotion of permanent Telephone Operators/ Permanent Telex Operators shall be subject to the conditions laid down under Rule 13 (A).
(c) Review Officers	1. By promotion from amongst permanent A.R.O. in accordance with the Rules.
	2. By direct recruitment through competitive examination.
1(d) Tranlators :	By direct recruitment through competitive examination.

Note-- In case of recruitment by both the above methods the number of vacancies to be filled in by each source be determined by the Chief Justice.
 Provided that all available vacancies may, in the discretion of the Chief Justice, be filled from any of the above sources.

9. Qualifications :-

Academic qualifications for direct recruitment to the various class III posts in the establishment shall be as follows.

(i) Routine Grade Clerk Must have passed the Inter- mediate Examination of the Board of High School and Intermediate Education. U.P. or an examination declared by the Governor as equivalent thereto.

(i)(a) Telephone Operators and Telex Operators Must have passed the Intermediate Examination of the Board of High School and Intermediate Education U.P. or and examination declared by the Governor as equivalent thereto. Provided that the minimum academic qualifications in respect of the candidates recruited before the enforcement of these rules shall be High School Certificate.

	Must have passed the Inter- mediate
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(i) Routine Grade Clerk	Examination of the Board of High School and Intermediate Education. U.P. or an examination declared by the Governor as equivalent thereto.
(i)(a) Telephone Operators and Telex Operators	Must have passed the Intermediate Examination of the Board of High School and Intermediate Education U.P. or and examination declared by the Governor as equivalent thereto. Provided that the minimum academic qualifications in respect of the candidates recruited before the enforcement of these rules shall be High School Certificate.
(ii)Assistant Review Officers (iii)Review Officers	Must possess a Bachelors degree of a University established by law in India or a qualification recognized as equivalent thereto.
1(iii) (a) Translators	Must possess a Bachelors degree of a recognized University or the qualification recognized as equivalent thereto preferably with English and Hindi, both at Intermediate and Graduate Levels.
	(b) Preference will be given to a candidate who holds a degree in Law from a University established/recognized by Law in India.
(iv) Personal Assistants	Must possess a Bachelors degree of a University established by law in India or a qualification recognized as equivalent thereto.
(v) Chief Documentation Officer-cum-Chief Librarian	(v) Chief Documentation Officer-cum-Chief Librarian University.

Provided that in addition to the above qualifications. Candidates for the following categories of posts must also possess the qualification mentioned below:

(a) Routine Grade Clerks	Must possess good knowledge of Hindi and English Typewriting. [Provided that nothing in this rule shall be construed as affecting or invalidating appointments made or orders issued before the commencement and orders shall continue in force and shall be deemed to have been made or issued under the appropriate provisions of this rule.
(b) Personal Assistants	2Must possess good knowledge of English shorthand and typewriting with minimum speed of 100 and 40 words per minute, respectively. Preference shall be given to the candidate possessing good knowledge of Hindi shorthand and typewriting with speed of 80 and 30 words per minute, respectively.
(c) Telephone Operators	Must possess sufficient experience of working as a Telephone Operator in some

	Government or Semi-Governments undertaking.
(d) Telex operators	"Diploma or certificate in Telex Operators from some recognized Institute of training. Must possess sufficient experience of working as Telex Operator in some Government or Semi Government Undertaking."

"Provided further that in all direct recruitments in class III knowledge of Data Entry, word processing and Computer Operation would be essential qualification while for all promotional posts of class III its knowledge would be a preferential qualification."³

1 Amended vide Notification No. 28 dated 02.09.2009.

2 As amended by Gazette Notification dated 28.2.2004

3 Inserted by Notification dated 26.8.2002

10. Method of selection for the posts of Routine Grade Clerks :-

(1) The appointing authority shall ascertain the probable number of vacancies likely to occur in the post of Routine Grade Clerks during the course of the year of recruitment and determine the number of vacancies, if any, to be reserved for candidates belonging to the Scheduled Castes and others under Rule 23.

(2) The procedure and syllabus relating to the competitive examination shall be such as may be prescribed by the appointing authority from time to time.

(3) The candidates who qualify for interview in the written examination, according to the standard fixed by the Chief Justice will be called for interview before the selection Committee appointed by the Chief Justice.

(4) The total marks obtained by the candidates in the written examination and interview will determine their position and the merit list shall be prepared accordingly. If two or more candidates secure equal marks the candidate securing higher marks in the written examination will be placed above. The select list shall hold good for three years or till the next selection is held whichever is earlier.

