

The Assam District and Sessions Judges Establishment (Ministerial) Services Rules, 1987

ASSAM

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Rule

THE-ASSAM-DISTRICT-AND-SESSIONS-JUDGES-ESTABLISHMENT-M of 1987

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The Assam District and Sessions Judges Establishment (Ministerial) Services Rules, 1987Published vide Notification No. JDJ. 282/84/123, dated 26th October, 1987Last Updated 11th February, 2020Notification No. JDJ. 282/84/123, dated 26th October, 1987. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is pleased to make the following Rules regulating recruitment and conditions of service of persons appointed to the Assam District and Sessions Judges Establishment (Ministerial) Service, namely:Preliminary

1. Short title and commencement.

(1)These Rules may be called "The Assam District and Sessions Judges Establishment (Ministerial) Service Rules, 1987".(2)They shall come into force at once.

2. Definitions.

- In these Rules unless there is anything repugnant in the subject or context-(1)"Appointing authority" means the District and Sessions Judge ;(2)"District and Sessions Judge" means the District and Sessions Judge of the District;(3)"District and Sessions Judges Establishment" means and includes all non-gazetted ministerial staff in the office of the District and Sessions Judge Additional District and Sessions Judge Assistant District and Sessions Judge, Special Judge and Munsiffs of the District;(4)"Government" means Government of Assam;(5)"Members of the Service" means a member of the Assam District ana Sessions Judges Establishment (Ministerial)

Service;(6)"Additional District and Sessions Judge" means officer appointed as such and holding the post under the Assam Judicial Service Rules, 1967;(7)"Special Judge" means an officer appointed as such under the Criminal Law (Amendment) Act, 1953;(8)"Assistant District and Sessions Judge" means an officer appointed as such and holding the post under the Assam Judicial Service Rules, 1967;(9)"Munsiff" means an officer appointed as such and holding the post under the Assam Judicial Service Rules, 1967;(10)"Service" means the Assam District and Sessions Judges Establishment (Ministerial) Service;(11)"Year" means the English Calendar year; and(12)"Board" means the Selection Board consisting of a Chairman and two other Members.Cadre

3. Service.

(1)The Service shall comprise of the following categories of posts:(i)Sheristadar of District and Sessions Judge(ii)Sheristadar of Additional District and Sessions Judge.(iii)Sheristadar of Assistant District and Sessions Judge.(iv)Head Assistant.(v)Supervisory Assistant/Sheristadar of Munsiff/Upper- Division Assistant.(vi)Lower Division Assistant.(2)Each of the categories of posts in sub-rule (1) shall form an independent Cadre. Members of a lower cadre shall have no claim for appointment to any of the higher cadres except in accordance with the provisions made in these rules.

4. Status of the service.

- The Status of the members of the Service shall be that of class III non-gazetted ministerial service.

5. Strength of Service.

- The number of posts, permanent as well as temporary, under each of the categories mentioned in sub-rule (1) of Rule 3 shall be such as may be determined by Government from time to time.Recruitment

6. Recruitment.

- Recruitment to the Service shall be made by the appointing authority according to the procedure laid down below:(1)Sheristadar of District and Sessions Judge. - By selection from amongst the persons who must have served continuously as Sheristadar of Additional District and Sessions Judge or as Head Assistant in the District and Sessions Judges Establishment at least for 5 years.(2)Head Assistant and Sheristadar of Additional District and Sessions Judge. - By selection from amongst the persons who must have served as Supervisory Assistant or a Sheristadar of Munsiff or a Sheristadar of Assistant District and Sessions Judge or Upper Division Assistant continuously for 3 years in the District and Sessions Judges Establishment.Note. - For the purpose of promotion of Supervisory Assistant, Sheristadar of Assistant District and Sessions Judge, Sheristadar of Munsiff and Upper Division Assistant, the District and Sessions Judge shall prepare a select list at the beginning of each year taking into account the number of vacancies likely to occur during the year in question. The District and Sessions Judge shall associate the Additional District

