

**SIKKIM
GOVERNMENT GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY**

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|--------|----------|-----------|--------------|
| No. 51 | Gangtok, | Saturday, | May 31, 1980 |
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**LAW AND LEGISLATIVE DEPARTMENT
NOTIFICATION NO. 8/LL/80
Dated Gangtok, the 24th May, 1980**

SIKKIM SUPERIOR JUDICIAL SERVICE RULES, 1980.

In exercise of the powers conferred by the proviso to article 309 read with article 233 of the Constitution of India, the Governor of Sikkim, in consultation with the High Court of Sikkim makes the following rules regulating the recruitment and the conditions of service of persons appointed to the Sikkim Superior Judicial Service:-

1. SHORT TITLE AND COMMENCEMENT:

- (1) These rules may be called the Sikkim Superior Judicial Service Rules, 1980.
- (2) They shall be deemed to have come into force on the 8th day of March, 1978.

2. DEFINITIONS: In these rules, unless the context otherwise requires:-

- (1) "appointment to the Service" means an appointment to a cadre post, whether on permanent, temporary, officiating basis, or on probation.
- (2) "cadre post" means a post whether permanent or temporary in the service.
- (3) "Chief Justice" means the Chief Justice of the High Court of Sikkim,
- (4) "Direct recruit" with its grammatical variations and cognate expressions, means a person-who at the time of his appointment to the service is not already in judicial service and who is appointed to the service in accordance with the provisions of rule 8.
- (5) "High Court" means the High Court for the State of Sikkim.
- (6) "Member of the Service" means a person
 - (a) who, immediately before the commencement of these rules, holds a cadre post except on deputation from outside the state'
 - 'or'
 - (b) who is appointed to a cadre post in accordance with the provisions of these rules;
- (7) "Promoted Officer" means a member of the service who is not a direct recruit.
- (8) Service means the Sikkim Superior Judicial Service.

- 3. CONSTITUTION OF THE SERVICE:** The service shall consist of –
- (a) persons holding any of the posts mentioned in Appendix 'A' immediately before the commencement of these rules; and
 - (b) persons appointed to the service in accordance with the provisions of these rules.

NOTE:- The persons holding or appointed against any of the cadre post, whether before or after the commencement of these rules, on deputation from outside the State of Sikkim shall not ipso facto become member of the service.

[1] 4. NATIONALITY OF CANDIDATES:-

A candidate for appointment to the service must be a citizen of India.

5. DISQUALIFICATION: No person who has more than one wife living or is married to a person who already has a wife or husband living shall be eligible for appointment to any post in the service unless the Governor, for special reasons, exempts such person from the operation of this rule.

6. POST IN SERVICE: The service shall comprise of the posts specified in Appendix 'A' to these rules and such other posts of the District and Sessions Judge/Additional District and Sessions Judges and Joint Legal Remembrancer as may be created from time to time by the Governor in consultation with the High Court:

Provided that nothing herein contained shall affect the powers of the Governor to add to or reduce the number of the posts specified in Appendix 'A' in consultation with the High Court.

[2] 7. Method of Recruitment, qualification and age limit:

The method of recruitment to the said service, qualification, age limit, etc. shall be as specified in the Table below:-

TABLE

| Method of Recruitment (1) | Qualification, age limit, etc. (2) |
|---|--|
| (i) 50% by promotion from amongst the Chief Judicial Magistrates-cum-Civil Judges on the basis of principle of merit cum-seniority and passing a suitability test on the basis of ACRs and interview to be conducted by the High Court. | Must have been in the cadre of Chief Judicial Magistrate-cum-Civil Judges. |

[1] Substituted vide Notification No. 74/GEN/DOP dated 25.09.2001 (Annexure 'A').

[2] Substituted vide Notification No. 39/GEN/DOP dated 8/9/2004 (Annexure 'B').

| Method of Recruitment (2) | Qualification, age limit, etc. (2) |
|--|--|
| (ii) 25% by promotion strictly on the basis of merit through limited competitive examination of Chief Judicial Magistrate-cum-Civil Judges having not less than five years Qualifying service. | Must have not less than five years service in the cadre of Chief Judicial Magistrate-cum-Civil Judge. |
| (iii) 25% by direct recruitment from amongst the eligible advocates on the basis of written and viva-voce test. | <ol style="list-style-type: none"> 1. Must be holder of a degree in law granted by a University established by law in India. 2. Must be a citizen of India. 3. Must have practiced as an Advocate in any Court in India for a period of not less than seven years as on the last date fixed for receipt of applications. 4. Must have attained the age of thirty-five years and must not have attained the age of forty-five years as on the last date fixed for receipt of applications. [1] 5. Must be able to communicate in Nepali or any other languages of the State. |

[2]7A. The posts in the service shall be filled up as per the roster given below, namely:-

- 1st Post – By promotion as provided under clause (i) of Rule 7.
- 2nd Post – By promotion as provided under clause (i) of Rule 7.
- 3rd Post – By limited competitive examination as provided under clause (ii) of Rule 7.
- 4th Post – By direct recruitment as provided under clause (iii) of Rule 7.
- 5th Post – By promotion as provided under clause (i) of Rule 7.

[1] Inserted vide Notification No. E/18/153/GEN/DOP dated 17.09.2007 (Annexure 'C').

[2] Inserted vide Notification No. 39/GEN/DOP dated 8/9/2004 (Annexure 'B').

