

HIGH COURT OF CHHATTISGARH, BILASPUR

CIRCULAR

No. 3817 /
III-1-3/2002

Bilaspur, dated 13/05/2015

In supersession of All previous circulars prescribing standard of disposal of cases by Judges of Subordinate Judiciary, the following criteria for assessment of Work Done by the Judicial Officers in the Cadre of Higher Judicial Service (HJS) and Lower Judicial Service (LJS) respectively, are being prescribed. These standards shall be applicable w.e.f. 1st April, 2015 & from 1st January, 2016 onwards.

CRITERIA FOR THE ASSESSMENT OF WORK DONE BY THE JUDICIAL OFFICERS IN THE CADRE OF HIGHER JUDICIAL SERVICE (HJS)

(Assessment chart for each working day)

<u>S. No.</u>	<u>Particulars</u>	<u>Category</u>
	Below 5 Units	Poor
	Between 5 to 6 Units	Average
	Between 6 to 7 Units	Good
	Above 7 Units	Very Good

Note: - The criteria for newly appointed Judicial Officer shall be one unit less for each category and they shall avail this concession only for two years from the date of their joining. Assessment will be done monthly, quarterly and annually on the basis of actual working days of the period.

CRIMINAL

1 Sessions Trial

(a)	Murder, Culpable Homocides, Decoity	:	15 Units
(b)	Other I.P.C. Sessions Trials	:	12 Units
(c)	Under Explosive Substance Act	:	3 Units
(d)	Discharge and remanded u/s 227 of 228 of Cr.P.C.	:	2 Units
(e)	Order of acquittal recorded under Section 232 Cr.P.C.	:	5 Units
(f)	Protection of Children from Sexual offenses Act, 2012	:	12 Units
(g)	Prevention of Money Laundering Act, 2012	:	12 Units

2 Special Cases

(a) Under Prevention of Corruption Act

(i) Disproportionate Assets cases under Prevention of Corruption Act : 30 Units

(ii) Other cases under Prevention of Corruption Act : 20 Units

(b) NDPS Act : 10 Units

(c) POTA Cases : 25 Units

(d) Economics Offences, CBI, : 35 Units

(e) Other than IPC Cases Triable by Court of Sessions, either as Sessions Court or as a Special Court (a) where the charges under IPC triable by JMFC have been framed or where the charges under IPC have not been framed at all. : 8 Units

(f) Cases under Electricity Act.

(i) Contested : 6 Units

(ii) Cases decided through compromise after some evidence : 2 Units

(iii) Cases decided uncontested : 1 Unit

(g) Special Cases filed under the Protection of Human Rights Act, 1993 : 12 Units

3 Criminal Appeals : 4 Units

4 Criminal Revisions : 3 Units

5 Other Revisions. : 2 Units

6 Criminal M.J.C. : 1 Unit

7 Bail Petitions : ½ Unit Subject of maximum of 25 Units per month

OTHER WORK

- 1 Administrative Work (for D.J. only)
 - (a) If there are upto 20 courts in the District : 22 Units per month
 - (b) If there are 21 or above courts in the District : 30 Units per month
- 2 Annual Inspection : 5 Units per Court
- 3 Lok Adalat : One Unit for each disposed of case, subject to minimum of 2 units but maximum of 10 units.
- 4 ADR/ Mediation : (1) 3 Units per case to the Judge Mediator on every successful mediation.
: (2) 1/2 Unit per case to the Judge Mediator on unsuccessful mediation.
- 5 Literacy Camp : 5 Units Per Camp, Subject to maximum of 10 units in a month
- 6 Senior OIC Nazarat, Copying, Record Room & Malkhana Sections at the District Headquarters for substantial work done certified by DJ : 5 Units per month
- 7 OIC Nazarat, Copying, Malkhana in outlying station : 4 Units per month
- 8 OIC of all sections in outlying stations where there is only one judge : 7 Units per month

Notes:-

1. If the Judge has been busy or has disposed off some substantial Judicial work due to which he could not dispose of sufficient number of cases, he should maintain the particulars and nature of those cases in the note appended to the statement.
2. In the above chart except otherwise mentioned work done shall be counted only for contested cases.

