



# राजस्थान अभियोजन सेवा नियम, 1978

(दिनांक 25.07.2022 तक संशोधित)

राजस्थान सरकार  
कार्मिक (क-2) विभाग  
(सेवा नियम अद्यतन प्रकोष्ठ)  
शासन सचिवालय, जयपुर  
[<https://dop.rajasthan.gov.in>]

**GOVERNMENT OF RAJASTHAN**  
**DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS**  
**(Department of Personnel-A-Gr-II)**

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

Jaipur March 31, 1978

**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 regulating the recruitment to posts in, and the conditions of Service of persons appointed to the Rajasthan Prosecution Service, namely: -

**THE RAJASTHAN PROSECUTION SERVICE RULES, 1978**

**PART - I**

**GENERAL**

**1. Short title and commencement:-**

- (1). These rules may be called the Rajasthan Prosecution Service Rules, 1978
- (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) "Commission" means the Rajasthan Public Service Commission;
- (c) "Committee" means the Committee referred to in rule 9;
- (d) "Commissioner" means the Home Commissioner and Secretary to the Government in the Home Department Rajasthan;
- (e) "Director" means the Director of Prosecution, Rajasthan;
- (f) "Government" and "State" means respectively, the Government of Rajasthan and the State of Rajasthan;
- <sup>1</sup>(g) "Member of the Service" means a person appointed to a post in the service on the basis of regular selection under the provisions of these rules or the rules or order superseded by these rules.;
- (h) "Schedule" means the Schedule appended to these Rules;
- (i) "Service" means the Rajasthan Prosecution Service;

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<sup>1</sup> Substituted for "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appointed in a substantive capacity to a post in the service under the provisions of these rules or the rules or orders repealed, by rule 22 and includes a probationer" vide Notification No. F. 7(1) DOP/A-II/96 Dated 10.10.2002



- <sup>1</sup>(j) "Service or experience" wherever prescribed in 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 i.e. 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

- (k) "Substantive Appointments" 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 the method 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.

- <sup>2</sup>(l) "Year" means the "financial year"

**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.

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<sup>1</sup> Substituted for " (j) Service" or "Experience" wherever prescribed in these Rules as a condition for promotion to Senior posts, in the case of persons 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 officiating, temporary or *ad hoc* appointment if such appointment is in the regular line of promotion and was not of stop gap or for 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 academic and other qualification, unfitness of non-selection or the default of the senior official concerned or when such *ad hoc* or urgent temporary appointment was in accordance with seniority-cum-merit"

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." vide Notification No. F. 6(2) DOP/A-II/71 Dated 29.08.1982

<sup>2</sup> Added vide Notification No. F. 7(2) DOP/A-II/81 Dated 21.12.1981 w.e.f 01.04.1981.

## **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 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;
- (b). Leave unfilled or hold in abeyance or abolish or allow lapsing any post permanent or temporary, from time to time, without thereby entitling any person to any compensation.

<sup>1</sup>(3) The strength of Public Prosecutors, Additional Public Prosecutors and Special Public Prosecutors appointed in the Districts under these Rules, shall be such as may be determined from time to time under sub-rule (2) and that the strength of such posts in the Service shall not exceed the 50% of the total strength of such posts in the State excluding the posts of Public Prosecutors, Additional Public Prosecutors and Special Public Prosecutors working the Rajasthan High Court.

**5. Constitution of the Service:-** The Service shall consist of:-

- (a). All persons holding substantively the posts specified in the Schedule;
- (b). All persons recruited to the post included in the Service 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 rule 11.

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<sup>1</sup> Added vide Notification No. F. 1(4) DOP/A-II/93 Dated 20.11.1997



## PART - III

### RECRUITMENT

**6. Method of Recruitment:-** (1) Recruitment to the Service after the commencement of these rules shall be made by promotion in accordance with Part IV of these rules.

(2) Notwithstanding anything contained in these rules, the recruitment, appointment, promotion, seniority and confirmation etc. of a person who joins the Army/Air Force/Navy during an Emergency shall be regularized 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:-** (1) Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes shall be in accordance with the <sup>1</sup>provisions of the Rajasthan Scheduled Castes, Scheduled Tribes, Backward Classes, Special Backward Classes and Economically Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act, 2008 at the time of recruitment.

(2) The vacancies so reserved for promotion shall be filled in by <sup>2</sup>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 by the Departmental Promotion Committee irrespective of their relative rank as compared with other candidates.

<sup>3</sup>(4) Appointment shall be made strictly in accordance with the rosters prescribed separately for direct recruitment and promotion.