[1] **7B.** Competitive Examination: (1) The competitive examination for recruitment to the posts in the Service by the methods under clauses (ii) and (iii) of 7 shall consist of:-

(a) Written examination

Paper-I: Procedural Law, [2]Local Laws, Code of Civil Procedure, Code of Criminal Procedure, , Indian Evidence Act and Limitation Act.

[3] **Local Laws.**

(A) Property Laws.

- (1) Notice dated 2nd January 1897 relating to transfer of land by Bhutias and Lepchas.
- (2) Revenue Order No. 1 dated 17th May, 1917
 - (a) Notice No. 660/G dated 21st May, 1931
 - (b) Notice No. 669/G dated 21st May 1931
- (3) Sikkim Darbar Gazette Vol. XVIII No. 11 dated 21st April, 1969 Right of a women to purchase or sell land after her marriage vis-à-vis Revenue Order No. 1 of 1917.
- (4) O. O. No. 105/L.R. dated 25th February, 1961.

(B) Registration Laws.

- (1) Notification No. 385/G dated 11th April, 1928 (Regarding Registration of Documents)
- (2) Notification No. 2947/G dated 22nd November, 1946 (Regarding Registration of Documents)
- (3) Sikkim State Rules Registration of Documents 1930.

(C) House Rent & Eviction Laws.

- (1) Notification No. 6326-600/H&W-B dated 14.04.1949 Regulations of Letting and Sub-letting of Premises etc. (Health & Works Deptt.).
- (2) Gangtok Rent Control & Eviction Act 1 of 1956 dated 31st May, 1956.
- (3) The Sikkim Public Premises (Eviction of Unauthorized Occupants and Rent Recovery) Act, 1980.
- (4) The Sikkim Public Premises (Eviction of Unauthorized Occupants and Rent Recovery) Rules, 1980.

(D) Land Laws.

- (1) The Sikkim Cultivators Protection Act, 1985.
- (2) The Sikkim Land (Requisition & Acquisition) Act, 1977 (1 of 1978).
- (3) Notification No. 1209/L&F dated 25th May, 1950 (Regarding formulation of Substantive Law for Land in Sikkim).
- (4) The Sikkim Regulation of Transfer of Land Act, 2005.

[1] Inserted vide Notification No. 39/GEN/DOP dated 8/9/2004 (Annexure 'B').

[2] & [3] Inserted vide Notification No. E/18/153/GEN/DOP dated 17.09.2007 (Annexure 'C').

(E) Court Fee & Stamp Laws.

- (1) Sikkim Court Fees & stamp on Documents Rules dated 30.03.1928 Amended schedule.
- (2) Sikkim Court Fee (Exemption and Miscellaneous Provision) Act, 1983.

(F) Adoption Laws.

- (1) Notification No. 2341-4/G dated 17th June, 1930 (Regarding Adoption of Heir).

(G) Civil Courts Act.

- (1) Sikkim Civil Courts Act, 1978.

(H) Municipal Laws.

- (1) Sikkim Shops and Commercial Establishment Act, 1983.
- (2) Sikkim Allotment of House Sites and Construction of Buildings (Regulation and Control) Act, 1985.

(I) Interpretation and General Clauses Act.

- (1) Sikkim Interpretation and General Clauses Act, 1978.

(J) Other Local Laws

- (1) The Sikkim Anti Drugs Act, 2006.
- (2) The Sikkim State Legislator's Appointment to Different Authorities Act, 2006.
- (3) The Sikkim State Public Services Act, 2006.

(K) Notification on Issuance of Certificate of Identification.

- (1) Notification No. 66/Home/95 dated 2nd November, 1995.

(L) Rural Indebtedness Act.

- (1) Sikkim Rural Indebtedness Act, 1966 dated 23.9.1966, Notification No. 845/II dated 20.08.1968 issued under the Sikkim Rural Indebtedness Act, 1966.

(M) Language Test.

Nepali or any Languages of the State.

Paper – II: Substantive Law – Hindu Law, Contract Act, Arbitration Act, Transfer of Property Act, Sale of Goods Act, Partnership Act, Specific Relief Act, General Clauses Act, [1]Indian Penal Code and Constitutional Law of India.

Note: Each paper shall be of [2]three hours duration and shall carry 200 marks each.

- (b) 100 marks on Viva-voce for the direct recruits and 100 marks on the basis of Annual Confidential reports for 10 years immediately preceding the financial year in which written test is held for the candidates appearing in the limited competitive examination.

[1] & [2] Inserted vide Notification No. E/18/153/GEN/DOP dated 17.09.2007 (Annexure 'C').

(2) Selection of the candidates shall be made on the basis of the aggregate marks obtained in the written examination and viva voce and on the basis of Annual Confidential reports for 10 years immediately proceeding the financial year in which written test is held for the candidates appearing in the limited competitive examination.

[1]7C. **TRAINING:** Every person appointed by direct recruitment to the service shall be required to undergo training at any place within or outside Sikkim as the High Court may determine."

[2]8. No person appointed directly from the Bar by the method under clause (iii) of rule 7 shall be appointed unless he is found physically fit by a Medical Board set up by the Governor and is also found suitable for appointment in all other respects.

9. PROBATION: (1) Direct recruits to the service shall remain on probation for a period of two years and promoted Officers if appointed against permanent post shall remain on probation for a period of one year which may be extended by the Governor in consultation with the High Court so as not to exceed total period of three years in case of direct recruits and two years in case of promoted Officers.

