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DEPARTMENT OF PERSONNEL

(A-Group-II)

NOTIFICATION

Jaipur, February 16, 1976

G. S. R. 143.— In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Rajasthan hereby makes the following rules regulating the recruitment to posts in and the conditions of Service of persons appointed to the Rajasthan Home Guards and Civil Defence Service, namely :-

**THE RAJASTHAN HOME GUARDS AND
CIVIL DEFENCE SERVICE RULES, 1976**

PART-I

GENERAL

1. **Short title and commencement.**—(1) These Rules may be called the Rajasthan Home Guards and Civil Defence Service Rules, 1976.

(2) They shall come into force from the date of publication in the Rajasthan Rajpatra.

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

- (a) "Appointing Authority" means the Government of Rajasthan;
- (b) "Commandant General " means the Commandant General Home Guards, Rajasthan ;
- (c) "Commission" means the Rajasthan Public Service Commission ;
- (d) "Committee" means the Departmental Promotion Committee referred to in rule 23 ;
- (e) "Direct Recruitment" means recruitment made otherwise than by promotion as prescribed in rule 6 ;
- (f) "Direct" means the Director of Civil Defence, Rajasthan ;

- (g) "Government" and "State" mean respectively, the Government of Rajasthan and the State of Rajasthan;
- (h) "Member of the Service" means a person appointed in a substantive capacity to a post in the Service under the provisions of these rules or the rules or orders superseded by rule 36 of these rules and includes a person placed on probation ;
- (i) "Schedule" means the Schedule appended to these Rules;
- (j) "Service" means the Rajasthan Home Guards and Civil Defence Service ;
- (k) "Substantive Appointment" means an appointment made under the provisions of these rules to a substantive vacancy after due selection by any of the methods of recruitment prescribed under these rules and includes an appointment on probation or as a probationer followed by confirmation on the completion of the probationary period.

Note :— Due selection by any methods of recruitment prescribed under these rules will include recruitment either on initial constitution of service or in accordance with the provisions of any rules promulgated under proviso to Article 309 of the Constitution of India, except urgent temporary appointment .

@)(1) "Service" or "Experience" wherever prescribed in

@ Substituted vide Notification No.F. 6(2)DOP/A-II/71 dt. 29-8-82 for "Service" or "Experience" wherever prescribed in these rules as a condition for promotion to senior posts in the case of person holding such posts in substantive capacity shall include the period for which the person has continuously worked on such posts after regular recruitment in accordance with the Rules promulgated under proviso to Article 309 of the constitution of India and shall also include the experience gained by efficiating, temporary or adhoc appointment, if such appointment is in the regular line of promotion and was not of stop-gap or fortuitous nature or invalid under any law and does not involve supersession of any senior official, except when such supersession was either due to want of prescribed

these rules as a condition for promotion from one Service to another or within the Service from one category to another or to senior posts, in the case of a person holding a lower post eligible for promotion to higher post shall include the period for which the person has continuously worked on such lower post after regular selection in accordance with Rules promulgated under proviso to Article 309 of the constitution of India.

Note:—Absence during Service e.g. training, leave and deputation etc. Which are treated as "duty" under the Rajasthan Service Rules, 1951 shall also be counted as service for computing experience or service required for promotion.

X (m) "Year" means the financial year.

3. Interpretation.—Unless the context otherwise requires, the Rajasthan General Clauses Act, 1955 (Rajasthan Act VIII of 1955) shall apply for the interpretation of these rules as it applies for the interpretation of a Rajasthan Act.

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either due to want of prescribed academic and other qualifications, unfitness or non-selection by merit or the default of the senior official concerned (f) "or when such *ad hoc* or urgent temporary appointment was in accordance with seniority-cum-merit."

(f) Inserted vide Notification No.F.6(2)DOP(A-II)/71 dated 13-7-76 w.e.f. 1-10-75.

Note:—absence during service e.g. training and deputation etc. which are treated as "duty" under the Rajasthan Service Rules, 1951 shall also be counted as service for computing minimum experience or service required for promotion.

X Added vide Notification No. F.7(2)DOP/A-II/81 dated 21-12-81 w.e.f. 1-4-81.

PART-II**CADRE**

4. Composition and Strength of the Service.—(1) The nature of posts included in each category of the Service shall be as specified in Column 2 of the Schedule.

(2) The strength of posts in each category of the Service shall be such as may be determined by the Government from time to time:

Provided that the Government may—

- (a) create any post permanent or temporary from time to time as may be found necessary and may abolish any such post in the like manner without thereby entitling any person to any compensation; and
- (b) leave unfilled or hold in abeyance or abolish or allow to lapse any post, permanent or temporary from time to time, without thereby entitling any person to any compensation.

5. Constitution of the Service.—the Service shall consist of—

- (a) all persons holding substantively at the commencement of these Rules, the posts specified in the Schedule;
- (b) all persons recruited to the Service for substantive appointment before commencement of these Rules, provided recruitment was made in accordance with the provisions of the Rules or orders for the time being in force; and
- (c) all persons appointed to the Service in accordance with the provisions of these rules except those appointed under rule 25.

PART-III
RECRUITMENT

6. Methods of recruitment.—(1) Recruitment to the Service after the commencement of these Rules shall be made by the following methods in the proportion as indicated in Column 3 of the Schedule :—

(a) direct recruitment in accordance with Part IV of these Rules, and

(b) Promotion in accordance with Part V of these Rules: Provided—

(i) That if the Appointing Authority is satisfied, in consultation with the Commission, where necessary, that suitable persons are not available for appointment by either method of recruitment or in the proportion so indicated in a particular year, appointment by the other method in relaxation of the prescribed proportion, may be made in the same manner as specified in these Rules;

(ii) That nothing in these Rules shall preclude the appointing Authority from appointing officers who were previously in the employment of preorganisation States of Ajmer, Bombay and Madhya Bharat to suitable posts specified in the Schedule in accordance with the directions governing the integration of their services;

@ (ii-a) that if the Appointing Authority, in consultation with the Commission, is satisfied that if no Officer is available for appointment by promotion to the post of Deputy Comandant-General-cum-Deputy Director, Civil Defence, it may be filled in from amongst the Indian Police Service Officers.

(iii) That the first recruitment or appointment to posts included in the Service shall be made by the Government by substantive appointment, subject to availability of vacancies, from

(e) (Inserted vide Notification No.F.1(34)App. /A/II/74 dated 13 July, 1979.)

amongst persons who were appointed initially on such posts in an *ad-hoc*, officiating or temporary capacity and who are holding such posts on the first day of January of the year in which the Rules are published in such capacity for a period not less than one year and possess qualifications and experience prescribed in these Rules either for direct recruitment or for promotion for such posts in the rules or orders repealed by rule 36 by the method of getting them screened on the recommendation of the Committee referred to in rule 23 for the purpose of adjudging their suitability on posts held by them. The Committee will also recommend the order in which the names of such persons shall be placed:

Provided that a person appointed on *ad-hoc* basis shall not be entitled to screening for a post higher than to which he was initially appointed, if a person senior to him on lower post who fulfilled qualifications prescribed for the post was either not given such *ad-hoc* appointment or is not entitled to screening under this rule. Seniority for this purpose if not determined earlier shall be determined according to length of continuous service to a post :

Provided further that the Committee appointed under these Rules for adjudging suitability by screening either as an exception of general methods of recruitment or as initial constitution of service, may *ex-gratia* recommend, if any of the employees with more than three years of service on a post for which he is to be screened is not adjudged suitable and if thereafter has no right to be appointed on a lower

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GOVERNMENT OF RAJASTHAN
DEPARTMENT OF PERSONNEL
(A-Group-II)
...

No.F. 7(1)DOP/A-II/95

Jaipur, dated 20-6-2001-

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Rajasthan hereby makes the following rules further to amend the Various Service Rules as specified in the Schedule appended hereto, namely:-

1. Short title and commencement:- (i) These rules may be called the Rajasthan Various Service (Amendment) Rules, 2001.

(ii) They shall come into force with immediate effect.

2. Amendment:- After the existing sub-rule (2) or (3) or (4), as the case may be, of rule as mentioned in Column No.3 against each of the Service rules as mentioned in Column No. 2 of the Schedule appended hereto, the following new sub-rule at the next serial number shall be added, namely:-

No candidate shall be eligible for appointment to the service who has more than two children on or after 1-6-2002.

provided that where a candidate has only one child from earlier delivery but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children."

3. Amendment:- After the existing sub-rule (1) of rule as mentioned in Column No.4 against each of the Service rules as mentioned in Column No.2 of the Schedule appended hereto, the following new sub-rule shall be added, namely:-

"(1A) No person shall be consider for promotion for 5 recruitment years from the date on which his promotion becomes due, if he/she has more than two children on or after 1st June, 2002.

Provided that the person having more than two children shall not be deemed to be disqualified for promotion so long as the number of children he/she has on 1st June, 2002, does not increase.

