

**“Tripura Judicial Academy Services
(Appointment, Conditions of Service &
Conduct) Rules, 2014”.**

**HIGH COURT OF TRIPURA
AGARTALA**

No.F.14 (15)-HC/2013-14/ 30823

Dated, Agartala, the 18th November, 2014

NOTIFICATION

In exercise of the powers conferred by Rule 8(v) of the Rules and Regulation of Tripura Judicial Academy, High Court of Tripura, the Board of Governors of the Tripura Judicial Academy is hereby pleased to make the following Rules to regulate the appointments, the conditions of service & the conduct of the persons borne on the establishment of the Tripura Judicial Academy:

1. Short title, extent and commencement -

- (1) These Rules may be called the **“Tripura Judicial Academy Services (Appointment, Conditions of Service and Conduct) Rules, 2014”**,
- (2) They shall be deemed to have been come into force on and from the date of their publication in the official gazette.

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

- (a) “Academy” means Tripura Judicial Academy.
- (b) “Board” means the Board of Governors of Tripura Judicial Academy.
- (c) “Chairman” means Chairman of the Society and the Board of Governors of Tripura Judicial Academy.
- (d) “Chief Justice” means the Chief Justice of the High Court of Tripura.
- (e) “Constitution” means the Constitution of India.
- (f) “Government” means the Government of Tripura.
- (g) “Governor” means the Governor of Tripura.
- (h) “Gazette” means the Tripura Gazette.
- (i) “High Court” means the High Court of Tripura.
- (j) The word ‘he’ includes ‘she’.
- (k) “Members of the Family” in relation to the member of the service includes spouse, children and dependant parents.
- (l) “Members of the Service” include the officers and other employees appointed or deemed to have been appointed to the different cadres of the service mentioned in Schedule-I, and Schedule-II.
- (m) “Schedule” means the Schedules appended to these rules.
- (n) “Service” means the Tripura Judicial Academy Service.
- (o) “Society” means Tripura Judicial Academy.
- (p) “State” means the State of Tripura.

3. Application - These rules shall apply to all the persons appointed to the service before or after the commencement of the rules.

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Provided that the Officers of the Tripura Judicial Service specified in Schedule-I will ordinarily be regulated by the rules and orders applicable to the members of the service to which they belong.

4. Strength of the service-

- (1) Name of the posts, classification/grade and strength of Officers and staff, will be as specified in Schedule-I & Schedule-II respectively as may be created by the State Govt.

Provided the Board may from time to time vary the cadre strength by amending the Schedules from time to time on creation of post(s) by the State Govt.

5. Appointing Authority- The Board shall be the appointing authority for all the officers & staff of the service.

6. Eligibility- A person shall be eligible for appointment in the service who, -

- (i) is a citizen of India;
- (ii) is medically fit;
- (iii) is of good moral character;
- (iv) possesses the prescribed educational qualification and experience as specified in the Schedules.
- (v) on the 1st day of January of the year in which the process of recruitment is initiated is not below 18 years of age and not more than 45 years in case of candidate belonging to schedule castes and schedule tribes and 40 years in case of others:

Provided that in case of retired Judicial Officer or any distinguished academician such age bar will not be applicable.

7. Method of recruitment and other qualifications, etc -

- (1) The method of recruitment, qualification and other matters relating to the appointment and promotion in the service shall be as specified in the Schedules.

8. Reservation- Save as otherwise provided herein above, relating to relaxation of age for reserved category of candidate, the Schedule Castes and Schedule Tribes Reservation Act, 1991 and the rules 1992 made thereunder shall be applicable only to the direct recruitment made in the service so far as it is applicable. If no such suitable candidate is available from one of the two reserved categories, then first attempt should be made to fill up the reserved category post from the candidates of other reserved category and even then if no suitable candidate is available, the post will be filled up by the candidate other than those of Schedule Castes and Schedule Tribes.

9. Disqualification for appointment - No person shall be eligible for appointment to the service -

- (a) if he has been dismissed from service by the State Government, Central Government, High Court, statutory or Local Authority; or
- (b) if he has been convicted of an offence involving moral turpitude; or
- (c) if he has more than one spouses living ; or

- (e) if he directly or indirectly tries to influence or influences the recruiting authority by any means for his candidature.

10. Fees- Every candidate for direct recruitment shall be required to pay such fees as may be specified in the advertisement inviting applications.

