Himachal Pradesh Judicial Service Rules, 2004

Authoritative English text of Govt. of Himachal Pradesh Home Department, Notification No. Home-B(B)2-4-2002, dated 16.3.2004, as required under Article 348 (3) of the Constitution of India

HOME DEPARTMENT

NOTIFICATION

SHIMLA-2, the 16th March, 2004
No. Home-B(B)2-4/2002-

In exercise of the powers conferred by Articles 233, 234 & Proviso to Article 309 of the Constitution of India read with Sub-Section (1) of Section 4 of the HP Judicial Officers (Pay and Conditions of Service) Act, 2003 (Act No. 10 of 2003) and all other powers enabling him in this behalf, the Governor of Himachal Pradesh, in consultation with the High Court of Himachal Pradesh & State Public Service Commission, is pleased to make the following rules regulating the recruitment & conditions of service of members of different cadres of HP Judicial Service:-

Short Title and Commence-ment	**1**	1. These rules may be called Himachal Pradesh Judicial Service Rules, 2004. 2. These Rules shall come into force from the date of publication in the official Gazette.
Definitions	**2**	1) In these Rules, unless the context otherwise requires:- (a) "Act" means the Himachal Pradesh Judicial Officers Pay and Conditions of Service) Act, 2003; (b) "Appointing Authority" means the Governor of Himachal Pradesh; (c) "Government" means the Government of Himachal Pradesh; (d) "Governor" means the Governor of Himachal Pradesh; (e) "High Court" means the High Court of Himachal Pradesh; (f) "Official Gazette" means Himachal Pradesh

		Rajpatra or the Gazette of Government of Himachal Pradesh by whatever other name it may be called; (g) "Regulations" means the regulations framed by the High Court under these rules for the following purposes:- i) to prescribe the syllabus for the competitive examination and the suitability test to be conducted by the High Court for the cadre of District Judges/Addl. District Judges and the cadre of Civil Judges, ii) allocation of the marks for written examination as well as oral (viva voce) test for the cadre of District Judges/Addl. District Judges and the cadre of Civil Judges, iii) to send panel of experts to the H.P. Public Service Commission to conduct oral (viva voce) test for the cadre of Civil Judges. iv) to prescribe the syllabus for an to conduct the departmental examination for the different cadres of the H.P. Judicial Service, v) to prescribe the syllabus for and to conduct the special examination or tests, if any, required to be passed during the period of probation or officiation in relation to all the appointments to the service by direct recruitment or by promotion, vi) to evaluate the performance of the Officers and assign marks for the competitive examination to be conducted by the High Court for the cadre of District Judges/Addl. District Judges, vii) to prescribe the format of application to apply for appointment to the service, viii) to evaluate the performance of the Officers (appointed to the service) in relation to

		departmental and special examinations or test, ix) to prescribe the training schedules from time to time for the Officers appointed to the service through direct recruitment, (h) "Schedule" means schedule appended to these rules; (i) "Service" or "State Service" means the Himachal Pradesh Judicial Service; and (j) "State" means the State of Himachal Pradesh. 2) Words and expressions used in these rules but not defined herein shall have the same meanings respectively as assigned to them in the Act.
Constitution of the Service	**3**	1) On and from the date of commencement of these rules there shall be constituted State Service to be known as Himachal Pradesh Judicial Service consisting of the cadres of District Judges, Senior Civil Judges and Civil Judges. 2) The service shall consist of the cadres specified in column (2) of the Schedule and the character and number of posts in each of these cadres shall be as specified in the corresponding entries in columns (3) to (5) thereof. The Schedule shall stand automatically amended on the basis of and in accordance with, the notification issued by the Government of Himachal Pradesh in consultation with the High Court, from time to time varying or modifying the character or number of posts in the cadres of passing other orders to such effect. 3) [With effect from the date of commencement of these rules, the existing cadres specified in column (2) below shall stand designated as the cadres specified in the corresponding entries in column (1) below and they shall accordingly constitute the service:-