<sup>1</sup> Substituted for "orders of the Government for such reservation in force" vide Notification No. F. 7(8) DOP/A-II/2008 Dated 28.08.2009

<sup>2</sup> Substituted for "merit alone" vide Notification No. F. 7(4) DOP (A-II)/73 Dated 29.01.1981

<sup>3</sup> Substituted for "Appointment 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 Scheduled Tribes, as the case may be, in a particular year, the vacancies so reserved for them shall be carried forward until the suitable Scheduled Castes and the Scheduled Tribes candidate(s), as the case may be, are available. In any circumstances no vacancy reserved for Scheduled Castes and the Scheduled Tribes candidates shall be filled by promotion as well as by direct recruitment from General category candidates. However, In exceptional cases where in the public interest the Appointing Authority feels that it is necessary to fill up the vacant reserved post(s) by promotion from the General category candidates on urgent temporary basis, the Appointing Authority may make a reference to the Department of Personnel and after obtaining prior approval of the Department of Personnel, they may fill up such post(s) by promoting the General category candidate(s) on urgent temporary basis clearly stating in the promotion order that the General category candidate(s) who are being promoted on urgent temporary basis against the vacant post reserved for Scheduled Castes or the Scheduled Tribes candidates, as the case may be, shall have to vacate the post as and when the candidate(s) of that category become available." vide Notification No. F. 7(1) DOP/A-II/2008 Dated 17.01.2013.

<sup>\*</sup> Substituted for "Appointment shall be made strictly in accordance with the rosters prescribed separately for promotion. In the event of non-availability of the eligible and suitable candidates amongst Scheduled Castes and 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.

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." vide Notification No. F. 7(4) DOP/A-II/2002 Dated 10.10.2002



(4A) In the event of non-availability of the eligible and suitable candidates amongst the Scheduled Castes and Scheduled Tribes, as the case may be, for direct recruitment, in a particular year, the vacancies so reserved for them shall be carried forward to the subsequent three recruitment years. After the expiry of three recruitment years, such carried forward vacancies shall be filled in accordance with the normal procedure.

Provided that if recruitment is not held in any recruitment year such recruitment year shall not be counted for the purpose of this sub-rule.

Provided further that filling up of the vacancies in accordance with the normal procedure under this sub-rule shall not affect the reservation of posts as per the post based roster and vacancies on the reserved posts available in the roster may be filled in from amongst the persons belonging to the Scheduled Castes or Scheduled Tribes, as the case may be, for which such vacancy is available in subsequent years.

(4B) In the event of non-availability of the eligible and suitable candidates amongst the Scheduled Castes and Scheduled Tribes, as the case may be, in a particular year, the vacancies so reserved for them shall be carried forward until the suitable Scheduled Castes and the Scheduled Tribes candidate(s), as the case may be, are available. In any circumstances no vacancy reserved for Scheduled Castes and the Scheduled Tribes candidates shall be filled by promotion as well as by Direct recruitment from General category candidates. However, In exceptional cases where in the public interest the Appointing Authority feels that it is necessary to fill up the vacant reserved post(s) by promotion from the General category candidates on urgent temporary basis, the Appointing Authority may make a reference to the Department of Personnel and after obtaining prior approval of the Department of Personnel, they may fill up such post(s) by promoting the General category candidate(s) on urgent temporary basis clearly stating in the promotion order that the General category candidate(s) who are being promoted on urgent temporary basis against the vacant post reserved for Scheduled Castes or the Scheduled Tribes candidates, as the case may be, shall have to vacate the post as and when the candidate(s) of that category become available.

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.

**8. 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.

(b) where the 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 the method.

(c) where the post is to be filled in by more than one method as prescribed in the rules or Schedule, the appointment 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 appointment 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, year wise 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.

<sup>2</sup>8A. 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 cases of all.

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<sup>1</sup> Substituted for "Rule 8 Determination of vacancies.- (1)(a) Subject to the provisions of these rules, the Appointing Authority shall determine each year the number of 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 of 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 those 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, year wise which were required to be filled in by promotion, if such vacancies were not determined and filled earlier in the year in which they are required to be filled in accordance with sub-rule (2)." vide Notification No. F. 7 (2) DOP/A-II/81 Dated 21.12.1981

\* Substituted for "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 by each method. Such vacancies shall be determined again before the expiry of twelve months of the last determination of such vacancies." vide Notification No. F. 8 (2) DOP/A-II/77 Dated 06.10.1979.

<sup>2</sup> Added vide Notification No. F. 8 (2) DOP/A-II/77 Dated 06.10.1979.



## PART - IV

### PROCEDURE FOR RECRUITMENT BY PROMOTION

**\*9. Criteria, Eligibility and Procedure for Promotion:-** (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 the provisions of sub-rule (6), 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 of the class of posts concerned.

(2) The persons enumerated in the relevant column regarding post from which promotion is to be made, 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 the relevant column regarding minimum qualification and experience for promotion.

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Substituted for "9. 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.

"(1A) No person shall be considered 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.

Provided further that where a Government Servant has only one child from the 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"

(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.

