

# Haryana Superior Judicial Service Rules, 2007

HARYANA

India

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### Rule HARYANA-SUPERIOR-JUDICIAL-SERVICE-RULES-2007 of 2007

- Published on 10 January 2007
- Commenced on 10 January 2007
- [This is the version of this document from 10 January 2007.]
- [Note: The original publication document is not available and this content could not be verified.]

Haryana Superior Judicial Service Rules, 2007Published vide Notification No. G.S.R. 1/Const./Art.309/2007, dated 10.1.2007Last Updated 6th September, 2019Haryana GovernmentPersonnel DepartmentNo. G.S.R. 1/Const./Art.309/2007. - In exercise of the powers conferred by article 233 read with the proviso to article 309 of the Constitution of India, the Governor of Haryana in consultation with High Court of Punjab and Haryana hereby makes the following rules regulating the recruitment and conditions of service of persons appointed to the Haryana Superior Judicial Service, namely:-

## Part I – General

### 1. Short title and commencement.

(1)These rules may be called the Haryana Superior Judicial Service Rules, 2007.(2)They shall come into force from the date of their publication in the Official Gazette.

### 2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Cadre posts" means any posts specified in the Schedule and includes a temporary post carrying the same designation as that of any of the posts specified in the Schedule and any other temporary post declared as cadre post by the Governor;(b)"direct recruit" means a person who is appointed to the Service from the Bar;(c)"Government" means the Government of the State of Haryana;(d)"Governor" means the Governor of Haryana;(e)"High Court" means the High Court of Punjab and Haryana;(f)"initial recruitment" means the first recruitment and appointment made to the service after the commencement of these rules;(g)"Member of the Service" means a person appointed to the service under the provisions of these rules;(h)"Official Gazette" means Haryana Government Official

Gazette;(i)"promoted officer" means a person who is appointed to the service by promotion from Haryana Civil Service (Judicial Branch);(j)"Schedule" means the schedule as amended from time to time and appended to these rules;(k)"Service" means the Haryana Superior Judicial Service;(l)"State" means the State of Haryana.

### **3. Constitution of service.**

(a)On and from the date of commencement of these rules, there shall be constituted a Civil Service to be known as the Haryana Superior Judicial Service.(b)The posts included in the Service shall be Group A posts, Gazetted.

## **Part II – Authorised Strength**

### **4. Strength of the Service.**

(a)The authorized strength of the posts included in the service shall be such as specified in the Schedule, which shall stand automatically, amended simultaneously with the creation or abolition of cadre posts.(b)The Government may create from time to time as many cadre posts in consultation with High Court.

## **Part III – Method of Recruitment**

### **5. Method of recruitment.**

- Recruitment to the Service shall be made by the Governor, -(i)by promotion from amongst the Haryana Civil Service (Judicial Branch) in consultation with the High Court; and(ii)by direct recruitment from amongst eligible Advocates on the recommendations of the High Court on the basis of the written and viva voce test conducted by the High Court.

### **6. Regular recruitment.**

- [(1) Recruitment to the Service shall be made, -(a)65 percent by promotion from amongst the Civil Judges (Senior Division)/Chief Judicial Magistrates/Additional Civil Judges (Senior Division) on the basis of principle of merit-cum-seniority and passing a suitability test;[Provided that no person shall be promoted to the Service who is less than thirty-five years of age;] [Substituted vide notification No.G.S.R-18/Const./Art.309/2012 dated 06.06.2012.](b)10 percent by promotion strictly on the basis of merit through limited competitive examination of Civil Judges (Senior Division) having not less than five years qualifying service as Civil Judges (Senior Division)/Chief Judicial Magistrates/Additional Civil Judges (Senior Division); and who are not less than thirty five years of age on the last date fixed for submission of applications for taking up the limited competitive examinations:Provided that if candidates are not available for 10 percent seats, or are not able to qualify in the examination then vacant posts shall to be filled up by regular promotion in

accordance with clause (a); and (c) 25 percent of the posts shall be filled by direct recruitment from amongst the eligible advocates on the basis of the written and viva voce test, conducted by the High Court.](2) The first and second post would go to category (a) (by promotion on the basis of merit-cum-seniority), third post would go to category (c) (direct recruitment from the bar), and fourth post would go to category (b) (by limited competitive examination) of rule 6, and so on.