Provided that in the case of a candidate belonging to Schedule Caste or Schedule Tribe, the fees payable shall be half of the fees specified in the advertisement for other candidates.

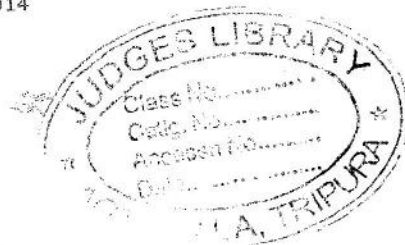
11. Joining time -

- (1) A candidate appointed by direct recruitment shall report for duty to such authority and within such date as may be specified in the order of appointment.
- (2) Notwithstanding anything contains in sub-rule (1), the appointing authority may, on application by the candidate, if satisfied, that there are good and sufficient reasons for doing so, by order in writing, grant such further time, as it may deems necessary for joining.
- (3) The appointee who fails to assume charge of the post within the time specified in the sub-rule (1) or (2) shall cease to be eligible for joining the service and he shall be removed from the list of the selected candidate unless he satisfies the Board that the situation preventing him from joining was beyond his control.

12. Probation, officiation and confirmation -

- (1) All appointments to the service by direct recruitment shall be on probation for a period of two years.
- (2) All appointments by promotion shall be on officiating basis for a period of two years.
- (3) The period of probation or officiation as the case may be, of an employee, may, for reasons to be recorded in writing to be extended by a further period not exceeding one year.
- (4) At the expiry of the period of probation or officiation, as the case may be, the Board shall consider the suitability of the person to hold the post to which he is appointed or promoted; and-
 - (i) if he is found suitable to hold the post, the Director with the approval of the Board, shall issue an order confirming his service in the post.
 - (ii) if he is not found suitable to hold the post to which he is appointed or promoted, the Director with the approval of the Board shall,-
 - (a) if he is promoted revert him to the post held by him prior to his promotion; or
 - (b) if he is a probationer, discharge him from service.

13. Furnishing of security- The employee(s) who has/have any dealing with public money or hold post of public trust, shall on appointment furnish such security as the Chairman may, from time to time prescribes.



14. Promotion- Promotion to any higher post/grade in all the cadres of the service, wherever applicable, shall be made on the basis of merit-cum-seniority subject to rejection of unfit as specified in the schedules.

15. Seniority-

- (1) The members of the service appointed or promoted in accordance with these rules, on regular basis shall be senior to persons appointed on adhoc or temporary basis.
- (2) The *inter se* seniority of the members of the service appointed on the basis of the result of the competitive examination shall be determined according to the merit list and where two or more members are placed at the same position in the merit list, the person senior in age shall be senior to the other(s).
- (3) The *inter se* seniority of the members of the service appointed by direct recruitment or promotion in the same class/grade in any English calendar year shall be determined from the date of their appointment/promotion, as the case may be.
- (4) Where more than one member is promoted in any cadre of the service by the same order, the *inter se* seniority of persons, so promoted, shall be determined by their *inter se* seniority in the lower grade of the respective cadre, unless directed otherwise.

16. Pay and allowances -

- (1) The pay band and grade pay of all the members in various grade/class of the service shall be as mentioned in the Schedules and they will be entitled to such allowances and other benefits as payable to the members of the State Government Service of the corresponding class/grade, subject to such amendments and variations as may be made by the Board from time to time with the approval of the Governor where such approval is necessary.

The pay and allowances indicated in the said schedules shall stand amended as and when pay band, grade pay and allowances are revised for the members of the State Government Service of the corresponding class/grade.

17. Increment - The periodical increment, wherever applicable, shall not be given to a member of the service unless his conduct is good and work is satisfactory. In case of in-service Judicial officer, the same will be guided by the related service rules of the officer concerned.

18. Age of superannuation - A member of the service is liable to retire at the age prescribed for the members of the State Government Service and all rules made by the state government in this regard shall apply to the service, except in case of retired Judicial Officer and distinguished academician whose term of service will be ending as per the terms of appointment.

19. Leave etc. - In regard to leave, leave salary, etc. the rules and regulations, applicable to the members of the State Government Service shall apply to the service.

20. Other conditions of the service -

- (1) Subject to the provision of these rules, the rules and orders for the time being in force and applicable to the members of the corresponding classes/grades of the State Government Service shall *mutatis mutandis* regulate the service of the members of the service:

Provided that the Board may make alteration or modification or addition of further condition as and when required in respect of any specific post(s).

