

Delhi District Courts Establishment (Appointment & Conditions of Service) Rules, 2012

DELHI

India

Delhi District Courts Establishment (Appointment & Conditions of Service) Rules, 2012

Rule 948 of 2013

- Published on 2 December 2013
- Commenced on 2 December 2013
- [This is the version of this document from 2 December 2013.]

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India read with the Government of India, Ministry of Home Affairs Notification No.F27/40/50-NGS dated the 28th October, 1953 and all other powers enabling him in this behalf, the High Court of Delhi, with the prior approval of the Central Government and the concurrence of Hon'ble Lt. Governor of National Capital Territory of Delhi, hereby makes the following rules, namely:-Delhi District Courts Establishment (Appointment & Conditions of Service) Rules, 2012

Chapter 1

PRELIMINARY

1. Short Title and Commencement:-

(1)These rules may be called the “Delhi District Courts Establishment (Appointment & Conditions of Service) Rules, 2012”.(2)They shall come into force from the date of their publication in the Official Gazette.

2. Definitions:-

In these rules, unless the context requires otherwise,-(1)“Appointing Authority” in respect of-A. Posts of Administrative Officer (Judicial) and above in Group A means the High Court of Delhi; andB. All other posts in Group A and in other Groups means the District Judge(2)“Cadre” means the strength of posts specified in Schedule A and includes any temporary post sanctioned by the Government of N.C.T. of Delhi that has remained in existence for the last one year;(3)“Chief Justice” means the Chief Justice of High Court of Delhi;(4)“Disciplinary Authority” means the Authority competent under these rules to impose on a Member of the Service any of the penalties specified in Rule 26.(5)“District” means the Districts constituted under Notification

No.24/DHC/Gaz./VI.E.2(a)/2008 dated 22.10.2008;(6)“District Judge” means the District & Sessions Judge (Headquarters), Delhi;(7)“equivalent qualification” means a qualification notified by the High Court as equivalent to a qualification prescribed in these rules in respect of any category of post;(8)“Government” means the Government of National Capital Territory of Delhi;(9)“Group” means the Group of service specified in sub-rule (3) of Rule 3;(10)“High Court” means the High Court of Delhi;(11)“Member of the Service” means a person appointed to the service under the provisions of these Rules;(12)“Official Gazette” means the Delhi Gazette;(13)“Recommendation Committee” means a Committee constituted by the High Court for the purpose of making recommendations to the High Court of the names of suitable candidates for the post of Administrative Officer (Judicial) and above and shall comprise of:-(i)Principal District & Sessions Judge, Delhi; and(ii)Two members of the Delhi Higher Judicial Service having at least ten years of service.Principal District & Sessions Judge, Delhi shall be the Chairman of the Committee.(14)“Recruitment Committee” –In respect of all posts to which direct recruitment is to be made, the District Judge shall constitute a Recruitment Committee comprising:-(i)one member of Delhi Higher Judicial Service having at least ten years of service.(ii)two members of Delhi Higher Judicial Service having at least five years of service.Senior most member of the Committee shall be its Chairman.Explanation: It shall be mandatory for a Recruitment Committee constituted for making recruitments for 10 or more vacancies in Group-C posts to have one member of SC/ST community.(15)“Selection Committee” in respect of:(a)Post of Administrative Officer (Judicial) and above means a Committee comprising of such number of Hon’ble Judges of High Court as the Hon’ble Chief Justice may deem appropriate;(b)All other posts in Group A and other Groups means one or more Committee or Committees constituted by the District Judge comprising of : (i)One member of Delhi Higher Judicial Service having at least ten years of service;(ii)One member of Delhi Higher Judicial Service having at least five years of service; and(iii)Chief Metropolitan Magistrate or Senior Civil Judge or Additional Chief Metropolitan Magistrate or Administrative Civil Judge. Senior-most member of Delhi Higher Judicial Service shall be the Chairman of the Committee.Explanation: It shall be mandatory for a Selection Committee constituted qua Group-C post to have one member of SC/ST community.(16)“Service” means the Delhi District Court Establishment Service as referred to in sub-rule (1) of Rule 3; and(17)“State” means the National Capital Territory of Delhi.

Chapter 2

CONSTITUTION OF THE SERVICE

3. Constitution of the Service:-

(1)On and from the date of commencement of these rules, there shall be constituted a State Civil Service known as the Delhi District Court Establishment Service.(2)The Service shall consist of the category of posts or cadres specified in column (2) of Schedule A. The group and number of posts in each of those cadres and their scale of pay shall be as specified in the corresponding entries in column (3) to (9) thereof.(3)The posts shall be in Group A (Gazetted) category; Group B (Gazetted and Non-Gazetted) category and Group C (Non-Gazetted) category.(4)The persons, who, immediately before the commencement of these rules are holding any of the posts specified in

Schedule A to these rules, shall be deemed to have been appointed to the respective Group of the service in accordance with the provisions of these rules.

Chapter 3

RECRUITMENT

4. Method of recruitment and qualification etc.-

In respect of each category of posts of the Service specified in column (2) of Schedule B, the method of recruitment and minimum qualification, shall be as specified in the corresponding entries in columns (3) and (4) thereof.

