

HIGH COURT OF MADHYA PRADESH JABALPUR

Endt. No. 1185/Confdl./2020
II-15-47/95

Jabalpur, Dated 10 December, 2020

Copy of the **Transfer Guidelines/Policy – 2018** for Judicial Officers, forwarded to:-

1. Principal Secretary, Government of M.P., Law & Legislative Affairs Department, Bhopal for information, with a request to circulate the same amongst Judicial Officer working in the Department to send their option/representations, if any, in terms of Transfer Policy-2018 positively by **15 January 2021**,
2. **Principal Judge, Family Court**, Bhopal /Gwalior / Indore / Jabalpur/ Ujjain with a request to circulate the same amongst the Additional Principal Judge(s) working with you to send their options/ representations, if any, in terms of Transfer Policy-2018 positively by **15 January 2021**,
3. **Principal Judge, Family Court**, Balaghat/ Betul/ Bhind/ Burhanpur/ Chhatarpur/ Chhindwara/ Damoh/ Datia/ Dewas/ Dhar/ Dindori/ Khandwa/ Guna/ Harda/ Hoshangabad/ Katni/ Mandla/ Mandsaur/ Morena/ Narsinghpur/ Neemuch/ Rajgarh/ Ratlam/ Rewa/ Sagar/ Satna/ Sehore/ Seoni/ Shahdol/ Sheopur/ Shivpuri/ Sidhi/ Singrauli/ Tikamgarh/ Vidisha/ for information & necessary action.
4. The In-Charge Registrar, O/o Welfare Commissioner, Bhopal Gas Victims, Dr. Rajendra Prasad Bhawan, Opposite Old Vidhan Sabha, Bhopal, for information, with a request to circulate the same amongst Judicial Officer working in your institution to send their options/representations, if any, in terms of Transfer Policy-2018 positively by **15 January 2021**,
5. The Registrar, M.P. Industrial Court, 518, New Moti Bangalow, MG Road, Indore-452007 for information, with a further direction to circulate the Transfer Policy amongst all the Judicial Officers.
6. **Shri Sanjeev Sudhakar Kalgaonkar**, Secretary General, Supreme Court of India, New Delhi for information,
7. **Shri Axay Kumar Dwivedi**, Chairman, M.P. State Transport Appellate Tribunal, Gwalior for information.

8. **Shri Anand Kumar Tiwari**, Registrar, Dharmashastra National Law University, Bharat Ratna Bhim Rao Ambedkar Institute of Telecom Training (BRBRAITT), Ridge Road, Jabalpur for information, with a request to circulate the same amongst Judicial Officers working in your institution,
9. **Shri Anil Kumar Agrawal**, Registrar, National Green Tribunal, Central Zone, Bench at Bhopal, State Information Commission, Building, 3rd Floor, Arera Hills, Bhopal-462011, for information, with a request to circulate the same amongst Judicial Officers working in your institution,
10. **Ku. Jasveer Kaur Sasan/ Shri Awdhesh Kumar (Gupta)**, Legal Advisor, Lokayukta Organisation, Office of Lokayukta Organisation, M.P. Lokayukta Bhawan, F- Block, Old Secretariat, Bhopal – 462 001, for information,
11. **Shri Devendra Pal Singh Gaur**, Law Officer, His Excellency Hon'ble the Governor of M.P., Bhopal, for information,
12. **Shri Sudhir Singh Chouhan**, Deputy Secretary, M.P. Human Rights Commission, Paryawas Bhawan, Khand-1, First Floor, Bhopal-462 011 for information,
13. **Ku. Neeta Gupta**, Registrar, National Law Institute University, (NLIU) Kerwa Dam Road, Bhopal, for information, with a request to circulate the same amongst Judicial Officers working in your institution,
14. **Shri Quamar Iqbal Khan**, Presiding Officer, M.P. State Wakf Tribunal, B-114, Housing Board Colony, Kohefiza, Bhopal for information,
15. **Shri Aadesh Kumar Jain**, Legal Advisor, Economic Offence Wing, Bhopal, "EOW Bhawan", 42, Arera Hills, Bhopal for information,
16. **Shri Sachin Jain (Sr.)**, Registrar, Real Estate Appellate Tribunal, 192, Zone-1, Maharana Pratap Nagar, Bhopal – 462 011, for information,
17. Registrar, M.P. State Arbitration Tribunal, B-wing, Ground Floor, Vindhyachal Bhawan, Bhopal for information,
18. **Shri Rajeev Apte**, Registrar, M.P. State Consumer Dispute Redressal Commission, Plot No. 76, Arera Hills, New Central School, Bhopal, for information,
19. **Member Secretary**, Madhya Pradesh State Legal Services Authority, 574, South Civil Lines, Jabalpur, with a request to circulate the same amongst Judicial Officer working in your institution to send their options/representations, if any, in terms of Transfer Policy-2018 positively by **15 January 2021**.

