

Punjab Superior Judicial Service Rules, 2007

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Punjab Superior Judicial Service Rules, 2007Published vide Notification No. G. S. R. 28/Const./Art.309/2007, dated 31.8.2007Last Updated 2nd December, 2019No. G. S. R. 28/Const./Art.309/2007. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Punjab in consultation with the High Court of Punjab and Haryana, Department of Personnel, Department of Finance and Punjab Public Service Commission, is pleased to make the following rules regulating the recruitment and the conditions of service of the persons appointed to the Punjab Superior Judicial Service, namely:-

1. Short title and commencement.

(1)These rules may be called the Punjab Superior Judicial Service Rules, 2007.(2)They shall come into force on and with effect from the date of their publication in the Official Gazette.(3)They shall apply to the posts specified in Appendix 'A'.Part-I General

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)'Appendix' means an Appendix appended to the rules;(b)'Competent authority' means the authority as specified in Appendix 'D';(c)'Direct appointees' means the officers appointed to the Service under clause (c) of sub-rule (3) of the rule 7 of these rules;(d)'Government' means the Government of the State of Punjab;(e)'High Court' means the High Court of Punjab and Haryana;(f)'Out-of-turn promotee officers' means the officers promoted under clause (b) of sub-rule (3) of rule 7 of these rules;(g)'Promotee officers' means the officers appointed under clause (a) of sub-rule (3) of the rule 7 of these rules; and(h)'Service' means the Punjab Superior Judicial (Group 'A') Service.

3. Number and character of posts.

- The Service shall comprise the posts as specified in Appendix 'A': Provided that nothing in these rules shall affect the inherent right of the Government to add to or reduce the number of such posts or to create new posts with different designations and scales of pay, whether permanently or temporarily.

4. Appointing Authority.

- Appointment to the Service shall be made by the Government.

5. Age.

- No person shall be appointed to the Service, who is less than thirty-five years and is above forty-five years of the age on the last date of submission of application: Provided that the aforesaid upper age limit shall not apply to the officers those who are already in the Punjab Civil Service (Judicial Branch): Provided further that in the case of a candidate who belongs to Scheduled Caste or Backward Class the upper age limit, shall be such as may be fixed by the Government from time to time: Provided further that the Government from time to time, in consultation with the High Court, may relax the upper age limit.

6. Examination Fee.

(1) Fee for admission to the examination shall be such as may be specified by the High Court, by notification published in the Official Gazette from time to time, subject to the maximum of Rs. 1,000 for general category and Rs. 500 for reserved category candidates which shall be in the form as is specified by the High Court from time to time. (2) The aforesaid fee shall be paid into the Government Treasury by the High Court. Part-II Method of Appointment

7. Method of appointment.

(1) The appointment to the Service by promotion shall be made from amongst the members of the Punjab Civil Service (Judicial Branch), by the Governor on the recommendations of the High Court. (2) The direct appointment to the Service shall be made by the Governor on the recommendations of the High Court from amongst the eligible advocates on the basis of the written test and viva-voce conducted by the High Court. (3) [Appointment to the Service shall be made in the following manner:-(a) sixty-five per cent by promotion from amongst the Civil Judges (Senior Division), on the basis of merit-cum-seniority and passing of a suitability test; (b) ten per cent by promotion on the basis of merit through departmental competitive examination of Civil Judges (Senior Division) having not less than five years qualifying Service as Civil Judge (Senior Division): Provided that if no suitable candidate is available for promotion under this clause or a candidate fails to qualify the said examination in that case, the available post shall be filled up by regular promotion in accordance with the criteria laid down in clause (a) above; and (c) twenty-five

per cent of the posts shall be filled by direct appointment from amongst the eligible advocates on the basis of the written test and viva-voce, as conducted by the High Court.]Explanation. - For the purposes of clauses (a) and (b), it is clarified that the qualifying service for promotion should be either on the post of Civil Judge (Senior Division) or Chief Judicial Magistrate or Additional Civil Judge (Senior Division) separately or by clubbing the service on any of the said posts.(4)These posts shall be filled in accordance with the Roster attached as Appendix-B.

8. [Assessment of merit. [Substituted vide notification no. G.S.R.50/Const./Art.233 and 309/Amd.(2)/2017 dated 10.10.2017.]

