

HIGH COURT OF MADHYA PRADESH: JABALPUR

Endt. No. 1258 /Confdl./2016
II-15-47/95

Jabalpur, Dated 14 December, 2016

Copy of the Transfer Cuidelines/Policy - 2016 for Judicial Officers to be enforced w.e.f. 01.01.2017, forwarded to: -

1. Principal Secretary, Govt. of Madhya Pradesh, Law & Legislative Affairs Department, Bhopal with a request to bring into the notice of all Judicial Officers posted in Law Department, Bhopal.
2. District Judge, (Inspection) Jabalpur Zone, High Court Premises Jabalpur/ District Judge, (Inspection) Indore Zone, J.E.-I, Judges Enclave, Residency area, Indore-452001/ District Judge, (Inspection) Gwalior Zone, 28/B, Race Course Road, Opposite Mela Ground, Gwalior.
3. Principal Registrar, High Court of M.P., Bench Indore,
4. Principal Registrar, High Court of M.P., Bench at Gwalior, New High Court Building, City Centre, Gwalior,
5. Principal Registrar, (Judicial) / (Vigilance) / (I.L.R. & Examination) High Court of M.P., Jabalpur,
6. Member Secretary/Deputy Secretary, M.P. Legal Services Authority, 574, South Civil Lines, Jabalpur, with a request to circulate the same amongst Secretaries, DLSA, posted on Deputation.
7. Registrar, Office of the Welfare Commissioner, Bhopal Gas Victims, Bhopal, with a request to bring into the notice of Additional/Deputy Welfare Commissioners.
8. In-charge Director/ OSD, Madhya Pradesh State Judicial Academy, First Floor, MPSJA Building, Jabalpur.
9. Registrar (V.L.) / (D.E.)/ (Judl.-I) / (Judl.-II)/ (Exam & Labour Judiciary) & (ADM) High Court of M.P., Jabalpur,
10. OSD/Registrar / ADJ (Inspection) (OSD), High Court of M.P., Bench at Gwalior, Gwalior,
11. Secretary, Office of Lokayukta Organisation, M.P. Lokayukta Bhawan, F-Block, Old Secretariat, Bhopal- 462 001, with a request to bring into the notice of Legal Advisors, of the Organisation.
12. Presiding Officer, M.P. State Wakf Tribunal, B-114, Housing Board Colony, Kohephiza, Bhopal.
13. Registrar, M.P. State Consumer Dispute Redressal Commission, Plot No. 79, Arera Hills, New Central School, Bhopal, with a request to bring into the notice of all the President, District Consumer Forum of the State.
14. The Registrar, M.P. Industrial Court, 516, New Moti Bungalow, M.G. Road, Indore - 452007 with a request to bring into the notice of all Judicial Officers posted in Labour Judiciary.
15. The Chairman, M.P. State Transport Appellate Tribunal, Moti Mahal, Gwalior.
16. Registrar/Deputy Registrar, National Green Tribunal, Zonal Bench, State Information Commission, Building, 3rd Floor, Arera Hills, Bhopal-462011.

17. Legal Advisor, Economic Offences Wing, "EOW Bhawan", 42, Arera Hills, Bhopal.
18. Deputy Secretary, M.P. Human Rights Commission, Block-I, Arera Hills, Paryavas Bhawan, Jail Road, Bhopal-462011.
19. Registrar- cum – P.P.S. to Hon'ble the Acting Chief Justice, High Court of Madhya Pradesh, Jabalpur, for placing the same before Hon'ble the Acting Chief Justice for kind information.
20. P.S. to Hon'ble Shri Justice _____, High Court of Madhya Pradesh, Jabalpur, for placing the same before His Lordship's kind information.
21. P.S. to Hon'ble Shri Justice _____, High Court of Madhya Pradesh, Bench at Indore, Indore, for placing the same before His Lordship's kind information.
22. P.S. to Hon'ble Shri Justice _____, High Court of Madhya Pradesh, Bench at Gwalior, Gwalior, for placing the same before His Lordship's kind information.
23. P.S. to Registrar General, High Court of M.P. Jabalpur.

For information.

Encl.: As Above


14/12/16
(MANOHAR MAMTANI)
REGISTRAR GENERAL

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TRANSFER GUIDELINES/POLICY OF THE HIGH COURT OF M.P.

In supersession of all previous policies and guidelines, High Court of Madhya Pradesh issues this **Transfer Policy, 2016** as a **Guideline** to process the **General Transfer Exercise** of the Judicial Officers of **District Judiciary** of the State.