## **7. Procedure for direct recruitment.**

- 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 specify and may further hold written examination and viva voce test for recruitment in terms of rule 6(c) above and the maximum marks shall be in the following manner:-

(i) Written Test 750 marks

(ii) Viva Voce 250 marks

## **8. Procedure for promotion.**

- [Procedure for promotion for assessing and testing the merit and the suitability of a member of the Haryana Civil Service (Judicial Branch) for promotion under clause (a) of sub-rule (1) of rule 6, the High Court may -(i) hold a written objective test of 75 marks and viva voce of 25 marks in order to ascertain and examine the legal knowledge and efficiency in legal field; (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.] [Substituted by Notification No.G.S.R.5/Const./Art.309/2019 dated 18.01.2019.]

## **9. Limited competitive examination.**

- The High Court shall hold a limited written competitive examination for promotion of members of the Haryana Civil Service (Judicial Branch) as per rule 6(b) and the maximum marks shall be in the following manner:

(i) Written Examination - 600 marks

(ii) Assessment of Record - 150 marks

(iii) Viva Voce - 250 marks

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

## **10. Seniority.**

- (i)(a) The inter se seniority of the members of the Haryana Civil Service (Judicial Branch)

promoted in the same batch under rule 6(a) shall be the same as in the Haryana Civil Service (Judicial Branch).(b)Inter se seniority of the member of the Haryana Superior Judicial Service promoted under rule 6(b) shall be in the order of merit determined in the selection process.(c)Inter se seniority of the direct recruits to the Service under rule 6(c) shall be on the basis of merit determined by the Selection Committee of the High Court at the time of the recruitment.(d)Inter se seniority position of the officers appointed in the Service under rule 6 shall be as given in roster annexed.(ii)A person recruited to the Service under clauses (a), (b) and (c) of rule 6 shall take his position in the seniority list as shown in the roster annexed irrespective of the date on which he actually joins the Service.(iii)A promoted officer, who is promoted on an ad hoc basis in the vacancy/post against a roster point earmarked for an officer belonging to categories specified in clauses (b) and (c) of rule 6, shall not have any right to the post. He shall not be entitled to add period of his ad hoc service to regular service for the purpose of seniority:Provided that the existing rules shall continue to govern the matters of seniority of the existing members of the Service.

## **11. Qualifications.**

- The qualifications for direct recruits shall be as follows:(a)must be a citizen of India;(b)must have been duly enrolled as an Advocate and has practiced for a period not less than seven years;(bb)[ Must be an income tax assessee for at least three assessment years preceding the date of application, with gross professional income of not less than rupees five lacks 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) per year in the preceding three years: [Added vide notification No. S.O.23/Const./Art.309/2014, dated 06.06.2014.]Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Backward Classes, physically challenged persons and Ex-Servicemen, the gross professional income shall not be less than rupees three lacks per annum and the condition of independent engagement and conducting of cases shall be forty cases (other than bunch cases) per year in the preceding three years.](c)must have attained the age of thirty five years and have not attained the age of forty five years on the 1st day of January of the year in which the applications for recruitment are invited; and(d)[ must have knowledge of basic computer application for usage purposes.] [Added vide notification No. S.O.23/Const./Art.309/2014 dated 06.06.2014.]

## **12. Disqualifications.**

- No person who has more than one spouse living shall be eligible for appointment to the Service:Provided that the Governor may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this sub-rule.

