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राज्य सरकार तथा अन्य राज्य-प्राधिकारियों द्वारा किये गये (सामान्य ओदशों, उप-विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनी नियम।

DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS

(Department of Personnel -A-Gr-II)

NOTIFICATION

Jaipur, June 24, 1978

G.S.R.13. -- 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 regulating the recruitment to posts in, and the conditions of Service of persons appointed to the Rajasthan Prosecution Subordinate Service, namely: -

THE RAJASTHAN PROSECUTION SUBORDINATE SERVICE RULES, 1978

PART-I

GENERAL

1. Short title and commencement: -

- (1). These rules may be called the Rajasthan Prosecution Subordinate Service Rules, 1978
- (2). They shall come into force from the date of their publication in the Rajasthan Rajpatra.

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

- (a). "**Appointing Authority**" means the Director of Prosecution, Rajasthan and includes in relation to any post in the Service, such-other officer of Authority who may with the approval of the Government be specially empowered by the Director to exercise the powers and functions of the Appointing the Authority;
- (b). "**Commission**" means the Rajasthan Public Service Commission;
- (c). "**Director**" means the Director of Prosecutions, Rajasthan;
- (d). "**Direct Recruitment**" means recruitment made in accordance with the procedure prescribed in part IV of these rules;
- (e). "**Government**" and "**State**" mean respectively, the Government of Rajasthan and the State of Rajasthan;
- (f). "**Secretary**" means the Secretary to the Government in the Home Department, Rajasthan;
- (g). "**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in a substantive capacity to a post in the service under the provisions of these rules or under the rules or orders repealed, by rule 36 and includes a probationer;
- (h). "**Schedule**" means the Schedule appended to these rules;
- (i). "**Service**" means the Rajasthan Prosecution subordinate Service;
- (j). "**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 an urgent temporary appointment.

3. **Interpretation:** - Unless the context otherwise requires, the Rajasthan General Clauses Act, 1955 (Rajasthan Act No. VIII of 1955) shall apply for the interpretation of these rules as it applies for the interpretation of a Rajasthan Act.

PART-II
CADRE

4. Composition and strength of the Service: -

- (1). The Service shall consist of posts included in the Schedule.
- (2). The nature of posts shall be as specified in Column 2 of the Schedule.
- (3). The strength of posts included in schedule shall be such as may be determined by Government, from time to time:

Provided that -

- (a). The Government may 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;
- (b). The appointing Authority may leave unfilled or held in abeyance 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 the posts specified in the Schedule on the date of Commencement of these rules;
- (b). All persons recruited on the posts specified in the schedule under the provisions of the Rajasthan Prosecution State and Subordinate Service (Initial Constitution and Emergency Recruitment) Rules, 1975; and
- (c). All persons recruited to the Service in accordance with the provisions of these rules, except urgent temporary appointment under rules 25.

PARE -- III
RECRUITMENT

6. Methods of Recruitment: -

- (1). Recruitment to the post in the service, after the commencement of these rules shall be made by direct recruitment in accordance with procedure in Part IV of these rules.
- (2). Notwithstanding anything contained in these rule the 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 instructions issued on the subject by the Government of India.

7. Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes: -

- (i). 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.
- (ii). 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 direct recruitment by the Commission irrespective of their relative rank as compared with other candidates.
- (iii). Appointment shall be made strictly in accordance with the rosters prescribed separately for direct recruitment. 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 an 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:

8. Nationality. - A candidate for appointment to the service must be-

- (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 setting in India, or

- (e). 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 Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India.

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

9. Notwithstanding anything contained in these rules provisions regarding eligibility for recruitment and 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 order or instructions as may be issued by the State Government from time to time and the some shall be regulated mutatis mutandis according to the instructions issued on the subject by the Government of India.

10. **Determination of Vacancies.** Subject to the Provisions of these rules, the appointing Authority shall determine each year the number of vacancies anticipated during the following twelve months and the number of persons likely to be recruited. Such vacancies shall be determined again before the expiry of twelve month of the last determination of such vacancies.

11. **Age.** - A candidate for direct recruitment to a post enumerated in the schedule must have attained the age 21 years and must not have attained the age of 32 years the first day of January next following the last date fixed for receipt of applications;

Provided: -

- (i). That the upper age-limit mentioned above shall be relaxed by 5 years in the case of women candidate and the candidates belonging to the scheduled casts and the scheduled tribes;
- (ii). That the upper age limit mentioned above shall be relaxed by a period equal to the term of imprisonment served in the case of ex-prisoner who was not over-age before his conviction and was eligible for appointment under the rules;
- (iii). That the upper age-limit mentioned above shall not apply in the case of an ex-prisoner who had served under the Government on a substantive basis on any post before conviction and was eligible for appointment under the rules.
- (iv). That the persons appointed temporarily to a post in the service shall be deemed to be within the age-limit and they been within the age-limit when they were initially appointed even though they have crossed the age-limit. When they appear finally before the Commission or the Appointing Authority and shall be

allowed up to two chances had they been eligible as such at the time of their initial appointment;

