

shall make necessary arrangements for handing over/taking over the charge of the post including charge of valuable *Malkhana* articles and double lock, so that the concerned officer may be relieved within the prescribed period of seven days. The District and Sessions Judge concerned will also make work arrangements during their absence.

- (3) On transfer, a Judicial Officer shall be relieved from his present post by the concerned District and Sessions Judge only after handing over charge of valuable *Malkhana* articles and double lock and that too within seven days of the receipt of transfer/posting order.
- (4) On transfer of Judicial Officer from one Judgeship to another Judgeship, L.P.C. shall be given only on handing over/taking over the charge of valuable *Malkhana* articles and double lock.

It is, therefore, enjoined upon all the District and Sessions Judges/Judicial Officers concerned to ensure strict compliance of the aforesaid directions. Failure to do so will be viewed seriously and the defaulting officers will expose themselves to suitable disciplinary action.

CIRCULAR REGARDING LEAVE

DISTRICT JUDGE SHOULD OBTAIN PRIOR PERMISSION FOR LEAVING HEAD QUARTER

No. 3/P.I.

Dated 21.1.1982

It has come to the notice of this court that the District & Sessions Judges leave their head-quarters without obtaining prior permission from this court and also without making necessary arrangements for disposal of urgent judicial work in their absence. This is highly undesirable.

All the District & Sessions Judges are, therefore, hereby directed that in future they should invariably obtain prior permission for leaving head-quarters either on leave or otherwise. They should make necessary arrangements for disposal of urgent judicial work in their absence and intimate the same to this Office.

REGARDING LEAVE

No. 10/P.I.

Dated: 23.2.1982

It has been noticed by this Court that the Judicial Officers first proceed on Casual Leave and then apply for extension either on Medical grounds or on Privilege Leave. This is being done in flagrant disobedience of the directions contained in this Court's circulars issued from time to time in this connection. The officers leave Headquarters without permission or prior sanction of leave and further over-stay thinking that the leave applied for must be granted as a matter of course for getting that leave cannot be availed of as a matter of right and that leaving station without permission and over-staying without prior sanction

of leave amounts to breach of discipline besides dislocating the work beyond measures.

All the Judicial Officers are, therefore, directed to comply with the directions contained in this Court's circulars No. 23/Gen. Dated 8.8.51 No. 20/Misc. dated 01.10.52, No.7 dated 10.6.61 No. 3/P.I. dated 20.2.73 and No. 12/P.I. dated 28.4.80 (copies enclosed) failing which disciplinary action will be taken in case station is left without previous permission or sanction of leave and in cases of overstaying on any kind of leave without previous sanction, the whole period of absence will be treated as leave without pay with its consequences.

OBTAINING PERMISSION FROM DJ BEFORE LEAVING HEAD QUARTER.

No. 13/P.I.

Dated 11.6.1984

It has come to the notice of the Court that sometimes District & Sessions Judges leave their head-quarters and proceed on casual leave without seeking prior permission of this Court and without making proper relieving arrangement to dispose of the urgent work of their Court during their absence. Cases have also come to the notice of the Court where the District & Sessions Judge left the headquarter and proceeded on leave even when there was no senior officer available at the headquarter who could have disposed of urgent work of that court or who would have granted remands in sessions cases during such absence. Needless to say that besides creating legal complications this situation results in great inconvenience and hardship to the litigants.

It is, therefore, enjoined upon all the District and Sessions Judges that in future they should, in no case, leave the head-quarter without ensuring the alternative arrangements in their absence. If any officer fails to comply with the above directions, disciplinary action will be taken against him and this will also tell upon his administrative control.

JUDICIAL OFFICERS SHOULD NOT PROCEED ON LEAVE IN ANTICIPATION OF SANCTION

No. P.I./3//98/

Dated : 6-2-98

It has been observed that despite clear instructions issued by this Court from time to time, Judicial Officers proceed on leave in anticipation of sanction. Instances have been noticed where Judicial Officers apply for permission to leave headquarter with or without prefixing or suffixing casual leave and after availing it, extend their period of leave etc. Usually in such cases, medical certificate alongwith formal leave application is submitted by them only at the time of resuming their duties. The medical certificate submitted by them also appears, sometimes, contrary to the Government of Rajasthan, Department of Medical and Health, Order No. i 16 (25) MF/Group-1/94 dated 28.6.1994. (copy enclosed).

