

The Orissa High Court (Conditions of Service of Staff) Rules, 1963

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Rule

THE-ORISSA-HIGH-COURT-CONDITIONS-OF-SERVICE-OF-STAFF-RULES of 1963

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The Orissa High Court (Conditions of Service of Staff) Rules, 1963 In exercise of the powers conferred by Clause (2) of Article 229 of the Constitution, the Chief Justice of the High Court of Orissa, with the approval of the Governor of Orissa, so far as the rules relate to salaries, allowances, leave or pension, hereby makes the following rules with respect to the conditions of service of persons serving on the staff attached to the Orissa High Court ;

1.

(a) These rules may be called the "Orissa High Court (Conditions of Service of Staff) Rules, 1963". (b) They shall come into force on such date as the Chief Justice may fix: Provided, however that neither the validity nor the continuing operation of any orders passed before these rules are brought into force shall be affected thereby.

2.

The rates or scales of pay to which the holders of the posts specified in the first column of the Schedule are respectively entitled, shall be those specified in the second column of that Schedule.

3.

(1) All persons on first appointment to the staff attached to the High Court, other than the members of the Orissa Superior Judicial Service or the Orissa Judicial Service or when they are appointed on

contract basis, shall be on probation and the period of probation shall in each case, be two years ; provided that the appointing authority may at his discretion extend the period of probation :Provided further that nothing contained in this sub-rule shall apply to officiating or temporary appointments through service rendered as such may be taken into account in computing the period of probation.(2)If it appears at any time during or at the end of the period of probation that any such person has not made sufficient use of his opportunities, or if he has otherwise failed to give satisfaction, the appointing authority, may without entitling him to any compensation dispense with his services after giving him one month's notice, unless he holds a substantive appointment in which case he may be reverted thereto with one month's notice.

4.

A person on probation, if he is not already in the service of the Government, shall draw during the period of probation the minimum of the scale of pay of the post to which he is appointed. On completion of one year of service without break during the period of probation, he shall be entitled to get the first increment:Provided that, in exceptional cases, the appointing authority may allow increments in the scale even during the extended period of probation.

5.

(1)Seniority of members of different grades in Class III and Class IV services shall be determined in accordance with the dates of their substantive appointment in each such grade.(2)Where members are recruited by promotion and by direct appointment at the same time, the promotes shall take precedence over the direct recruits.(3)Members promoted at the same time will keep the position inter se which they held in the service from which they were promoted.(4)The decision regarding the seniority of direct recruit& appointed at the same time shall be made by the appointing authority at the time of their confirmation. The seniority will be determined according to the merits to be judged on the basis of marks obtained in the examination prescribed as well as by general consideration of merits, educational qualification, age and previous experience in any post.

6.

(1)Promotions to the various posts in the High Court staff shall be made by the respective appointing authorities.(2)Promotions shall be made on the basis of merit with due regard to seniority.(3)Vacancies, permanent or casual, in the posts of Stamp Reporter and Oath Commissioner and in categories 1 and 2 in Class III service shall ordinarily be filled up by promotion.(4)A vacancy in the post of the Additional Assistant Registrar may be filled either by promotion of a competent member of the staff with adequate service, [* * *] [Deleted vide C. S. No. 21/8.4.1970.] or, if in the opinion of the Chief Justice there is no such competent person available for filling up the vacancy, by deputation of a Munsif for a period not exceeding three years at a time.(5)[A vacancy in the post of the Joint Registrar may be filled either by promotion of a competent member of his staff who is a Graduate in Law or, if in the opinion of the Chief Justice there is no such competent person available for filling up the vacancy, by deputation of an officer of the Orissa Superior Judicial Service (Junior Branch). The period of deputation shall ordinarily be

for three years but can be extended at the discretion of the Chief Justice.] [Inserted vide Orissa H. C. Notification No. 690-A/12.7.1974.]

6A.

[(1) The appointment of the Law Reporter shall be for a period of one year. No person shall either be appointed or continue as a Law Reporter after he attains the age of 65 years. (2) Notwithstanding anything contained in Sub-rule (1) above, if at any time during the aforesaid period of one year, the Chief Justice is of opinion that for reasons of ill health or any other cause the Law Reporter is no more suitable to continue as such, the Chief Justice may immediately terminate his appointment by giving one month's notice.] [Substituted vide Orissa Gazette Extraordinary Part III-A/11.1.1991.]

7.

(1) In respect of such matters regarding the conditions of service of court servants for which no provision or insufficient provision has been made in these rules, the rules and orders for the time being in force and applicable to servants holding corresponding posts in the State Government shall regulate the conditions of service of court servants subject to such modifications, variations or exceptions, if any, in the said rules and orders, as the Chief Justice may, from time to time, specify : Provided that no order containing modifications, variations or exceptions in rules relating to salaries, allowances, leave or pensions, shall be made by the Chief Justice except with the approval of the Governor : Provided further that the powers exercisable under the rules and orders of the State Government by the Governor or by any authority subordinate to the Governor shall be exercisable by the Chief Justice or by such person as he may, by general or special order, direct. (2) Any question arising as to which rules or orders are applicable to the case of any person serving on the staff attached to the High Court shall be decided by the Chief Justice.

