

# Orissa Judicial Service (Special Scheme) Rules, 2001

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## Orissa Judicial Service (Special Scheme) Rules, 2001

### Rule

### ORISSA-JUDICIAL-SERVICE-SPECIAL-SCHEME-RULES-2001 of 2001

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Orissa Judicial Service (Special Scheme) Rules, 2001Published vide Notification S.R.O. No. 178/2001, dated 7th April, 2001, Orissa Gazette Extraordinary No. 583 dated 10.4.2001S.R.O. No. 178/2001. - In exercise of the powers conferred by the proviso to Article 309, read with Articles 233 and 234 of the Constitution of India, the Governor of Orissa, after consultation with the High Court of Orissa is hereby pleased to make the following rules to regulate the recruitment of Judicial Officers in the State of ad hoc and purely on temporary basis exclusively for implementation of the recommendation of 11th Finance Commission for upgradation of Judicial Administration under upgradation grant for elimination of old pending cases, namely :

#### 1. Short title and commencement.

(1)These rules may be called the Orissa Judicial Service (Special Scheme) Rules, 2001.(2)They shall come into force on the date of their publication in the Orissa Gazette.

#### 2. Definition.

- In these rules, unless the context otherwise requires-(a)"Committee" means the Committee of the Judges of the High Court constituted by the Chief Justice;(b)"Government" means the State Government of Orissa;(c)"Governor" means the Governor of Orissa(d)"High Court" means the High Court of Orissa;(e)"Scheme" means the Scheme for elimination of arrears in Courts sponsored by the Central Government;(f)"Service" means the Judicial service of the State of Orissa.

### **3. Appointment.**

- Notwithstanding anything contained in the Orissa Superior Judicial Service Rules, 1963 and Orissa Judicial Service Rules, 1994 the appointment of Additional District Judges on ad hoc and purely temporary basis for implementation of the Scheme will be made under these rules.

### **4.**

(1)The appointment made under these rules shall be purely on ad hoc and temporary basis.(2)The appointment shall be made initially for a period of one year and shall be liable to be terminated at any time without any prior notice.(3)During the term of such appointment the appointees will be under the administrative and disciplinary control of the High Court.

### **5. Eligibility.**

(1)The appointment of Additional District Judges on ad hoc and purely temporary basis shall be made by the Governor on recommendation of the High Court from amongst;(a)retired District Judges; or(b)retired Additional District Judges; or(c)in-service Chief Judge/Additional Magistrates having three years of service as such. [or] [Added vide O.G.E. No. 108 dated 19.1.2004.](d)[ members from Bar by way of direct recruitment.] [Inserted vide O.G.E. No. 108 dated 19.1.2004.](2)District Judge/Additional District Judge retired in the year 1990 or thereafter on attaining the age of superannuation or on voluntary retirement shall be eligible to be considered for such ad hoc appointments subject to fitness and suitability :Provided that the Officers who sought voluntary retirement after initiation of departmental enquiry against them shall not be eligible to be considered for such ad hoc appointments.(3)The selection of such candidates for ad hoc appointment shall be made by a Committee.(4)[ The method of selection of members from the Bar as direct recruits shall be adopted by the High Court as are normally followed for selection of members of Bar as direct recruits to Orissa Superior Judicial Service.] [Inserted vide O.G.E. No. 108 dated 19.1.2004.]

### **6. Appointment of inservice Judicial Officers.**

- [1] [Re-numbered vide O.G.E. No. 2484 dated 21.12.2001.] The selection of inservice Judicial Officers for ad hoc appointment under this scheme shall be based on scrutiny of their judgements and their service record.(2)[ The selection shall be made on the basis of seniority-cum-merit.] [Inserted vide O.G.E. No. 2484 dated 21.12.2001.]

### **7. Promotion.**

(1)An inservice Judicial Officer shall not claim regular promotion in the regular cadre on the basis of his/her appointment made under this scheme.

## **8. Disqualification.**

- No Judicial Officer who was dismissed, removed, compulsorily retired or made to seek retirement shall be considered for appointment under this scheme.

## **9. Pay and other allowances.**

- [(1)] [Re-numbered vide O.G.E. No. 108 dated 19.1.2004.] On appointment under the Scheme as Additional District Judge, the retired Judge shall be entitled to receive pay and allowances at the rate he/she was drawing at the time of retirement minus total amount of pension received by him/her under the pension rules applicable to him/her ; Provided that his/her pay shall be fixed at the minimum of the revised Scale of pay and D A. as admissible effective from the 1st January 1996 in case pay scales have been revised after his/her retirement.(2)[ On appointment under the Schemes as Additional District Judge by way of selection of member from Bar the initial pay shall be equivalent to the pay of an Additional District Judge appointed to Superior Judicial Service, Senior Branch and shall be fixed at such stage in the time scale of pay of the service as by allowing one advance increment for each three completed years of practice at Bar subject to a maximum of four advance increments.] [Inserted vide O.G.E. No. 108 dated 19.1.2004.]