(2) On the completion of the period of probation, the Governor may, in consultation with the High Court, confirm a direct recruit on a cadre post with effect from a date not earlier than the date on which he joined the service.

(3) If the work or conduct of a direct recruit has, in the opinion of the Governor, not been satisfactory, he may, at any time, during the period of probation or the extended period of probation, if any, in consultation with the High Court, and without assigning any reason, dispense with the services of such direct recruit.

10. REVERSION OF PROMOTED OFFICERS: If the work of a promoted officer officiating on a cadre-post has, in the opinion of the Governor, not been satisfactory, he may, at any time during the period of officiating, in consultation with the High Court:-

(i) revert him to his substantive post; or

(ii) deal with him in such other manner as may be warranted by the terms and conditions of his substantive appointment.

[3]11. The seniority inter-se of the members of the service shall be determined on the basis of the continuous length of service rendered by them in the relevant grade.

[1] Inserted vide Notification No. 39/GEN/DOP dated 8/9/2004 (Annexure 'B').

[2] & [3] Substituted vide Notification No. 39/GEN/DOP dated 8/9/2004 (Annexure 'B').

[1]12. PAY OF MEMBERS OF THE SERVICE:- (1) The scale of pay of members of the service shall be as follows:-

- (a) District Judges Rs.16750-400-19150-450-20500 (Entry Level)
- (b) District Judges Rs. 18750-400-19150-450-21850-500 - 22850 (Selection Grade)
- (c) District Judge Rs. 22850-500-24850 (Supertime Scale).

(2) In the case of a promoted Officer, his pay in the aforesaid scale shall be fixed in accordance with the rules and instructions that have been issued or may hereinafter be issued from time to time.

(3) The initial pay of a direct recruit shall be fixed at such stage in the permissible time scale by allowing him one increment for every three completed years of practice at the bar subject to a maximum of seven increments."

[2]13. SELECTION GRADE

- (1) The members of the service shall be eligible for promotion, permanently or provisionally, to one post in the selection grade on completion of not less than five years of continuous service in the cadre.
- (2) Promotion to the selection grade post shall be made on merit and suitability in all respects with due regard to seniority and no member of the service shall be entitled as of right to such promotion.

[3]13A. SUPERTIME GRADE:-

The members of the service shall be eligible for promotion, permanently or provisionally, to one post in the Supertime on completion of not less than three years of continuous service as District Judge in Selection Grade.

14. INCREMENT:

- (1) An increment shall ordinarily be drawn as a matter of course, unless it is withheld. An increment may be withheld from a member of the service by the competent authority, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of increment, the competent authority shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increment.
- (2) The increment shall become due after completion of every 12 months service in a particular pay scale.
- (3) Notwithstanding the provisions of sub-rule (2). The date of increment shall be the 1st day of the month in which a person has joined service or is promoted in a particular pay scale, irrespective of the actual date of joining service, or of promotion during that month.

[1]14 A. AGE OF SUPERANNUATION:-

- (1) A member of the service shall retire from service in the afternoon of the last day of the month in which he attains the age of 60 years.

[Sub-rule (2) & (3) Deleted vide Notification No. 113/GEN/DOP dated 16.10.2008 (Flag 'O')].

- [2](4) Notwithstanding anything contained hereinabove, a member of the service on attaining the age of 60 years, may be considered for reemployment from 60 to 62 years if there is vacancy and subject to fitness and efficiency.

[4]14 B. A member of the service shall be eligible for three advance increments for possessing /acquiring higher educational qualifications like Post Graduate Degree.

[3]15. DEATH-CUM-RETIREMENT BENEFITS:

In respect of death-cum-retirement benefits, the members of the service shall be governed by the Death-cum-Retirement Benefit Rules, as applicable to the members of Indian Administrative Service from time to time.

16. DISCIPLINE, PENALTY AND APPEAL: (1) In matter relating to discipline, penalties and appeals, members of the service shall be governed by the Sikkim Government Servants Discipline and Appeal Rules, as amended from time to time:-

Provided that the nature of penalties which may be imposed and the authority empowered to impose such penalties shall, subject to the provisions of any law or rules made under article 309 of the Constitution of India, be as specified in Appendix 'B'. Provided further that the competent authority other than the High Court shall, before imposing any penalty, consult the High Court.

- (2) The authority competent to make an order under the Sikkim Government Servants, Discipline and Appeal Rules shall be the Governor who shall before passing any such order consult the High Court.

17. OATH OF ALLEGIANCE: Every member of the service, unless he has already done so, shall be required to take the oath of allegiance to India and to Constitution of India as by law established.

[1] Inserted vide Notification No. 11/HOME/95 dated 08.02.1995 (Annexure 'E').

[2] Inserted vide Notification No. 149/GEN/DOP dated 20.02.2004 (Annexure 'F').

[3] Substituted vide Notification No. 71/GEN/DOP dated 24.01.1998 (Annexure 'G').

[4] Inserted vide Notification No. 113/GEN/DOP dated 16.10.2008 (Flag 'O')].