3) No. person shall be considered for first promotion in the Service unless he is 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 one of the methods of recruitment under any Service Rules promulgated under proviso to Article 309 of the Constitution of India.

⑥ 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 fulfill other conditions of eligibility.

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.

4) Selection for pro promotion in the regular line of promotion from the post/posts not included in Service to the lowest post 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.

Added vide Notification No. F. 7 (1) DOP/A-II/95 dated 20.06.2001

Substituted for "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 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, had they been substantive on the said lower post." vide Notification No. F. 7(8)DOP/A-II/78 dated 20.07.1979.

Added vide Notification No. F. 7 (8) DOP/A-II/78 dated 13.05.1980



(3) No person shall be considered for first promotion in the service unless he is regularly selected on the post from which promotion is to be made in accordance with one of the methods of recruitment prescribed under the provisions of these rules.

**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.

(4) No person shall be considered for promotion for \*"three 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 –

(i) the persons having more than two children shall not be deemed to be disqualified for promotion so long as the number of children he/she on 1<sup>st</sup> June 2002 does not increase.

(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 Services shall be made strictly on the basis of 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 from which selection is to be made:

<sup>0</sup> Deleted Proviso.

(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 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 these rules.

<sup>5</sup> Explanation:- If in a service, in any category of post, number of posts available for promotion is an odd number then 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.

<sup>4</sup> (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 there under, where there are only two scales i.e. junior scale or senior scale and there is only one promotion then promotion shall be made on the basis of senior cum merit alone;

(b) In a Service or Groups or Sections there under, where there three scales i.e. junior scale, senior scale and selection scale and there are two promotion 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.

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

<sup>0</sup> 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.

<sup>0</sup> Deleted "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 fulfill the qualification and other conditions for promotion prescribed elsewhere in these rules, and are found otherwise suitable for promotion on the basis of seniority-cum-merit" vide Notification F. 7(3) DOP/A-II/95 Dated 18.02.1998.

<sup>5</sup> Added vide Notification No. F. 7(10) DOP/A-2/77 Dated 17.08.1978.

<sup>4</sup> Substituted for "(7) Selection for promotion to the highest post or highest categories of posts in the State Services shall always be made on the basis of merit alone." vide Notification No. F. 7(10) DOP/A-2/77 Dated 12.05.1978.

<sup>0</sup> Proviso added vide Notification No. F. 7(10) DOP/A-2/77 Dated 31.03.1980.

<sup>4</sup> Substituted for "Five recruitment years" vide Notification No. F. 7(1) DOP/A-II/95 Pt.-II Dated: 19.09.2017.



- (ii) where a Government servant 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.

\* (8) Deleted

**Explanation:-** If any doubt arises about the categorization 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 Administrative Reforms whose decision thereon shall be final.

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

- |     |                                |   |
|-----|--------------------------------|---|
| (i) | <u>Number of Vacancies -</u>   | <u>Number of eligible persons to be considered.</u> |
|     | (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 Scheduled Castes or the Scheduled Tribes, as the cases may be, are not available within the zone of consideration specified above, the zone of consideration may be extended to <sup>8</sup>seven 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 up to five in number shall be considered for promotion;
- (b) If promotion is from different categories of the post in the same pay scale, eligible persons up to the 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 for promotion first considered and if no suitable persons 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.

\* Deleted "(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 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 or category of post from which selection 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." vide Notification No. F.7 (6) DOP/A-II/75 Dated 15.07.1992.

@ Substituted for "(9) The zone of consideration of persons eligible for promotion shall be as under:-

- <sup>2</sup>“(i) the zone of eligibility for promotion shall be five times the number of vacancy to be filled on the basis of seniority cum merit or merit or by both, as the case may be.”
- (ii) For the highest post in <sup>4</sup>State Service;
- (a) if the promotion is from one category of post, eligible persons up to five in number shall be consider for promotion,
- (b) if promotion is from different categories of posts in a same pay scale, eligible person up to two in number from each category of posts in the same pay scale shall be consider for promotion;
- (c) if promotion is from different category of posts carrying different pay scale, eligible person in the higher pay scale shall be consider 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 scale shall be consider for promotion and so and so forth. The zone of consideration for eligibility in the case shall be limited to five senior most eligible persons in all." vide Notification No. F.7(1)DOP/A-II/81, dated the 6th July, 1983 and effect from 1.04.1984 vide even Notification dated 10.05.1984

<sup>2</sup> Clause (i) of rule 9 was substituted for-

- |                          |  |
|--------------------------|--|
| “(i) Number of Vacancies | Number of eligible persons to be considered                  |
| (a) 1 to 5 vacancies     | 4 times of the number of vacancies.                          |
| (b) 6 to 10 vacancies    | 3 times, but at least 20 eligible persons to be considered.  |
| (c) Above 10 vacancies   | 2 times, but at least 30 eligible persons to be considered.” |

vide Notification No. F. 7(1) DOP/A-II/81 dated 29.01.1981.