Transfer Policy, 2016 shall come into force with effect from **1st January, 2017**.

[1] The general transfer exercise of the Judicial Officers shall normally be initiated from **15th of January** of each year and shall be finalized by **31st March** of every year.

[2] This Policy may be relaxed generally or in individual cases by the Chief Justice in respect of Judicial Officers posted in the Registry at the Principal Seat, Jabalpur and the Benches at Indore and Gwalior, in MPSJA and with the State Government and consequently their transfers/postings/continuance prematurely or beyond the normal tenure shall be decided by the Chief Justice. Subject to that, the same considerations will apply as given below for other Judicial Officers.

[3] The normal approximate tenure of posting at a place shall be of 3 years. For the purpose of calculating the period, the date of **31st March** of the year shall be the cut-off date from the date of joining and for the purpose of computing the tenure of posting the **period exceeding six months shall be rounded off and treated as full year**.

[4] The places available for posting are divided into 4 categories mentioned as A, B, C & D in Annexure-A. The phrase "Outlying Courts" used in this Policy will not include the outlying courts mentioned in Category C of Annexure-A, Category B will be deemed lower (not inferior) to Category A and so on.

[5] Furthermore, the State shall be divided into following 5 Zones.



Zone No.	Name of Zone	As per sanctioned strength		
		Officers of HJS	Officers of MPJS	Total Officers
I	Gwalior	136	200	336
II	Jabalpur	144	256	400
III	Indore	166	332	498
IV	Rewa	153	231	384
V	Bhopal	141	262	403

The details of these Zones are shown as **Annexure [B]**.

[6] Furthermore, every Judicial Officer shall be required to serve at least two normal tenure of postings in each Zone.

[7] A Judicial Officer who on **31st March** of that **Calendar Year** has completed his normal tenure of posting at a place may submit a representation through District & Sessions Judge to the Registrar General by **15th January** of the Calendar Year, provided that any representation seeking extension of tenure beyond normal period of tenure of one year shall be submitted to the District & Sessions Judge, who shall forward the same to Registrar General along-with his/her comments in the matter.

[8] Normally, the following grounds may be considered for extension of tenure.

- (a) That the daughter (not son) of the Judicial Officer is studying at the place of his current posting, and is in the Final Year of a Board Examination or University Examination, and the educational institution where such daughter is studying, does not have hostel facility for girls. This will be the criteria for officers seeking overstay in A category places. For B, C, or D category places, it may be the daughter or son and non-availability of hostel will not be essential. It is further clarified that the aforesaid request shall be considered only if the facts



with regard to education of the daughter and non-availability of Hostel facility in the institution is certified by the District Judge concerned, after proper verification, and the District Judges as well as the Portfolio Judges have no objection to the over-stay of the Officer.

- (b) Extension of tenure by a period of one year may also be granted in case the Judicial Officer, his spouse or children or aged parents (normally residing with the officer at his current place of posting) are suffering from any serious and acute (not chronic) ailment, which according to a Medical Practitioner's opinion, requires long term or repeated hospitalization at the Officer's current place of posting in recent past or near future, or making movement of the patient risky. The fact about ailment of the person concerned and the consequential medical opinion shall require to be certified by the District Judge after meeting the patient and talking to the concerned doctor.
- (c) Any other substantial reason because of which in the opinion of the Hon'ble Portfolio Judge, as recommended by the Committee, the Chief Justice considers that the overstay is necessary.
- (d) If any Judicial Officer submits such representation covered by sub-clause (a), (b) or (c) above to his District Judge for being forwarded to the Registrar General, it will be obligatory for the District Judge to send the representation alongwith his comments within one week of its receipt after the necessary verifications. The Registry will place the matter before the concerned Portfolio Judge within a week from the last date of receipt of representations, and the Portfolio Judge will return the file with his comments/opinion within a week thereafter.

[9] On the receipt of such representations for extension of tenure at a place in the Registry, the same shall be forwarded to Hon'ble the Portfolio Judge for the comments of His Lordship.

[10] All such Judicial Officers, who have completed their normal tenure of posting at a place, may submit their option for posting at 6 places 2 from each Zone in consecutive order. For example, a Judicial Officer posted in a place of **Zone No. I** will have to



opt for 2 places each of his entitlement category from **Zone No. II, III, & IV**. Likewise, a Judicial Officer posted in a place of **Zone No. III** will have to opt for 2 places each of his entitlement category from **Zone No. IV, V & I**.