- (v). That the upper age-limit mentioned above shall be relaxable 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 maximum age-limit by more than three years, they shall be deemed to be within the prescribed age-limit.
- (vi). That for recruitment to the post of Assistant Public Prosecutor Grade-II there shall be no upper age-limit for person retrenched from this post for want of vacancies or on account of abolition of this post if they were within the maximum age-limit prescribed under these rules, when they were initially appointed to the post from which they were first retrenched provided that normal prescribed channels of recruitment are duly adserved and all requirements relating to qualifications, character, medical fitness etc. are fulfilled and they were not retrenched on account of complaint or delinquency and they produce a certificate of having rendered good services from the last appointing Authority, This relaxation will be available up to two chances only;
- (vii). That there shall be no age-limit in he case of persons repatriated from East African Countries of Kenya, Uganda, Tanganyika and Zanzibar.
- (viii) 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 examinations or in case of posts filled in through the commission by interview. This relaxation shall not apply to urgent temporary appointment.
- (ix). That the Released Emergency Commissioned officer and short service commissioned officers after release from the Army shall be deemed to be within the age-limit even though they have crossed the age-limit when they appear finally before the commission had they been eligible as such at the time of their Joining the commission in the Army.

12. Academic qualifications and experience. - A candidate for directs to recruitment to the posts enumerated in the schedule shall in addition to such experience as is required possess.

- (i). The qualifications given in column 4 of the schedules.
- (ii). Working knowledge of Hindi written in Devnagri script and any one of the Rajasthan dialects.

13. 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 principle 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 School or College or University and not related to him.

Notes: - (1) Conviction by a Court of law need not of it self involve the refusal of a certificate of good character. The circumstances of the conviction should be taken into account and if they involve no moral turpitude or association with crimes of violence or with a movement which has as its object to overthrow by violent means of the Government as by law established, the mere conviction need not be regard as a disqualification.

(2) Ex-prisoner who by their disciplined life while 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 particular district from the superintendent of Police of that district.

Those convicted of offence involving moral turpitude shall be required to produce a certificate from the Superintendent, after care Home or if there are no such 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 disciplined life while in prison and by their subsequent good conduct in an 'After Care Home.'

- 14. 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 a candidate promoted in the regular line of promotion or who is already serving in connection with 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 held to be comparable for efficient performance of duties of the new post and his age has not reduced his efficiency for the purpose.
- 15. Employment of irregular of improper means.** - A candidate who is or has been declared by the commission guilty of impersonation or of submitting fabricated document or documents which have been tempered with or of 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 for a specified period:-
- (a). By the commission for admission to any examination or appearance at any interview held by the commission for selection of candidates, and
 - (b). By the Government from employment under the Government.
- 16. Canvassing.** - No recommendation for recruitment either written or oral other

than that required under the rule 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 disqualify him for recruitment.

17. Disqualifications for appointment. -

- (1). No male candidates who has more than one wife living shall be eligible for appointment to the service unless Government after being satisfied that there are special grounds for doing so, exempt any candidate from the operation of this rules.
- (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 are special grounds for doing so, exempt any female candidate from the operation of this rules.
- (3). 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)'.

PART IV
PROCEDURE FOR DIRECT RECRUITMENT

- 18. Inviting of Applications.** - Applications for direct recruitment to posts in the service shall be invited by the commission by advertising the vacancies to be filled in the official gazette or in such other manner, as may be deemed fit.
- 19. 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.
- 20. 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.
- 21. Scrutiny of applications.** - The commission shall scrutinise the applications received by it 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 eligibility or otherwise of a candidate shall be final.
- 22. Recommendation of the commission.**- The commission shall prepare a list of the candidates whom they consider suitable for appointment to the posts concerned, arranged in the order of merit. The commission shall forward the 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 reserved 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.
- 23. Selection by the Appointing Authority.**- Subject to the provisions of Rule 7, the Appointing Authority, shall select candidates who stand highest in the order of merit to the list prepared under rule 22.
Provided that the inclusion of a candidate's name in the list confers no right to appointment unless the Appointing Authority is satisfied after such enquiry as may be considered necessary that such candidate is suitable in all other respect for appointment to the post concerned.

PART - V
APPOINTMENT, PROBATION AND SENIORITY

24. Appointment to the Service.- Appointment to posts in the service by direct recruitment shall be made by the Appointing Authority on occurrence of substantive vacancies from the candidates selected and rule 22 in the order of merit.