and Sessions Judge, Assistant District and Sessions Judge and Munsiff in the selection. The criterion for selection shall be on the basis of seniority-cum-merit and the Select list shall remain valid for one year from the date of recommendation of the Selection Board. It shall be reviewed after one year and all those eligible shall again be considered.(3) Sheristadar of Assistant District and Sessions Judge, Supervisory Assistant, Sheristadar of Munsiff. - By promotion from amongst the Upper Division Assistants of the District and Sessions Judges Establishment (Ministerial) concerned on the basis of seniority-cum-merit who have rendered not less than 7 years of service in the District and Sessions Judges Establishment (Ministerial) concerned out of which at least 3 years shall be of continuous service as Upper Division Assistant on the 1st day of the year in which the promotion is made. Note. - For the purpose of promotion of the Upper Division Assistant, the District and Sessions Judge shall prepare a select list at the beginning of each year taking into account the number of vacancies likely to occur during the year in question. The District and Sessions Judge shall associate the Additional District and Sessions Judge, Assistant District and Sessions Judge and Munsiff in the selection. The criterion for selection shall be on the basis of Seniority-cum-merit and the select list shall remain valid for one year from the date of recommendation of the Selection Board. It shall be reviewed after one year and all those eligible shall again be considered.(4) Upper Division Assistant. - By promotion on the basis of seniority-cum-merit from amongst the Lower Division Assistants of the District and Sessions Judges Establishment who have rendered not less than 5 years of service on the 1st day of the year in which the promotion is made. Note. - For the purpose of promotion the District and Sessions Judge shall prepare a select list at the beginning of each year taking into account the number of vacancies likely to occur during the year in question. The District and Sessions Judge shall associate the Additional District and Sessions Judge(s). Assistant District and Sessions Judges and Munsiffs in the selection. The criterion for selection shall be on the basis of seniority-cum-merit. The select list shall remain valid for one year. It shall be reviewed after one year and all those eligible shall again be considered.(5) Lower Division Assistant. - (a) By direct recruitment on the basis of a competitive examination to be conducted by the District and Sessions Judge at the beginning of each year unless otherwise directed by Government in this behalf. Note. - At the beginning of each calendar year the District and Sessions Judge shall call for applications to fill up temporary vacancies of any kind of posts which are likely to occur in course of the year in their respective establishments. On receipt of applications by a specified date, a test shall be held and list of all candidates suitable for appointment to the posts of Lower Division Assistant shall be prepared in order of merit by the District and Sessions Judge. The list shall remain valid for one year unless it is extended earlier and one such list shall be prepared every year. The District and Sessions Judge shall make all appointments during the year from such a select list. The syllabus for such tests shall be as specified in the Schedule I.(b) By selection strictly on the basis of merit from amongst the copyists, Typists of the District and Sessions Judges Establishment having educational qualifications as required for direct recruitment of Lower Division Assistants who have rendered not less than 7 years of service on the first day of the year in which the selection is made.(c) By selection on the basis of seniority-cum-merit from amongst Grade IV staff of the District and Sessions Judges Establishment concerned who have passed the High School Leaving Certificate or equivalent examination and have rendered at least 7 years of continuous service in the District and Sessions Judges Establishment on the 1st day of the year in which selection is made. Note. - (i) The proportion of vacancies to be filled up in any year according to Clauses (a), (b) and (c) of sub-rule (5) of this rule shall be 80 : 10 : 10

respectively. In the event of sufficient number of qualified or suitable persons not being available in category (b) and (c) the balance shall be made up from category (a), i.e. through direct recruitment. Here vacancies shall include both permanent and temporary vacancies.(ii)Appointment by selection under Clauses (b) and (c) of sub-rule (5) of this rule shall be made by the District and Sessions Judge from amongst the eligible Grade IV staff.

7. Conditions of eligibility.

- In order to be eligible for competing in the examination for appointment as Lower Division Assistant, a candidate must satisfy the following conditions:(i)Nationality. - He must be a citizen of India.(ii)Age limits. - He must not be less than 18 Years of age and more than 30 years of age on the first day of the year in which the examination is held:Provided that in the case of candidates belonging to special categories, the upper age limit shall be subject to such relaxation as may be made by Government from time to time.Explanation. - "Special categories" means persons belonging to Scheduled Castes/Scheduled Tribes, Political Sufferers, War Service candidates and such other persons or class of persons as may be notified by Government from time to time.(iii)Educational Qualification. - He must have passed the High School Leaving Certificate Examination from a recognised University/Board or any examination declared equivalent thereto by the Government.Note. - Pending conversion of all the existing Schools into Higher Secondary Schools and during the transitional period when both the old courses and the new courses continue together the instruction issued by Government from time to time in this regard shall be followed.(iv)He must not have more than one wife living; provided the Government may for good and sufficient reasons exempt any candidate from the operation of this condition.(v)No candidate shall be eligible for appointment if he, after undergoing such medical examination as Government may specify, is found to be not in good mental or bodily health and not free from any mental or physical defect likely to interfere in the discharge of his duties.(vi)Inclusion of a candidate's name in the list shall confer no right to appointment unless the appointing authority is satisfied after such enquiry as he may consider necessary that the candidate is suitable in all respects for appointment.

8. Reservation.

- In all cases of appointment by direct recruitment as well as by promotion, there shall be reservation in case of candidates belonging to the member of Scheduled Caste/Scheduled Tribe as per provision of the Assam Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1978 and Rules framed thereunder. There shall also be reservation for candidates belonging to Other Backward Classes including More Other Backward Classes as per Government Instructions contained in O.M. No. ABP. 338/83/14, dated 4-1-1984 for direct recruitment only. General orders in respect of reservation in favour of other categories of candidates as may be in force for the time being, shall also be followed.

9. Gradation list.

- A gradation list of the staff of the amalgamated establishment shall be prepared every year and the same shall be approved by the District and Sessions Judge and published once a year.Confirmation,

Seniority, etc.

