

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
(Office of the Registrar General at Jammu/Srinagar)

NOTIFICATION

No.: 1093 of 2022 / RG Dated: 02-09-2022

In exercise of the powers conferred by Section 30 of the Jammu and Kashmir Civil Courts Act, Svt.1977, the High Court of Jammu & Kashmir and Ladakh makes the following rules:

CHAPTER I

1. **Short title and commencement.** -(i) These Rules may be called the Union Territory of Ladakh Ministerial and Other Staff of the Subordinate Courts (Recruitment and Conditions of Service) Rules, 2022.

(ii) These Rules shall come into force with effect from the date of their publication in the Government Gazette.

2. **Definitions.**-In the Rules unless the context otherwise requires,--

(a) 'Administrative Department' for the purpose of these Rules and all other Rules applicable to the Ministerial and Other Staff shall mean the High Court of Jammu & Kashmir and Ladakh exercising its control on ministerial and other staff through the Chief Justice;

(b) 'Chief Justice' means the Chief Justice of the High Court of Jammu & Kashmir and Ladakh;

(c) 'Competent Authority' means the Chief Justice or such other authority as may be nominated by the Chief Justice;

(d) 'Competitive Examination' means the Examination in such papers, such other technical or practical tests like typing, stenography etc. and such viva voce test or other tests prescribed by these Rules or as may be prescribed by the Chief Justice from time to time for different posts;

(e) 'Departmental Promotion Committee' means a Committee set up by the Competent Authority for the purposes of preparing the list of eligible persons for promotion to a category of posts under these Rules;

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(f) 'District Cadre' means a cadre of the Department in the District comprising the posts shown in Schedule 'A' to these Rules as District Cadre posts;

(g) 'District Recruitment Board' means the Board constituted under these Rules for appointment of a person borne on District Cadre;

(h) 'Government' means the Administrator exercising the powers of Government in the Union Territory of Ladakh;

(i) 'High Court' means the High Court of Jammu & Kashmir and Ladakh;

(j) 'Jammu and Kashmir Subordinate Courts Service' means Ministerial and Other Staff of the Subordinate Courts service cadre constituted in terms of the Jammu and Kashmir Ministerial and Other Staff of Subordinate Courts (Recruitment and Conditions of Service) Rules, 2016;

(k) 'Judge' means the Judge of the High Court of Jammu & Kashmir and Ladakh;

(l) 'Ministerial Officials' means staff of every class and category working in the Subordinate Courts of the Union Territory, exercising supervisory or ministerial functions;

(m) 'Other Officials' means staff of every class and category other than ministerial officials working in the Subordinate Courts of the Union Territory;

(n) 'Regulations' means the Regulations as prescribed by the Chief Justice under these Rules;

(o) 'Service' means the Ministerial and Other Staff of the Subordinate Courts service cadre constituted in terms of these Rules;

(p) 'Union Territory' means the Union Territory of Ladakh;

(q) 'Union Territory cadre' means the cadre of the department in the Union Territory comprising all posts shown in Schedule 'A' as Union Territory cadre posts.

(r) 'Union Territory Level Recruitment Board' means the Board constituted under these Rules for appointment of a person borne on Union Territory cadre.

3. **Interpretation.**—If, at any time, there arises any doubt regarding the application or interpretation of these rules, the same shall be decided by the Chief Justice whose decision in the matter shall be final.

4. **Delegation.**—The High Court or the Chief Justice, as the case may be, may, by a special or general order, delegate all or any of the powers and functions as conferred or enjoined under these rules, to any Judge or an officer of the High Court.

CHAPTER II

5. **Constitution of Ladakh Ministerial and Other Staff of the Subordinate Courts Service.**—“Ladakh Ministerial and Other Staff of the Subordinate Courts Service” shall come into being from the date of coming into force of these Rules. The service shall consist of posts as shown in Schedule ‘A’ to these Rules. Persons already serving as Ministerial and Other Staff at various levels and in different capacities prior to the coming into force of these rules shall form part of the service in their respective class and category. The grades of all these posts shall be the same as shown in Schedule ‘A’ subject to any change, modification or addition or revision as may be approved and sanctioned by the Government from time to time on the recommendation of the Chief Justice or otherwise.

6. **Strength and composition of the cadre.**—The Union Territory and District Cadre of the Service shall consist of such number of permanent and temporary posts as stand sanctioned for Ladakh Division of the erstwhile State of Jammu and Kashmir in the respective cadres on the date of enforcement of these Rules and such number of posts as may be sanctioned from time to time.