25. Urgent Temporary Appointment.- A vacancy in the service which cannot be filled in immediately by direct recruitment under the rules may be filled in by the Appointment authority or the Authority competent to make appointment, as the case may be by appointing temporarily there to a person eligible for direct recruitment to the service, under the provisions of these rules:

Provided that such an appointment will not be continued beyond a period of one year.

26. Period of probation.-

(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.

Provided that:-

(i). Such of them as have, previous to their appointment by direct recruitment against a substantive vacancy, worked temporarily on the post, which is followed by regular selection may be permitted by the Appointing Authority to count such temporary service towards the period of probation. This shall, however, not amount to involve supper session of any senior person or disturb the order of their preference of reservation in recruitment.

(ii). Any period after such appointment during which a parson 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 Examination and to under go such training as the Government may, from time to time, specify.

Explanation: - In case of person who dies or is due to retire on attaining the age of superannuation the period of probation shall be reduced as so 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.

27. (1). Notwithstanding anything contained in rule 26, if no order of confirmation is issued by the Appointing Authority within a period of six months, an employee appointed on temporary basis who has after the date of his regular recruitment

by direct recruitment completed a period of two years service 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 probationer are fulfilled subject to the quota prescribed under the rules and in accordance with his seniority.

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 or training etc, the aforesaid period may be extended as prescribed for probation or under the Rajasthan Civil Services (Departmental Examination) Rules, 1959 and any other Rules or by one year, whichever is longer if the employee still fails to fulfill 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.

- (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-gazette employee be also immediately recorded by the appointing Authority in his Service Book and confidential Report file. A written acknowledgement shall be kept on record in all these cases.

Explanation: - (i) Regular recruitment for the purpose of this rule shall mean appointment by direct 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 post for which no service Rules exist. To 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, adhoc 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 from which the official was transferred was after regular recruitment. Persons who have been made eligible for substantive appointment to post under the rules shall be treated as having been regularly recruited.

(ii) 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 rules. 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.

28. 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 he holds a lien thereon 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 of probation of any member of service by a specified period not exceeding two years.

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 any thing contained in the above proviso during the period of probation, if a probationer is placed under suspension, or disciplinary proceedings 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.
- (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.

29. Confirmation. - (1) A Probationer shall be confirmed in his appointment at the end of his period of probation, if

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

30. Seniority. - Seniority in the Service shall be determined by the year of substantive appointment:

Provided: -

- (1). That the seniority inter se of person appointed, to the service before the commencement of these rules shall be determined, modified or altered by the Appointing Authority, on an adhoc basis;
- (2). That the seniority inter se of person appointed to a post by direct recruitment on the basis of one and the same selection except those who do not join service when a post 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 their names have been placed in the list prepared under rules-23.

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 the Government, from time to time.

- 32. Increments during probation.** - A probationer shall draw increments in the scale of pay admissible to him during the period of probation in accordance with the provisions of the Rajasthan Service Rules, 1951.
- 33. Criteria for crossing efficiency bar.** - No member of the service shall be allowed to cross an efficiency bar unless in the opinion of the Appointing Authority he has worked satisfactorily and his integrity is unquestionable.
- 34. Regulations of pay, leave, allowances, pension etc.-** Except as provided in these rules, the pay, allowances, pension, leave and other conditions of service of the members of the service shall be regulated by;
- (1). The Rajasthan civil services (unification of pay scales) rules, 1950. as amended from time to time;
 - (2). The Rajasthan civil services 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;
 - (6). The Rajasthan civil services (New pay scales) Rules, 1969 as amended from time to time;
 - (7). The Rajasthan Traveling Allowances Rules, 1971 as amended from time to time;
 - (8). The Rajasthan civil services (Revised new pay Scales) Rules, 1976. and.
 - (9). Any other rules prescribing general conditions of service made by the appropriate authority under proviso to Article 309 of the constitution of India and for time being in force.
- 35. Removal of doubts.-** If any doubt arises relating to the application and scope of these rules, it shall be referred to the Government in the Department of personnel and Administrative Reforms whose decision thereon shall be final.
- 36. Repeal and saving.-** All other rules and order in relation to the matters covered by these rules and in force immediately before the commencement of these Rules, are hereby repealed:

Provided that any action taken under the rules and orders so superseded shall be deemed to have been taken under the provisions of these rules.

SCHEDULE

S. No.	Name of the post	Method of Recruitment	Qualification for direct recruitment
1.	Assistant Public prosecutor, Grade. II	100% by direct recruitment.	1. Decree in law (two years course under the old scheme or three years course under the new scheme or degree in law (professional) from a university established by law in India or qualification recognised by the Government
			2. Two years experience at the bar or if work as prosecuting sub-Inspector experience for 2 years as such

(No. F. 2(1) DOP (A-II)/77)

By order and in the name of the Governor,

Sd/-

Special Secretary to the Government.