- (2) Any question arising as to which rules or orders are applicable to any case of any member of the service shall be decided by the Board.

21. Code of Conduct -

- (1) A member of the service appointed under these rules shall be required to maintain the integrity and conduct himself in conformity with dignity of the service. He should follow the code of conduct, as provided in **Appendix-A**.
- (2) The Tripura Civil Service (Conduct) Rules, 1988, with its amendments made from time to time, shall in so far as they are not inconsistent with these rules shall also apply to the member of the service.
- (3) The Board may impose further condition as to conduct in respect of any post(s).

22. Contravention of the rules -

- (1) Any member of the service who contravenes the provisions of these rules shall render himself liable to disciplinary action under these rules.
- (2) The Board shall have the power to take action against any member of the service for contravention of any provision of these rules and the Board shall be the competent authority for granting permission to the Director in respect of anything which is required to be done with the previous permission of superior authority under any rules for taking departmental action.

23. Disciplinary authority, proceeding etc. -

- (1) No proceeding shall commence against a member of the service without previous sanction of the Board;
- (2) Except as otherwise provided herein the Central Civil Service (Classification, Control and Appeal), Rules, 1965, shall apply to the members of the service;
- (3) A member of the service shall be entitled to appeal to the Board against any order passed by the Director which imposes any penalty upon him; and
- (4) The order of the Society passed in appeal shall be final and shall not be questioned in any Civil Court:



Provided that in case of any contract service, the Board shall have the liberty to rescind the contract and terminate the service of the person concerned at any time for any sufficient reason.

24. Residuary power -

- (1) Nothing in these rules shall be deemed to affect the power of the Board to make such order from time to time as he may deem fit in regard to all matters, incidental or ancillary to these rules not specifically provided for herein or in regard to the matters as have not been sufficiently provided for.

Provided, that if any such order relates to salary, allowances, leave or pension of the member of the service, the same shall be made with the approval of the State Govt.

- (2) The Board shall have power to relax age or qualification and experience for appointment to the service in appropriate case according to its discretion.

Provided that no person shall get the benefit of relaxation for more than once in his service life, in case of direct recruitment or on promotion basis.

By order,

Sd/-

(S. Datta Purkayastha)

Registrar (Judicial)

SCHEDULE - I
CADRE AND PAY OF OFFICERS

Sl. No.	Grade & Name of the post	Initial strength	Classification of post	Methods of recruitment	Qualification	Scale of pay
GAZETTED OFFICERS						
01.	Director	1	Class-I Gazetted	The post of Director shall be filled up from the members in Grade-I of Tripura Judicial Service on deputation or from the retired Grade-I Officer of Tripura Judicial Service.	As per Tripura Judicial Service Rules.	In case of in-service Grade-I Officer of the Tripura Judicial Service- Time Scale/Selection Grade/Super time Scale in his own cadre; and In case of retired Grade-I Officer of the Tripura Judicial Service- Last pay and allowances drawn prior to his retirement minus gross pension including all allowances.
02.	Deputy Director	1	Class-II Gazetted	The Deputy Director shall be filled up from the members in Grade-II of Tripura Judicial Service on deputation or from the retired Grade-II Officer of Tripura Judicial Service.	As per Tripura Judicial Service Rules.	In case of in-service Grade-II Officer of the Tripura Judicial Service- Pay Scale in his own cadre; and In case of retired Grade-II Officer of the Tripura Judicial Service- Last pay and allowances drawn prior to his retirement minus gross pension including all allowances.
TOTAL		2				