7. **Appointment to the service.**—(i) Appointment to the Service shall be made—

(a) by direct recruitment;

(b) by promotion; and

(c) partly by direct recruitment and partly by promotion;

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(d) by deputation of a suitable person serving in the Jammu and Kashmir Subordinate Courts Service.

(ii) In case suitable persons are not available for appointment in a mode prescribed in the Schedule, viz., by promotion or direct recruitment, the posts may be filled up by other modes or in such other manner as the Chief Justice may from time to time prescribe.

(iii) In the matter of appointment by promotion of staff members from District Cadre to Union Territory Cadre, proportional representation shall be given to every District, for which a suitable mechanism shall be devised by the Chief Justice.

8. Age for direct recruitment.---Age for direct recruitment in the service shall be same as provided for the Government Service from time to time:

Provided that the age bar may be relaxed in general or individual cases for the reasons to be recorded in writing by the Chief Justice, if some special circumstances so warrant.

9. Probation.-(1) Persons appointed, whether by direct recruitment or by promotion, to any class or category in the service shall remain on probation for a period of two years and their confirmation to the service shall be subject to their completion of probation period satisfactorily, including qualifying any examination is provided for in this regard.

(2) The Chief Justice may from time to time extend the period of probation in respect of a person appointed to the service for reasons to be recorded in writing.

Provided that such extension shall not be for a period of more than two year in all.

(3) The Chief Justice may in its discretion, on sufficient grounds and for the reasons to be recorded in writing, at any time before completion of probation of any person appointed to the service, terminate the probation and discharge such person.

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Provided that such person shall be served with a notice of not less than fifteen days asking such person to show cause before discharge of such person from the service.

(4) No person appointed to the service shall be deemed to have been confirmed unless an order to that effect is passed by the appointing authority.

10. **Qualification for appointment.**—(i) No person shall be eligible for appointment to the service, whether by direct recruitment or on promotion, unless he possesses, at the time of applying for the post in case of direct recruitment and at the time of such appointment in case of promotion, the requisite qualification prescribed for such appointment in Schedule-'B' to these Rules :

Provided that while granting promotion to a higher post, officials who are in service on the date coming into force of these rules, shall be considered notwithstanding their qualification and due regard shall be given to the service rendered by such employee. Chief Justice may grant relaxation in academic qualification to an in-service candidate in such cases, if he is otherwise suitable for the post and his service record has remained satisfactory:

Provided further that in exceptional cases, for reasons to be recorded in writing, the Chief Justice may relax the qualification bar, either generally or in an individual case.

(ii) Any condition as to appointment only of the persons residing or domiciled in the Union Territory, as may be prescribed by the Rules and regulations governing appointment to the Government Service shall apply to appointment to the service, except by way of deputation.

11. **Reservations in appointments.**— (i) While making appointments either by direct recruitment or promotion, reservation shall be made in accordance with the rules and orders issued from time to time by the Government for members of the Scheduled Castes, Scheduled Tribes or any other category of persons, subject however to such modifications as are deemed necessary by the Chief Justice.

(ii) The Chief Justice may from time to time, either generally or with relation to any particular recruitment, issue guidelines for the purposes of making such reservation.

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12. **Procedure for appointment.**—The appointment of ministerial and other staff of the Union Territory Cadre and the District Cadre shall be made by the Chief Justice and the District Judge of the District concerned respectively, as the case may be, in accordance with the procedure prescribed therefor under the Regulations as may be framed by the Chief Justice. The Regulations inter alia, may provide for the following:—

- (a) Method of selection to a particular post;
- (b) The manner in which applications are to be invited from prospective candidates;
- (c) The holding of a written examination for preliminary scrutiny of candidates or selection, as the case may be;
- (d) The syllabus prescribed for such written examinations and marks earmarked therefor;
- (e) Conduct of the viva voce, shorthand and type test or any other technical test and the marks prescribed therefor;
- (f) The Constitution of Selection Committee either generally or specifically for any selection/appointment to any class or category, if necessary;
- (g) The number of candidates to be called for viva voce/shorthand/typing/technical test based upon the result of written examination, with reference to the availability of posts in any particular class or category;
- (h) The preparation of select/waiting list/and the period for which it may remain valid; and
- (i) Constitution of a District or Union Territory Recruitment Board.