## **Part IV – Appointment, Probation And confirmation**

### 13. Probation.

(1) All persons appointed to the Service shall remain on probation for a period of two years : Provided that the Governor may, in the recommendation of the High Court, extend the period of probation, but in no case shall the period of probation extend beyond the period of three years. (2) The service of a person appointed on probation shall be liable to be terminated without assigning any reason. (3) After successful completion of the period of probation and subject to availability of permanent posts, the officer(s) shall be confirmed in the Service by the Governor in consultation with the High Court and the same shall be notified in the Gazette. PART-V Temporary Appointments

### 14. Temporary post.

(a) The Government may create temporary posts in the Service. (b) Temporary posts shall be filled by the Government, in consultation with the High Court, from amongst the members of Haryana Civil Service (Judicial Branch) and by direct recruitment from the Bar. Explanation. - Rules 5, 6, 7, 8, 9, 10, 11 and 12 shall apply to the appointments under this rule.

### 15. Substantive vacancy.

- Notwithstanding anything contained in these rules, the Government may, in consultation with the High Court, fill substantive vacancies in the Service by making temporary appointments thereto from persons appointed under rule 14. PART-VI Pay and Allowances

### 16. Pay scale.

(1) The pay scale of the Service shall be as follows :-

(a) District Judges entry level time scale (Additional District Judges)	Rs. 16750-400-19150-450-20500
(b) Selection Grade [limited to 25% of cadre posts of District Judge entry level time scale (Additional District Judge) and those having not less than five years of continuous service in the cadre on assessment of merit-cum-seniority]	Rs. 18750-400-19150-450-21850-500-22850
(c) District Judges (Super time scale) (This scale would also be available to 10% 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).	Rs. 22850-500-24850

(2) The initial pay of a direct recruit shall be the initial pay in the time scale mentioned in rule 16: Provided that the Government may, on the recommendations of the High Court, give advance increments to suitable candidates appointed to the Service: [Provided further that a direct recruit shall be allowed one increment for every two completed years of practice at Bar beyond the practice of seven years, as provided in clause (b) of rule 11, subject to a maximum of five increments. While making calculation of length of practice at the Bar, the fraction of 0.5 or above shall be taken as a

whole number.] [Inserted vide notification No. G.S.R. 14/Const./R.A.233 &309/2017 dated 29.09.2017.](3)The Pay of a promoted officer shall be fixed in the aforesaid time scale in accordance with the financial rules, regulations, orders, or directions, applicable from time to time, to members of Indian Administrative Service.

## **17. Selection grade.**

- The number of selection grade and super time scale posts shall be as shown in the Schedule.PART-VII Other Provisions

## **18. Reservations.**

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

## **19. Regulations.**

- The Government may make regulations not inconsistent with these rules to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.

## **20. Oath of allegiance.**

- Every member of the Service, unless he has already done so, shall be required to take the oath of allegiance to India and to the Constitution of India as by law established.

## **21. Initial recruitment.**

- The initial recruitment shall be subject to the consent of the officer selected and consent of the State Government.

## **22. Physical fitness.**

- Direct recruits shall have to produce before appointment a certificate of physical fitness in accordance with the standards prescribed for the Indian Administrative Service.

## **23. Death-cum-Retirement benefits.**

- In respect of death-cum-retirement benefits the members of the Service shall be governed by the Haryana Civil Services Rules, Vol. II as amended from time to time :Provided that in the computation of the total period of his service qualifying for pension and other retiral benefits, a member of the Service directly recruited from the Bar shall be entitled to add, to his actual period of service, the period of his practice at the Bar before joining the service or a period of ten years, whichever is less.Explanation. - For removal of doubts, it is hereby clarified that a direct recruit to

the service, who immediately before joining the service was a Law Officer or District Attorney shall also be entitled to the benefit of actual number of years not exceeding ten years, put in by way of practice at the Bar, being counted towards his service qualifying for superannuation pension and other retiral benefits.

## **24. Retirement.**

- A member of the Service shall retire from service in the afternoon of the last day of the month in which he attains the age of sixty years: Provided also 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 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 the public interest may recommend the premature retirement of a Member of Service on completion of fifteen years of Service or at any time thereafter, subject to the condition that in the event of such retirement, the Member of the Service shall be entitled to the benefit of pension and other retiral benefits of the actual Service rendered by him.] [Added vide notification No. S.O.23/Const./Art.309/2014 dated 06.06.2014.]