10A. Method of selection for the post of Telephone Operators and Telex Operators :-

Selection for the post of Telephone Operators and Telex Operators shall be made from amongst eligible applicants who are considered

most suitable by the appointing authority.]

11. Repealed." :-

¹11. Repealed."

1 Vide Notification No. 31 dated 17.10.2005 published in Gazette on 22.10.2005 of Bench Secretaries Rules.

12. Method of direct recruitment to the post of Review Officer, ²Translators, Assistant Review Officers and Personal Assistant :-

(1) Whenever it is required to make direct recruitment to fill up vacancies likely to occur in the posts of Review Officers, Translators, Assistant Review Officers and Personal Assistants during the course of the years of recruitment, the appointing authority shall ascertain the number of vacancies, including vacancies, if any, to be reserved for the candidates belonging to the Scheduled Castes and there under Rule 23.

(2) The appointing authority shall invite applications for admission to the competitive examination and admit to the examination such candidates as on scrutiny of the applications are found eligible for recruitment to the post.

(3) The syllabus and the rules relating to the competitive examination shall be such as may be prescribed from time to time, by the appointing authority.

³(4) The merit list shall be prepared on the basis of the marks obtained in the written examination including shorthand, typing and performance in computer operation, if any. The list shall hold good for one year or until the next selection whichever is earlier.

2 Amended vide Notification No. 28 dated 02.09.2009.

3 As amended by Gazette Notification dated 28.02.2004.

13. Promotion to the posts of Assistant Review Officer and Review Officers :-

(1) Whenever it is required to make promotion to any of the posts of Assistant Review Officers and Review Officers the appointing authority shall ascertain the number of vacancies to be filled by promotion during the course of the year of recruitment. The appointing authority shall also prepare a list of the candidates who are eligible for promotion.

- (2) The appointing authority shall make appointments from the select list in order of merit.
- (3) The select list shall hold good for three years or until the next selection whichever is earlier.

13A. The reservation of vacancies in the post of Assistant Review Officers for Telephone Operators :-

- (i) The reservation of vacancies in the post of Assistant Review Officers for Telephone Operators and Telex Operators. One vacancy in the post of Assistant Review Officers shall be reserved in every alternative year of recruitment for each of such Telephone Operators and Telex Operators as have rendered on the establishment of the court a total service of not less than five years including officiating or temporary service as on the first day of July of the years in which the examination is held and whose work after a consideration of their Character Rolls and Personal files, if any, is considered by the appointing authority to be satisfactory.
- (ii) The procedure and syllabus relating to test shall be such as may be prescribed from time to time by the appointing authority.
- (iii) The appointing authority may fill in the vacancy referred to in sub-rule (i) on the result of qualifying test or by any other method determined by the Chief Justice.
- (iv) In case no eligible and suitable candidate is found in the year of recruitment in which vacancy has been reserved the vacancy shall be treated as general.

14. Criterion for promotion :-

14. Criterion for promotion

Criterion for promotion to the posts referred to in Rule 13 shall be seniority subject to rejection of the unfit.

1 Amended vide Gazette Notification dated 04.09.2004

15. Appointment to the post of Court Officer and Cashier :-

The posts of Court Officer and Cashier are selection posts. Appointments to these posts shall be made by transfer of suitable officials from officials belonging to class II or class III by the appointing authority keeping in view the aptitude of the candidates and their willingness to furnish requisite security, where required. The person concerned shall be liable to be transferred back to his original post. His lien will continue to be maintained on his original

post and he may be reverted to his original post.

PART 5 SOURCES AND METHOD OF RECRUITMENT TO CLASS II POSTS

16. Sources of recruitment to class II posts :-

The sources of recruitment to the various class II posts in the establishment shall be as follows:

2(a) Section Officer, General Office, Nazir	By promotion from amongst permanent Review Officers and 3Translator.
4(b) 'Repealed'	
(c) Stamp Reporter	By transfer of one of the Section Officers of General Office or 4Bench Secretary, Grade I.
5(d) 'Repealed'	
5(e) 'Repealed'	
6(f) Chief Documentation Officer cum- Chief Librarian	By promotion of 6Deputy Librarian or Review Officers doing the library work if he possesses requisite qualifications prescribed for direct recruitment. In case he is not found suitable for promotion, the vacancy shall be filled by direct recruitment.
(g) Officer on Special Duty or any other post	7(i) The post of Officer on Special Duty or any other post to be subsequently created and by whatever name designated in the grade of Rs.500-1000 (subsequently revised Rs. 6500-200-10500) shall, for the purpose of promotion and transfer etc., be of the Relation Officer: Provided that, appointment to the above post or its type shall, in relaxation of all existing rules, be made by the Chief Justice entirely in his discretion. 1(ii) Public Relation Officer – Post of the Public Relation Officer shall be tenure post and appointment shall be made on deputation by transfer from the establishment of the Court by the Chief Justice entirely in his discretion/suitability and during that period he/she shall maintain their lien in parent cadre. The post of Public Relation Officer of Allahabad and Lucknow appointed under 16(g) shall be ex cadre post.

	<p>No other post, save as might already be existing as excadre post, shall be ex-cadre.</p> <p>Note: These amended Rules shall be applicable on the incumbents holding the posts enumerated in Column No. 16(g) at present.</p>
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2 As amended by Gazette Notification dated 28.02.2004

3 Amended vide Notification No. 28 dated 02.09.2009.

4 Vide Notification No. 31 dated 17.10.2005 published in Gazette on 22.10.2005 of Bench Secretaries Rules.

5 Vide Notification No. 50 dated 11.11.2001 published in Gazette on 15.11.2001 of Private Secretaries Rules.

6 Amended vide Notification No. 20 dated 06.02.2008 published in Gazette on 23.02.2008.

7 Amended vide Notification No. 03 dated 24.01.2007 published in Gazette on 24.02.2007

1 Amended vide Notification No. 03 dated 24.01.2007 published in Gazette on 24.02.2007

17. Qualifications :-

A candidate for direct recruitment to the post of Chief Documentation Officer-cum-Chief Librarian must be a Law Graduate and must also hold a Library Science Degree or Diploma. Practical experience of work in a library of repute will be an additional qualification.

18. Method of selection for all promotion posts :-

(I) Selection for promotion to posts mentioned in Rules 16 shall be made by a Selection Committee appointed by the Chief Justice.

²(ii) The criteria for selection shall be seniority subject to rejection of unfit.

2 Amended vide Gazette Notification dated 04.09.2004.

19. Method of direct recruitment for the post of Chief Documentation Officer cum :-

Chief Librarian

When a suitable person is not available for promotion to the post of

Chief Documentation Officer-cum-Chief Librarian, it shall be filled up by direct recruitment.

PART 6 SOURCES AND METHOD OF RECRUITMENT TO CLASS I POSTS

20. Source of recruitment to class I posts :-

The source of recruitment to the various class I posts in the establishment shall be as follows:

3(a) Assistant Registrar	By promotion from amongst permanent Section Officers (General Office), Permanent Officers on Special Duty, Permanent Public Relation Officer, Permanent Section Officer (Cash), Permanent Section Officer (Protocol) and 2 Permanent Nazir.
4(b) 'Repealed'	
(c) Deputy Registrar	5 By promotion from amongst Assistant Registrars.
(d) Joint Registrar	By deputation of an Officer of the U.P Higher Judicial Service or by Promotion from amongst the Deputy Registrars on Seniority, subject to Suitability . Notwithstanding anything contained hereinafter the incumbent to the post of Joint Registrar must be a Law graduate of a recognized University:
(e) Additional Registrar	By deputation of an Officer of U.P. Higher Judicial Service. Provided that the appointment on post of Additional Registrar upgraded and sanctioned by the Government vide its G.O. No. 2693-VIINyaya-1-69/90 dated Dec.31, 1993 for High Court Staff may be made from amongst the Joint Registrars of High Court establishment purely on Seniority, subject to Suitability by the Chief Justice
(f) Registrar	By deputation of an Officer from amongst District & Sessions Judges.
(g) Registrar General	"By deputation of an officer from amongst the District and Sessions Judges"

NOTE:- These amendments will come into force with effect from the date of publication of notification in the official gazette and govern only the future appointments.

3 Amended vide Notification No. 35 dated 28.04.2008 published in Gazette on 03.05.2008.

4 Amended Vide Notification No. 50 dated 11.11.2001 published in Gazette on 15.11.2001 of Private Secretaries Rules.

5 Amended vide Notification dated 05.05.2006 published in Gazette on 13.05.2006.

21. Appointing Authority :-

The Chief Justice shall be the appointing authority in respect of all Class I posts on the establishment.

