

HIGH COURT OF MADHYA PRADESH

SUBHASH KAKADE
REGISTRAR GENERAL

JABALPUR

D.O.No. 32/CONF DL/2012
11-15-47/95

Dated 10th January, 2012

Sub: Transfer Guidelines / Policy for Judicial Officers.

Dear *District Judges*.


In connection with the subject cited above, I am to bring to your kind notice that Hon'ble the Acting Chief Justice has been pleased to promulgate transfer policy for regulating transfer and posting of Judicial Officers of the State. A copy of the Guidelines/Policy is enclosed herewith for ready reference. As per the policy, the entire State has been divided into places with category 'A', 'B', 'C', & 'D'.

I am to request you to circulate the policy among all the Judicial Officers posted in your District and invite their attention towards the policy in writing impressing upon that representations as per policy may be submitted within prescribed time limit. Representations, which are received after the prescribed time limit, will not be entertained.

With regards.

Yours Sincerely,

Encl. : As above.


10.01.12.

(SUBHASH KAKADE)


To,
District & Sessions Judge,
(All in the State)

**TRANSFER GUIDELINES/POLICY OF THE HIGH COURT OF
MADHYA PRADESH**

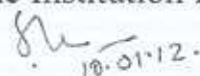
Henceforth, attempt will be made to effect the transfer and posting of Judicial Officers in the State of Madhya Pradesh in accordance with the following Guidelines and Policy, which is only for information and guidance of Judicial Officers, and is not enforceable at law. Further, notwithstanding anything contained in this Policy, the interest of the Judicial System and Establishment in the State are paramount consideration for transfers and postings:

1. This Policy shall come into force with effect from the Year 2012.
2. This Policy may be relaxed generally or in individual cases by the Chief Justice in respect of Judicial Officers posted in the Registry at the Principal Seat, Jabalpur and the Benches at Indore and Gwalior, in JOTRI and with the State Government and consequently their transfers/postings/continuance prematurely or beyond the normal tenure shall be decided by the Chief Justice. Subject to that, the same considerations will apply as given below for other Judicial Officers.
3. Places available for posting are divided into 4 Categories, mentioned as **A, B, C & D** in **Annexure - A**. The phrase "Outlying Courts" used in this Policy will not include the outlying courts mentioned in Category C of Annexure-A. Category B will be deemed lower (not inferior) to Category A and so on.
4. Annual transfer of Judicial Officers shall be effected normally by the 15th of March every Year, and the Judicial Officers transferred in the annual chain shall be given time for joining up to the first day of April of the relevant Year so as to coincide with the academic session.

Provided that, in cases of transfer, other than those in the annual chain, the period of joining shall be indicated in the order to be issued by the High Court.
5. The normal approximate tenure of posting at a place shall be three Years.


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6. After the normal tenure of posting of a Judicial Officer in one place, he shall be shifted out of his place of posting and his next posting shall be at a place of a different category.
7. For computing the tenure of posting of an Officer posted at a particular place as a result of transfer otherwise than in the annual chain, i.e, a mid term transfer, the period of six months or above shall be rounded of and treated as a full Year.
8. To implement this Policy, timely and effectively, the transfer exercise shall commence in the month of January, every Year. A Judicial Officer, who, on 31st March of that calendar Year, is going to complete his normal posting tenure of three Years (more than two years and six months for 31.3.2012) at a place, and for any permissible reason is desirous of having an extension of his tenure at that place by a period of one Year, will submit a representation through the District Judge to the Registrar General of the High Court **by 7th of February for the Year 2012**, and by 7th of January for the Year 2013 and subsequent Years. An advance copy of such representation may also be sent by the Officer directly. No representations will be entertained, if even the advance copy has not been received by that date.
9. Normally, a request for extension of tenure shall not be accepted except in the following cases:
 - (a) That the daughter (not son) of the Judicial Officer is studying at the place of his current posting, and is in the Final Year of a Board Examination or University Examination, and the educational Institution where such daughter is studying, does not have hostel facility for girls. This will be the criteria for officers seeking overstay in **A** category places. For **B, C** or **D** category places, it may be the daughter or son, and non-availability of hostel will not be essential. It is further clarified that the aforesaid request shall be considered only if the facts with regard to education of the daughter and non-availability of Hostel facility in the Institution is certified


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by the District Judge concerned, after proper verification, and the District Judge as well as the Portfolio Judge have no objection to the over-stay of the Officer.