			(1)	(2)
		(a)	District Judges/Addl. District Judges	District Judges/Addl. Judges.
		(b)	Senior Civil Judges	Civil Judges (Sr.Divn.)
		(c)	Civil Judges	Civil Judges (Jr.Divn.)][1]
		4) Holders of 25% of the total number of posts in the cadre of District Judges and who have put in not less than five years of service in the cadre shall be granted selection grade and they shall be selected for inclusion/placement in this grade on the basis of merit-cum-seniority from the cadre of District Judges by the High Court and such District judges who have been placed in the Selection Cadre called Selection Grade District Judges. Holders of 10% of the total number of posts in the cadre of District Judges, who have put in not less than three years of service as "Selection Grade District Judges" in the cadre, shall be granted "Super Time Scale" of pay. They shall be selected in the scale of pay on merit-cum-Seniority basis by the High Court and shall be called as "Super Time Scale District Judges".		
Appointing Authority	**4**	1) The District Judges shall be appointed by the Governor in consultation with the High Court. 2) The Civil Judges (Sr. Division) shall be promoted by the High Court, Himachal Pradesh on the basis of merit cum seniority. Civil Judges shall be appointed by the Governor in consultation with the Himachal Pradesh Public Service Commission and the High Court of Himachal Pradesh.		

1 Substituted vide amendment in Himachal Pradesh Judicial Service(2nd amendment) Rules 2016 vide Notification No. Home-B-B(2)-4/2004-III-Loose, dated 14.6.2016.

<table>
<tr><td>[Method of recruitment, qualification and age limit]²</td><td>5</td><td colspan="4">In respect of each category of posts specified in column(2)of the table below, the method of recruitment and minimum qualification, age limit etc. shall be as specified in the corresponding entries in columns (3) and (4) thereof.

<u>"TABLE UNDER RULE-5"</u></td></tr>
<tr><td></td><td></td><td>Sr. No</td><td>Cadre</td><td>Method of recruitment</td><td>Qualification, age limit and experience etc.</td></tr>
<tr><td></td><td></td><td>1.</td><td>District Judges/ Additional District Judges</td><td>(a) 65% by promotion from amongst the Senior Civil Judges on the basis of principle of merit-cum-seniority and passing a suitability test as may be prescribed & conducted by the High Court in accordance with the regulations.
(b) 10% by promotion from amongst Senior Civil Judges on the basis of merit through limited Competitive examination as may be prescribed and conducted by the High Court in accordance with the regulations. However, if the</td><td>[Minimum service of five years in the cadre of Senior Civil Judge.]³</td></tr>
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2 Amended/substituted vide amendment notification Nos. Home-B(B)2-4/2004-II, Dated 20.9.2008 and Home -B-B(2)-4/2004-III-Loose, dated 14.6.2016.

3 Substituted vide amendment HP Judicial Service (Ist Amendment) Rules, 2005, Notification No. Home-B(B)2-4/2004-Vo-II, dated 8.11.2005.

				post(s) cannot be filed under this mode due to non-availability of suitable candidate(s), the same shall be filed by regular promotion under mode (a). (c) 25% by direct recruitment from amongst eligible Advocates, on the basis of examination, written as well as oral (viva voce) test as may be prescribed and conducted by the High Court in accordance with the regulations.	
					The following shall be the eligibility criteria, including qualification, age limit and experience etc. i) Citizen of India. ii) Holder of a degree in Law as recognized by the Bar Council of India.

					iii) Practicing advocate at the Bar of a minimum period of seven years as on the last date fixed for receipt of the applications . iv) [Must have attained the age of 35 (thirty five) years and must not have attained the age of 45 (forty five) years in the case of General Category candidates and 48 years in the case of candidates belonging to Scheduled Castes/ Scheduled Tribes and other Backward Classes as on the last date prescribed for receipt of applications .][4]

[4] Substituted vide Notification No. Home-B-B(2)4/2004-IV dated 03.04.2020 in H.P. Judicial Service (3rd Amendment) Rules, 2020.