13. **Discipline and conduct.**—In regard to all the matters governing discipline and conduct of the members of the service, including discipline, suspension, imposition of penalty, retirement on superannuation or otherwise, including voluntary retirement, removal or dismissal from service or matters related thereto, directly or indirectly, and not specifically prescribed in or provided for by these rules, the corresponding rules applicable to the employees of the Government shall be applicable:

Provided that in such rules where any of the power relating to these matters is provided to be exercised by the Government, the same shall be exercised by the Chief Justice and power vested in the Government in this behalf shall be deemed to be vested in the Chief Justice.

14. **Residuary matters.**—In regard to matters relating to leave, pension gratuity, medical reimbursement, compulsory and voluntary retirements and such other matters for which no specific provisions have been made in these rules, the rules, regulations, orders and policies, as are applicable, from time to time, to the employees of the Government shall be applicable to the members of the service:

Provided that where any of the power relating to these matters is provided in such rules to be exercised by the Government, the same shall, under these rules, be exercised by the Chief Justice and power vested in the Government in this behalf shall be deemed to be vested in the Chief Justice.

15. **Transfers.**—(i) Within the district, transfer of Ministerial and Other Staff may be ordered by the District Judge of the District concerned.

Provided that the Chief Justice may also effect transfer within the district in the interest of administration.

(ii) Inter-District transfer of Ministerial and other staff may be ordered by the Chief Justice.

(iii) The Chief Justice may transfer, depute or induct to the service a suitable and duly qualified employee already in the High Court Service, and the Chief Justice may likewise transfer by way of deputation a Ministerial Official of the service to the High Court Service in the administrative exigency.

(iv) The Chief Justice may, from time to time issue directions/orders regulating the policy on transfer of ministerial and other staff, including transfer by way of deputation.

16. **Maintaining character rolls, their communication and representation against adverse entries.**—

(I) (a) An annual character roll shall be recorded and maintained for each member of the service;

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(b) Entries in the character roll of the members of the service belonging to the Union Territory Cadre shall be recorded annually by, an officer appointed in this behalf by the Chief Justice;

(c) Entries in the character rolls of the members belonging to the District Cadre shall be recorded by the District Judge concerned;

(d) In respect of members of the service, the Presiding Officers of the Court where such member is serving, shall submit his report/assessment annually along with character roll-form prescribed for this purpose to the Officer mentioned in sub-clause (b) above or the District Judge concerned mentioned in sub-clause (c) above and, while recording the annual character roll, both of them shall ordinarily be guided by such assessment of the Presiding Officer of such Court unless concerned Officer or the District Judge, as the case may be, comes to a different conclusion and disagrees with the assessment of the Presiding Officer, for reasons to be recorded in writing.

(II) Entries in the character roll shall be communicated to the concerned member of the service.

(III) If any person is aggrieved by any entry(ies) recorded in his character roll he may make a representation in writing to the authority regarding such entry(ies) within 30 days from the date of communication of such entry(ies). On receipt and consideration of such representation, such authority may dispose of it on its merits and pass appropriate orders.

(IV) Any person aggrieved by an order mentioned in clause (II) above, may prefer an appeal within 60 days from the date of passing of such an order to the Chief Justice, who on consideration of such appeal, shall pass appropriate orders.

17. Crossing of the efficiency bar.—No Member of the Ministerial or other Staff shall be allowed to cross the efficiency bar prescribed in the scale unless,—

(i) he possesses the qualification, if any, prescribed for holding the scale;

(ii) his character rolls for the last three years have been good; and

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(iii) his work and conduct is certified to be good by the Presiding Officer of the Court where he is working.

18. **Seniority.**—(i) Seniority shall be determined and maintained separately for each category and post in the establishment.

(ii) Separate seniority lists shall be maintained for the Union Territory and District Cadre by some authorised person in the High Court.

(iii) General principles of seniority as applicable to the members of the Government service shall apply to members of the service.

19. **Powers to dispense with the application of rules.**—Notwithstanding anything contained in these rules, where the Chief Justice is satisfied that the operation of any rule causes undue hardship in any particular case, he may by order, dispense with or relax the requirements of that rule, to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner; provided that the case is not dealt with in a manner less favourable to the concerned than in accordance with the rules.

20. All matters of appointment, promotion, seniority, suspension, leave and punishment of the ministerial staff of the Union Territory Cadre shall be decided by the competent authority.