It may be mentioned here that such practice is not only violative of the clear instructions contained in P1/3 dated 20th Feb. 1973 and P1/2 dated 6th Feb.

1993 issued by this Court but it is also contrary to the rules. Rule 86 of RSR 1951 enjoins upon all the officers/officials not to remain absent from duty without prior sanction of leave. Such absence may result into break of service and may give rise to departmental action. Subordinate Judicial Officers are under an obligation to apply for grant of privilege leave six weeks before the date from which leave is required. This may be relaxed only in really emergent cases.

Therefore, it is enjoined upon all the Judicial Officers that they will not leave their respective headquarters without first obtaining the permission from the competent authority, they will apply for P.L. within time as stated above, except in really emergent cases, they will always send proper intimation in time for extension of leave and if the leave is sought on medical ground, then intimation should invariably be accompanied with the medical certificate in conformity with the Government Order, which would be dispatched on the day itself from which leave is to be extended.

DISTRICT & SESSIONS JUDGES SHOULD AUTHORIZE THE SENIOR MOST ADDITIONAL DISTRICT & SESSIONS JUDGE TO LOOK AFTER URGENT WORK WHEN THEY PROCEED ON LEAVE

No. P.I./13/90

Dt. 9.6.98

It has been observed that generally Distt. & Sessions Judges, while proceeding on leave or on some other official duties, assign their work in most of the cases, to Addl. Distt. & Sessions Judge No.1, treating it as the Senior to other courts. Similarly, the work arrangement in lower court is also made in the same manner.

It is clarified that the numbers to courts are assigned simply to identify them and they do not indicate the seniority of the officer in any manner. So many times, junior officers are posted in court No. 1 and senior officers are posted in courts No.2 & 3. Hence it is clear that the number of court does not mean the seniority of the officer.

Therefore, it is enjoined upon all the Distt. & Sessions Judges that is far as possible, whenever they proceed on leave or on some other official duty, they should authorise the senior most Addl. Distt. & Sessions Judge to look after their urgent and routine work irrespective of the number assigned to his court. This practice may also be adopted in the courts of Civil Judges (S.D.)- cum-Chief Judl. Magistrates and Civil Judge

GRANT OF LEAVE TO JUDICIAL OFFICERS

No. 11/P.I./2004

Dated 5.8.2004

No. Gen/XV/34/98/2003

Dated 5.8.2004

Sub: Implementation of the procedure for the grant of leave to the officers of the Subordinate Judiciary.

In suppression of all previous orders and the procedure adopted with the practice prevalent on the subject matter prior to issuance of these directions, the matter of grant of all kinds of leave to the officers of the subordinate judiciary of the State was placed before Hon'ble the Full Court and Hon'ble Full Court has been pleased to resolve that—

1. It will be permissible for the concerned District Judges to recommend to the High Court grant of all kinds of leave upto 30 days to the Judicial Officers working in their respective judgeships and pending sanction of the same by the High Court allow the officers to proceed on leave.
2. Steps should be taken to computerize the leave record of all Judicial Officers at High Court level and the respective District Judges should have access to the leave account.
3. Where any District Judge, due to an emergency, has to proceed on leave he can do so by informing the Hon'ble Administrative Judge of the concerned Inspecting Judge in case of Hon'ble Administrative Judge not being available.

It is, therefore, enjoined upon you to take follow-up action in the spirit of above mentioned Hon'ble Full Court resolution while granting the leave to the Judicial Officers.

REGARDING LEAVE APPLICATION FOR GRANT OF LEAVE TO JUDICIAL OFFICERS

No. 11/P.I./2006

Dated 7.10.2006

No. Estt.B2(iv)/ 01/2006/ 13734

Dated 9.10.2006

Sub : Regarding leave applications for grant of Leave to the officers of Subordinate judiciary.