## **25. Administrative control.**

(1) The administrative control over members of the Service shall absolutely vest in the High Court. The recommendation of the High Court in disciplinary matters involving major penalty of removal/dismissal, premature and voluntary retirement shall be binding on the Government for the purpose of final orders. (2) Nothing in this rule shall be construed to prejudice the right of statutory appeal of the delinquent officer before the competent authority.

## **26. Residuary Matters.**

- In respect of all such matters regarding the conditions of service for which no provision or insufficient provision has been made in these rules, the rules, directions or orders for the time being in force, and applicable to officers of comparable status in the Civil Services of the State Government shall regulate the conditions of such service.

## **27. Interpretation.**

- If any question arises as to the interpretation of these rules the same shall be decided by the Government in consultation with the High Court.

## **28. Officers on deputation.**

- On the commencement of these rules and until persons are appointed to hold cadre post in accordance with the provisions of these rules, such posts may continue to be held by officers

appointed thereto on deputation either before or after the commencement of these rules as if these rules have not come into force.

## **29. Discipline, penalty and appeal.**

- In matters relating to disciplines, penalties and appeals, members of the service shall without prejudice to the provisions of the Public Servants (Inquiries) Act, 1850 (Act No. 37 of 1850) be governed by the Haryana Civil Services (Punishment and Appeal) Rules, 1987, as amended from time to time.

## **30. Liability to transfer.**

- Every member of the Service shall be liable to transfer anywhere within the State of Haryana or any other place in India, where he may be required to proceed under the order of the High Court.

## **31. Relaxation of rules.**

- Where the Governor in consultation with the High Court, is of opinion that it is necessary so to do, he may by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

## **32. Repeal and saving.**

- The Punjab Superior Judicial Service Rules, 1963, as applicable to the State of Haryana are hereby repealed. Notwithstanding such repeal, anything done or any action taken under the rules so repealed shall be deemed to have been validly done or taken in exercise of the powers conferred by or under these rules as if these rules were in force on the day on which such thing was done or action taken.

## **Schedule**

(See rule 4) The authorized strength of nature of posts included in it are as follows:

Serial No.	Description of post	Number of posts
1	2	3
1.	Legal Remembrancer and Secretary to Government, Haryana, Legislative Department	1
2.	Additional Legal Remembrancer and Special Secretary to Government, Haryana, Legislative Department	2
3.	District and Sessions Judges	18
4.	Additional District and Sessions Judges	83



## 5. Additional District and Sessions Judges as leavereserve/deputation/training 5

Total 109

I. Selection Grade Scale 25% of cadre posts = 27

II. Super time Scale 10% of cadre posts = 11

[Roster] [Roster substituted vide notification No.G.S.R-18/Const./Art.309/2012 dated 06.06.2012.][See Rule 10(d)]Roster indicating the inter se position with inter se seniority of officers appointed to the service

S. No.	Source	Rule
1	2	3
1.	Officer promoted on the basis of merit cumseniority	6(1)(a)
2.	Officer promoted on the basis of merit cumseniority	6(1)(a)
3.	Officer promoted on the basis of merit cumseniority	6(1)(a)
4.	Direct recruit from Bar	6(1)(c)
5.	Officer promoted on the basis of merit cumseniority	6(1)(a)
6.	Officer promoted on the basis of merit cumseniority	6(1)(a)
7.	Officer promoted on the basis of merit cumseniority	6(1)(a)
8.	Direct recruit from Bar	6(1)(c)
9.	Officer promoted on the basis of merit cumseniority	6(1)(a)
10.	Officer promoted through Limited CompetitiveExamination	6(1)(b)
11.	Officer promoted on the basis of merit cumseniority	6(1)(a)
12.	Direct recruit from Bar	6(1)(c)
13.	Officer promoted on the basis of merit cumseniority	6(1)(a)
14.	Officer promoted on the basis of merit cumseniority	6(1)(a)
15.	Officer promoted on the basis of merit cumseniority	6(1)(a)
16.	Direct recruit from Bar	6(1)(c)
17.	Officer promoted on the basis of merit cumseniority	6(1)(a)
18.	Officer promoted on the basis of merit cumseniority	6(1)(a)
19.	Officer promoted through Limited CompetitiveExamination	6(1)(b)
20.	Direct recruit from Bar	6(1)(c)
21.	Officer promoted on the basis of merit cumseniority	6(1)(a)
22.	Officer promoted on the basis of merit cumseniority	6(1)(a)
23.	Officer promoted on the basis of merit cumseniority	6(1)(a)
24.	Direct recruit from Bar	6(1)(c)
25.	Officer promoted on the basis of merit cumseniority	6(1)(a)
26.	Officer promoted on the basis of merit cumseniority	6(1)(a)
27.	Officer promoted on the basis of merit cumseniority	6(1)(a)
28.	Direct recruit from Bar	6(1)(c)
29.	Officer promoted through Limited CompetitiveExamination	6(1)(b)

