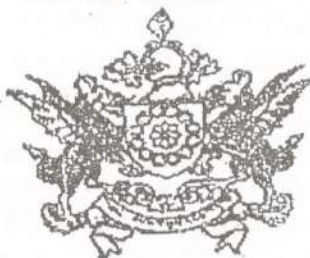


SIKKIM



GOVERNMENT

GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Tuesday, 1st May, 2001

No. 135

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRG
GANGTOK

Dated the 26th. April, 2001.

No.4/GEN/DOP

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Sikkim, in consultation with the High Court of Sikkim, hereby makes the following rules regulating the method of recruitment and conditions of service of persons appointed to the Sikkim Subordinate Courts' Service, namely :-

Short title and commencement:

1. (1) These rules may be called the Sikkim Subordinate Courts' Service (Method of Recruitment and Conditions of Service) Rules, 2001.
(2) They shall come into force at once.

Definition:

2. In these rules, unless there is anything repugnant in the subject or context:-
 - (a) "appointment" means appointment to any cadre post;
 - (b) "cadre post" means any post whether permanent or temporary in the Establishment of any of the Subordinate Courts;
 - (c) "Government" means Government of Sikkim;
 - (d) "High Court" means High Court of Sikkim;
 - (e) "Prescribed" means prescribed by these rules;
 - (f) "Selection Committee" means Selection Committee as may be constituted by the High Court consisting of Registrar General/Registrar of the High Court of Sikkim, the District and Sessions Judge (East and North) and such other person/officer as may be included by the High Court;
 - (g) "Subordinate Court" means the Court and Office of the District and Sessions Judge, Chief Judicial Magistrate and Civil Judge-cum-Judicial Magistrate;
 - (h) "Selection test" means competitive examination in the subjects indicated in Appendix-E for the purpose of selection from time to time;

Establishment Strength:

3. (1) The Sikkim Subordinate Courts' Service shall consist of one common cadre and shall include all the posts in the Subordinate Courts as are existing now and shall also include the posts as may be created from time to time in the Subordinate Courts.
(2) The posts of stenographers for all subordinate Courts shall constitute one common cadre consisting of different grades.

Conditions of Eligibility and Appointment:

4. (1) A person shall be eligible for appointment on establishment of a Subordinate Court, who:-
 - (a) is a citizen of India;
 - (b) is medically fit;
 - (c) is of good character;
 - (d) possesses the prescribed educational qualification.

- (2) The lower and upper age limit shall be as prescribed by the State Government in respect of equivalent posts:
Provided that upper age limit shall not apply to a person already on the establishment of the Subordinate Courts.

Mode of Appointment:

5. (1) Except for appointment on adhoc basis, the mode of and qualifications for appointment to the posts shall be as stated in the Appendixes to these rules.
(2) Appointment to a post specified in the Appendixes may be substantive or on probation or on officiating, temporary or adhoc basis.

Probation and confirmation:

6. (1) All appointments by direct recruitment to the permanent posts shall be made on probation for a period of two years from the date of appointment; Provided that if during the period of probation, a candidates's work or conduct is found unsatisfactory, the District Judge may either discharge him from service or extend his period of probation for such further period as he may think fit.
(2) No person shall be confirmed in the permanent post unless he or she has satisfactorily completed the probation period as aforesaid.

Disqualification:

7. 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:
Provided that the High Court may, if satisfied that such marriage is permissible under the personal law of custom applicable to such person and the other party to the marriage, exempt any person from the operation of this rule.

Reservation:

8. The order/notification issued by the State Government from time to time with regard to reservation, relaxation of age, or any other concession in respect of Scheduled Tribe, Scheduled Caste, Other Backward Classes or any other special category of person shall apply subject to such variations as the High Court may specify.

