

RAJASTHAN HIGH COURT, JODHPUR

CIRCULAR

No. ... **01**/PI/2014

Date : 06-02-2014

Sub: Transfer Policy for Intra-Judgeship and Inter-Judgeship Transfer of the Staff-members of Subordinate Courts.

In supersession of all earlier orders issued regarding Transfers of staff deployed in Subordinate Courts, Hon'ble Chief Justice has been pleased to frame Transfer Policy for the Intra-Judgeship Transfers and Inter-Judgeship Transfers as follows:-

I. INTRA-JUDGESHIP TRANSFER :-

Transfer of staff members from one post to another within the Judgeship shall be made by following the procedure as under :-

1. The matter relating to transfer shall be considered by District Judge himself or a Committee of one or more of the officers appointed / authorized by District Judge in this regard.
2. Transfer / posting orders of staff members shall ordinarily be issued between 15th and 30th April each year.
3. The staff members whose transfer has become due shall submit transfer application, in the first fortnight of the January of each year, for their posting to a preferred place indicating at least three options in the order of preference.

4. For the purpose of transfer / posting of the staff, the District may be divided in three categories :-

Category (A) District Head Quarter.

Category (B) Sub-Divisional Head Quarters.

Category (C) Other Places.

5. A Ministerial staff member shall not be continued on a particular posting in any Court for more than 3 years. However, he/she may be continued in one Court for five years.

6. All freshly recruited Ministerial staff members should initially be posted preferably at District headquarter (Category 'A') and thereafter, they should compulsorily be transferred to places of other Categories.

2

7. During the entire service period, a Ministerial staff member shall not be posted in 'A' Category place for more than 20 years, in 'B' Category places for more than 14 years and in 'C' Category places for more than 8 years.

8. Where both the spouse are serving in the Judgeship, they shall be, as far as possible, posted at the same place. If for administrative reasons, both the spouse cannot be retained at the same place then, as far as possible, they be posted at nearby places. However, if both the spouse are posted on the same Head Quarter, they shall not be posted in the same Court.

9. A staff member can request for being posted on a particular place on the following grounds :-

(i) On the ground of serious ailment of self or his/her spouse or parents or children, subject to the production of adequate proof thereof.

(ii) A staff member, who is having less than one year of retirement, if the administrative exigencies are not there, he/she may be placed at place of his/her choice.

10. Service record of staff member may also be taken into account while considering his/her transfer.

11. The District Judge shall ensure that the policy is implemented in a transparent and uniform manner.

12. Ordinarily, a Class-IV employee should not be subjected to transfer unless the administrative exigencies so require.

II. INTER-JUDGESHIP TRANSFER :-

1. The District Judge shall call for inter-judgeship transfer applications once a year i.e., in the first week of September from those who fulfill all the requirements.

2. On receipt of the applications for transfer, District Judge shall forward the same with comments to the District Judge of the place where the staff member seeks transfer and District Judge of transferee Judgeship shall also forward the same with comments and required informations to the High Court.

3. While forwarding the application for inter-judgeship transfer of a staff member, following informations should be mentioned :-

✓ (i) Whether the incumbent is permanent or temporary.

- (ii) Whether the incumbent has completed the probation period.
- (iii) Whether the incumbent has earlier been transferred on administrative ground.
- (iv) Whether the incumbent has earlier been subjected to inter-judgeship transfer on his/her request within a period of 3 years before this application.
- (v) Whether any Departmental Enquiry had taken place or is pending or is under contemplation against the incumbent.
- (vi) Whether the vacancy, against which the incumbent is considered for transfer, is temporary or permanent.
- (vii) Whether any panel of successful candidates of a recruitment held earlier against the post is pending.
- (viii) Whether the incumbent is prepared to forego his/her seniority and travelling allowance / joining time. To forego seniority means that if the incumbent is permanent, he/she will be placed below the permanent hands in the transferee judgeship and if he/she is temporary, he/she will be placed below the temporary hands in transferee judgeship.
- (ix) Whether District & Sessions Judge concerned is agreeable to take the incumbent desirous of transfer, and
- (x) Whether the question of retaining the lien of the incumbent in the parent judgeship will come into play if so, whether the District & Sessions Judge concerned is prepared to retain the lien till the incumbent, if taken against a temporary post, is absorbed against a permanent post or vacancy in transferee judgeship.