SCHEDULE - II
CADRE AND PAY OF MINISTERIAL STAFF

01.	Personal Assistant	1	Class-III (A), Non-Gazetted	By direct recruitment after taking Written & Stenography Test, or by deputation.	Graduation in any discipline forms a recognized University having Shorthand Speed at the rate of at least 100 words per minute and Typing Speed of 40 words per minute on a computer. Due weightage will be given to the Law Graduate.	Pay Band-3 Rs.9570 -30000 G.P.Rs.3100
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02.	Head Clerk-cum-Accountant	1	Class-III(B) Non-Gazetted	The post will be filled up by promotion from Class III(C) staff on the basis, of seniority cum merit, or by deputation.	Having 3 years experience as Class III (C).	Pay Band - 2 Rs.5310-24000/- with Grade Pay Rs.2400
03.	Lower Division Clerk	2	Class-III (C) Non-Gazetted	By direct recruitment after taking a competitive examination, or by deputation.	1) Graduate in any discipline from any recognized University. 2) Certificate course in computer word processing or equivalent with Typing Speed of 40 words per minute on a computer.	Pay Band - 2 Rs. 5310-24000/- with Grade Pay Rs.1800
04.	Driver	1	Class-III (D) Non-Gazetted	By direct recruitment after taking selection test, or by deputation.	1) Standard VIII or equivalent passed. 2) Having a valid Commercial Driving License. 3) Qualify the Driving test.	Pay Band - 2 Rs.5310-24000/- with Grade Pay Rs.1800
05.	Peon	2	Class-IV Non-Gazetted	By direct recruitment after selection test.	1) Standard VIII passed.	Pay Band - 1 Rs.4530-13000/- with Grade Pay Rs.1200
TOTAL		7				

APPENDIX-A
CODE OF CONDUCT

(See Rule-22)

1. General -

- (1) Every member of the service shall at all times maintain absolute integrity and devotion to duty.
- (2) No member of the service shall act in a manner prejudicial to discipline and good order in the Academy.

2. Absence from duty-

- (1) Every member of the service shall be punctual in attendance and shall not absent himself from duty without previous permission of the authority except as provided below.
- (2) In case of absence due to sudden illness or some other unforeseen circumstances beyond his control, a member of the service shall give information thereof to the office by sending application or over telephone without delay;

3. Taking part in politics and elections-

- (1) No persons employed in the Service shall be a member of or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner: any political movement or activity;
- (2) No person employed in the service shall canvass or otherwise interfere or use his influence in connection with or take part in, an election to any legislature or local authority:

Provided that-

- (a) a member of the service qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted.
- (b) a member of the service shall not be deemed to have contravened the provisions of this rule by reasons only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation- The display by a member of the service on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this provision.

4. Connection with press or radio or electronics media-

- (1) No person employed in the service shall, except with the previous permission of the Chairman work wholly or in part, or conduct or participate in the editing or managing of any newspaper or other periodical publication;

(2) No person employed in the service shall, except with the previous permission of the Chairman or in the bona fide discharge of his duties, participate in a radio or television broadcast or contribute any article or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that no such permission shall be required if such broadcast or such contribution is of a purely literary, artistic, educational or cultural character.

5. Evidence before committees-

(1) No person employed in the service shall, except with the previous permission of the Board, give evidence before any public committee.

(2) Nothing in this rule shall apply to-

(a) evidence given before a committee which has power to compel the attendance of witnesses or the production of documents; or

(b) evidence given before an authority holding any judicial or departmental inquiry.

6. Unauthorized communication of information- No member employed in the service shall, except in accordance with any general or special order of the Chairman or in the performance in good faith of the duties assigned to him communicate directly or indirectly to any other member of the service or to a Government servant or to any private person or to the press, any document or information which has come into his possession or knowledge in the course of his official duties or has been prepared or collected by him in the course of those duties.

7. Collecting subscription for public causes

(1) No person employed in the service shall without the permission of the Chairman, circulate amongst other members of the service or persons connected with the business of the Academy, appeal for subscriptions for public causes or raise any subscriptions by exerting his official position or influence.

(2) No person employed in the service shall assist any outsider to have access for such purposes in the Academy.

8. Gifts- Any member of the service except with the previous permission of the Chairman accept from any person directly or indirectly or permit any member of his family to accept any gift, gratuity or reward for more than trifling value.

Provided that the gift of a value, reasonable in all circumstances of the case, may be accepted from relations, personal friends or presented to such persons on occasion such as, weddings, anniversaries, funerals and religious functions, when the making or receiving of such gifts is in conformity with the prevailing religious or social customs.

9. Private trade or employment - No person employed in the service shall engage directly or indirectly, in any trade or business or undertake any employment:

Provided that a member of the service may with the approval of the Chairman undertake honorary work of a social or charitable nature or occasional work of all literary, artistic, scientific, educational or cultural character, subject to the condition that his official duties does not thereby suffer; but he shall not undertake or shall discontinue such work, if so directed by the Chairman.