- For assessing and testing the merit and the suitability of a member of Punjab Civil Service (Judicial Branch) for promotion under clause(a) of sub-rule(3) of rule 7 of these rules, the High Court may, -(i)hold a written objective test of seventy-five marks and viva voce of twenty-five marks to ascertain the legal knowledge and efficiency in the legal field; and(ii)take into consideration annual confidential reports of the preceding five years of the officer concerned.Provided that any officer having grading as C (integrity doubtful) in any year shall not be eligible to be considered for promotion.] [Clause (a) and (b) of sub-rule 3 of Rule 7 is amended vide notification No. G.S.R.28/Const.Arts.234 and 309/Amd.(1)/2013 dated 29.04.2013.]

9. Limited written competitive examination.

- The limited written competitive examination of the members of the Punjab Civil Service (Judicial Branch), for the purposes of out-of-turn promotion under rule 7 of these rules, shall be held by the High Court in the following manner, namely:-

- (i) Written Examination 600 Marks;
- (ii) Assessment of Record 150 Marks; and
- (iii) Viva-Voce 250 Marks:

Provided that the High Court shall, in addition to the said examination take into consideration any of the criteria as specified in rule 8 above:Provided further that any officer grading as C (integrity doubtful) in any year, shall not be eligible to appear in the said examination.

10. Qualification.

- Qualifications for direct recruitment shall be as follows:-(a)must be a citizen of India; and(b)must have been duly enrolled as an advocate for a period of not less than seven years and must have practiced, as such, during the said period;(bb)[The applicant shall be an income tax assessee for a period not less than three assessment years (preceding the date of application), with gross professional income of not less than rupees five lakh per annum. The applicant shall also be required to attach the proof of his independent engagement and conducting of not less than fifty cases (other than bunch cases) for general categories and forty cases for the scheduled caste, physically challenged persons and Ex-servicemen category, respectively, per year in the last preceding three years: [Inserted vide notification no. G.S.R.50/Const./Art.233 and

309/Amd.(2)/2017 dated 10.10.2017.]Provided that the gross annual income in the case of candidates belonging to the Scheduled Castes, physically challenged persons and ex-servicemen, shall be rupees three lakhs per annum.](c)must have passed matriculation examination with Punjabi as one of the compulsory or elective subjects or any other equivalent examination in Punjabi language, which may be specified by the Government from time to time.

11. Test for direct appointment.

(1)The High Court shall, before making recommendations to the Governor, invite applications by advertisement and may require the applicants to give such particulars as it may prescribe and may further hold written examination test and viva-voce for appointment under rule 7, in the following manner, namely:-(i)Written Test 750 Marks; and(ii)Viva-Voce 250 Marks.

12. Seniority.

(1)The original seniority of the promotee officers promoted from amongst the members of the Punjab Civil Services (Judicial Branch), shall not be disturbed.(2)The inter se seniority of the out-of-turn promoted officers shall be in the order of merit as is determined by the High Court.(3)The inter se seniority of the direct appointees shall be on the basis of merit as is determined by the High Court:Provided further that an officer, who is promoted on ad hoc basis on a vacant post, belonging to the out-of-turn promotee officers or direct appointees, as the case may be, shall not have any right on the said post and such officer shall not be allowed to claim addition of the period of such ad hoc service towards the Service for the purpose of seniority.Part-III Probation

13. Probation.

(1)Direct recruits to the service shall remain on probation for a period of two years, which may be so extended by the Governor in consultation with the High Court, as not to exceed a total period of three years:Provided that the Governor may in exceptional circumstances of any case, after consulting the High Court reduce the period of probation.(2)On the completion of the period of probation the Governor may in consultation with the High Court, confirm a direct recruit on a cadre-post with effect from a date not earlier than the date on which he completes the period of probation.(3)The High Court in consultation with the Government, may at any time during the period of probation or the extended probation, as the case may be, dispense with the Services of a direct appointee if the same have been found to be not satisfactory, without assigning any reasons therefore.Part-IV Pay and Allowances

14. Pay of members of the Service.

(1)The members of the Service shall be entitled to such scales of pay as may be authorized by the Government from time to time. The scales of pay at present in force in respect of the members of the Service are given in Appendix 'C'.(2)The number of selection grade and super time scale posts are as given in the aforesaid appendix, as sanctioned by the Government from time to time.Part-V

Miscellaneous

15. Leave.

- The members of Service shall be governed by Punjab Civil Services Rules, Volume-I, Part-I read with the instructions issued by the Government of Punjab from time to time with regard to the employees of the Vacation Department.

16. Reservation of posts.

- The reservation of posts for the Schedule Castes, Schedule Tribes and Backward Classes and other reserved categories, shall be in accordance with the instructions issued by the Government from time to time.