22. Method of selection for the post (2Principal Private Secretary to Chief Justice), Deputy Registrar and Assistant Registrar :-

¹22. Method of selection for the post (2Principal Private Secretary to Chief Justice), Deputy Registrar and Assistant Registrar-

²(i) Repealed.

³(ii) Whenever it is required to make selection or promotion to the post of Deputy Registrar, the Registrar General shall prepare a list of Assistant Registrars in order of seniority from the date of their officiation in the cadre of Assistant Registrar.

⁴(iii) Whenever it is required to make selection or appointment to the post of Assistant Registrar, the Registrar General shall prepare a combined list of Permanent Section officers of General Office, Permanent Officer on Special Duty Permanent Public Relation Officer, Permanent Section Officer (Cash), Permanent Section Officer (Protocol) and 5Permanent Nazir who are eligible for promotion under these Rules. The combined list of these officers shall be prepared in order of seniority from the date of their substantive appointment on any post referred to in this clause.

(iv) Where promotion is to be made from more than one category of post a combined list shall be prepared according to the date of substantive appointment of the candidates; where the date of substantive appointment of one or two candidates are the same their names shall be arranged according to their age, the older in age being placed higher.

The Registrar General shall place eligibility list together with the character roll of the candidates and other relevant records pertaining to them before the Chief Justice who may select the candidate/candidates who are found more suitable for promotion to the post.

The criteria for selection in each case shall be Seniority, subject to Suitability.¹

Note-These amendments shall come into force with effect from the date of their publication in the Official Gazette and shall govern only future appointments.²

1 As amended by Notification dated 26.9.1998

2 Vide Notification No. 50 dated 11.11.2001 published in Gazette on 15.11.2001 of Private Secretaries Rules.

3 Amended vide Notification dated 5.5.2006 published in Gazette on 13.5.2006.

4 As amended vide Notification 07.04.2001 & 16.05.2001.

5 Amended vide Notification No. 35 dated 28.04.2008 published in Gazette on 03.05.2008.

1 As amended by Notification dated 03.08.2005 and published in Gazette on 13.08.2005.

2 As amended by Notification dated 26.9.1998

PART 7 RESERVATION AND QUALIFICATIONS

23. Reservation for Scheduled Casts, etc. :-

Reservation for recruitment to the various categories of posts in the establishment in favour of the Scheduled Castes and Scheduled Tribes and from among disabled military personnel and dependents of freedom fighters shall be in accordance with the orders issued by the Chief Justice from time to time, having due regard to the orders issued by the Governor from time to time on the subject.

23A. Recruitment for sportsmen :-

One per cent of vacancies in all class III posts on the establishment of the Court shall be reserved at the stage of direct recruitment for such skilled players and sportsmen as have represented in National or International games on behalf of any State in India or India as whole at least for two years and in International competitions for one year or who have represented their Universities at least for three years in Inter Universities Tournaments organized by the Inter Universities Sports Board or who have represented their Schools in International Sports Meets organized by the all India Schools Sports Board in Badminton, Basket Ball, Cricket, Football, Hockey, Table Tennis, Volley Ball, Tennis, Weight Lifting, Wrestling, Boxing, Judo and Rifle Shooting.

24. Nationality :-

A candidate for recruitment to the establishment must be:

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a Tibetan refugee who came over to India before the 1st January, 1972, with the intention of permanently settling in India, or
- (d) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African Countries of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India.

Provided that a candidate belonging to category (c) or (d) above must be a person in whose favour a certificate of eligibility has been issued by the State Government:

Provided further that a Candidate belonging to category (c) will also be required to obtain a certificate of eligibility granted by the Deputy Inspector General of Police, Intelligence Branch, Uttar Pradesh:

Provided also that if a candidate belongs to category (d) above, no certificate of eligibility will be issued for a period of more than one year and such a candidate can be retained in service after a period of one year only if he has acquired Indian citizenship.

Note-- A Candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused, may be admitted to an examination or interview and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

25. Age :-

¹25 Age:

A candidate for direct recruitment must have attained the age of 18 years in case of class IV and Routine Grade Clerk posts and 21 years in case of other posts, and must not have attained the age of more than 35 years on the 1st day of July of the year in which advertisement is published:

Provided that the maximum age limit shall, in the case of candidate of the Scheduled Castes, Scheduled Tribes, dependents of Freedom Fighters and Backward classes, be greater by five years.