Vide Circular No. 11/P.I./2004, dated 5.8.2004, it was made permissible for the District and Sessions Judge concerned to allow Judicial Officers subordinate to him to proceed on leave pending sanction of High Court subject to the ceiling of 30 days, if he finds the case fit for recommending grant of leave.

It is observed in some cases that the leave application forwarded by District and Sessions Judge (while permitted Judicial Officer to proceed on leave in anticipation of sanction) did not reach High Court. The possibility of missing in transit such forwarded application cannot be ruled out.

Therefore to make the check more effectively, it is enjoined upon the District and Session Judges that whenever an application is forwarded while permitting the officer to proceed on leave in anticipation of sanction of leave and the sanction order is not received within a month from the day he forwarded the application, he will enquire through letter to the High Court as to whether the main application forwarded by him has been received or not.

REGARDING APPLICATIONS FOR GRANT OF LEAVE

No. P.I./5/2012

Date 7.8.2012

No. Est.. B2(iv)/ 2012/2474

Dated 7.8.2012

It has been observed that while forwarding leave applications of Subordinate Judicial Officers posted in various Judgeships, to this High Court, the District and Sessions Judges do not give proper attention towards deficiencies and errors committed by Judicial Officers while filing in proforma prescribed for applying leave under Rajasthan Service Rules i.e. GA-45. In most of the cases columns of GA-45 i.e. Nature of leave, leave address (complete leave address and contact number), grounds on which leave is applied for, number of days of surrender leave intended to be encashed and current block year of surrender leave etc. are not being filled-in correctly and properly. Covering Letter addressed to the Registrar General, Rajasthan High Court, Jodhpur through the District and Sessions Judges do not indicate the factum of initial leave applied for, and/or sanctioned, permission to leave head quarter applied for, and/or granted and other necessary facts. Besides, in cases of comm., leave, Medical Certification obtained are not found to be as per rules.

Likewise the District and Sessions Judges do not verify the facts stated in leave applications of Judicial Officers. They simply forward it without their comments and recording remarks and/or recommendation in columns No. 12 of G.A. 45. Work arrangement during leave period of officers is not being suggested/made and in case of non-handing over of charge of court, requisite certificate is not being sent to this office.

Therefore, to streamline timely disposal of leave matters of Judicial Officers and to avoid unnecessary correspondence, all the District and Sessions Judges are advised that before forwarding the leave applications of subordinate Judicial Officers to the High Court, they should go meticulously through the application and supporting documents, and if there appears any mistake/deficiency/omissions, those should be got corrected and rectified from the concerned Judicial Officer.

APPLICATION FOR PL, HPL, ETC. SIX WEEKS PRIOR THE DATE FROM WHICH LEAVE IS REQUIRED

Regarding application for grant of leave to the officers of subordinate judiciary
No. P.I./05/2013

Dated 10.4.2013

It has been observed that the Judicial Officers extend the period of leave/seek leave on alleged sickness after leaving the headquarter for availing gazetted holiday with or without prefixing or suffixing casual leave. The copy of medical certificate is not invariably transmitted while intimating their intention to avail leave/further leave which is flagrant violation of instructions issued vide P.I./03/98 dated 6.2.1998 issued in continuation of previous circulars on the subject. Such a situation has been viewed seriously.

Therefore, while reiterating instructions issued so far vide P.I./03/98 date 6.2.1998, it is again enjoined upon all the Judicial Officers to apply for Privilege Leave, Half Pay Leave, etc. six weeks before the date from which leave is required. Further, while sending intimation to avail Commuted Leave the officer concerned shall essentially transmit copy of sickness certificate as well, which shall simultaneously be faxed by concerned District and Sessions Judge to this High Court immediately. While submitting formal application, will also send copy of prescription slip besides requisite sickness, fitness certificate.

The District Judge concerned will ensure that the application for grant of Privilege Leave, Half Pay Leave, etc. is not only timely forwarded but it is dropped in post box also at least three weeks in advance. Wherever it is impracticable, the entire papers will immediately be faxed to this office. Deviation will be permissive only in emergency situation, to be narrated clearly by the concerned.

