

## \* THE SIKKIM JUDICIAL SERVICE RULES, 1975

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 persons appointed in a substantive capacity under the provisions of these rules and includes a person appointed on probation.

<sup>1</sup>[2A. The service shall comprise of the posts specified in the Schedule appended to these rules.]

<sup>2</sup>3. (i) Appointment to the post of Civil Judge-cum-Judicial Magistrate (GradeIII) 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 (GradeII), Civil Judge-cum-Judicial Magistrate (Grade-I), Chief Judicial Magistrate-cum-Civil Judge (Grade-III), Chief Judicial Magistrate-cum-Civil Judge (Grade-II) and Chief Judicial Magistrate-cum-Civil Judge (Grade-I) shall be made by the High Court.]

<sup>3</sup>[(iii)(a) 10% (ten percent) of the posts in the cadre of Civil Judge (Senior Division) shall be reserved for accelerated promotion of Civil Judge (Junior Division) candidates through Limited Departmental Competitive Examination (LDCE) mechanism. The minimum qualifying service required for appearing in the Limited Departmental Competitive Examination (LDCE) shall be 3 (three) years' service as Civil Judge (Junior Division);

(b) filling up of the vacant posts in the ratio considered for Limited Departmental Competitive Examination (LDCE) shall be carried out through the simultaneous selection process carried out for regular promotions in the same year;

(c) if any post reserved for Limited Departmental Competitive Examination (LDCE) for Civil Judge (Senior Division) remains vacant, the same shall be filled through regular promotion on the basis of 'merit-cum-seniority' in that particular year;

(d) the vacancies for LDCE shall be calculated on the basis of cadre strength.]

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\* Notification No. 1880/H/75 (Ex.Gazette No. 34 dated 24.09.1975).

1. Inserted vide Notification No. 34/HOME/1995, dated 24.05.1995.

2. Substituted vide Notification No. 03/GEN/DOP, dated 27.05.2004.

3. Inserted vide Notification No. 138/GEN/DOP, dated 12.11.2025.

- <sup>1</sup>[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.]
  - <sup>2</sup>[(d) able to communicate in Nepali or any other languages of the State.]
  - <sup>3</sup>[(e) An adequate knowledge in Computer to be tested at the time of viva voce.]
  - <sup>4</sup>[(f) the candidate must have practiced as an advocate for a minimum period of 3 (three) years;
  - (g) the candidate shall submit a certificate of 3 (three) years practice, duly certified either by the Principal Judicial Officer of that Court, or by an advocate of that Court having a minimum standing of 10 (ten) years, duly endorsed by the Principal Judicial Officer of the respective District;
  - (h) for those candidates who are practicing before the High Courts or the Supreme Court of India, they shall be certified by an advocate having a minimum standing of 10 (ten) years, duly endorsed by an officer designated by the respective High Court or Supreme Court;
  - (i) the experience gained by the candidates while working as Law Clerks with any of the Judges or Judicial Officers in the country shall also be considered while calculating their total number of years of practice;
  - (j) the number of years of practice completed by a candidate desirous of appearing in the examination for the post of Civil Judge (Junior Division) shall be calculated from the date of their provisional enrolment or registration with the concerned State Bar Council".]

<sup>1</sup>[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-**<sup>5</sup>[Local Laws] Code of Civil Procedure, Code of Criminal Procedure, Indian Evidence Act and Limitation Act.

<sup>5</sup>[Local Laws

**(A) Property Laws:**

- (1) Notice dated 2nd January, 1897 relating to transfer of land 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 Women to purchase or sell land after her marriage visa-vis Revenue Order No. 1 of 1917.
- (4) O.O. No. 105/LR dated 25th February, 1961.

**(B) Registration Laws:**

- (1) Notification No. 385/G dated 11th April, 1928 (Regarding Registration of Documents).

1. Substituted vide Notification No. 03/GEN/DOP, dated 27.05.2004.  
 2. Inserted vide Notification No. E (18)/152/GEN/DOP, dated 17.09.2007.  
 3. Inserted vide Notification No. 461/GEN/DOP, dated 10.08.2011.  
 4. Inserted vide Notification No. 138/GEN/DOP, dated 12.11.2025.  
 5. Inserted vide Notification No. E (18)/152/GEN/DOP, dated 17.09.2007.

(2) Notification No. 2947/G dated 22<sup>nd</sup> November, 1946. (Regarding Registration of Documents).

(3) Sikkim State Rules Registration of Documents 1930.

**(C) House Rent and Eviction Laws:**

(1) Notification No. 6326-600/H&W-B dated 14.04.1949 Regulations of Letting and Sub-letting of Premises etc. (Health and Works Deptt.)