20. Principal Registrar (Vigilance) / (I.L.R. & Examination) / (Judicial), High Court of M.P., Jabalpur, for information.
21. The Principal Registrar, High Court of Madhya Pradesh, Bench at **Indore / Gwalior**, for information.
22. District Judge, (Inspection) Jabalpur Zone, High Court Premises Jabalpur/ District Judge, (Inspection) Indore Zone, J.E.-I, Judges Enclave, Residency area, Indore-452001 / District Judge, (Inspection) Gwalior Zone, 28/B, Race Course Road, Opposite Mela Ground, Gwalior, for information.
23. Registrar (I.L.)/ (Vigilance)/ (District Establishment)/ (Judicial-I)/ (Judicial-II)/ (Administration)/ (Exam & Labour Judiciary)/ (Works & Infrastructure)/ O.S.D./ Registrar-cum-Secretary, High Court Legal Services Committee, High Court of Madhya Pradesh, Jabalpur, for information.
24. Member Secretary of State Court Management System, High Court of M.P., Jabalpur, for information.
25. Director, M.P. State Judicial Academy (MPSJA), High Court of M.P., Jabalpur, for information, with a request to circulate the same amongst Judicial Officer working in your institution to send their options/representations, if any, in terms of Transfer Policy-2018 positively by **15 January 2021**.
26. Secretary to Registrar General, High Court of Madhya Pradesh, Jabalpur, for information.

NOTE :- Vide Registry Order No. Reg(IT)(SA)/2018/368, dated 01.03.2018, it has been directed to stop Printing / Photocopying / Cyclostyle of all general Administrative Orders like transfer, posting etc. and the same Orders / Circulars etc. are to be made available in the official website of the High Court, accordingly, in compliance of the same, all concerned are hereby informed to download a copy of the Order/ Circular and accordingly, ensure necessary action, if any.

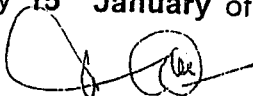

*(RAJENDRA KUMAR VANI)
REGISTRAR GENERAL
sg

TRANSFER GUIDELINES/POLICY OF THE HIGH COURT OF M.P.

In supersession of all previous policies and guidelines, High Court of Madhya Pradesh issues this **Transfer Policy, 2018** as a **Guideline** to process the **General Transfer Exercise** of the Judicial Officers of **District Judiciary** of the State.

Transfer Policy, 2018 shall come into force with effect from **1st January, 2018**.

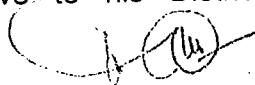
- [1] The general transfer exercise of the Judicial Officers shall normally be initiated from **15th of January** of each year and shall be finalized by **31st March** of every year.
- [2] This Policy may be relaxed generally or in individual cases by the Chief Justice in respect of all or any Judicial Officer and specifically with respect to Judicial Officers posted in the Registry at the Principal Seat, Jabalpur and the Benches at Indore and Gwalior, in MPSJA and with the State Government. Consequently transfers/postings/continuance prematurely or beyond the normal tenure of such Judicial Officers shall be decided by the Chief Justice.
- [3] The normal approximate tenure of posting at a place shall be of 3 years. For the purpose of calculating the period, the date of **31st March** of the year shall be the cut-off date from the date of joining and for the purpose of computing the tenure of posting the **period exceeding six months shall be rounded off and treated as full year.**
- [4] The places available for posting are divided into 4 categories mentioned as A, B, C & D, as notified by the Chief Justice from time to time. The phrase "Outlying Courts" used in this Policy will not include the outlying courts mentioned in Category C. Category B will be deemed lower (not inferior) to Category A and so on.
- [5] A Judicial Officer who on **31st March** of that **Calendar Year** is going to complete his normal tenure of posting at a place may submit a representation through District & Sessions Judge to the Registrar General by **15th January** of the Calendar Year, provided



that any representation seeking extension of tenure beyond normal period of tenure of one year shall be submitted to the District & Sessions Judge, who shall forward the same to Registrar General along-with his/her comments in the matter.

[6] Normally, the following grounds may be considered for extension of tenure.

- (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 by the District Judge concerned, after proper verification, and the District Judges as well as the Portfolio Judges 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 Hon'ble Portfolio Judge, as recommended by the Committee, the Chief Justice considers that the overstay is necessary.
- (d) If any Judicial Officer submits such representation covered by sub-clause (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 from the last date of receipt of representations, and the Portfolio Judge will return the file with his comments/opinion within a week thereafter.

