

HIGH COURT OF JAMMU AND KASHMIR
(Office of the Registrar General at Srinagar)

NOTIFICATION

No: 581

Dated: 08.09.2016

In exercise of the powers conferred by Section 108 of the Constitution of Jammu and Kashmir read with Section 6 of the Jammu and Kashmir High Court Staff (Conditions of Service) Rules, 1968, the Chief Justice of the High Court of Jammu and Kashmir is pleased to frame the following Rules for providing the Domestic Help to Former Chief Justices and Former Judges of the High Court:-

1. These Rules shall be called 'The Domestic Help to Former Chief Justice and Former Judges of the High Court Rules, 2016'.
2. These Rules shall come into force with effect from the 1st July, 2016.
3. **Applicability:**
The Rules shall apply to a person who has held office either as a Chief Justice or as a Judge of the High Court, in relation to the High Court where she or he has held that office.
4. **Definitions:**
 - (I) 'High Court' means the High Court of Jammu and Kashmir.
 - (II) 'Former Chief Justice' means a person who has held office of the Chief Justice of the High Court;
 - (III) 'Former Judge' means a person who has held office of a Judge of the High Court;
 - (IV) 'Spouse' means the wife or, as the case may be, the husband surviving a former Chief Justice or former Judge upon his or her death while in office or after retirement;
 - (V) 'Domestic Help' means the assistance of a helper to be provided to a former Chief Justice or a former Judge of the High Court, or to his or her spouse at the expenses of the High Court.
5. **Eligibility:**
A former Chief Justice or a former Judge of the High Court shall be entitled to avail of the services of a Domestic Help, if:
 - (a) The facility of a Domestic Help is not being provided to the former Chief Justice or, as the case may be, former Judge by any other High Court; and
 - (b) No facility of a Domestic Help is attached to the office or post to which the former Chief Justice or former Judge is appointed after retirement.
6. **Selection of Domestic Help:**
The former Chief Justice or, as the case may be, former Judge may at her or his discretion select a person to be engaged as a Domestic Help.

7. Contractual appointment:

The engagement of a Domestic Help under Rule 6 shall be on a contractual basis and will be available until the former Chief Justice or former Judge is entitled to the benefit of the facility under Rule 5 and until the Domestic Help performs duties satisfactorily subject to the certification of the former Chief Justice or former Judge.

8. Reimbursement:

Upon engagement, the monthly remuneration payable to the Domestic Help shall be reimbursed by the High Court to the former Chief Justice or former Judge, as the case may be, at the end of every month.

9. Wages:

Monthly payment for one Domestic Help should be made equivalent to the salary payable to a Class-IV employee of the High court at the minimum of the scale (basic pay and dearness allowance). This shall continue during the lifetime of the Judge and a surviving spouse. The same payment must be made to a surviving spouse.

10. The High Court shall pay wages equivalent for one Domestic Help at the rate prescribed in Rule 9.

11. Continuance and absorption:

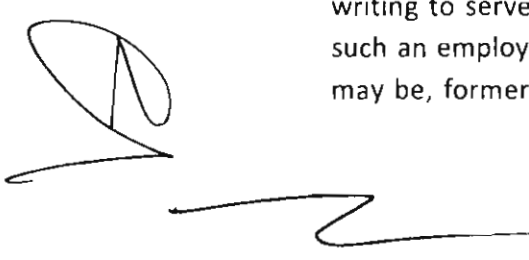
(i) The Domestic Help engaged by a former Chief Justice or former Judge shall continue to remain on a contractual basis so long as he or she renders satisfactory service, as certified by the former Chief Justice or former judge, as the case may be.

(ii) Upon completion of not less than ten years' service, either with or without intermittent breaks, the service of the contractually engaged Domestic Help may be considered for absorption on the regular establishment of the High Court, if the Domestic Help is recommended for regularisation by the former Chief Justice or former Judge concerned and is found suitable for regular absorption by a Committee of Judges constituted by the Chief Justice to adjudge suitability.

(iii) The total number of post to be filled in by way of absorption under clause (ii) above, shall not exceed more than five percent of the total Posts of Class IV vacancies on the establishment of the High Court.

12. Secondment of a permanent employee:

Notwithstanding anything contained in the above Rules, if a peon or equivalent holder of a Class-IV post who is borne on the establishment of the High Court, furnishes to the Registrar General of the High Court, a request in writing to serve a former Chief Justice or former Judge and the services of such an employee are acceptable to the former Chief Justice or, as the case may be, former Judge, he or she may be seconded to work as a Domestic



Help until the Domestic Help attains the age of superannuation and/or so long as the former Chief Justice or former Judge is entitled to this facility.


13. Spouses:

The facility which is extended under the aforesaid provisions to a former Chief Justice or former judge of the High Court shall be provided on the same terms and conditions to the surviving spouse of a former Chief Justice or former Judge, as the case may be, during the lifetime of the spouse.

14. Interpretation:

In the event of any question or dispute arising in regard to the interpretation of these Rules, the Chief Justice of the High Court shall be competent to take a decision in that regard which shall be final and binding in all respects.

BY ORDER



(Ashok Kumar Koul)
Registrar General


No. 18666-83/NE

Dated : 08.09.2016

08.09.16

Copy forwarded to the:

1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K,
2. Secretary to Hon'ble the Chief Justice/Hon'ble Judges, High Court of J&K,
.....for information of His Lordship.
3. Registrar (Judicial), High Court of J&K, Jammu/Srinagar,
4. Manager, Government Press, Srinagar, for publication in the next issue of Government Gazette.
5. Incharge, NIC, High Court of J&K, Srinagar, for uploading the same on the High Court Website.
6. Order file.



Registrar General

08.09.16