(2) Gangtok Rent Control and Eviction Act 1 of 1956 dated 31<sup>st</sup> May, 1956.

(3) Sikkim Public Premises (Eviction of Unauthorized Occupants and Rent Recovery) Act, 1980.

(4) 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 and 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 and Stamp Laws:**

(1) Sikkim Court Fees and Stamp on Documents Rules dated 30.03.1928 Amended Schedule.

(2) Sikkim Court Fess (Exemption and Miscellaneous Provisions) 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 2<sup>nd</sup> November, 1995.

**(L) Rural Indebtedness Act:**

(1) Sikkim Rural Indebtedness Act, 1966 dated 23.09.1966, 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, <sup>1</sup>[Indian Penal Code and Constitutional Law of India].

**Note:** Each paper shall be <sup>1</sup>[three hours] duration and shall carry 200 marks each.

**(ii) Viva Voce:** It will carry 100 marks.

<sup>2</sup>[(aa) No candidates appearing for the Sikkim Judicial Service examination shall be qualified to appear for viva-voce unless a candidate secures minimum 40% marks in aggregate in each paper respectively.]

(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 upto 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 and 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.]

<sup>3</sup>[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 women 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 women 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 <sup>4</sup>[\*\*\*] of such training shall be as determined by the High Court from time to time.<sup>5</sup>[The candidates appointed to the post of Civil Judge (Junior Division) pursuant to their selection through the examination shall undergo a minimum of 1 (one) year of training before presiding in a Court] . After the satisfactory completion of such initial training such candidates shall be placed on probation for a 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 be the period of probation extend beyond three years in all.

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1. Inserted vide Notification No. E (18)/152/GEN/DOP, dated 17.09.2007.

2. Substituted vide Notification No. 33/GEN/DOP, dated 27.10.2014.

3. Substituted vide Notification No. 03/GEN/DOP, dated 27.05.2004.

4. The words “or duration” omitted vide Notification No. 138/GEN/DOP, dated 12.11.2025.

5. Inserted vide Notification No. 138/GEN/DOP, dated 12.11.2025.

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 officers shall be confirmed in the service by the Governor in consultation with the High Court and the same shall be notified in the Gazette.
- <sup>1</sup>[11. The scale of pay of the member of the service shall be as specified in column <sup>2</sup>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 examinations as may be laid down by the High Court.
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 law established.
- <sup>3</sup>[13A. (1) <sup>4</sup>[\*\*\*] 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.  
(2) <sup>4</sup>[\*\*\*]  
(3) <sup>4</sup>[\*\*\*]
- <sup>5</sup>[13B. 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.]
- <sup>6</sup>[13C. Assured Career Progression shall be granted to Civil Judges and Senior Civil Judges subject to the fulfilment of the conditions in the following manner:  
(1) The first Assured Career progression scale is to be granted to Civil Judge (Junior Division) on completion of five years of service from the date of entry into service, by the High Court after appraisal of work and performance of the concerned Judicial Officer.  
(2) The second Assured Career Progression scale shall be granted after the completion of another five years of service in the cadre after the appraisal of work and performance of the concerned Judicial Officer.  
(3) Similar method shall be adopted for grant of Assured Career Progression to Civil Judge (Senior Division).  
(4) The scrutiny for the grant of the Assured Career Progression shall be limited to ascertaining whether there is anything positively adverse such as whether there is any poor or unsatisfactory performance or whether there is an adverse report of serious nature leading to the inference that the officer is unfit to have benefit of the first Assured Career Progression.

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1. Substituted vide Notification No. 34/HOME/1995, dated 24.05.1995.  
2. Substituted vide Notification No. 03/GEN/DOP, dated 27.05.2004.  
3. Inserted vide Notification No. 34/HOME/1995, dated 24.05.1995.  
4. Deleted vide Notification No. 114/GEN/DOP, dated 16.10.2008.  
5. Inserted vide Notification No. 114/GEN/DOP, dated 16.10.2008.  
6. Inserted vide Notification No. 14/GEN/DOP, dated 29.01.2024.

(5) If for any reason, delay in grant of Assured Career Progression goes beyond one-year, additional increment of every year's delay shall be granted subject to adjustment while drawing the arrears on grant of Assured Career Progression.]

