

THE HIGH COURT OF SINDH

Karachi, dated the 16th January, 1994

NOTIFICATION

No. Admn/2.8(JSR):- In exercise of the powers conferred by Section 26 of the Sindh Civil Servant Act, 1973, read with government of Sindh Notification No. SRO.1(S&GAD)2/9-92, dated 9th August, 1993, the Chief Justice of the High Court of Sindh is pleased to make the following rules regulating recruitment to the staff in the various District and Sessions Courts, Small Causes Court, Karachi, and the Subordinate Civil Courts in the Province of Sindh, prescribing conditions of services of the persons appointed thereto, namely:-

PART - I GENERAL

1. Short title and Commencement.- (1) These rules may be called the Sindh Judicial Staff Service Rules 1992.

(2) They shall come into force at once.

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context;

(a) "**Chief Justice**" means the Chief Justice of the High Court of Sindh;

(b) "**Government**" means the Government of Sindh;

(c) "**High Court**" means the High Court of Sindh;

(d) "**Initial appointment**" means appointment made otherwise than by promotion or transfer;

(e) "**Recognized University**" means and University established by or under a law in Pakistan or any other University which may be declared by Government to be a recognized University for the purpose of these rules; and

(f) "**Service**" means the Sindh Judicial Staff Service;

(g) "**Staff**" mean the holders of the posts specified in rule 3.

PART - II RECRUITMENT

3. Constitution of Service.- (1) The service shall comprise of the posts of the staff in the District and Sessions Courts, the Small Causes Court, Karachi, and the Subordinate Civil Courts in the province of Sindh.

(2) The posts in Service shall be grouped as following—

A. Chief Ministerial Officer/ Clerk of the Court of the Judge Karachi Small Causes Court and District Court.

B. Nazir of the District Court, Reader of the District Judge, Senior Clerk Translators and Head Translators of the district Court, Assistant Clerk of the Court (Asst. C.M.Os) of

District Court, Clark Court, Readers and Nazirs in Courts of Senior Civil Judges and Reader and Nazir in the Court of Judge, Small Causes Court, Karachi.

C. Librarian of District Court Reader to Additional District Judges, Record Keeper, Cashier Assistant Accountant, Head Clark, Assistant Record Keeper, Junior Translators, English Clerks and Senior Clerks in the District Court, Cashier in the Karachi Small Causes Court, Senior Clerks in the Civil Courts.

D. Civil Clerks, Criminal Clerk, correspondence Clerks, Assistant Correspondence Clerks and Junior Clerks in the district Court, English Clerks, Naib Nazir and Junior Clerks in Karachi Small Causes Court and Junior Clerks and Naib Nazir in Courts of Civil Judges.

E. The reminder.

F. Shorthand Writers/ Stenographers.

G. Head Bailiff, Bailiff, Drivers, Book-Binders, Daftaries (District Courts), Havalgars Naik, Peons, Naib Qasid and Chowkidars, Malis and Watermen.

4. Appointing Authority.- Appointments to the service in a Sessions Division shall be made by the District Judges for the Sessions Division:

Provided that appointments to the service in the Small Causes Courts shall be made by the Judges, small Causes Court:

Provided further that appointment shall be made in accordance with:-

(a) The provisions of the Sindh Civil Servants (Appointment, promotion and transfer) Rules, 1974, so far as they are applicable to the posts in the service and are not inconsistent with these rules, and such other general rules as Government may frame from time to time; and

(b) any instructions which the High Court may issue.

5.- The pay scales and allowances of the members of the staff shall be as prescribed by Government from time to time.

6. Method of Recruitment.- (1) Appointments to group E shall be made by direct recruitment.

(2) Appointments to group F shall be made by direct recruitment or by promotion from group E, D, or C.

(3) Appointments as driver, bailiff, book-binder, Daftari, peon, Naib Qasid, Mali, and Chowkidar shall be made by direct recruitment.

(4) Appointment to group I shall be made by promotion from group E and to group A, B, or C by promotion from the next lower group:

Provided that:--

(i) with the sanction in writing of the Chief Justice;

(a) in the absence of a suitable clerk for promotion, direct recruitment may be made; and

(b) a clerk of exceptional merits may be promoted without service in one intervening group;

(ii) a shorthand writer may be promoted to group B if the vacancy is short and can be filled from promotion of a clerk from group B, D, or C, but no shorthand writer may claim such promotion as of right;

(iii) appointment as head-bailiff, Hawaldars or Naik shall be made by promotion from bailiffs, Naiks and peons or Chowkidars respectively.