<sup>8</sup> Substituted for "five" vide Notification No. F. 7 (1) DOP/A-II/81 Dated 07.04.2003

<sup>4</sup> Inserted vide Notification No. F. 7(10) DOP/A-II/77 Dated 26.09.1978



<sup>8</sup>(iii) while counting the total number of children of a candidate, the child born from earlier delivery and having disability shall not be counted (w.e.f. 01.06.2002).

<sup>8</sup>(iv) any person who performed remarriage which is not against any law and before such remarriage he is not disqualified for promotion under this sub-rule, he shall not be deemed to be disqualified with effect from 01.06.2002, if any child is born out of single delivery from such remarriage.

<sup>2</sup> (10) (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 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."

<sup>Q</sup> 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.

<sup>3</sup> 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 preceding the year for which D.P.C is held.

<sup>2</sup> Substituted for "(10) A Committee consisting of the Chairman of the Commission or a Member thereof nominated by him as Chairman, Home Commissioner and Secretary to the Government in the Department of Personnel and Administrative Reforms as his representative not below the rank of the Deputy Secretary to the Government, Secretary to the Government in the Law Department or his representative not below the rank of the Deputy Secretary to the Government and the Director, Prosecution a Member-Secretary shall consider the case 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 selected in the aforesaid list or select one more persons 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 and on the basis of seniority-cum-merit shall be arranged in the order of seniority on 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." vide Notification No. F. 7(2)DOP/A-II/81 dated, the 19.02.1982 (w.e.f. 1.04.1981)

<sup>Q</sup> Added vide Notification No. F. 7 (5) DOP/A-II/78 dated 21.12.1978

<sup>3</sup> Substituted for "Explanation :- For the purpose of selection for promotion on the basis of merit, officers with "Outstanding" or consistently "Very-Good" record shall only be selected and their names arranged in the order of seniority." vide Notification No. F. 7(10)DOP/A-II/77 dated 30.11.1991

\* Substituted for "Explanation:- For the 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." vide Notification No. F. 7(10)DOP/A-II/77 dated 11.04.1979

\* Inserted vide Notification No. F. 11(1)DOP/A-II/77 dated 20.03.1980.

<sup>8</sup> Substituted for <sup>b</sup> "Provided also that while counting the total number of children of a candidate, the child born from earlier delivery and having disability shall not be counted." vide Notification No. F. 7(1) DOP/A-II/95/Pt.-III Dated: 03.07.2019 (w.e.f. 01.06.2002)

<sup>b</sup> Added vide Notification No. F. 7(1) DOP/A-11/95/Pt.-II dated 24.02.2011

<sup>8</sup> Substituted for <sup>a</sup> "Provided also that any person who performed remarriage which is not against any law and before such remarriage he is not disqualified for promotion under this sub-rule, he shall not be disqualified if any child is born out of single delivery from such remarriage." vide Notification No. F. 7(1) DOP/A-II/95/Pt.-II Dated: 18.08.2020.

<sup>a</sup> Added Proviso vide Notification No. F. 7(1)DOP/A-II/95/Pt.-II dated 20.11.2015



(5) Selection for promotion on the post included in the service shall be made on the basis of seniority-cum-merit.

Provided that promotions on the highest post in the state service if it is at least third promotion shall 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 the highest post(s) strictly on the basis of merit in a particular year, selection by promotion to the highest post(s) on the basis of seniority cum merit may be made in the same manner as specified in these rules.

(6) 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.

(10-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 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.

(10-B) the Government or the Appointing Authority may order for review of the proceeding of the D.P.C. held earlier on account of some mistake or error apparent on the basis of record, on account of a factual error subsequently effecting the decision of the D.P.C. or for any other sufficient reason e.g. change the seniority wrong determination or vacancies, judgment/direction of any court or tribunal, or were adverse entries in the confidential reports 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 obtain before holding the meeting of the review D.P.C.

Substituted for (10-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 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." vide Notification No.F.5 (3) DOP/A-II/77 dated, 18.08.1982.

Added vide Notification No.F.5 (3) DOP/A-II/77 dated 6th Oct., 1979

Added vide Notification No.F.7 (1) DOP/A-II/86 dated 14.06.88

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

(12) The Commission shall consider the lists prepared by the Committee along with other relevant documents received from the Appointing Authority, and, unless any change is considered necessary, shall approve the lists. In case the Commission considers 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.

(13) 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 of reviewed and revised, as the case may be.

(14) 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." vide Notification No. F. 7 (5) DOP/A-II/2002 Dated 23.07.2003.