14. For all other matters such as fixing of pay, allowance 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.

**\*THE SCHEDULE**

(1) The revised Pay Matrix for the members of the service shall be as follows:

<b>Sl. No.</b>	<b>Name of post</b>	<b>Existing scale of Pay</b>	<b>Level in the revised Pay Matrix</b>
<b>1</b>	<b>Civil Judge (Jr. Division) (Entry Level)</b>	<b>27700-770-33090- 920-40450-1080- 44700</b>	<b>J-1</b>
<b>2</b>	<b>Civil Judge (Jr. Division) (ACP – I)</b>	<b>33090-40450-1080- 45850</b>	<b>J-2</b>
<b>3</b>	<b>Civil Judge (Jr. Division) (ACP – II)</b>	<b>39530-920-40450- 1080-49090-1230- 54010</b>	<b>J-3</b>
<b>4</b>	<b>Civil Judge (Sr. Division) (Entry Level)</b>	<b>39530-920-40450- 1080-49090-1230- 54010</b>	<b>J-3</b>
<b>5</b>	<b>Civil Judge (Sr. Division) (ACP – I)</b>	<b>43690-1080-49090- 1230-56470</b>	<b>J-4</b>
<b>6</b>	<b>Civil Judge (Sr. Division) (ACP – II)</b>	<b>51550-1230-58930- 1380-63070</b>	<b>J-5</b>

- (2) In the case of a promoted officer, his pay in the aforesaid scale shall be fixed in accordance with the rules and instructions as applicable from time to time.
- (3) For the purpose of fixation and fitment of pay scale, the Pay Matrix as approved by the Hon'ble Supreme Court shall be followed in so far as it is applicable to the above stated categories of Judicial Officers.
- (4) Other conditions and rules as prevailing shall continue as applicable or as may be modified from time to time.
- (5) Determination of revised pay for various cells of the revised Pay Matrix as on 01/01/2016 shall be as under:

<b>Pay Level Year</b>	<b>J-1</b>	<b>J-2</b>	<b>J-3</b>	<b>J-4</b>	<b>J-5</b>
<b>1</b>	<b>77840</b>	<b>92960</b>	<b>111000</b>	<b>122700</b>	<b>144840</b>
<b>2</b>	<b>80180</b>	<b>95750</b>	<b>114330</b>	<b>126380</b>	<b>149190</b>
<b>3</b>	<b>82590</b>	<b>98620</b>	<b>117760</b>	<b>130170</b>	<b>153670</b>
<b>4</b>	<b>85070</b>	<b>101580</b>	<b>121290</b>	<b>134080</b>	<b>158280</b>
<b>5</b>	<b>87620</b>	<b>104630</b>	<b>124930</b>	<b>138100</b>	<b>163030</b>
<b>6</b>	<b>90250</b>	<b>107770</b>	<b>128680</b>	<b>142240</b>	<b>167920</b>
<b>7</b>	<b>92960</b>	<b>111000</b>	<b>132540</b>	<b>146510</b>	<b>172960</b>

\* Substituted vide Notification No. 96/GEN/DOP dated 17.09.2022.

<b>8</b>	<b>95750</b>	<b>114330</b>	<b>136520</b>	<b>150910</b>	<b>178150</b>
<b>9</b>	<b>98620</b>	<b>117760</b>	<b>140620</b>	<b>155440</b>	<b>183490</b>
<b>10</b>	<b>101580</b>	<b>121290</b>	<b>144840</b>	<b>160100</b>	<b>188990</b>
<b>11</b>	<b>104630</b>	<b>124930</b>	<b>149190</b>	<b>164900</b>	<b>194660</b>
<b>12</b>	<b>107770</b>	<b>128680</b>	<b>153670</b>	<b>169850</b>	
<b>13</b>	<b>111000</b>	<b>132540</b>	<b>158280</b>	<b>174950</b>	
<b>14</b>	<b>114330</b>	<b>136520</b>	<b>163030</b>	<b>180200</b>	
<b>15</b>	<b>117760</b>				
<b>16</b>	<b>121290</b>				
<b>17</b>	<b>124930</b>				
<b>18</b>	<b>128680</b>				
<b>19</b>	<b>132540</b>				
<b>20</b>	<b>136520</b>				

Note: I – As per the direction of the Hon’ble Supreme Court, the arrears accruing out of the revision of pay shall be computed with effect from 01.01.2016 and after adjusting the interim relief already paid, the balance amount shall be paid in stages in the following manner:

- (i) 25% in cash within a period of three months from the date of judgement, i.e. 27/07/2022;
- (ii) Another 25% to be paid in cash within three months thereafter: and
- (iii) The Balance 50% to be paid on or before the end of June, 2023.

Note: II – In the event of any doubt, the matter shall be resolved with reference to the report of Second National Judicial Pay Commission headed by Justice P. Venkatarama.