Explanation - Canvassing by a member of the service in support of the business of insurance agency, commission agency, etc. owned or managed by any member of his family shall be deemed to be breach of this rule.

10. Investments, lending and borrowing -

(1) No person employed in the service shall speculate in any investment.

Explanation - The habitual purchase or sale of securities of a notoriously fluctuating value shall be deemed to be speculation in investment within the meaning of this provision.

(2) No person employed in the service shall make or permit any member of his family to make any investment likely to embarrass or influence him in the discharge of his official duties.

(3) No person employed in the service shall engage himself in the business of money lending.

(4) No person employed in the service shall, save in the ordinary course of business with a bank or a firm of standing, borrow money from or otherwise place himself under pecuniary obligation to any person with whom he is likely to have official dealings nor shall he permit any member of his family, except with the previous permission of the Chairman, to enter into any such transaction:

11. Insolvency and habitual indebtedness - A member of the service shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A member of the service who becomes the subject of a legal proceeding for insolvency shall forthwith report the full facts thereof to the Chairman.

12. Movable, immovable and valuable property -

(1) No person employed in the service shall except with the previous knowledge of the authority mentioned in the Explanations below, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family.

(2) A member of the service who enters into any transaction concerning any movable property exceeding twenty five thousand rupees in value, whether by way of purchase, sale or otherwise, shall forthwith report such transaction to the authority specified below.

Explanations - The authority for the purposes as stated above shall be-

- (1) The Chairman in the case of the Director and the Deputy Director.
- (2) The Director in the case of all other members of the service.
- (3) Every Class I member of the service and such other categories of persons employed in the Academy as may be specified by the Chairman by general or special order shall, on first appointment in the service and thereafter at intervals of every twelve months, submit a return in such form as the Chairman may prescribe in this behalf, of all immovable property owned, acquired or inherited by him or held by him in lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.
- (4) The Chairman may, at any time by general or special order require a member of the service to submit, within a period specified in the order, a full and complete statement of such movable and immovable property, held or acquired by him or by any member of his family as may be specified in the order. Such statement shall, if so required include details of the means by which, or the source from which property was acquired.

13) Vindication of acts and character of members of the service -

- (1) No person employed in the service shall without the previous permission of the Chairman, have recourse to a Court or to the press for the vindication of his official acts or character, which have been the subject matters of adverse criticism or an attack of defamatory character. In granting permission to the recourse to a Court, the Chairman shall, in each case, decide whether the Academy shall bear the cost of the proceedings or whether the employee concerned should institute the proceeding at his own expense, and if so, whether, in the event of a decision in his favour, the Academy shall reimburse to the extent of the whole or any part of the costs.
- (2) Nothing in this rule shall be deemed to prohibit or otherwise affect the right of any member of the service from vindicating his private character or any act done by him in his private capacity.

14. Canvassing of non-official or other outside influence - No person employed in the service shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service in the Academy.

15. Seeking of redress from Court in respect of service matters -

- (1) A member of the service may seek redress from the Director or from the Board with the permission of the Chairman in the matter of grievance arising out of his employment or conditions of service.

(2) No member of the service shall resort to a Court of law without first exhausting all the remedies available to him under the rules regulating his conditions of service.

16. Demonstrations and strikes - No person employed in the service shall participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his conditions of service.

17. Arrests on a criminal charge - It shall be the duty of a member of the service who has been arrested on criminal charge made or a proceeding taken against him in connection with his position as a member of the service or otherwise which is likely to embarrass him in the discharge of his duties or which involves moral turpitude, to intimate the fact of his arrest and the circumstances connected therewith, to the Chairman promptly in writing even though he might have subsequently been released on bail. Failure on the part of the member of the service concerned to so inform will be regarded as suppression of a material information and will render him liable to disciplinary action on this ground alone, apart from any action that may be taken against him on the conclusion of the case against him.

18. Academy property- No person employed in the service shall take out any article or property belonging to the Academy outside the Academy house or premises without the express permission of the Director.

19. Contravention of laws and conviction by a court of law- Any contravention of any law by a member of the service which involves moral turpitude, shall be regarded as a serious matter, of which notice shall be taken departmentally.

Where such contravention is followed by a conviction in a Court of law, the member of the service may be punished departmentally on the basis of that conviction alone without following the procedure laid down for departmental proceeding.

By order,

Sd/-

(S. Datta Purkayastha)
Registrar (Judicial)