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AMENDMENT

After the existing rule 6(1) the following new sub-rule

6(1A) shall be added, namely :-

"Recruitment to the service by the aforesaid method shall be made in such a manner that the persons appointed to the service by each method do not at any time exceed the percentage laid down in the Rules/schedule of the total cadre strength as sanctioned for each category from time to time."

Added vide DOP (A-Gr. II) notification No. F.7(2)DOP/A-II/81 dated 13/11/96.

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AMENDMENT

After the existing sub-rule (2) of rule 6, the following new sub-rules (3) and (4) shall be added, namely :-

X (3) The Initial pay (but not the seniority) of Emergency Commissioned officers/short service commissioned officers /who joined pre-commission training or were commissioned to Army between 1.11.62 to 10.1.68 and who were/are appointed against unreserved vacancies shall be determined on the assumption that they entered the service or the posts, as the case may be, at the first opportunity they had, after joining the training prior to their commissioning where there was only post-commission training that is in the case of service or posts, recruitment to which is made on the result of a competitive examination conducted by the commission, the Released Emergency Commissioned Officer, or short service commissioned officer who competes successfully at the first or second available opportunity would be deemed to have passed the examination at the relevant examination, had he not joined military service and shall be assigned the year of allotment correspondingly. No arrears on account of fixation of pay will be allowed.

Note :- This amendment shall be deemed to have come into force with effect from 12/3/76 and shall always be deemed to have been added accordingly.

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(4) The pay of those Emergency Commissioned officers/ short
ce. Commissioned Officers who joined pre-commissioned training
ere commissioned after 10.1.68 may be fixed by granting advanc
ments equal to the completed years of service rendered by them
ned Forces, on minimum of the pay scale on initial appointment
he service. The pay so arrived at shall not, however, exceed
basic pay (including the deferred pay but excluding other
uants) last drawn by them in the Armed Forces. No arrears on
unt of fixation of pay will be allowed.

e :- This amendment shall be deemed to have come into force
from 1-11-1984 added vide DOP(A-GR.II) Notification no.
F. (4) DOP/A-III/94 dated 28/9/96. accordingly.

post, for such lower post being offered to him by absorption and thereupon such an employee shall be treated as surplus employee under the provisions of the Rajasthan Civil Services (Absorption of Surplus Personnel) Rules, 1969 and such employee may be absorbed on the lower post on the recommendations of the Committee subject to such conditions as may be laid down by it.

Note:-The screening provision has been intended to be first step for recruitment and after exhausting the vacancies required for screened persons irrespective of direct recruitment and promotion quota the direct recruitment promotion quota shall be applied.

(2) Notwithstanding anything contained in these Rules Recruitment, appointment, promotion, seniority and confirmation etc. of a person who joins the Army/Air force/Navy during an emergency shall be regulated by such orders and instructions as may be issued by the Government from time to time provided that these are regulated *mutatis mutandis* according to the directions issued on the subject by the Government of India.

7. Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes.—(1) Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes shall be in accordance with the orders of the Government for such reservation in force at the time of recruitment *i.e.* by direct recruitment and by promotion.

(2) The vacancies so reserved for promotion shall be filled in by (E) "seniority-cum-merit and merit".

(3) In filling the vacancies so reserved the eligible candidates who are members of the Scheduled Castes and the Scheduled Tribes shall be considered for appointment in the order in which their names appear in the list prepared for

Substituted Vide Notification No. F. 7(4) DOP/A-II/73, dated 29-1-81 for "Merit alone".

direct recruitment by the Commission, for posts falling in its purview, and by the Appointing Authority, in other cases and the committee or the appointing Authority, as the case may be, in the case of promotees, irrespective of their relative rank as compared with other candidates.

(4) Appointments shall be made strictly in accordance with the rosters prescribed separately for direct recruitment and promotion. In the event of non-availability of the eligible and suitable candidates amongst the Scheduled Castes and the Scheduled Tribes, as the case may be, in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure, and the equivalent number of additional vacancies shall be reserved in the subsequent year. Such of the vacancies which remain so unfilled shall be carried forward to the subsequent three recruitment years in total and thereafter such reservation would lapse :

Provided that there shall be no carry forward of the vacancies in posts or class/category/group of posts in any cadre of Service to which promotions are made on the basis of merit alone, under these rules.

X 7-A RESERVATION OF VACANCIES FOR OTHER BACKWARD CLASSES.- Reservation of vacancies for other Backward Classes shall be in accordance with the orders of the Govt. for such reservation in force at the time of direct recruitment. In the event of non-availability of eligible and suitable candidates amongst other Backward Classes in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure.

(@) 8. Nationality.- A candidate for appointment to the Service must be :-

X Added vide notification No.F.7(2)DOP/A-II/93, dt. 24-5-94, w.e.f. 28-9-93.

(@) Substituted vide Notifications No. F.7 (4)DOP/A-II/76 dated 7-9-1976 for:-

" 8. Nationality.- a candidate for appointment to the service must be :-

- (a) a citizen of India, or
- (b) a subject of Sikkim, or (c) a subject of Nepal.

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AMENDMENT

After the existing Rule- 7 A, the following new Rule 7 B shall be added, namely :-

" 7 B Reservation of Vacancies for women candidates :-

Reservation of vacancies for woman candidates shall be 20% category wise, in direct recruitment. In the event of non-availability of the eligible and suitable woman candidates in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure and such vacancies shall not be carried forward to the subsequent year and the reservation shall be treated as horizontal reservation i.e. the reservation of woman candidates shall be adjusted proportionately in the respective category to which the woman candidates belong."

Added vide DOP (A-Gr.II) notification No. F.7(2)DOP/A-II/88 dated 22/1/97.

(a) a citizen of India, or
(b) a subject of Nepal, or
(c) a subject of Bhutan, or
(d) a tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or

(e) a person of Indian origin who has migrated from- Pakistan, Burma, Shri Lanka and East African Countries of kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) (£)"Zambia, Malawi, Zaires and Ethiopia" with the intention of permanently settling in India:

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be person in whose favour a certificate of eligibility has been issued by the Government of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or other recruiting authority and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government.

(Contd.)

(c) a subject of Nepal, or
(d) a subject of Bhutan, or
(e) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
(f) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India :

Provided that a candidate belonging to categories (c), (d), (e) and (f) shall be a person in whose favour a certificate of eligibility has been given by the government of India and if he belongs to category (f) the certificate of eligibility will be issued for a period of one year, after which such a candidate will be retained in service subject to his having acquired Indian citizenship.

(£) Inserted vide DOP/(A-II) Notification No. F. 7(4) DOP/A-II/76, dated 4-6-77.

(£) 9. " Determination of vacancies:— (1) (a) Subject to the provisions of these rules, the Appointing Authority shall determine on 1st April every year, the actual number of vacancies occurring during the financial year.

(%)8-A *Conditions of eligibility of persons migrated from other countries to India:—Notwithstanding anything contained in these rules provisions regarding eligibility for recruitment to the Service with regard to Nationality, age-limit and fee or other concessions to a person who may migrate from other countries to India with the intention of permanently settling in India shall be regulated by such orders or instructions as may be issued by the State Government from time to time and the same shall be regulated *mutatis-mutandis* according to the instructions issued on the subject by the Government of India.

(%) Added vide DOP & A. R., (A. Gr. II) Notification No. F. 7(5) DOP/A-II/76 dated 20-6-1977.

(*) Inserted vide Notification No. F. 2(4) DOP/A-II/79, dated 22-11-84.

(£) Substituted vide Notification No. F. 7(2) DOP/A-II/81, dated 21-12-81 w.e.f. 1-4-81 for:—

"9. Determination of vacancies :- (1) (a) Subject to the provisions of these rules, the appointing Authority shall determine every year the number of existing vacancies and those anticipated during the following twelve months and the number of persons likely to be appointed to the Service by each method. The next determination of vacancies shall be done just before the expiry to twelve months of the last determination of vacancies.

(b) in calculating the actual number of vacancies to be filled in by each method on the basis of percentage prescribed in the Schedule, the appointing Authority shall adopt an appropriate continuous cyclic order to correspond with the proportion laid down in the Schedule by giving precedence to promotion quota.

(2) the Appointing Authority shall determine every year the number of existing vacancies and these anticipated in next twelve months which are to be filled by promotion of persons already in the Service.

(3) The appointing Authority shall also determine the corresponding vacancies of earlier year, if any yearwise which were required to be filled in by promotion, if such vacancies were not determined and filled earlier in the year in which they were required to be filled in accordance with sub rule (2).

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(b) Where a post is to be filled in by a single method as prescribed in the rule or Schedule, the vacancies so determined shall be filled in by that method.

(c) Where a post is to be filled in by more than one method as prescribed in the rules or Schedule, the apportionment of vacancies determined under clause (a) above, to each such method shall be done maintaining the prescribed proportion for the over-all number of posts already filled in. If any fraction of vacancies is left over, after apportionment of the vacancies in the manner prescribed above, the same shall be apportioned to the quota of various methods prescribed in a continuous cyclic order giving precedence to the promotion quota.