[11] The Judicial Officer(s), seeking extension of tenure on the grounds stated hereinabove shall also simultaneously submit representations indicating the option of Zones and category of places as per policy as mentioned above.

[12] Normally, a Judicial Officer shall be transferred from **category A to category B, category B to category C, category C to category D** and from **category D to category A** within the opted three zones by such Judicial Officer. Therefore, a Judicial Officer may opt any lower category of place from that of the category of his present place of posting.

[13] Any lower category may be given (i) either at the option of the Officer, or (ii) if post is not available in the category of entitlement or (iii) if for any other reason the transferring Authority is of the opinion that the officer should be transferred to a lower category.

[14] In cases where a Judicial Officer has not completed his normal posting tenure at a place but for any substantial reason wants premature transfer from his present place of posting, such Officer may also submit his representation through the District Judge by the date prescribed above for over-stay requests, to the Registrar General. Alongwith his representation, the officer shall also indicate minimum six options from requisite zones of the permissible or lower category where he would like to be posted, in case his representation is allowed.

[15] The representation will be considered in the light of the pendency of cases and per judge pendency at a particular place.

[16] In cases of Husband and Wife, who are Judicial Officers and are working in the State of Madhya Pradesh, attempt would be made to post them at the same place, as far as possible. However, if posting of Husband and Wife at one place is not possible, endeavour shall be made to post them at nearby places, subject to the



administrative exigencies and other factors which may be considered relevant by the Committee.

[17] Where the spouse, child or parent or any other first degree relative of a Judicial Officer is suffering from terminal ailments like cancer, kidney failure warranting dialysis, or who has undergone open heart surgery in the recent past, provided they are normally residing with the Judicial Officer, such officer may be granted preference by posting him in a place where or near which proper treatment facilities for these ailments are available. However, adjustment in this category shall be granted only on production of proper medical certificate from the District Medical Board and certified by the District Judge concerned upon verification.

[18] A Judicial Officer, who is on deputation or holding an ex-cadre post, shall normally be required to come back to the parent department after completing a maximum of three years of such posting. No extension of deputation shall be granted after a period of three years. However, under exceptional circumstances, if requested by the Foreign Department and if approved by the Chief Justice, extension of one year may be granted.

[19] A freshly promoted/appointed Judicial Officer, or a Judicial Officer posted on a post which does not involve the normal judicial/adjudicatory functions, will normally not be allowed to go to another non-judicial post, unless he completes at least a three years tenure on a post involving judicial functions.

[20] A Judicial Officer, who is suffering from a physical disability restricting his/her normal mobility and such disability is certified to be more than 40% by the appropriate Medical Board, shall not be required to hold link Court.

[21] Notwithstanding anything to the contrary in this policy, an officer who has one year or less to retire as on first day of April may seek a posting to a place (except his home town) where or near to which he proposes to settle after retirement and if the request appears bona-fide, the officer may be posted to such place.



[22] All the proposals pertaining to the transfer and posting of the Judicial Officers including the representations shall be placed by the Registry before the Committee of Hon'ble Judges constituted by Hon'ble the Chief Justice.

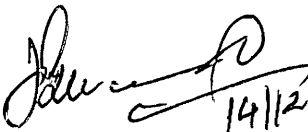
[23] For transfers in the annual chain, the Registrar General shall by 15th of February each Year, prepare a list of officers who will be completing their tenure posting. The Judicial Officers whose request for overstay has been allowed will be excluded from that list, and the officers whose request for pre-mature transfer has been allowed will be added to that list. The said final list will be converted in the form of a chart which shall also indicate the places and posts against the name of each Officer where he has been posted during his service along with the periods of such posting. In the second last column, the choices of places indicated by the Officers will be indicated, and the last column will be left blank where the place of transfer/posting can be filled up. Such Charts shall be separate for each category of officers. Simultaneously, another chart will be prepared showing District wise : (i) the cases pending per Officer in respect of each category of posts, and (ii) the total vacancies (including vacancies which will arise as a consequence of transfer of Officers included in the list for transfer in annual chain) which are / will be available for being filled up in each category of posts in the District. Attempt will be made to post such number of officers in each category of posts so as to ensure an equitable distribution of judicial work per Officer all over the State.

[24] The Hon'ble Committee after considering the matter will make its recommendation in the matters and the same will be placed before Hon'ble the Chief Justice for final approval.

