

SIKKIM

GOVERNMENT

GAZETTE



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Gangtok

27th June, 2013

No.320

HIGH COURT OF SIKKIM
GANGTOK

No. 19/HCS

Date: 17/06/2013

NOTIFICATION

In exercise of the powers conferred by Clause (2) of Article 229 of the Constitution of India, the Hon'ble Chief Justice is hereby pleased to make following rules regulating the appointment and other conditions of service of various posts of the Computer Cadre in the High Court and Subordinate Courts of Sikkim, hereby:-

Part -I- General

1. Short title and commencement :-

- (1) These rules may be called the Sikkim High Court Computer Cadre Service Rules, 2013.
- (2) They shall come into force on the date of their publication in the Official Gazette.

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

- (a) 'Appointing Authority' means the Chief Justice or such other Judge or officer of the High Court as the Chief Justice may direct;
- (b) 'Chief Justice' means the Chief Justice of the High Court of Sikkim and includes any Judge appointed by the President under Article 223 of the Constitution to perform the duties of the Chief Justice;
- (c) 'Governor' means the Governor of Sikkim;
- (d) 'High Court' means the High Court of Sikkim;
- (e) 'Subordinate Courts' means the Subordinate Courts in Sikkim;
- (f) 'Member of Service' means a person appointed in the substantive capacity on a post in the Service and in the case the appointment is -

- (i) prior to the enforcement of these rules then under the orders/executive instructions applicable at the time of appointment;
- (ii) subsequent to the enforcement of these rules then under these rules;
- (g) 'Registrar General' means the Registrar General of the High Court of Sikkim and includes the Registrar, High court of Sikkim;
- (h) 'State Government' means the State Government of Sikkim;
- (i) 'Substantive appointment' means, appointment that is -
 - (i) neither an ad hoc nor temporary appointment; and
 - (ii) on a post (temporary or permanent) in the cadre of the Service; and
 - (iii) made in accordance with the rules /orders/executive instructions applicable at the time of appointment.

PART-II-CADRE

3. Cadre of Service :-

- (1) The strength of the Service and the number of the posts therein shall be such as may be determined by the Chief Justice with the approval of the Governor.
- (2) The strength of the Service at the time of the commencement of these rules along with their rearrangement/up-gradation shall be as mentioned in Schedule-I appended to these rules.

PART-III PROCEDURE FOR RECRUITMENT

- 4. Determination of Vacancies:** - The appointing authority shall determine the number of vacancies to be filled during the course of the year of recruitment. Provisions of Sikkim Government Establishment Rules, 1974 in so far as preference to local candidates is concerned shall apply.

5. Method of Selection :-

- (1) The appointing authority may make the selection under these rules or by a selection committee as may be constituted by the appointing authority.
- (2) The merit of the candidates at the discretion of the appointing authority or the selection committee may be determined on the basis of written examination or interview or by both.
- (3) The appointing authority or the selection committee may prescribe additional qualification or procedure, or syllabus for the selection.
- (4) In the selection, if two or more candidates secure equal marks then, the candidate securing higher marks in the written examination will be placed higher in the merit list. If the written marks are also equal then the candidate senior in age will be placed higher.
- (5) The selection list shall be valid for a period of 1 (one) year from the date of declaration of the results or the next selection, whichever is earlier.

***(6) Selection by Absorption.**

(i) The existing Senior System Officer, System Officers and System Assistants recruited on contractual basis as per the guidelines laid down in the National Policy and Action Plan for the implementation of ICT in the Indian Judiciary as prescribed by the e-Committee, Supreme Court of India, New Delhi (1st August, 2005) may be absorbed in the posts they are holding on the day of commencement of these Rules.

(ii) The criteria regarding age prescribed in the Rules shall not apply for such recruitment by absorption.

(iii) For the purpose of absorption, posts Senior System Officer, System Officers and System Assistants mentioned therein shall be treated as the corresponding posts of Senior System Officer, System Officers and System Assistants as shown in "Schedule I & II" of the Rules, 2013.

*** Added vide Notification No.09/HCS, dated 30.06.2015.**

- **** (iv) The criteria regarding “Method of Recruitment” in Column 5 of “Schedule II” of the Sikkim High Court Computer Cadre Service Rules, 2013 shall not be applicable for such recruitment by absorption.

6. Eligibility Condition :-

A candidate for appointment to any post in the cadre:

- (i) must be a citizen of India:

Provided that no person-

- (a) who has entered into or contracted a marriage with a person having a spouse living or
(b) who, having a spouse living, has entered into or contracted marriage with any person shall be eligible for appointment to the service.

- (ii) must not be less than 18 (eighteen) years of age as on the first day of January of the recruitment years and not more than 30 (thirty) years of age on the last day of the year. However, in the case of a candidate belonging to Scheduled Caste, Scheduled Tribe, Most Backward Classes, Other Backward Classes or any category of person, the upper age limit relaxation shall be the same as may from time to time be prescribed by the State Government for entry into service for such candidate(s). (BL/SC/ST 5(five) years, MBC 4 (four years), OBC (3 Years) and in service regular Government servant 5 (five) years.

PART-IV APPOINTMENT, PROMOTION, CONFIRMATION AND SENIORITY

7. Appointment and Probation :-

- (1) The appointments of the candidates shall be made according to the merit list prepared at the time of selection.
(2) A candidate shall be placed on probation for a period of 1 (one) year.
(3) The appointing authority may, for reasons to be recorded in writing, extend the period of probation:

Provided that, the total period of probation including the extended period of probation, shall not exceed 3 (three) years.