					Note: For the purpose of this clause, in computing the period during which a person has been an Advocate there shall be included any period during which he has held a Judicial Office. Explanation: I. Judicial Office includes any other Office as may be prescribed being equivalent to a Judicial Office, by the High Court in the regulations made for this purpose. Explanation: II. Appointment to the cadre of the District Judges/ Additional District Judges from categories (a)(b) & (c) shall be in accordance with post based 34 point roster to be maintained by the High Court in this behalf.

					Note 1: Reservation in direct recruitment shall be as per Model Roster for cadre strength upto 31 posts. **Note 2:** In case the cadre strength is changed, the corresponding changes shall be made in post based roster. **Note 3:** The appointment already made shall not be affected on account of introduction of new roster. Explanation: III. The candidates who are employed in any Government department or in any other Organization are required to submit their application(s) through their respective employer(s).
		A:	For filling of vacancies in the cadre of District Judges/Addl. District Judges by way of promotion through the method of recruitment (to be held twice in a year if the circumstances so require) shown in clauses (b) and (c) above, the following time		

			schedule shall be followed:-			
			Sr. No.	Description	Date(s)	
			1.	Number of vacancies to be notified by the High Court vacancies to be calculated including:- (a) existing vacancies; (b) Vacancies that may arise within one year due to retirement; (c) [deleted vide Notificaton No. Home-B-B002/1/2023 dated 27.03.2024] (d) [deleted vide Notificaton No. Home-B-B002/1/2023 dated 27.03.2024]	31st March	15th November
			2.	Advertisement inviting applications from eligible candidates	15th April	20th November
			3.	Last date for receipt of application	30th April	10th December
			4.	Publication of list of eligible applicants	15th May	15th January
			5.	Dispatch/issue of admit cards to the eligible applicants	16th May to 15th June	2nd February to 16th February
			6.	Written examination may be-	30th June	7th March

				(a) objective questions with multiple choice question which can be scrutinized with the help of the computer; and (b) subjective/ narrative.		
			7.	Declaration of result of written examinations (a) Result shall be put on the website and also published in the newspaper. (b) The ratio of 1:3 of the available vacancies to the successful candidates shall be maintained.	16th August	7th April
			8.	Viva Voce.	1st to 7th Septembe r	13th to 20th April
			9.	Declaration of final select list and communication to the appointing authority (a) Result shall be put on the website and also published in the newspaper.	15th Septembe r	27th April

				(b) Select list shall be published in the order of merit and shall be double the number of vacancies notified.		
			10.	Issue of appointment letter by the competent authority for all existing vacant posts as on the date.	30th Septembe r	30th April
			11.	Last date for joining.	31st October	11th May
		B:	For filling of vacancies in the cadre of District Judges/Additional District Judges through the method of recruitment shown in clause (a) above, the following time schedule shall be followed (to be held twice in a year if the circumstances so require):-			
			Sr. No	Description	Date(s)	
			1.	Number of vacancies to be notified by the High Court. Vacancies to be calculated including:- (a) existing vacancies; (b) vacancies that may arise within one year due to retirement; and (c) [deleted vide Notificaton No. Home-B-B002/1/2023 dated 27.03.2024]	31st March	15th November

			2.	Publication of list of eligible Officers (a) The list shall be put on the website (b) Zone of consideration shall be 1:3 of the number of vacancies.	15th May	20th November
			3.	Receipt of judgments from the eligible officers.	30th May	10th December
			4.	Viva Voce Criteria: (a) ACR for last five years; (b) Evaluation of judgments furnished; and (c) Performance in the oral interview.	15th to 31st July	1st to 15th January
			5.	Declaration of final select list and communication to the appointing authority (a) Result shall be put on the website and also published in the newspaper. (b) Select list be published in order of merit and shall be double the number of vacancies notified.	31st August	2nd February
			6.	Issue of appointment letter by the	31st August	7th March