**CRITERIA FOR THE ASSESSMENT OF WORK DONE BY CIVIL
JUDGES/JUDICIAL MAGISTRATES (LJS)**

(Assessment chart for each working day)

<u>S.No.</u>	<u>Particulars</u>	<u>Category</u>
	Below 5.5 Units	Poor
	Between 5.5 to 7 Units	Average
	Above 7 to 8 Units	Good
	Above 8 Units	Very Good

Note: - The criteria for newly appointed Judicial Officer shall be 1.5 unit less for each category and they shall avail this concession only for two years from the date of their joining. Assessment will be done monthly, quarterly and annually on the basis of actual working days of the period.

CRIMINAL

- | | | | |
|---|--|---|-----------------|
| 1 | (i) Regular cases u/s 409, 420, 466 to 468, 472 to 477A of IPC
(Contested) | : | <u>12 Units</u> |
| | (ii) Other regular cases under IPC | | |
| | (a) Contested | : | 5 Units |
| | (b) Uncontested | : | 1 Unit |
| | (c) Compromise after some evidence | : | 2 units |
| | (d) Proceedings u/s 299 of Cr.P.C. where the Statement of more than five prosecution witness have been recorded. | : | 2 Units |
| | (e) Plea bargaining cases | : | 1.5 Units |
| 2 | Cases under Negotiable Instruments Act | | |
| | (a) Contested | : | 4 Units |
| | (b) Compromise after some evidence | : | 2 Units |
| | (c) Uncontested | : | 1 unit |

2 (A) Application filed under the Domestic Violence Act, 2005

(a) Contested : 4 Units

(b) Uncontested : 1 unit

2 (B) Contested cases under the Prevention of Food Adulteration Act : 4 Units

3 Cases under Arms Act and Railway property (Unlawful Possession) Act.

(a) Contested : 4 Units

(b) Uncontested : 1 Unit

4 Cases under Indian Drugs Act, Income Tax Act, Foreign Exchange Regulation Act, Central Excise and Salt Act and other Acts involving economic offences. : 20 Units for CBI and 6 Units for other cases

5 Cases under Excise, Gambling, Police Act and other Special Acts, if tried by the Magistrates without summary power.

(a) Contested : 3 Units

(b) Uncontested : ½ Unit

6 Criminal Private Complaints

(i) Under I.P.C.

(a) Dismissed in default after recording some evidence. : 1 Unit

(b) Dismissal u/s 203 of Cr.P.C. : 1 Unit

(c) Discharge of accused : 2 Units

(d) Committal : 1 Unit

- (ii) Under Dowry Prohibition Act or any other such Special Act.
- (a) Dismissed in default after recording some evidence. : 1 Unit
- (b) Dismissal u/s 203 of Cr.P.C. : 1 Unit
- (c) Discharge of accused : 1 Unit
- 7 Under Section 125 Cr.P.C.
- (a) Contested : 4 Units
- (b) Uncontested : 1 Unit
- 8 Applications:
- (i) Order u/s 319 (1) Cr.P.C. for summoning any other person other than those challaned as accused when contested : 1 Unit
- (ii) Order u/s 451, 457 Cr.P.C. for custody and disposal of property in pending trial when contested. : 1 Unit
- (iii) Order u/s 456(i) Cr.P.C. for restoration of possession of immovable property made separately on application.
- (a) Contested : 1 Unit
- (b) Uncontested : ½ Unit
- 9 Summary cases
- (a) Contested : 2 Unit
- (b) Uncontested : 1/10 Units
Subject to ceiling of 20 units per month

Note: - Ceiling under item 9 will not be applicable to Special Railway Magistrates & Motor Vehicle Magistrates.