**** Added vide Notification No.13/HCS/COMP, dated 28.07.2015.**

8. Confirmation :- A probationer may be confirmed at the end of the period of probation of extended period of probation if, -

- (i) his work and conduct is found satisfactory and
- (ii) his integrity is certified; and
- (iii) the appointing authority is satisfied that he is otherwise fit for confirmation.

9. Seniority :-

- (1) The Seniority of the members of service shall be determined from the date of substantive appointment
- (2) These rules will not affect seniority of the members of service already existing prior to the date of enforcement of these rules.

10. Pay, Allowances and facilities :-

- (1) The pay-scale of the members of the Service shall be such as may be determined by the Chief Justice with the approval of the Governor.
- (2) The pay-scales of different posts, on the date of the commencement of these rules, shall be as prescribed in Schedule-II.
- (3) The members of the Service shall be entitled to allowances and other facilities as are admissible to the members of other Services in the High Court in the same pay-scale/grade.

11. Higher Grade: - In view of limited posts and in order to avoid stagnation, next higher Pay Scale/pay grade as applicable may be granted to the members of the service after completion of 10 (ten) years, 20 (twenty) years, 30 (thirty) years of satisfactory service.

PART-V OTHER PROVISIONS

12. Reservation :-

- (1) There shall be reservation of 7% for the Scheduled Castes, 22% for Bhutia and Lepcha, 22% for the Scheduled Tribes (Limbu and Tamang) 21% for Most Backward Classes and 21% for the Other Backward Classes on the vacancies where selection is made through direct recruitment.
- (2) The High Court may provide any horizontal reservation on the aforesaid post as may be deemed expedient.
- (3) In case of three consecutive selections, if suitable candidates are not available in the reserved category then the post may be filled by the general candidates.

13. Regulation of Other matter :-

- (1) Subject to any modification in writing by the Appointing Authority the members of the service shall be governed by the rules, regulation and order applicable to the High Court servants holding corresponding posts in the High Court in respect of matters not provided herein.
- (2) In case of any doubt regarding any post being corresponding to a post in the High Court, the matter will be decided by the Appointing Authority.

14. Residuary Powers: - The Appointing Authority may issue orders in regard to the matters incidental or ancillary to these rules.

By Order.

(K.C. Barphungpa)
REGISTRAR GENERAL

Schedule – I
(See rule 3(2))

Sl.No	Name of Post	Number of Permanent Posts	Classification	Pay Band+ Grade Pay	Remarks
1	Senior System Officer	01	Group- B	9300-34800 Grade Pay 5000	
2	System Officer	06	Group- C	9300-34800 Grade Pay 4200	
3	System Assistant	06	Group – C	* **5200-20200 Grade Pay 3400	

***** Amended vide Letter No. Home/Confdl/116/2013/02/1216 dated 22.09.2015**

“SCHEDULE II”

(See rule 10(2))

Sl No	Name of Post	No. of Post	Pay Scale & Classification	Method of recruitment	Educational Qualification and other eligibility condition required for direct recruitment ^{***} /absorption	Incase of recruitment by promotion, grade/post from which promotion to be made	If Departmental promotion committee exists, its Constitution
1	2	3	4	5	*6	*7	*8
1	Senior System Officer	01	9300-34800 Grade Pay 5000	By Promotion or by direct recruitment	<p>***“M.E /M.Tech “</p> <p>Or</p> <p>***“B.E / B.Tech / MCA in Computer Science/ Engineering/ Information Technology with one year experience in relevant fields.”</p>	System Officer with 4 (four) years of experience	As may be constituted by the High Court
2	System Officer	06	9300-34800 Grade Pay 4200	(a) 50% by direct recruitment through competitive examination; (b) 50% by promotion on seniority-cum merit	<p>** (a) “B.E / B.Tech / MCA in Computer Science/ Computer Engineering/ Information Technology.”</p> <p align="center">Or</p> <p>** (b) “Master Degree in Physics/ Maths/ Statistics/ Operations Research with first class or at least 60 % marks in aggregate or equivalent grade with Post Graduate Diploma in Computer Science/ Application or Master Degree in Computer Science/ Information Technology with first class or at least 60% marks in aggregate or equivalent grade.”</p> <p align="center">Or</p> <p>** (c)“B.Sc (Computer Science or IT)/ BCA/ B.Sc in Physics/ Maths/ Statistics/</p>	System Assistant with 4 (four) years of experience	As may be constituted by the High Court of Sikkim

					Operations Research/ Computer Science with either Post Graduate Diploma in Computer Science / Computer Application (from a Government recognized university/ institution) with Two Years working Experience.”		
3	System Assistant	06	**** 5200- 20200 Grade pay 3400 Grade-II	100% by direct recruitment through competitive examination	** “Government recognized Diploma in ITI or equivalent after 10 th Standard.”	Direct recruitment through open competitive examination	As may be constituted by the High Court of Sikkim

*** Figures in columns 7,8 & 9 of “Schedule II” substituted by figures 6,7 & 8 vide Notification No. 09/HCS, dated 30/06/2015**

**** Substituted vide Notification No. 09/HCS, dated 30/06/2015**

***** Added vide Notification No. 13/HCS/COMP, dated 28.07.2015**

****** Amended vide Letter No. Home/Confdl/116/2013/02/1216 dated 22.09.2015**

By Order,

(K.C. Barphungpa)
REGISTRAR GENERAL