				competent authority for all existing vacant posts as on date.		
			7.	Last date for joining	31st October	7th April
			Explanation: Appointments to the cadre of the District Judges from categories (a), (b) and (c) shall be in accordance with roster to be maintained by the High Court in this behalf.			
		2.	**Senior Civil Judges**	By promotion from the cadre of Civil Judges on the basis of merit-cum-seniority.	Minimum experience of five years in the cadre of Civil Judges	
			Note I: The Appointing Authority, may in situation where Civil Judges with the aforesaid requisite experience are not available, relax the aforesaid minimum experience criteria but in no case shall relaxation go below three years. Note II: For filling up vacancies in the cadre of Civil Judge through the aforesaid method of recruitment (to be held twice in a year if the circumstances so require) following time schedule shall be followed:-			
			Sr. No.	Description	Date(s)	
			1.	Number of vacancies to be notified by the High Court. Vacancies to be calculated including (a) existing vacancies; (b) future vacancies that may	31st March	15th November

				arise within one year due to retirement; and (c) [deleted vide Notificaton No. Home-B-B002/1/2023 dated 27.03.2024]		
			2.	Publication of list of eligible Officers (a) The list may be put up on the website, (b) Zone of consideration shall be 1:3 of the number of vacancies.	15th May	20th November
			3.	Receipt of judgments from the eligible officers	30th May	10th December
			4.	Viva Voce Criteria: (a) ACR for last five years; (b) Evaluation of judgment furnished; and	1st to 16th August	1st to 15th January.
			5.	Declaration of final select list and communication to the appointing authority. (a) Result shall be put on the website and also	15th September	2nd February

				published in the newspaper. (b) Select list shall be published in order of merit and shall be double the number of vacancies notified		
			6.	Issue of appointment letter by the competent authority for all existing vacant posts as on date.	30th September	7th March
			7.	Last date for joining	31st October	7th April
		3.	**Civil Judges**	By direct recruitment on the basis of merit obtained in the competitive examination, written as well as oral (viva voce) tests to be conducted by the H.P. Public Service Commission.	The following shall be the eligibility criteria including qualification and age etc:- 1) Citizen of India 2) Holder of Degree in Law as recognized by the Bar Council of India. 3) Age limit, minimum 22 years and Maximum **35** years and **38** years in cases of candidates belonging to Scheduled Caste/ Scheduled Tribe/other prescribed reserved categories as on the last date prescribed for receipt of	

				application;
				Provided that the direct appointments to the service shall be subject to the orders regarding reservation in the service for SC, ST, Backward Classes Physically disabled issued by the Himachal Pradesh Govt., from time to time, and made applicable to such appointments, in consultation with the High Court. ["Provided further that a time cap of three recruitment years shall apply for filling up of backlog/carry forward vacancy against reserved roster point for Schedule Castes/Schedule Tribes/Other Backward Classes and while doing so in the 3rd recruitment year to fill up a particular carry forward/backlog vacancy, it shall be notified that in case suitable candidate from the category to which the post is reserved is not available then the vacancy will be treated as un-reserved and filled in as un-reserved vacancy. Provided further that if backlog/carry forward reserved vacancy is filled by un-reserved candidate in the 3rd successive recruitment year, such candidate shall temporarily occupy the roster point reserved for the category for which carry forward recruitment process was followed and such candidate/ appointee shall vacate the reserved roster point and occupy the un-reserved roster point as soon as such un-reserved vacancy is available in the post based roster and that the roster point so vacated by un-reserved candidate shall be advertised as reserved vacancy meant for such roster point category".][5]
				Note: For filling of vacancies in the cadre of Civil Judge through the aforesaid method of

[5] Substituted vide amendment in Himachal Pradesh Judicial Service (2nd amendment) Rules 2016 vide Notification No. Home-B-B(2)-4/2004-III-Loose, dated 14.6.2016.