21. (i) An appeal shall lie to the Chief Justice against any order passed by a District Judge relating to suspension, promotion, seniority or any punishment imposed by him.

(ii) An appeal against the order of the Chief Justice regarding dismissal or removal shall lie to two Judges of the High Court to be nominated by the Chief Justice.

(iii) Such an appeal may be filed within a period of thirty days from the date of receipt of the order.

22. **Suspension.**—Any member of the service, for sufficient reasons and in accordance with the rules governing the members of Union Territory Government service, be suspended by the District Judge of the District where he is serving at the relevant time. The suspension, however, by the said District Judge of the members of the service belonging to the Union Territory Cadre shall be subject to confirmation by the Chief Justice.

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23. **Saving.**-(i) All the rules, orders, notifications or directions corresponding to or inconsistent with these rules and in force immediately before the commencement of these rules shall not apply to the members of the service.

(ii) Any order made or action taken under the provisions of the rules earlier applicable to the members of the service shall be deemed to have been made or taken under the corresponding provisions of these rules.

By Order

(Sanjeev Gupta)
Registrar General

No.: 28611-60/RG/NG

Dated: 02-09-2022

Copy to:

1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K and Ladakh.
2. Secretary to Hon'ble Mr./Mrs. Justice _____
.....for information of their Lordships.

3. Registrar Vigilance, High Court of J&K and Ladakh, Srinagar.

4. Registrar Judicial, High Court of J&K and Ladakh, Jammu/Srinagar.

5. Director, J&K State Judicial Academy, Srinagar.
..... for information.

6. All Principal District and Sessions Judges, UT of Jammu and Kashmir for information.

7. Manager, Government Press, Jammu/Srinagar with the request to publish the same in the next issue of the Government Gazette.

8. Central Project Coordinator, e-Courts, High Court of J&K and Ladakh, Srinagar for information and uploading the same on the High Court website.

9. Chief Accounts Officer, High Court of J&K and Ladakh, Srinagar for information.

10. Incharge Library, High Court Wing Jammu/Srinagar for information and keeping the record of the same.

11. Order File.

Registrar General

Schedule A

SANCTIONED STRENGTH OF MINISTERIAL STAFF OF SUBORDINATE COURTS OF
UT OF LADAKH

| S. No. | Category | Grade | Total No. of Posts | Cadre |
|--------|--|--------------|-----------------------|-------|
| 1 | 2 | 3 | 4 | 5 |
| 1. | Chief Administrative Officer | 47600-151100 | 02 | UT |
| 2. | Section Officer | 44900-142400 | 04 | UT |
| 3. | PA-cum-Sr. Scale Stenographer (Executive Assistant) | 44900-142400 | 04 | UT |
| 4. | Junior Scale Stenographer | 35600-112800 | 04 | UT |
| 5. | Head Assistant | 35600-112800 | 11 | UT |
| 6. | Senior Assistant | 29200-92300 | 20 | UT |
| 7. | Steno Typist | 29200-92300 | 05 | UT |
| 8. | Date Entry Operator | 25500-81100 | 02 | UT |
| 9. | Junior Assistant | 25500-81100 | 27 | UT |

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| 1 | 2 | 3 | 4 | 5 |
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|-----|------------------|-------------|----|----------|
| 10. | System Officer | 25500-81100 | 02 | UT |
| 11. | System Assistant | 19900-63200 | 02 | UT |
| 12. | Process Server | 19900-63200 | 20 | District |
| 13. | Driver Grade-II | 19900-63200 | 03 | District |
| 14. | Jamadar | 15900-50400 | 02 | District |
| 15. | Orderly | 14800-47100 | 23 | District |
| 16. | Chowkidar | 14800-47100 | 02 | District |
| 17. | Safaiwala | 14800-47100 | 01 | District |

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Schedule B

| S. No. | Name of the post | Existing Pay Scale | Class | Category | Minimum qualification | Method of Recruitment |
|--------|-------------------------------|--------------------|-------|----------|--|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | Chief Administrative Officer | 47600-151100 | I | A | Graduation | By promotion from Class-II Category "A" and "B" in the ratio of 5:1 |
| 2. | Section Officer | 44900-142400 | II | A | Graduation | By promotion from Class-III, Category "B" who have knowledge of Local Laws, CSR etc. |
| 3. | PA-cum-Sr. Scale Stenographer | 44900-142400 | II | B | Graduation | By selection from Class-III, Category "A" who have put in at least 5 years of service as such and after qualifying test in shorthand and typewriting with standard as laid down by the Chief Justice. |
| 4. | Junior Scale Stenographer | 35600-112800 | III | A | Graduation with Diploma in Stenography from a Government recognized Institute. | By promotion from Class IV, Category 'B'. |
| 5. | Head Assistant | 35600-112800 | III | B | Graduation from a recognized University. | By promotion from Class-IV, Category "A" |
| 6. | Senior Assistant | 29200-92300 | IV | A | Graduation from a recognized University. | By promotion from Class-V, Category "B". |