All the Judicial Officers are directed to comply above instructions strictly failing which serious view shall be taken.

REGARDING CHILD CARE LEAVE

No. /S.O./2019/01

Date 07/01/19

The Government of Rajasthan vide its Notification No. F. 1 (6) FD Rules/2011 dated 22.05.2018 has introduced Rule 103C under the Rajasthan Service Rules, 1951 regarding Child Care Leave of 730 days to a Female Government Servant during her entire service for taking care of two eldest surviving children whether for rearing or for looking after any of their needs, such as examination, sickness etc. Further, the State Government has issued clarification on various issues in this regard vide Memorandum No. F. 1 (6) FD/Rules/2011 Dated 10.09.2018.

In order to ensure proper and smooth functioning, following instructions are issued regarding sanction of Child Care Leave to Female Employees of Rajasthan High Court—

1. Application for sanction of Child Care Leave Shall be submitted by the Female Employee in prescribed form strictly as per above Notification dated 22.05.2018 and Memorandum dated 10.09.2018.
2. The Controlling Authority concerned shall forward the application of his subordinate Female Employee only after satisfying himself that the applicant Female Employee fulfills all conditions prescribed for Child Care Leave.
3. The Controlling Authority Shall not forward the applications of more than 20% Female Employee of total working strength of his Section/Cell.
4. While Forwarding the application of Child Care Leave, the Controlling Authority Shall propose suitable work arrangement.
5. Application for Child Care Leave shall be submitted at least three weeks prior to its commencement.

6. There Shall be minimum gap of three months between two spells of Child Care Leave during a Calendar year except in exceptional circumstances.
7. Besides other conditions prescribed under above Notification dated 22.05.2018 and Memorandum dated 10.09.2018, it is specifically reiterated that Child Care Leave cannot be claimed as a matter of right. Under no circumstance can any Female Employee proceed on Child Care Leave without prior Sanction of the same.

CHILD CARE LEAVE TO FEMALE JUDICIAL OFFICERS

No. 01/P.I./2019

Dated : 7.1.2019

The Government of Rajasthan vide its Notification No. F.1(6)FD/Rules/2011 dated 22.5.2018 has introduced Rule 103C under the Rajasthan Service Rules, 1951 regarding Child Care Leave of 730 days to a Female Government Servant during her entire service for taking care of her two eldest surviving children whether for rearing or for looking after any of their needs, such as examination, sickness etc. Further, the State Government has issued clarification on various issues in this regard vide Memorandum No. F.1(6)FD/Rules/2011 dated 10.9.2018.

In order to ensure proper and smooth functioning, following instructions are issued regarding sanction of Child Care Leave :

1. Application for sanction of Child Care Leave shall be submitted by the Female Judicial Officer in prescribed form strictly as per above Notification dated 22.5.2018 and Memorandum dated 10.9.2018.
2. The District and Sessions Judge concerned shall forward the application of his subordinate Judicial Officer only after satisfying himself that the applicant Judicial Officer fulfills all conditions prescribed for Child Care Leave.
3. The Female Judicial Officer of District Judge Rank shall submit the application for Child Care Leave in prescribed form strictly as per above Notification dated 22.5.2018 and Memorandum dated 10.9.2018.
4. The District and Sessions Judge shall not forward the applications of more than 20% Female Judicial Officers of total working strength of his judgeship at a time.
5. While forwarding the application of Child Care Leave, the District and Sessions Judge shall propose suitable work arrangement for giving additional appointment of the Court concerned.
6. Application for Child Care Leave shall be submitted well before time so as to reach this office at least three weeks prior to its commencement.
7. LTC shall not be admissible during Child Care Leave.
8. There shall be minimum gap of three months between two spells of Child Care Leave during a calendar year except in exceptional circumstances.

9. Besides other conditions prescribed under above Notification dated 22.5.2018 and Memorandum dated 10.9.2018, it is specifically reiterated that Child Care Leave cannot be claimed as a matter of right. Under no circumstance can any Female Judicial Officer proceed on Child Care Leave without prior sanction of the same.