			recruitment(to be held twice in a year, if the circumstances so require), following time schedule shall be followed:-			
			Sr. No.	Description	Date(s)	
			1.	Number of vacancies to be notified by the High Court. Vacancies to be calculated including- (a) existing vacancies; (b) future vacancies that may arise within one year due to retirement; and (c) [deleted vide Notificaton No. Home-B-B002/1/2023 dated 27.03.2024]	5th June	5th December
			2.	Advertisement inviting applications from eligible candidates.	15th June	15th December
			3.	Last date for receipt of application.	5th July	5th January
			4.	Publication of list of eligible applicants; The list shall be put up on the website.	1st August	1st February
			5.	Dispatch/Issue of admit cards to the eligible applicants.	2nd to 20th August	2nd to 15th February
			6.	Preliminary written examinations Objective questions with multiple choices which shall be scrutinized with the help of Computer.	5th September	2nd March
			7.	Declaration of result of	25th September	15th March

				preliminary written examinations (a) Result may be put on the website and also published in the newspaper (b) The ratio of 1:10 of the available vacancies to the successful candidates shall be maintained.		
			8.	Final Written examinations Subjective/narrative	15th October	30th March
			9.	Declaration of result of final written examination (a) Result shall be put on the website and also published in the newspaper. (b) The ratio of 1:3 of the available vacancies to the successful candidates shall be maintained. (c) Dates of interview of the successful candidates shall be put on the internet which shall be printed by the candidates and no separate intimation of the date of interview need to be sent.	15th November	1st May
			10.	Viva Voce	1st to 7th December	15th to 20th May
			11.	Declaration of final select list and	10th December	25th May

				communication to the appointing authority (a) Result shall be put on the website and also published in the newspaper (b) Select list shall be published in order of merit and shall be double the number of vacancies notified		
			12.	Issue of appointment letter by the competent authority for all existing vacant posts as on date	31st December	10th June
			13.	Last date for joining	15th January	30th June
			Note:- Every candidate applying for direct recruitment either for the post mentioned in (c) or post mentioned at 3 above shall submit alongwith the application, certificate furnished by two respectable persons un-connected with him testifying to his character good behaviour as well as antecedents.			
		[**Reservation for the persons with disability:-** 3% reservation to the categories of the Additional District Judges and Civil Judges:- Reservation shall be provided to the candidates:- (a) suffering from blindness of low vision provided that the disability is not 75% and more, (b) suffering from hearing impairment, provided that such impairment is not of 60 decibel or more after (c) hearing aid/surgical correction,				

		(d) suffering from locomotor disability. (e) (Note: Persons with functional dominant hand can also be considered). Provided further that the candidate- i) should not have any mental retardation of any degree and major mental illness like Schizophrenia or affective disorder and chronic psychosis, ii) should not have any Neurological disorder having impaired higher mental function/cognition and significant speech defect. Provided further that the select list prepared for all categories of officials shall be valid till the next select list is published.][6]
Disqualification for appointment and format of application	**6**	1) No person shall be eligible for appointment to the service i) If he has been dismissed from any previous service; ii) If he has been convicted of any offence involving moral turpitude or has been bound down for good conduct under the provisions contained in Chapter VIII of the Code of Criminal Procedure or has been permanently debarred disqualified from appearing in any examination or selection; iii) If he is found either directly or indirectly influencing the selection process in any manner; iv) If he is a man, has more than one wife living and if a woman has married a man already having another wife; or v) If he is an undischarged insolvent. 2) Every person applying for appointment to the service, at the bottom of the application in the format to be prescribed in the regulations, shall give

6 Substituted vide amendment in Himachal Pradesh Judicial Service (2nd amendment) Rules 2016 vide Notification No. Home-B-B(2)-4/2004-III-Loose, dated 14.6.2016.

		a declaration that he does not suffer from any of the aforesaid disqualifications and also that he confirms to all the eligibility criteria. The declaration shall also contain his undertaking that if the same is found false or incorrect, his candidature shall be liable to be cancelled or if appointed, his appointment shall also be annulled.
Pay and allowances	**7**	1) The Judicial Officers shall be paid the pay scales, as specified in column No. 6 of the schedule. Dearness allowance and other allowances, as notified from time to time by the State Govt. shall also be admissible: Provided that no member of the service shall be entitled to draw his subsequent annual increments, unless he passes by the prescribed standard, the departmental examination. Explanation:- i) The stoppage of increment for failure to pass departmental examination shall not be considered to be a penalty. ii) The increment or increments shall be released from the due date retrospectively to be a Judicial Officer he passes the departmental examination within the probation period. iii) The increment of increments shall be released to member of the service after he/she has passed the departmental examination. 2) [The selected candidates having a higher qualification like Post Graduation in Law at the time of entry in service shall be given three advance increments. 3) The Pay of the members of the service shall be fixed where necessary under the provision of the rules in force in Himachal Pradesh, from time to time, provided that where the increment of a member is