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|----|----------------------|-------------|----|---|--|--|
| 7. | Steno Typist | 29200-92300 | IV | B | Graduation from a recognized University with Diploma in Stenography from a Government recognized Institute. | Direct recruitment (qualifying test in Shorthand and Typewriting with minimum standard as laid down by the Chief Justice). |
| 8. | Data Entry Operatory | 25500-81100 | V | A | Graduation from a recognized University with Diploma in Computer Application from an Institution recognized by All India Board of Technical Education/ State Board of Technical Education. Or Bachelor's Degree in Computer Application from Recognized University. | By direct recruitment. |
| 9. | Junior Assistant | 25500-81100 | V | B | Graduation from a recognized University with six months Certificate Course in Computer Application. | (1) 80% by direct recruitment. (2) 20% by selection from amongst Graduate Process Servers having experience of two years. |

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
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|-----|----------------|-------------|---|---|--|---|
| 10. | System Officer | 25500-81100 | V | C | <p>i) MCA or BE/ B. Tech in Computer Science/ Computer Engineering/ Information and Communication Technology or M. Sc. (IT/ Computer Science) with at least 60% marks in aggregate from a recognised University/ Institution; or BCA or B. Sc. (Computer Science) with at least 60% marks in aggregate in Physics/Maths/ Statistics Operations Research/ Computer Science with Post Graduate Diploma in Computer Science/ Computer Applications with at least 60% marks in aggregate from a recognised University /Institution; with at least three years' experience from a reputed Organization/ Institution.</p> <p>ii) BCA with 60% marks in aggregate from a recognised University / Institution; Or B. Sc. with one year's Post Graduate Diploma in Computer Science/ Applications with 60% marks in aggregate from a recognised University/ Institution; Or Diploma holders from Polytechnic in Computer Science/ Engineering Or Electronics & Telecommunications with 60% marks in aggregate from a recognised Institution; with at least five years' experience in the grade of System Assistant.</p> | <p>i) The first appointment on the post shall be made by direct recruitment.</p> <p>ii) Thereafter, the post shall be filled up by promotion from Class VII Category 'A' on the basis of merit cum seniority.</p> |
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| 11. | System Assistant | Rs. 19900-63200 | VI | A | <p>i) BCA with 60% marks in aggregate from a recognised University/ Institution with at least one year's working experience in a reputed Organisation/ Institution; Or</p> <p>ii) B. Sc. with one year's Post Graduate Diploma in Computer Science/ Applications with 60% marks in aggregate from a recognised University/ Institution with at least one year's working experience in a reputed Organisation/ Institution; Or</p> <p>iii) Diploma holders from Polytechnic in Computer Science/ Engineering or Electronics & Telecommunications with 60% marks in aggregate from a recognised Institution with at least two years' working experience in a reputed Organization /Institution.</p> | By direct recruitment. |
| 12 | Process Server | 19900-63200 | VI | B | 10+2 or equivalent from recognised Board/ University. | <p>(1) 50% by direct recruitment.</p> <p>(2) 50% by selection from Class VII, Category "A" and Class VIII Category A, B, C with minimum experience of 3 years.</p> |
| 13 | Driver Grade-II | 19900-63200 | VI | C | Matric with a valid LMV/ HMV Driving Licence. | By direct recruitment by conducting test including driving test. |

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-----|-----------|-------------|------|---|--------|---|
| 14. | Jamadar | 15900-50400 | VII | A | Matric | By promotion from Class-VIII, Category – A, B, and C on the basis of seniority. |
| 15. | Orderly | 14800-47100 | VIII | A | Matric | By direct recruitment. |
| 16. | Chowkidar | 14800-47100 | VIII | B | Matric | By direct recruitment. |
| 17. | Safaiwala | 14800-47100 | VIII | C | Matric | By direct recruitment. |

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