REGARDING CHILD CARE LEAVE

DATE : 07.01.2019

No.02/P.I/2019

The Government of Rajasthan vide its Notification No.F.1(6)FD/Rules/2011 dated 22.05.2018 has introduced rule 103C under the Rajasthan Service Rules, 1951 regarding Child Care Leave of 730 days to a Female Government Servant during her entire service for taking care of her two eldest surviving children whether for rearing or for looking after any of their needs, such as examination, sickness etc. Further, the State Government has issued clarification on various issues in this regard vide Memorandum No.F.1(6)FD/Rules/2011 dated 10.09.2018.

In order to ensure proper and smooth functioning, following instructions are issued regarding sanction of **Child Care Leave to Female Employees of Subordinate Courts—**

1. Application for sanction of Child Care Leave shall be submitted by the Female Employee in prescribed form strictly as per above Notification dated 22.05.2018 and Memorandum dated 10.09.2018.
2. The Sanctioning Authority concerned shall sanction the Child Care Leave to Female Employee only after satisfying himself that the applicant Female Employee fulfills all conditions prescribed for Child Care Leave.
3. The Sanctioning Authority shall not sanction the Child Care Leave to more than 20% Female Employee of total working strength of his office/court.
4. While sanctioning Child Care Leave, the Sanctioning Authority shall make suitable work arrangement.
5. Application for Child Care Leave shall be submitted at least three weeks prior to its commencement.
6. There shall be minimum gap of three months between two spells of Child Care Leave during a calendar year except in exceptional circumstances.
7. Besides other condition prescribed under above Notification dated 22.05.2018 and Memorandum dated 10.09.2018, it is specifically reiterated that Child Care Leave cannot be claimed as a matter of right. Under no circumstance can any Female Employee proceed on Child Care Leave without prior sanction of the same.

SPECIAL CASUAL LEAVE FOR OFFICERS OF REGISTRY AND OTHER STAFF MEMBERS

No. 02/S.O./ 2020/

Date 27.01.2020

The officers of Registry and other staff members of Rajasthan High Court will be allowed Special Casual Leaves maximum for 10 days during summer vacations subject to following conditions—

1. No employee shall claim Special Casual Leaves as a matter of right and as per requirement, leaves may be allowed for less than 10 days or may be declined as well.
2. Such leaves shall be granted subject to availability of minimum two third of the staff and at a time no such leave shall be granted for not more than one third employees.
3. The employee desirous of availing such leave shall apply for the same from 1st may to 15th may before ensuing summer vacations, such applications shall be processed by immediate controlling officer for recommending the same in the manner provided hereinafter.
4. Special Casual Leaves shall be allowed only on certification/ recommendation of concerned Section In charge (AOJ/AR/DR/JR/Registrars) and in case of AOJ/AR/DR/JR, by the concerned Registrar that the concerned employee has no work pending with him which is to be completed urgently and it has been ensured that the special tasks like indexing and consignment of record, weeding of files etc. to be performed by concerned employee in summer vacations would be accomplished during summer vacations itself.
5. The special casual leaves for the officers of Registry and staff shall be sanctioned by the authority authorized to sanction casual leaves.
6. No officer/official will overstay or extend the period of Special Casual Leave In case of default on any pretext, the entire period of leave including Special Casual Leave will be treated as leave of the kind due to him/her and may be held liable for disciplinary action.
7. With Special Casual Leaves, no other kind of leave shall be allowed as prefix or suffix.
8. Before proceeding on Special Casual Leave, every official will leaves his/her address and contact number with the establishment and will proceed to leave only after written permission of his/her official else he/she will be treated as willfully absent.
9. Personal Staff of Hon'ble Judges including PS/PA/JrPA/Court Master/Class-IV etc. would be allowed leave only after prior approval of Hon'ble Judge concerned.

