

Judicial Service Commission (Procedure) Rules, 2027(1970)

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His Majesty the King has given consent to the following Rules framed by Judicial Service Commission, exercising the power conferred by Section 9 of the Judicial Service Commission Act 2021¹.

1. **Short title and commencement:** (1) These Rules may be called “Judicial Service Commission (Procedure) Rules, 2027 (1970)”
(2) These Rules shall come into force immediately.
2. **The Meeting of the Commission:** The meeting of the Commission shall be held in every two month.

Provided that the meeting may be held at any time if the chairperson considers appropriate.

3. **Principle to be followed while recommending for appointment in Gazetted third class:** While recommending for appointment in Gazetted Third Class, the Commission shall recommend checking recommendation order of Public Service Commission and the appropriateness of the candidate showing the place to be posted.
4. **Principle of transfer:** (1) Being under Judicial Service (Recruitment, Transfer, Promotion and Other Conditions of Service) Rules While recommending to Nepal Government pursuant to ²Article 74 of The Constitution of Nepal Commission shall follow the procedure as follows:

¹ However, Judicial Commission Act 2048 has repealed this Act, these rules are prevailing on the basis of the power conferred by old Act.

² Provision regarding Judicial Service Commission is provisioned in Article 94 of Constitution of The Kingdom of Nepal 2047 (1990). Ed.

In course of transfer, generally, those who have spent one term in group (a) shall be transferred to group (b), the same in group (b) to group (c) and similarly from group (c) to group (a) in order as per the schedule.

Provided that those can be transferred to appropriate group or place considering work load and work efficiency.

Explanation: Notwithstanding anything contained in Sub-rule above places where any employee has worked prior to the commencement of these rules shall not be counted except the working place upon the same.

In course of transfer of any employee pursuant to sub-rule (1), if it is not appropriate to transfer him/her in the group to be transferred because of finding of bad character or work being not satisfactory by the job related secret report or report of inspection officer, the commission may recommend to transfer in any other appropriate group or place so considered.

5. **Restriction on demanding transfer before the completion of the**

term: (1) If the employee transferred pursuant to Rule (4) take other leave except public and festival leave and spent such period living out of district, such period shall not deemed as living in district.

(2) Departmental action shall be taken if the transferred employee does not go attend in transferred place.

6. **Principle of promotion:** Any employee shall not be deemed qualified without spending one term in districts except the district of Kathmandu valley.

7. **Evaluation of secret report:** Job related secret report of employee shall be sent in Commission regularly every year within 15 days from completion of the year.

(2) The Commission shall consider as to whether there has been right evaluation or not in received secret report of every employee and if

the Commission believe that such report has not filled impartially or not evaluated rightly or in case of filling by more than two employee and found vast difference in evaluation of each report the commission shall reach in appropriate conclusion receiving explanation from the employee filling such report.

(3) If adverse matter has been found from the secret report or report of inspection officer regarding activities and character of any employee, commission shall make providing notice with cause to such employee for providing chance to correct their activities and character and commission shall not take basis of such report in upcoming days for any evaluation of job and character of such employee, if such report has been kept without providing such notice.

8. **Prohibition in deputation:** Any employee deputed shall not be deputed for more than six months. If it requires deputing more than such period, pre-consent of Judicial Service Commission shall be taken mentioning the reason.

Provided that this rule shall not bar in deputing Judge of appellate court and District Judge remaining in additional post in Supreme Court.

- (9) **Regarding departmental action:** (1) Regarding complaint filed against any employee, officer taking punishment shall send report to commission with his/her opinion, conducting required enquiry pursuant to Civil Service Rules, 2050 (1993) and specifying punishment as well.

(2) Commission shall send its recommendation to Government of Nepal, observing such report and making inquiry as well regarding punishment specified by punishment taking officer.

- (10) **Shall be mentioned in recommendation by commission:** While recommending to Government of Nepal pursuant to these rules basis for recommending of each employee shall be shall be mentioned clearly.

- (11) **Definitions:** In these Rules-

- (a) “Commission” means Judicial Service Commission,
- (b) “Service” means Judicial Service,
- (c) “Employee” means Gazetted employee of Judicial Service,
- (d) “Schedule” means schedule of these Rules.

(12) Savings: On the matters referred to these Rules, it shall be as per these Rules and for others matters it shall be as per the prevailing laws.

(a)	(b)	(c)
1. Jhapa	1. Ilam	1. Panchthar
2. Morang	2. Dhankutta	2. Taplejung
3. Sunsari	3. Khotang	3. Terhathum
4. Saptari	4. Udayapur	4. Sankhuwasabha
5. Siraha	5. Charikot (Dolkha)	5. Bhojpur
6. Dhanusha	6. Ramechhap	6. Solukhumbu
7. Mahottari	7. Sindhuli	7. Okhaldhunga
8. Sarlahi	8. Dhading	8. Parbat
9. Rautahat	9. Rasuwa and Nuwakot	9. Manang and lamjung
10. Bara	10. Sindhupalchowk	10. Mustang
11. Parsa	11. Gorkha	11. Dolpa
12. Makwanpur	12. Tanahu	12. Mayagdi
13. Chitwan	13. Syanja	13. Baglung
14. Kathmandu	14. Kaski	14. Pyuthan
15. Lalitpur	15. Arghakhanchi and Gulmi	15. Rolpa
16. Bhaktapur	16. Palpa	16. Rukum
17. Kavreplanchowk		17. Salyan
18. Kapilvastu		18. Humla
19. Rupendehi		19. Jumla, Kalikot and Mugu
20. Nawalparasi		20. Jajarkot
21. Banke		21. Surkhet
		22. Dailekh
		23. Achham

	<p>14. Dangdeukhuri</p> <p>15. Bardiya</p> <p>16. Kailali</p> <p>17. Kanchanpur</p>	<p>24. Doti and Bajura</p> <p>25. Bajhang</p> <p>26. Dadeldhura</p> <p>27. Darchula</p> <p>28. Baitadi</p> <p>29. Nawalparasi</p> <p>30. Banke</p>
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