(iii) where, adequate number of the candidates belonging to the schedule castes 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 up to seven times the number of vacancies and the candidates belonging to the schedule castes or the scheduled tribes, as the case may (and not any other) coming within the extended zone of consideration shall also be considered against the vacancies reserved for them.

(iv) For any post in the Services:

(a) If Promotion is from more than one category of 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.

(b) If promotion is from more than one 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 or seniority cum merit, as the case may be, 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 and so forth. The zone of consideration for eligibility in this case shall be limited to five senior most eligible persons in all.

(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 there under, 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 Section there under, where there are three scales e.g. junior scale, senior scale 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.

(c) in a Service or Groups or Section there under, where there are more than two promotions then first promotion shall be made on the basis of seniority-cum-merit alone and promotions to subsequent higher posts shall be made on the basis of seniority-cum-merit and merit in the proportion of 50:50 except to the highest post.



<sup>1</sup>(8) A Committee consisting of the Chairman of the Commission or a Member thereof nominated by him as Chairman, ACS/Principal Secretary/Secretary to the Government in the Home Department, the Principal Secretary/Secretary to the Government in the Department of Personnel or his representative not below the rank of the Deputy Secretary to the Government, Principal Secretary to the Government in the Law Department or his representative not below the rank of the Deputy Secretary to the Government as members and the Director Prosecutions as Member Secretary, shall consider the cases of all the senior most persons who are eligible and qualified for promotion to the class of post concerned under these rules and shall prepare a list containing names of the persons found suitable on the basis of seniority cum merit 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 these rules. The list so prepared on the basis of seniority cum merit and /or on the basis merit, as the case may be, shall be arranged in the order of seniority of the category of post from which selection is made.

(9) The committee may also prepare a list on the basis of seniority-cum-merit or on the basis of merit, as the case may be, as per the criteria for promotion laid down in these rules, containing names of persons not exceeding the number of persons selected in the list prepared under sub-rule (8) above to full temporary or permanent vacancies, which may occur subsequently. The list so prepared on the basis of seniority-cum-merit or on the basis of merit shall be arranged in the order of seniority in the category of posts from which selection shall be made. Such a list shall be reviewed and revised by the committee that meets in the subsequent year and that such list shall remain in force till the end of the last day of the year for which the meeting of the committee is held.

(10) Lists prepared under sub-rule (8) and (9) shall be sent to the Appointing Authority together with annual confidential Reports/annual performance appraisal reports and other service records of all the candidates included in the lists as also of those not selected, if any.

**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 of at least four out of seven years preceding the year for which the meeting of the committee is held.

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<sup>1</sup> Substituted for "(8) The committee shall consider the cases of all the senior most persons who are eligible and qualified for promotion to the class of post(s) concerned under these rules and shall prepare a list containing names of the persons found suitable on the basis of seniority-cum-merit 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 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 of the category of post(s) from which selection is made." vide Notification No. F. 1(4) DOP/A-II/93 Dated: 06.06.2016 (w.e.f. 23.07.2003)



(11) If in any subsequent year, after promulgation of these rules vacancies relating to any earlier year are determined under these rules which were required to be filled in by promotion, the 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 meeting of the committee is held and such promotion 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.

(12) The Government or the Appointing Authority may order for the review of the proceedings of the committee held earlier on account of some mistake or error apparent on the face of record, or on account of a factual error substantially affecting the decision of the committee or for any other sufficient reasons e.g. change in seniority, wrong determination of vacancies, judgment/direction of any court or tribunal, or where adverse entries in the confidential reports 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 committee.

(13) Where consultation with the Commission is necessary the lists prepared by the committee shall be forwarded to the Commission by the Appointing Authority along-with the personal files and annual confidential rolls/annual performance appraisal reports of all the persons whose names have been considered by the committee.

(14) The Commission shall consider the lists prepared by the committee along-with other relevant documents received from the Appointing Authority and unless any change is considered necessary, shall approve the lists. In case the Commission considers 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 approval of the Government.

(15) Appointments shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule (14) in the order in which they have been placed in the lists, till such lists are exhausted or reviewed and revised or remained in force, as the case may be.

(16) The Government may issue instructions for provisionally dealing with the 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 or proceedings.

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



**19A. Restriction of promotion of persons foregoing promotions:-** In case a person on his appointment by promotion to the next higher post either on the basis of urgent temporary appointment or on regular basis on the recommendation of the departmental promotion committee, forgoes such an appointment through this written request and if the concerned Appointing Authority accepts his/her request, the person concerned shall be debarred from consideration for promotion (both on the basis of urgent, temporary appointment or on regular basis) for subsequent two recruitment years for which the departmental promotion committee is held and the name of such person who forgoes promotion shall not be included in the seniority-cum-eligibility list to be placed before the departmental promotion committee for subsequent two recruitment years.

