

HIGH COURT OF TRIPURA
AGARTALA

No.F.3(35)–HC/2023/23577

Dated 27th September, 2023

N O T I F I C A T I O N

High Court of Tripura (Conditions of Engagement of Co-Terminus Employees) Rules, 2023

The Hon'ble Supreme Court in Renu and Others Vs. District and Sessions Judge, Tis Hazari and Another (C.A.No.979 of 2014) [(2014) 14 SCC 50] has laid down guidelines for direct Recruitment, including constitution of a Centralized Recruitment Cell.

Whereas, there is difference in sanctioned posts and working strength of Class-IV employees in the High Court of Tripura and meanwhile, proposal for creation of further Class-IV posts has not been fully sanctioned by the State Government which has left a significant gap in the requirement of Class-IV employees & actual working strength of Class-IV employees in the establishment of the High Court, registry of the High Court and in the service of High Court Judges,

Whereas, a gap in actual working strength vis-a-vis required strength of Class-IV employees has an adverse effect in the overall functioning and efficiency of the High Court,

Whereas, paucity of regular cadre Class-IV staffs has resulted in lack of proper services of such employees in due discharge of the constitutional and administrative duties/obligations of the Judges of this Court.

To meet such an exigency, the Hon'ble Madras High Court has already framed "The Madras High Court (Appointment and Conditions of Service of Division-III Assistants on Co-Terminus Basis) Rules 2018. The Madras High Court has also relied upon similar rules framed by the Punjab & Haryana High Court,

Whereas, the Hon'ble Supreme Court has already granted permission to the Hon'ble Madras High Court in '*Renu and Others Vs. District and Sessions Judge, Tis Hazari and Another*', to make engagement of employees on co-terminus basis. Hence, it should guide the framing of similar Rules in the High Court of Tripura also,

Whereas, while conveying the concurrence of the Government towards creation of 06(six) nos. Group-D posts for the High Court of Tripura vide letter No.F.1(8)-Law/Estt.1/2022/9615-19, dated 28th July, 2023 issued by the Law & Parliamentary Affairs Department, Govt. of Tripura, it has been mentioned that the High Court may engage Group-D staff on outsourcing basis,

Thus, now, in view of the aforesaid objects and reasons, the Chief Justice, in exercise of the powers conferred by Articles 229(1) and (2) of the Constitution of India and of all other powers hereunto enabling, hereby makes the following Rules, namely:

1. **SHORT TITLE AND COMMENCEMENT** -

- (i) These Rules may be called the High Court of Tripura (Conditions of Engagement of Co-Terminus Employees) Rules, 2023.
- (ii) These Rules shall come into force with immediate effect.

2. **DEFINITIONS** - In these Rules, unless the context otherwise requires,-

- (a) "Chief Justice" means the Chief Justice of the High Court of Tripura or transferred as Chief Justice to any other High Court and includes a Judge appointed under Article 223 of the Constitution to perform the duties of the Chief Justice;
- (b) "Judge" means a Judge of the High Court of Tripura and includes a Judge serving in any other High Court on transfer;

- (c) "Domestic Help" means the assistance of a helper to be provided to the sitting Chief Justice or the sitting Judge of High Court, or to his or her spouse at the expense of the High Court;
- (d) "Engagement on co-terminus basis" means the engagement of an employee for the sitting Chief Justice and/or the sitting Judge or his/her spouse.
- (e) "High Court" means the High Court of Tripura at Agartala;
- (f) "Hon'ble Judge concerned" means the Hon'ble Judge of the High Court of Tripura, on whose nomination the co-terminus employee has been engaged under these Rules;
- (g) "Person" means any individual, who is a citizen of India, of any age, but not below the age of 18 years;
- (h) "Registrar General" means the Registrar General of the High Court of Tripura;
- (i) "Registry" means the registry of High Court of Tripura;
- (j) "Spouse" means the surviving wife or husband as the case may be, of a Chief Justice or Judge upon his or her death while in office or after retirement;

3. **ENGAGEMENT** -

- (1) Every Hon'ble Judge including the Chief Justice of the High Court of Tripura shall be provided with two employees in Class-IV on co-terminus basis.
- (2) The Chief Justice or the Hon'ble Judge shall be entitled to the benefit of this facility even after transfer/elevation/retirement and in case of death of the Hon'ble Judge concerned, till the lifetime of their spouse:

Provided that such facility is not found available in the Court whereto Chief Justice/Judge is transferred or elevated.

