

Up-dated upto 10.10.2017

**PUNJAB CIVIL SERVICE
(JUDICIAL BRANCH)
RULES**

PUNJAB GOVERNMENT NOTIFICATION

The 26th October, 1951.

No. 3010-G-51/1-6094. In supersession of the rules published with Punjab Government notification No. 24019, dated the 16th October, 1923, as subsequently amended and in exercise of the powers conferred by Article 234 read with the proviso to Article 309 of the Constitution of India, the following rules are made after consultation with the States Public Service Commission and the High Court of Punjab providing for the appointments of persons as Subordinate Judges in the Punjab Civil Service (Judicial Branch) and regulating the recruitment and the conditions of service of persons appointed thereto.

PART A - QUALIFICATIONS

1. (1) A candidate for appointment to the service must be-
 - (a) a citizen of India; or
 - (b) a subject of Sikkim; or
 - (c) a subject of Nepal; or
 - (d) a subject of Bhutan; or
 - (e) a Tibetan refugee who came to India before the 1st January, 1962, with the intention of permanently settling in India, or
 - (f) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India:

Provided that a candidate belonging to categories (c), (d), (e) and (f) shall be a person in whose favour a certificate of eligibility has been given by the Government of India and if he belongs to category (f), the certificate of eligibility will be issued for a period of one year, after which he will be retained in service only if he has acquired Indian citizenship.

- (2) a candidate in whose case a certificate of eligibility is necessary may be admitted to the Punjab Civil Service (Judicial Branch) examination and may, also provisionally be appointed to the Service subject to the necessary certificate being given to him by the Government of India.
- 1-A. Any reference in these rules to "a Subordinate Judge" or "a Sub-Judge" shall, unless the context otherwise requires, be construed as a reference to "a member of the Punjab Civil Service (Judicial Branch)" or to "the Punjab Civil Service (Judicial Branch)" as the context may require.
2. No person who is more than thirty-five years of age or of such age as may, from time to time, be fixed by the Government for entry into Government Service or less than twenty one years of age on the last date fixed for the submission of the application form to the Punjab Public Service Commission shall be eligible to submit his application form to the said Commission for the competitive examination for the Punjab Civil Service (Judicial Branch) to be held by the said commission:

Provided that in the case of a candidate belonging to Scheduled Caste, Scheduled Tribe and Backward Class the aforesaid maximum upper age limit shall be forty years or such age as may, from time to time, be fixed by the Government for entry into Government service:

Provided further that in the case of Ex-servicemen, the upper age limit shall be such as has been prescribed in the Punjab Recruitment of Ex- servicemen Rules, 1982, as amended from time to time.

3. No person shall be appointed to be a Subordinate Judge who has not obtained the Degree of Bachelor of Laws at any University incorporated by Law in India or the degree of Bachelor of Laws of the (Undivided) Punjab University, the Dacca University, The Tribhuwan University Nepal, the Sind University or of the Rangoon or Mandalay University in Burma or is not a Barrister of England or Ireland or a member of the Faculty of the Advocates of Scotland.

Explanation:- The expression degree of Bachelor of Laws used in this rule means a degree entitling a candidate to be enrolled as an Advocate under the Advocates Act, 1961 and the rules made thereunder.

4. No person shall be appointed to be a Subordinate Judge who cannot give a satisfactory evidence of —
 - (i) good moral character and conduct.
 - (ii) medical fitness.
5. No person who has more than one wife living shall be eligible for appointment as a Subordinate Judge;

Provided that the State Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this rule.

6. Notwithstanding anything to the contrary contained in these rules:-
 - (a) The State Government may after consultation with the Punjab Public Service Commission and the High Court, appoint any Assistant Commissioner, Extra Assistant Commissioner, Cantonment Magistrate, Tehsildar or Naib-Tehsildar to be a Subordinate Judge by virtue of his office although he does not possess any of the qualifications laid down hereinbefore.
 - (b) The State Government may, after consultation with the Punjab Public Service Commission and the High Court appoint any person as a Subordinate Judge, who held the post of a Sub-Judge or any other similar post in an Indian State before its merger with the Punjab.

*Explanation—*The appointment under clause (b) above may be ordered to take effect from the date of the said merger. The seniority of such appointee shall be determined by the High Court, having regard to his qualifications, length of service and age.

7. (1) Notwithstanding anything contained in these rules the Governor may, in consultation with the High Court, appoint to the Punjab Civil Service (Judicial Branch) any person who is a member of the Punjab Civil Service (Executive Branch) and who, before the first day of May, 1965, has opted or opts for appointment to the Punjab Civil Service (Judicial Branch).

(2) A person appointed under Sub-rule (1) shall become a temporary member of the Punjab Civil Service (Judicial Branch) and shall be so treated unless and until he is absorbed permanently in that Service or is reverted to the Punjab Civil Service (Executive Branch).

(3) If during one year of the appointment of such a person the High Court recommends that he be reverted to the Punjab Civil Service (Executive Branch), the Governor shall, as soon as may be practicable, revert him to the Punjab Civil Service (Executive Branch).

(4) During the period of one year referred to in Sub-rule(3), a person so appointed may withdraw his option for appointment to the Punjab Civil Service (Judicial Branch) and thereupon he shall, as soon as may be practicable, be reverted to the Punjab Civil Service (Executive Branch).

(5) Where a person so appointed was a permanent member of the Punjab Civil Service (Executive Branch) before his appointment to the Punjab Civil Service (Judicial Branch) and the High Court has neither recommended his reversion under sub-rule (3) nor has he withdrawn his option under sub-rule (4), he shall, on the expiry of one year from his appointment under sub-rule (1), be deemed to have become a permanent member of the Punjab Civil Service (Judicial Branch) and shall cease to be a member of the Punjab Civil Service (Executive Branch):

Provided that where a person so appointed was on probation in the Punjab Civil Service (Executive Branch) before his appointment to the Punjab Civil Service (Judicial Branch) he may, subject to the provisions of sub-rules (3) and (4) be confirmed in the Punjab Civil Service (Judicial Branch) on the expiry of the period of probation if a permanent vacancy is available and shall thereon become a permanent member of that service.

