

12/02/19

HIGH COURT OF JUDICATURE AT ALLAHABAD
ACCOUNTS B-5 SECTION
NOTIFICATION

No. 176

Dated: February 20, 2019

In exercise of the powers conferred by clause (2) of Article 229 of the Constitution of India, Hon'ble The Chief Justice has been pleased to make 'The Allahabad High Court (Regularization of Daily Labour Driver/Contract Driver on Group 'C' Posts) Rules, 2019' :-

**THE ALLAHABAD HIGH COURT (REGULARIZATION OF DAILY
LABOUR DRIVER/CONTRACT DRIVER ON GROUP 'C' POSTS)
RULES, 2019**

1. Short title and commencement:

- (i) These Rules may be called 'The Allahabad High Court (Regularisation Of Daily Labour Driver/Contract Driver On Group 'C' Posts) Rules, 2019'.
- (ii) These Rules shall come into force from the date of publication in official Gazette.

2. Overriding effect.- These Rules shall have effect notwithstanding anything to the contrary contained in any other rules or orders.

3. Definitions.- Unless there is anything repugnant in the subject or context:

- (a) "Appointing Authority" means the Chief Justice of the Court or such other Judge or Officer as he may direct;
- (b) "Chief Justice" means the Chief Justice of High Court of Judicature at Allahabad;
- (c) "Selection Committee" means a Committee of three Judges of the High Court constituted by the Chief Justice.

4. (A) Regularization of Daily Labour Driver/ Contract Driver on Group 'C' Posts.-

(1) Any person who-

- (a) was directly appointed/engaged as daily labour driver/contract labour driver in the establishment of the High Court and has completed 5 years of satisfactory service and is continuing as such on the date of commencement of these rules; and
- (b) possessed requisite qualification prescribed for regular appointment for that post at the time of such appointment/engagement as daily labour driver/contract driver under the relevant service rules, shall be considered for regular appointment in permanent or temporary vacancy, as may be available in Group 'C' driver cadre on the basis of his record and suitability before any regular appointment is made in such vacancy in accordance with the relevant service rules or orders.

(2) For the purposes of sub-rule (1), Appointing Authority shall constitute a Selection Committee.

(3) Appointing Authority shall, having regard to the provisions of sub-rule (1),

prepare an eligibility list of the candidates, arranged in order of seniority as determined from the date of their appointment/engagement as daily labour driver /contract driver and if two or more persons have same length of service in the order of arrangement of their names as per age i.e., elder being senior. The list shall be placed before the Selection Committee alongwith such relevant records pertaining to the candidates, as may be considered necessary, to assess their suitability.

- (4) The Selection Committee shall consider the cases of the candidates on the basis of their records referred to in sub-rule (3), and if it considers necessary, it may also interview the candidates.
- (5) The Selection Committee shall prepare a list of selected candidates in order of seniority, and forward the same to the appointing authority.
5. **Select List.**- The Selection Committee shall prepare a select list in the order of seniority of selected Daily Labour Driver/Contract Driver.
6. **Appointments.**- Appointing Authority shall make appointments from the select list prepared under Rule (5) in the order in which their names stand in the list.
7. **Appointments be deemed to be under the relevant service rules etc.**-
Appointments made under these rules shall be deemed to be substantive appointments under the relevant service rules or orders, if any.
8. **Seniority.**- (1) A person appointed under these Rules shall be entitled to seniority only from the date of order of appointment after selection for regularization in accordance with these rules and shall, in all cases, be placed below the persons appointed in accordance with the relevant service rules, or as the case may be, the regular prescribed procedure, prior to the appointments of such persons under these rules.
(2) If two or more persons are appointed together, their seniority *inter se* shall be determined in the order mentioned in the order of appointment.
9. **Residuary Powers.**- Nothing in these Rules shall be deemed to affect the power of Chief Justice to make such order, from time to time, as he may deem fit in regard to all matters incidental or ancillary to these rules not specifically provided for herein or in regard to matters as have not been sufficiently provided for.
10. **Power to relax the rules.**- The Chief Justice shall have the power to relax any of the rules provided herein for any person for regularization of Daily Labour Driver/Contract Driver, for reasons to be recorded.
11. **Interpretation.**- All questions relating to the interpretation of these rules shall be referred to the Chief Justice, whose decision thereon shall be final.

By order of

Hon'ble The Chief Justice

Mayank Kr Jain
(Mayank Kumar Jain) 19.2.19

REGISTRAR GENERAL