

(Published in the Punjab Government Gazette, Legislative Supplement Ordinary, dated the 31st May, 1963)

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 suppression 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:—

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. *Short title, commencement and application*
- (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.
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. *Definitions*
 - (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 Service Rules, Volume I, Part I, and includes any other authority who is specially appointed by the Government 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.
3. All appointments to posts in the Service shall be made by the Heads of Departments and Head 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. *Authorities empowered to make appointments*
4. (i) No person shall be appointed to the Service, unless he is— *Nationality and Domicile*
 - (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;

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 appointment unless he—

Character

- (a) Produces certificates of character from two responsible persons, not being his relatives, who are well acquainted with him in private life;

Age and other qualifications

- (b) is not less than 16 years and not more than 35 years 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.

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 qualifications prescribed under this clause.

Method of appointment

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 post 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) The Head of Department 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.

- (4) No official shall have any claim to appointment by promotion or transfer as of right.

Number and Character of posts

7. The Service shall comprise the posts classified as 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.

Probation of member of the service

8. (1) Persons appointed to the Service shall remain on 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 year.

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 :—

- (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 same office, seniority shall be determined according to seniority in the appointments previously held in that cadre ;
- (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 appointment for the purposes of this rule shall be deemed to have been deferred to the extent the period of probation is extended.

Pay of members of the service

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.

Leave Pension etc.

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

Liability to transfer.

12. Every member of the service shall be liable to transfer under the order of 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.

Authorities empowered to impose penalties and right of appeal.

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.

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.

Liability for vaccination and re-vaccination.

14. Every member of the Service shall have himself vaccinated or re-vaccinated 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 these rules causes undue hardships in any particular case, it may, by order, dispense with or relax the requirements of that rule to such extent and subject to such

APPENDIX 'A'

(See Rule 13 (I))

Designation of officials	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority
All Class IV servants employed in Government Department.	Head of Department concerned	(a) Censure (b) Withhold of increments or promotion, (c) Recovery from pay of whole or part of any pecuniary loss caused to Government by negligence of breach of order; (d) Reduction to a lower post or time scale or to a lower stage in a time scale; (e) Suspension; (f) Removal from service which does not disqualify for future employment; (g) Dismissal from service which ordinary disqualifies from future employment.	Head of Department concerned.	Government.
All Class IV Servants employed in Govt. offices	Head of Office concerned.	All the above penalties from (a) to (g)	Head of Office concerned	Head of Department concerned.

APPENDIX 'B'

(See Rule 13 (2))

Designation of officials.	Appointing Authority	Name of Order	Authority empowered to pass original orders	Appellate authority.
All Class IV servants employed in Government Department.	Head of Department concerned.	(i) Reducting the maximum amount of ordinary pension admissible under the rules governing pensions. (ii) Termination of appointment otherwise than upon reaching the age fixed for superannuation	Department concerned	Government
All Class IV servants employed in Government offices.	Head of office concerned.	Above orders (i—ii)	Head of office concerned.	Head of Department concerned.

(No. 7805-10 GS-73)

SAROOP KRISHEN,
Financial Commissioner, Planning &
Additional Chief Secy. to Government, Punjab.

No. 7805—10GS-68/20007, dated Chandigarh, the 2rd May, 1863.

Copies are forwarded to all Heads of Departments, the Registrar, Punjab High Court, Commissioners of Ambala, Patiala and Jullunder Divisions, District and Sessions Judges and all Deputy Commissioners in Punjab, for information and necessary action.

By order
(Sd.)

DEPUTY SECRETARY, EMERGENCY WORKS,
for Financial, Commissioner, Planning
and Additional Chief Secretary to Government,