7-A (1) Notwithstanding anything contained in these rules the State Government may, in consultation with High Court, appoint to the Punjab Civil Service (Judicial Branch), any member of the Punjab Civil Service (Executive Branch), who is a Law Graduate and who opts for such appointment, for such period not exceeding one year, as the High Court may desire, and he shall, unless permanently absorbed under sub-rule (2), at the expiry of the said period, or earlier if so required by the High Court, revert to the Punjab Civil Service (Executive Branch) and the Government shall re-absorb him on the Executive side within a period of three months from the date on which it is informed of the decision.

(2) A person appointed under sub-rule (1) may, unless he withdraws his option, be permanently absorbed in the Punjab Civil Service (Judicial Branch) from such date as the High Court may determine; provided that the number of such persons shall not exceed twenty percent of the number of persons recruited directly.

- (3) During the period of his tenure, a person appointed under sub-rule (1) may withdraw his option for appointment to the Punjab Civil Service (Judicial Branch) and thereupon, he shall, as soon as may be practicable, be reverted to the Punjab Civil Service (Executive Branch).
8. A member of the Punjab Civil Service (Judicial Branch) may be required to work as a Subordinate Judge or a Judicial Magistrate or both.
9. (1) for the purpose of this rule-
- (a) "Parent service" means:-
- (i) in relation to a person appointed to the Punjab Civil Service (Judicial Branch) under rule 7 or 7-A of this part, the Punjab Civil Service (Executive Branch); and
- (ii) in relation to any other member of the Punjab Civil Service (Judicial Branch), the Punjab Civil Service (Judicial Branch);
- (b) "years of allotment, in relation to any person appointed under rule 7 or 7A of this part or other members of the Punjab Civil Service (Judicial Branch)" means the calendar year with reference to which such person or member takes his seniority in his parent service irrespective of the date of his admittance to the parent service.
- (2) The seniority of persons appointed under rule 7 or 7-A of this Part jointly with the other member of the Punjab Civil Service (Judicial Branch) shall be determined by the Government in consultation with the High Court, in accordance with the following principles, namely:-
- (A) the interse seniority of the persons so appointed and the other members of the Punjab Civil Service (Judicial Branch) shall not be disturbed;
- (B) the joint seniority shall be worked according to the years of allotment in an ascending order;
- (C) the person so appointed belonging to one year of allotment shall be interpolated with the other members of the Punjab Civil Service (Judicial Branch) belonging to the same year of allotment according to their date of admittance or assumed date of admittance, as the case may be, to their parent service in that year:

Provided that-

- (i) if the date of admittance of such person or member to the parent service does not fall in the year of allotment or is earlier than the date of admittance of any person or member senior to him in the parent service in the year of allotment and assumed date of admittance shall be assigned to such person or member within the year of allotment for purposes of determining his joint seniority;
- (ii) such assumed date-
- (a) in the case of the senior-most person or member in the parent service in the year of allotment, shall be the date of admittance of

the person or member, as the case may be, junior to him in the parent service whose date of admittance falls in that year;

- (b) in the case of a person or member whose date of admittance in the parent service falls in any year earlier than the year of allotment, shall be the date of admittance of the person or member next senior to him in the parent service whose date of admittance falls in the year of allotment;
- (c) in the case of a person or member whose date of admittance in the parent service falls in any year later than the year of allotment, shall be the date of admittance of the person or member next junior to him in the parent service whose date of admittance falls in the year of allotment:

Provided that if such person or member has no such junior to him, the assumed date shall be the date of admittance of the person or member next senior to him and, where such person or member has to be assigned an assumed date under the foregoing provisions, shall be such assumed date;

- (d) in the case of a person or member whose date of admittance falls in the year of allotment but is earlier than the date of admittance of a person or member, as the case may be, who is senior to him in the parent service, shall be the date of admittance of the person or member senior to him and, where senior person or member has to be assigned an assumed date under the foregoing provisions, shall be such assumed date; and
- (e) where in any year of allotment the date or assumed date, as the case may be, of admittance to the parent service of a person so appointed and of the other member of the Punjab Civil Service (Judicial Branch) is the same, the older shall rank senior to the younger in age in the joint seniority.

(3) Where it may not be practicable to determine the joint seniority of any person or member in accordance with the foregoing provisions of this rule or where the application of such provision is likely to cause undue hardship or result in any inequity or injustice, the Government in consultation with the High Court, may determine the joint seniority of such person or member on the adhoc basis.

(4) Any person aggrieved with his position in the joint-seniority list may, within a period of sixty days from the date of publication of such list in the official Gazette, submit a representation to Government through the High Court who shall pass such orders thereon as may be deemed to be just and proper.

PART B.—PREPARATION AND SUBMISSION OF ROLLS

1. Qualifications for persons to be appointed Subordinate Judges are contained in Part A.
2. One Register of candidates for appointment as Subordinate Judges shall be maintained by each District Judge for each revenue district in his division in Form 'A' of the Forms laid down in the Schedule. The District Judge of Patiala will also maintain a separate register of candidates belonging to States other than the State of Punjab.
3. Applications for registration under rule 2 above will be received by the District Judge. Every applicant shall state his qualifications, and attach to his application certificates to show that he is qualified under the Qualifications Rules contained in Part A and under the rules contained in this part.

Note-1. Certificates of character required by qualification Rule (4) (i) in Part 'A' shall comprise-

- (i) a certificate from the Principal academic officer of the candidate's University or college, and
- (ii) certificate from two responsible persons (not relations) who are well acquainted with the candidate in private life and not connected with his University or college.

Note-2. Every candidate shall endorse or sign a declaration on his application in the following words:-

"I solemnly declare that all the statements made in this application are true".

