

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

Dated Guwahati the 20th November, 2019

TRANSFER POLICY FOR THE JUDICIAL OFFICERS OF ASSAM

In supersession of earlier Transfer Policy for the Judicial Officers of Assam issued on 30.08.2019, the Gauhati High Court has been pleased to adopt the following Transfer Policy for the Judicial Officers of Assam:

1. This policy shall be known as "Transfer Policy for the Judicial Officers of Assam".
2. Transfer being an incidence of service, the Judicial Officers may be transferred from one station to another in routine or on account of administrative exigency; or for better administration of justice, at the discretion of Hon'ble the Chief Justice.
3. Ordinarily, notification/transfer orders of the Judicial Officers would be issued in the month of December. The Judicial Officers would be ordinarily required to join at the transferred station by the coming 31st January, unless otherwise ordered.
4. For the purpose of transfer and posting of the Judicial Officers, the entire State of Assam is divided into 3 (three) zones as hereunder:-

(i) ZONE-'A' : -

1. Guwahati, Kamrup (Metro)
2. Tezpur, Sonitpur
3. Dibrugarh, Dibrugarh
4. Silchar, Cachar
5. Tinsukia, Tinsukia
6. Jorhat, Jorhat

(ii) ZONE-'B' : -

1. Amingaon, Kamrup (including Rangia and Hajo)
2. Nagaon, Nagaon (including Hojai and Kaliabor)

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3. Sivasagar, Sivasagar (including Nazira)
4. Bongaigaon, Bongaigaon (including Abhayapuri)
5. North Lakhimpur, Lakhimpur (including Dhakuakhana)
6. Nalbari, Nalbari (including Tihu)
7. Goalpara, Goalpara
8. Barpeta, Barpeta (including Pathsala, Bajali)
9. Karimganj, Karimganj
10. Mangaldai, Darrang
11. Biswanath Chariali, Sonitpur
12. Margherita, Tinsukia

(iii) ZONE-'C' :-

1. Dhubri, Dhubri (including Bilasipara and Hatsingimari)
2. Morigaon, Morigaon
3. Dehmaji, Dhemaji (including Jonai)
4. Golaghat, Golaghat (including Sarupathar and Bokakhat)
5. Kokrajhar, Kokrajhar (including Gossaigaon)
6. Hailakandi, Hailakandi
7. Chirang, Chirang (including Bijni)
8. Udalguri, Udalguri
9. Musalpur, Baksa
10. Diphu, Karbi Anglong (including Bokajan)
11. Hamren, West Karbi Anglong
12. Haflong, Dima Hasao
13. Gohpur, Sonitpur
14. Titabor, Jorhat
15. Naharkatia, Dibrugarh
16. Sonari, Charaideo, Sivasagar
17. Lakhimpur, Cachar
18. Majuli, Jorhat
19. Chapakhowa, Tinsukia

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20. Boko, Kamrup

5. Transfer from one zone to another will be on rotation basis. As such, ordinarily the Judicial Officers would be transferred from one Zone to other viz. from Zone-'A' to 'B', 'B' to 'C' and 'C' to 'A', 'A' to 'B' and so on.
6. The normal tenure of stay in one zone shall be of 3(three) years from the date of joining at a station.
7. On promotion, in case the Officer has not completed 3(three) years stay in a Zone and vacancy is available, he may, at discretion of Hon'ble the Chief Justice, be allowed to continue in the same Zone till he completes 3(three) years stay if the circumstances permit.
8. An Officer may file representation for extension of stay at one place beyond 3(three) years; or for transfer before expiry of such period of 3(three) years. In either case such representation shall be examined and decided by Hon'ble the Chief Justice on merit. Decision would be taken considering administrative exigency and taking into account better administration of justice.
9. Judicial Officer, who is transferred at his own request, would not be entitled to travelling allowance in the spirit of SR 241 in Division XII of the Fundamental Rules and Subsidiary Rules.
10. Ordinarily, annual transfer of Judicial Officers shall be made in the month of December every year. Mid-term transfer shall be made as per exigency of the service or for better administration of justice, at the discretion of Hon'ble the Chief Justice.
11. Officers who would be completing 3 (three) years in a Zone, in the ensuing December and are desirous of giving an option to select a station in the Zone within which their transfer is due as per these guidelines, may submit option of 4(four) stations in the form attached, during the period between 1st September to 31st October.

The option thus given shall, however, not entrust any right in the Officer to claim posting in that particular station.

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12. It is made clear that the High Court, in the interest of administration of justice or considering administrative exigency may transfer any Judicial Officer to any station *de hors* the provision of transfer between Zones provided herein.
13. Ordinarily an officer posted in 1(one) zone would not be considered for posting in the same zone till he has been posted in the other zones, by rotation as provided herein these guidelines.
14. Ordinarily, the last posting of an officer, before retirement, would be given in the district of which he is a permanent resident; or a district of his choice.
15. If in a particular grade in a particular zone, sufficient posts are not available, the officer on transfer on completion of normal tenure in a Zone may be transferred in another zone, *de hors* the rule of rotation between the Zones, at the discretion of Hon'ble the Chief Justice.
16. Where both husband and wife are Judicial Officers, effort shall be made 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.