- 10 Bail Applications : ¼ Unit Subject
(For non-bailable offences only) to maximum of
20 units per
month
- 10-a Remand Application filed before the Magistrial Courts : ½ Unit Subject
to maximum of
5 units in a
month
- 11 Miscellaneous Contested such as objection u/s 47 : 2 Units
Cr.P.C./Special reference received from Appellate Courts
- 12 Cases under Juvenile Justice Act
- (a) Contested
- (i) Cases relating to offences punishable with : 4 Units
imprisonment for 7 years or more in the
regular trial as per the schedule of Cr.P.C.
or any other Law.
- (ii) Cases relating to offences punishable with : 3 Units
imprisonment less than 7 years in the
regular trial as per the schedule of Cr.P.C.
or any other Law.
- (b) Uncontested : 1 Unit
- 13 Final Report (Khatma) Cases
- (a) accepted : ½ Unit
- (b) rejected : ½ Unit

Subject to the condition that notice to the complainant(s) first informant(s) victim(s) is issued and after hearing, order is pass on final report.

Note:-

- (i) A contested Criminal case would be one in which the accused pleads not guilty to charge and does not admit the truth of the allegations against him at any stage and which is disposed of on merits on the basis of evidence led therein.
- (ii) The disposal of a Criminal case remanded by the Appellate Court to the Magistrate with a direction to hear the accused on the question of sentence as envisaged in Section 248(2) of the Cr.P.C. shall earn ½ Unit.
- (iii) A Criminal case disposed of on account of failure of the prosecution to produce any evidence after framing of charge/notice shall earn 2 units.
- (iv) 2 units be earned per cases u/s 446 of Cr.P.C. decided after contest and recording of evidence but no unit be earned for uncontested cases u/s 446 or for cases u/s 350 of Cr.P.C.

OTHER WORK

- 1 Lok Adalat : One Unit for each disposed of case, subject to minimum of 2 units but maximum of 10 units.
- Notes:-
1. Railway Magistrates/Motor Vehicle Magistrates shall be exempted from giving standard disposal units during tour days.
 2. Each sitting of Juvenile Board shall be treated as his actual working day.
- 2 ADR/ Mediation : (1) 3 Units per case to the Judge Mediator on every successful mediation. (2) 1/2 Unit per case to the Judge Mediator on unsuccessful mediation.
- 3 Literacy Camp : 5 Units per camp, subject to maximum of 10 units in a month
- 4 Officer-in-Charge Malkhana for substantial work done and certified by DJ : 5 Units per month
- 5 Junior OIC Nazarat Copying, Record Room, Malkhana Section for substantial work done and certified by DJ : 4 Units per month
- 6 OIC of all Sections in outlying station where there is only one Judge. : 7 Units per month

SI. FOR THE JUDICIAL OFFICERS
No. IN THE CADRE OF HIGHER
JUDICIAL SERVICE (HJS)

SI. FOR THE JUDICIAL OFFICER
No. IN THE CADRE OF LOWER
JUDICIAL SERVICE (LJS)

CIVIL

CIVIL

1 CIVIL SUITS

(a) Contested

Class-A : 12 Units

Class-B : 7 Units

(b) Uncontested

(i) Ex-parte or compromise after issue on the merits of the controversy have been framed and some evidence on merits recorded. : 50% of the Contested proceedings

(ii) Ex-parte decree where defendant does not appear to contest at all. : 2 Units

(iii) Disposed of under O. 17 R. 3 CPC without recording evidence. : 1 Unit

(iv) Dismissed in default before evidence and after settlement of issue. : ½ Unit

(v) Compromise before recording any evidence : ½ Unit

1 CIVIL SUITS

(a) Contested

Class-A : 10 Units

Class-B : 7 Units

(b) Uncontested

(i) Ex-parte or compromise after issue on the merits of the controversy have been framed and some evidence on merits recorded. : 50% of the contested proceedings

(ii) Ex-Parte decree where defendant does not at all appear to contest. : 1 Unit

(iii) Disposed of under O. 17 R. 3 CPC without recording evidence : 1 Unit

(iv) Rejection and return of plaint. : 1 Unit

(v) Dismissed in default before evidence and after settlement of issue. : ½ Unit

(vi) Compromise before recording any evidence : ½ Unit

Note:- For purpose of assessing the disposal in terms of units in case of two or more contested consolidated suits disposed of by a single judgment, prescribed units for the main suit in which evidence is recorded and one each for every other suit, shall be earned.