4. When the Judges of the Punjab High Court decide to hold a competitive examination for the recruitment of candidates, they will call for rolls. The District Judge shall then submit rolls, in form "B" of the forms laid down in the Schedule of all candidates who are eligible under the Qualification Rules in Part 'A' and rules in this part.
5. Rolls should be prepared in the office of the District Judge after the District Judge has verified the candidates' fulfillment of the Qualification Rules and Rules in this Part. Necessary documentary proof should be obtained from every candidate if not already received in accordance with Rule 3 above and verified before the rolls are prepared.
6. For the purposes of rules 2 and 3 of the Qualification Rules it should be noted as follows —
 - (a) The District Judge must carefully verify the dates of birth of candidates and the mode of such verification should be stated in each case in the roll. The only documents which should be relied upon for purposes of verification are-
 - (i) Certified extracts from birth registers, provided the name of the child is specifically mentioned therein;
 - (ii) Certified copies of entries made in school and college registers;

- (iii) certified copies of extracts from Government Gazette notifications containing results of examination, if age or date of birth is given therein.

A copy of the notification of the result of the Matriculation Examination or the Matriculation certificate, must be supplied in every case; if this shows an earlier date of birth than that claimed by the candidate, it will ordinarily be accepted as final.

- (b) In calculating a candidate's age it should be assumed that a practising lawyer would continue to practise up to the date of his appointment as a Subordinate Judge. No allowance should be made either in the case of a candidate not actually practising when his roll is submitted even though he promises to get himself enrolled immediately, or in respect of previous practice of a candidate not actually practising at the time.
 - (c) In the case of a Government servant, the date of birth as entered in his service book only shall be accepted.
 - (d) No roll of a candidate shall be submitted to the State Public Service Commission unless the age of the candidate is two years less than the age limits prescribed for appointment in Rule 2 in Part A of these Rules on a date fixed by the Commission in its letter calling for rolls.
7. Before submitting rolls to the Punjab State Public Service Commission, the District Judge should-
- (a) require every candidate to endorse and sign a declaration on his roll in the following words:-

"I solemnly declare that all the statements made in this roll are true."
 - (b) require every lawyer candidate to furnish a declaration which should accompany his roll stating the period for which he has been practising as a lawyer;
 - (c) append to the roll the certificates and declaration mentioned in Notes 1 and 2 of Rule 3 of Part B.
8. On the submission of the roll of any person to the Punjab Public Service Commission, that person shall be warned in writing by the District Judge that he shall not make any attempt, directly or indirectly to approach any Judge of the High Court or any member of the Punjab Public Service Commission for discussing his candidature. He should also be informed that any breach of this rule will automatically lead to the permanent disqualification of the candidate in question.

The District Judge shall also warn every candidate whose roll he submits to the Punjab Public Service Commission that he must take the risk of becoming over-age before the date on which he can be appointed a Subordinate Judge and that if he fails to pass the departmental examination and complete the prescribed training before

reaching the age-limit, he will not be appointed as a Subordinate Judge even though he may have been accepted as a candidate as a result of the competitive examination.

PART C-EXAMINATION OF CANDIDATES

The following rules and instructions, which are liable to alteration from year to year, are prescribed for the examination of candidates for admission to the Judicial Branch of the Punjab Civil Service:-

1. An examination will be held at such place as the Punjab Public Service Commission may determine, commencing on such date as may from time to time be notified in the Gazette.
2. Fee for admission to the examination shall be such as the Government may, from time to time specify by a notification published in the Official Gazette, subject to a maximum of one hundred rupees and it shall be paid into Government Treasury.
3. (i) Every candidate whose roll is forwarded to the Punjab Public Service Commission shall send the treasury receipt for the admission fee to the Commission.
(ii) If the treasury receipt reaches the Commission on or before such date as may be prescribed by the Commission in this behalf, the Commission shall issue an admission certificate to the candidate concerned.
(iii) The candidate shall produce the admission certificate on the first day of the examination and before the first paper is given out. The Officer Superintending the Examination shall retain the admission certificate.
4. The examination papers shall be set and marks awarded by examiners who will be appointed by the Punjab Public Service Commission. There shall also be a viva voce test which will be conducted by the Punjab Public Service Commission.

The representative of the High Court of Punjab and Haryana shall be associated in the selection process and his advice with regard to the suitability of the candidate shall prevail unless there are strong and cogent reasons for not accepting the same for which reasons shall be recorded in writing.
5. The Judges of the High Court may from time to time declare what the subjects of the examination shall be.
6. The object of the examination is to test the practical ability of the candidates rather than the range of their theoretical knowledge. For this purpose, the kind of questions that will be asked will be to give the facts of a typical case and ask the candidate to frame issues, to write a judgment, and to discuss the admissibility of evidence.
7. (1) No candidate shall be credited with any marks in any paper unless he obtains atleast thirty three per cent marks in it.

- (2) No candidate shall be called for the Viva-Voce test unless he obtains at least fifty per cent qualifying marks in the aggregate of all the written papers:

[1] Provided that the candidates belonging to categories of Scheduled Castes, Scheduled Tribes, Backward Classes and Persons with Disabilities as defined in section 2(t) of section 47(1) in The Persons With Disabilities (Equal Opportunities, Protection of Rights And Full Participation) Act, 1995 shall be called for the viva-voce test if they obtain forty five per cent qualifying marks in the aggregate of all the written papers.

[1. Proviso to Rule 7(2) substituted vide notification no. 4/50/2013-3Judl(1)/146 dated 13.03.2014]

- (3) The minimum qualifying marks in the language paper Punjabi (Gurmukhi Script) shall be thirty-three per cent. The standard of language paper will be that of Matriculation Examination of the Punjab School Education Board or its equivalent.
8. The merit of the qualified candidates shall be determined by the Punjab Public Service Commission according to the aggregate marks obtained in the written papers and viva-voce:

Provided that in the case of two or more candidates obtaining equal marks, the candidate older in age shall be placed higher in the order of merit.

9. The syllabus which is liable to alteration is given below:-

Paper I- Civil Law - Code of Civil Procedure,
Punjab Courts Act,
Indian Contract Act,
Indian Sale of Goods Act,
Indian Partnership Act,
Specific Relief Act &
Indian Evidence Act.

Paper II-Civil Law - Hindu Law, Mohammadan Law
and Customary Law,
Law of Registration and Limitation.