		withheld for his failure to pass the departmental examination he shall not be entitled, before the passes, the departmental examination by the prescribed standard to the re-fixation of pay on the basis of enhancement in his substantive or officiating pay the time scale of the post held by him prior to his appointment to the service. However, during his period he may be allowed his substantive pay, from time to time, if the same happens to be more than his officiating pay in the service.][7]
Direct appointment to the posts of District Judges and Civil Judges (Junior Division)	**8**	The High Court shall after completing the process of competitive examination, as may be prescribed and conducted by it in accordance with regulations for the cadre of the District Judges/Additional Distt. Judges forward its recommendations to the State Government for appointment of the candidates selected by it as included in the select list and on receipt of such recommendations from the High Court the Government shall subject to the provision of Rule 9 issue notification appointing such persons as Judicial Officers in the said cadre. Provided further that the Himachal Pradesh Public Service Commission shall after completing the process of the competitive examination, written as well as oral (viva voce) test to be conducted by it for the cadre of Civil Judges forward its recommendations to the Statement for appointment of candidates selected by it, as included in the select list and on the receipt of such recommendations from the H.P. Public Service Commission, the Government in consultation with High Court subject to provisions of Rule 9 may issue notification appointing such persons as Civil Judges.
Conditions	**9**	No person selected for appointment by direct

7 Subtituted vide amendment in Himachal Pradesh Judicial Service(2nd amendment) Rules 2016 vide Notification No. Home-B-B(2)-4/2004-III-Loose, dated 14.6.2016.

relating to suitability, fitness character		recruitment shall be appointed:- i) unless the appointing authority is satisfied that he is of good character and is in all respects suitable for appointment to the service; and ii) unless he is certified by the medical authority specified by the High Court for the purpose that he is medically fit to discharge the duties of the post to which he is selected for appointment.
Probation and officiation	**10**	1) All appointments to the service by direct recruitment shall be on probation for a period of two years. 2) All appointments by promotion shall be on officiating basis for a period of two years. 3) The period of probation or officiation, as the case may be for reasons to be recorded, in writing, may be extended by the appointing authority by such period not exceeding the initial period of probation or officiation as specified in sub-rule(1) or (2). 4) At the end of the period of probation or officiation or the extended period of probation or officiation as the case may be, the appointing authority shall consider the suitability of the person so appointed or promoted to hold the post to which he was appointed or promoted and- i) if it decides that he is suitable to hold the post to which he was appointed and has passed the special examinations or tests, if any, required to be passed during the period of probation of officiation, as the case may be, it shall as soon as possible issue an order declaring his to have satisfactorily completed the period of probation officiation, and such an order shall have effect from the date of expiry of the period of probation or officiation including extended period, if any. ii) If the appointing authority considers that the person is not suitable to hold the post to which

		he was appointed or promoted, as the case may be, it shall, by order:- (a) If he is a promotee, revert him to the post which he held prior to his promotion; or (b) If he is a probationer, discharge him from service.
Discharge of a probationer during the period of probation	**11**	Notwithstanding anything contained in rule 10, the appointing authority may at any time during the period of probation, discharge from services, a probationer on account of his unsuitability for the service.
Confirmation	**12**	A probationer who has been declared to have satisfactorily completed his probation and a promotee who has been declared to have satisfactorily completed his period of officiation shall be confirmed a member of the service in the category or post to which he was appointed or promoted, as the case may be, at the earliest opportunity, in a substantive vacancy which may exist or arise.
Seniority	**13**	1) Where officer are recruited to a cadre by promotion and direct recruitment, seniority shall be regulated by the roster maintained for such recruitment. Officer appointed against higher point of roster shall rank senior to the officer appointed a lower point. Provided that no person appointed to a cadre by direct recruitment shall for the purpose of fixation of his seniority claim any particular place in seniority unconnected with the date of his actual appointment. 2) Where more than one Officers are promoted to cadre at the same time *inter-se* seniority of persons so promoted shall be determined by their *inter-se* seniority in the lower cadre. 3) Where direct recruitment is made to a cadre, the *inter-se seniority* of persons so recruited shall be in