17. Regulations.

- The Government may make regulations in consultation with High Court, not inconsistent with these rules and to provide for such matters for which provision it is necessary or expedient so to do, for the purposes of giving effect to these rules.

18. Physical fitness.

- The direct appointees to the Service shall have to produce a certificate of physical fitness before their appointment in accordance with the standards as has been prescribed for the State Services.

19. Death-cum-retirement benefits.

(1) In respect of death-cum-retirement benefits, the members of the Service shall be governed by the Punjab Civil Services Rules, Volume-II, as amended from time to time. (2) In respect of the officers appointed to the Service from amongst the members of any Legal Service (i.e. from amongst Law Officers and District Attorneys etc., who are eligible for appointment under these rules), shall be entitled to add their actual period of their previous service or the period of practice at Bar, as the case may be, before joining the service or a period of not more than ten years of the aforesaid previous service or practice at Bar, shall be counted towards Service qualifying for pension and other retirement benefits.

20. Superannuation of members of the Service.

- A Member of the Service shall retire from the Service in the afternoon of the last day of the month in which he attains the age of sixty years: Provided that a member of Service, whose date of birth is the first day of the month, shall retire on the afternoon of the last day of the preceding month: Provided further that the High Court shall assess and evaluate the service record of a member of the Service at the age of fifty years, fifty-five years and before he attains the age of

fifty-eight years to find his continued utility in the service by following the procedure for compulsory retirement under the service rules applicable to him before he is allowed to continue beyond the age of fifty-eight years: Provided further that the High Court in public interest may recommend premature retirement of an officer on completion of fifteen years of Service or at any time thereafter subject to the condition that in the event of such retirement, the officer shall be entitled to the benefit of pension and other retiral benefits proportionately as admissible, having regard to the qualifying Service rendered by him as per Government policy.

21. Administrative control.

- Administrative control over the members of the Service shall vest absolutely in the High Court. The recommendation of the High Court in disciplinary matters involving major penalty of removal, dismissal, premature or voluntary retirement, as the case may be, shall be binding on the Government for the purpose of the final orders. However, nothing in this rule shall be construed to prejudice the right of statutory appeal available to the delinquent officer before the competent authority as specified in Appendix 'D'.

22. Discipline, punishment and appeal.

(1) In the matters relating to discipline, punishment and appeal, the members of the Service shall, without prejudice to the provisions of the Public Servants (Inquiries) Act, 1850, be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970, as amended from time to time. (2) The authority empowered to impose penalties as specified in rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, on the recommendations of the High Court in respect of the members of the Service, shall be as specified in Appendix 'D' appended to these rules.

23. Application of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.

(1) In respect of the matters, which are not specifically provided in these rules, the members of the Service shall be governed by the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994, as amended from time to time: [Provided that the said rules of 1994 shall not affect the provisions as contained in rules 5, 7, 12, 13, 19, 20 and 21 of these rules: Provided further that the conditions of service as determined by the National Judicial Pay Commission shall have an overriding effect.] [Inserted vide notification no. G.S.R.50/Const./Art.233 and 309/Amd.(2)/2017 dated 10.10.2017.] (2) The Punjab Civil Services (General and Commons Conditions of Service) Rules, 1994, at present, in force are contained in Appendix 'E'.

24. Repeal and savings.

- The Punjab Superior Judicial Service Rules, 1963, are hereby repealed: Provided that any order issued or any action taken under the rules, so repealed, shall deemed to have been issued or taken under the corresponding provisions of these rules.

25. Interpretation.

- If any question arises as to the interpretation of these rules, the Government in due consultation with the High Court, shall decide the same. Appendix 'A' (See rule-4)

Serial No.	Designation of the post	Number of the posts
1	Legal Remembrancer and Secretary to Government of Punjab, Department of Legal and Legislative Affairs	1
2	District and Sessions Judges	16
3	Addl. Legal Remembrancer and Addl. Secretary to Government of Punjab, Department of Legal and Legislative Affairs	2
4	Additional District and Sessions Judges	71
5	Additional District and Sessions Judges as leave Reserve/deputation/training	2

Appendix 'B' [See sub-rule (4) of rule 7] Roster Indicating the Mode of Recruitment

Serial No.	Source	Rule
1.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
2.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
3.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
4.	Direct Recruit from the Bar	7(3)(c)
5.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
6.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
7.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
8.	Direct Recruit from the Bar	7(3)(c)
9.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
10.	Officer promoted through Limited competitive examination	7(3)(b)
11.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
12.	Direct Recruit from the Bar	7(3)(c)
13.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
14.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
15.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
16.	Direct Recruit from the Bar	7(3)(c)
17.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
18.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
19.	Officer promoted through Limited competitive examination	7(3)(b)
20.	Direct Recruit from the Bar	7(3)(c)
21.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
22.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)