- (b) Extension of tenure by a period of one Year may also be granted in case the Judicial Officer, his spouse or children or aged parents (normally residing with the officer at his current place of posting) are suffering from any serious and acute (not chronic) ailment, which according to a Medical Practitioner's opinion, requires long term or repeated hospitalization at the Officer's current place of posting in recent past or near future, or making movement of the patient risky. The fact about ailment of the person concerned and the consequential medical opinion shall require to be certified by the District Judge after meeting the patient and talking to the concerned doctor.
- (c) Any other substantial reason because of which in the opinion of the District Judge, the Portfolio Judge or the Chief Justice, the overstay of the officer would be justified.

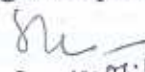
If any Judicial officer submits such representation covered by sub-clauses (a), (b) or (c) above to his District Judge for being forwarded to the Registrar General, it will be obligatory for the District Judge to send the representation alongwith his comments within one week of its receipt after the necessary verifications. The Registry will place the matter before the concerned Portfolio Judge within a week of the last date of receipt of representations, and the Portfolio Judge will return the file with his comments/opinion within a week thereafter.

10. All such Judicial Officers, who have completed their tenure posting, including those who are seeking extension of their posting on the grounds indicated hereinabove, shall also simultaneously forward minimum three and maximum five options regarding the place of the permissible category or lower

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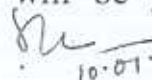
category, where they would like to be posted in case, their representation is not allowed.

11. In cases where a Judicial Officer has not completed his normal posting tenure at a place but for any substantial reason wants premature transfer from his present place of posting, such Officer may also submit his representation through the District Judge by the date prescribed above for over-stay requests, to the Registrar General. Alongwith his representation, the officer shall also indicate minimum three and maximum five options of places of the permissible or lower category where he would like to be posted, in case his representation is allowed.
12. Subject to clause 7 above, the tenure/period of posting of an Officer at a particular place shall be calculated from the date on which he joins at the place upto 31st of March of the calendar Year in which annual transfers are to be made, and the period of six months or more shall be treated as a full Year.
13. While making such requests, the Judicial Officers must bear in mind that grant of extension of posting after the tenure period or posting out of a place before the tenure period will be only in exceptional circumstances and not otherwise. Routine requests for extension of posting (particularly in A and B category places) or transfer before completion of tenure (particularly from C and D category places) will not be normally permitted. The final decision to refuse or permit requests for over-stay or premature transfers will be taken by the Chief Justice, or on his behalf, by a Committee of two Judges nominated by the Chief Justice, within three weeks of the last date of receipt of representations mentioned above.
14. A Judicial Officer, who is on deputation or holding an ex-cadre post, shall normally be required to come back to the parent department after completing a maximum of three Years of such posting. No extension of deputation shall be granted after a period of three Years. However, under exceptional circumstances if requested by the Foreign Department and if


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approved, by the Chief Justice, extension of one Year may be granted.

15. A freshly promoted/appointed Judicial Officer, or a Judicial Officer posted on a post which does not involve the normal judicial/adjudicatory functions, will normally not be allowed to go to a/another non-judicial post, unless he completes at least a three Years tenure on a post involving judicial functions.
16. On transfer, normally, judicial officers (except District Judges, which term here does not include Additional District Judges) will have to go from A to B, from B to C, from C to D, and from D to A or lower category places. Any lower category may be given either at the option of the Officer, or if post is not available in the category of entitlement or if for any other reason the transferring Authority is of the opinion that the officer should be transferred to a lower category. Every Judicial Officer will have to serve in each category place for the normal tenure prescribed above for that category. However, if overstay of pre-mature transfer request of the Officer is allowed by the High Court for any particular place of posting, then the actual period of stay at such place will be deemed to be the normal tenure of that place for that posting.
17. For transfers in the annual chain, the Registrar General shall by 15th of February each Year, prepare a list of officers who will be completing their tenure posting. The Judicial Officers whose request for overstay has been allowed will be excluded from that list, and the officers whose request for pre-mature transfer has been allowed will be added to that list. The said final list will be converted in the form of a chart which shall also indicate the places and posts against the name of each Officer where he has been posted during his service along with the periods of such posting. In the second last column, the choices of places indicated by the Officers will be indicated, and the last column will be left blank where the place of transfer/posting can be filled up. Such Charts shall be separate for each category of officers. Simultaneously, another chart will be prepared