Paper III-Criminal Law - Indian Penal Code,
Criminal Procedure Code and Indian
Evidence Act.

Paper IV-English
Composition - A choice of six essays on
general subjects.

Paper V- Language - Punjabi in Gurmukhi Script. No book prescribed.

Paper VI- Viva Voce to judge the personal qualities of the
candidates.

Notes- (i) Bare copies of legislative enactments only will be supplied.

- (ii) Each written paper shall be of three hours duration. Papers I to III shall carry 200 marks each. Papers IV and V shall carry 150 marks each and in each of these papers 100 marks shall be for essay writing and 50 marks for general language and grammar. Paper VI shall carry 100 marks.

(iii) Language paper will comprise of the following:-

	<u>Marks</u>
(1) Translation of an English passage into Punjabi	20
(2) Explanation of Punjabi passage in prose and poetry in the same language	30
(3) Composition (Essay, Idioms, Corrections etc.)	50
Total	100

(iv) The viva voce test shall relate to the matters of general interest and is intended to test the candidates' Alertness, Intelligence and general outlook. Consideration shall also be paid to the bearing of the candidates. It shall be conducted in English.

10. (i) The result of the examination will be published in the Punjab Government Gazette.

(ii) Candidates will be selected for appointment strictly in the order in which they have been placed by the Punjab Public Service Commission in the list of those who have qualified under rule 8; provided that in the case of candidates belonging to the Scheduled Castes/Tribes and other Backward Classes, Government will have a right to select in order of merit, a candidate who has merely qualified under rule 8, irrespective of the position obtained by him in the examination.

Provided further that the selection of candidates belonging to the Scheduled Castes/Tribes and other Backward classes in the order of merit inter-se shall be made against the vacancies reserved for them and in the manner prescribed by Government from time to time.

11. After the examination each selected candidate shall produce a certificate of medical fitness for the Government Service from such standing medical Board as may be arranged by the Director of Health Services (Punjab). The date on which candidates should present themselves before the Board for examination will be communicated to them. If the standing medical Board reports that any such person is suffering from physical defect which renders him unfit for the service, the Governor of the Punjab shall decide in consultation with the High Court, whether the name of such person may nevertheless be entered in the register of accepted candidates, or whether he should be required to appear again at a future date before the standing Medical Board, or whether his name shall not be entered in the register of candidates.

The standard of Medical Fitness required of the candidates is given in Appendix C to these rules.

PART D- APPOINTMENT

1. The names of the candidates selected by Government for appointment as Subordinate Judges under Rules 10 and 11 of Part C shall be entered on the High Court Register in the order of their selection.
2. The fact of acceptance of a candidate shall be communicated to the District Judge who shall thereupon make a note of such acceptance, with the date thereof, in the register maintained by him in form 'A' of the forms laid down in the Schedule, and he shall inform the candidates, adding in the case of practising lawyers, that if they cease to practise before the date of their appointment as Subordinate Judges, they will lose the concession granted by Clause (a) of the proviso to the rule 2 of the qualification Rules in Part "A".
3. The Registrar of the High Court, shall from time to time, scrutinize the register maintained in the High Court in accordance with rule 1 above and shall, under the orders of the Judges, remove therefrom the name of any candidate who has exceeded the age-limit prescribed in rule 2 of the qualification Rules in Part A before he can be appointed as a Subordinate Judge.
4. The Government may, on a motion from the Judges, for any reason which may seem fit to them, remove from the High Court Register the name of any candidate borne on it.
5. Every candidate shall, within a period of two years from the date of his selection, pass by the Higher standard the Departmental Examination prescribed in Part 'E', failing which his name shall be removed from the register of candidates:

Provided that where a candidate is appointed as a Subordinate Judge within the said period of two years, he shall within a period of four years from the date of his selection, pass by the higher standard the said departmental examination failing which he shall be removed from service:

Provided, further, that in no case the said period of two years or four, as the case may be, shall be extended.

6. Every Subordinate Judge shall undergo training for a minimum period of one year.
7. (1) Whenever it shall appear to the Judges that a vacancy or vacancies in the cadre of the Judicial Branch of the Punjab Civil Service, whether permanent, temporary or officiating, should be filled, they will make a selection from the High Court Register in the order in which the names have been entered in the Register under Rule 1 of this part. The name or names of the selected candidate or candidates will be forwarded to Government for appointment as Subordinate Judges under Article 234 of the Constitution of India. Every Subordinate Judge shall, in the first instance, be appointed on probation for two years but this period may be extended from time to time expressly or impliedly so that the total period of probation, including extension, if any, does not exceed three years.

Explanation:- The period of probation shall be deemed to have been extended impliedly if a Subordinate Judge is not confirmed on the expiry of his period of probation.

(2) The Governor of Punjab may, on the recommendation of the High Court, dispense with the services of a Subordinate Judge without assigning any cause, or revert him to his Substantive post, if any, during the period of his probation.

(3) On the completion of the period of any member of the service, the Governor of Punjab may, on the recommendation of the High Court, confirm him in his appointment, if he is working against a permanent vacancy or, if his work of conduct is reported by the High Court to be unsatisfactory, dispense with his services or revert him to his former substantive post, if any, or extend his period of probation and thereafter pass such orders as he could have passed on the expiry of the first period of probation;

Provided that the completion of the maximum period of three year's probation would not confer on him the right to be confirmed till there is a permanent vacancy in the cadre.

Provided further that if the report by the High Court regarding the unsatisfactory work or conduct of the probationer is made to the Government before the expiry of the maximum period of probation, further proceedings in the matter may be taken and orders passed by the Governor of Punjab dispensing with his services or reverting him to his substantive post even after the expiry of the aforesaid maximum period of probation.

8. There is no limit to the number of names borne on the High Court Register but ordinarily no more names will be included than are estimated to be sufficient for filling of vacancies, which are anticipated to be likely to occur during the year of Advertisement i.e. from 1st January to 31st December of that year.
9. On appointment, every Subordinate Judge shall get the minimum pay of the time-scale of the Punjab Civil Service (Judicial Branch), viz. Rs.940-30-1,000-40—1,200/1,400-60-1,700/75-1,850 with effect from the 1st day of January, 1978 and be allowed to draw the first increment- on the completion of the Departmental Examination prescribed in part E of these rules or after one year's service, whichever is later. The future increments will normally be admissible on the anniversary of the date on which the first increment is drawn.

