

**HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR
(Chief Justice's Secretariat)**

**Subject: Transfer Policy applicable to the Staff of the Subordinate Courts
in the Union Territories of Jammu & Kashmir, and Ladakh.**

ORDER

No. 405/2021/RG/PSY

Dated: 14-06-2021

The following Transfer Policy shall be applicable to the Staff of the Subordinate Courts in the Union Territories of Jammu & Kashmir, and Ladakh with immediate effect:

A. General Principles

1. A complete data-base shall be maintained by the Secretariat of all the staff members of their service record including details of their posting which shall be updated on real time basis.
2. Transfers shall normally be effected once in each calendar year ordinarily in the month of April/May.
3. The eligibility and suitability of the concerned staff member and the interest of the judicial institution shall be given the utmost priority while effecting the transfers. The convenience of the staff member shall also be considered provided it does not affect the general interest of the institution. Endeavour shall be made to have postings on rotational basis and equal opportunity shall be given to every staff member in each class and category to serve in different parts of a District, Division, or the UT(s) as the case may be.
4. Physically challenged, ailing or infirm staff members and those who are lactating mothers, shall, subject to availability of posts and the general convenience of the institution be given convenient postings, as per their preference. Presence of any physically challenged, sick or infirm dependent in the family of a staff member shall also be considered appropriately.
5. Both spouses serving in the Subordinate Courts shall be conveniently placed preferably at the same station. A female staff member having a spouse serving in any Government Department may make a request for posting at a place where her spouse is posted.

B. Tenure of Postings

1. The minimum tenure of a staff member on a post or place shall normally be three years. However, at a Hard Station (as defined in Policy on Transfer of Judicial

Officers) a staff member hailing from a normal station shall have tenure of one year only.

2. A staff member may be retained on any post or place beyond the period of one year or three years as the case may be in the larger interest of the institution or if the concerned post requires special skills, and a staff member exclusively possesses such skills.
3. A staff member may be transferred from a post before completion of the tenure of three or one year if there are general complaints against such staff members as to his/her behaviour, competence, integrity or subordination, or when any such staff member is found wanting in performance of his/her duties, or on proved health grounds or if there arises any serious health risk/issue to serve at any such place of posting.

C. Special Provisions

1. A staff member shall be permitted to make a representation for his/her transfer from a place of posting within the parameters of this policy, specifically mentioning the grounds on which transfer/premature transfer is sought.
2. No representation shall normally be entertained within six months of the transfer or six months before the completion of tenure at any place.
3. A representation for transfer sought on the health grounds shall be entertained only if it is accompanied by duly verified Medical Record from any recognized health service institution.
4. On acceptance or rejection of a representation for transfer, a staff member shall not be permitted to make another representation for transfer on similar ground(s) within a period of one year from the date of such acceptance or rejection.
5. Repeated representations without justification for transfer shall be construed as insubordination and would entail departmental action against any such staff member.
6. No staff member shall visit the Secretariat and directly or indirectly influence, campaign or canvas for effecting or avoiding the transfer. Any such action on the part of a staff member shall be viewed seriously and shall entail not only denial of all beneficial effects of this policy but would expose him to departmental action.
7. No staff member shall be sent on deputation post, outside the routine subordinate courts' postings, for more than two full tenures or five years, whichever is less, in his/her whole service career.

8. No staff member shall be posted in the same court or office unless he/she has completed two full tenures or five years, whichever is more, at different places after transfer from such court or office.
9. The Secretariat may devise a mechanism for seeking preferences of postings in the month of January from those staff members who shall be due to be transferred in the months of April/May for the purposes transfer and to make an endeavour to effect postings.

(By order)

sdf
(Rajeev Gupta)
Principal Secretary to
Hon'ble the Chief Justice

No. 172-79/PSY Dated: 14-06-2021

Copy to the:-

1. Registrar General, High Court of Jammu & Kashmir, Srinagar.
2. Registrar Vigilance, High Court of Jammu & Kashmir, Srinagar.
3. Registrar Rules, High Court of Jammu & Kashmir, Srinagar.
4. Registrar Inspection, High Court of Jammu & Kashmir, Srinagar.
..... for information.
5. CPC, High Court of Jammu & Kashmir, Srinagar for uploading on High Court Website.
6. Director Finance, High Court of Jammu & Kashmir, Srinagar for information.
7. Chief Librarian, High Court of Jammu & Kashmir, Srinagar/Jammu.
8. Order Book.

14/6/2021
Principal Secretary to
Hon'ble the Chief Justice