- 18. LIABILITY TO TRANSFER:** Every member of the service shall be liable to transfer under the orders of High Court anywhere within the State of Sikkim and under the orders of the Governor, made in consultation with the High Court, to any other place in India where he may be required to proceed by the Governor.
- 19. PUBLICATION OF GROUNDS OF DISMISSAL:** If a member of the service is dismissed by the Governor as a result of a departmental inquiry or on conviction on a criminal charge by a Court, the Governor may publish in the official Gazette the reasons for such dismissal, if he is of the opinion that such publication is desirable in public interest.
- 20. RESIDUARY MATTERS:** In respect of leave, traveling allowance and other matters not expressly provided for in this rules, the members of the service be governed by such rules as are applicable for the time being to the officers of the rank of Secretary to the Government of Sikkim.
- 21. POWER TO RELAX:** Where the Governor, in consultation with the High Court, is of opinion that it is necessary or expedient so to do, the Governor may by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.
- 22. INTERPERTATION:** In any question arises as to the interpretation of these rules the same shall be decided by the Governor in consultation with the High Court.

[1](APPENDIX - 'A')

DETAILS OF POSTS IN THE SIKKIM SUPERIOR JUDICIAL SERVICE.

| Sl. No. | Designation of the Posts. | Number of Posts. |
|---------|--|------------------|
| 1. | Legal Remembrancer and Secretary to Government of Sikkim, Law Department | 1 (One) |
| 2. | Registrar General, High Court of Sikkim | 1 (One) |
| 3. | District & Sessions Judge (East & North) | 1 (One) |
| 4. | District & Sessions Judge (South & West) | 1 (One) |
| 5. | District & Sessions Judge, Special Division - I | 1 (One) |
| 6. | District & Sessions Judge, Special Division - II | 1 (One) |
| 7. | Registrar, High Court of Sikkim | 1 (One) |
| | Total number of posts | 7 (Seven) |

[1] Substituted vide Notification No. 30/GEN/DOP dated 17.07.2004 (Annexure 'H').

***APPENDIX 'B'**

| NATURE OF PENALTY | AUTHORITY EMPOWERED TO IMPOSE PENALTY | APPELLATE |
|---|---------------------------------------|-----------|
| i. Censure | HIGH COURT | |
| ii. Withholding of increment or promotion including stoppage at an efficiency bar. | HIGH COURT | |
| iii. Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders. | HIGH COURT | |
| iv. Reduction to a lower post or time - scale or to a lower stage in a time scale. | GOVERNOR | |
| v. Suspension | GOVERNOR | |
| vi. Removal from the Service which does not disqualify from employment. | GOVERNOR | |
| vii. Dismissal from the Service which ordinarily disqualifies from future employment. | GOVERNOR | |

By Order,

B.R. Pradhan,
 Secretary to the Government of Sikkim,
 Law and Legislative Department,
 F. No. 16 (52) LL/78.

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SIKKIM

GOVERNMENT

GAZETTE

(EXTRAORDINARY)
PUBLISHED BY AUTHORITY___ EX. GAZ.
NO. 34

GANGTOK, SEPTEMBER 24, 1975

HOME DEPARTMENT

NOTIFICATION NO. 880/H/75

The Governor, Sikkim, in consultation with the High Court of Sikkim, is pleased to make the following rules, namely:-

1. **Short title and commencement:** These rules may be called the Sikkim Judicial Service Rules and they shall come into force from the date of publication in the Sikkim Gazette.
2. **Definitions:** In these rules, unless the context otherwise requires:
 - a. "Governor" means the Governor of Sikkim.
 - b. "High Court" means the High Court of Sikkim.
 - c. "Service" means the Sikkim Judicial Service.
 - d. "Member of the Service" means a person appointed in a substantive capacity under the provisions of these rules and includes a person appointed on probation.
- [1] 2A. The service shall comprise of the posts specified in the Schedule appended to these rules.
- [2] 3. For the purpose of recruitment of the Service, there shall be a Selection Committee consisting of the following:-
 - i) Appointment to the post of Civil Judge-cum-Judicial Magistrate (Grade-III) shall be made by the Governor on the basis of the selection made by the High Court in accordance with these Rules.
 - ii) Promotion to the posts of Civil Judge-cum-Judicial Magistrate (Grade-II), Civil Judge-cum-Judicial Magistrate (Grade-I), Chief Judicial Magistrate-cum-Civil Judge (Grade III), Chief Judicial Magistrate-cum-Civil Judge (Grade-II), Chief Judicial Magistrate-cum-Civil Judge (Grade-II) and Chief Judicial Magistrate-cum-Civil Judge (Grade I) shall be made by the High Court.

[1] Amended vide Notification No. 34/Home/95 dated 24th May, 1995 (Annexure 'I').

[2] Substituted vide Notification No. 03/GEN/DOP dated 27.05.2004 (Annexure 'J').

- [1] 4. A candidate shall be eligible to be recruited if he is:-
- (a) a citizen of India.
 - (b) Not more than 35 years of age as on the last date fixed for receipt of applications.
 - (c) The holder of a degree in law granted by a University established by law in India.
- [2] (d) able to communicate in Nepali or any other languages of the State.
- [3] 5. Recruitment to the post of Civil Judge-cum-Judicial Magistrate (Grade-III) shall be made on the basis of a competitive examination to be held by the High Court at such intervals as the High Court may determine. The date on which and the place at which the examination is to be held, shall be fixed by the High Court.

(a) The competitive examination shall consist of:-

(i) Written examination

Paper-I: Procedural Law – Code of Civil Procedure, Code of Criminal Procedure, [4]Local Laws, Indian Evidence Act and Limitation Act.

[5] **Local Laws.**

(A) Property Laws.