10. Confirmation.

(1) Subject to availability of a permanent vacancy every member of the service shall be confirmed in the grade to which he is appointed if he-(a) has completed at least one year of service to the satisfaction of the appointing authority; and (b) is considered fit for confirmation by the appointing authority. (2) Subject to the aforesaid conditions, confirmation shall be made on the basis of seniority as determined under Rule 11.

11. Discharged or reversion before confirmation.

- At any time before confirmation a member is liable to be reverted to his next lower rank or to a lower post on which he holds a lien or be discharged from the service in case he is a direct recruit, if he cannot qualify for such confirmation even after a second chance or if his performance of duty has not been satisfactory and/or if the appointing authority finds him otherwise unfit to hold the post.

12. Seniority.

- (i) In the Lower Division Cadre, the seniority shall be according to the date of appointment, if the persons join the appointments within 15 days of the receipt of the order of appointment: Provided that in case a person is prevented from joining within the said period of 15 days by circumstances of a public nature or for reasons beyond his control, the appointing authority may extend it for a further period of 15 days. If the period is not so extended, his seniority shall be determined in accordance with the date of joining. Where however more than one person are appointed on the same date their inter-se seniority shall be determined according to their position in the merit list prepared by the District and Sessions Judge as mentioned in Note below Clause (a) of sub-rule (5) of Rule 6: Provided further that the inter-se-seniority among Lower Division Assistants appointed under Clauses (a), (b) and (c) of sub-rule (5) of Rule 6 on the same date shall be according to the following order: (a) Assistants appointed under Clause (a) of sub-rule (5) of Rule 6. (b) Assistants appointed under Clause (b) of sub-rule (5) of Rule 6. (c) Assistants appointed under Clause (c) of sub-rule (5) of Rule 6. (ii) In the Upper Division (including Sheristadar of Munsiff) Cadre, the seniority shall be according to the position in the select list from which the promotion to posts of Upper Division Assistant is made. (iii) In the Head Assistant Cadre, the seniority shall be according to the date of promotion to the post of Head Assistant. (iv) In the Sheristadar of District Judge Cadre, the seniority shall be according to the date of appointment. (v) If confirmation of a member of the service in a Cadre is delayed on account of his failure to qualify for such confirmation, he shall lose his position in order of seniority in that Cadre vis-a-vis such of his juniors as may be confirmed earlier than him. His original position in that particular Cadre shall, however, be restored on his confirmation subsequently.

13. Right of appeal.

- Every member of the service shall have the right to appeal from the orders of the District and Sessions Judge to the Government, i.e., Secretary to the Government of Assam, Judicial Department.

14. Pay.

- The scale of pay admissible to members of different cadres shall be as shown in Schedule II subject to such revision as may be made by Government from time to time. Miscellaneous

15. Leave, pension, etc.

- Except as provided in these rules, all matters relating to pay, allowances, leave, pension, discipline and other conditions of service shall be regulated by general rules framed by Government from time to time.

16. Power to dispense with or relax any rule.

- Where the appointing authority is satisfied that the operation of any of these rules may cause undue hardship in any particular case, it may dispense with or relax the requirement of that rule to such extent and subject to such condition as it may consider necessary for dealing with the case in a just and equitable manner: Provided that the case of any person shall not be dealt with in any manner less favourable to him than that provided in any of these rules.

17. Establishment of Special Judge.

(1) The recruitment and conditions of service of the members of the Ministerial staff in the establishment of the Special Judge will be regulated mutatis-mutandis in accordance with these rules. (2) The Special Judge shall exercise the same powers as are vested in the District and Sessions Judge in relation to the Ministerial staff in his establishment.

18. Interpretation.

- If any question arises relating to the interpretation of these rules, it shall be referred to the Government in the Judicial Department whose decision thereon shall be final.

19. Power of transfer.

- The power of transfer and posting of staff from one District to another District vest with the Government in the Judicial Department.

20. Repeal and savings.

- Any rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed. Notwithstanding such repeal any order made or any action taken under the rules so repealed shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

I

[See Rule 6 (5)] The syllabus for test for direct recruitment

Subject	Marks
1. General English	75
2. Official Language	75
3. Drafting (English and Official language)	100
4. Interview	50
Total	300

II

[See Rule 14]

Post	Scale of pay
1. Sheristadar of District Judge	Rs. 875-40-1075-EB-40-1275-45-1500/- p.m.
2. Head Assistant	Rs. 700-30-850-EB-35-1200/- p.m.
3. Sheristadar of Additional District and Sessions Judge	Rs. 700-30-850-EB-35-1200/- p.m.
4. Sheristadar of Asstt. District and Sessions Judge	Rs. 675-25-800-EB-30-1100/- p.m.
Supervisory Asstt./Sheristadar of	
5. Munsiff/Upper Division Assistant	Rs. 675-25-800-EB-30-1100/- p.m. (special pay of Rs. 30/- p.m. is allowed to Sheristadar of Munsiff and Supervisory Assistant).
6. Lower Division Assistant	Rs. 470-12-530-EB-12-590-EB-15-680-20-800/- p.m.