

# DELHI JUDICIAL SERVICE RULES, 1970

DELHI

India

## DELHI JUDICIAL SERVICE RULES, 1970

### Rule NO-F-L-L-170-JUDICIAL-II- of 1970

- Published in Delhi Gazette on 27 August 1970
- Commenced on 27 August 1970
- [This is the version of this document from 27 August 1970.]
- [Note: The original publication document is not available and this content could not be verified.]

No.F.1(1)170-JUDICIAL (II): - In exercise of the power conferred by the proviso to Article 309 of the Constitution read with the Government of India, Ministry of Home Affairs's Notification No. 112170/DH(S), dated the 29 th May, 1970 as amended by Notification No.F.112170-DH(S), dated the 25 th July, 1970 and all other powers enabling him in this behalf, the Lieut. Governor, Delhi, in consultation with the High COUli of Delhi is pleased to make the following rules, namely: -.

## Part I – GENERAL

### 1. SHORT TITLE AND COMMENCEMENT: -

(1) These rules may be called the Delhi Judicial Service Rules and they shall come into force from the date of publication in the Delhi Gazette.

### 2. DEFINITIONS:

In these rules, unless the context other wise requires: a) i) "Administrator" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under article 239 and designated as such under article 239 AA of the Constitution; b) "cadre post" means any post 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 the scale of pay of which is identical to that attached to Civil Judge (Junior Division) of the service and any other temporary post declared as cadre post by the Administrator; c) "High COUli" means High COUli of Delhi; d) "Member of the Service" means a person appointed in a substantive capacity to either grade of the service under the provisions of these rules and includes a person appointed on probation; e) "Service" means the Delhi Judicial Service; f) "Schedule" means the schedule as amended from time to time and appended to these rules; g) "Initial Recruitment" means the first recruitment and appointment made to the service after the commencement of these rules.

## **Part II – CONSTITUTION AND STRENGTH**

### **3.**

(a) On and from the date of commencement of these Rules there shall be constituted a Civil Service to be known as the Delhi Judicial Service. (b) The service shall have two grades, namely (i) Civil Judges (Senior Division); and (ii) Civil Judges (Junior Division); (c) The posts in both the Grades shall be Civil Posts Group A Gazetted; (d) A person appointed to the Service shall be designated as Civil Judge (Junior Division) or Metropolitan Magistrate or as Civil Judge (Junior Division)-cum-Metropolitan Magistrate in accordance with the duties being discharged by him for the time being.]

**4. STRENGTH OF THE SERVICE. - The authorized strength of the Service and the posts included therein shall be as specified in the Schedule which shall stand automatically amended simultaneously with the creation or abolition of cadre post.**

**5. The number of Civil Judges (Senior Division) shall be 25% of the cadre post strength of the Service as specified in the Schedule.]**

Provided that no Civil Judge (Junior Division) shall be eligible for appointment as Civil Judge (Senior Division) unless he has completed five years of service: Provided further that where a person is considered for such appointment, all persons senior to him in Civil Judge (Junior Division) shall also be considered, irrespective of the fact whether or not they fulfill the requirements as to the minimum of five year service. EXPLANATION. - For calculating the period of five years of service for the purpose of this rule with respect to officers appointed to the Service at the time of its initial constitution, the service rendered by them in the cadre to which they belonged at the time of the initial recruitment to the Service which was counted for determining the seniority shall also be counted.]

**6. The Administrator may create from time to time as many cadre posts as may be necessary.**

## **Part II – A SELECTION COMMITTEE**

**7. For purposes of recruitment to the service there shall be a Selection Committee consisting of the following: -**

(1) Chief Justice or a Judge of the High Court deputed by him. (2) Two Judges of the High Court nominated by the Chief Justice. (3) Chief Secretary, Government of National Capital Territory of Delhi. (4) A Secretary of the Government of National Capital Territory of Delhi nominated by the

Administrator. Provided that the quorum for any meeting of the Selection Committee shall be four Members. The Registrar 8[General] of the High Court shall be the ex-officio Secretary of the Committee.