		the order in which their names are arranged in the select list. 4) Every year in the month of January seniority list of Officers in all cadres shall be prepared and published by the High Court and the lists so published shall be issued for the purpose of making promotions to the next higher cadres.
[Age of superannuation	**14**	The age of superannuation of a member of the service shall be 60 (sixty) years. Provided that before the completion of 58(fifty eight) years, service record of the officer will be evaluated and his suitability, potential and fitness for being retained in service upto the age of 60 (sixty) years shall be determined and in case he is not found suitable and fit, he shall be compulsorily retired at the age of 58 (fifty eight) years.][8]
Retirement in public interest	**15**	1) Notwithstanding anything contained in these rules, the Governor shall on the recommendations of the High Court, if he is of the opinion that it is in the public interest so to do have the absolute right to retire any member of the service who has attained their age of fifty years, by giving him notice of not less than three months, in writing or three months pay and allowances in lieu of such notice. 2) Whether a member of the service should be retired in public interest under sub-rule(1) shall be considered at least three times, that is, when he is about to attain the age of 50 years, 55 years and 58 years. Provided that nothing in sub-rule (2) shall be construed as preventing the consideration of question of retirement of a member of the service in the public

8 Substituted vide amendment in Himachal Pradesh Judicial Service (2nd amendment) Rules 2016 vide Notification No. Home-B-B(2)-4/2004-III-Loose, dated 14.6.2016.

		interest at any time other than those mentioned therein. 3) [A member of the service, by serving a notice, in writing, or not less than three months to the competent authority, may seek pre-mature retirement from service: Provided that no member of the service shall be eligible to seek premature retirement under this sub-rule unless he has completed a minimum of 30 years service or has attained the age of 50 years. 4) The competent authority, on receipt of notice in writing, of not less than three months may allow an officer whose record is found satisfactory by the said authority to retire on completion of 20 years of service, or attaining the age of 50 years or thereafter. Any member of the service, who is allowed to retire from service under this provision, shall be given the benefit of five years' additional service in the form of qualifying service for the purpose of pension, subject to the condition that the total qualifying service of the officer does not in any case exceed 33 years and does not take him beyond the date of superannuation. Provided that no member of the service who is under suspension or against whom any departmental proceeding is pending or contemplated or against whom any vigilance matter/departmental enquiry is going on, shall be permitted to retire either under sub-rule(3) or sub-rule(4) of this rule".][9]
Residuary provision	**16**	For the matters not specified in these rules, the rules as are applicable to Class-I Officers of the State Government, shall *mutatis mutandis* be applicable to the members of the service.

9 Sub Rule 3 and 4 of Rule 15 added vide 2nd amendment in the Rules HP Judicial Service Rules, notification No. Home B-(E)2/2001-Loose,dated 20.11.2006.

Training	**17**	With respect to appointments made through direct recruitment, it shall be open to the High Court by regulations made in this behalf, from time to time, to prescribe training schedules for the Officers appointed to the service and only on completion of such training as prescribed in such regulations, shall the officers be eligible for regular appointment.
Departmental Examination	**18**	Every person appointed by direct recruitment to the service after the commencement of these rules shall pass the departmental examination by the prescribed standard within two years from the date of his appointment and if any candidate fails to pass the departmental examination, he may be discharged from service/reverted to the post from which he was promoted. The departmental examination shall be conducted by the High Court in accordance with the regulations to be framed in this behalf, by the High Court. Provided that the High Court may, for good and sufficient reasons, extend the period within which the person shall so pass the examination.
Conduct	**19**	The members of the service shall uphold the integrity and independence of the Judiciary and shall also observe strict Judicial ethics, which have been or may be communicated by the High Court from time to time.
Power to relax	**20**	[Where, for reasons to be recorded in writing, the Government in consultation with the High Court, is satisfied that operation of any particular provision of these Rules with respect to conditions of service, causes or is likely to cause undue hardship in any [particular case or class of cases][10], it may, by order in writing, dispense with or relax such provisions of the Rules or