Provided that an officer who was a subordinate Judge on the 1st day of January, 1978, will have personal grade of Rs.940-30-1,000-40-1,200/1,400-60- 1,700/75-1,850; provided further that the pay of a Subordinate Judge who immediately before his appointment as such, was holding any post under the Government or the High Court of Punjab and Haryana, shall be regulated in accordance with the provisions of the Punjab Civil Services Rules, Volume-1, Part-1.

Provided further that the future increments to a member of the service whose pay is fixed under the foregoing proviso shall be allowed only after he has passed the departmental examination by the higher standard.

Provided further that where the increment of a member of the service is withheld for his failure to pass the departmental examination, he shall not be entitled, before he passes the departmental examination by the higher standard, to the refixation of his pay on the basis of enhancement in his substantive or officiating pay in the time scale of the post held by him prior to his appointment to the service. However, during this period, he may be allowed his substantive pay from time to time if the same happens to be more than his officiating pay in the service.

- 9-A. On and after the first day of January, 1986, on appointment every subordinate Judge shall get the minimum pay of the time scale of the Punjab Civil Services(Judicial Branch), viz. Rs. 2,200-50-2,400-60-2,700-75-3,000-100- 4,000 and be allowed to draw the first increment on the completion of departmental examination prescribed in part E of these rules or after one year's service whichever is later, the future increment will normally be admissible on the anniversary of the date on which the first increment is drawn:

Provided that an officer who was a Subordinate Judge on the first day of January, 1986, will have personal grade of Rs.2,200-50-2,400-60-2,700-75- 3,000-100-4,000 and his pay in the aforesaid scale shall be fixed with effect from the first day of January, 1986, in accordance with the rules and instructions which have been issued and which may hereinafter be issued by the Government of Punjab with regard to the fixation of pay.

Provided further that excepting the first proviso the remaining provisos of Rule 9 shall *mutatis mutandis* apply.

10. (a) Members of the service shall be eligible for promotion permanently or provisionally, to a post in the selection grade in the scale rising from thirteen hundred rupees to fifteen hundred rupees a month with annual increment of fifty rupees a month or in such scale as may be sanctioned by the Government from time to time.
- (b) Promotion to selection grade shall be made strictly by selection and no member of the service shall be entitled to such promotion as of right.
- (c) With effect from the 5th March, 1973, twenty percent of the posts in the service will be in the selection grade in the scale rising from thirteen hundred rupees to fifteen hundred rupees a month with annual increment of fifty rupees a month or in such scale as may be sanctioned by the Government from time to time:

Provided that no officer shall be promoted to the selection grade unless he has worked as Subordinate Judge for a period of not less than twelve years.

Explanation:- The service put in by a member of the Punjab Civil Service (Judicial Branch) in the cadre of the Punjab Civil Service (Executive Branch) before his permanent absorption in the cadre of the Punjab Civil Service (Judicial Branch), shall be taken into account while computing the aforesaid period of twelve years.

- 10-A. (1) A member of the service shall be entitled to the senior scale of Rs. 3,000-100-4,000-125-4,500 after completion of 8 years service on or after

the first day of January, 1986 and a Selection Grade of Rs.4125-125-5,000-150- 5,600 after completion of 18 years of service on or after the first day of January, 1986, or any other grade after such period as may be allowed by the Government of Punjab from time to time.

Provided that an officer who has already become entitled to the Selection grade and has been granted selection Grade under the rules which were in force immediately before the publication of the Punjab Civil Services (Judicial Branch) (Second Amendment) Rules, 1989, shall be entitled to grant of selection Grade of Rs.4,125-125-5,000-150-5,600 with effect from the first day of January, 1986, or from the date it became due to him.

(2) The placement in the Selection Grade 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 placement.

Note- For reckoning the period of 8 years and 18 years the entire service in the time scale, senior scale and Selection Grade (mere placement and not involving fixation of pay at higher level), etc. wherever available in the cadre shall be counted.

PART E -DEPARTMENTAL EXAMINATION

1. A departmental examination of Subordinate Judges will be held thrice a year in the months of February, June, and October. The exact dates for holding such examination shall be notified, well in advance, in the official gazette.
2. The papers will be set, answers examined, and marks awarded by Examiners appointed by Government from time to time.
3. The Examiners will submit their awards of marks to the Secretary to the Central Committee of the Examinations. The Committee will consist of:-
 - (i) the Chief Justice of the Punjab High Court;
 - (ii) the Senior Financial Commissioner; and
 - (iii) the Chief Secretary to Government;

and with them will rest the final decision as to the passing of candidates.

4. (1) The Secretary to the Central Committee will be appointed by Government.
- (2) Under the orders of the Central Committee the Secretary shall receive the question papers from the examiners and-
 - (a) cause them to be printed;
 - (b) superintend the examination;
 - (c) transmit the answer papers to the Examiner concerned;
 - (d) receive and compile the marks awarded;
 - (e) report the result to the Central Committee;and
 - (f) generally conduct the whole correspondence and business of the examination not expressly allotted to any other authority.

(3) The Examiners shall send their award of marks to the Secretary to the Central Committee within two weeks from date on which the examination closes and the Secretary shall submit his report on the

Examination to the Chief Secretary, Government, Punjab, within one week from the date of receipt of the last statement of award of marks.