5. Procedure to appoint Principal Private Secretary:-

(1) It shall be the sole discretion of the District Judge to appoint Principal Private Secretary from amongst the pool of Administrative Officers (Judicial) available. (2) He or she shall continue to hold the said post for such period as may be desired by the District Judge. (3) Subject to sub-rule 2, his or her appointment shall be co-terminus with the laying of office by the District Judge appointing him or her.

6. Disqualification for appointment:-

(1) No person shall be eligible for appointment unless he is a citizen of India. (2) No man who has more than one wife living and no woman who has married a man already having another wife, shall be eligible for appointment. (3) No person who attempts to obtain extraneous support by any means for his candidature from officials or non-officials, shall be eligible for appointment. (4) No person shall be eligible for appointment if he or she – (a) is or has been a member of, or has associated himself or herself with, any body or association after such body or association is declared as an unlawful body or association; or (b) has participated in or is associated with, any activity or programme (i) aimed at subversion of the Constitution of India; (ii) aimed at organized breach or defiance of law involving violence; (iii) which is prejudicial to the interests of the sovereignty and integrity of India or the security of the State; or (iv) which promotes, on grounds of religion, race, language, caste or community, feelings of enmity or hatred between different sections of the people; or (c) is dismissed from service under the Government of India or any State Government or any High Court; (d) is or has been debarred or disqualified by the Union or any State Public Service Commission or any High Court from appearing for any examination or selection conducted by it; and (e) is or has been convicted of an offence involving moral turpitude.

7. Age limit for appointment:-

Unless specified to the contrary in Schedule B to these rules every candidate for appointment by direct recruitment must have attained the age of eighteen years and not attained the age of – (a) thirty

two years in the case of a person belonging to any of the Scheduled Castes or Scheduled Tribes;(b)thirty years in the case of a person belonging to any of the Other Backward Classes;(c)thirty seven years in the case of person belonging to Physically Handicapped category;(d)forty years in case of Physically Handicapped Other Backward Class;(e)forty-two years in case of Physically Handicapped SC/ST candidates;(f)twenty seven years in the case of any other category of person, on the last date fixed for the receipt of applications or on such other date as may be specified by the District Judge in the notification inviting applications.

8. Provision for reservation of appointment:-

Posts shall be reserved for the members of the Scheduled Castes, Scheduled Tribes, Other Backward Classes and others to such extent and in such manner as may be specified by the Government under Article 16 of the Constitution of India.

9. Recruitment Cell:-

The District Judge shall constitute a recruitment cell with adequate staff and headed by an Administrative Officer (Judicial) for the purpose of collecting information continuously as to the vacancies arising upon retirement or promotion or resignation. The cell shall assist the Recruitment Committee and the Selection Committee in the recruitment and selection process as per the guidelines of the Committees. The Administrative Officer (Judicial) heading the cell shall place before the District Judge, in the month of January every year, a report containing details of the number of direct recruitment vacancies existing and likely to occur during the year in different categories of posts.

10. Direct recruitment:-

(1)The District Judge shall, after considering the report of the recruitment cell, constitute Recruitment Committee(s) in terms of Rule 2(14) for the purpose of making direct recruitment to the vacancies existing or likely to occur during the year in different categories of posts.(2)The Recruitment Committee(s) shall then invite applications by giving adequate publicity indicating the total number of vacancies notified for recruitment and the number of vacancies reserved for different reserved categories.(3)Subject to Rules 11 to 14, direct recruitment shall be made, on the basis of the percentage of total marks secured in the qualifying examination as determined under rule 11 and of the marks secured at the interview under rule 12, by the Appointing Authority.

11. Eligibility of candidates for the interview:-

(1)For the purpose of selection of candidates for interview, the Recruitment Committee shall prepare a list of names of candidates on the basis of the percentage of total marks secured in the qualifying examination in the order of merit. From amongst the candidates whose names are included in such list, as far as may be, such number of candidates as is equal to ten times the number of vacancies notified, selected in the order of merit, shall be eligible for the interview.

Provided that if two or more candidates secure equal marks than all such candidates shall be called for interview.

12. Interview:-

(1)The Recruitment Committee in consultation with the District Judge and depending upon the total number of candidates selected under Rule 11 for interview may constitute such number of Committees as may be considered necessary. In case, where the number of Interview Committee(s) constituted are more than one, the Recruitment Committee shall give such number to the Committees as may be considered appropriate for their identification; for example Interview Committee No.1, Interview Committee No.II, Interview Committee No.III and so on. The District Judge shall, in consultation with the Chairman(s) of the Committee(s) lay down appropriate criteria for interviewing to assess the suitability of the candidates for appointment to the post applied for by them including intellectual and social traits of personality so as to maintain uniformity of standards in the process of interviewing candidates.(2)Where the number of Interview Committee(s) is more than one, the Recruitment Committee shall allocate such number of candidates to them so as to ensure that the interviews of the eligible candidates are completed efficiently in the shortest period of time.(3)Interview Committee(s) shall forward the entire list of the candidates interviewed with marks obtained by each candidate, in such format as may be desired by the District Judge, as soon as practicable soon after the last interview is concluded, duly signed by all members.