7. Age.- (1) No person shall be appointed to the Service by initial recruitment if:-

(i) in case of appointment to a post of driver, peon of Naib Qasid or Chowkidar, he is not less than twenty years and more than twenty eight years of age; and

(ii) in case of appointment to a post of a Clerk, Shorthand writer Stenographer, he is not less than twenty one years and more than twenty five years of age;

Provided that:--

(i) in the case of a Government Servant who has served in connection with the affairs of the Federation or the Province of Sindh for a period of not less than three years, the upper age limit shall be thirty years;

(ii) in the case of a person whose services under Government have been terminated for want of vacancy, the period of service already rendered by him shall for the purpose of upper age limit under this rule, be excluded from his age.

(2) For the purposes of this rule, age shall be reckoned as on the last date fixed submission of applications for appointment.

8. Qualification.- (1) No person shall be appointed to a post in the service by initial recruitment unless he possesses a permanent Residence Certificate from the District where he is to be appointed, issued by the District Magistrate of that District; and

(a) in case of appointment to a post of Clerk, he has passed the higher secondary examination of a recognized High Secondary School Board or an equivalent qualification;

(b) in case of a short-hand writer/Stenographer;

(i) he has passed the matricular Examination of a recognized School Board or Possesses an equivalent qualification;

(ii) possesses a minimum speed of 40 words per minute in type writing; and

(iii) possesses a diploma or certificate from a reputed institution for Stenographer certifying that he possesses minimum speed of 80 words per minute in short-hand; or any other equivalent qualification:

Provided that the Chief Justice may, in respect of any candidate, if he considers appropriate, relax this qualification.

(c) in the case of a driver, he should-

(i) be able to read signs and the Highway Code;

(ii) be in possession of a valid license to drive a car as a paid driver; and

(iii) possess experience of driving a car as a licensed paid driver for not less than three years;

(2) No person shall initially be appointed to the service unless;--

(a) he produces a certificate of character from the Principal Academic Officer of the academic institution last attended, and also certificates of character from two other respectable persons, not being his relatives, who are well acquainted with his character and antecedents; and

(b) he is declared to be physically fit by a Board of Medical Officers, appointed by Government.

PART - III CONDITION OF SERVICE

9. Probation.- (1) A person appointed to the service against a substantive vacancy shall remain on probation for a period of two years.

Explanation.- Officiating service and service spent on deputation to a corresponding or a higher post may be allowed the period of probation.

(2) If the work or conduct of a member of the service during the period of probation has been unsatisfactory, the District Judge, or the Judge Small Cause Court, as the case may be notwithstanding that the period of probation has not expired, dispense with his service.

(3) On completion of the period of probation of a member of the service, the District Judge, or the Judge Small Causes, Court, as the case may be subject to the provisions of sub-rule.

(4) Confirm him in his appointment, or if his work or conduct has, in the opinion of the High Court, not been Satisfactory.

(a) dispense with his services; or

(b) extend the period of the probation by a period not exceeding two years in an, and during or on the expiry or such period pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation I.- If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

Explanation II.- If no order have been made by the day on which the maximum period or probation expires, the probationer shall be deemed to have been confirmed in his appointment

from the date on which the period of probation was last extended or may be deemed to have been so extended.

(5) No person shall be confirmed in the in the service unless he successfully completes such training and passes such departmental examinations as may be proscribed by the High Court from time to time.

(6) If a member of the service fails to complete successfully any training or pas any departmental examination prescribed under sub-rule (4), within such period or in such number of attempts as be prescribed by the High Court, the District Judge, or the Judge Small Causes Court, as the case may be, may, subject to any orders that the Chief Justice may consider fit to issue, dispense with his service.

10. Language examination.- (1) Every clerk whose mother tongue is not Sindhi should satisfy the concerned District Judge, or the Judge Small Causes Court, as the case may be, of his ability to read and write Sindhi within two years of his appointment and will have to pass the Departmental Sindhi Language Examination held in this behalf within three years from the date of his Joining the appointment, Clerks whose other tongue is Sindhi should satisfy the head of their office of their ability to read and write Urdu within two years of their appointment.