5. There are eight subjects for examination which are classified in groups as follows:—

(i)	Criminal Law	Group A-I
(ii)	Civil Law	Group A-II
(iii)	Revenue Law (two parts)	Group B
(iv)	Accounts (including Indian Accounts and Income Tax)	Group C
(v)	Language (Hindi in Dev-Nagri Script)	Group D
(vi)	Language (Punjabi in Gurmukhi Script)	Group E
(vii)	Language (Urdu in Persian Script)	Group F
(viii)	Constitutional Law of India (Two parts)	Group G

6. Papers will be set and marks assigned in each subject as follows:-

Subjects	Maximum marks
(1) Criminal Law	120
(2) Civil Law	120
(3) Revenue Law, 1st Paper	120
(4) Revenue Law, 2nd Paper	120
(5) Accounts(including Indian Accounts and Income Tax)	160
(6) Language (Hindi in Dev Nagri Script) as follows:-	150
(i) Written:	
(a) Translating an English passage into Hindi in Dev Nagari Script	20
(b) Explanation of Hindi passage in prose and poetry in the same language	30
(c) Composition (Essay, idioms and corrections etc.)	50

(ii) Oral-	
(a) Reading a passage printed or cyclostyled in Hindi in Dev Nagri Script	30
(b) Conversation in polished Hindi with the Examiner	20
(7) Language (Punjabi in Gurmukhi Script) as follows :—	150
(i) Written-	
(a) Translating an English passage into Punjabi in Gurmukhi Script	20
(b) Explanation of Punjabi passage into prose and poetry in the same language	30
(c) Composition (Essay, Idioms and corrections etc.)	50
(ii) Oral-	
(a) Reading a passage printed or cyclostyled in Punjabi in Gurmukhi Script	30
(b) Conversation in polished Punjabi with the Examiner	20
(8) Language (Urdu in Persian Script) as follows:-	150
(i) Written-	
(a) Translating an English passage into Urdu in Persian Script	20
(b) Explanation of Urdu passage in prose and poetry in the same language	30
(c) Composition (Essay, idioms and corrections etc.)	50

(ii) Oral-	
(a) Reading a passage printed or cyclostyled in Urdu in Persian Script	30
(b) Conversation in polished Urdu with the Examiner	20
(9) Constitutional Law of India as follows-	100
(i) Theory of Constitutional Law	30
(ii) Constitutional Law of India	70

Note.—The books, etc., from which question will be set in each subject are enumerated in the Schedule which is published separately and will be modified and re-published as occasion requires.

7. All papers excepting those in the subjects of Punjabi and Hindi will be answered with the aid of books, which will be provided by Government in the Examination Hall for use by candidates. The questions in the papers which are to be answered with the aid of books shall not be such as can be answered by copying a passage from a book, but shall be designed to test the practical knowledge of the candidates, and shall be confined, as far as possible, to cases arising in ordinary practice, facts of probable occurrence being stated, and the candidates being required to find and apply the law or rules bearing on them. The maximum time allotted for each written paper will be three hours.
8. (i) All candidates are required to pass each group by the higher standard; Provided that-
- (a) Candidates selected as a result of examination held under Part C before 1st of April, 1960, will not be required to appear in the language paper in which they have qualified in the aforesaid examination.
- (b) Candidates selected on the basis of examination held after the 31st March, 1960, but before the 1st September, 1969, shall not be required to appear and qualify in Group D and E as specified in Rule 5, and the candidates selected on the basis of an examination held after 1st September, 1969 shall not be required to appear and qualify in Group E.
- (c) Candidates shall be required to qualify in Group F so long as Urdu remains the Court language for Civil Courts.
- (ii) A candidate who obtains at least 2/3rd of the maximum marks in a group will be held to have passed it by the higher standard, if he obtains at least half the maximum marks, he will be held to have passed it by the lower standard.

(iii) Candidates will be held to have passed "with credit" if they obtain at least 3/4th of the maximum marks allotted to the group or groups taken together as mentioned below, at one examination:—

- (a) Group A -I and A-II
- (b) Group B and C
- (c) Group D
- (d) Group E
- (e) Group F
- (f) Group G

(iv) No candidates will be held to have passed in Hindi, Punjabi and Urdu unless he obtains at least 50 percent marks in each of the written and oral papers.

9. A candidate shall have the option of appearing in one or more groups at one examination.
10. After each examination the names of those candidates who have passed by either standard or with credit will be communicated as soon as possible to the Registrar, Punjab High Court and also published in the gazette.
11. When, in accordance with rule 1 of this part, the date of the departmental examination is fixed and notified in the Punjab Government Gazette every candidate intending to appear in the examination in any or all the subjects must give notice direct to the Secretary to the Central Committee of Examination, care of the Punjab Civil Secretariat, Chandigarh, in the form below at least a fortnight before the date of examination.

Name of Examination	Subjects or groups already passed with number and date of Gazette notification in each case.	Subjects in which the candidate will appear
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12. Should a candidate be unable to appear after having intimated his intention to appear under the foregoing rule, he should give notice to the Secretary to the Central Committee of Examination of his inability to appear before the commencement of the examination and should sickness be the cause of his absence, he should also furnish a medical certificate to the Secretary to the Central Committee of Examination.
13. Every candidate will, at the time of examination present to the Secretary to the Central Committee of Examinations, a certificate from the District and Sessions Judge of his district to the effect that he is an accepted sub-Judge candidate.
14. (1) A person who is appointed under rule 7 or 7-A of Part "A" shall not be required to pass the departmental examination prescribed for members

of the Punjab Civil Service (Judicial Branch), if, before, being so appointed, he had already passed, by the higher standard the departmental examination prescribed for members of the Punjab Civil Service (Executive Branch).

(2) Where such a person has passed, by the higher standard only some of the papers of the departmental Examination prescribed for members of the Punjab Civil Service (Executive Branch), he shall not be required to pass the corresponding papers of the departmental examination prescribed for members of the Punjab Civil Service (Judicial Branch), but shall have to pass, by the higher standard, such other papers and within such period as the High Court may direct;

Provided that such period shall not be less than the period within which he would have been entitled to complete the departmental examination prescribed for members of the Punjab Civil Service (Executive Branch) if, he had not been appointed to the Punjab Civil Service (Judicial Branch).

(3) Where such a person has not passed by the higher standard, any paper of the departmental examination prescribed for members of the Punjab Civil Service (Executive Branch) before his appointment to the Punjab Civil Service (Judicial Branch), he shall pass the departmental examination prescribed for members of the Punjab Civil Service (Judicial Branch), by the higher standard, within a period in which he would have been entitled to pass the former departmental examination if he had not been appointed to the Punjab Civil Service (Judicial Branch).