8.

The following penalties may, for good and sufficient reasons, be imposed by the appointing authority upon persons serving on the staff attached to the High Court : (a) Censure; (b) Withholding of increments or promotion; (c) Reduction to a lower post on time-scale or to lower stage in the time-scale; (d) Recovery by deduction from pay of the whole or part of any pecuniary loss caused to the State Government by negligence or breach of orders; (e) Fine; (f) Suspension; (g) Removal from the staff attached to the High Court without a disqualification for a future employment; (h) Dismissal from the staff attached to the High Court with a disqualification for future employment; (i) Compulsory retirement from service. Provided that - (1) The penalty of fine shall be imposed only on Class IV servants; (2) No person on the staff attached to the High Court shall, unless it be on the ground of conduct which has led to his conviction on a criminal charge or unless the appointing authority in writing is satisfied that it is not reasonably practicable or that it is not expedient in the interest of the institution to give such person an opportunity of showing cause, be dismissed, removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him. Explanation - (1) The discharge of a person - (a) appointed on probation during the period of probation; (b) appointed otherwise to hold a

temporary or officiating appointment on the expiration of the period of appointment ; or(c)engaged under a contract in accordance with the term of his contract;shall not be deemed to be a removal of dismissal within the meaning of the rule.Explanation - (1) The reversion to his original post of a person appointed on trial to a Superior post shall not be considered as reduction in rank within the meaning of this rule.

9.

The rules or orders regulating enquiries into allegations against Government servants in the service of the Government of Orissa shall apply with the necessary modifications and adaptations to be issued separately by the Court to enquires into the conduct of members of the staff attached to the High Court :Provided, however, that an order of suspension pending enquiry shall not be passed without the previous approval of the Chief Justice.

10.

(1)Notwithstanding anything contained in these rules or in any other rules of orders for the time being in force, the enquiring authority in charge of an enquiry into the conduct of any member or members of the staff attached to the High Court may, if he thinks fit and after obtaining special orders of the Chief Justice, enquire and dispose of cases of punishments covered by Sub-clauses (a), (d) and (a) of Clause (1) of Rule 5 in a summary manner as provided hereunder.In summary enquires, the enquiring authority may, after perusing the cause shown by the officer proceeded against and, if necessary, hearing him personally and taking such evidence as he may adduce, pass appropriate orders.(2)When in the course of a summary enquiry it appears to the enquiring authority that the case is one which is of a character which renders it undesirable that it should be conducted summarily, the enquiring authority may place the matter before the Chief Justice and upon his special orders proceed to reconduct the enquiry under the regular procedure.

11.

(1)Every person on the staff attached to the High Court shall be entitled to appeal to the Chief Justice against any order passed by the Registrar who imposes upon him any of the penalties specified in Rule 8 or interprets these rules to his disadvantage and the orders of the Chief Justice passed in appeal shall be final.(2)Every person on the staff attached to the High Court shall be entitled to present appeal through the Registrar against any order of the Chief Justice in the first instance, imposing of such person any of the penalties specified in Rule 8 or interpreting these rules to the disadvantage of any such person or against an order of the Chief Justice altering these rules to the disadvantage of any such person. Such appeal shall be considered by three Judges consisting of the Chief Justice and two other Judges to be nominated by him and shall be disposed of after consultation with the Public Service Commission in accordance with the views of the bench of the judges as aforesaid or of the majority thereof. The final Order on appeal shall be issued in the name of the Chief Justice.

12.

No appeal shall be entertained if it is presented after three months of the order appealed against :Provided that the Chief Justice may relax this rule if it is satisfactorily established.that there were reasonable or sufficient grounds for delay in the presentation of the appeal.*ScheduleDetails of pay and allowances of the officers and employees of Orissa High Court

Name and designation of the post	Cadre	Pay w.e.f. 1.5.1989	D.A.	H.R.A.	Spl. pay	Remarks
1	2	3	4		5	6
Registrar	Sr. Cl.I	Rs. 3,200/-Rs. 4,700/-	83% of the pay	15% of the pay	Rs. 250/-	D.A. and H.R.A. subject to be revised by the State Govt, from time
Spl. Officer (Admn.)	Cl. I	Rs. 3000/-Rs. 4500/-	-do-	-do-	Rs. 150/-	
Spl. Officer (Spl. Cell)	Cl. I	Rs. 3000/-Rs. 4500/-	-do-	-do-	-	
Deputy Registrar (J. & E.)	Cl. I	Rs. 3000/-Rs. 4500/-	-do-	-do-	Rs. 150/-	
Deputy Registrar (A. & P.)	Cl. I	Rs. 2800/-Rs. 4350/-	-do-	-do-	Rs. 150/-	
Assistant Registrar (Estt.)	Jr. Cl. I	Rs. 2200/-Rs. 4000/-	-do-	-do-	Rs. 150/-	
Assistant Registrar (Admn.)	Cl. II	Rs. 2000/-Rs. 3500/-	-do-	-do-	Rs. 150/-	
[Addl. Deputy Registrar, (Judl. & Estt.) [Amended vide Notification No. 879/9.12.1994.]	Cl. I	Rs. 3000/-Rs. 4500/-				The scale to be revised now sub-judiced
Establishment Officer	Jr. Cl. I	Rs. 2200/-Rs. 4000/-	83% of the pay	15% of the pay		-do-
Stamp Reporter and Oath Commissioner	Jr. Cl.I	Rs. 2200/-Rs. 4000/-				-do-

