

GOVERNMENT OF PUNJAB
DEPARTMENT OF PERSONNEL
(PERSONNEL POLICIES-III BRANCH)

Notification

The 23rd January, 2003

No. G.S.R. 3/Const/Art. 309/Amd. (1)/2003.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab State (Class-IV) Service Rules, 1963, namely :—

RULES

1. (1) These rules may be called the Punjab State (Class-IV) Service (First Amendment), Rules, 2003.

(2) They shall come into force on and with effect from the date of their publication in the official Gazette.

2. In the preamble, for the bracket, word and figure "(Class-IV)", the bracket, word and letter "(Group-D)" shall be substituted.

3. In the Punjab State (Class-IV) Service Rules, 1963 (hereinafter referred to as the said rules), for the bracket, word and figure "(Class-IV)" wherever occurring, the bracket, word and letter "(Group-D)" shall be substituted.

4. In the said rules, in Rule 5,—

(i) in clause (b),—

(a) for the word and sign "appointment;", the word and sign "appointment;" shall be substituted ;

(b) the following provisos shall be added, namely :—

Provided that in the case of ex-servicemen, the upper age limit shall be such as has been prescribed in the Punjab Recruitment of Ex-servicemen Rules, 1982, as amended from time to time ;

Provided further that in the case of appointment on compassionate grounds on priority basis, the upper age limit shall be such as may be specifically fixed by the Government from time to time ;

Provided further that in the case of candidates belonging to Scheduled Castes and Backward Classes, the upper age limit shall be such as may be fixed by the Government from time to time ;

Provided further that the upper age limit may be relaxed up to forty-five years in the case of persons already in the employment of the Punjab Government, other State Government or Government of India." ; and

(ii) For clause (d), the following clause shall be substituted, namely :—

"(d) has passed examination of Middle Standard with Punjabi Language as one of the subjects from a recognised educational institution :

Provided that the educational qualification shall be fifth standard with Punjabi Language in the case of a person appointed to the service on compassionate grounds, as a dependant of deceased Government employee :

Provided further that the condition of educational qualification shall not apply to a person appointed to the service—

(i) in the case of blind person ;

(ii) in the case of widow appointed on compassionate grounds ; and

(iii) in case of riot/terrorist affected person(s) ;

(iv) in the case of a person appointed to the service as a sweeper :

Provided further that where appointment to the service is offered to a war hero who has been discharged from defence services or para-military forces, on account of disability suffered by him or his widow or dependant member of his family, under the instructions issued in this behalf by the Government, such person shall not be required to possess the requisite knowledge of regional languages and of English as may be prescribed by the Government from time to time. Such persons shall also be not required to possess experience even on technical posts."

Y. S. RATRA,

Chief Secretary to Government of Punjab,

6. Notwithstanding any thing contained in the foregoing paragraphs, the appointing authority may require a Government employee to retire after he attains the age of 55 years on three months' notice without assigning any reason. This will be in addition to the provisions already contained in rule 5.32 of the Punjab C.S.R., Volume II, to retire an officer who has completed 10 years qualifying service and will normally be exercised to weed out unsuitable employees after they have attained the age of 55 years. A Government employee may also, after attaining the age of 55 years, voluntarily retire after giving three months' notice to the appointing authority.

7. Detailed instructions for regulating the period between the date of compulsory retirement of the Government employees who have already attained the age of compulsory retirement and the date they are permitted to resume duty by the appointing authority under paragraph 2 above, and other conditions, will follow.

8. The orders shall apply to all Government employees in the integrated State.

9. Necessary amendments to the rules will be issued separately, in due course.

10. These orders issue in consultation with the Finance Department,—*vide* their U.O. No. 723-(2)-FRI-63, dated the 8th March, 1963 and U.O. No. 3736-FRI-63, dated the 28th March, 1963.

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PART III

HOME DEPARTMENT

NOTIFICATION

The 23rd May, 1963

No. G.S.R. 123/Const./Art. 309/63.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, and in supersession of all the corresponding rules issued in this behalf, and in force for the time being, the Governor of Punjab is pleased to make the following rules

for regulating the appointment and conditions of service of persons appointed to the Punjab State (Class IV) Service:—

Short title, commencement and application. 1. (1) These rules may be called the Punjab State (Class IV) Service Rules, 1963.

(2) They shall come into force from the date of their publication in the PUNJAB GOVERNMENT GAZETTE.