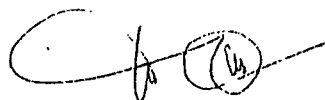
[7] On the receipt of such representations for extension of tenure at a place in the Registry, the same shall be forwarded to Hon'ble the Portfolio Judge for the comments of His Lordship.

[8] All such Judicial Officers, who have completed their normal tenure of posting at a place, may submit their option for posting at 9 places 3 from each category other than the category in which the Officer is serving. For example, a Judicial Officer posted in category A will have to opt for 3 places each from the category B, C & D. Likewise, a Judicial Officer posted in category B will have to opt for 3 places each from category C, D & A.

Provided that Officers may be transferred at any place other than opted places in Administrative Exigencies and the preferences opted by the Judicial Officers may, if so required, be taken into consideration while making transfers.

[9] The Judicial Officer(s), seeking extension of tenure on the grounds stated hereinabove shall also simultaneously submit representations indicating the option of places from categories as per policy as mentioned above.

[10] 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 for Premature transfer, to the Registrar General. Alongwith his representation, the officer shall also indicate minimum 9 options of places from categories as per the policy as mentioned above.

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a smaller, more complex signature.

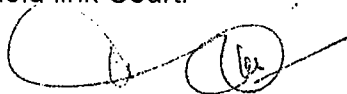
[11] In cases of Husband and Wife, who are Judicial Officers and are working in the State of Madhya Pradesh, attempt would be made to post them at the same place, as far as possible. However, if posting of Husband and Wife at one place is not possible, endeavour shall be made to post them at nearby places, subject to the administrative exigencies and other factors which may be considered relevant.

[12] 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 has 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.

[13] 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 approved by the Chief Justice, extension of one year may be granted.

[14] 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 another non-judicial post, unless he completes at least a three years tenure on a post involving judicial functions.

[15] A Judicial Officer, who is suffering from a physical disability restricting his/her normal mobility and such disability is certified to be more than 40% by the appropriate Medical Board, shall not be required to hold link Court.



[16] Notwithstanding anything to the contrary in this policy, an officer who has one year or less to retire as on first day of April may seek a posting to a place (except his home town) where or near to which he proposes to settle after retirement and if the request appears bona-fide, the officer may be posted to such place.

[17] Notwithstanding anything contained herein, the Chief Justice or on his behalf, the Committee of Hon'ble Judges nominated by the Chief Justice will have powers to pass any order in the matter of the transfer or posting of Judicial Officers in the cases of Administrative exigencies.

[18] In regard to matters, which are not specifically provided or covered in 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.


(MOHD. FAHIM ANWAR)
REGISTRAR GENERAL

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) Barwani (5) Balaghat (6) Betul (7) Bhind (8) Burhanpur (9) Chhatarpur (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) Singrauli (Waidhan) (30) Tikamgarh (31) Umaria <u>Tehsil Headquarters:-</u> (1) Ashta (2) Barwaha (3) Basoda (4) Bina (5) Biora (6) Dabra (7) Gadawara (8) Multai (9) Sironj (10) Sonkatch (11) Dr. Ambedkar Nagar (12) Shujalpur
D.	Places not included in the above categories.

 15.12.17

Matter relates to General Transfer Exercise – 2018.

Clause 3 of the existing Transfer Policy provides as under :-

"The normal approximate tenure of posting at a place shall be of 3 years. For the purpose of calculating the period, the date of 31st March of the year shall be the cut-off date from the date of joining and for the purpose of computing the tenure of posting the period exceeding six months shall be rounded off and treated as full year."

The Comparative Chart showing tenure of Judicial Officers 'At a place' and 'In a District' is prepared and placed below :-

Cadre	Tenure Period exceeding 2½ years 'AT A PLACE' till 31.03.2018	Tenure completed 2½ years 'IN A DISTRICT' till 31.03.2018
Officers posted in the Registry	6	6
Higher Judicial Service	72	76
Senior Civil Judges (CJM/ ACJM/ C.J.CI.-I)	111	119
Civil Judges (Entry Level) (C.J.CI.-II)	102	112
Total	291	313

It is further submitted that it would be appropriate to consider computation of period of Judicial Officers 'In a District' till 31.03.2018 instead of 'At a place'.

In this connection, Clause 18 of the Policy is relevant and the same is as under :-

"In regard to matters, which are not specifically provided or covered in 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."

Therefore, if approved,

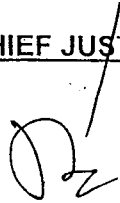
May kindly **permit** to proceed in the matter of computation of tenure of a Judicial Officer 'in a district' in place of tenure 'at a place' ?



22.2.18

(MOHD. FAHIM ANWAR)
REGISTRAR GENERAL

HON'BLE THE CHIEF JUSTICE



22.2.18