2 Regular Civil : 5 Units
Appeals

3 Misc. Appeals : 3 Units

4 Cases under Land : 6 Units
Acquisition, Public
Trust Arbitration,
Hindu Marriage Act
and Insolvency
Cases (Contested)

4-a Matrimonial
Disputes under
Hindu Marriage &
Other Marriage Act

(i) Contested : 6 Units

(ii) Ex-parte or : 4 Units
compromise after
framing of issues
and some evidence
on merits recorded

(iii) Disposal of : 4 Units
cases after
conciliation
resulting in re-union
of the parties

(iv) Disposal of : 3 Units
cases after
conciliation
resulting in decree
of divorce

Note:-For purpose of assessing the disposal in terms of units in case of two or more contested consolidated suits disposed of by a single judgment, prescribed units for the main suit which evidence is recorded and one each for every other suit, shall be earned

Probate Certificate : 7 Units
and Letter of
Administration

4-b Application under
Section 25 of the
Hindu Marriage Act

- (i) if decided along : 1 Unit
with the main case
- (ii) At any time : 2 Units
subsequent to the
passing of final
order in the main
case
- 5 In the cases of a final decree:- 3 In the cases of a final decree:-
- (a) Contested : 4 Units (a) Contested : 4 Units
- (b) Uncontested : 2 Units (b) Uncontested : 2 Units
- 6 Suit when dismissed in default, and application for restoration of suit is decided on concession no units be assigned but if against party is appeared and it is disposed of on merit, one unit shall be given. 4 Suit when dismissed in default, and application for restoration of suit is decided on concession no units be assigned but if against party is appeared and it is disposed of on merit, one unit shall be given.
- 7 Cases under Indian Succession Act 5 Succession Certificate
- (a) Contested : 4 Units (a) Contested : 4 units
- (b) Uncontested : 2 Units (b) Uncontested : 1 unit
- 8 Civil MJC and Execution 6 Civil MJC and Execution
- (a) Contested : 2 Units (a) Contested : 2 Units
- (b) Uncontested : 1 Unit (b) Uncontested : ½ Unit
- 9 Small cause cases 7 Small cause cases
- (a) Contested : 2 Units (a) Contested : 2 Units
- (b) Uncontested : ½ Unit (b) Uncontested : ½ Unit
- 10 Interlocutory : 2 Units 8 Interlocutory : 2 units
Applications under
order 39 rule 1 and 2
CPC (Contested). application under
order 38 Rule 5;
Order 39 Rule 1 & 2
C.P.C. (Contested)

- 10-a Order 40 rule 1 of C.P.C.; Section 24 of Hindu Marriage Act : 1 Unit
- 10-b Application under O. 39 R.-2-A C.P.C.
- (a) Contested : 2 units
- (b) Uncontested : ½ unit
- 8-a Order 40 Rule 1 & Order 44 Rule 1 of C.P.C. (Contested) : 1 unit
- 8-b Application under order 39 Rule 2-A C.P.C.
- (a) Contested : 2 units
- (b) Uncontested : ½ unit
- 8-c Objection/Application under order 21 Rule 58 C.P.C. (Contested) : 2 Units
- 8-d Application under order 33 Rule 1 and order 47 Rule 1 C.P.C.
- (a) Contested : 1 unit
- (b) Uncontested : ½ unit
- 11 Motor Accident Claim Cases
- (a) Individual cases : 5 Units
- (b) Each connected cases : 2 Units per connected case
- 12 Election Petition
- (a) Contested : 10 Units
- (b) Uncontested : 4 Units
- 13 Contested Application under Sec-47 C.P.C. : 2 Units
- 9 Contested Application under Sec-47 C.P.C. : 2 Units
- 14 Contested Objection under order 21 Rule 97 C.P.C. : 4 Units
- 10 Contested Objection under order 21 Rule 97 C.P.C. : 4 Units
- 15 Guardians and Wards Act
- (a) Contested : 3 units
- (b) Uncontested : 1 unit