PART F—DISCIPLINE, PENALTIES AND APPEALS

In matters relating to discipline, penalties and appeals including orders specified in Appendix B, members of the service shall be governed by "The Punjab Civil Services (Punishment and Appeal) Rules, 1952" as amended from time to time, provided that the nature of penalties, which may be inflicted, the authority empowered to impose such penalties or pass such orders and the appellate authority shall be as specified in Appendix 'A' and 'B' below:-

Appendix 'A'

Nature of Penalty	Punishing Authority	Appellate Authority
(a) Censure;	Judge of the High Court,	A Committee constituted by the High Court consisting of two judges on the administrative side, subject to approval of Hon'ble Full Court
(b) Withholding of increment or promotion including stoppage at an efficiency bar;	-do-	-do-

(c) Reduction to a lower post or time scale or to a lower stage in the time scale;	Government	-
(d) Recovery from pay of the whole or part of any Pecuniary loss caused to Government by negligence or breach of order;	Judge of the High Court	A Committee constituted by the High Court consisting of two judges on the administrative side, subject to approval of Hon'ble Full Court
(e) Suspension;	Government	-
(f) Removal from Service which does not disqualify for future employment; and	-do-	-
(g) Dismissal from the Service which ordinarily disqualifies from future employment.	-do-	-

[Appendix 'A' substituted vide notification no. 1/113/12-3Judl(1)/876 dated 18.07.2017]

APPENDIX 'B' – OTHER ORDERS

Name of Order	Authority competent to pass an order	Appellate Authority
(a) Reducing the maximum pension admissible under the rules	Government	..
(b) Terminating the appointment of a member of the service otherwise than upon his reaching the age fixed for superannuation.	-do-	..

SCHEDULE

[The Forms in this Schedule are not printed. Typewritten copies may be obtained by candidates from the District Judge.]

PART FF—Retirement:

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 sixty years:

Provided that such member, whose date of birth is the first day of the month, he shall retire on the afternoon of the last day of the preceding month:

Provided further that the High Court, shall assess and evaluate the Service Record of the member of the Service at the age of fifty years, fifty-five years, and before he attains the age of fifty-eight years, to find his continued utility in the Service, by following the procedure for compulsory retirement before he is allowed to continue beyond the age of fifty-eight years:

Provided further that the High Court, may recommend premature retirement of an Officer on completion of fifteen years of Service or at any time thereafter in public interest, subject to the condition that in the event of such retirement, the officer shall be entitled to the benefit of pension and other retrial benefits proportionately as admissible, having regard to the qualifying Service rendered by him as per Government Policy.

{Part FF-Retirement, inserted vide notification no. G.S.R.49/Const./Art.233 and 309/Amd.(31)/2017 dated10.10.2017}

PART G- RELAXATION OF RULES

Where the Government, in consultation with the High Court, is, of opinion that it is necessary so to do, it 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.

Form "A"

REGISTERS TO BE MAINTAINED BY EACH DISTRICT JUDGE FOR EACH DISTRICT IN HIS SESSIONS DIVISION OF PERSONS QUALIFIED TO BE APPOINTED SUBORDINATE JUDGES

Name of Candidates	(a) Place of Birth (b) Date of birth and the summary of evidence in support of it. (c) Date of enrolment as Barrister, Advocate, Vakil or pleader with number and date of High Court Notification as published in Govt. Gazette.	Percentage and place of domicile of parents	Where educated what degrees obtained with class or division, University and year.	Present appointment or occupation.
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1	2	3	4	5
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Date of submission of rolls to the Punjab Public Service Commission with commission's orders thereon.	Date of removal of name from register with brief reasons for exclusion	Address of the candidate appearing in the examination	Remarks
---	--	---	---------

6.	7.	8.	9.
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APPENDIX 'C'

Regulations for the medical examination of candidates for admission to the Punjab Civil Service (Judicial Branch).

These regulations are intended merely for the guidance of Medical Examiners and are not meant to restrict their discretion in any ways.

1. To be passed as medically fit for admission to the Punjab Civil Service (Judicial Branch), a candidate must be in good mental and bodily health and free from any physical defect likely to interfere, with the efficient performance of the duties of his appointment.

2. The candidate's height will be measured as follows :-

He will remove his shoes and be placed against the standard with his feet together and the weight thrown on the heels and not on the toes or outer sides of the feet. He will stand erect without rigidity, and with the heels, calves, buttocks, and shoulders touching the standard; the chin will be depressed to bring the vertex of the head level under the horizontal bar, and the height will be recorded in inches and parts of an inch to quarters.

3. The candidate's chest will be measured as follows :-

He will be made to stand erect with his feet together, and to raise his arms over his head. The tape will be so adjusted round the chest that its upper edge touches the inferior angles of the shoulder blades behind, and its lower edge the upper part of the nipples in front. The arms will then be lowered to hand loosely by the side, and care will be taken that the shoulders are not thrown upwards and backwards so as to displace the tape. The candidate will then be directed to take a deep inspiration several times, and the maximum expansion of the chest will be carefully noted.

The range of expansion should not be less than 2".

The minimum and maximum will then be recorded in inches, 33-35, 34-36, etc.

In recording the measurement, fractions of less than $\frac{1}{2}$ inch should not be noted.

4. The candidate will also be weighed, and his weight recorded in pounds. Fractions of a pound should not be noted.

5. The following conditions should be observed in connection with acuteness of vision:-

Vision of Candidates:-

(a) No candidate will be accepted whose vision is less than-

Better eye

Worse eye

V-6/6 and reads 0.6

V-6/12 reads 1

Spectacles will be allowed for either eye upto +5.0 D or —5.0 D, provided that there are no morbid changes in fundus.

(b) In myopia if there is posterior at phyloma the spectacles must not exceed -2.5 D in either eye.

(c) In cases of astigmatism the combined lenses must not exceed 5 Dipoters and there should be no fundus changes.