## **Part III – INITIAL RECRUITMENT**

### **8. The initial recruitment shall be made by the Administrator upon the**

recommendation of the Selection Committee.

### **9. For initial recruitment to the service, the Selection Committee shall recommend**

to the Administrator suitable persons for appointment to the service from amongst the following:-(a) Subordinate Judges and Law Graduate Judicial Magistrates working in the Union Territory of Delhi on deputation from other states; (b) Members of Civil Judicial cadres of states whose names may be recommended by their respective State Governments for appointment; and (c) Members of the Delhi, Himachal Pradesh and Andaman & Nicobar Islands Civil Service, who are Law Graduates. The consent of the officer to be recommended and the consent of his parent Government shall be necessary before his appointment to the service.

### **10. The Selection Committee may in its discretion examine the character rolls and**

hold such other tests as it may consider necessary.

### **11. The Selection Committee shall arrange the seniority of the candidates**

recommended by it in accordance with the length of service rendered by them in the cadre to which they belong at the time of their initial recruitment to the service. Provided, that the inter-se seniority as already fixed in such cadre shall not be altered.

### **12. The number of officers to be appointed from the States of Punjab and Haryana**

shall not, subject to availability, be less than the number of posts borne on the cadre of the said States for the purpose of the Union Territory of Delhi . .

## **Part IV – RECRUITMENT**

**9.**

[13. Recruitment after the initial recruitment shall be made on the basis of a competitive examination comprising of a Preliminary objective type Examination for selection for the Mains Examination (Written), Mains Examination (Written) and Interview Niva Voce. The Examination will be held by the High Court in Delhi, preferably once a year, subject to vacancy position. The Administrator shall be kept informed about the dates and place of such examination.]

**14. A candidate shall be eligible to appear at the examination, if he is: -**

a) a citizen of India; [b] a person [practising] as an Advocate in India or a person qualified to be admitted as an Advocate under the Advocates Act, 1961; and [c] not more than 32 years of age on the 1st day of January of the year in which the applications for appointment are invited.]

**15. [The Syllabus for the Examination and the Scheme governing the conduct**

of the Examination shall be as detailed in the Appendix to these Rules.]

**16. After the written test, the High Court shall arrange the names of the candidates**

in order of merit and these names shall be sent to the Selection Committee.

**17. The Selection Committee shall call for viva-voce test only such candidates, who**

have qualified at the written test as provided in the Appendix.

**14.**

[18. (i) The Selection Committee shall prepare a list of candidates in order of merit on the basis of competitive examination held in accordance with the Rules. Such list will be forwarded to the Administrator. (ii) The Administrator may in consultation with the High Court, make appointment in substantive, officiating or temporary vacancies from amongst those who stand highest in order of merit.]

**15.**

[(iii) All selected candidates shall join the service within a period of one month from the date of issuance of notification of appointment by the competent authority. (iv) Upon sufficient justification, the competent authority i.e. the High Court may extend the above mentioned period of one month for

joining service on a written application made by the candidate concerned. Such extension, if granted, shall be for a period of two months only. Extension of period of joining beyond this period may be granted by the High Court in rare and exceptional circumstances but in no case shall such further extension be granted for a period of more than six months from the date of issuance of notification of appointment. (v) Upon failure of the selected candidate to join service either within one month of the date of notification of appointment or upon expiry of such extended period as may be granted by the High Court, the appointment of the selected candidate shall lapse. (vi) The vacancy so created by virtue of clause (v) above may be offered to the next candidate, as per order of merit in the select list unless for reasons to be recorded in writing, it is not so deemed apposite. (vii) The Select List prepared for all categories of officials shall be valid till the next Select List is published. (viii) The Clauses (iii) to (v) of this Rule shall form part of the notification of appointment of the selected candidates.]