[25] Notwithstanding anything contained herein, the Chief Justice or on his behalf, the Committee of two Hon'ble Judges nominated by the Chief Justice will have powers to pass any order in the matter of the transfer or posting of Judicial Officers in the cases of Administrative exigencies.



[26] In regard to matters, which are not specifically provided or covered in this Policy, the Chief Justice may issue such general or particular directions as may be considered necessary. In case any doubt arises with regard to this Policy or its implementation, the same will be clarified by the Chief Justice and such clarification will be treated as part of this Policy.


14/12/16
(MANOHAR MAMTANI)
REGISTRAR GENERAL

CATEGORY OF PLACES

Category	Places
A.	(1) Bhopal (2) Dewas (3) Gwalior (4) Hoshangabad (5) Indore (6) Jabalpur (7) Rewa (8) Sagar (9) Satna (10) Sehore (11) Ujjain
B.	(1) Betul (2) Bhind (3) Chhatarpur (4) Chhindwara (5) Damoh (6) Datia (7) Dhar (8) Guna (9) Katni (10) Khandwa (11) Mandsaur (12) Morena (13) Narsinghpur (14) Raisen (15) Ratlam (16) Shivpuri (17) Vidisha
C.	(1) Ashoknagar (2) Alirajpur (3) Annuppur (4) Barwani (5) Burhanpur (6) Balaghat (7) Dindori (8) Harda (9) Jhabua (10) Khargone (11) Mandla (12) Mandleshwar (13) Neemuch (14) Panna (15) Rajgarh (16) Seoni (17) Shahdol (18) Shajapur (19) Sheopur (20) Sidhi (21) Singrauli (Baidhan) (22) Tikamgarh (23) Umariya <u>Tehsil Headquarters:-</u> (1) Ashta (2) Agar (3) Barwaha (4) Basoda (5) Bina (6) Beora (7) Bagli (8) Bareli (9) Badnagar (10) Dabra (11) Gadarwara (12) Gohad (13) Itarsi (14) Jaora (15) Karera (16) Khurai (17) Lahar (18) Lakhnadon (19) Maihar (20) Mahidpur (21) Mhow (22) Multai (23) Mauganj (24) Nowgaon (25) Narsingarh (26) Pipariya (27) Sihora (28) Sarangpur (29) Sironj (30) Shujalpur (31) Sonkatch
D.	Places not included in the above categories.



Zonal distribution of Districts

Zone	S.No.	District	No. of Judges		
			HJS	LJS	Total
I Gwalior	1	Gwalior	37	52	89
	2	Bhind	14	19	33
	3	Morena	22	28	50
	4	Sheopur	9	8	17
	5	Datia	9	12	21
	6	Shivpuri	14	26	40
	7	Ashoknagar	7	14	21
	8	Guna	11	20	31
	9	Rajgarh	13	21	34
	Total			136	200
II Jabalpur	1	Jabalpur	42	98	140
	2	Katni	13	20	33
	3	Damoh	16	15	31
	4	Mandla	10	15	25
	5	Dindori	5	7	12
	6	Balaghat	9	21	30
	7	Seoni	9	17	26
	8	Chhindwara	14	28	42
	9	Narsinghpur	15	15	30
	10	Betul	11	20	31
	Total			144	256
III Indore	1	Indore	49	137	186
	2	Alirajpur	5	6	11
	3	Jhabua	6	10	16
	4	Dhar	18	27	45
	5	Badwani	10	12	22
	6	Khargone	17	21	38
	7	Ujjain	24	42	66
	8	Ratlam	14	39	53
	9	Neemuch	10	16	26
	10	Mandsaur	13	22	35
	Total			166	332
IV Rewa	1	Rewa	26	32	58
	2	Sidhi	9	17	26
	3	Singrauli	14	17	31
	4	Satna	26	32	58
	5	Shahdol	9	18	27
	6	Umariya	5	11	16
	7	Anooppur	8	10	18
	8	Panna	7	9	16
	9	Chhatarpur	14	27	41
	10	Tikamgarh	12	22	34
	11	Sagar	23	36	59
	Total			153	231
V Bhopal	1	Bhopal	34	90	124
	2	Sehore	12	17	29
	3	Raisen	13	19	32
	4	Shajapur	16	18	34
	5	Vidisha	14	24	38
	6	Hoshangabad	14	20	34
	7	Burhanpur	6	11	17
	8	Khandwa	8	21	29
	9	Harda	6	9	15
	10	Dewas	18	33	51
	Total			141	262
Grand Total			740	1281	2021