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showing District wise: (i) the cases pending per Officer in respect of each category of posts, and (ii) the total vacancies (including vacancies which will arise as a consequence of transfer of Officers included in the list for transfer in annual chain) which are/will be available for being filled up in each category of posts in that District. Attempt will be made to post such number of officers in each category of posts so as to ensure an equitable distribution of judicial work per Officer all over the State.

18. In cases of Husband and Wife, who are Judicial Officers and are working in the State of Madhya Pradesh, attempt would be made to post them at the same place as far as possible. However, if posting of Husband and Wife at one place is not possible, endeavour shall be made to post them at nearby places, subject to the administrative exigencies and other factors which may be considered relevant by the High Court.
19. Where the spouse, child or parent or any other first degree relative of a Judicial Officer is suffering from terminal ailments like cancer, kidney failure warranting dialysis, or who have undergone open heart surgery in the recent past, provided they are normally residing with the Judicial Officer, such Officer may be granted preference by posting him in a place where or near which proper treatment facilities for these ailments are available. However, adjustment in this category shall be granted only on production of proper medical certificate from the District Medical Board and certified by the District Judge concerned upon verification.
20. Judicial Officers, who are suffering from any physical disability which is certified to be more than 40% by the appropriate Medical Board, would be granted preference in the matter of their posting to such places where they are not required to travel frequently, or which does not require mobility for long periods of time.
21. Judicial Officers who have undergone posting for a period of two Years or more in outlying Courts or in 'D' category places

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will be given preference in the matter of their posting at District headquarters only, and their next posting at an outlying Court will be avoided.

22. A Judicial Officer may be transferred even before completion of the prescribed tenure or in mid-term in case his performance is found to be below the norms prescribed or if grounds exist for initiating enquiry against him. He may also be transferred before completing the prescribed tenure in public interest or in interest of administration, if so decided by the High Court.
23. In regard to matters which are not specifically provided or covered by this Policy, the Chief Justice may issue such general or particular directions as may be considered necessary. In case any doubt arises with regard to this Policy or its implementation, the same will be clarified by the Chief Justice and such clarification will be treated as part of this Policy.
24. No representation against transfers ordered by the High Court will normally be entertained except on a serious ground which did not exist on the date of issuance of the order of transfer.
25. Notwithstanding anything contained herein, the Chief Justice or on his behalf, a Committee of two senior Judges nominated by the Chief Justice, will have overriding powers to pass any order regarding the transfer or posting of any Judicial Officer at any time.
26. The Chief Justice may delegate the powers to any Judge, Officer or Committee of Judges/Officers for implementation of this Policy/Guidelines.


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ANNEXURE 'A'

CATEGORY OF PLACES

Category	Places
A	(1) Bhopal (2) Gwalior (3) Indore (4) Jabalpur
B	(1) Datia (2) Dewas (3) Guna (4) Hoshangabad (5) Katni (6) Khandwa (7) Morena (8) Narsinghpur (9) Raisen (10) Rewa (11) Sagar (12) Satna (13) Sehore (14) Ujjain (15) Vidisha
C	District Headquarter: (1) Ashoknagar (2) Alirajpur (3) Anuppur (4) Badwani (5) Balaghat (6) Betul (7) Bhind (8) Burhanpur (9) Chhattarpur (10) Chhindwara (11) Damoh (12) Dhar (13) Dindori (14) Harda (15) Jhabua (16) Khargone (17) Mandla (18) Mandsaur (19) Neemuch (20) Panna (21) Rajgarh (22) Ratlam (23) Seoni (24) Shahdol (25) Shajapur (26) Sheopur (27) Shivpuri (28) Sidhi (29) Singroli (Baidhan) (30) Tikamgarh (31) Umariya Tehsil Headquarters: (1) Ashta (2) Barwah (3) Basoda (4) Bina (5) Biora (6) Dabra (7) Gadarwara (8) Multai (9) Sironj (10) Sonkachha
D	Places not included in the above Categories.

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