13. List of selected candidates:-

(1)The Recruitment Committee shall on the basis of aggregate of the percentage of total marks secured in the qualifying examination as determined under rule 11 and of the marks secured at the interview under rule 12 and taking into consideration the orders in force relating to reservation of posts for Scheduled Castes, Scheduled Tribes, Other backward Classes and others, prepare in the order of merit a list of candidates eligible for appointment to the category of post. If the aggregate of the percentage of total marks secured in the qualifying examination as determined under rule 11 and of the marks secured at the interview under rule 12, of two or more candidates are equal, then the order of merit in respect of such candidates shall be fixed on the basis of their age. The person or persons older in age shall be placed higher in the order of merit. The number of names of candidates to be included in such list shall be equal to the number of vacancies notified for recruitment.(2)The Recruitment Committee shall in accordance with the provisions of sub-rule(1)also prepare a panel of candidates in the order of merit containing the names of candidates not included in the select list prepared under sub-rule (1) in which the number of candidates to be included shall, as far as possible, be ten percent of the number of vacancies notified.(3)The lists so prepared under sub-rules (1) and (2) shall be submitted to the District Judge and will be published in such manner as the District Judge may direct.

14. Appointment of candidates:-

(1)Subject to Rule 16, candidates whose names are included in the select list prepared under sub-rule (1) and published under sub-rule (3) of rule 13, may be appointed by the Appointing

Authority against the vacancies in the particular cadre in the order in which the names are found in the select list after satisfying itself, after such enquiry as may be considered necessary that each such candidate is suitable in all respects for appointment to a post in the cadre. Candidates, whose names are included in the list prepared under sub-rule (2) and published under sub-rule (3) of rule 13, may be similarly appointed against vacant posts still available after the candidates whose names are included in the list prepared under sub-rule (1) of rule 13 have been appointed. (2) The inclusion of the name of a candidate, in any of the two lists published under rule 13, shall not confer on him any right of appointment.

15. Duration of operation of the lists:-

The select lists of the candidates published by the Appointing Authority under rule 13 in respect of any cadre shall be valid for a period of 12 months from its publication. However, the life of the select lists may be extended by the Appointing Authority for a further period not exceeding 06 months. Provided the validity of the select lists shall cease to be ordered from the date of publication of a list prepared in respect of such cadre on the basis of the next selection. The list prepared under sub-rule (2) of Rule 13 shall also be not valid beyond the period of validity of the select list as prepared under rule 13(1).

16. Conditions relating to suitability and certificates of Character:-

No person shall be appointed unless the Appointing Authority is satisfied that he is of good character and is in all respect suitable for appointment to the Service. Every candidate selected for direct recruitment shall furnish to the Appointing Authority certificates given not more than six months prior to the date of his selection, by two respectable persons not related to him. If any doubt arises regarding the suitability of a candidate for appointment the decision of the Appointing Authority shall be final.

17. Fees:-

Every candidate, for direct recruitment to any category of post, may be required to pay such fees, as may be specified by the Appointing Authority in respect of his applications. Provided that in the case of a candidate belonging to a Scheduled Caste or a Scheduled Tribe or a Physically Handicapped category, the fees payable shall be one half of the fee specified under this rule.

18. Joining time for appointment:-

(1) A candidate appointed by direct recruitment shall assume charge of the post specified by the Appointing Authority as soon as possible after the date of the order of appointment, but not later than forty-five days from that date. Explanation—For the purpose of this sub-rule “the date of the order of appointment” means the date of dispatch of the order of appointment by registered post to the address given by the candidate. (2) Notwithstanding anything contained in sub-rule (1), the Appointing Authority may, on the application of the candidate and if satisfied that there are good and

sufficient reasons for doing so, by order in writing, grant such further time but not exceeding three months as it may deem necessary. (3) The name of the candidate who fails to assume charge of the post within the time specified in sub-rule (1) or within the further time granted under sub-rule (2) shall stand deleted from the list of selected candidates and the candidate concerned shall cease to be eligible for appointment.

19. Recruitment by Promotion:-

(1) The District Judge will make assessment in the month of January, every year, number of promotion vacancies existing and likely to occur during the year in different category of posts. (2) The District Judge shall notify the vacancies for the posts of Administrative Officer (Judicial) and above and shall forward the list of all eligible candidates falling in the zone of consideration for appointment to those posts to the Recommendation Committee. The Recommendation Committee, in accordance with the criteria laid down by the High Court prepare a list of suitable candidates for their appointment on promotion to the quota of 25% of the posts of Administrative Officer (Judicial) by way of promotion on the basis of suitability-cum-merit and for remaining 75% of posts shall conduct a departmental exam followed by an interview. The Committee shall thereafter forward the list of persons so selected along with the list of the persons not found suitable stating the reasons for the same to the High Court. The list so received shall then be placed before the Selection Committee constituted by the Chief Justice under Rule 2 (15)(a) and the Selection Committee may either accept or reject the recommendations of the Committee or suitably modify the list as it may deem fit. The final list shall then be placed before the Chief Justice for his consideration and who shall thereafter forward it to the Full Court for approval. (3) In case of category of candidates to be recruited by the High Court, the High Court shall lay down the criteria to determine the merits of a candidate. (4) The District Judge shall also notify the vacancies for all other posts in Group-A and other Groups and constitute a Selection Committee in accordance with Rule 2(15) (b). However, for the post of Senior Judicial Assistant, the Selection Committee, shall prepare a list of suitable candidates for their appointment on promotion to the quota of 50% by way of promotion on the basis of suitability-cum-merit and for remaining 50% of posts shall conduct a departmental examination followed by an interview. The Committee shall thereafter forward the list of persons so selected along with the list of the persons not found suitable stating the reasons for the same to the District Judge. (5) In case of category of candidates referred to in sub-rule 4, the District Judge shall lay down the criteria to determine the merit of candidates in consultation with the Selection Committee.