(3) They shall not apply to any person for whose appointment and conditions of service special provision is made by or under any law for the time being in force.

Definitions. 2. In these rules, unless the context otherwise requires—

(a) "Direct appointment" means an appointment made otherwise than by promotion within the service or by transfer of an official already in the service of the Government of a State or the Government of India.

(b) "Government" means the Punjab Government in the Administrative Department;

(c) "Head of Department" means the authority as defined in rule 2.25 of the Punjab Civil Services Rules, Volume I, Part I, and includes any other authority who is specially appointed by the Government to exercise the powers of a Head of Department for the purposes of these rules.

(d) "Head of Office" means the authority as defined in rule 2.26 of the Punjab Civil Services Rules, Volume I, Part I ; and

(e) "Service" means the Punjab State (Class IV) Service.

Authorities empowered to make appointments. 3. All appointments to posts in the Service shall be made by the Heads of Departments and Heads of Offices, as the case may be; provided that the Heads of Departments or the Heads of Offices may delegate these powers to their subordinate officers in respect of appointments to posts in their offices, for the purpose of this rule.

Notionality and domicile. 4. (i) No person shall be appointed to the Service, unless he is—

(i) a citizen of India, or

(ii) a subject of Sikkim, or

- (iii) a subject of the State of Pondichery, or
- (iv) a person of Indian origin, who has migrated from Pakistan with the intention of permanently settling in India :

Provided that, subject to the issue of a certificate of eligibility in his favour, a subject of Nepal or a Tibetan who came over to India before the 1st January, 1962, with the intention of permanently settling in India, may also be appointed to any post in the service :

Provided further that a candidate belonging to category (iii) or (iv) above must be a person in whose favour a certificate of eligibility had been given by the competent authority, and if he belongs to category (iv) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

(2) A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the recruiting authority on his furnishing proof that he has applied for the certificate and he may also provisionally be appointed subject to the necessary certificate being given to him by the competent authority.

5. No person shall be recruited to the Service by direct Character-appointment unless he—

- (a) produces certificates of character from two responsible persons, not being his relatives, who are well acquainted with him in private life ;
- (b) is not less than 16 years and not more than 35 years ^{Age and other qualifications.} of age on the date of appointment ;
- (c) has not more than one wife living and in the case of a woman, is not married to a person already having a living wife ; *Proctor*

Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this clause ; and

- (d) possesses the requisite knowledge of the regional

languages and of English as may be prescribed by the Government from time to time :

Provided that the appointing authority may, if it is of the opinion that the candidate is otherwise fit to discharge his duties satisfactorily, relax any of the qualification prescribed under this clause.

Method of
appoint-
ment.

6. (1) Posts in the service shall be filled—
- (a) in the case of posts carrying the grades of Rs. 30— $\frac{1}{2}$ —35.
 - (i) by direct appointment ; or
 - (ii) by transfer or deputation of an official already in the service of the Government ; and
 - (b) in the case of other posts in the Service carrying higher grades—
 - (i) by direct appointment ; or
 - (ii) by promotion from the officials working in the next lower grades ; or
 - (iii) by transfer or deputation of an official already in the service of the Government :

Provided that in the case of an appointment by promotion, the appointing authority shall satisfy itself about the capability of the official to perform the duties of the posts for which he is selected.

(2) The appointing authority shall ensure that the grounds of ignoring a senior official in favour of a junior one are invariably recorded in writing and the proportion fixed by it for filling up the posts by promotion and otherwise is maintained.

(3) When any vacancy occurs or is about to occur in the Service, the Head of Department or the Head of Office, as the case may be, shall determine the manner in which it shall be filled keeping in view the proportion fixed under clause (2) above.

(4) No official shall have any claim to appointment by

7. The Service shall comprise the posts classified as ^{Number and character of posts.} Class IV, within the meaning of rule 1.2 of Punjab Civil Service Rules, Volume I, Part I, and nothing in these rules shall affect the inherent right of the Government to make additions or reductions in the cadre of the Service either permanently or temporarily.

