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[SAKA 1941

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

**GOVERNMENT OF WEST BENGAL**

**Judicial Department**

**Block-III, 2nd Floor,**

**Writers' Buildings, Kolkata-700 001**

**NOTIFICATION**

No. 280-JL.-dated the 26<sup>th</sup> August, 2019.— In exercise of the power conferred by the proviso to article 309 of the Constitution of India, the Governor, in consultation with the High Court at Calcutta under article 233 and article 234 of the Constitution, is pleased hereby to make, with immediate effect, the following amendments in the West Bengal Judicial (Conditions of Service) Rules, 2004, issued with this Department notification No. 262-JL, dated the 28<sup>th</sup> September, 2004 and published in the Kolkata Gazette, Extraordinary, Part I, dated the 1st October, 2004 (hereinafter referred to as the said rules):—

*Amendments*

In the said rules,—

(1) for rule 34, *substitute* the following rule:—

'34. **Compulsory retirement.**—(1) The High Court, Calcutta, shall evaluate the potential of all members and assess their performance on the basis of past record of service, character rolls, quality of judgements and other relevant materials immediately before a member of the West Bengal Judicial Service—

- (a) has completed 25 years of service or has attained the age of 50 years, whichever is earlier;
- (b) has attained the age of 55 years;
- (c) has attained the age of 58 years.

(2) Notwithstanding anything contained in these rules for the time being in force, the Appointing Authority shall, on the recommendation of the High Court and if the High Court is of the opinion that it is in the public interest to do so, have the right to retire any member of the West Bengal Judicial Service who has completed 25 years of service or has attained the age of 50 years, whichever is earlier, or has attained the age of 55 years or has attained the age of 58 years, on the ground that such member of West Bengal Judicial Service is unfit to

continue in service on account of infirmity, incompetency or ineffectiveness or is lacking in integrity, upon giving such member notice of not less than three months in writing or three months' pay as an allowances in lieu of such notice:

Provided that a member of the West Bengal Judicial Service shall be deemed to be incompetent if he is graded "Poor (E)" four times during the six years preceding the date of evaluation and assessment, unless a contrary opinion is expressed by the High Court.;

(2) for rule 36, *substitute* the following rule:-

"36 **Superannuation.**-Notwithstanding anything contained in any other law, by-law, rule, notification and order for the time being in force, the age of superannuation of a member of the West Bengal Judicial Service shall, subject to the provision of rule 34, ordinarily, be 60 years."

By order of the Governor,

SIDDHARTHA ROY CHOWDHURY  
*Secy. to the Government of West Bengal*