20. Appointment:-

The Selection Committee(s), constituted in accordance with sub-rule (15) of Rule 2, shall forward the list of selected candidates for promotion to the District Judge within two days of concluding the interview of the eligible candidates by the Selection Committee. The District Judge may make appointment of the candidates so selected after making enquiry as may be considered necessary or pass such orders as may be deemed appropriate.

Chapter 4

PROBATION AND OFFICIATION

21. Probation and Officiation:-

(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, for reasons to be recorded in writing, may be extended by the Appointing Authority by such period not exceeding double the normal period of probation or officiating, as the case may be, specified in sub-rules (1) or (2) above. (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 so appointed or promoted to hold the post to which he was appointed or promoted, and – (i) if it decides that he is suitable to hold the post to which he was appointed or promoted and has passed the examinations or tests, if any, required to be passed during the period of probation or officiation, as the case may be, it shall, as soon as possible, issue an order declaring him 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 Appointing Authority considers that the person is not suitable to hold the post to which he was appointed or promoted, as the case may be, he shall, by order – (a) if he is a promotee, revert him to the post which he held prior to his promotion. (b) if he 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, as the case may be.

22. Discharge of a probationer during the period of probation:-

(1) Notwithstanding anything contained in rule 21, the Appointing Authority may, at any time during the period of probation, discharge from service, a probationer on account of his unsuitability for the Service. (2) An order under sub-rule (1) shall indicate the grounds for the discharge but no disciplinary enquiry shall be necessary.

23. Increment during the period of probation or officiation:-

(1) A probationer or promotee may draw the increments that fall due during the period of probation or officiation. He shall not, however, draw any increment after the expiry of the period of probation or officiation unless and until he is declared to have satisfactorily completed his probation or officiation, as the case may be. (2) When a probationer or promotee is declared to have satisfactorily completed his probation or officiation, as the case may be, he shall draw, as from the date such order takes effect, the pay he would have drawn had he been allowed the increments for the said period unless validity of the appointment of any person – (i) As probationer is questioned in any legal proceedings before a court of law, the period of probation of such person shall continue until the final

disposal of such proceedings;(ii)As a promotee on officiating basis is questioned in any legal proceedings, before a court of law, the period of officiation of such promote shall continue until the final disposal of such proceedings.

Chapter V

SENIORITY

24. Seniority:-

(1)An officer/official appointed in accordance with the rules of recruitment on regular basis shall be senior to persons appointed temporarily or on ad hoc basis.(2)Where officers/officials are recruited to a cadre by promotion, departmental examination or direct recruitment and the date of their appointment is same then the officers recruited by promotion shall take precedence over the officers/officials promoted through departmental examination and the directly recruited officers/officials.(3)Save as provided in sub-rules (5) to (8), seniority of officers/officials appointed by direct recruitment or promotion shall be determined according to their position in merit.(4)Subject to sub-rule (3), if the promotions are made to the post of Administrative Officer (Judicial), by the order in which the names of the candidates are arranged in the select list prepared in accordance with Serial No. 4 of Schedule B.(5)For all other posts where more than one officer/official is promoted to a cadre at the same time, the inter-se seniority of persons so promoted shall be determined—(i)If promotions are made from any one cadre by their inter-se seniority in that lower cadre;(ii)If promotions are made from more than one cadre of same grade, by the period of their service in those cadres;(iii)If promotions are made from more than one cadre of different grades, by the order in which the names of candidates are arranged in the select list.(6)Where more than one person is recruited by direct recruitment to a cadre, the inter-se seniority of persons so recruited shall be in the order in which their names are arranged in the select list.(7)Every year in the month of January, seniority list of officers/officials in all cadres shall be prepared and published by the Appointing Authority and the lists so published shall be used for the purpose of making promotions to the next higher cadre.(8)Seniority of a person allowed to change his cadre, as provided in these rules, shall be determined in the changed cadre treating as if he or she is the last person joining the cadre on that day.

Chapter VI

SUSPENSION

25. Suspension:-

(1)The Appointing Authority or any Authority to which it is subordinate or any other authority empowered in that behalf by the High Court, by general or special order, may place a Member of the Service under suspension.(a)where a disciplinary proceeding against him is contemplated or is pending; or(b)where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State; or(c)where a case against him in respect of any

criminal offence is under investigation, inquiry or trial. Provided that, where the order of suspension is made by an authority lower than the Appointing Authority, such Authority shall forthwith report to the Appointing Authority the circumstances in which the order was made. (2) A Member of the Service shall be deemed to have been placed under suspension by an order of Appointing Authority – (a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours; (b) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction. EXPLANATION - The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account. (3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of the service under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders. (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of the service is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the Disciplinary Authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the member of the service shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders: Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case. (5) (a) Subject to the provisions contained in sub-rule (7), an order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so. (b) Where a Member of the service is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Member of the service shall continue to be under suspension until the termination of all or any of such proceedings. (c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate. (6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of ninety days from the effective date of suspension, on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time. (7) An order of suspension made or deemed to have been made under sub-rules (1) or (2) of this rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.

