

**TRANSFER OF STAFF WORKING UNDER JUDICIAL OFFICERS***By*

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The transfer of Judicial Officers and Government employees for every 3 years had its origin when the British Government ruled India. The object behind the transfer of a Government employee or an Judicial Officer is to preserve impartiality and eliminate Corruption and the like. So far Judiciary is concerned every Judicial Officer from the rank of a Junior Civil Judge upto the level of District Judge, transfer is effected for every 3 years within the jurisdiction of the concerned High Court. The Subordinate Judiciary from the District Judge to the lower rung of Junior Civil Judge with few exceptions namely when the Judicial Officer after completion of 3 years is going to retire within one year or so, he is retained in the same Court for the remaining period also so as to avoid or save expenditure of travelling allowance extra.

2. Of late the concept of transfer is extended to High Court Judges also. Some of the practising High Court Advocates are being elevated as High Court Judges. Such of them and other Judges are transferred to other High Courts of other States on grounds of their having vested interests, blood relations, close friendship and other long standing contacts which may have influence over their judgments.

3. This concept of transfer for every 3 years is not favoured so far as the staff working under Judicial Officers right from District Judge to that of Junior Civil Judge is concerned. This, I submit, in my concerned opinion has to be changed. The concept of the transfer favoured in respect of Judicial Officers should be applied to the staff also as stated supra.

4. For example the Process Servers and Ameens are concerned the Transferring Authority is the District Judge. There are Ameens and Process Servers and other staff who are appointed in a particular Court are continued in service in the same Court for “Decades” without any transfer, so much so the litigant public are put to much loss, injustice and hardship by the mischievous acts of Ameens, Process Servers and the like. For example due to his long stay without transfer an Ameen, Process Server or Head Clerk or Staff in Court, who are in Key positions with their long standing contracts with the public are informing the opposite parties who are known to them and also with false endorsements giving scope for ex-parte decrees, avoiding delivery of properties on some pretext or other. Thus the plaintiffs or Decree Holders are put to much hardship. Information to the opposite parties by Ameen and Process Server is within no time conveyed to opposite parties through Cell Phones. There is no person without a Cell Phone irrespective of his job or education.

5. I have cited only few examples. Practically much injustice is cause to the genuine litigant public. It is high time that the Hon’ble High Court frame suitable rules or circulars in conformity with the rules for transfer of Judicial Officers so that corruption can be eliminated at the grass roots among the staff working under the Judicial Officers, upto level of District Judge and restore public confidence in the Judicial System which had its reputation for integrity, honesty and impartiality in doing justice whether he be a poor man or high personality.