

THE HIGH COURT OF KERALA

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B1 -76858 / 2015(2)

Dated - 23/09/2015

OFFICIAL MEMORANDUM

Sub : Judicial Officers – General Transfer , 2016 –
Representations from individual officers - regarding

The Judicial Officers due for transfer during General transfer, 2016 are directed to submit their representation in the prescribed proforma strictly in accordance with the norms. The representation (9 copies each) should reach the High Court on or before 02/11/2015

They are also directed to read carefully each and every point of the General transfer norms before submitting the representations. Representations against the norms shall not be entertained at any rate.

(By Order)


N. Anil Kumar

To

Registrar(Subordinate Judiciary)

All Principal District Judges and Chief Judicial Magistrates for information and communication to Subordinate Judicial Officers in their respective jurisdiction.
(Including those on leave, deputation, suspension etc.)
The Special Judge (SPE / CBI) – I , II & III, Ernakulam
The Special Judge (SPE / CBI), Thiruvananthapuram.
The Special Judge(NDPS Act Cases) Vada kara and Thodupuzha.
The Motor Accidents Claims Tribunals
The Special Judge (Idamalayar Investigations), Ernakulam.
The Additional Sessions Judge(Abakari Cases), Kottarakkara.
The Judges of all Family Courts
The Enquiry Commissioners and Special Judges of Thiruvananthapuram, Thirssur
Kottayam and Kozhikode
The University Appellate Tribunal, Thiruvananthapuram
The Kerala Co-operative Tribunal, Thiruvananthapuram .
The Forest Tribunal, Kozhikode.
The Wakf Tribunals of Kollam, Ernakulam and Kozhikode.
The Presiding Officers of Labour Courts at Kollam, Ernakulam & Kannur
Shri P.D. Sharangadharan, Secretary, Kerala Legislative Assembly, TVPM
Shri K. Sathyan, Director, ADR Centre
Shri E. Baiju, Registrar, Kerala Administrative Tribunal, Thiruvananthapuram
Smt. C.S. Sudha, Registrar, Competition Appellate Tribunal, New Delhi
Shri G. Anil Kumar, Joint Secretary (Suits) Law Department, Government of
Kerala, Thiruvananthapuram
The Administrative Records Section, High Court (2 copies)

REPRESENTATION FOR GENERAL TRANSFER (Proforma)

1	Name and Designation of the Officer	
2	Date of joining the present station	

3. Stations and posts in which the Officer worked earlier and the period during which he served in each station and post:

Sl.No	Post	Station	From	To

4	Home Station (See the definition in para 1 of General Transfer Norms)	
5	Places of Bar Practice	
6	Places of choice in the order of preference	
7	Whether the choice conform to the General Transfer norms? If not, state the reasons for deviation	
8	Whether the Officer has any request for extension in the present station? If so, state the reasons for such extension	
9	Any other relevant information which the officer would like to furnish	

DECLARATION

I do hereby declare that all the above facts are true to the best of my knowledge and belief.

Place:
Date :

Signature:

GENERAL TRANSFER NORMS

The High Court is authorized by Rule 14 of the Kerala Civil Judicial Service, to make postings and transfers of members of the Kerala Judicial Service, viz., Subordinate Judges / Chief Judicial Magistrates and Munsiff-Magistrates. Rule 5A of the State Higher Judicial Service similarly authorises the High Court to make postings and transfers of Selection Grade District & Sessions Judges and District & Sessions Judges. Further, Article 235 of the Constitution of India also empowers the High Court, inter alia, to do the postings of persons belonging to the Judicial Service of the State. While exercising the powers so conferred, to avoid appearance of arbitrariness, the following guidelines are framed in the matter of transfers and postings of Judicial Officers:

- (1) ~~No Officer shall be permitted to work in his / her home station, or the station in which he / she has practiced.~~ However, officers working in the cadre of District Judges shall not be permitted to work in their home district except under exceptional circumstances, which the officer concerned has to justify. No officer shall be posted as Principal District Judge or Chief Judicial Magistrate in his / her home district.

Note: For the purpose of this clause, 'home station' includes the place where the officer was born and brought up, the place where the officer has been residing for a period of ten years prior to his or her selection as a judicial officer, and the place where the family of the officer or his / her spouse is settled down permanently.

- (2) No officer shall be permitted to work in the same station for more than three years continuously, even if there is change of post in the same station during these three years. However, this norm shall not be applicable [a] in the case of officers who are working on deputation in the High Court / Kerala Judicial Academy as it is within the prerogative of the Honourable the Chief Justice to chose officers to work on deputation in the High Court / Kerala Judicial Academy; and [b] in the case of Family Court Judges, who shall normally be allowed to continue in the same station for five years as per the provisions of sub-section (5) of Section 4 of the Family Courts Act, 1984.
- (3) No officer who has not completed three years in his current station will be transferred unless it is necessary in the interest of administration of justice.
- (4) Applications for transfer of officers who have not completed three years will not be entertained, except under special circumstances. However, officers who are posted at a particular station during midterm on account of first appointment or promotion shall be considered in the next general transfer.
- (5) No officer shall be transferred during the middle of the term unless it is necessary in the interest of administration or special circumstances necessitate such transfer.

- (6) An officer shall not be permitted to work in the same district for more than three terms in his / her total service. There must be an interval of not less than six years between two terms.
- (7) An officer shall not be posted in the same station in the same cadre post for a second term even though there is change of post.
- (8) Officers who are completing three years between 1st June and 31st December of the year of transfer shall also be considered for general transfer.
- (9) Seniority alone may not be the criterion for posting Principal District Judges. Merit and ability also shall be taken into account.
- (10) As frequent changes of Chief Judicial Magistrates on account of promotion has affected the administration of criminal courts in the State in the interest of administration, an officer who is to be posted as a Chief Judicial Magistrate should have a minimum of two years term in that cadre, as far as possible.
- (11) The Registry, before the end of November every year, will alert the officers who are likely to be transferred so as to enable them to indicate their first, second and third preferences.
- (12) After the applications have been obtained, the Registrar (Subordinate Judiciary) shall make draft proposals as per the norms, and the same shall be placed before the Honourable the Chief Justice who will nominate two or three Honourable Judges of this Court to scrutinize the proposals. The proposals approved or modified by the said Committee shall then be placed before the Administrative Committee, and finally before the Full Court for its decision. The proposals shall be finalized before the end of January each year.
- (13) When a judicial officer applies for transfer or indicates his preferences under clause 11 referred to above, he shall indicate whether his request for transfer conforms to the transfer norms and if not, he shall state the variation and what is the special reason for making the request.
- (14) The above guidelines shall not in any way affect the powers of the High Court to transfer any officer at any time to any station, in exigencies of service.