In case the aforesaid arrangement cannot be adhered, one of the spouses may be posted in adjoining Zone, at the discretion of Hon'ble the Chief Justice. Accommodating a couple in one station; or within the district; or Zone would be to the discretion of Hon'ble the Chief Justice. Administrative exigency and administration of justice shall always remain predominant factors for consideration by Hon'ble the Chief Justice.

17. If an officer or any of his near relations (parents, spouse & children), and parents-in-laws in case of lady Judicial Officer are suffering from terminal illness such as cancer, kidney failure etc. he or she may seek posting in a place where proper treatment facilities are available. All attempts would be made to accommodate the Officer at a place where medical facilities are available or as close as possible to such medical facilities.

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18. 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.
19. The Judicial Officers of Assam shall not make transfer request on frivolous grounds and such request for transfer can only be made when there are genuine grounds, supported by genuine circumstances and corroborated by tenable materials. Any Judicial Officer found approaching the Hon'ble Judges or Hon'ble the Chief Justice to seek preferable place of transfer will risk disciplinary action.
20. Hon'ble the Chief Justice shall have the discretion to dispense with any of the foregoing provisions/condition, if exigency of service so requires and for better administration of Justice.
21. In case of any doubt or confusion in regard to purport, meaning or application of any of the aforesaid provisions, the decision of Hon'ble the Chief Justice shall be final.
22. These are only the guidelines, and shall in no way be construed as mandatory. Transfer from one place to another shall be as per discretion of Hon'ble the Chief Justice.
23. Posting and tenure of stay of Judicial Officers in the Registry of the Principal Seat of the Gauhati High Court shall be absolutely as per discretion of Hon'ble the Chief Justice.

By Order,

Sd/- M.K. Kalita,
REGISTRAR (VIGILANCE)


Memo No. HC.VII-197/2013/ 6766-84/A.

Dated 20.11.2019

Copy to:-

1. The L.R.-cum-Commissioner & Secretary to the Govt. of Assam, Judicial Department, Dispur, Guwahati.
2. The District and Sessions Judge, _____

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He /She is requested to circulate the Transfer Policy amongst all the Judicial Officers working under him/her.

3. The Principal Judge, Family Court, No.I & II, Kamrup (M), Guwahati/ Cachar, Silchar/ Dhubri/ Barpeta/ Nalbari.
4. The Presiding Officer, Industrial Tribunal, Guwahati/ Dibrugarh/Silchar.
5. The Presiding Officer, Labour Court, Guwahati/ Dibrugarh.
6. The Presiding Officer, STAT & Member, MACT, No.1, Kamrup(M), Guwahati.
7. The Special Judge, Assam, Guwahati.
8. The Special Judge, CBI & NIA, Assam, Guwahati.
9. The Member- Secretary, Assam State Legal Services Authority, Guwahati.
10. The Member, MACT, Guwahati/Dhubri/ Nagaon/ Nalbari/ Barpeta/ Silchar/ Goalpara/ Tezpur/Amingaon.
11. The Special Judge, Addl. CBI Court, No.I, II & III, Assam, Chandmari, Guwahati.
12. The Registrar-cum- Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati.
13. The Joint Registrar (_____), Gauhati High Court, Guwahati.
14. The Chief Judicial Magistrate, _____

He /She is requested to circulate the Transfer Policy amongst all the Judicial Officers working under him/her.

15. The Deputy Registrar (_____),Gauhati High Court, Guwahati
16. The Private Secretary to Hon'ble Mr. Justice _____, Gauhati High Court, Guwahati.
17. The Project Manager, Gauhati High Court, Guwahati for uploading in the Gauhati High Court website
18. The C.A. to General/ Registrar (Vigilance)/ Registrar (Judicial)/ Registrar (Admn.)/ Registrar (Estt.), Gauhati High Court, Guwahati.
19. The Deputy Director, Printing & Stationery, Assam Govt. Press, Bamunimaidan, Guwahati for publication of the Notification in the Assam Gazette.


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REGISTRAR (VIGILANCE)
GAUHATI HIGH COURT, GUWAHATI

FORM FOR SUBMITTING OPTIONS FOR TRANSFER BY JUDICIAL OFFICERS

(To be submitted through the controlling officer, i.e. District & Sessions Judge)

- 1. NAME OF OFFICER :
(In Block letters)
- 2. POST HELD :
- 3. PLACE OF PRESENT POSTING :
WITH DATE OF JOINING
- 4. STATIONS OF PREVIOUS POSTING :

SL. NO.	STATION	POST HELD	FROM	TO

- 5. OTHER PARTICULARS
 - a) Marital Status :
 - b) If married, whether the spouse is employed? :
 - i. Name of the post held by the spouse :
 - ii. Deptt./Organization/employer of the spouse :
 - iii. Place of present posting of the spouse :
 - c) Number of school going children :
 - d) Class/Standard :
 - e) Medium of instruction :
 - f) Home District :

g) Whether the Officer has his/her:
own house (Name the city/town
/village)

i. Stations within whose :
Jurisdiction the Officer/
Spouse has property interest

6. State four stations of your choice : (i)
(ii)
(iii)
(iv)

7. If the Officer has not completed :
three years at the present station,
state reason of request for transfer
before completion of the period.

SIGNATURE OF OFFICER