

GOVERNMENT OF THE PUNJAB  
ADMINISTRATION DEPARTMENT.

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

SOR-III/2-17/83(P) Dated Lahore, the 31-03-1994.

In exercise of the powers conferred by Section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to make the following rules regulating recruitment of the Punjab Judicial Service and prescribing conditions of service for the persons appointed thereto:--

PART-I. GENERAL

1. Short title and Commencement:-- (1) These rules may be called the Punjab Judicial Service Rules, 1994.  
(2) They shall come into force at once.  
(3) They shall apply to all the members of the service.
2. Definitions:-- In these rules, unless there is any thing repugnant in the subject or context:--
  - (a) "Chief Justice" means the Chief Justice of Lahore High Court, Lahore.
  - (b) "Government" means the Government of the Punjab.
  - (c) "High Court" means the Lahore High Court, Lahore.
  - (d) "Initial appointment" means appointment made otherwise than by promotion or transfer from another service/department/post.
  - (e) "Provincial Judicial Selection Board" means the Administration Committee of the High Court or a Board comprising such number of Judges of the High Court as may be nominated by the Administration Committee.
  - (f) "Departmental Promotion Committee" means a Committee of two Judges of the High Court nominated by the Administration Committee;
  - (g) "Recognized University" means any 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

Cont.

- (h) "Service" means the Punjab Judicial Service,  
(i) "Commission" means Punjab Public Service Commission.

PART-II RECRUITMENT

3. Constitution of Service:- The service shall comprise the post of:-

- (a) District and Sessions Judges;  
(b) Additional District and Sessions Judges;  
(c) Civil Judges-cum-Judicial Magistrates;

4. Appointing Authority:- Appointments to the service shall be made by the High Court.

5. Method of Recruitment:- (1) Appointment to a post of Civil Judge-cum-Judicial Magistrate, shall be made by initial recruitment on the recommendation of the Commission based on the result of a competitive examination conducted by it in the subjects specified in the Appendix to these rules;

Provided that the Government may, within six months from the date of notification of these rules, nominate any person, who possesses a degree in Law and has exercised powers of Magistrate 1st Class for a period of not less than two years, for appointment by transfer as Civil Judge-cum-Judicial Magistrate and such person shall be on deputation till his absorption in the service;

Provided further that if no order of absorption is passed within a period of one year, such persons shall be deemed to have been absorbed in the service from the date of his transfer.

Provided further that the terms and conditions of such person shall not be varied to his disadvantage till his absorption in the service or thereafter.

(2) Appointment to a post of Senior Civil Judge-cum-Judicial Magistrate shall be made on seniority-cum-fitness basis from amongst the Civil Judges-cum-Judicial Magistrates on the recommendation of Departmental Promotion Committee.

(3) Appointment to a post of Additional District and Session Judge shall be made to the extent of:

- (a) sixty per cent by promotion from amongst the Civil Judges-cum-Judicial Magistrates with ten years service as Judicial Officer by selection on merit with due regard to seniority on the recommendation of the Provincial Judicial Selection Board; and  
(b) forty percent by initial recruitment from members of the Bar with ten years standing as Advocates.

(4) Appointment to a post of District and Sessions Judge shall be made by promotion from amongst the Additional District and Sessions Judges by selection on merit with due regard to seniority on the recommendation of the Provincial Judicial Selection Board.

6. Age:- (1) No person shall be appointed to the Service:-
- (i) in case of initial recruitment as Civil Judge-cum-Judicial Magistrate if he is less than twenty-five years and more than thirty years of age.

Provided that ....

- a) in the case of a Government Servant who has served in connection with the affairs of the Federation or the Province of Punjab for a period of not less than three years, the upper age limit shall be thirty-five years.
- b) in the case of a Barrister or an Advocate of the High Court and the Courts subordinate thereto or a Pleader, the period during which he practised at the Bar, subject to a maximum period of three years, shall for the purpose of upper age limit under this rule, be excluded from his age.
- c) in the case of a person whose service under Government has 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 purpose of this rule, age shall be reckoned as on the last date fixed for submission of applications for appointment.