30.	Officer promoted on the basis of merit cum seniority	6(1)(a)
31.	Officer promoted on the basis of merit cum seniority	6(1)(a)
32.	Direct recruit from Bar	6(1)(c)
33.	Officer promoted on the basis of merit cum seniority	6(1)(a)
34.	Officer promoted on the basis of merit cum seniority	6(1)(a)
35.	Officer promoted on the basis of merit cum seniority	6(1)(a)
36.	Direct recruit from Bar	6(1)(c)
37.	Officer promoted on the basis of merit cum seniority	6(1)(a)
38.	Officer promoted on the basis of merit cum seniority	6(1)(a)
39.	Officer promoted through Limited Competitive Examination	6(1)(b)
40.	Direct recruit from Bar	6(1)(c)
41.	Officer promoted on the basis of merit cum seniority	6(1)(a)
42.	Officer promoted on the basis of merit cum seniority	6(1)(a)
43.	Officer promoted on the basis of merit cum seniority	6(1)(a)
44.	Direct recruit from Bar	6(1)(c)
45.	Officer promoted on the basis of merit cum seniority	6(1)(a)
46.	Officer promoted on the basis of merit cum seniority	6(1)(a)
47.	Officer promoted on the basis of merit cum seniority	6(1)(a)
48.	Direct recruit from Bar	6(1)(c)
49.	Officer promoted through Limited Competitive Examination	6(1)(b)
50.	Officer promoted on the basis of merit cum seniority	6(1)(a)
51.	Officer promoted on the basis of merit cum seniority	6(1)(a)
52.	Direct recruit from Bar	6(1)(c)
53.	Officer promoted on the basis of merit cum seniority	6(1)(a)
54.	Officer promoted on the basis of merit cum seniority	6(1)(a)
55.	Officer promoted on the basis of merit cum seniority	6(1)(a)
56.	Direct recruit from Bar	6(1)(c)
57.	Officer promoted on the basis of merit cum seniority	6(1)(a)
58.	Officer promoted on the basis of merit cum seniority	6(1)(a)
59.	Officer promoted through Limited Competitive Examination	6(1)(b)
60.	Direct recruit from Bar	6(1)(c)
61.	Officer promoted on the basis of merit cum seniority	6(1)(a)
62.	Officer promoted on the basis of merit cum seniority	6(1)(a)
63.	Officer promoted on the basis of merit cum seniority	6(1)(a)
64.	Direct recruit from Bar	6(1)(c)
65.	Officer promoted on the basis of merit cum seniority	6(1)(a)
66.	Officer promoted on the basis of merit cum seniority	6(1)(a)