(2) The Appointing Authority shall also determine the vacancies of earlier years, yearwise which were required to be filled in by promotion, if such vacancies were not determined and filled earlier in the year in which they were required to be filled in.*

10. Age.-A candidate for direct recruitment to the posts enumerated in the Schedule must have attained the age of 20 years and must not have attained the age of 35 years, on the first day of January next following the last date fixed for receipt of application :—

(Contd.)

(*) (Substituted vide Notification No. F.5 (3) Dop/ (A-II)/ 77dt. 6.10.79 effective from publication in Raj. patra. for :-

9. Determination of vacancies.— (1) Subject to the provisions of these rules, the Appointing Authority shall determine each year the number of vacancies anticipated during the following twelve months. Such vacancies shall be determined again before the expiry of 12 months of the last determination of such vacancies.

(2) In calculating the actual number to be filled by each method on the basis of the percentage prescribed in Column 3 of the Schedule, the appointing Authority shall adopt an appropriate cyclic order to correspond with the proportion laid down in these rules by giving precedence to promotion quota over direct recruitment quota.)

Provided:-

- (i) that the upper age-limit mentioned above shall be relaxed by 5 years in the case of women candidates and candidates belonging to the Scheduled Castes or the Scheduled Tribes.
- (ii) that the upper age-limit shall be 50 years in the case of reservists, namely the Defence Service personnel who were transferred to the Reserve or retired or released Defence Service Personnel;
- (iii) that the upper age-limit mentioned above, shall not apply in the case of an ex-prisoner who has served under the Government on a substantive basis on any post before conviction and was eligible for appointment under these rules;
- (iv) that in the case of an ex-prisoner, the upper age limit mentioned above, shall be relaxed by a period equal to the term of imprisonment served by him provided he was not over-age before his conviction and was eligible for appointment under these rule;
- (v) that the person appointed temporarily to post in the service shall be deemed to be within the age limit, had they been within the age-limit when they were initially appointed even though they crossed the age-limit when they appear finally before the Commission and shall be allowed up to two chances had they been eligible as such at the time of their initial appointment;
- (vi) that the upper age-limit mentioned above shall be relaxed by a period equal to the service rendered in the N.C.C. in the case of Cadet Instructors and if the resultant age does not exceed the prescribed age-limit by more than three years, they shall be deemed to be within the prescribed age-limit;
- (vii) Notwithstanding anything contained contrary in these Rules in the case of persons serving in connection with the affairs of the State in substantive capacity, the upper age-limit shall be 40 years

for direct recruitment to posts filled in by competitive examination or in case of posts filled in through the Commission by interview. This relaxation shall not apply to urgent temporary appointments.

(viii%) that there shall be no age-limit in the case of widows and divorce women.

Explanation:—That in the case of widow, she will have to furnish a certificate of death of her husband from the Competent Authority and in case of divorce she will have to furnish the proof of @ "divorce".

11. Academic and Technical Qualifications and Experience.—A candidate for direct recruitment to the posts enumerated in the Schedule shall possess:—

- (i) the qualifications given in Column 4 of the Schedule, and
- (£) (ii) working knowledge of Hindi written in Devanagri Script and knowledge of Rajasthani Culture.

12. Character.—The character of a candidate for direct recruitment to the Service must be such as will qualify him for employment in the Service. He must produce a certificate of good character from the Principal Academic Officer of the University or College or School in which he was last educated and two such certificates written not more than six months prior to the date of application from two responsible persons not connected with his College or University or School and not related to him.

Note.—(1) A conviction by a Court of Law need not of itself the refusal of a certificate of good character. The circumstances of the conviction should be taken into account and if they involve no moral

% Added vide Notification No. F.7(2)DOP/(A-II)/84 dt. 18-12-87 and corrected.

© 9-3-88.

(£) Substituted vide Notification No. F. 5(1) A-II/77/pt. I, dt. 30-1-84 for working knowledge of Hindi written in Devanagari Script and one of the Rajasthani dialects.

turpitude or association with crimes of violence or with a movement which has as its object to overthrow by violent means, of Government as by law established, the mere conviction need not be regarded as a disqualification.

(2) Ex-prisoners who by their disciplined life which in prison and by their subsequent good conduct have proved to be completely reformed, should not be discriminated against on grounds of their previous conviction for purposes of employment in the Service. Those who are convicted of offences not involving moral turpitude shall be deemed to have been completely reformed on the production of a report to that effect from the Superintendent "After Care Home" or if there are no such Homes in a particular District from the Superintendent of Police of that District.

(3) Those convicted of offences involving moral turpitude shall be required to produce a certificate from the Superintendent, "After Care Homes" from the Superintendent of Police of that District endorsed by the Inspector General of Prisons, to the effect that they are suitable for employment as they have proved to be completely reformed by their disciplined life while in prison and by their subsequent good conduct in an "After Care Home."

13. **Physical Fitness.**—A candidate for direct recruitment to the service, must be in good mental and bodily health and free from any mental and physical defect likely to interfere with the efficient performance of his duties as a member of service and if selected must produce a certificate to that effect from a Medical Authority notified by the Government for the purpose. The Appointing Authority may dispense with production of such certificate in the case of candidate promoted in the regular line of promotion or who is already serving in connection with the affairs of the State if he has already been medically examined for the previous appointment and the essential standards of medical examination of the two posts held by him are to be comparable for efficient performance of duties of the new

post and his age has not reduced his efficiency for the purpose.

14. Employment by irregular or improper means.—A candidate who is or has been declared by the Commission/Appointing Authority, as the case may be, guilty of impersonation or of submitting fabricated document or documents which have been tempered with or making statements which are incorrect or false or of suppressing material information or of using or attempting to use unfair means in the examination or interview or otherwise resorting to any other irregular or improper means for obtaining admission to the examination or interview, may in addition to rendering himself liable to criminal prosecution, be debarred either permanently or of a specified period:—

- (a) by the Commission/Appointing Authority from admission to any examination or appearance at any interview held by the Commission or the Appointing Authority for selection of a candidate; and
- (b) by the Government from employment under the Government.

15. Canvassing.—No recommendation for recruitment either written or oral other than that required under the rules, shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature by any means, may disqualify him for recruitment.

PART—IV

PROCEDURE FOR DIRECT RECRUITMENT

16. Inviting of applications.—Application for direct recruitment to posts in the Service, shall be invited by the Commission by advertising the vacancies to be filled in, in the official Gazette or in such other manner, as may be deemed fit:

Provided that while selecting candidates for the vacancies so advertised, the Commission, may if intimation of additional requirement, not exceeding 50% of the

% Inserted vide Notification No. F.1(34)Apptt.A-II/74, dated 13 July, 1979).

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advertised vacancies, is received by them before selection, also select suitable persons to meet such additional requirement.

17. **Form of application.**—The application shall be made in the form approved by the Commission and obtainable from the Secretary to the Commission on payment of such fee as the Commission may, from time to time, fix.

18. **Application fee.**—A candidate for direct recruitment to a post in the Service must pay the fee fixed by the Commission in such manner as may be indicated by them.

19. **Scrutiny of applications.**—The Commission shall scrutinise the applications received by them and require as many candidates qualified for appointment under these rules as seem to them desirable to appear before them for interview :

Provided that the decision of the Commission regarding the eligibility or otherwise of a candidate shall be final.

20. **Recommendations of the Commission.**— The Commission shall prepare a list of the candidates whom they consider suitable for appointment to the posts concerned and arrange in the order of merit. The Commission shall forward such list to the Appointing Authority :

Provided that the Commission may, to the extent of 50% of the advertised vacancies, keep names of suitable candidates on the reserve list. The Commission may on requisition, recommend the names of such candidates in the order of merit to the Appointing Authority within six months from the date on which the original list is forwarded by the Commission to the Appointing Authority.

21. **Disqualification for appointment.**—(1) No male candidate who has more than one wife living shall be eligible for appointment to the service unless the Government after being satisfied that there are special grounds for doing so exempt any candidate from the operation of this rule.

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AMENDMENT

In rule 22, after the existing figure and word 7, the figure and word 7A shall be added.

Added vide DOP (A-Gr. II) notification No. F.7(2)LOP/A-II/93 dated 24/5/94, w.e.f 28/9/93.

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AMENDMENT

In rule 22, for the figure and word 7 & 7A, the figure and word 7, 7A & 7 B shall be substituted.

Substituted vide DOP (A-Gr. II) notification No. F.7(2) DOP/A-II/88 dated 22/1/97.

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(2) No female candidate who is married to a person having already a wife living shall be eligible for appointment to the service unless the Government, after being satisfied that there are special grounds for doing so, exempt any female candidate from the operation of this rule.

§ (3) Deleted.

(4) No married candidate shall be eligible for appointment to the service if he/she had at the time of his/her marriage accepted any dowry.

Explanation:—For the purpose of this rule, 'dowry' has the same meaning as in the "Dowry Prohibition Act, 1961" (Central Act, 28 of 1961).

22. Selection by the Appointing authority.— Subject to the provision of rule 7, the Appointing Authority shall select candidates who stand highest in the order of merit in the list prepared under rule 20 :

Provided that the inclusion of candidates name in the list confers no right to appointment unless the Government is satisfied after such enquiry as may be considered necessary that such candidates are suitable in all other respects for appointment to the posts concerned.