16 Arbitration and Conciliation Act Application u/s 9 – Contested : 2 Units

(i) Arbitration Application

(a) Contested : 4 units

(b) Uncontested : 1/2 unit

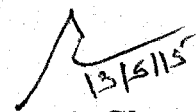
(ii) Application u/s 34 of the Arbitration Act - Contested. : 1 unit

GENERAL NOTES :-

- 1 A civil Case in order to be considered a 'Contested Case' would be one in which any of the defendants appears and joins issues on the controversy resulting in the framing of issues, recording of evidence and a judgment on the merits of the case.
- 2 The Judicial Officers be awarded additional Units to his credit in addition to his normally admissible units:-
 - (a) If a Judicial Officer disposed of old pending cases more than 2 year upto 5 years, : 10%
 - (b) If a Judicial Officer disposed of old pending cases more than 5 years up to 10 years in place of 10% : 15%
 - (c) It is required to disposed minimum 2 Civil and 2 Criminal Cases in every month which are more than 10 years in descending order in place of 15%. : 20%
 - (d) Those officers who are doing exclusively civil work they be given extra units of the total units earned by them on civil work. : 20%
 - (e) Those Officers who are doing civil as well as criminal work be given extra units of the total units earned by them on civil work. : 10%
 - (f) Extra unit be given for disposal of Civil cases relating to Senior Citizens. : 1 Unit
- 3 If the Judicial Officer has been busy or has disposed off some substantial judicial work due to which he could not dispose of sufficient number of cases, he should mention the particulars and the nature of those cases in the note appended to the statement.
- 4 In the above chart, except otherwise mentioned work done shall be counted only for contested cases.

- 5 (i) Minimum 35 units (including 20 units earn civil work excluding claim work) shall be necessary for Higher Judicial Service discharging civil and criminal work.
- (ii) Minimum 30 units from civil work shall be necessary for Civil Judge Class-I and Civil Judge Class-II discharging civil and criminal work.
- 6 There can be adequate contested disposal of case only if there is substantial number of cases pending in a court. If the pendency in light this shall be taken into consideration in evaluation the poor contested disposal of the officer.
- 7 The units (earned by Judicial Officers) shall be counted on the basis of 220 Minimum working days in a year except leave on Medical ground of serious ailment of himself, spouse children or due to sudden demise of family member (mother, father, brother, sister, husband, wife, son and daughter) and period spent in the training/workshop which are held in the working days and marriage of self, brother, sister, son and daughter
- 8 All the data submitted in work done statement must be verified by statistical writer, Dy. Clerk of Court, Clerk of Court and the random checking by the District Judge.
- 9 The cases which has not been mentioned on the Chart and the nature/proceeding is same as a regular case, the case would be treated as regular case and unit be calculated as per contested uncontested cases.
- 10 Following units will be awarded for Right to Information Act, 2005: -
- | | | |
|---|---|------------------|
| Cases under Right to information Act, 2005 | : | ½ Unit per case |
| First Appeal under Right to information Act, 2005 | : | 1 Unit per case |
| 11 (a) Departmental Enquiry | : | 5 Units per case |
| (b) Preliminary Enquiry | : | 3 Units per case |
- 12 The above criteria for H.J.S. shall be applicable to the Judge of Family Court mutatis mutandis with following modification: -
- (1) Contested MJC of maintenance under Section 125 CrPC
- | | | |
|-----------------|---|---------|
| (a) Contested | : | 4 Units |
| (b) Uncontested | : | 1 unit |
- (2) 15 units for administrative work to Principal Judge/Judge, Family Court
- (3) 10 units for administrative work to Additional Principal Judge, Family Court.

BY ORDER OF THE HIGH COURT,


 (Arvind Singh Chandel)
 Registrar General