## **PART - V**

### **Appointments, Probation and Confirmation**

**10. Appointment to Service:-** Appointment to the posts in Service by promotion shall be made by the Appointing Authority on occurrence of vacancies from the candidates selected under rule 9 in the order of merit.

**11. Urgent Temporary appointment:-** (1) A vacancy in the Service which cannot be filled in immediately by promotion under the rules may be filled in by the Appointing Authority by appointing in an officiating capacity thereto, an officer eligible for appointment to the post by promotion 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.

(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 instructions for grant of permission to fill the vacancies on urgent temporary basis, subject to such condition 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.

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<sup>1</sup> Substituted for "Restriction of promotion of persons foregoing promotions:- In case a person on his appointment by promotion to the next higher post either on the basis of urgent temporary appointment or on regular basis on the recommendations of the Departmental Promotion Committee, forgoes 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" vide Notification No. F. 7 (1) DOP/A-II/98, the dated 5.08.1998

\* Added vide Notification No. F. 15(16)DOP/A-II/80 dated, 30.11.1981



<sup>^</sup>12. **Seniority:-** Seniority of persons appointed to the post encadred in the service shall be determined from the date of appointment on the post after regular selection in accordance with the provisions of these rules. Appointment on ad-hoc or urgent temporary basis shall not be deemed to be appointment after regular selection.

Provided -

(1) that the seniority inter se of the persons appointed to the Service before the commencement of the rules, shall be determined, modified or altered by the Appointing Authority on an ad-hoc basis.

<sup>@</sup>(2) 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 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 9.

<sup>&</sup>(4) Deleted

(5) 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.

<sup>@</sup>(6) Deleted.

<sup>^</sup> Substituted for "Seniority of persons appointed to the lowest post of the service or lowest categories of posts 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 or other higher categories of the 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" vide Notification No. F. 7(1) DOP/A-II/96 Dated 10.10.2002

<sup>#</sup> Substituted for "Seniority in each category of the Service shall be determined by the year of substantive appointment to a post in the particular category" vide Notification No. F. 7(8) DOP/A-II/78 Dated: 20.07.1979

<sup>@</sup> Substituted for "(2) that the persons selected and appointed as a result of 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 post when it shall be in accordance with the length of continued officiation provided that such officiation was not ad hoc or fortuitous" vide Notification No. F. 7(10) DOP/A-II/77 Dated 17.06.1978

<sup>&</sup> Deleted "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" vide Notification No. F. 7(10) DOP (A-II)77 dated 17.06.1978.

<sup>@</sup> Deleted <sup>\*</sup>(6). The seniority inter-se of the persons appointed under sub-rule(1) of the rule 8 of the Rajasthan Prosecution State and Subordinate Service (Initial Constitution and Emergency Recruitment) Rules, 1975, to the post of Assistant Public Prosecutor Grade-I shall be determined on the basis of the seniority as on 01.04.1974 in the cadre of Prosecuting Inspector in the Police Department;

provided further that the persons who had passed the Promotion Cadre Course and qualifying examination prescribed for promotion to the post of Inspector/Prosecuting Inspector under the Rajasthan Police Subordinate Service Rules, 1966 or under the Rajasthan Police Subordinate Services Rules, 1974, prior to their appointment to the post of Assistant Public Prosecutor Grade-I shall rank senior to the persons who had not passed the said qualifying examination and Promotion Cadre Course" vide Notification No. F. 7(1) DOP/A-II/2002, dated 28.12.2002

<sup>\*</sup> Added vide Notification No. F. 1(1) DOP/A-II/77, dated 19.03.1980



\* (7) Withdrawn.

- <sup>s</sup>(8) that reservation for Scheduled Castes and Scheduled Tribes employees, with consequential seniority, shall continue till the roster points are exhausted; and adequacy of promotion is achieved.

Once the roster points are complete the theory of replacement shall thereafter be exercised in promotion whenever vacancies earmarked for Scheduled Castes/Scheduled Tribes employees occur.

If on the application of these provisions the Scheduled Castes/Scheduled Tribes employees who had been promoted earlier and are found in excess of the adequacy level, shall not be reverted and shall continue on ad-hoc basis, and also any employee who had been promoted in pursuance to Notification No. F. 7(1) DOP/A-II/96 Dated 01.04.1997.

Explanation:- Adequate representation means 16% representation of the Scheduled Castes and 12% representation of the Scheduled Tribes in accordance with the roster point.

**13. Period of probation:-** <sup>1</sup>“(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.”

Provided that -

- (i) Such of them as have, previous to their appointment by promotion/special selection or by direct recruitment against a substantive vacancy, officiated temporarily on the post which is followed by regular selection may be permitted by the Appointing Authority to count such officiating or temporary service towards the period of 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 Departmental Examination and to under-go such training as the Government may, from time to time, specify.