Inserted vide Notification No. F.15 (9) DOP/A-II/74 dated 5-1-77.

(§) Inserted vide Notification No. F. 7 (3) DOP(A-II)/76 dt. 21-5-76 and Deleted vide DOP (A-II) Notification No. F. 7(3) DOP(A-II)/76 dated 15-2-77 for—

"(3) No candidate male or female who has more than three children shall be eligible for appointment to the Service unless one of the spouses has undergone sterilization or in the case of a female candidate, she is above 45 years of age :

Provided that any married candidate, male or female, who had no child for the last 10 years shall be exempted from the operation of this sub-rule.

Explanation :— (i) For the purpose of this sub-rule, a child shall include an adopted child or a step-child; and

(ii) For claiming exemption under the proviso to this sub-rule, the candidate shall have to produce a certificate either from a Registered Medical Practitioner or swear an affidavit to the effect that the age of his or her youngest child is not less than 10 years."

PART—V

PROCEDURE FOR RECRUITMENT BY PROMOTION

23. **Criteria, Eligibility and procedure for promotion.**— (1) As soon as the Appointing Authority determines the number of vacancies under rule 9 and decides that a certain number of posts are required to be filled by promotion, it shall prepare a correct and complete list containing names up to five times the number of vacancies out of senior-most persons who are qualified under these rules for promotion on the basis of seniority-cum-merit or on the basis of merit to the class of posts concerned.

(2) The persons enumerated in Column 5 of the Schedule shall be eligible for promotion to posts specified against them in Column 2 thereof to the extent indicated in column 3 subject to their possessing minimum qualifications and experience on the first day of the month of April of the year of selection as specified in Column 6.

(3) No person shall be considered for promotion unless he is substantively appointed and confirmed on the next lower post. If no person substantive in next lower post is eligible for promotion, persons who have been appointed on such posts on officiating basis after selection in accordance with one of the methods of recruitment or under any Service Rules promulgated under proviso to Article 309 of the constitution of India may be considered for promotion on officiating basis only in the order of seniority in which they would have been had they been substantive on the said lower post.

Explanation :— In case direct recruitment to a post has been made earlier than regular selection for promotion in a particular year, such of the persons who are or were eligible for appointment to that post by both the methods of recruitment and have been appointed by direct recruitment first, shall be considered for promotion.

(4) Selection for promotion in the regular line of promotion from the post not included in the Service to the lowest post in the Service shall be made strictly on the basis of merit.

(5) Selection for promotion from the lowest post to the next higher post in the Service shall be made solely on the basis of seniority-cum-merit from amongst the persons who have put in at least five years' service unless a different period is prescribed elsewhere in these rules, on the first day of the month of April of the year of selection on the post from which selection is to be made :

Provided that in the event of non-availability of the persons with the requisite period of service of five years, the Committee may consider the persons having less than the prescribed period of service, if they fulfil the qualifications, experience and other conditions for promotion prescribed elsewhere in these rules and found otherwise suitable for promotion on the basis of seniority-cum-merit :

Provided further that in respect of posts included in the Service in which the method of recruitment to the lowest posts are required to be filled on the basis of seniority-cum-merit under this sub-rule, the Committee may select for promotion such persons of outstanding merit available with the zone of consideration, who may not be selected on the basis of seniority-cum-merit, to the extent of one-fourth of the number of vacancies to be filled in by promotion and if the number of vacancies exceeds one but is less than four, the committee may select one person on the basis of merit alone and if the vacancies are more than four and the calculation of the number of vacancies to be filled by merit alone according to the aforesaid basis results in a fraction the Committee may select one more person against a fraction of half or more. On being so selected, for the purpose of determination of seniority, such persons shall be deemed to have been selected on the basis of seniority-cum-merit.

(6) Selection for promotion to all other higher posts in the Service shall be made on the basis of merit alone.

(7) The persons having been selected and appointed by promotion to a post in the Service on the basis of merit, shall be eligible for promotion to the next higher post which is to be filled in by merit only when they have put in after regular selection at least five years service unless a higher period of service is prescribed elsewhere in these rules, on the first day of the month of April of the year of selection on the post from which selection is to be made :

Provided that the condition of five years' service shall not be applicable to a person if any person junior to him is eligible for consideration for promotion on the basis of merit :

Provided further that in the event of non-availability of persons, equal to the number of vacancies to be filled in, eligible for promotion in the category of posts next lower from which promotion is made, the Committee may consider the persons having less than five years' service if they are found otherwise eligible and suitable for promotion on the basis of merit alone.

Explanation:—If any doubt arises about the categorisation of the post as the lowest, next higher post in the Service, the matter shall be referred to the Government in the Department of Personnel, whose decision thereon shall be final.

(8) The zone of eligibility for promotion shall be five times the number of vacancies to be filled in on the basis of seniority-cum-merit or merit as the case may be :

Provided that in case of no-availability of sufficient number of suitable persons for selection on the basis of merit, the Committee may at its discretion consider persons of outstanding merit outside the zone of eligibility but falling within six times the number of vacancies to be filled in on the basis of merit.

(9) A Committee consisting of the Chairman of the Commission or a Member thereof nominated by him as Chairman, @ Secretary to the Government in the Home Department, the Director or the Commandant General as the

@ Substituted vide Notification No. F. 1(23) DOP/A-II/82 dt. 19-10-82 in place of "the Director or the Commandant General".

case may be, Special Secretary to the Government in the Department of Personnel or his representative not below the rank of Deputy Secretary and the Deputy Secretary to the Government Incharge, Home Guards and Civil Defence in the Home Department who shall also be @ Non-member-Secretary, shall consider the case of all the senior-most persons who are eligible and qualified for promotion to the class of post concerned under these rules, interviewing such of them as it may deem necessary and shall prepare a list containing names of the suitable persons equal to the number of existing vacancies and the vacancies anticipated to occur during the next twelve months after the determination of vacancies. The Committee shall also prepare a separate list containing names of persons "equal to 50% of the persons selected in the afore said list or select one more person if the number of vacancies is one only", who may be considered suitable to fill temporary or permanent vacancies, which may occur till the next meeting of the Committee, on a temporary or officiating basis and the list so prepared shall be reviewed and revised every year and shall remain in force until it is so reviewed and revised. The lists so prepared on the basis of merit shall be arranged in the order of preference and the lists prepared on the basis of seniority-cum-merit shall be arranged in order of seniority on the category of post from which selection is to be made. Such lists shall be sent to the Appointing Authority together with the Annual Confidential Rolls and Personal Files of all the candidates included in them as also of those not selected, if any.

Explanation:—The list of preference shall classify the officers in order as 'outstanding' 'very good' and 'good' on the basis of merit. In each class the officers shall maintain their *inter se* seniority of the next below grade.

@ Substituted vide Notification No. F.1(23)DOP/A-II/82 dt. 19-10-82 in place of "Member-Secretary".
 Inserted vide Notification No. F.7(5)DOP/A-II/75 dt. 11-6-76.

§ Provided that in case any Member or Member Secretary, as the case may be, constituting the Committee has not been appointed to the post concerned, the officer holding charge of the post for the time being shall be the Member or Member-Secretary as the case may be of the Committee.

(10) Where consultation with the Commission is necessary the lists prepared by the Committee shall be forwarded to the Commission by the Appointing Authority alongwith the Personal Files and Annual Confidential Rolls of all the persons whose names have been considered by the Committee.

(11) The Commission shall consider the lists prepared by the Committee alongwith other relevant documents received from the Appointing Authority, and unless any change is considered necessary, shall approve the lists. In case the Commission consider it necessary to make any change in the lists received from the Appointing Authority, it shall inform the Appointing Authority of the changes proposed by it. After taking into account of the comments of the Commission, if any, the Appointing Authority may approve the lists finally with such modifications, as may, in its opinion, be just and proper.

(12) Appointments shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule (11) in the order in which they have been placed in the lists, till such lists are exhausted or reviewed and revised, as the case may be.

§ Added vide Notification No. F.7(5)DOP(A-II)/78 dt. 21-12-78 w. e. f. 7-3-78.

(13) Government may issue instructions for provisionally dealing with promotions, appointments or other ancillary matters in an equitable and fair manner of persons who may be under suspension, or against whom departmental proceedings is under progress, at the time promotions are considered to a post to which they are eligible or would have been eligible but for such suspension or pendency of such enquiry of proceedings.

* 23-A. "Revised Criteria, Eligibility and Procedure for Promotion to Junior, Senior and other posts encadred in the Service.—(1) As soon as the Appointing Authority determines the number of vacancies under rule regarding determination of vacancies of these rules and decides that a certain number of posts are required to be filled in by promotion, it shall, subject to provisions of sub-rule (9), prepare a correct and complete list of the senior-most persons who are eligible and qualified under these rules for promotion on the basis of seniority-cum-merit or on the basis of merit to the class of posts concerned.

