

REVISED 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 authorizes 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 **except in the case of Principal District Judges**, for a second term even though there is change of post. **However, in the case of Munsiff-Magistrates accomodation can be given for a second term based on seniority, subject to the availability of vacancy and if no other eligible officer has requested for posting in the same station.**
- (8) Officers who are completing three years between 1st June and **31st August** 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 **October** 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 **December** 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.

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