(d) Squint or any other morbid condition of the eyes or of the lids of either eye liable to the risk of aggravation or recurrence will cause the rejection of the candidate.

(e) Each eye must have a full field of vision as tested by hand movements.

(f) Any defect in colour vision will be noted, but will not cause rejection of the candidate.

(g) In cases of doubt or of serious abnormality the opinion of the Ophthalmic Specialist will be obtained.

(h) No candidate will be accepted whose standard of vision does not come upto the specified requirements without the use of contact glasses.

6. The urine (Passed in presence of the Examiner) should be examined and the result recorded.

7. The following additional points should be observed:-

(a) That the candidate's hearing in each ear is good and that there is no sign of the disease of the ear;

(b) that his speech is without impediment;

(c) that his teeth are in good order and that he is provided with dentures where necessary for effective mastication (well-filled teeth will be considered as sound);

(d) that his chest is well formed and his chest expansion sufficient; and that his heart and lungs are sound;

(e) that there is no evidence of an abdominal disease;

(f) that he is not ruptured;

(g) that he does not suffer from hydrocele, a severe degree of varicocele, vericose venins or piles;

(h) that his limbs, hands and feet are well formed and developed and that there is free and perfect motion of all his joints;

(i) that he does not suffer from any inveterate skin disease;

(j) that there is no congenital malformation or defect ;

(k) that he does not bear traces of any acute or chronic disease pointing to an impaired constitution;

(l) that he bears marks of efficient vaccination and evidence of revaccination within the last 12 months.

When any defect is found it must be notified in the certificate and the Medical Examiner should state his opinion whether or not it is likely to interfere with the efficient performance of the duties which will be required of the candidate. If the condition, is remediable by operation it should be so stated.

8. The following intimation is made for the guidance of the Medical Examiner:—

(1) In the medical examination of candidates Medical Officers are especially required to use fact and judgment and to take proper precaution to secure privacy, with the object of removing any objections which may be made by individuals to stripping.

(2) Should a candidate object to the exposure of his person for the detection of hemorrhoids, venereal disease, hernia and disease of the testicles, scrotum and rectum, the candidate must if this examination in his case is in the opinion of the Board necessary, be rejected.

(3) The opinion of the Board accepting or rejecting a candidate is final and cannot be questioned on any ground. The Board is debarred from disclosing to any candidate, permanently unfit, the reasons for his rejection. In these cases their opinion and report is to be treated as strictly confidential and for the information of Government only. Where however, the Board detects a temporary defect amendable to treatment the candidate may be so informed in order that he may have the defect remedied and present himself for re-examination.

(4) No person will be deemed qualified for the admission to the Public Service who shall not satisfy the Punjab Government that he has no disease, constitutional, affection or bodily infirmity unfitting him, or likely to unfit him for that service.

(5) It should be understood that the question of fitness involves the future as well as the present and that the main object of medical examination is to secure continuous effective service, and in the case of candidates for permanent appointment to prevent early pension or payments in case of premature death. It is at the same time to be noted that the question is one of the likelihood of continuous effective service and that the rejection of a candidate need not be advised on account of the presence of a defect which in only a small proportion of cases is found to interfere with continuous effective service.

(6) The candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the note below:-

(1) State your name in full.....

(2) State your age and birth place.....

(3) (a) Have you ever had small pox, intermittent or any other fever,

enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks, rheumatism or appendicitis?

OR

(c) any other disease or accident requiring confinement to bed and medical or surgical treatment ?

OR

(d) suffered from any illness, wound or injuries sustained while an active service with His Majesty's Forces during the last Great Wars.

(d)Have you ever been rejected by a Medical Board or duly constituted Medical authority?

(4) When were you last vaccinated?

(5) Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy, or insanity?

(6) Have you suffered from any form of nervousness due to overwork or any other cause?

(7) Furnish the following particulars concerning your family.

Father's age, if living, and state of health	Father's age at death and cause of death	Names of brothers living, their ages and state of health	Number of brothers dead, their ages at, and cause of death
Mother's age if living, and state of health	Mother's age at death and cause death	Number of sisters living, their ages and state of health	Number of sisters dead, their ages at, and cause of death

I declare all the above answers to be to the best of my belief, true and correct and accept the finding of the board as final.

Candidate's Signature

Note. The candidate will be held responsible for accuracy of the above statement, By willfully suppressing any information he will incur the risk of losing the appointment and if appointed forfeiting all claims to superannuation Allowance or gratuity.

MEDICAL EXAMINER'S REPORT

Sr. no.	Questions	Answers	Remarks
1.	Has the declaration above been signed by the candidate?		
2.	Are there any evidence of malformation, congenital or acquired?		
3.	Is he free from scars and has he the full use of all limbs?		
4.	Are there any indications of decided cachectic or diathetic state of constitution?		
5.	Has the candidate been vaccinated within the last twelve months?		
6.	Are there any signs of disease of the nervous system?		
7.	Is the hearing good? Is there any sign of disease of the ears?		
8.	What is the candidate's vision ?		R.E.V.-with glasses – Reads spectacles if any, R.E. L.E.
9.	Is the candidate free from stammer or other serious defect of speech?		
10.	Are there any signs of disease of the bones, joints or parts connected therewith?		
11.	Is there any important affection of the skin?		
12.	Are the heart and arteries healthy?		
13.	Has the candidate haemorrhoids, varicocele, or other affections or veins?		
14.	Is there any evidence of disease of the respiratory organs?		
15.	Are there any signs of disease of the digestive organs?		
16.	Is the candidate free from rupture?		
17.	Is there any indication of disease of the genital organs?		
18.	Is the urine free from (1) albumen, (2) sugar? Is the urine otherwise normal?		1. _____ 2. _____
19.	Is there anything in the health of the candidate likely to render him unfit for the efficient discharge of his duties in the service for which he is a candidate?		

20.	Do you consider the candidate in all respects qualified for the efficient and continuous discharge of his duties in the service for which he is a candidate?		
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Height without (shoes)

.....

Girth of chest

(full inspiration)

.....

Weight

President

Member

Member

Dated.