(2) The persons enumerated in Column 5 or the relevant Column regarding "post from which promotion is to be made", as the case may be, of the relevant Schedule shall be eligible for promotion to posts specified against them in Column 2 thereof to the extent indicated in Column 3 subject to their possessing minimum qualifications and experience on the first day of the month of April of the year of selection as specified in Column 6 or in the relevant Column regarding "minimum qualification and experience for promotion as the case may be.

(*) Added vide notification No.F.7(10)DOP/A-II/77, dt. 7-3-1978 w.ef. publication in Raj. Rajpatra.

X“(3) No person shall be considered for first promotion in the service unless he is substantively appointed and confirmed on the lowest post in the Service. After first promotion in the Service, for subsequent promotions to higher posts in the Service, a person shall be eligible if he has been appointed to such post from which promotion is to be made after selection in accordance with one of the methods of recruitment under any Service Rules promulgated under proviso to Article 309 of the Constitution of India.”

Explanation:— In case direct recruitment to a post has been made earlier than regular selection by promotion in a particular year, such of the persons who are or were eligible for appointment to that post by both the methods of recruitment and have been appointed by direct recruitment first, shall also be considered for promotion.

E Provided that for first promotion in the Service if number of persons substantively appointed and confirmed on the lowest post, equal to the number of vacancies, are not available then persons who have been appointed to the lowest post in the Service after selection in accordance with one of the methods of recruitment prescribed under these rules, shall also be eligible if they fulfil other conditions of eligibility.

(3) No person shall be considered for promotion unless he is substantively appointed and confirmed. If no person substantive in the next lower post is eligible for promotion, persons who have been appointed on such with one of the methods of recruitment or under any Service Rules promulgated under proviso to Article 309 of the Constitution of India, may be considered for promotion on officiating basis only in the order of seniority in which they would have, had they been substantive on the said lower post.

(X) Substituted vide Notification no. F. 7(8)DOP/A-II/78, dt. 20-7-79,
for:—

(3) No person shall be considered for promotion unless he is substantively appointed and confirmed. If no person substantive in the next lower post is eligible for promotion, persons who have been appointed on such with one of the methods of recruitment or under any Service Rules promulgated under proviso to Article 309 of the Constitution of India, may be considered for promotion on officiating basis only in the order of seniority in which they would have, they been substantive on the said lower post.

E Added vide notification No. F. 7(8)DOP/A-II/78, dt. 13-5-1980.

(4) Selection for promotion in the regular line of promotion from the post/posts not included in Service to the lowest post or category of post in the Service shall be made strictly on the basis of merit and on the basis of seniority-cum-merit in the proportion of 50:50:

Provided that if the Committee is satisfied that suitable persons are not available for selection by promotion strictly on the basis of merit in a particular year, selection by promotion on the basis of seniority-cum-merit may be made in the same manner as specified in these rules.

(5) Subject to the provisions of sub rule (7), selection for promotion from the lowest post or category of post in the State Service to the next higher post or category of post in the State Service and for all posts in the Subordinate Services and in the Ministerial Seniority-cum-merit from amongst the persons who have passed the qualifying examination, if any, prescribed under these rules, and have put in at least five years' service, unless a different period is prescribed elsewhere in these rules, on the first day of the month of April, of the year of selection on the post or category of post or from which selection is to be made:

Provided that in the event of non-availability of the persons with the requisite period of service of five years, the Committee may consider the persons having less than the prescribed period of service, if they fulfil the qualifications and other conditions for promotion prescribed elsewhere in these rules, and are found otherwise suitable for promotion on the basis of seniority-cum-merit.

(6) Selection for promotion to all other higher posts or higher categories of posts in the State Service shall be made on the basis of merit and on the basis of seniority-cum-merit in the proportion of 50:50.

Provided that if the Committee is satisfied that suitable persons are not available for selection by promotion strictly on the basis of merit in a particular year, selection by promotion on the basis of seniority-cum-merit may be made in the same manner as specified in these rules.

§ **Explanation:**—For the purpose of selection for promotion on the basis of merit no person shall be selected if he does not have "outstanding" or "Very Good" record in at least five out of the 7 years preceeding the year for which D.P.C. is held."

* (7) Selection for promotion to the highest post/posts in the State Service shall always be made on the basis of merit alone:
Provided that:—

(a) In a Service or Groups or sections thereunder, where there are only two scales e. g. junior scale or senior scale and there is only one promotion then promotion shall be made on the basis of seniority-cum-merit alone;

(b) In a Service or Groups or Sections thereunder, where there are three scale e.g. Junior scale, senior and Selection scale and there are two promotions then promotion shall be as under:—

(i) first promotion on the basis of seniority-cum-merit;

(ii) second promotion on the basis of seniority-cum-merit and merit in the proportion of 50:50;

§ (Substituted vide Notification No. F.7(10)DOP/A-II/77 dt. 30-11-91

* **Explanation:**—if in a Service, in any category of post, number of posts available for promotion is an odd number than for purpose of determining the vacancies for selection by promotion on the basis of seniority-cum-merit and merit in the proportion of 50:50, the following cyclic order shall be followed:

The first vacancy by seniority-cum-merit,
The subsequent vacancy by merit:
The cycle to be repeated.

* [Substituted vide DOP(A-II) Notification No. 7(10)DOP(A-II)/77 dt. 17-8-78 Effective from 12-5-78.

(Contd.)

(c) In—Services or Groups or Sections thereunder, where there are more than two promotion then first promotion shall be made on the basis of seniority-cum-merit alone and promotion to subsequent higher posts shall be made on the basis of seniority-cum-merit in the promotion of 50:50 except to the highest post.

(7) Selection for promotion to the highest post or highest categories of posts in the State Service shall always be made on the basis of merit alone.

@ Provided further that if the Committee is satisfied that suitable persons are not available for selection by promotion to highest post/posts strictly on the basis of merit in a particular year, selection by promotion to highest post/posts on the basis of seniority-cum-merit may be made in the same manner as specified in these rules.

@ (8) Deleted

Explanation:—If any doubt arises about the categorisation of the post as the lowest, next higher or highest post in the Service, the matter shall be referred to the Government in the Department of Personnel and

@ [Added vide DOP Notification No. F. 7(10)DOP(A-II)/77 dated the 17th August, 1978, Effective from 12-5-1978]

@ Added vide Notification No. F. 7 (10) DOP/A-II /77, dt. 31-3-1980 and

@ Deleted vide Notification No. F. 7 (6) DOP/A-II/75, dt. 15-7-1992 for :-

(8) The persons having been selected and appointed by promotion to a post or category of post on the basis of merit, shall be eligible for promotion to the next higher post or category of post, which is to be filled in by merit, only when they have put in after regular selection at least five year's service, unless a higher period of service is prescribed elsewhere in these rules, on the first day of the months of April of the year of selection on the post or category of post from which selection is to be made:

Provided that the condition of five years service shall not be applicable to a person if any person junior to him is eligible for consideration for promotion on the basis of merit:

Provided further that in the event of non-availability of persons, equal to the number of vacancies to be filled in, eligible for promotion in the category of posts next lower from which promotion is made, the Committee may consider the persons having less than five years' service if they are found otherwise suitable for promotion on the basis of merit alone.

Administrative Reforms whose decision thereon shall be final.

§ (9) The Zone of consideration of persons eligible for promotion shall be as under:—

(i) Number of vacancies	Number of eligible persons to be considered.
(a) for one vacancy	Five eligible persons.
(b) for two vacancies	Eight eligible persons.
(c) for three vacancies	Ten eligible persons.
(d) for four or more vacancies	Three times the number of vacancies.

(ii) Where the number of eligible persons for promotion to higher post is less than the number specified above, all the persons so eligible shall be considered.

(iii) Where adequate number of the candidates belonging to the Schedule Caste or the Scheduled Tribes, as the case may be, are not available within the Zone of consideration specified above; the Zone of consideration may be extended to five times the number of vacancies and the candidates belonging to the Scheduled Castes or the Scheduled Tribes as the case may be (and not any other) coming within the extended Zone of consideration shall also be considered against the vacancies reserved for them.

(iv) For the highest post in a State Service:—

(a) If promotion is from one category of post eligible persons upto five in number shall be considered for promotion;

(b) If promotion is from different categories of the posts in the same pay scale, eligible persons up to two in number from each category of posts in the same pay scale shall be considered for promotion;

(c) If promotion is from different categories of posts carrying different pay scales, eligible persons in

Substituted vide DOP Notification No. F. 7(1)DOP(A 11)/81, dated 6-7-83 w.e.f. 1-4-84 vide Notification dated 10-5-84 for:—

the higher pay scale shall be considered for promotion first and if no suitable person is available for promotion on the basis of merit in the higher pay scale than only the eligible persons of other categories of posts in lower pay scales shall be considered for promotion and so on and so forth. The Zone of consideration for eligibility in this case shall be limited to five Senior-most eligible persons in all.

* "(9) The zone of consideration of persons eligible for promotion shall be as under:—

The zone of eligibility for promotion shall be five times the number of vacancies to be filled in on the basis of seniority-cum-merit or both, as the case may be.