Selection Procedure:

9. (1) Selection procedure to a post other than a group 'D' post shall consist of Written test followed by viva-voce/interview in accordance with Appendix -E.
(2) For the purpose of recruitment to any post, the selection committee shall on the basis of performance of candidates in the written examination/test and interview or where no written test is held, in interview only, prepare panel of names of candidates in order of merit and forward the same with its recommendation to the Registrar General/ Registrar of the High Court for the purpose of appointment and the Registrar Genral/Registrar on receipt of the same shall place the matter before the High Court for approval and upon such approval the Registrar General/Registrar of the High Court shall communicate the approval to the concerned District and Sessions Judge who on receipt of the same shall issue necessary office order of appointment.

Format of application:

10. For the purpose of filling up any of the posts, the vacancy shall be advertised in the two news papers, one local and the other having national circulation and shall also be displayed on the notice board inviting applications from candidates containing the following particulars.
- i) Name
 - ii) Father's name
 - iii) Present address
 - iv) Nationality
 - v) Qualification (Educational)
 - vi) Experience, if any.

Transfer and posting:

11. (1) The High Court may issue direction from time to time to effect transfer of employees and their posting to any of the Subordinate Courts in such manner as it may consider expedient and the Registrar General/ Registrar or any other officer of the High Court shall communicate such direction to the concerned District and Sessions Judge for the purpose of effecting the transfer.
- (2) Notwithstanding anything contained in any other rule, the High Court may, in public interest, issue direction for sending an employee of a Subordinate Court to the High court on deputation for such period as it may consider expedient and for such deputation, the consent of the concerned employee shall not be required. Corresponding, an employee of the High Court may be sent to a Subordinate Court on deputation in public interest for such period as may be considered expedient and for such deputation, the consent of the concerned employee shall not be required.
- (3) For the purpose of seniority and promotion, an employee/ staff of the Subordinate Courts will be considered only in the establishment of Subordinate Courts and where such employee is deputed to the High Court, his seniority etc. will be reckoned in relation to the staff of the Subordinate Court establishment.

Method of promotion:

12. (1) Where a post is required to be filled up by way of promotion, it shall be made on the basis of merit-cum-seniority from amongst eligible candidates
- (2) There shall be maintained a common Gradation list and Seniority list of staff of the Subordinate Courts.
- (3) Where an employee on being promoted to a post fails to join the post within the time specified without sufficient reason or expresses unwillingness to join the post such employee shall be liable to disciplinary action and shall also be ineligible for any promotion in future.

Age:

13. The age limit as prescribed by the State Government for the equivalent post shall be applicable.

Appointment on compassionate ground:

14. Where an employee working in the establishment of the Subordinate Court dies in harness at least two years prior to his normal date of retirement, leaving his family in immediate need of assistance and there is no other earning member in the family or even where there is no other earning member in the family, in deserving cases, a son/daughter/near relative of the deceased can be considered for compassionate appointment. Such appointment can be made only to class II and IV posts provided the applicant is eligible and suitable for the post in all respects under the provisions of the relevant rules.

Past Service:

15. Where an employee has been absorbed in any post, the service rendered by him/her prior to his/her joining the post in the new establishment shall be counted as per the norms/rules prevailing in the State Government.

Disciplinary Authority;

16. The concerned District and Sessions Judge within whose jurisdiction an employee is working in a Court shall be the disciplinary authority in respect of such employee. The appellate authority shall be the Chief Justice or such other judge as may be nominated in this regard by the Chief Justice of the High Court.

Residuary matters.

17. In respect of all such matters regarding the conditions of service for which no provision or insufficient provision has been made in these rules, the administrative instructions issued by the High Court from time to time shall apply.

Interpretation:

18. If any question arises as to the interpretation of these rules, the same shall be decided by the Chief Justice of the High Court or such other judge of the High Court as may be nominated by the Chief Justice.