## **19. DISQUALIFICATIONS:**

### **1.**

) No person who has more than one wife living shall be eligible for appointment to the Service. Provided, that the Administrator may, if he is satisfied that there are special grounds for doing so, exempt any person from the operation of this Sub-rule.

### **2.**

) No woman who is married to any person who has a wife living shall be eligible for appointment to the Service. Provided, that the Administrator may, if he is satisfied that there are special grounds for doing so, exempt any such woman from the operation of this sub-rule.

## **Part V – PROBATION**

### **20. 1) Persons appointed to the service at the initial recruitment shall stand**

confirmed with effect from the date of appointment.

### **2.**

) All other candidates on appointment to the Service shall be on probation for a period of two years.

### **21. All persons appointed to the Service on probation shall be confirmed at the end**

of the said period of two years. Provided, that the Administrator may, on the recommendation of the High Court, extend the period of probation, but, in no case shall the period of probation extend

beyond three years in all.

**22. The services of person appointed on probation are liable to be terminated**

without assigning any reason.

**23. After successful completion of the period of probation the officer shall be**

confirmed in the service by the Administrator in consultation with the High Court and the same shall be notified in the Gazette. (viii) The Clauses (iii) to (v) of this Rule shall form part of the notification of appointment of the selected candidates.]

**19. DISQUALIFICATIONS:**

**1.**

) No person who has more than one wife living shall be eligible for appointment to the Service. Provided, that the Administrator may, if he is satisfied that there are special grounds for doing so, exempt any person from the operation of this Sub-rule.

**2.**

) No woman who is married to any person who has a wife living shall be eligible for appointment to the Service. Provided, that the Administrator may, if he is satisfied that there are special grounds for doing so, exempt any such woman from the operation of this sub-rule.

**Part V – PROBATION**

**20. 1) Persons appointed to the service at the initial recruitment shall stand**

confirmed with effect from the date of appointment.

**2.**

) All other candidates on appointment to the Service shall be on probation for a period of two years.

**21. All persons appointed to the Service on probation shall be confirmed at the end**

of the said period of two years. Provided, that the Administrator may, on the recommendation of the High Court, extend the period of probation, but, in no case shall the period of probation extend beyond three years in all.

**22. The services of person appointed on probation are liable to be terminated**

without assigning any reason.

**23. After successful completion of the period of probation the officer shall be**

confirmed in the service by the Administrator in consultation with the High Court and the same shall be notified in the Gazette.

**21. [31 A. 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 that the High Court shall assess and evaluate the service record of a member of the service for his continued utility well within the time before he attains the age of 58 years 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 an existing member of the service may exercise his option in writing before he attains the age of fifty-seven years to retire at the age of fifty-eight years.]

**32. REGULATIONS: The Administrator may in consultation with the High Court**

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.

**33. 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 or orders, for the time being in force, and applicable to Government Servants holding corresponding posts in connection with the affairs of the Union of India shall regulate the conditions of such service.

**34. INTERPRETATION: If any question arises as to the interpretation of these**

rules, the same shall be decided by the Administrator in consultation with the High Court.

**35. On the commencement of these rules and until persons are appointed to hold**

cadre posts 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.

**1.**

**2.**

**22.**

[ SCHEDULE (under rule 4) Civil Judges (Senior Division) (25% of cadre strength) This will include - (i) Senior Civil Judge-cum-Rent Controllers (ii) Additional Senior Civil Judges-cum-Judges Small Cause Courts-cum-Guardian Judges (iii) Chief Metropolitan Magistrates (iv) Additional Chief Metropolitan Magistrates (v) Additional Rent Controllers (vi) Administrative Civil Judges (vii) or any other officer who may be designated as Civil Judge (Senior Division) Sub Total Civil Judges (Junior Division) This will include Civil Judges/Metropolitan Magistrates. Total

**11.**

**11.**

**12.**

**15.**

**11.**

**11.**

**50.**

**121.**

**361.**

**482.**