Provided further that the Uttar Pradesh Government Servants shall be eligible for direct recruitment to the post of Personal Assistant up to the age of 45 years Provided also that in the case of members of the High court Staff a relaxation by five years may, in suitable cases be made by the Chief Justice: Provided also that no

candidate shall, by virtue of relaxation in age under this rule, have more than three opportunities to appear at the competitive examination or selection.

Note: The amendment will come into force with effect from the date of publication in the official Gazette.

1 As substituted by Notification dated 8.3.2000

25A. Age of Superannuation and extension in Service :-

²25-A- Age of Superannuation and extension in Service

Except as otherwise provided in this rule every employee in the High Court Establishment shall retire from service on the afternoon of the last day of the month in which he attains the age of 60 years.

Provided firstly that an employee in the High Court establishment whose date of birth is the first day of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of 60 years. Provided, secondly that an employee in the High Court establishment who has attained the age of 58 years and is on extension in service shall retire from service on his attaining the age of 60 years.

Provided thirdly that if, keeping in view the service rendered, experience and utility of any employee in the establishment of the High Court, his extension in service is found to be in public interest, he may be given extension in service (-----)³.

2 Inserted by Notification dated 26.8.2002

3 Words omitted by Notification dated 17.12.2002

26. Preferential qualifications :-

A candidate (i) who has served in the Territorial Army for a minimum period of two years or (ii) who has obtained a B certificate of the National Cadet Corps shall, other things being equal be given preference in the matter of direct recruitment to the establishment.

27. Character :-

The character of a person for direct recruitment to the service must be such as to render him suitable in all respect for appointment to the service. It will be the duty of the appointing authority to satisfy himself on this point.

Note-- Persons dismissed by the Union Government or by a State Government or by a Local Authority or a Government Corporation owned or controlled by the Central Government or state Government will be deemed to be ineligible for the appointment under these rules.

28. Marital status :-

A male candidate who has more than one wife living or a female candidate who has married a person already having a wife living shall not be eligible for recruitment to the establishment:

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

29. Physical fitness :-

(1) No person shall be recruited to the establishment unless he/she be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his official duties. Before a candidate recruited directly is finally approved for appointment to the establishment he shall be required to produce a medical certificate of physical fitness.

(2) If the post of Chief Documentation Officer-cum-Chief Librarian is filled by direct recruitment the candidate shall before he is finally approved for appointment, be required to pass the examination by the Medical Board as may be prescribed by the appointing authority.

PART 8 APPOINTMENT, PROBATION AND CONFIRMATION

30. Appointment :-

(1) On the occurrence of substantive vacancies, the appointing authority shall make appointments to the various categories of posts in the establishment from the respective list of persons duly selected under these rules. Where a select list has been prepared, appointments shall be made in the same order in which the names appear in the list.

(2) Appointments against temporary and officiating vacancies shall also be made in the manner provided in sub-rule (1).

31. Existing Staff :-

(1) Persons appointed to the various categories of posts in the establishment in substantive capacity prior to the commencement of these rules shall be members of the establishment as if appointed in such capacity under these rules.

(2) Persons appointed to the various categories of posts in the establishment in temporary or officiating capacity prior to the commencement of these rules shall continue as if appointed in temporary or officiating capacity under these rules.

32. Probation :-

(1) A person on initial appointment to a post in the establishment in substantive capacity shall be placed on probation for a period of one year.

(2) The appointing authority may allow continuous service rendered in an officiating capacity or as a temporary measure on the post, or on a higher post, to be taken into account for the purpose of computing the period of probation.

(3) The appointing authority, may, for reasons to be recorded in writing, extend the period of probation in individual cases specifying the date up to which the extension is granted. Provided that in no case the period of probation will be extended beyond three years.¹

(4) If it appears to the appointing authority at any time during or at the end of the period of probation or extended period of probation, as the case may be, that a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction, he may be reverted to his substantive post, if any or if he does not hold a lien on any post, his services may be dispensed with.

(5) A Person whose services are dispensed with under sub-rule (4) shall not be entitled to any compensation.

1 As amended by Notification dated 26.8.2002

33. Confirmation :-

A Probationer shall be confirmed in his appointment at the end of his period of probation or extended period of probation, as the case may be, if-

(a) his work and conduct during the probationary period have been found to be satisfactory;

(b) he is considered fit for confirmation, and

(c) his integrity is certified.