Chapter VII

PENALTIES

26. Penalties:-

One or more of the following penalties for good and sufficient reasons may be imposed on a Member of the Service, namely: Minor Penalties -(i) censure; (ii) withholding of his promotion; (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government or High Court by negligence or breach of orders; (iii a) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension. (iv) withholding of increments of pay; Major Penalties -(v) save as provided for in clause (iii) (a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Member of the Service will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay; (vi) reduction to lower time-scale of pay, grade, post or Service which shall ordinarily be a bar to the promotion of the Member of the Service to the time-scale of pay, grade, post or Service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the Member of the Service was reduced and his seniority and pay on such restoration to that grade, posts or service; (vii) compulsory retirement; (viii) removal from service which shall not be a disqualification for future employment under the Government; (ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Government. Provided that, in every case in which the charge of possession of assets disproportionate to known source of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed: Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed. EXPLANATION - The following shall not amount to a penalty within the meaning of this rule, namely:-(i) withholding of increments of a Member of the Service for his failure to pass any departmental examination in accordance with the rules or orders governing the Service to which he belongs or post which he holds or the terms of his appointment; (ii) stoppage of a Member of the Service at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar; (iii) non-promotion of a Member of the Service, whether in a substantive or officiating capacity, after consideration of his case, to a Service, grade or post for promotion to which he is eligible; (iv) reversion of a Member of the Service officiating in a higher Service, grade or post to a lower Service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post or on any administrative ground unconnected with his conduct; (v) reversion of a Member of the Service, appointed on probation to any other Service, grade or post, to his permanent Service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation; (vi) replacement of the services of a Member of the Service, whose services had been borrowed from a State Government or any authority under the control of a State Government, at the disposal of the State Government or the authority from which the services of such Member of the Service had been borrowed; (vii) compulsory retirement of a Member of the Service in accordance

with the provisions relating to his superannuation or retirement; (viii) termination of the services—(a) of a Member of the Service appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation, or (b) of a temporary Member of the Service in accordance with the provisions of sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, or (c) of a Member of the Service, employed under an agreement, in accordance with the terms of such agreement.

27. Disciplinary Authorities:-

(1) The High Court may impose any of the penalties specified in Rule 26 on any Member of the Service. (2) Without prejudice to the provisions of sub-rule (1) the District Judge may impose any of the penalties specified in Rule 26 on any Member of the Service of which he is the Appointing Authority. (3) The District Judge shall also be empowered to impose any of the penalties enumerated in clauses (i) to (iv) of Rule 26 on any Member of the Service of which High Court is the Appointing Authority.

28. Authority to institute proceedings:-

The High Court, by general or special order, may—(1) institute disciplinary proceedings against any Member of the Service (2) without prejudice to the provisions of sub-rule (1) the High Court may direct a District Judge to institute disciplinary proceedings against any Member of the Service on whom the District Judge is competent to impose under these rules any of the penalties specified in Rule 26. (3) A District Judge competent under these rules to impose any of the penalties specified in clauses (i) to (iv) of Rule 26 may institute disciplinary proceedings against any Member of the Service for the imposition of any of the penalties specified in clauses (v) to (ix) of Rule 26 notwithstanding that District Judge is not competent under these rules to impose any of the later penalties. EXPLANATION—On the conclusion of the inquiry or receipt of the inquiry report if the District Judge comes to the conclusion that a minor penalty will meet requirement of the case it will be well within his competence to impose the minor penalty without seeking the approval of the High Court which is incompetent to impose a major penalty on the member of the Service concerned.

29. Procedure for imposing major penalties:-

(1) No order imposing any of the penalties specified in clauses (v) to (ix) of Rule 26 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and rule 30, or in the manner provided by the Public Servants (Inquiries) Act, 1850 (37 of 1850), where such inquiry is held under that Act. (2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Member of the Service, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof. Provided that where there is a complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the Complaints Committee established in each Judicial District for inquiring into such complaints, shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority for the purpose of these rules and the Complaints Committee