Addl. Stamp Reporter & Oath Commissioner	Jr. Cl. I	Rs. 2200/-Rs. 4000/-]	-do-	-do-	Rs. 150/-
Principal Pvt. Secy, to Hon'ble C.J.	To be declared as Cl.I	Rs. 2200/-Rs. 4000/-	-do-	-do-	Rs. 150/-
Supdt. Level-I	Cl. II	Rs. 2200/-Rs. 3500/-	-do-	-do-	
Supdt. Level-II	Special Gazetted	Rs. 1800/-Rs. 3000/-	-do-	-do-	
Pvt. Secretary	Cl. II	Rs. 2200/-Rs. 3500/-	-do-	-do-	Rs. 150/-
Personal Assistant	Special Gazetted	Rs. 1800/-Rs. 3000/-	-do-	-do-	Rs. 150/-
Translator	Cl. III	Rs. 1400/-Rs. 2300/-	-do-	-do-	
Sr. Assistant	Cl. III	Rs. 1400/-Rs. 2300/-	-do-	-do-	
Jr. Assistant	Cl. III	Rs. 950/-Rs. 1500/-	-do-	-do-	
Sr. Steno	Cl. III	Rs. 1400/-Rs. 2300/-	-do-	-do-	
Jr. Steno	Cl. III	Rs. 1200/-Rs. 2040/-	83% of the pay	15% of the pay	
Court Officer	Cl. III	Rs. 2000/-Rs. 3500/-	-do-	-do-	
P.S.R.	Cl. III	Rs. 1400/-Rs. 2300/-	-do-	-do-	
Judl. Indexer	Cl. III	Rs. 1400/-Rs. 2300/-	-do-	-do-	

Supdt. (Typist) (Level-I)	Cl. III	Rs. 1640/-Rs. 2900/-	-do-	-do-	
Supdt. (Typist) (Level-II)	Cl. III	Rs. 1400/-Rs. 2300/-	-do-	-do-	
Sr. Typist	Cl. III	Rs. 1200/-Rs. 2040/-	-do-	-do-	
Jr. Typist	Cl. III	Rs. 950/-Rs. 1500/-	-do-	-do-	
Copyist	Cl. III	Rs. 950/-Rs. 1500/-	-do-	-do-	
Diarist	Cl. III	Rs. 950/-Rs. 1500/-	-do-	-do-	
Sr. Driver	Cl. III	Rs. 975/-Rs. 1600/-	-do-	-do-	
Jr. Driver	Cl. III	Rs. 950/-Rs. 1500/-	83% of the pay	15% of the pay	
Treasury Sarkar	Cl. III	Rs. 800/-Rs. 1150/-	-do-	-do-	10% of the basic pay
Attender	Cl. III	Rs. 775/-Rs. 1025/-	-do-	-do-	10% of the basic pay
Zamadar	Cl. IV	Rs. 775/-Rs. 1025/-	-do-	-do-	
Orderly Peon	Cl. IV	Rs. 750/-Rs. 940/-	-do-	-do-	
Daftary	Cl. IV	Rs. 775/-Rs. 1025/-	-do-	-do-	
Mall-cum-Chowkidar	Cl. IV	Rs. 775/-Rs. 1025/-	-do-	-do-	
Faras	Cl. IV	Rs. 750/-Rs. 940/-	-do-	-do-	
Night Watchman	Cl. IV	Rs. 750/-Rs. 940/-	-do-	-do-	
Gate Keeper	Cl IV		-do-	-do-	

		Rs. 750/-Rs. 940/-		
Cook-cum-Caretaker	Cl. IV	Rs. 750/-Rs. 940/-	-do-	-do-
Sweeper	Cl. IV	Rs. 750/-Rs. 940/-	83% of the pay	15% of the pay

***Schedule**

1. Registrar (Admn.) Scales of Pay applicable from time to time to the Officers of the I.A.S. Cadre as per the provisions of Orissa Superior Judicial Rules, 1963.
2. Registrar (Judl.)
3. Registrar (Inspection & Inquiry)

Notification No. 616, dated 5.7.1991.

Schedule

Name of the Post	Scale of pay
1. Assistant Registrar (Estt.) (for the cadre of S.S.J.S. Junior(Class-I)	Rs. 2200-75-2800-EB-100-4000/-
2. Superintendent of Typist	Rs. 1640-60-2600-EB-75-2900/-
Senior Driver	Rs. 1080-30-1440-EB-30-1800/-

Notification No. 400, dated 16.6.1992.