- (1) Notice dated 2nd January 1897 relating to transfer of land by Bhutias and Lepchas.
- (2) Revenue Order No. 1 dated 17th May, 1917
 - (a) Notice No. 660/G dated 21st May, 1931
 - (b) Notice No. 669/G dated 21st May 1931
- (3) Sikkim Darbar Gazette Vol. XVIII No. 11 dated 21st April, 1969 Right of a woman to purchase or sell land after her marriage vis-à-vis Revenue Order No. 1 of 1917.
- (4) O. O. No. 105/L.R. dated 25th February, 1961.

(B) Registration Laws.

- (1) Notification No. 385/G dated 11th April, 1928 (Regarding Registration of Documents)
- (2) Notification No. 2947/G dated 22nd November, 1946 (Regarding Registration of Documents)
- (3) Sikkim State Rules Registration of Documents 1930.

(C) House Rent & Eviction Laws.

- (1) Notification No. 6326-600/H&W-B dated 14.04.1949 Regulating and Letting and Sub-letting of Premises etc. (Health & Works Deptt.).
- (2) Gangtok Rent Control & Eviction Act 1 of 1956 dated 31st May, 1956.
- (3) The Sikkim Public Premises (Eviction of Unauthorized Occupants and Rent Recovery) Act, 1980.
- (4) The Sikkim Public Premises (Eviction of Unauthorized Occupants and Rent Recovery) Rules, 1980.

[1] & [3] Substituted vide Notification No. 03/GEN/DOP dated 27.05.2004 (Annexure 'J').

[2], [4] & [5] Inserted vide Notification No. E/18/152/GEN/DOP dated 17.09.2007 (Annexure 'K').

(D) Land Laws.

- (1) The Sikkim Cultivators Protection Act, 1985.
- (2) The Sikkim Land (Requisition & Acquisition) Act, 1977 (1 of 1978).
- (3) Notification No. 1209/L&F dated 25th May, 1950 (Regarding formulation of Substantive Law for Land in Sikkim).
- (4) The Sikkim Regulation of Transfer of Land Act, 2005.

(E) Court Fee & Stamp Laws.

- (1) Sikkim Court Fees & stamp on Documents Rules dated 30.03.1928 (Amended schedule).
- (2) Sikkim Court Fees (Exemption and Miscellaneous Provision) Act, 1983.

(F) Adoption Laws.

- (1) Notification No. 2341-4/G dated 17th June, 1930 (Regarding Adoption of Heir).

(G) Civil Courts Act.

- (1) Sikkim Civil Courts Act, 1978.

(H) Municipal Laws.

- (1) Sikkim Shops and Commercial Establishment Act, 1983.
- (2) Sikkim Allotment of House Sites and Construction of Buildings (Regulation and Control) Act, 1985.

(I) Interpretation and General Clauses Act.

- (1) Sikkim Interpretation and General Clauses Act, 1978.

(J) Other Local Laws

- (1) The Sikkim Anti Drugs Act, 2006.
- (2) The Sikkim State Legislator's Appointment to Different Authorities Act, 2006.
- (3) The Sikkim State Public Services Act, 2006.

(K) Notification on Issuance of Certificate of Identification.

- (1) Notification No. 66/Home/95 dated 2nd November, 1995.

(L) Rural Indebtedness Act.

- (1) Sikkim Rural Indebtedness Act, 1966 dated 23.9.1966, Notification No. 845/II dated 20.08.1968 issued under the Sikkim Rural Indebtedness Act, 1966.

(M) Language Test.

Nepali or any Languages of the State.

Paper-II: Substantive Law - Hindu Law, Indian Contract Act, Sale of Goods Act, Partnership Act, Specific Relief Act, General Clauses Act, Transfer of Property Act, [1] Indian Penal Code and Constitutional Law of India.

Note: Each paper shall be of [2] three hours duration and shall carry 200 marks each.

[1] & [2] Substituted vide Notification No. E/18/152/GEN/DOP dated 17.09.2007 (Annexure 'K').

(ii) Viva Voce

It will carry 100 marks.

- (b) Only such number of candidates shall be called for viva-voce as shall obtain the highest number of marks in aggregate of both the papers in the written examination up to the extent of five times of the number of posts as specified in the advertisement inviting applications.
 - (c) Selection of candidates shall be made on the basis of the aggregate marks obtained in the written examination & viva-voce.
 - (d) The list prepared on the basis of the selection made shall be operative for one year and shall be effective for the filling of the vacancies then existing and those arising within a period of one year.
- [1] 6. (1) No person who has more than one wife living shall be eligible for appointment to the service provided that the Governor may if he is satisfied that there are special grounds for doing so, exempt any person from the operation of this sub-rule.
- (2) No woman who is married to any person who has a wife living shall be eligible for appointment to the service, provided that the Governor, may, if he is satisfied that there are special grounds for doing so, exempt any such woman from the operation of this sub-rule.
- 7. All candidates on appointment may be required to undergo initial training at any place within or outside Sikkim as the High Court may determine. The nature of duration of such training shall be as determined by the High Court from time to time. After the satisfactory completion of such initial training, such candidate shall be placed on probation for period of two years.
 - 8. All persons appointed to the service on probation shall be confirmed at the end of the said period of two years.
Provided that the Governor may, on the recommendation of the High Court extend the period of probation but in no case shall the period of probation extend beyond three years in all.
 - 9. The services of a person appointed during training or probation are liable to be terminated without assigning any reason.
 - 10. After successful completion of the period of probation the Officer shall be confirmed in the service by the Governor in consultation with the High Court and the same shall be notified in the Gazette.
 - 11. The scale of pay of the members of the service shall be as specified in column [2]5 of the said Schedule or as may be revised by the State Government from time to time.
 - 12. Candidates shall on selection undergo a test for medical fitness before appointment and shall pass during the period of probation such departmental examination as may be laid down by the High Court.