shall hold, if separate procedure has not been prescribed for the complaints committee for holding the inquiry into the complaints of sexual harassments, the inquiry as far as practicable in accordance with the procedure laid down in these rules. EXPLANATION - Where the Disciplinary Authority itself holds the inquiry, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) to the Inquiring Authority shall be construed as a reference to the Disciplinary Authority. (3) Where it is proposed to hold an inquiry against a Member of the Service under this rule and rule 30, the Disciplinary Authority shall draw up or cause to be drawn up - (i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge; (ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain - (a) a statement of all relevant facts including any admission or confession made by the Member of the Service; (b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained. (4) The Disciplinary Authority shall deliver or cause to be delivered to the Member of the Service a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the Member of the Service to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person. (5) (a) On receipt of the written statement of defence, the Disciplinary Authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary so to do, appoint, under sub-rule (2), an Inquiring Authority for the purpose, and where all the articles of charge have been admitted by the Member of the Service in his written statement of defence, the Disciplinary Authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 30. (b) If no written statement of defence is submitted by the Member of the Service, the Disciplinary Authority may itself inquire into the articles of charge, or may, if it considers it necessary to do so, appoint, under sub-rule (2), an Inquiring Authority for the purpose. (c) Where the Disciplinary Authority itself inquires into any article of charge or appoints an Inquiring Authority for holding an inquiry into such charge, it may, by an order, appoint a Member of the Service or a legal practitioner, to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge. (6) The Disciplinary Authority shall, where it is not the Inquiring Authority, forward to the Inquiring Authority - (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour; (ii) a copy of the written statement of the defence, if any, submitted by the Member of the Service; (iii) a copy of the statements of witnesses, if any, referred to in sub-rule (3); (iv) evidence proving the delivery of the documents referred to in sub-rule (3) to the Member of the Service; and (v) a copy of the order appointing the "Presenting Officer". (7) The Member of the Service shall appear in person before the Inquiring Authority on such day and at such time within ten working days from the date of receipt by the Inquiring Authority of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the Inquiring Authority may, by notice in writing, specify, in this behalf, or within such further time, not exceeding ten days, as the Inquiring Authority may allow. (8) (a) The Member of the Service may take the assistance of any other Member of the Service posted in any office either at his headquarters or at the place where the inquiry is held, to present the case on his behalf, but may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case, so permits; Provided that the Member of the Service may take the assistance of any other Member of the Service posted at any other station, if

the Inquiring Authority having regard to the circumstances of the case, and for reasons to be recorded in writing, so permits. Note: The Member of the Service shall not take the assistance of any other Member of the Service who has three pending disciplinary cases on hand in which he has to give assistance. (b) The Member of the Service may also take the assistance of a retired Member of the Service to present the case on his behalf, subject to such conditions as may be specified by the President from time to time by general or special order in this behalf. (9) If the Member of the Service who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the Inquiring Authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the Member of the Service thereon. (10) The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the Member of the Service pleads guilty. (11) The Inquiring Authority shall, if the Member of the Service fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the Member of the Service may, for the purpose of preparing his defence: (i) inspect within five days of the order or within such further time not exceeding five days as the Inquiring Authority may allow, the documents specified in the list referred to in sub-rule (3); (ii) submit a list of witnesses to be examined on his behalf; NOTE- If the Member of the Service applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-rule (3), the Inquiring Authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the Disciplinary Authority. (iii) give a notice within ten days of the order or within such further time not exceeding ten days as the Inquiring Authority may allow, for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3). NOTE- The Member of the Service shall indicate the relevance of the documents required by him to be discovered or produced by the Government. (12) The Inquiring Authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition: Provided that the Inquiring Authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case. (13) On receipt of the requisition referred to in sub-rule (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the Inquiring Authority: Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the Inquiring Authority accordingly and the Inquiring Authority shall, on being so informed, communicate the information to the Member of the Service and withdraw the requisition made by it for the production or discovery of such documents. (14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the Disciplinary Authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Member of the Service. The Presenting Officer shall be entitled to re-examine the witnesses on any

points on which they have been cross-examined, but not on any new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit. (15) If it shall appear necessary before the close of the case on behalf of the Disciplinary Authority, the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Member of the Service or may itself call for new evidence or recall and re-examine any witness and in such case the Member of the Service shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The Inquiring Authority shall give the Member of the Service an opportunity of inspecting such documents before they are taken on the record. The Inquiring Authority may also allow the Member of the Service to produce new evidence, if it is of the opinion that the production of such evidence is necessary, in the interests of justice. NOTE.- New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally. (16) When the case for the Disciplinary Authority is closed, the Member of the Service shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the Member of the Service shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed. (17) The evidence on behalf of the Member of the Service shall then be produced. The Member of the Service may examine himself in his own behalf if he so prefers. The witnesses produced by the Member of the Service shall then be examined and shall be liable to cross-examination, re-examination and examination by the Inquiring Authority according to the provisions applicable to the witnesses for the Disciplinary Authority. (18) The Inquiring Authority may, after the Member of the Service closes his case, and shall, if the Member of the Service has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Member of the Service to explain any circumstances appearing in the evidence against him. (19) The Inquiring Authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the Member of the Service, or permit them to file written briefs of their respective case, if they so desire. (20) If the Member of the Service to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of this rule, the Inquiring Authority may hold the inquiry ex parte. (21) (a) Where a Disciplinary Authority competent to impose any of the penalties specified in clause (i) to (iv) of rule 26 (but not competent to impose any of the penalties specified in clauses (v) to (ix) of rule 26), has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any Inquiring Authority appointed by it, is of the opinion that the penalties specified in clauses (v) to (ix) of rule 26 should be imposed on the Member of the Service, that authority shall forward the records of the inquiry to such Disciplinary Authority as is competent to impose the last mentioned penalties. (b) The Disciplinary Authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witness and examine, cross-examine and re-examine the witness and may impose on the Member of the Service such penalty as it may deem