8. (1) Persons appointed to the Service shall remain on ^{Probation of member of the service.} probation for a period of two years :

Provided that —

- (a) any period, after appointment to the Service, spent on deputation on a corresponding or a higher post shall count towards the period of probation fixed under this rule ;
 - (b) in the case of an appointment by transfer, any period of work in similar rank or above, prior to appointment to the Service may, at the discretion of the Government, be allowed to count towards the period of probation fixed under this rule ; and
 - (c) an officiating appointment in the Service shall be reckoned as a period spent on probation but no member who has thus officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent post.
- (2) If the work or conduct of a person appointed to the Service during the period of probation is, in the opinion of the appointing authority, not satisfactory, it may—
- (a) dispense with his services, if recruited by direct appointment ; or
 - (b) if recruited otherwise—
 - (i) revert him to his former post ; or
 - (ii) deal with him in such other manner as the terms and conditions of his previous appointment permit.
- (3) On the completion of the period of probation of a person, the appointing authority may—
- (a) if he was appointed against a permanent vacancy confirm such person from the date of his appointment or if he was not so appointed..

confirm him from any date following such appointment from which a permanent vacancy exists ; or

- (b) if there is no permanent vacancy, declare that he has completed his probation satisfactorily ; or
- (c) if his work or conduct has, in its opinion, not been satisfactory, (i) dispense with his services, if recruited by direct appointment ; or (ii) if recruited otherwise revert him to his former post, or (iii) deal with him in such other manner as the terms and conditions of his previous appointment permit ; or
- (d) extend his period of probation and thereafter pass such orders as it would have passed on the expiry of the first period of probation :

Provided that the total period of probation, including extension, if any, shall not exceed three years.

9. The seniority *inter se* of members of the Service holding the posts in the same grade, shall be determined with reference to the date of their appointment to such posts :

Provided that after joining they have continuously served on such posts ; and

Provided further that if two or more members are appointed in the same grade on the same date, their seniority shall be determined as follows —

- (a) a member recruited by direct appointment shall be senior to a member recruited otherwise ;
- (b) a member recruited by promotion shall be senior to a person recruited by transfer ;
- (c) in the case of members who are recruited by promotion seniority shall be determined according to their seniority in the appointments from which they are promoted ;
- (d) in the case of members recruited by transfer from the same office, seniority shall be determined according to seniority in the appointments

(e) in the case of members who are recruited by transfer from different departments or offices of the Government, seniority shall be determined according to pay preference being given to a member who was drawing a higher rate of pay in his previous appointment and if the rate of pay drawn be the same, an older member shall be senior to a younger member ; and

(f) in the case of members recruited by direct appointment seniority shall be determined by their age, an older member being senior to a younger member :

Provided that in the case of members recruited by direct appointment the order of merit, if any, drawn up at the time of the selection shall not be disbursed and persons recruited as a result of an earlier selection shall be senior to those appointed as a result of a subsequent selection :

Provided further that in the case of members whose period of probation is extended under rule 7, the date of appointment for the purposes of this rule shall be deemed to have been deferred to the extent the period of probation is extended.

10. Members of the Service shall be entitled to such scales of pay as may be sanctioned from time to time for the posts to which they are appointed. pay of members of the service.

11. In respect of leave, pension and other cognate matters not specifically mentioned in these rules, the members of the service shall be governed by the Punjab Civil Services Rules or such other rules as are from time to time framed or issued under the proviso to Article 309 of the Constitution of India. Leave. Pension, etc.

12. Every member of the service shall be liable to transfer under the orders of the appointing authority prescribed in rule 3 from posts within their respective classes of appointment to other posts in the Department and also anywhere within the jurisdiction of such authority. Liability to transfer.

13. (1) In matters relating to discipline, penalties and appeals, members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1952 : Authorities empowered to impose penalties and right of appeal.

Provided that the nature of penalties which may be imposed the authority empowered to impose such penalties and the appellate authority shall, subject to the provisions of any law or rules made under Article 309 of the Constitution of India, be as specified in Appendix 'A' to these rules ;

(2) the authority competent to pass an order reducing or withholding the maximum pension admissible under the rules governing pension and terminating the appointment otherwise than upon reaching the age fixed for superannuation and the appellate authority shall be as specified in Appendix 'B' to these rules. 4

Liability for vaccination and revaccination. 14. Every member of the Service shall have himself vaccinated or revaccinated when the Government so directs by a special or general order.

Oath of allegiance. 15. Every member of the Service, unless he has already done so, shall be required to take the oath of allegiance to India and to the Constitution of India as by law established.

Power to relax. 16. Where the Government is satisfied that the operation of any of the rules causes undue hardship in any particular case, it may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.