

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA.

No. HHC/E.S.-1/71-

Dated March 22, 1978

NOTIFICATION

In exercise of the powers conferred by Sub Section (3) of Section 18 of the Himachal Pradesh Courts Act, 1976 (Act No.23 of 1976), the Hon'ble the Chief Justice and Judges of this Court, after obtaining previous approval of the Governor of Himachal Pradesh, are pleased to make the following rules relating to the appointment and control of the Superintendents of the Courts of District and Sessions Judges in Himachal Pradesh:-

Short title and Commencement. 1. (i) These rules may be called the appointment and Control Rules of Superintendents to the District and Sessions Judges in Himachal Pradesh.

(ii) These rules shall come into force at once.

2. (i) There shall be as many posts of the Superintendents as there may be Sessions Divisions in the State of Himachal Pradesh.

(ii) The posts of Superintendents to the District and Sessions Judge shall carry the scale of pay as may be sanctioned by the Himachal Pradesh Government from time to time. The existing strength of the posts of Superintendents with their pay scales is shown in Annexure "A".

Authority Competent to make the appointment. 3. The appointment to the post of Superintendents to the District and Sessions Judge whether permanent or officiating shall be made by the Chief Justice and Judges of the High Court.

4. (i) The High Court shall maintain a Panel of Candidates accepted for appointments as Superintendents. This list shall ordinarily contain such number of candidates as can be absorbed within two years.

(ii) The post of Superintendent to the District and Sessions Judges shall be a selection post and shall form a State cadre.

* (iii) The Superintendent Grade-II in the courts subordinate to the High Court with a minimum educational qualification of graduates from a recognised university shall form a feeder category for the post of Superintendents.

Note:- However, this sub rule shall not apply to these candidates who have already been appointed as such on regular basis.

~~* 3.~~ (iv) The selection to the post of Superintendents will be made on the basis of service record and oral examination.

** (v) (.....deleted)

Confirmation
transfer and
leave etc.

5. (i) Every person appointed as Superintendent to the Court of District and Sessions Judge shall be on probation for a period of two years. This period of probation may be extended by the Chief Justice and the Judges for a maximum period of another one year for reasons to be recorded in writing.

(ii) A person who has been declared by the Chief Justice and the Judges, on the recommendations of the District and Sessions Judge concerned, to have satisfactorily completed his period of probation may be confirmed as Superintendent subject to the availability of permanent post. In case of unsatisfactory work and conduct, the official can be reverted to the post which he held prior to his appointment as Superintendent.

Leave

(iii) The District and Sessions Judge concerned will be competent to grant leave of any kind to the Superintendent of his Court provided that where a substitute is to be appointed, the application for leave shall be referred to the Chief Justice and the Judges of the High Court for sanction.

Transfer

(iv) The Superintendents to the District and Sessions Judge will be liable to transfer under orders of the Chief

* Substituted by IIInd Amendment vide High Court Notification No.HHC/R-5-1/71, dated 20.1.1996.

** Deleted by IIInd Amendment vide High Court Notification No. HHC/R-5-1/71, dated 20.1.1996.

*** Substituted vide III Amendment dated 9-1-1998
Notification No.HHC/E-5-I/71 dated 9-1-1998

Justice and the Judges of the High Court from one Sessions Division to another.

Penalty and Disciplinary Authorities

6. (i) The Superintendents to the District and Sessions Judges shall in matters relating to discipline, punishment and appeal, be governed by the Central Services (Classification Control and Appeal) Rules, 1965 as are applicable to Himachal Pradesh or such other rules as the Government of Himachal Pradesh may hereafter make in this behalf provided that:-

(i) The District and Sessions Judge may impose on his Superintendent the punishment of (a) censure; (b) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of order and (c) withholding of increments of pay. The power to impose all other punishments shall vest in the Chief Justice and Judges, but such powers may be exercised by the Judge Incharge of the Administrative business of the High Court or a Judge nominated by the Chief Justice in this behalf.

(ii) An appeal against the order of the District and Sessions Judge imposing any penalty aforesaid shall lie to the Chief Justice and Judges and such appellate power may be exercised by the Judge Incharge of the Administrative business of the High Court or a Judge nominated by the Chief Justice in this behalf.