fit in accordance with these rules. (22) Whenever any Inquiring Authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another Inquiring Authority which has, and which exercises, such jurisdiction, the Inquiring Authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself: Provided that if the succeeding Inquiring Authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided. (23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain- (a) the articles of charge and the statement of the imputations of misconduct or misbehaviour; (b) the defence of the Member of the Service in respect of each article of charge; (c) an assessment of the evidence in respect of each article of charge; (d) the findings on each article of charge and the reasons therefor. EXPLANATION- If in the opinion of the Inquiring Authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge: Provided that the findings on such article of charge shall not be recorded unless the Member of the Service has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge. (ii) The Inquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the disciplinary authority the records of inquiry which shall include- (a) the report prepared by it under clause (i). (b) the written statement of defence, if any, submitted by the Member of the Service; (c) the oral and documentary evidence produced in the course of the inquiry; (d) written briefs, if any, filed by the Presenting Officer or the Member of the Service or both during the course of the inquiry; and (e) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

30. Action on inquiry report:-

(1) The Disciplinary Authority, if it is not itself the Inquiring Authority may, for reasons to be recorded by it in writing, remit the case to the Inquiring Authority for further inquiry and report and the Inquiring Authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 29, as far as may be. (2) The Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the Disciplinary Authority or where the Disciplinary Authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority together with its own tentative reasons for disagreement, if any, with the findings of Inquiring Authority on any article of charge to the Member of the Service who shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority within fifteen days, irrespective of whether the report is favourable or not to the Member of the Service. (3) The Disciplinary Authority shall consider the representation, if any, submitted by the Member of the Service and record its findings before proceeding further in the matter as specified in sub-rules (4) and (5). (4) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (iv) of rule 26 should be imposed on the Member of the Service, it shall, notwithstanding anything contained in rule 31, make an order imposing such penalty: Provided that in every case where the Disciplinary Authority is not the Appointing Authority and if it is necessary to consult the Appointing Authority,

the record of the inquiry shall be forwarded by the Disciplinary Authority to the Appointing Authority for its advice and such advice shall be taken into consideration before making any order imposing any penalty on the Member of the Service. (5) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 26 should be imposed on the Member of the Service, it shall make an order imposing such penalty and it shall not be necessary to give the Member of the Service any opportunity of making representation on the penalty proposed to be imposed: Provided that in every case where the Disciplinary Authority is not the Appointing Authority, the record of the inquiry shall be forwarded by the Disciplinary Authority to the Appointing Authority and the Appointing Authority before making an order imposing any such penalty on the Member of the Service shall take into consideration the inquiry report and recommendation of the Disciplinary Authority.

31. Procedure for imposing minor penalties:-

(1) Subject to the provisions of sub-rule (4) of rule 30, no order imposing on a Member of the Service any of the penalties specified in clause (i) to (iv) of rule 26 shall be made except after—(a) informing the Member of the Service in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him reasonable opportunity of making such representation as he may wish to make against the proposal; (b) holding an inquiry in the manner laid down in sub-rules (3) to (23) of rule 29, in every case in which the Disciplinary Authority is of the opinion that such inquiry is necessary; (c) taking the representation, if any, submitted by the Member of the Service under clause (a) and the record of inquiry, if any, held under clause (b) into consideration; (d) recording a finding on each imputation of misconduct or misbehaviour; and (e) consulting the Appointing Authority where it is different from Disciplinary Authority where such consultation is necessary. (2) Notwithstanding anything contained in clause (b) of sub-rule (1), if in a case it is proposed after considering the representation, if any, made by the Member of the Service under clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Member of the Service or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-rules (3) to (23) of Rule 29, before making any order imposing on the Member of the Service any such penalty. (3) The record of the proceedings in such cases shall include—(i) a copy of the intimation to the Member of the Service of the proposal to take action against him; (ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him; (iii) his representation, if any; (iv) the evidence produced during the inquiry; (v) the advice of the Appointing Authority, if any; (vi) the findings on each imputation of misconduct or misbehaviour; and (vii) the orders on the case together with the reasons therefor.

32. Communication of orders:-

Orders made by the Disciplinary Authority shall be communicated to the Member of the Service who shall also be supplied with a copy of its finding on each article of charge, or where the Disciplinary Authority is not the Inquiring Authority, a statement of the findings of the Disciplinary Authority

together with brief reasons for its disagreement, if any, with the findings of the Inquiring Authority and also a copy of the advice, if any, given by the Appointing Authority.

33. Common proceedings:-

(1) Where two or more Members of the Services are concerned in any case, the President or any other authority competent to impose the penalty of dismissal from service on all such Members of the Services may make an order directing that disciplinary action against all of them may be taken in a common proceeding. NOTE-If the authorities competent to impose the penalty of dismissal on such Members of the Services are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others. (2) Any such order shall specify-(i) the authority which may function as the Disciplinary Authority for the purpose of such common proceeding; (ii) the penalties specified in rule 26 which such Disciplinary Authority shall be competent to impose; (iii) whether the procedure laid down in rule 29 and rule 30 or rule 31 shall be followed in the proceeding.