- (3) The engagement of two medically fit persons to be engaged on co-terminus basis shall be as per discretion of the Hon'ble Judge and that shall be purely on temporary basis. The application for engagement of two Class-IV employees on co-terminus basis shall be submitted with the approval of the Hon'ble Judge and accompanied with Medical Fitness Certificate of the applicant(s) issued by any Medical Officer not below the rank of Civil Surgeon of the Government Hospital.
- (4) On submission of such applications, the Registrar General shall issue necessary orders to the said persons for their engagement on co-terminus basis.
- (5) In case of termination of the engagement of any of such person, the Hon'ble Judge concerned may nominate another person on co-terminus basis, in the same manner as provided in Sub-Rule (3).

4. **CONDITIONS OF ENGAGEMENT** -

- (1) On engagement, the co-terminus employee shall be attached to the Hon'ble Judge concerned only and shall not be intra-transferred among other Hon'ble Judges or to the Registry. He/she shall be posted to work in the office of the Hon'ble Judge concerned at the High Court of Tripura and also in the residence of the Hon'ble Judge concerned.
- (2) The engagement of the co-terminus employee shall continue during the lifetime of the Hon'ble Judge concerned or his/her spouse.

Provided that the Chief Justice or a Judge of the High Court, as the case may be, upon his transfer from this High Court to the other High Court, may at his or her discretion, take those two employees engaged on co-terminus basis, to the other High Court.

- (3) A co-terminus employee can be disengaged at any point of time, without any prior notice and without assigning any reason, irrespective of the length of his co-terminus employment.
- (4) (a) The Registrar General shall maintain a list of co-terminus employees, whose services might have come to an end with the death of Hon'ble Chief Justice or Hon'ble Judge or his/her spouse, as the case may be. Whenever a new Judge is appointed in the High Court of Tripura, either on elevation or by transfer, the list of co-terminus employees shall be placed before such Hon'ble Judge for consideration to nominate any of them in the list as his nominee as co-terminus employee.
 - (b) If the Hon'ble Judge is not willing to engage the services of any of such person(s), he may nominate fresh person(s) in the same manner as provided in Sub-Rule (3) of Rule 3. The persons in the said list shall have no claim or vested right to be nominated as co-terminus employee.
- (5) If the Hon'ble Judge transferred from other High Court has already been permitted to have the services of the Domestic Help or any other Class-IV cadre employee (in whatever name the said category is called in that High Court) from the permanent cadre of the High Court from where the Hon'ble Judge is transferred to the High Court of Tripura on foreign service, such equal number shall be deducted from the entitlement of two co-

terminus employees of the Hon'ble Judge for nomination. The remuneration, allowances, leave and other benefits of such person shall be as per the terms and conditions of his employment in the High Court concerned or as provided in Rule 5 whichever is more beneficial to him.

- (6) A co-terminus employee is not entitled to claim regularization of employment or absorption in any cadre in the Registry on regular basis, or any other benefits, except the benefits provided for in these Rules, irrespective of length of period of his co-terminus employment in the High Court of Tripura.
- (7) A co-terminus employee shall submit his property statement at the time of joining or re-joining duty and shall not acquire any movable assets (more than five thousand rupees) or immovable assets without prior intimation or permission of the Registrar General.
- (8) The co-terminus employee shall not indulge in any act prejudicial to the interest of either the Hon'ble Judge concerned or the High Court and he shall, at all points of time, maintain utmost integrity and discipline.

5. **REMUNERATION, ALLOWANCES, LEAVE AND OTHER BENEFITS** -

- (1) (a) Notwithstanding anything contained in any other Rules, a co-terminus employee will be entitled to monthly remuneration equal to Entry Pay of Group-D regular employee as per the relevant Pay Matrix of Tripura State Civil Services (Revised Pay) (First Amendment) Rules, 2018 plus other admissible allowances during the period of his employment on co-terminus basis.