[1] & [2] Substituted vide Notification No. 03/GEN/DOP dated 27.05.2004 (Annexure 'J').

13. Every member of the service unless he has already done so shall be required to take the oath of allegiance to India and to the constitution of India as by laws established.
- [1]13A (1) A member of the service shall retire from service in the afternoon of the last day of the month in which he attains the age of 60 years.
- [Sub-rule (2) & (3) Deleted vide Notification No. 114/GEN/DOP dated 16.10.2008 (Flag 'P')].
- [4]13 B A member of the service shall be eligible for three advance increment for possessing/acquiring higher educational qualifications in law like a post graduate degree.
14. For all other matters such as fixation of pay, allowances and other conditions of services, the members of the service shall be governed by the Sikkim Government Service Rules.
15. Nothing in these rules shall prevent the State Government, in consultation with High Court, from appointing a person who is otherwise eligible for appointment under these rules on deputation for such period as the State Government may, in consultation with High Court, think fit.

[2]THE SCHEDULE
DETAILS OF POSTS IN THE SIKKIM JUDICIAL SERVICE

| Serial Number | Name of post | Grade | Number of post | Scale of pay |
|---------------|---|-----------|----------------|---|
| 1 | 2 | 3 | 4 | 5 |
| 1. (a) | Civil Judge-cum-Judicial Magistrate | Grade III | 4 | Rs.9000-250-10750-300-13150-350-14550. |
| (b) | [3]Senior Civil Judge-cum-Judicial Magistrate | Grade II | | If found suitable by the High Court on completion of satisfactory and continuous service of five years from the date of entry and has passed the departmental examination, if any, prescribed by the High Court - Rs.10750-300-13150-350-14900. |

[1] Inserted vide Notification No. 34/Home/95 dated 24th May,1995 (Annexure 'T').

[2] Substituted vide Notification NO. 51/GEN/DOP dated 05.07.2002 (Annexure 'L').

[3] Inserted vide Notification No. 101/GEN/DOP dated 21.11.2003 (Annexure 'M').

[4] Inserted vide Notification No. 114/GEN/DOP dated 16.10.2009 (Annexure 'P').

| Serial Number | Name of post | Grade | Number of post | Scale of pay |
|---------------|--------------|-------|----------------|--------------|
| 1 | 2 | 3 | 4 | 5 |

| | | | | |
|---|-----------|---|--|---|
| (c) [1]Senior Civil Judge-cum-Judicial Magistrate | Grade I | | | If found suitable by the High Court after completion of another five years of continuous and satisfactory service - Rs.12850-300-13150-350-15950-400-17550. |
| 2.(a) Chief Judicial Magistrate-cum-Civil Judge. | Grade III | 2 | | Rs.12850-300-13150-350-15950-400-17550. |
| (b) Chief Judicial Magistrate-cum-[2]Senior Civil Judge | Grade II | | | If found suitable by the High Court after five years of continuous and satisfactory service - Rs.14200-350-15950-400-18350. |
| (c) Chief Judicial Magistrate-cum-[3]Senior Civil Judge | Grade I | | | If found suitable by the High Court after completion of another five years of continuous and satisfactory service - Rs.16750-400-19150-450-20500. |

SD-
(D. DAHDUL)
COMMISSIONER-CUM-SECRETARY TO THE GOVERNMENT
DEPARTMENT OF PERSONNEL ADMINISTRATIVE REFORMS &
TRAINING

[1], [2] & [3] Inserted Vide Notification No. 101/GEN/DOP dated 21.11.2003 (Annexure 'M').

SIKKIM

GOVERNMENT

GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADMINISTRATIVE REFORMS, &
TRAINING, PUBLIC GRIEVANCES, CAREER OPTIONS & EMPLOYMENT
SKILL DEVELOPMENT AND CHIEF MINISTER'S SELF-EMPLOYMENT
SCHEME GANGTOK, SIKKIM.

| | | | |
|---------|---------|-------------------------------|---------|
| Gangtok | Monday, | 16 th August, 2004 | No. 304 |
|---------|---------|-------------------------------|---------|

No. 36/GEN/DOP

Dated 11.08.2004

NOTIFICATION

WHEREAS the First National Judicial Pay Commission have recommended certain Allowances, Amenities and Advances payable to Judicial Officers and the Hon'ble Supreme Court of India having accepted most of the recommendations with some modifications vide its judgment/order passed in All India Judges Association Verses Union Of India reported in (2002) 4 SCC 247.

NOW, THEREFORE, in exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Sikkim in consultation with the High Court of Sikkim, hereby makes the following rules, namely:-

1. Short title and commencement:-

- (1) These rules may be called the Judicial Officers (Allowances, Amenities and Advances) Rules, 2004;
- (2) They shall be deemed to have come into force on the 1st day of November, 1999.

2. Extent of application:-

These rules shall be applicable to the members of Sikkim Superior Judicial Service and the Sikkim Judicial Service.

3. Dearness Allowances:-

The same Dearness Allowance Formula as being implemented to the Central Government employees from time to time shall apply to the Judicial Officers of the State.