(i) Number of vacancies: sons to be considered:	Number of eligible per sons to be considered:
(a) 1 to 5 vacancies-	4 times of the number of vacancies.
(b) 6 to 10 vacancies-	3 times, but atleast 20 eligible persons to be con- sidered.
(c) above 10 vacancies	2 times, but atleast 30 eligible persons to be considered.

(ii) For the highest post in a Service:

(a) if promotion is from one category of post, eligible persons upto five in number shall be considered for promotion;

(b) if promotion is from different categories of posts in the same pay scale, eligible persons upto two in number from each category of posts in the same pay scale shall be considered for promotion;

(c) if promotion is from different categories of posts carrying different pay scales, eligible persons in the higher pay scale shall be considered for promotion first and if no suitable person is available for promotion on the basis of merit in the higher pay scale then only the eligible persons of other categories of posts in lower pay scales shall be considered for promotion and so on so forth. The zone of consideration for eligibility in this case shall be limited to five senior-most eligible persons in all."

(10) Except as otherwise expressly provided in this rule, the conditions of eligibility for promotion, constitution of the committee and procedure for selection shall be the same as prescribed elsewhere in these rules.

*Substituted vide notification No.F7(1) DOP/A-II/-81, dt. 29-1-81 for:—

(11) (a) The Committee shall consider the cases of all the senior most persons who are eligible and qualified for promotion to the class of posts concerned under these rules and shall prepare a list containing names of the persons found suitable on the basis of seniority-cum-merit and/or on the basis of merit, as the case may be, as per the criteria for promotion laid down in these rules, equal to the number of vacancies determined under rule relating to "Determination of vacancies" of these rules. The list so prepared on the basis of seniority cum-merit and/or on the basis of merit, as the case may be, shall be arranged in the order of seniority on the category of posts from which selection is made.

(b) The committee shall also prepare a separate list on the basis of seniority-cum-merit and/or on the basis of merit, as the case may be, as per the criteria for promotion laid down in the rules, containing names of persons equal to the number of persons selected in

@ (substituted vide Notification No. F. 7(2) DOP/A-II/81 dt. 19.2.82 W. E. F. 1.4.81 for :-

The committee shall consider the cases of all the Senior most persons who are eligible and qualified for promotion to the class of posts concerned under these rules, (*) interviewing such of them as they may deem necessary and shall prepare a list containing names of the suitable persons equal to the number of existing vacancies and the vacancies anticipated to occur during the next twelve months after the determination of vacancies. The committee shall also prepare a separate list containing the names of persons equal to 50% of the persons in the number of vacancies is one only, who may be considered suitable to fill temporary or permanent vacancies, which may occur till the next meeting of the Committee, on a temporary or officiating basis and the list so prepared shall be reviewed and revised every year and shall remain in force until it is so reviewed and revised. The lists so prepared on the basis of merit and on the basis of seniority-cum-merit shall be arranged in the order of seniority of the category of post from which selection is to be made. Such lists shall be sent to the concerned Appointing Authority together with the Annual Confidential Rolls and personal files of all the candidates included in them as also those not-selected, if any.

(* Inserted vide Notification F. 11(1) DOP/A-2/77 dt. 23-3-80).

the list prepared under (a) above to fill temporary or permanent vacancies, which may occur subsequently. The list so prepared on the basis of seniority-cum-merit and/ or on the basis of merit shall be arranged in the order of the seniority in the category of posts from which selection shall be made. Such a list shall be reviewed and revised by the Departmental promotion committee that meets in the subsequent year and that such list shall remain in force till the end of the last day of the next year or till the Departmental Promotion Committee meets, whichever is earlier.

(c) Such lists shall be sent to the appointing Authority together with Annual Confidential Reports/ Annual Performance Appraisal Reports and other service Record of all the candidates included in the lists as also of those not selected, if any.

Explanation:—For purpose of Selection on the basis of merit, the list of officers graded as 'Outstanding' and 'Very-Good' shall be classified in the First category in the order of seniority, the officers graded as 'good' shall be classified in the Second category in the order of seniority and the officers graded as 'Average' and 'Not Selected' shall be classified in the Third category. The officers graded and classified in the Second category list shall be placed below the officers graded and classified in the first category list and such officers shall be appointed from this category only if the officers graded and classified in the first category list is exhausted otherwise they shall not be appointed to the service by promotion. The Officers graded and classified in the third category list shall not be considered for appointment by promotion.

* (11-A) If in any subsequent year, after promulgation of these rules, vacancies relating to any earlier year are determined under sub-rule (2) of rule relating to determination of vacancies which were required to be filled by promotion the Departmental Promotion Committee shall consider the cases of all such persons who would have been eligible in the year to which the vacancies relate irrespective of the year in which the meeting of the Departmental Promotion Committee is held and such promotions shall be governed by the criteria and procedure for promotion as was applicable in the particular year to which the vacancies relate, and the service/experience of an incumbent who has been so promoted, for promotion to higher post for any period during which he has not actually performed, the duties of the post to which he would have been promoted, shall be counted. The pay of a person who has been so promoted shall be re-fixed at the pay which he would have derived at the time of his promotion but no arrears of pay shall be allowed to him.

£ (11-B) The Government or the Appointing Authority may order for the review of the proceeding of the D.P.C. held earlier on account of some mistake or

* Substituted vide Notification No. F 5(3) DOP/A-II/77 dt. 18-8-82 for:—

££ (11-A) If in any subsequent year, after promulgation of these rules, vacancies relating to any earlier year are determined under sub-rule (3) of rule mentioned in Column 3 of the Schedule which are required to be filled by promotion, the Departmental Promotion Committee shall consider the case of all such persons who would have been eligible in the year to which the vacancies relate irrespective of the year in which the meeting of the Departmental Promotion Committee is held and such promotions shall be governed by the rules in force at the time the meeting of the Departmental Promotion Committee is held. The person who has been so promoted shall not be entitled to claim any arrears of pay or re-fixation of his pay or to count his service/experience for promotion to higher post for any period during which he has not actually performed the duties of the post to which he has been promoted.

£ (Added vide Notification No. F. 7 (1) DOP/A-II/86 dt. 14-6-83.)

££ Added vide Notification No. F 5(3) DOP/A-II/77 dt. 6-

error apparent on the face of record or on account of a factual error or substantially affecting the decision of the D.P.C. or for any other sufficient reasons e.g. change in seniority, wrong determination of vacancies, judgement/direction of any Court or Tribunal or where adverse entries in the confidential report of an individual are expunged or toned down or a punishment inflicted on him is set aside or reduced. The concurrence of the Department of Personnel and the Commission (Where Commission is associated) shall always be obtained before holding the meeting of the review D.P.C.

(12) Where consultation with the Commission is necessary the lists prepared by the Committee shall be forwarded to the Commission by the Appointing Authority alongwith the Personal Files and Annual Confidential Rolls of all the persons whose names have been considered by the Committee.

(13) The Commission shall consider the lists prepared by the Committee alongwith other relevant documents received from the Appointing Authority, and, unless any change is considered necessary, shall approve the lists. In case the Commission consider it necessary to make any change in the lists received from the Appointing Authority, it shall inform the Appointing Authority of the changes proposed by it, after taking into account the comments of the Commission, if any, the Appointing Authority may approve the lists finally with such modifications, as may in its opinion, be just and proper, and when the Appointing Authority is an authority subordinate to the Government the lists, approved by the Commission shall be disturbed only with the approval of the Government.

(14) Appointments shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule (13) in the

order in which they have been placed in the lists, till such lists are exhausted or reviewed and revised, as the case may be.

(15) The Government may issue instructions for provisionally dealing with promotions, appointments or other ancillary matters in an equitable and fair manner of persons who may be under suspension, or against whom departmental proceeding is under progress, at the time promotions are considered to a post to which they are eligible or would have been eligible but for such suspension or pendency of such enquiry or proceedings.

(16) The provisions of this rule shall effect notwithstanding anything to the contrary contained in any provision of these rules.

(23-AA)

§ Restriction of Promotion of persons forgoing Promotions.—In case a person, on his appointment by promotion to the next higher post either join the basis of urgent temporary appointment or on regular basis on the recommendation of the Departmental promotion Committee, foregoes such an appointment he shall be considered again for appointment by promotion only after a period of one year (both on the basis of urgent temporary appointment or on regular basis on the recommendations of the Departmental Promotion Committee.

§ (Added vide DOP Notification No. F. 15 (16) DOP/A-II/80, dated 30-11-1981.)

PART—VI**APPOINTMENT, PROBATION AND CONFIRMATION**

24. Appointment to Service.—Appointment to the posts in service by direct recruitment or by promotion, as the case may be, shall be made by the Appointing Authority on occurrence of substantive vacancies from the candidates selected under rule 22 in the order of merit and from the person selected under rule 23 of these rules and from the persons adjudged suitable under provid (iii) to rule 6.