(2) The Department Examination will ordinarily be held annually on the last Monday in April, at Sukkur and Larkana and at Karachi Hyderabad for the Judicial District comprised in the Revenue Divisions of Sukkur, Larkana, Karachi and Hyderabad respectively, or only at Karachi or at any other place, as may be directed by the Chief Justice, before local committees composed of the District Judge and one or two Additional District Judges or Senior Civil Judges specially nominated by the Chief Justice.

(3) The Department Examination will consist of two written papers accompanied by annual examination. The first paper will be on the West Pakistan Civil Courts Ordinance, 1962, the Codes of Civil and Criminal procedure and the Sindh Agriculturists Relief Act. The second paper will be on the Civil Courts Rules Manual, the revised Sindh Criminal Circulars, the Court Fees, Limitation, Stamps, Wakf and Registration Acts and the Rules there under published in the statutory Rules and Orders. There will be ten questions in each of the papers which will be prepared in concert by the district Judges. The oral examination will include reading of Sindhi and Urdu as well as questions on the above subjects to be settled at the discretion of each local Committee. There hours will be allowed for each paper. The oral examination will be made during progress of the papers, the marks awarded will be 100 for each paper and 50 for the oral examination, Candidates who obtain not less than 50% marks in written as well as oral examination will be declared to have passed the examination. Those who obtain 75% of the total number of marks will be declared to have passed with credit. The adjudication of marks will rest entirely with each local Committee who will forward a list of successful candidates in order of merit distinguishing, those, if any, who have passed with credit, to the Registrar, High Court of Sindh, for information of the Chief Justice and publication in the Sindh Government Gazette.

(4) Every Clerk, Sheristedar/Reader and member of the staff listed in groups A to D, must pass the departmental examination within a period of 3 years of his entry in the service:

Provided that the Chief Justice may case grant further time for the passing of the department examination or may exempt any member or the staff or class of staff passing the said examination.

11. Seniority.- (1) The seniority inter se of the members of the service in the various grades thereof shall be determined;--

(a) in the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the district Judge or Judge Small Causes Court, as the case may be provided that persons selected in a later selection;

(b) in the case of members appointed by promotion, with reference to the dates of their continuous appointment therein; Provided that if the date of continuous appointment in the older officer, if not junior to the younger officer or officers in the next below grade, small rank senior to the younger officer or officers.

Explanation I.- If a junior officer in a lower grade is promoted to priority in the public interest, even though continuing later permanently in the higher grade; it would not adversely affect the interest of his senior officer in the fixation of his seniority in the higher grade.

Explanation II.- if a junior officer in a lower grade is promoted to a higher grade by superseding -a senior officer and subsequently that officer is also promoted, the officer promoted first shall rank senior to the officer promoted subsequently.

(2) Registers shall be kept by every District Judge of all Clerks in the District Court. Similar Register shall be kept by the Judge, Small Causes Court.

The entries shall be made in the order of seniority and shall show the date of entry into service and date of promotion, age, casts, relationship to other officers, native place, landed property, qualification, including date of passing the departmental examination, commendations, reprimands, punishments and any other matters likely to prove useful at the time of making transfers or promotions. The Registers shall be checked from time to time by reference to the Registrars of landed property, officer order books and individual service book kept in the several Courts.

(3) Similar Registers shall be kept by every District Judge and the Judge Small Causes of the Bailiffs of his District! Court.

12. Liability to transfer and Serve.- The Hon'ble Chief Justice may, if he thinks fit, transfer staff from one District to another and upon such transfer may regulate the seniority of the person in the district to which he is transferred.

13. General Rules.- In all matters not expressly provided for in these rules, members of the Service shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

14. Relaxation.- Any of these rules may, for reasons to be recoded in writing be relaxed in individual cases, if the Chief Justice is satisfied that a strict application of the rules would cause undue hardship to the individual concerned.

15. Repeal.- The existing Recruitment Rules to the posts of staff in the District Courts, Court of Small Causes and sub-ordinate Civil Courts, (issued under the Government of India Act, 1935) are hereby repealed.