\* Withdrawn <sup>u</sup>Notifications No. F. 7(3)DOP/A-II/2008 dated 25.04.2008 and F. 7(1)DOP/A-II/2002 dated 28.12.2002 and” vide Notification No. F. 7(3)DOP/A-II/2008 dated 11.09.2011.

<sup>u</sup> Deleted <sup>^</sup>“(7) Provided that a candidate who has got the benefit of proviso inserted vide Notification No. F. 7(1) DOP/A-II/96 Dated 01.04.1997 on promotion to an immediate higher post shall not be reverted and his seniority shall remain unaffected. This proviso is subject to final decision of the Hon’ble Supreme Court of India in Writ Petition (Civil) No. 234/2002. All India equality Forum v/s Union of India and Others.” vide Notification No. F. 7(3) DOP/A-II/2008, Dated 25.04.2008

<sup>^</sup> Added vide Notification No. F. 7(1) DOP/A-II/2002, dated 28.12.2002

<sup>s</sup> Added vide Notification No. F. 7(3) DOP/A-II/2008 Dated 11.09.2011

<sup>1</sup> Substituted 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 by promotion to any post against such a vacancy shall be on probation for a period of one year” vide Notification No. F. 1(35)DOP/A-II/74 Dated 09.04.1979



**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 preceding 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.

**14. Confirmation with certain cases:-** <sup>2</sup>“(1) Notwithstanding anything to the contrary contained in the preceding rule, a person appointed to a post in the service by direct recruitment as a probationer trainee under these rules has not been confirmed within six months after satisfactory completion of probation for a period of two years shall be entitled to be treated as confirmed in accordance with his/her seniority if,-

<sup>2</sup> Substituted for “14. (1) Notwithstanding anything contained in rule 13, 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 recruitment completed a period of two years’ service, less, in the case of those appointed by promotion where the period of Probation prescribed is less on the post or higher post under the same Appointing Authority or would have so worked but for his deputation or training shall 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 fulfilled subject to the quota prescribed under the Rules and 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 the Departmental Examination, the training or promotion cadre course etc. the aforesaid period may be extended as prescribed for promotion or under the Rajasthan Civil Service (Departmental Examination) Rules, 1959, and any other rules or by one year whichever is longer. If the employee still fails to fulfill the prescribed condition 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 on 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 any 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:-** (i) “Regular Recruitment” for the purpose of this rule shall mean appointment after either of the 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 exists, 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 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) Person who held lien in another cadre shall 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 an option to the contrary, they shall be deemed to have exercised option in favor of confirmation under this rule and their lien on the previous post ceases.” vide Notification No. F. 2(4) DOP/A-II/79 Dated 22.11.1984.

<sup>2</sup> Substituted for “14. Confirmation with certain cases.- (1) Notwithstanding anything to the contrary contained in the preceding rule, a person appointed to a post in the service temporary 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 period of six months on completion of a period of two years’ service in case he is appointed by direct recruitment or within 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 fulfills 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.” vide Notification No. 7(1) DOP/A-II/2020 Dated 04.02.2022



- (i) he/she has worked on the post or higher post under the same Appointing Authority or would have so worked but for his/her deputation or training;
- (ii) he/she fulfills conditions as are prescribed under rule relating to confirmation subject to the quota prescribed under these rules; and
- (iii) he has been appointed against a substantive vacancy."

(2) If an employee referred to in sub-rule (1) above fails to fulfil the condition mentioned in the said sub-rule. The period mentioned in sub-rule (1) above, may be extended as prescribed for a probationer 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.-** (i) 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;
- (b) appointment to the posts for which no Service Rules exist, 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.



**15. 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 service of a probationer-trainee are not found to be satisfactory, the appointing authority may revert him/her to the post on which he/she is regularly selected immediately preceding his/her appointment as probationer trainee or in other cases may discharge or terminate him/her from service. The appointing authority shall accord appropriate opportunity to the probationer-trainee before final orders are passed in this respect:

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 probationer trainee by a specified period not exceeding one year.

**16. Confirmation:-** 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 Government may, from time to time, specify.
- (b) He has passed a Departmental Test of proficiency in Hindi and Knows one of the Rajasthan dialects; and
- (c) The Government is satisfied that his integrity is unquestionable and that he is otherwise fit for confirmation.

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<sup>1</sup> Substituted for "(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 there on or in other cases may discharge or terminated 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 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.

(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." vide Notification No. F. 7(2) DOP/A-II/2005 dated 13.06.2008.



## PART-VI

### PAY

**17. 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 20 or as may be sanctioned by Government, from time to time.

**18. 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 Rules, 1951

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

**20. Regulation of pay, leave, allowances, and pensions etc:-** Except as provided in these rules the pay, allowances, pension, leave and other conditions of service of 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 Service Rules, 1951, as amended from time to time;
3. The Rajasthan Civil Services (Rationalization 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 Allowance Rules, 1971, as amended from time to time;
8. The Rajasthan Civil Services (Revised New Pay Scales) Rules, 1976, as amended from time to time; and
9. Any other rules prescribing general conditions of service made by the appropriate authority under the proviso to Article 309 of the Constitution of India and for the time being in force.