34. Special procedure in certain cases:-

Notwithstanding anything contained in rule 29 to rule 33-(i) where any penalty is imposed on a Member of the Service on the ground of conduct which has led to his conviction on a criminal charge, or (ii) where the Disciplinary Authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or (iii) where the President is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules, the Disciplinary Authority may consider the circumstances of the case and make such orders thereon as it deems fit: Provided that the Member of the Service may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause (i): Provided further that the Appointing Authority shall be consulted, where such consultation is necessary, before any orders are made in any case under this rule.

35. Appeal:-

(1) Except where the penalty is imposed by the High Court, a Member of a Service may file an appeal within forty-five days of the communication of the decision of the imposition of penalty on a member of Service under Rule 27. Provided that the High Court may in its discretion entertain an application after a period of 45 days on being satisfied that the reasons for delay were beyond the control of the member of Service or was prevented from filing such appeal in time for any sufficient cause. (2) The appeal under sub-rule (1) shall be submitted to the District Judge, in duplicate, giving each ground of appeal separately accompanied by a copy of the order imposing the penalty. The District Judge shall forward the said appeal to the High Court with his or her comments, along with a copy of inquiry report, if any, within one week of the submission of appeal. (3) A Member of the Service filing an appeal shall have no right to be heard personally at the High Court, unless summoned to do so. (4) After reading the appeal, the High Court may either (a) summarily reject it without hearing the appellant; or (b) refer it to the District Judge for report and on receipt of such

report, reject the appeal without hearing the appellant; or (c) hear the appellant or permit him to file additional arguments in writing, in support of grounds of appeal; or (d) set aside the order of imposing the penalty or impose any other penalty other than the penalty imposed by the Disciplinary Authority or pass such order as may be deemed appropriate. (5) The order on appeal will be communicated to the appellant through District Judge.

36. Orders against which no appeal lies-

Notwithstanding anything contained in these rules no appeal shall lie in order made by the High Court. (i) any order of an interlocutory nature or of the nature of a step-in-aid of the final disposal of a disciplinary proceeding, other than an order of suspension; (ii) any order passed by an Inquiring Authority in the course of an inquiry under Rule 29.

37. Representation:-

(1) In a case where the penalty has been imposed by the High Court under Rule

27. or a member of Service has been discharged from service for any

reasons, may make a representation against such order of the High Court or such discharge, to the High Court requesting for a review within forty-five days of the communication of order of imposing penalty by High Court or discharge by the Appointing Authority in duplicate with an order of imposing penalty or such discharge, as the case may be, stating the grounds of making such representation. (2) The representation under sub-rule (1) shall be made to the District Judge, who shall forward the same to the High Court within one week, with his comments, if any. (3) A Member of Service making representation shall have no right to be heard personally, unless summoned to do so. (4) The examination of such representation shall remain confined to questions: (a) Whether the order of discharge was passed by the competent authority? (b) Whether the order of discharge was in accordance with these rules or any other rules or regulations applicable in a particular case? (5) The High Court after going through the representation, may accept the representation or summarily reject it without giving any reasons or pass such orders as it may consider appropriate. (6) The order on representation will be communicated to the member of the Service, presenting such representations, through the District Judge.

Chapter VIII

MISCELLANEOUS

38. Age of Superannuation:-

The age of superannuation of a member of the service shall be age of superannuation specified by the Government from time to time of the Members of State Civil Service.

39. Retirement in public interest:-

Notwithstanding anything contained in these rules or any other law, the High Court or the District Judge may, if it is of the opinion that it is in the public interest so to do, have the absolute right to retire any member of the Service who has put in not less than twenty five years of service or has attained the age of 50 years, by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice.

40. Training etc.:-

(1) Every person appointed by direct recruitment to the Service shall, undergo such training as may, from time to time, be specified by the High Court. (2) Every member of the Service shall be given such periodical training as the High Court may, from time to time specify. (3) Every member of the Service shall pass such tests or examinations and within such time as the High Court may, from time to time specify.

41. Change of cadre:

(1) Stenographers of all grades, who have put in such number of years of service as may be specified by the High Court, may be permitted by the Appointing Authority to change their cadre to a cadre of equivalent grade on the clerical or ministerial side. (2) Change of cadre once permitted shall be final.

42. Residuary provision:-

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 laws, rules and orders for the time being applicable to members of the State Civil Services in the State, holding equivalent grade posts. Provided that any rules other than those referred to above applicable to members of the service immediately prior to the commencement of these rules shall continue to apply to them.

43. Power to remove difficulties:-

The High Court shall have the powers to call for the report on any subject matter covered by these rules and pass such orders or give such instructions as appears to be necessary or expedient for the removal of any difficulty, arising in giving effect to these rules.

44. Power to relax:-

Where the District Judge, is satisfied that the operation of any rule causes undue hardship in any particular case, he or she may by order subject to the confirmation by the Chief Justice dispense with or relax the requirement of that rule to such extent and subject to such conditions as he or she may consider necessary for dealing with the case in a just and equitable manner provided that the case is not dealt with in a manner less favourable to the officer or officials concerned than in accordance

with rules.

45. Interpretation:-

If any question as to the interpretation of these rules arises, the High Court of Delhi shall decide the same and its decision shall be final.*****For Annexures refer to -

https://districts.ecourts.gov.in/sites/default/files/DELHI%20DISTRICT%20COURTS%20RULE%202012_