- (b) The co-terminus employee shall not be entitled to any annual increment, bonus etc.
- (2) A co-terminus employee shall be entitled to avail, -
- (a) not more than one casual leave for every completed one month's employment; and
- (b) 10 days of Medical Leave on production of medical certificate for every completed one year of employment:

Provided that no co-terminus employee shall avail any kind of leave without the prior permission of the Hon'ble Judge concerned or his/her spouse.

6. **POWERS OF THE HON'BLE CHIEF JUSTICE** - If any question or doubt arises regarding interpretation of these Rules or an issue not covered under these Rules, the decision of the Hon'ble Chief Justice shall be final.

Dated: 27.09.2023
Place: Agartala

Sd/-

(Vishwajeet Pandey)
Registrar General

No.F.3(35)-HC/2023/23578-605

Dated 27th September, 2023

Copy to:

- (01) The Principal Secretary to the Hon'ble Chief Justice, High Court of Tripura, Agartala;
- (02) The Secretary to Hon'ble Mr. Justice T. Amarnath Goud, Judge, High Court of Tripura, Agartala;
- (03) The Secretary to Hon'ble Mr. Justice A. Lodh, Judge, High Court of Tripura, Agartala;
- (04) The Chief Secretary, Govt. of Tripura, Agartala;
- (05) The Registrar (Vigilance), High Court of Tripura, Agartala;
- (06) The LR & Secretary, Law, Government of Tripura, Agartala;
- (07) The Registrar (Judicial), High Court of Tripura, Agartala;
- (08) The Registrar (Admn. P &M), High Court of Tripura, Agartala;

- (09) The Joint Registrar, High Court of Tripura, Agartala;
- (10) The Deputy Registrar(s), High Court of Tripura, Agartala;
- (11) The Chief Librarian, High Court of Tripura, Agartala;
- (12) The Assistant Registrar(s), High Court of Tripura, Agartala;
- (13) The System Analyst, High Court of Tripura, Agartala for uploading the notification in the official website of the High Court;
- (14) The Superintendants, Establishment Section/Recruitment & Rules/Accounts Section, High Court of Tripura, Agartala;
- (15) Order File.

Digitally signed by VISHWAJEET PANDEY
Date: 2023.09.27 15:55:22 +05'30'

Registrar General

HIGH COURT OF TRIPURA
AGARTALA

No.F.3(35)–HC/2024/1948

Dated 26th January, 2024

N O T I F I C A T I O N

His Lordship Hon'ble the Chief Justice has been pleased to rescind the Notification No.F.3(35)–HC/2023/23577, dated 27.09.2023 issued by the High Court notifying the High Court of Tripura (Conditions of Engagement of Co-Terminus Employees) Rules, 2023 with effect from 11th January, 2024.

Any engagement of co-terminus employee made under the High Court of Tripura (Conditions of Engagement of Co-Terminus Employees) Rules, 2023 shall remain protected.

By order,

Sd/–

(Vishwajeet Pandey)

Registrar General

No.F.3(35)–HC/2024/1949–62

Dated 26th January, 2024

Copy to:

- (01) The Principal Secretary to the Hon'ble Chief Justice, High Court of Tripura, Agartala;
- (02) The Secretaries to the Hon'ble Judges, High Court of Tripura, Agartala;
- (03) The Chief Secretary, Govt. of Tripura, Agartala;
- (04) The Registrar (Vigilance), High Court of Tripura, Agartala;
- (05) The LR & Secretary, Law, Government of Tripura, Agartala;
- (06) The Registrar (Judicial), High Court of Tripura, Agartala;
- (07) The Registrar (Admn. P &M), High Court of Tripura, Agartala;
- (08) The Joint Registrar, High Court of Tripura, Agartala;
- (09) The Deputy Registrar(s), High Court of Tripura, Agartala;
- (10) The Chief Librarian, High Court of Tripura, Agartala;
- (11) The Assistant Registrar(s), High Court of Tripura, Agartala;
- (12) The System Analyst, High Court of Tripura, Agartala for uploading the notification in the official website of the High Court;
- (13) The Superintendants, Establishment Section/Recruitment & Rules/Accounts Section, High Court of Tripura, Agartala;
- (14) Order File.

Digitally signed by VISHWAJEET PANDEY

Date: 2024.01.26 09:34:34 +05'30'

Registrar General