4. Electricity and Water Charges

50% of charges of electricity and water consumed by the Judicial Officer in his residential accommodation shall be reimbursed by the State Government subject to a maximum limit of Rs 500/- and any amount in excess of the maximum limit shall be borne by the concerned Judicial Officers. The payment by reimbursement shall be made to the Judicial Officers on quarterly basis by the controlling authority, upon production of the receipts for having paid the bills.

5. Newspaper /magazine

The Judicial Officers shall be entitled to News Paper/magazine at the following scales:-

| Level of Officer | Entitlement Newspaper | Magazine |
|-------------------------------------|--------------------------------|----------|
| Civil Judge-cum-Judicial Magistrate | One National and one Regional. | -do- |
| Chief Judicial Magistrate | -do- | -do- |
| District Judge and equivalent | -do - | -do- |

The Judicial Officer shall get the Newspaper-Magazine as per the above entitlement through his local hawker upon payment in the first instance and the Judicial Officer could claim reimbursement from the office after producing the original bill.

6. City Compensatory Allowance (CCA):-

The City Compensatory Allowance (CCA) not being applicable to the State Government employees, the City Compensatory Allowance as and when adopted by the State Government shall be made applicable to a Judicial Officer at the same rate as will be payable to the State Government officials.

7. Robe Allowances:-

A lump sum amount of Rs.5000/- shall be paid to every Judicial Officer once in five years as robe Allowance.

8. Conveyance Allowance:-

The Judicial Officers shall be provided with Government Conveyance and shall be entitled to 100 (hundred) liters of petrol/diesel per month.

“Provided that the Judicial Officer who own personal conveyance and/or opts not to use or avail of Government Vehicle shall be entitled to Conveyance allowance at the same rate as is payable to the State Government Officials”. But in any case, the allowance shall not be less than an amount equivalent to 100 ltrs of Pol/Hsd.

9. Hill Allowance:-

SBCA (Sikkim Border Compensatory Allowance) being the corresponding allowance for the Hill Allowance in the State, SBCA shall be payable to Judicial Officers in lieu of Hill Allowance at the same rate as is applicable to a State Government official.

[1],[2] & [3] inserted vide Notification No. 39/GEN/DOP dated 11.10.2006 (Annexure 'N').

10. Medical Facilities:-

The Judicial Officers [1]both serving and retired shall be entitled to Medical benefits as are provided to be the Members of the State Legislatures subject to the following modifications:-

- (1) The State Government shall notify the list of Hospitals, Dispensaries, Government and private, in each City/District Headquarters and places for medical treatment of Judicial Officers [2]both serving and retired and members of their family.
- (2) The Judicial Officers [3]both serving and retired shall be entitled to claim expenses incurred by them for the medical attendance and the treatment obtained by them and their family members in such notified Hospital/Dispensaries. The expenses shall be inclusive of the charges for accommodation in the place where such treatment is taken.
- (3) The Judicial Officers [4]both serving and retired shall be entitled to reimbursement of the expenses incurred by them or for their family members for the medical attendance and treatment obtained by them in any place other than in a hospital or dispensary maintained by the State Government and other than the hospitals of dispensaries notified by the Government, to the same extent as they are entitled to under the rules for reimbursement of expenses incurred by them for medical attendance and treatment obtained in the notified Hospital or Dispensary. Expenses shall be inclusive of charges for accommodation.
- (4) There shall be no restriction on reimbursement except to the extent of in-patient room entitlement. Further, there shall be no any ceiling on reimbursement of expenditure on expensive treatment like kidney transplant, open heart surgery etc..
- (5) The District Judge shall be the competent authority for passing the bill for reimbursement of medical attendance and expenses of Judicial Officers [5]both serving and retired under him and in case of District Judges, the High Court shall be the sanctioning authority.
- (6) All claims for reimbursement of the expenses incurred by Judicial Officers [6]both serving and retired for themselves or for their family members shall be accompanied by an "Essentiality Certificate" issued by the authorised Medical Attendant with the bills for reimbursement supported by the prescription and vouchers or cash memos.
- (7) Judicial Officers [7]both serving and retired shall be entitled to advances to meet the medical expenses for treatment upto 80% of the estimate and the balance shall be paid on due approval when it is produced.
- (8) All Judicial Officers, both serving and retired, shall be paid Rs.100/- per month as Medical Allowance on and above the facilities provided herein above.

[1],[2], [3],[4],[5],[6] & [7]

Inserted vide Notification No. 39/GEN/DOP dated 11.10.2006 (Annexure 'N').

11. Leave Travel Concession (LTC)/Home Travel Concession (HTC).

- (1) The Leave Travel Concession shall be provided to all Judicial Officers once in a block of four years to any part of India.
- (2) In order to claim Leave Travel Concession, one must have put in not less than 5(five) years of continuous service.
- (3) All Judicial Officers shall be provided Home Travel Concession once in two years.
- (4) The entitlement for the journey would be according to the Rules as may be framed by the State Government.
- (5) No cash payment in lieu of Leave Travel Concession shall be allowed. Carry forward of Leave Travel Concession is also not allowed beyond retirement.
- (6) This entitlement shall not be allowed to a Judicial Officer within one year before retirement.

12. Special Pay:-

The Judicial Official shall be entitled to such special pay for administrative works outside the Court as may be determined by the High Court.