REGARDING CHILD CARE LEAVE

No. 31/P.I./2020

Date 27.10.2020

The Government of Rajasthan vide its Notification No. F.1(6)FD/Rules/2011 dated 22.05.2018 has introduced Rule 103C under the Rajasthan Service Rules, 1951 regarding Child Care Leave of 730 days to a Female Government Servant during her entire service for taking care of her two eldest surviving children whether for rearing or for looking after any of their needs, such as examination, sickness etc. Further, the State Government has issued clarification on various issues in this regard vide Memorandum No. F. 1(6)FD/Rules/2011 dated 10.09.2018.

Now the State Government vide its Notification No. F.1(6)FD/Rules/2011 dated 31.07.2020 has amended the Rule 103 C Rajasthan Service Rules, 1951 and has substituted the existing sub-rule (1), which is :-

"A female Government Servant and a single male Government Servant may be granted child care leave by an authority competent to grant leave, for maximum period of two years, i.e. 730 days during her/his entire service for taking care of her/his two eldest surviving children whether for rearing or for looking after any of their needs, such as examination, sickness, etc.

Explanation.—For the purpose of this rule—

- (1) Single male Government servant means an unmarried or widower or divorcee Government servant.**
- (2) Child Means—**
a child below the age of eighteen years; or
a child with a minimum disability of forty percent as elaborated in the Ministry of Social Justice and Empowerment, Government of India Notification Number 16-18./97-NI. dated 01.06.2001".

In order to ensure proper and smooth functioning, following instructions are issued regarding sanction of Child Care Leave to **Female Judicial Officer or a Single Male Judicial Officer** in supersession of earlier circular no 01/P.I./ 2019 dated 07.01.2019—

1. Application for sanction of Child Care Leave shall be submitted by the **Female Judicial officer or a Single Male Judicial Officer** in prescribed form strictly as per above Notification dated 22.05.2018, Memorandum dated 10.09.2018 and **Notification dated 31.07.2020**
2. The District & Sessions Judge concerned shall forward the application of his subordinate Judicial Officer **with his recommendations** only after satisfying himself that the applicant Judicial Officer fulfills all conditions prescribed for Child Care Leave.
3. The **Female Judicial Officer or a Single Male Judicial Officer of District Judge Rank** shall submit the application for Child Care Leave in prescribed form strictly as per above Notification dated 22.05.2018 Memorandum dated 10.09.2018 and Notification dated 31.07.2020.

4. The District & Sessions Judge shall not forward the applications of more than 20% Female Judicial Officers or Male Judicial Officers of total working strength of his judgeship at a time.
5. While forwarding the application of Child Care Leave, the District and Sessions Judge shall propose suitable work arrangement for giving additional appointment of the Court concerned.
6. Application for Child Care Leave shall be submitted well before time so as to reach this office at least three weeks prior to its commencement.
7. LTC shall not be admissible during Child Care Leave.
8. Child Care Leave will not be granted for more than three spells in a calendar year. A Spell, which begins during a calendar year and ends in the next calendar year, shall be deemed as a spell pertaining to the calendar year in which the spells begins and it will not be granted for period less than five days at a time. There shall be minimum gap of the three months between to spells of Child Care Leave during a calendar year except in exceptional circumstances.
9. During the period of child care leave a female Judicial officer or a single male Judicial officer, as the case may be, shall be entitled to leave salary for the first three hundred and sixty five days equal to one hundred percent of pay drawn immediately before proceeding on leave and equal to eighty (80) percent of the pay for the next three hundred and sixty five days.
10. Besides other conditions prescribed under above Notification dated 22.05.2018, Memorandum dated 10.09.2018 and Notification dated 31.07.2020, it is specifically reiterated that Child Care Leave cannot be claimed as a matter of right, Under no circumstance any Female Judicial officer or a Single Male Judicial Officer can proceed on Child Care Leave without prior sanction of the same

CIRCULAR REGARDING OBSERVANCE OF PUNCTUALITY

OBSERVING PUNCTUALITY AND OBTAINING PERMISSION FROM DJ BEFORE LEAVING HEAD QUARTER.

No. 15/P.I./94

Dated 9.11.94

Sub: Observing of punctuality

It has been observed that some of the Judicial Officers do not observe punctuality and they also leave the headquarters without obtaining prior permission from the District and Sessions Judge concerned despite direction issued to them from time to time by the Court.