[10] Substituted vide Corrigendum Notification No. Home-B-B(2)4/2004-IV dated 30.06.2020 in H.P. Judicial Service (3rd Amendment) Rules, 2020.

		any such requirement as originating from such provisions to such extent and in such a manner as it may deem proper, just or equitable; Provided that, in respect of conditions of service of the Civil Judges, the consultation referred to in this Rule shall be made both with the High Court of Himachal Pradesh and the Himachal Pradesh Public Service Commission.][11]
Interpretation	**21**	If any question arises as to the interpretation of these rules, the same shall be decided by the State Government, in consultation with the High Court.
Repeal and Savings	**22**	i) On the coming into force of these Rules, the Himachal Pradesh Higher Judicial Service Rules, 1973 and the Himachal Pradesh Judicial Service Rules, 1973, shall stand repealed. ii) Notwithstanding such repeal anything done or any action taken under the above rules be deemed to have been validly done or taken under these rules.

By Order

-Sd-
Principal Secretary (Home)

[11] Substituted vide Notification No. Home-B-B(2)4/2004-IV dated 03.04.2020 in H.P. Judicial Service (3rd Amendment) Rules, 2020.

[SCHEDULE (updated)][12]
[See rule 3(2)]

Sr. No.	Cadre	No. of Posts				Pay Scale
		Permanent		Tempo-rary	Total	
1.	2.	3.		4.	5.	6.
1	District Judges/ Additional District Judges	1. Secretary (Law) to the Government of H.P.	1	–	**56**	Rs. 51550-1230-58930-1380-63070 time scale of DJ/ADJ.
		2. District & Sessions Judges (including forests, D & SJ (L/T Reserve) and three Family Courts	16			Rs. 57700-1230-58930-1380-67210-1540-70290 Selection Grade to 25% of the cadre post after completion of 5 years service in the cadre.
		3. Registrars	5			
		4. Presiding Officer, Labour Court	2			
		5. Member Secretary, Registrar Lokayukta, Director, H.P. Judicial Academy and Chairman, Waqf Tribunal	4			
		6. Additional District & Sessions Judges	26			Rs. 70290-1540-76450

12 Substituted vide notification No. HHC/Rules/HPJS(amend)/93-II-15426-41 in the HP Judicial Service Rules, dated 17.08.2020

		7. Special Secretary (Law) and Joint Director, H.P.J.A.	2			Super Time Scale to 10% of the cadre post after completion of 3 years service in the selection Grade.
2	Senior Civil Judges	1. Senior Civil Judges including Sr. Civil Judge (L/T Reserve) 2. Addl. Secretary (Law), Dy. Director, H.P.J.A., Administrative Officer, H.P. State Legal Service Authority and Central Project Co-ordinator 3. Secretaries in District Legal Service Authority in the rank of Senior Civil Judges	33 4 11	–	**48**	Rs. 39530-40450-1080-49090-1230-54010 as Sr. Civil Judge time Scale. Rs. 43690-1080-1230-56470 Ist ACP as Sr. Civil Judge after completion of 5 years service in the time scale. Rs.51550-1230-58930-1380-63070 IInd ACP as Sr. Civil Judge after completion of another 5 years of service in the same cadre.

3	Civil Judges	1. Civil Judges [including three posts of Civil Judges (A.D.R. Centres) and five posts of Civil Judge (Training Reserve and Leave Reserve)] 2. Mobile Traffic Magistrates	69 6	–	**75**	Rs.27700-770-33090-920-40450-1080-44770 as Civil Judge time scale. Rs. 33090-920-40450-1080-45850 Ist ACP as Civil Judge after completion of 5 years service. Rs.39530-920-40450-1080-49090-1230-54010/- IInd ACP as Civil Judge after completion of another 5 years of service in the same cadre.

By Order

-sd-
Principal Secretary (Home)