4. While forwarding the application, the District Judge shall enclose following documents :-

- (i) His consent for transfer.
- (ii) Consent of the incumbent foregoing the seniority, traveling allowance and joining time on transfer, and
- (iii) Application of the staff member concerned containing reasons for transfer with enclosures, if any.

Note :- In case of mutual transfer, consent of both the District Judges and applicants should be sent.

5. The following aspects should also be kept in view while forwarding an application for transfer :-

- (i) An Application for inter-judgeship transfer should not be kept pending and in any case, it should be forwarded to the High Court within a period of one month from the date of filing.
- (ii) No application of Ministerial staff should be forwarded unless he/she has completed five years of service after appointment in that Judgeship and no application of Class-IV should be forwarded unless he/she has completed probation period after appointment in that Judgeship.
- (iii) If a panel of successful candidates of a recruitment held earlier already exists in a judgeship then no application for transfer from other judgeship should be forwarded to the High Court unless the panel is completely exhausted/expires.
- (iv) The post lying vacant on account of staff member sent on deputation for a particular period, should not be filled up by transfer from other judgeship.
- (v) Once an application for transfer to a particular judgeship has already been forwarded, fresh application of the same staff member, for his/her transfer to other judgeship, should not be forwarded until the decision on earlier forwarded application.
- (vi) The number of applications forwarded should not be more than the number of vacancies.
- (vii) If any staff member has been transferred on administrative grounds, no application of that staff member for inter-judgeship transfer should be forwarded before completion of 7 years from the date of such transfer on administrative grounds.
- (viii) If any staff member has earlier been transferred (Inter-Judgeship) on his/her request, then fresh application for inter-judgeship transfer should not be forwarded, in general, before completion of 3 years in that judgeship.

III. TRANSFER ON ADMINISTRATIVE GROUNDS :-

1. If the District Judge finds that a particular staff member has, due to his/her behaviour / working, has lost credibility or has created such an atmosphere that his/her continuance in the Judgeship is not suitable to the interest of Administration, he may request the High Court for transferring such staff member to another District. For this purpose, the District Judge shall forward the case, observing confidentiality, having consultation with the Hon'ble Inspecting Judge.

2. Nothing in the policy shall be deemed to be restricting the powers of the High Court Administration to order transfer/posting of any particular incumbent from one place to another in the same Judgeship, or from one Judgeship to another, as might be required in the interest of Administration but, for the reasons to be recorded in writing.

By Order,


6/2/14
REGISTRAR GENERAL

No.: G/LA-4(i)(a)1/76 / 543

Date: 06/2/2014

Copy forwarded to All the District and Session Judges with the direction to strictly comply with the above Transfer Policy and circulate copy of the same to all Presiding Officers of their Judgeship including special Courts for circulation amongst the staff.


6/2/14
REGISTRAR GENERAL

No.: G/LA-4(i)(a)1/76/ 547

Date: 06.02.2014

Copy also forwarded to the following for information :-

1. Registrar General, Rajasthan High Court, Jodhpur.
2. Registrar-cum-Principal Secretary to Hon'ble the Chief Justice.
3. Registrar (Admn.) / (Vigilance) / (Rules) / (Class.) / (Exam.) / (Writs), Rajasthan High Court, Jodhpur / Bench Jaipur.
4. All the Dy. Registrar, Rajasthan High Court, Jodhpur / Bench Jaipur.
5. P.S. to all the Hon'ble Judges, Rajasthan High Court, Jodhpur / Bench Jaipur.


06-2-14
REGISTRAR (ADMN.)