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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

Government of West Bengal  
Judicial Department

NOTIFICATION

No. 326-JL. dated 22nd June, 2007.- In exercise of the power conferred by the proviso to article 309 of the Constitution of India and in suppression of all earlier notifications on the subject-matter, the Governor, in consultation with the High Court at Calcutta under article 235, read with article 233, of the Constitution, is pleased hereby to make the following rules, namely :-

*Rules***Part I***General*

**1. Short title, commencement and application.-** (1) These rules may be called the West Bengal Judicial Service (Classification, Control and Appeal) Rules, 2007.

(2) They shall come into force on the date of their publication in the *Official Gazette*.

(3) They shall apply to the members of the West Bengal Judicial Service including erstwhile members of the West Bengal Civil Service (Judicial) and the West Bengal Higher Judicial Service.

**2. Definitions.-** (1) In these rules, unless the context otherwise requires,-

- (a) "Appellate authority" means the Governor of the State of West Bengal;
- (b) "Confidential report" means the confidential report referred to in rule 3;
- (c) "Disciplinary authority" means the authority competent under these rules to impose penalty on a Judicial Officer;
- (d) "Government" means the Government of West Bengal;
- (e) "Governor" means the Governor of the State of West Bengal;
- (f) "High Court" means the High Court of Calcutta;
- (g) "Judicial Officer" means an officer who is a member of the West Bengal Judicial Service including erstwhile members of the West Bengal Civil Service (Judicial) and members of the West Bengal Higher Judicial Service; and
- (h) "Reviewing authority" means the authority which has suspended a Judicial Officer.

(2) Words and expressions used and not defined in these rules but defined in the West Bengal Service Rules, Part I and Part II, or in the West Bengal Judicial (Conditions of Service) Rules, 2004, shall have the same meanings as respectively assigned to them in those rules.

## Part II

### *Confidential Report*

**3. Confidential report.**-(1) A confidential report assessing the performances, character, conduct and qualities of every Judicial Officer shall be written for each financial year or calendar year, as may be specified by the High Court, ordinarily within two months of the closing of the said year.

(2) Where a Judicial Officer is on deputation of a foreign organisation, the confidential report in respect of the said Judicial Officer may be written for the entire period of his tenure with the said organisation even in case where the period of such tenure exceeds one year.

**4. Communication of adverse remarks.**-(1) The question of whether a particular remark recorded in the confidential report of a Judicial Officer is adverse, shall be decided by the Chief Justice or the Acting Chief Justice, as the case may be.

(2) Where the confidential report of a Judicial Officer contains an adverse remark, it shall be communicated to him in writing together with a substance of the confidential report within two months of the receipt of the same and certificate to this effect shall be recorded in the confidential report.

**5. Representation against adverse remarks.**- A Judicial Officer may represent to the Chief Justice or the Acting Chief Justice, as the case may be, against the remarks communicated to him under rule 4 within two months from the date of its receipt by him:

Provided that the High Court may entertain a representation after two months of the expiry of the said period if it is satisfied that the Judicial Officer had sufficient cause for not submitting the representation in time.

**6. Consideration of representation against adverse remarks.**-(1) The Chief Justice or the Acting Chief Justice, as the case may be, on receipt of the representation made under rule 5 by a Judicial Officer, shall send a copy of the same to the Officer, who has made such adverse remarks against such officer in his annual confidential report, to justify the said remarks in the light of the representation within one month from the date of its receipt by him.

(2) The Chief Justice or the Acting Chief Justice, as the case may be, shall consider the representation and reply of the officer who passed the adverse remarks and pass such order preferably within two months of the date of submission of the representation -

- (a) rejecting the representation, or toning down the remarks; or
  - (b) expunging the remarks.
- (3) In case no reply is received from the officer, who passed the adverse remarks within the specified period, the Chief Justice or the Acting Chief Justice, as the case may be, shall pass necessary order on merit.

*Note.*— The authorities competent to write confidential report and the authority competent to consider representation against adverse remarks are such as may be specified by the High Court from time to time. The Chief Justice or the Acting Chief Justice, as the case may be, may nominate anyone or more Judges of the High Court to exercise any power conferred upon him under rule 4, rule 5 and rule 6 of these rules respectively, in respect of one or other class of Judicial Officer.

**7. Communication of order.**- The order so passed on the representation shall be communicated to the concerned Judicial Officer in writing.