7. Qualifications:- (1) No person shall be appointed to a post in the service by initial recruitment unless:-

- (a) In case of appointment to a post of Civil Judge-cum-Judicial Magistrate;
- (i) he possesses a degree in Law from a recognized University entitling him to practise the profession of law or is a Barrister of England or Ireland or is a Member of the Faculty of Advocate of Scotland; and
- (ii) he has practised the profession of Law for not less than two years;

Explanation:- For the purpose of this clause, the expression "practised the profession of law" shall include any period of government service by a person as:

- (a) District Attorney and Deputy District Attorneys
  - (b) full time prosecutor authorized to conduct prosecution on behalf of the Government.
- (b) in case of appointment to a post of Additional District and Sessions Judge, he, apart from possessing the qualification in sub-clause (i) of clause (a) is also a practising Advocate of High Court and the Courts Subordinate thereto with minimum practice of ten years and is not less than thirtyfive years and not more than fortyfive years of age.
- (c) No person shall be initially 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 the High Court.

### PART III CONDITIONS OF SERVICE

8. (1) A person appointed to a post in a grade against a substantive vacancy shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise; provided that the appointing authority may extend the period of probation by a further period not exceeding two years in all.

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

(2) No person shall be confirmed in a post unless he has successfully completed such training and passed such Departmental Examination as may be prescribed.

(3) 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.

(4) Subject to the provisions of sub-rule (2) above, if no orders have been made by the day on which the maximum period of 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) A probationer, who has satisfactorily completed his period of probation against a substantive vacancy, shall be confirmed with effect from the date of his continuous appointment in such a vacancy:

Provided that where the period of his probation has been extended under the provisions of sub-rule (1) of this rule, the date of confirmation shall, subject to the other provisions of this rule, be the date on which the period of a probation was last extended.

2. Seniority:- The inter se seniority 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 Selection Authority: Provided that persons selected for the Service in an earlier selection shall rank senior to the 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 same, the older officer, if not junior to the younger officer or officers in the next below grade, shall rank senior to the younger officer or officers.
- (c) in the case of members joining the service on transfer from the Executive, with reference to the date of their continuous appointment in the original cadre.

Explanation I: If a junior officer in a lower grade is promoted temporarily 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.

Liability to transfer and serve:- Members of the service shall liable to:-

- (a) transfer anywhere in the Punjab;
- (b) serve in any department of the Government or any local authority or statutory body set up or established by the Government; and
- (c) serve any where in Pakistan under the Federal Government.

11. 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.

12. The Chief Minister may, on the recommendation of the High Court, for reasons to be recorded in writing, relax any of the rules in any individual case of hardship, to the extent prescribed by him..

13. Repeal:- The West Pakistan Civil Service (Judicial Branch) Rules, 1962 except the syllabus attached thereto and those framed through notification No.CI-14-2/76 dated 28th September,1977 are hereby repealed.

BY THE ORDER OF THE GOVERNOR OF THE PUNJAB

NAZIR AHMED CHAUDHRY  
ADDL.CHIEF SECRETARY

Adt. No. SORIII-2-17/83(P) Dated the 4th April, 1994.

Copy forwarded for information and necessary action to:-

The Secretary to Government of the Punjab -

- i) Law & P.A.Department.
  - ii) Finance Department.
  - iii) Home Department.
2. The Registrar, Lahore High Court, Lahore.
  3. The Deputy Secretary(Admn) S.G.A.& I Department.
  4. The Secretary, Punjab Public Service Commission, Lahore.
  5. The Superintendent, Government Printing Press, Lahore with the request to publish this notification in the Punjab Gazette immediately. 100 printed copies of the notification may also be supplied to the undersigned.

*M. Daud Qbal*  
(MUHAMMAD DAUD IQBAL )  
SECTION OFFICER R-III.  
*1/4/94*