67.	Officer promoted on the basis of merit cum seniority	6(1)(a)
68.	Direct recruit from Bar	6(1)(c)
69.	Officer promoted through Limited Competitive Examination	6(1)(b)
70.	Officer promoted on the basis of merit cum seniority	6(1)(a)
71.	Officer promoted on the basis of merit cum seniority	6(1)(a)
72.	Direct recruit from Bar	6(1)(c)
73.	Officer promoted on the basis of merit cum seniority	6(1)(a)
74.	Officer promoted on the basis of merit cum seniority	6(1)(a)
75.	Officer promoted on the basis of merit cum seniority	6(1)(a)
76.	Direct recruit from Bar	6(1)(c)
77.	Officer promoted on the basis of merit cum seniority	6(1)(a)
78.	Officer promoted on the basis of merit cum seniority	6(1)(a)
79.	Officer promoted through Limited Competitive Examination	6(1)(b)
80.	Direct recruit from Bar	6(1)(c)
81.	Officer promoted on the basis of merit cum seniority	6(1)(a)
82.	Officer promoted on the basis of merit cum seniority	6(1)(a)
83.	Officer promoted on the basis of merit cum seniority	6(1)(a)
84.	Direct recruit from Bar	6(1)(c)
85.	Officer promoted on the basis of merit cum seniority	6(1)(a)
86.	Officer promoted on the basis of merit cum seniority	6(1)(a)
87.	Officer promoted on the basis of merit cum seniority	6(1)(a)
88.	Direct recruit from Bar	6(1)(c)
89.	Officer promoted through Limited Competitive Examination	6(1)(b)
90.	Officer promoted on the basis of merit cum seniority	6(1)(a)
91.	Officer promoted on the basis of merit cum seniority	6(1)(a)
92.	Direct recruit from Bar	6(1)(c)
93.	Officer promoted on the basis of merit cum seniority	6(1)(a)
94.	Officer promoted on the basis of merit cum seniority	6(1)(a)
95.	Officer promoted on the basis of merit cum seniority	6(1)(a)
96.	Direct recruit from Bar	6(1)(c)
97.	Officer promoted on the basis of merit cum seniority	6(1)(a)
98.	Officer promoted on the basis of merit cum seniority	6(1)(a)
99.	Officer promoted through Limited Competitive Examination	6(1)(b)
100.	Direct recruit from Bar	6(1)(c)
101.	Officer promoted on the basis of merit cum seniority	6(1)(a)
102.	Officer promoted on the basis of merit cum seniority	6(1)(a)
103.	Officer promoted on the basis of merit cum seniority	6(1)(a)

104.	Direct recruit from Bar	6(1)(c)
105.	Officer promoted on the basis of merit cum seniority	6(1)(a)
106.	Officer promoted on the basis of merit cum seniority	6(1)(a)
107.	Officer promoted on the basis of merit cum seniority	6(1)(a)
108.	Direct recruit from Bar	6(1)(c)
109.	Officer promoted through Limited Competitive Examination	6(1)(b)
110.	Officer promoted on the basis of merit cum seniority	6(1)(a)
111.	Officer promoted on the basis of merit cum seniority	6(1)(a)
112.	Direct recruit from Bar	6(1)(c)
113.	Officer promoted on the basis of merit cum seniority	6(1)(a)
114.	Officer promoted on the basis of merit cum seniority	6(1)(a)
115.	Officer promoted on the basis of merit cum seniority	6(1)(a)
116.	Direct recruit from Bar	6(1)(c)
117.	Officer promoted on the basis of merit cum seniority	6(1)(a)
118.	Officer promoted on the basis of merit cum seniority	6(1)(a)
119.	Officer promoted through Limited Competitive Examination	6(1)(b)
120.	Direct recruit from Bar	6(1)(c)
121.	Officer promoted on the basis of merit cum seniority	6(1)(a)
122.	Officer promoted on the basis of merit cum seniority	6(1)(a)
123.	Officer promoted on the basis of merit cum seniority	6(1)(a)
124.	Direct recruit from Bar	6(1)(c)
125.	Officer promoted on the basis of merit cum seniority	6(1)(a)
126.	Officer promoted on the basis of merit cum seniority	6(1)(a)
127.	Officer promoted on the basis of merit cum seniority	6(1)(a)
128.	Direct recruit from Bar	6(1)(c)
129.	Officer promoted through Limited Competitive Examination	6(1)(b)
130.	Officer promoted on the basis of merit cum seniority	6(1)(a)
131.	Officer promoted on the basis of merit cum seniority	6(1)(a)
132.	Direct recruit from Bar	6(1)(c)
133.	Officer promoted on the basis of merit cum seniority	6(1)(a)