

THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

TRANSFER POLICY

Whereas there is no well defined policy for transfer and posting of Judicial Officers in the State of Assam and in the process causing inconvenience to the Judicial Officers as well as to the High Court, now, therefore, to streamline the procedure and to maintain uniformity in transfer and posting of Judicial Officers of the State of Assam, the High Court here by lays down the following transfer policy.

1. This policy shall be known as transfer policy of Judicial Officers in the State of Assam.

2. Transfer being an incident of service, the Judicial Officers shall be liable to transfer from one station to another on routine as well as on the basis of exigency of service.

3. For the purpose of transfer and posting, the entire State of Assam is divided into 10 (ten) zones, each zone comprising of some districts and the same are as follows:

- ZONE – A- Kamrup (Metro), Kamrup (Rural)**
- ZONE – B- Nalbari, Barpeta, Darrang**
- ZONE – C- Bongaigaon, Goalpara, Dhubri**
- ZONE – D- Kokrajhar, Chirang, Baksa, Udalguri**
- ZONE – E- Sonitpur, Morigaon, Nagaon**
- ZONE – F- Dima Hasao, Karbi Anglong**
- ZONE – G- Cachar, Karimganj, Hailakandi**
- ZONE – H- Jorhat, Golaghat, Sivasagar**
- ZONE – I- Dibrugarh, Tinsukia,**
- ZONE – J- Lakhimpur, Dhemaji**

4. Transfer from one zone to another will be on rotation basis. As such, all officers shall have to serve in all the zones during their tenure of service.

5. The normal tenure in one zone shall be of 3 (three) years from the date of joining at a station irrespective of whether the officer gets promotion or not to the next higher post. However, an officer may file representation for extension of tenure at a place beyond 3 years or for transfer before expiry of such period of 3 years. In either case such representation shall be examined and decided by High Court on merit. In the event an officer is promoted within the normal tenure of 3 (three) years to the next higher grade, effort shall be made to keep him in the same zone. However, if any exigency arises and there is no vacancy in the zone, in that event he may be transferred out of the zone on promotion.

6. In November every year, an assessment shall be made for transfer and posting and preferably, order of transfer and posting shall be made in the month of December so that children of an officer do not suffer owing to displacement in the midst of academic session.

7. Ordinarily an officer posted in one zone would not be considered for posting in the same zone till he has been posted in all other zones.

8. An officer on completion of total length of service of 12 (twelve) years irrespective of his grade may ask for choice posting in any district which shall be considered on overall length of service subject to availability of vacancy and exigency of service.

9. While considering such choice posting the period of service of the officer left for retirement would also be considered. Such choice posting can be availed only once in the entire service period.

10. As far as possible the last posting of an officer, before retirement, should be in the district of which he is a permanent resident or a district of his choice.
11. If in a particular grade in a particular zone, sufficient posts are not available, the officer on transfer on completion of normal tenure may be accommodated in another zone.
12. Ordinarily an officer working in non-judicial post may not be transferred to another non-judicial post. However, Hon'ble the Chief Justice may decide otherwise, in the exigencies of service.
13. Transfer and posting shall be made in such way that an officer gets chance to work in both civil and criminal sides.
14. No officer shall be posted within a period of 10(ten) years from the date of his initial appointment in a station which falls in his home district or where he had occasion to work as an Advocate on regular basis.
15. Where both husband and wife are Judicial Officers, effort shall be made first to post them in the same station, if not possible, in the same district and if that is also not possible, in the same zone, subject, however, to the condition that one of the officers should not be the Reporting or Reviewing Authority of the ACR in respect of the other officer.
16. If an officer or any of his near relations (parents, spouse & children) and parents-in-laws in case of lady Judicial Officers are suffering from terminal illness such as cancer, kidney failure etc. he shall be entitled to preferential treatment for posting in a place where proper treatment facilities are available.
17. Judicial Officer with physical disability of 40% other than visual or hearing, shall be entitled to posting in such places where frequent travels or mobility for long period is not required.
18. In stations like Chapakhowa, Jonai, Dhakuakhana, Majuli, Dhansiri, Chirang, Baksa, Diphu, Haflong and Gossaigaon, the normal tenure shall be 1(one) year and thereafter remaining two years may be in the same zone in the stations other than the above specified stations or any other zone.
19. If at any time the Portfolio Judge is of the opinion that there is any ground to transfer any officer under his/her Lordship's charge, he/ she may bring the same to the notice of the Hon'ble Chief Justice for necessary orders.
20. The Hon'ble Chief Justice, however, shall have the power to relax and/or to dispense with any of the foregoing provisions, if exigency of service so requires.
21. In case of any doubt or confusion in regard to purport, meaning or application of any of the aforesaid provisions, the decision of the Hon'ble Chief Justice shall be final.

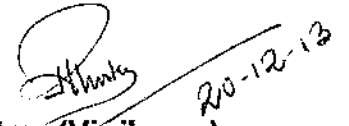
(Robin Phukan)
Registrar (Vigilance)
Gauhati High Court
Guwahati

Memo No. HC. VII-197/2013/9647/A; dated Guwahati the 19th December, 2013

Copy to:-

1. The LR & Secretary to the Govt. of Assam, Judicial Department, Dispur, Assam
2. The Registrar General/ Registrar (Admn.)/ Registrar (Judicial), Gauhati High Court, Guwahati.
3. The District and Sessions Judge, _____ (He/she is requested to bring this to the notice of all the Judicial Officers working under him/her.)
4. The Presiding Officer, Labour Court, Guwahati/ Dibrugarh
5. The Presiding Officer, Industrial Tribunal, Guwahati/ Dibrugarh/ Silchar
6. The Presiding Officer, STAT & Member, MACT, Kamrup, Guwahati
7. The Special Judge, Assam, Guwahati
8. The Special Judge, CBI, Assam, Guwahati

9. The Principal Judge, Family Court No. I & II, Kamrup, Guwahati/ Cachar, Silchar
10. The Judge, Designated Court, Assam, Guwahati
11. The Member, MACT No. II & III, Kamrup, Guwahati
12. The Member, MACT, Nagaon, Nalbari, Barpeta, Dhubri, Silchar
13. The Special Judge, Addl. CBI Court No. II & III, Assam, Guwahati
14. The Member Secretary, Assam State Legal Services Authority, Guwahati
15. The Registrar-cum-Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati
16. The Chief Judicial Magistrate, _____ (He/she is requested to bring this to the notice of all the Judicial Officers working under him/her.)
17. The Joint Registrar (_____), Gauhati High Court, Guwahati
18. The Deputy Registrar (_____), Gauhati High Court, Guwahati
19. The Librarian-cum-Research Officer, Gauhati High Court, Guwahati.
20. The Private Secretary to Hon'ble Mr. Justice _____, Gauhati High Court, Guwahati
21. The System Analyst, Gauhati High Court, Guwahati for uploading this in the High Court
22. The Deputy Director, Printing and Stationary, Assam Govt. Press, Bamunimaidum, Guwahati for publication in the Assam Gazette.
23. C.A. to Registrar (Vigilance), Gauhati High Court, Guwahati.


Registrar (Vigilance)
Gauhati High Court
Guwahati