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LAW DEPARTMENT

NOTIFICATION

The 1st December, 2021

S.R.O. No. 466/2021 — In exercise of the powers conferred by the proviso to Article 309, read with articles 233, 234 and 235 of the Constitution of India, the Governor of Odisha after consultation with the Odisha Public Service Commission and the High Court of Orissa hereby makes the following rules further to amend the Odisha Superior Judicial Service and Odisha Judicial Service Rules, 2007, namely: —

1. Short Title and Commencement —

(1) These Rules may be called the Odisha Superior Judicial Service and Odisha Judicial Service (Amendment) Rules, 2021.

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

2. In the Odisha Superior Judicial Service and Odisha Judicial Service Rules, 2007, for rule 13 including the provisos thereto, the following rule shall be substituted namely: —

“13. *Inter se Seniority*— The *Inter se Seniority* of Officers recruited under rule 6 shall be determined on the basis of date when he has borne in the service i.e. date of issue of formal appointment order and seniority by roster points as per the forty-point roster as specified in **Appendix-'C'** shall be fixed only when the date of appointment of Officers of two or three streams as the case may be, i.e. usual Promotion, limited competitive examination and Direct Recruitment is same

Provided that in case of non-availability of sufficient number of candidates for promotion through limited competitive examination in a year in which direct recruitment is made under rule 12, their quota in respect of unfilled posts shall lapse and such unfilled posts shall be filled up by usual promotion from the cadre of Senior Civil Judges in accordance with rule 6 (2):

Provided further that the *Inter se* Seniority of the Officers so promoted against the unfilled posts shall remain the same amongst them as it was in the cadre of Senior Civil Judges

Explanation. - A person cannot be said to have been recruited to the service only on the basis of initiation of process of recruitment, but he is borne in the post only when, formal appointment order is issued and he is disentitled to claim seniority from a date, he was not borne in service."

[No.12309 - VJ-31-2021/L]

By Order of the Governor

DILIP KUMAR MISHRA

Principal Secretary (I/c) to Government