APPENDIX - A

COURT OF DISTRICT AND SESSIONS JUDGE (EAST AND NORTH)

Sl. No.	Name of post	Scale of pay	Method of recruitment	Age limit (in case of direct recruitment)	Qualification	In case of recruitment by promotion/deputation/Grade from which category it is to be made	Appointing Authority
1	2	3	4	5	6	7	8.
1.	Senior Accountant	5500-175-9000	Promotion/ failing which by transfer on deputation	As prescribed by the Government for equivalent post	Bachelor Degree in Commerce	From Accountant/ Senior Accountant	District and Session Judge of the concerned Court
2.	Office Superintendent	-do-	-do-	-do-	Bachelor Degree from a recognised University	From Head Assistant	-do-
3.	Stenographer Gr. I	-do-	-do-	-do-	-do-	From Stenographer Gr. II	-do-
4.	Judgment Writer	5000-150- 8000	-do-	-do-	-do-	From Stenographer Gr. III	-do-
5.	Peshkar	4300-125-6800	-do-	-do-	-do-	From Nazir/ U.D.A.	-do-
6.	Nazir	4000-100-6000	-do-	-do-	-do-	From L.D.A./ Record Keeper/Jr. Librarian	-do-
7.	U.D.A	-do-	-do-	-do-	-do-	-do-	-do-
8.	L.D.A.	3400-85-5100	Direct recruitment	-do-	-do-	-do-	-do-
9.	Record Keeper	-do-	-do-	-do-	-do-	-do-	-do-
10.	Jr. Librarian	-do-	-do-	-do-	-do-	-do-	-do-
11.	Driver	3200-80-4800	-do-	-do-	Class VIII Passed	-do-	-do-
12.	Head Peon	2850-55-4170	-do-	-do-	-do-	-do-	-do-
13.	Peon	-do-	-do-	-do-	-do-	-do-	-do-
14.	Frash	-do-	-do-	-do-	-do-	-do-	-do-
15.	Chowkidar	-do-	-do-	-do-	-do-	-do-	-do-
16.	Process Server	-do-	-do-	-do-	-do-	-do-	-do-
17.	Mali	-do-	-do-	-do-	-do-	-do-	-do-
18.	Sweeper	-do-	-do-	-do-	-do-	-do-	-do-

COURT OF CHIEF JUDICIAL MAGISTRATE

Sl. No.	Name of post	Scale of pay	Method of recruitment	Age limit (in case of direct recruitment)	Qualification	In case of recruitment by promotion/ deputation/Grade from which category it is to be made	Appointing Authority
1	2	3	4	5	6	7.	8.
1.	Peshkar	4300-125-6800	By promotion/ deputation/ direct recruitment	As prescribed by the Government for equivalent post	Bachelor Degree from recognised University	From Nazir/ U.D.A and Peshkar of Civil Judge-Cum-Judicial Magistrate	District and Sessions Judge
2.	Stenographer Grade - III	4300-125-6800	Direct recruitment	-do-	Graduation		-do-
3.	L.D.A	3400-85-5100	Direct recruitment	-do-	-do-		-do-
4.	Driver	3200-80-4800	-do-	-do-	Class VIII Passed		-do-
5.	Peon	2850-55-4170	-do-	-do-	-do-		-do-
6.	Process Server	-do-	-do-	-do-	-do-		-do-

APPENDIX - C

COURT OF CIVIL JUDGE - CUM- JUDICIAL MAGISTRATE, EAST

Sl. No.	Name of post	Scale of pay	Method of recruitment	Age limit (in case of direct recruitment)	Qualification	In case of recruitment by promotion/ deputation/Grade from which category it is to be made	Appointing Authority
1	2	3	4	5	6	7	8.
1.	Peshkar	4000-100-6000	By promotion/ deputation/ direct recruitment	As prescribed by the Government for equivalent post	Bachelor Degree from recognised University	From L.D.A Record Keeper/ Jr. Librarian	District and Sessions Judge
2.	Stenographer Grade - III	4300-125-6800	Direct recruitment	-do-	-do-		
3.	L.D.A	3400-85-5100	Direct recruitment	-do-	-do-		-do-
4.	Driver	3200-80-4800	-do-	-do-	Class VIII Passed		-do-
5.	Peon	2850- 55- 4170	-do-	-do-	-do-		-do-