(iii) An appeal shall lie against the order passed by the Judge Incharge of the Administrative business of the High Court or a Judge nominated by the Chief Justice under sub para (i) to the proviso to this rule to a bench of two Judges to be nominated by the Chief Justice.

Residuary Matters

7. (i) In respect of 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 the servant holding corresponding posts in connection with the service and affairs of the State of Himachal Pradesh shall regulate the conditions of such service.

(ii) The Chief Justice and the Judges subject to the prior approval of the Governor reserve to themselves the right to relax the provision of any of these rules in their discretion.

(iii) On the date on which these rules come into force, the corresponding rules pertaining to the appointments of the Clerks of Courts contained in Chapter 18-1, Vol.1 of the High Court Rules and Orders as applicable to Himachal Pradesh and the corresponding rules contained in the Civil Courts Establishment (Appointment and Conditions of service) Rule shall stand repealed.

By Order

(H.D. Kainthla)
R E G I S T R A R

* ANNEXURE - "A"

List of the posts of Superintendents provided for the Courts of District and Sessions Judges in Himachal Pradesh.

Sr.No.	Post	Court for which post sanctioned.
1.	Superintendent	District & Sessions Judge, Shimla.
2.	-do-	Nahan.
3.	-do-	Hamirpur.
4.	-do-	Mandi.
5.	-do-	Kangra.
6.	-do-	Solan.
7.	-do-	Chamba.
8.	-do-	Una.
9.	-do-	Bilaspur.
10.	-do-	Kinnaur at Rampur.

* Substituted by IIInd Amendment vide High Court Notification No. HHC/R-5-1/71-, dated 20.1.1996.

HIGH COURT OF HIMACHAL P.R. DESH AT SHIMLA.

No. H.C./E-5-1/71-

Dated 9th January, 1998.

NOTIFICATION

In exercise of the powers conferred by Sub Section (3) of Section 18 of the Himachal Pradesh Courts Act, 1976 (Act No. 23 of 1976), the Hon'ble the Chief Justice and Judges of this High Court are pleased to make the following amendment in "the Appointment and Control of the Superintendents of the Courts of District and Sessions Judges in Himachal Pradesh, Rules, 1978" as amended by the "the Appointment and Control (2nd Amendment) Rules of Superintendents to the District and Sessions Judges in Himachal Pradesh, 1995":-

1. Short title and commencement.
 - (i) These rules shall be called "The Appointment and Control of Superintendents to the District and Sessions Judges (3rd Amendment) Rules, 1998."
 - (ii) These rules shall come into force with immediate effect.
2. In Rule-4 the existing sub Rule (iv) shall be substituted by the following sub rule:-
 - (iv) "The selection to the post of Superintendent will be made on the basis of service record and oral examination."

BY ORDER OF HON'BLE THE CHIEF JUSTICE AND JUDGES.

(K.C.Negi)
District & Sessions Judge(R)

9/2
Ends t. No. HHC/E-5-1/71- 1241-1281 Dated 9.1.1998.

Copy forwarded to :-

1. The Special Secretary to the Hon'ble Chief Justice
High Court of Himachal Pradesh.

2. All the District & Sessions Judges in Himachal
Pradesh.

3. The District & Sessions Judge (R) High Court of
Himachal Pradesh.

4. The Secretary (Law) Government of H.P.

5. The Addl. Registrars High Court of H.P.

6. All the Dy. Registrars/ Assistant Registrars/
Court Secretaries/Secrétaries/Readers/
Superintendents High Court of H.P.

7. Chief Librarian, High Court of H.P. & Editor
I.L.R (H.P. Series) High Court of H.P.

8. P.S Registrar/ Registrar(V) High Court of
Himachal Pradesh.

9. The Controller of Printing and Stationery
Department, H.P. Shimla for publication in
the Himachal Pradesh Rajpatra with the
request that one copy of the publication be
enclosed to this Registry.

10. Guard file.

11. Dealing hand in the Adm. branch with 6
spare copies.

M.P.

(K. S. Negi)
District & Sessions Judge
(Rules)