13. Concurrent Charge Allowance:-

The Concurrent Charge Allowance as may be determined by the High Court, shall be paid to the Judicial Officer when he is placed in charge of another Court continuously beyond the period of ten working days and if he performs appreciable judicial work of that Court. The Charge Allowance shall be paid to such Judicial Officer at 10% of the minimum of the time scale of the additional post held.

14. Encashment of leave and leave salary:-

- (i) The benefit of availing encashment of leave shall be extended to all Judicial Officers in the State without insisting on the availment of leave simultaneously.
- (ii) The Judicial Officers shall be allowed to encash leave not exceeding one month in a block of two years.
- (iii) The encashment of leave shall be tax-free.

15. Transfer Grant/Disturbance Allowance:-

The Judicial Officers shall be entitled for payment of Transfer Grant in accordance with the Government of India Rules for payment of Transfer Grants.

16. Housing, House Rent Allowance:-

- (1) All Judicial Officers, irrespective of their cadre, shall be provided with [1]rent free Government quarters according to their entitlement. If adequate Government quarters are not available at a time, the Government shall requisition the proper houses and make available to the Judicial Officers.
- 2 - Omitted.
- (3) All Judicial Officers are entitled to House Rent Allowance at the rate provided to the State Government servants in the State [3]irrespective of whether the Judicial Officer is provided with Government Quarters or hired accommodation.
- (4) Judicial Officers who occupy their own houses with the permission of the High Court are also entitled to House Rent Allowance at the same rate as provided to the State Government employees.
- (5) The Government quarters/requisitioned house provided to Judicial Officer shall have separate space for 'Home Library' and the necessary books and the furniture of the Home Library shall be at the cost of the High Court which shall be administered and managed by the District Judge of the District.
- (6) The Drawing Room of each such quarters/house shall be reasonably furnished with a sofa set, carpet, teapoy and one or two side tables and chairs at the cost of the State which shall be administered and managed by the District Judge of the District.
- (7) The regular maintenance and repairs of Government quarters allotted to Judicial Officers shall be the obligatory duty of the Public Works Department.
- (8) A certain percentage of sites/house, wherever they are available for allocation / allotment by the Housing Board / City Improvement / Development Authority shall be ear-marked for allotment to Judicial Officers.

17. Telephone Facilities:-

- (1) Every Court shall be provided with a telephone with STD facilities.
- (2) Every Judicial Officer shall be provided with a telephone at his resident with STD facilities except Civil Judge-cum-Chief Judicial Magistrate and Civil Judge-cum-Judicial Magistrate.

[1] & [3] Inserted vide Notification No. 39/GEN/DOP dated 11.10.2006 (Annexure 'N').

[2] Omitted vide Notification No. 39/GEN/DOP dated 11.10.2006 (Annexure 'N').

- (3) The ceiling fixed by the State Govt. or the following, whichever is higher, shall be the limits of free calls to the different categories of officers:-

| Sl. No. | Name of the Category | Admissible free calls for two month | |
|---------|--|-------------------------------------|-----------|
| | | Office | Residence |
| (i) | District Judge/Sessions Judge (with STD facility both in office & residence) | 2,000/- | 3,000/- |
| (ii) | Civil Judge-cum-Chief Judicial Magistrate (STD facility both in office and residence) | 2,000/- | 1,000/- |
| (iii) | Civil Judge-cum-Judicial Magistrate (without STD facility). | 1,500/- | 1,000/- |

- (4) The office shall bear the expenses of the installation and bi-monthly payment of the telephone bills upto the aforesaid ceiling. The excess calls, if any, shall be borned by the concerned Judicial Officer.

18. Advances:

- (1) All the Judicial Officers shall be entitled for construction of house/purchase of house at the limits prescribed by the Central Government for giving advances.
- (2) A rebate of ½% in the interest on House Building Allowance as admissible in the case of Central Government employees for undergoing sterilization operation shall be allowed to the Judicial Officers.
- (3) A liberal soft loan upto Rs. 2.5 Lakhs for Judicial Officers for purchase of Motor Vehicles on nominal interest and with easy installment for repayment shall be provided.
- (4) Advance for purchase of Personal Computer by the Judicial Officers shall be given on the same scale and terms and conditions as allowed to Officers of Government of India.
- (5) Other advances, if any, to the Judicial Officers in regard to matters not specifically covered herein shall be provided on the similar terms and conditions admissible to Central Government Officers.

19. Sumptuary Allowance:-

(1) All the Judicial Officers shall be allowed to draw the sumptuary allowance at the following rate:-

| Category of Judicial Officer | Rs. Per month |
|--|---------------|
| (i) District Judge & equivalent | 1,000/- |
| (ii) Civil Judge-cum-Chief Judicial Magistrate | 750/- |
| (iii) Civil Judge-cum-Judicial Magistrate | 500/- |

(2) The Sumptuary Allowances shall be tax free.

19. Domestic Help Allowance:-

Every retired Judicial Officer shall be paid a cash payment of Rs. 1250.00 per month as "Domestic Help Allowance" upon furnishing a certificate every month that he has engaged a servant.

BY ORDER AND IN THE NAME OF GOVERNOR OF SIKKIM.

Sd/-
R.S. BASNET,
PRINCIPAL SECRETARY TO THE GOVERNMENT
DEPARTMENT OF PERSONNEL, ADMINISTRATIVE REFORMS, TRAINING,
PUBLIC GRIEVANCES, CAREER OPTIONS & EMPLOYMENT SKILL
DEVELOPMENT AND CHIEF MINISTER'S SELF EMPLOYMENT SCHEME

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