COURT OF CIVIL JUDGE - CUM- JUDICIAL MAGISTRATE, NORTH

Sl. No.	Name of post	Scale of pay	Method of recruitment	Age limit (in case of direct recruitment)	Qualification	In case of recruitment by promotion/ deputation/Grade from which category it is to be made	Appointing Authority
1	2	3	4	5	6	7	8.
1.	Peshkar	4000-100-6000	By promotion/ deputation/ direct recruitment	As prescribed by the Government for equivalent post	Bachelor Degree from recognised University	From L.D.A./ Record Keeper/ Jr. Librarian	District and Sessions Judge
2.	Stenographer Grade - III	4300-125-6800	Direct	-do-	-do-		
3.	Jr. Accountant	4000-100-6000	Direct Promotion	-do-	-do-	From L.D.A./Record Keeper/ Jr. Librarian	-do-
4.	L.D.A	3400-85-5100	Direct	-do-	-do-		-do-
5.	Record Keeper	-do-	-do-	-do-	Class VIII passed		-do-
6.	Driver	3200-80-4800	-do-	-do-	-do-		-do-
7.	Chowkidar	2850- 55- 4170	-do-	-do-	-do-		-do-
8.	Peon	-do-	-do-	-do-	-do-		-do-
9.	Process Server	-do-	-do-	-do-	-do-		-do-
10.	Sweeper	-do-	-do-	-do-	-do-		-do-

Note:-

For the posts in the Court of District and Sessions Judge (South and West), Chief Judicial Magistrate (South and West) Civil Judge-Cum- Judicial Magistrate (South) and Civil Judge-Cum- Judicial Magistrate (West), the scale of pay, method of recruitment, age limit, qualification, appointing authority etc. shall be same as outlined in column 1 to 8 of Appendix A, B, C, D of the rule for the corresponding posts existing in the Court of District and Sessions Judge (East and North), Chief Judicial Magistrate (East and North), Civil Judge-cum- Judicial Magistrate (East) and Civil Judge-cum- Judicial Magistrate (North).

APPENDIX - E
(Rule - 9)

1. The examination for recruitment to a post other than group 'D' post shall consist of the following subjects:-

Sl. No.	SUBJECT	MARKS
I	ENGLISH	100
II.	ARITHMATIC (FOR THE POST OF ACCOUNTANT AND JUNIOR ACCOUNTANT ETC.)	100
III	GENERAL KNOWLEDGE	100
IV	SHORTHAND (FOR THE POST OF STENOGRAPHER)	100
V	COMPUTER	100
VI	TYPING	100
VII	VIVA VOCE	100

2. The syllabus for each subject shall be as follows:

SL NO.	SUBJECT	SYLLABUS
A.	ENGLISH	Essay writing, letter writing, Idioms & Phrases, Common Errors, Preposition, Synonyms, Antonyms; One Word Substitution etc.
B.	ARITHMATIC	H.C.F., L.C.M., Simple and Compound Interest, Percentage, Profit and Loss, Average, Algebra
C.	GENERAL KNOWLEDGE	Knowledge of the current affairs, objective questions
D.	SHORTHAND	Shorthand Speed test: the speed test shall be 60 w.p.m. for Grade III Stenographer and 80 w.p.m. for Grade II Stenographer and 100 w.p.m. for Grade I Stenographer.
E.	TYPING	Typing speed shall be 35 w.p.m.
F.	COMPUTER	Test in Computer application/operation
G.	VIVA VOCE	The object of the Viva Voce test is to assess suitability of the candidate for the post with particular reference to the candidate's alertness, general outlook, potential qualities etc.

3. The District Judge shall determine the number of vacancies to be filled up and on the result of competitive examination, shall make appointment. The vacancies shall be advertised in two newspapers, on local and other having national circulation.

4. Candidates desirous of sitting for the examination, shall submit applications to the District Judge, stating his/her name, address, educational qualifications, date of birth, whether SC/ST/OBC. All applications shall be accompanied with a non-refundable bank draft of Rs. 50/- under the head-
0025, other administrative service - A-
Administration of Justice- Service
Fee- Recruitment examination
by the District Judge.

R.S. BANSET,
SECRETARY TO THE GOVERNMENT OF SIKKIM,
DEPARTMENT OF PERSONNEL, ADMINISTRATIVE REFORMS & TRAINING.