23.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
24.	Direct Recruit from the Bar	7(3)(c)
25.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
26.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
27.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
28.	Direct Recruit from the Bar	7(3)(c)
29.	Officer promoted through Limited competitive examination	7(3)(b)
30.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
31.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
32.	Direct Recruit from the Bar	7(3)(c)
33.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
34.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
35.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
36.	Direct Recruit from the Bar	7(3)(c)
37.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
38.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
39.	Officer promoted through Limited competitive examination	7(3)(b)
40.	Direct Recruit from the Bar	7(3)(c)
41.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
42.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
43.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
44.	Direct Recruit from the Bar	7(3)(c)
45.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
46.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
47.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
48.	Direct Recruit from the Bar	7(3)(c)
49.	Officer promoted through Limited competitive examination	7(3)(b)
50.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
51.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
52.	Direct Recruit from the Bar	7(3)(c)
53.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
54.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
55.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
56.	Direct Recruit from the Bar	7(3)(c)
57.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
58.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
59.	Officer promoted through Limited competitive examination	7(3)(b)

60.	Direct Recruit from the Bar	7(3)(c)
61.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
62.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
63.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
64.	Direct Recruit from the Bar	7(3)(c)
65.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
66.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
67.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
68.	Direct Recruit from the Bar	7(3)(c)
69.	Officer promoted through Limited competitive examination	7(3)(b)
70.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
71.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
72.	Direct Recruit from the Bar	7(3)(c)
73.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
74.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
75.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
76.	Direct Recruit from the Bar	7(3)(c)
77.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
78.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
79.	Officer promoted through Limited competitive examination	7(3)(b)
80.	Direct Recruit from the Bar	7(3)(c)
81.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
82.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
83.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
84.	Direct Recruit from the Bar	7(3)(c)
85.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
86.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
87.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
88.	Direct Recruit from the Bar	7(3)(c)
89.	Officer promoted through Limited competitive examination	7(3)(b)
90.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
91.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
92.	Direct Recruit from the Bar	7(3)(c)
93.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
94.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
95.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
96.	Direct Recruit from the Bar	7(3)(c)

97.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
98.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
99.	Officer promoted through Limited competitive examination	7(3)(b)
100.	Direct Recruit from the Bar	7(3)(c)
101.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
102.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
103.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
104.	Direct Recruit from the Bar	7(3)(c)
105.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
106.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
107.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
108.	Direct Recruit from the Bar	7(3)(c)
109.	Officer promoted through Limited competitive examination	7(3)(b)
110.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
111.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
112.	Direct Recruit from the Bar	7(3)(c)
113.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
114.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
115.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
116.	Direct Recruit from the Bar	7(3)(c)
117.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
118.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
119.	Officer promoted through Limited competitive examination	7(3)(b)
120.	Direct Recruit from the Bar	7(3)(c)
121.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
122.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
123.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
124.	Direct Recruit from the Bar	7(3)(c)
125.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
126.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)
127.	Officer promoted on the basis of merit-cum-seniority	7(3)(a)

Appendix 'C' (See Rule-18)

Serial No.	Designation of posts	Scale of pay (in rupees)
1.	District Judges Entry Level Time Scale (Additional District Judges)	16,750-400-19,150-20,500
2.	Selection Grade [Limited to twenty five percent of cadre posts of District Judge Entry Level]	18,750-400-19,150-450-21,850-500-22,850

Time Scale(Additional District Judge) and will be given to those having not less than five years of continuous service in the cadre on assessment of merit-cum-seniority]

3. District Judge (Super Time Scale) (This scale would also be available to ten per cent of the cadre strength of District Judges, and would be given to those who have put in not less than three years of continuous service in selection grade on assessment of merit-cum-seniority) 22,850-500-24,850

I. Selection Grade Scale (twenty-five percent Post of the total posts) =22

II. Super-time Scale(ten per cent of the total Selection Grade posts) =9

Appendix 'D'(See rule-22)

Nature of penalty	Punishing Authority	Appellate Authority
Minor penalties as specified in Rule 5 of Punjab Civil Services (Punishment and Appeal) Rules, 1970	Full court of the High Court, Punjab.	Governor
Major penalty as specified in Rule 5 of Punjab Civil Services (Punishment and Appeal) Rules, 1970	Government, on the recommendation of the High Court	Governor