34. Seniority :-

Except as provided in rule 35 seniority in each category of post in the establishment shall be determined by the date of the order of appointment in a substantive capacity and where more than one person are appointed together, by the order in which their names are arranged in the said order.

35. Seniority of persons already in service :-

Seniority of the persons appointed to a post in the establishment prior to the commencement of these rules shall be determined by the Chief Justice in accordance with these rules.

Explanation-- List of officiating and temporary officials shall be drawn up for purpose of seniority on the basis of date of continuous officiation.

PART 9 PAY AND EFFICIENCY BARS

36. Pay :-

The Scales of pay admissible to persons appointed to the various categories of posts in the establishment, whether in a substantive or officiating capacity or as a temporary measure shall be such as may be determined by the Chief Justice from time to time with the approval of the Governor of U.P.

37. Pay during probation :-

(1) Notwithstanding any provisions in the Fundamental Rules to the contrary, a person on probation if he is not already in permanent Government service, shall draw during the period of probation increments as they accrue on the condition that his work and conduct are reported to be satisfactory:

Provided that if the period of probation is extended on account of failure to give satisfaction, such extension shall not count for increment unless the Chief Justice directs otherwise.

(2) The pay during probation of a person already in permanent Government service shall be regulated by the relevant rules referred to in rule 40 (2).

38. Criteria for crossing efficiency bars :-

- (1) No person shall be allowed to cross the first efficiency bar unless his work has been satisfactory, he is found to have worked steadily and to the best of his ability and his integrity is certified.
- (2) No person shall be allowed to cross subsequent efficiency bar unless he is found to have continued to work with ability and his integrity is certified

PART 9 OTHER PROVISIONS

39. Canvassing :-

No recommendation either written or oral other than those required under these rules will be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature by other means will disqualify him for appointment.

40. Regulation of other matters :-

- (1) All officers and servants of the Court shall be subject to the superintendence and control of the Chief Justice.
- (2) In respect of all matters (not provided for in these rules) regarding the conditions of service of officers and servants of the Court including matters relating to their conduct, control and discipline, the rules and orders for the time being in force and applicable to Government servants holding corresponding posts in the Government of Uttar Pradesh shall apply to the officers and servants of the Court subject to such modifications, variations and exceptions, if any, as the Chief Justice may, from time to time, specify:

Provided that no order containing modifications, variations or exceptions in rules or orders relating to salaries, allowances, leave or pensions shall be made by the Chief Justice except with the approval of the Governor:

Provided further that the said powers exercisable under rules and orders of Government of Uttar Pradesh by the Governor shall be exercised by the Chief Justice or by such officer as he may, by general or special order, direct.

- (3) If any doubt arises in regard to a particular post in the establishment being corresponding to a post in the State Government, the matter will be decided by the Chief Justice.

41. Residuary powers :-

Nothing in these rules shall be deemed, to affect the power of the

Chief Justice to make such orders, from time to time, as he may deem fit in regard to all matters incidental or ancillary to these rules not specifically provided for herein or in regard to matters as have not been sufficiently provided for:

Provided that if any such order relates to salaries, allowances, leave or pension, the same shall be made with the approval of the Governor of U.P.

42. Interpretation :-

All questions relating to the interpretation of these rules shall be referred to the Chief Justice, whose decision thereon shall be final.

43. Repeal and savings :-

The High Court (conditions of Service of Staff) Rules, 1946, are hereby repealed: Provided further that any action taken or proceedings under the repealed rules and pending at the commencement of these rules shall be continued and disposed of, as far as may be, in accordance with the provisions of these rules.

44. General rules :-

All notifications issued, orders passed, appointments made or powers exercised by the Chief Justice or the Registrar prior to the commencement of these rules shall be deemed to have been issued, made and exercised respectively under the provisions of these rules.

¹Note: The expression "Registrar", used in any notification, order passed, appointment made by or the power exercised by the Chief Justice or the Registrar prior to 10.4.2000 shall after 10.4.2000 be read as substituted by the expression The Registrar General.

1 Inserted by Notification dated 26.8.2002

45. General rules :-

Notwithstanding anything contained in these rules, the Chief Justice shall have the power to make such orders, as he may consider fit, in respect of recruitment, promotion, confirmation or any other matter.