25. Urgent temporary appointment.—(1) A vacancy in the Service which cannot be filled in immediately either by direct recruitment or by promotion under the rules may be filled in by the Appointing Authority by appointment to the post by Promotion or by appointing temporarily thereto person eligible for direct recruitment to the Service, where such direct recruitment has been provided under the provisions of these rules:

Provided that such an appointment will not be continued beyond a period of one year without referring the case to the Commission for concurrence where such concurrence is necessary and shall be terminated immediately on its refusal to concur:

Provided further that in respect of a post in the Service for which both the above methods of recruitment have been prescribed the Appointing Authority or the authority competent to make appointment shall not save with the specific permission of the Government in the Department of Personnel, fill the temporary vacancy against the direct recruitment quota by a whole time appointment for a period exceeding three months, otherwise than out of persons eligible for direct recruitment and after a short term advertisement.

(2) In the event of non-availability of suitable persons fulfilling the requirements of eligibility for promotion, Government may, notwithstanding the condition of eligibility for promotion required under sub-rule (1) above lay down general instruction for grant of permission to fill the vacancies on urgent temporary basis, subject to such conditions and restrictions regarding pay and other allowances as it may direct. Such appointments shall however, be subject to concurrence of the Commission as required under the said sub-rule.

x 26. **Seniority:**—Seniority of persons appointed to the lowest post of the Service or lowest categories of post in each of the Group/Section of the Service, as the case may be, shall be determined from the date of confirmation of such persons to the said post but in respect of persons appointed by promotion to other higher posts in the Service of other higher categories of posts in each of the Group/Section in the Service, as the case may be, shall be determined from the date of their regular selection to such posts. "Seniority in each category of the Service shall be determined by the year of substantive appointment to a post in the particular category:

Provided:—

(1) that the seniority inter se of the persons appointed to the Service before the commencement of the rules, and/or in the process of integration of the Service of the per-reorganisation of States of Rajasthan or the Services of the new State of Rajasthan established by the States Re-organisation Act, 1956 shall be determined, modified or altered by the Appointing Authority on an *ad hoc* basis.

Substituted Vide notification No F.7 (8) DOP/A-II/78, dt. 20-7-79

for:

(1) That the persons selected and appointed as a result of a selection, which is not subject to review and revision, shall rank senior to the persons who are selected and appointed as a result of subsequent selection.

Seniority *inter se* of persons selected on the basis of seniority cum merit and on the basis of merit in the same selection shall be the same as in the next below grade.

(3) that the persons appointed to the Service during the same year, persons appointed by promotion shall rank senior to those appointed by direct recruitment.

(4) that the seniority *inter se* of persons appointed to posts by direct recruitment on the basis of one and the same selection, except those who do not join Service, when a vacancy is offered to them within a period of two months from the date of order of appointment unless extended by the Appointing Authority shall follow the order in which they have been placed in the list prepared under rule 20;

(5) that the seniority *inter se* of persons appointed to posts by promotion shall follow the order in which their names have been placed in the list prepared under rule 23;

F. Substituted. Vide DOP Notification No. F.7.(10) DOP/A-11/77 dated 17th June, 1978.

(2) that the persons selected and appointed as a result of a selection shall rank senior to the persons who are selected and appointed as a result of subsequent selection. Seniority *inter se* of persons selected on the basis of seniority cum merit shall be the same as in the next below grade, except in case of continued officiation on higher posts when it shall be in accordance with the length of continued officiation, provided that such officiation was not *ad hoc* or fortuitous.

% (6) Deleted.

(7) that subject to the provisions of the rules, seniority of persons who were recruited on temporary posts which were continued for a period of more than two years and who are substantively appointed subsequently on such posts becoming permanent, shall be determined on the basis as if such posts had become permanent during the same year in which they were temporarily appointed and as if they were appointed substantively in that year provided that such persons shall rank junior to those who were initially appointed against a permanent vacancy in that year.

*The Seniority of the persons selected by screening shall be in accordance with the order in which their names are recommended by the screening Committee under proviso (iii) of rule 6(1).

27. **Period of probation:—**@ (1) All persons appointed to the service by direct recruitment against a substantive vacancy shall be placed on probation for a period of two years and those appointed to the Service by promotion/Special selection against a substantive vacancy shall be placed on probation for a period of one year;

% (Deleted vide Notification No. F. 7 (10) DOP(A-II)/77 dt. 17-6-78 for:—

% "(6) That the seniority *Inter se* of persons selected as a result of one and the same selection and appointed on the basis of merit alone shall be in the same order in which their names appear in the select list irrespective of the period of continuous officiation."

* (Added vide Notification No. F. 1(34) Appts/A-II/74 dt. 13-7-79)

Note:—This amendment shall be deemed to have come into force from 12th March, 1976 and shall always be deemed to have been added accordingly.

***Substituted vide DOP & A. R., DOP (A. Gr. II) Notification No. F. 1(35) Karmik/ka-II/74a dt. 4-5-77 (effective from the date of their Publication in the Rajasthan Rajptra for:—

@ § Substituted vide Notification No. F. 1 (35) DOP/A-II/74 dt. 9-4-79 for:—

"(1) Every person appointed against a substantive vacancy in the service by direct recruitment shall be placed on probation for a period of two years and those appointed (contd) by promotion (S)/Special selection to any post against such a vacancy shall be on probation (S)/Special selection for a period of one year.

(Contd.)

After the existing proviso (7) of Rule 26, the following new proviso (8) shall be added namely :-

" That if a candidate belonging to the schedule Caste/ Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior general /OBC candidate who is promoted later to the said immediate higher post/grade, the general/OBC candidate will regain his seniority over such earlier promoted candidate of the scheduled Caste/ Schedule Tribe in the immediate higher post/grade"

Added vide DOP (A-Gr. II) Deptt. notification No.

F.7(1)DOP/A-II/96 dated 1/4/97.

Provided that-

- (i) Such of them as have, previous to their appointment by promotion § Special selection or by direct recruitment against a substantive §/Special selection vacancy, officiated temporarily on the post which is followed by regular selection may be permitted by the Appointing Authority to probation. This shall, however, not amount to involve supersession of any senior person or disturb the order of their preference in respective quota or reservation in recruitment;
 - (ii) any period after such appointment during which a person has been on deputation on a corresponding or higher post shall count towards the period of probation.
- (2) During the period of probation specified in sub-rule (1), each probationer may be required to pass such Departmental from time to time, specify.

Explanation:—In case of a person who dies or is due to retire on attaining the age of superannuation the period of probation shall be reduced so as to end one day earlier on the date immediately proceeding the date of his death or retirement from Government Service. The condition of passing the Departmental Examination in the rule regarding confirmation shall be deemed to have been waived in case of death or retirement.

← § Inserted vide DOP (A-II) Notification No. F. 1(35) Karmik/Ka-2/74 dated 3-8-77.

§ 28. Confirmation in certain cases.—(1) Notwithstanding anything to the contrary contained in the proceeding rule a person appointed to a post in the Service temporarily or on officiating basis, who, after regular recruitment by any one of the methods of recruitment prescribed under these rules, has not been confirmed, within a period of six months on completion of a period of two years' service in case he is appointed by direct recruitment or within a period of one years' service in case he is appointed by promotion, shall be entitled to be treated as confirmed in accordance with his seniority, if:—

- (i) he has worked on the post or higher post under the same Appointing Authority or would have so worked but for his deputation or training;
- (ii) he fulfils conditions as are prescribed under rule relating to confirmation subject to the quota prescribed under these rules; and
- (iii) permanent vacancy is available in the Department.

(2) If an employee referred to in sub-rule (1) above fails to fulfil the conditions mentioned in the said sub-

§ Substituted vide Notification No. DOP Notification N. F. 2 (4) DOP/A-II/79, dated 29-11-84 for :—

"28. (1) Notwithstanding anything contained in rule 27 if no order of confirmation is issued by the Appointing Authority within a period of six months, an employee appointed on temporary or officiating basis who has, after the date of his regular recruitment by either method of recruitment completed a period of two years service or less in the case of those appointed by promotion where the period of probation prescribed is less, on the post or a higher post under the same Appointing Authority or would have so worked but for his deputation or training shall on the occurrence of permanent vacancies be entitled to be treated as confirmed if the same conditions as are prescribed under the Rules for the confirmation of a probationer are fulfilled subject to the quota prescribed under the Rules and in accordance with his Seniority : *Contd.*

rule, the period mentioned in sub-rule (1) above, may be extended as prescribed for a probation or under the Rajasthan Civil Services (Departmental Examinations) Rules, 1959 and any other rules or by one year, whichever is longer. If the employee still fails to fulfil the conditions mentioned in sub-rule (1) above, he will be liable to be discharged or terminated from such post in the same manner as a probationer or reverted to his substantive or lower post, if any, to which he may be entitled.

(3) The employee referred to in sub-rule (1) above, shall not be debarred from confirmation after the said period of service if no reasons to the contrary about the satisfactory performance of his work are communicated to him within the said period of service.

(4) The reasons for not confirming of any employee referred to in sub-rule (1) above shall be recorded by the Appointing Authority in his Service Book and Annual Performance Appraisal report.

Explanation (1) Regular recruitment for the purpose of this rule shall mean :—

(a) appointment by either method of recruitment or on initial constitution of Service in accordance with the Rules made under the proviso to

Article 309 of the Constitution of India.

Provided that if the employee has failed to give satisfaction or has not fulfilled any of the conditions prescribed for confirmation, such as passing of Departmental Examination, training or promotion cadre course etc., the aforesaid period may be extended as prescribed for probation or under the Rajasthan Civil Services (Departmental Examinations) Rules, 1959, and any other Rules or by one year whichever is longer. If the employee still fails to fulfil the prescribed conditions or fails to give satisfaction, he will be liable to be discharged from such post in the same manner as a probationer or reverted to his substantive or lower post, if any, to which he may be entitled.

Provided further that no person shall be debarred from confirmation after the said period of service if no reasons to the contrary about the satisfactory performance of his work are communicated to him within the said period.

Contd.....

- (b) appointment to the posts for which no Service Rules exists, if the posts are within the purview of the Commission, recruitment in consultation with them;
- (c) appointment by transfer after regular recruitment where the Service Rules specifically permit;
- (d) Persons who have been made eligible for substantive appointment to a post under the rules shall be treated as having been regularly recruited;

Provided that it shall not include urgent temporary appointment or officiating promotion which is subject to review and revision.

(ii) Persons who hold lien on another cadre shall be eligible to be confirmed under this rule and they will be eligible to exercise an option whether they do not elect to be confirmed on the expiry of two years of their temporary appointment under this rule. In the absence of any option to the contrary, they shall be deemed to have exercised option in favour of confirmation under this rule and their lien on the previous post shall cease.

(2) The reasons for not confirming an employee referred to in the second proviso to sub-rule (1) shall in the case of a non-Gazetted employee, be also immediately recorded by the Appointing Authority in his Service Book and Confidential Report file and in the case of Gazetted Officer communicated to the Accountant General, Rajasthan and in his Confidential Report file. A written acknowledgement shall be kept on record in all these cases.

Explanation:—(1) "Regular recruitment" for the purpose of this rule shall mean appointment after either methods of recruitment or on initial constitution of service in accordance with any of the service rules promulgated under proviso to Article 309 of the Constitution of India or for posts for which no service rules exist, if the posts are within the purview of Rajasthan Public Service Commission recruitment in consultation with them but it shall not include an urgent temporary appointment, *ad hoc* appointment or officiating promotion against temporary or lien vacancies which are liable to review and revision from year to year. In case where the service rules specifically permit appointment by transfer such appointment shall be treated regular recruitment if the appointment to the post on which the official was transferred was after regular recruitment. Persons who have been made eligible for substantive appointment to a post cadre, under regularly recruited.

(2) Persons who hold lien in another cadre shall be eligible to be confirmed under this rule and they will be eligible to exercise an option whether they do not, elect to be confirmed on the expiry of two years of their temporary appointment under this rule. In the absence of any option to the contrary, they shall be deemed to have exercised option in favour of confirmation under this rule and their lien on the previous post shall cease.

£ 29. Unsatisfactory progress during probation.—

(1) If it appears to the Appointing Authority, at any time, during or at the end of the period of probation, that a member of the service has not made sufficient use of his opportunities or that he has failed to give satisfaction, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment, provided holds a lien there on or in other cases may discharge or terminate him from service :

Provided that the Appointing Authority may, if it so thinks fit in any case or class of cases, extend the period or probation of any member of service by a specified period not exceeding two years in case of person appointed to a post in the Service by direct recruitment and one year in the case of person appointed by promotion */ Special Selection to such post.

% Provided further that the Appointing Authority may, if it so thinks fit in case of persons belonging to the Scheduled Castes or Scheduled Tribes, as the case may be, extend the period of probation by a period not exceeding one year at a time and a total extension not exceeding three years.

(2) Notwithstanding anything contained in the above proviso, during the period of probation, if a probationer is placed under suspension, or disciplinary proceeding are contemplated or started against him, the period of his probation may be extended till such period the Appointing Authority thinks fit in the circumstances .

£ 29. Unsatisfactory progress during promotion . (1) It appears to Government, at any time during or at the end of the period of probation that a member of the Service has not made sufficient use of his opportunities or that he has failed to give satisfaction, Government may revert him to the post held substantively by him immediately preceding his appointment, provided he holds a lien thereon, or in other cases, may discharge him from service:

Provided that Government may extend the period of probation of any member of the Service by a specified period not exceeding one year.

(2) A Probationer reverted during or at the end of probation period under sub-rule (1) shall not be entitled to any compensation."

*/Special Selection. (Inserted vide DOP (A-II) Notification No.F.1(35)/Karmik/Ka-II/74 dt.3-8-77)

%(Added vide DOP A-II) Notification NO.F-7(6) DOP/(A-II)/77 dated 26.10.77 effective from 1st January, 1973.

(3) A probationer reverted or discharged from service during or at the end of the period of probation under sub rule (1) shall not be entitled to any compensation.

30. Confirmation.— A person placed on probation shall be confirmed in his appointment at the end of his period of probation, if :-

- (a) he has passed Departmental Examination and has successfully undergone such training as Government may from time to time, specify;
- (b) he has passed Departmental test of proficiency in Hindi and knows one of the Rajasthan dialects; and
- (c) Government is satisfied that his integrity is unquestionable and that he is otherwise fit for confirmation.

PART—VII -PAY

31. Scale of pay.— The scale of monthly pay of a person appointed to a post in the Service, shall be such as may be admissible under the rules referred to in rule 34 or as may be sanctioned by Government, from time to time.

32. Increments during probation.— A person placed on probation shall draw increments in the scale of pay admissible to him in accordance with the provisions of the Rajasthan Service Rule, 1951.

33. Criteria for crossing an efficiency bar.— No member of the Service shall be allowed to cross any efficiency bar unless in the opinion of the Government he has worked satisfactorily and his integrity is unquestionable.

34. Regulation of pay, leave, allowances, pension etc.— Except as provided in these rules the pay, allowances, pension, leave and other conditions of service of the member of the Service shall be regulated by :-

- (1) the Rajasthan Civil Service (Unification of Pay Scales) Rules, 1950, as amended from time to time;
- (2) The Rajasthan Service Rules, 1951, as amended from time to time;
- (3) The Rajasthan Civil Services (Rationalisation of Pay Scales) Rules, 1956, as amended from time to time.
- (4) The Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958, as amended from time to time;
- (5) The Rajasthan Civil Services (Revised Pay Scales) Rules, 1961, as amended from time to time;

20/11/06

4. Deputy Commandant will include 2nd-in-command, Junior Staff Officer (Home Guards & Civil Defence) or any other post in this cadre and pay scale already existing or which may be created subsequently and will be deemed as equivalent and inter-transferable posts.
5. Inspector will include Center Commander Rural Home Guards, Incharge Central Stores Home Guards, Battalion Staff Officer, Company Commander or any other post in this cadre and pay scale already existing or which may be created subsequently and will be deemed as equivalent and inter transferable.
- (@) 6. Asstt. Controller, Civil Defence will include, Store Superintendent, Senior Instructor or any other post in this cadre and pay scale already existing or which may be created subsequently and will be deemed as equivalent and inter-transferable.

For the existing Schedule Annexed to the said rules, the new Schedule as appended here with shall be substituted.
 (@) (Added vide DOP Notification No. F.1(4)DOP/A-II/94 dated 4-10-94. this was made effective with effect from 29-11-89 vide DOP Notification No. F.1 (4) DOP/A-II/94 dated 10-4-95)
 (E) (Substitudevide Department of personnel Notification No. F. 1 (34) Appts/A-II, 74 Dated 13-7-79, for:—

SCHEDULE

S. No.	Name of the post	Method of recruitment with percentage	Minimum qualifications & experience for direct recruitment.	Post or posts from which promotion is to be made	Minimum qualifications & experience required for promotion.
1	2	3	4	5	6
1.	Battalion Commandant, Border Home Guards	50% by direct recruitment 50% by promotion	Ex-Major	1. Second in Command Border Home Guards 2. Dy. Commandant Urban Home Guards	(S) 5 Years experience on the post mentioned in column 5.
2.	Second in Command Border Home Guards	(% (50%) by direct recruitment 50% by promotion	Ex-captain	1. Company Commander Border Home Guards	5 Years experience on the post mentioned in column 5.
3.	Deputy Commandant Urban Home Guards	50% by direct recruitment 50% by promotion	Ex-Captain	1. Company Commander Border Home Guards Centre. 2. Commander of Rural Home Guards	5 years experience on the post mentioned in column 5.

(S) (Substitude vide Home (Gr. I) Deptt notification No. F. 5(14) Home/I/74 dt. 6-6-77 for "7"
 (%) Substituded for the fig. 75% & 25% vide Notification No. F. 5 (14) H.E./I/74 dt. 26-11-78.)

Explanation:—Ex-Major and Ex-Captain will include officers retired/resigned from Army or released demobilised from emergency or Short Service Commission.

By Order and the name of the Governor.