**21. Removal of doubts:-** If any doubt arises relating to the application, interpretation and scope of these rules, it shall be referred to Government in the Department of Personnel whose decision there on shall be final.

**22. Repeal and Savings:-** All rules and orders in relation to matters covered by these rules 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.



**<sup>1</sup>23. Power to Relax Rules:-** In exceptional cases where the administrative Department of the Government is satisfied that operation of the Rules relating to age or regarding recruitment of experience for recruitment causes undue hardship in any particular case or where the Government is of the opinion that it is necessary or expedient to relax any of the provisions of these rules with respect to age or experience of any persons, it may with the concurrence of the Department of Personnel and Administrative Reform and in consultation with the Commission by orders dispense with or relax the relevant provisions of these Rules to such extent and subject to such conditions as it may consider necessary for dealing with the case in just and equitable manner, provided that such relaxation shall not be less favorable than the provision already contained in these rules. Such cases of relaxation shall be referred to the Rajasthan Public Service Commission by the <sup>2</sup>"Administrative Department concerned"

<sup>3</sup>Provided that relaxation in the prescribed period of service or experience under this rule shall only be granted to the extent of 1/3 period of the service or experience prescribed for promotion to any post before holding the meeting of the Departmental Promotion Committee.

<sup>@</sup>Provided further that where the prescribed period of experience for promotion to any post is less than 6 years, a committee headed by the Chief Secretary comprising of Principal Secretary Finance, Principal Secretary-Secretary Department of Personnel and Principal Secretary/Secretary of the Administrative Department, may consider the cases where 45% or more posts are vacant. The committee is empowered to suggest the quantum of relaxation in experience which may be granted in such cases to address the issue of large number of vacancies in proportional posts subject to condition that such relaxation in experience shall not be more than two years.

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<sup>1</sup> Added vide Notification No. F. 11(2) DOP (A-II)/75 Dated 27.12.1978.

<sup>2</sup> Substituted for "Department of Personnel and Administrative Reform (Department of Personnel-A-Group-II)" vide Notification No. F. 11(2) DOP/A-II/75 Dated 18.08.1982

<sup>3</sup> Added vide Notification No. F. 7(3) DOP/A-2/95 Dated 18.02.1998.

<sup>@</sup> Added vide Notification No. F. 7(3) DOP/A-II/95 Pt. Dated 18.07.2017



# **SCHEDULE**

S. No.	Name of the post	Method of Recruitment	post from which promotion is to be made	Qualification and experience for promotion	Remarks
1	2	3	4	5	6
1.	Additional Director Prosecution	100% by promotion	Deputy Director/ Public Prosecutor	3 years experience on the post mentioned in Column 4	
2.	Deputy Director/ Public Prosecutor	100% by promotion	Assistant Director/ Addl. Public Prosecutor/ Spl. Public Prosecutor	4 years experience on the post mentioned in Column 4	
3.	Assistant Director/ Spl. Public Prosecutor/ Addl. Public Prosecutor	100% by promotion	*Prosecution Officer	5 years experience on the post mentioned in Column 4	Service rendered as prosecution Inspector will be counted as service as *Prosecution Officer.
4.	*Prosecution Officer	100% by promotion	<sup>0</sup> Assistant Prosecution Officer	5 years experience on the post mentioned in Column 4	Service rendered as prosecuting Sub-Inspector will be counted as service as <sup>0</sup> "Assistant Prosecution Officer"

## **Explanation:-**

- (1) The post of Deputy Director and Public Prosecutor shall be inter-transferable.
- (2) The post of Assistant Director, Additional Public Prosecutor and Special Public Prosecutor shall be inter-transferable.

\* Substituted for "Assistant Public Prosecutor Grade-I" vide Notification No. F. 1(4) DOP/A-II/93. Dated 20.07.2015

<sup>0</sup> Substituted for "Assistant Public Prosecutor Grade-II" vide Notification No. F. 1(4) DOP/A-II/93. Dated 20.07.2015



Substituted for-

**SCHEDULE**

S.No.	Name of the post	Method of Recruitment	post from which promotion is to be made	Qualification and experience for promotion	Remarks
1	2	3	4	5	6
1.	Deputy Director/ Public Prosecutor	100% by promotion	Assistant Director/ Addl. Public Prosecutor /Spl. Public Prosecutor	Degree 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 qualifications recognized by the Government as equivalent thereto, and four years' experience on the post mentioned in Column	
2.	Assistant Director/ Addl. Public Prosecutor /Spl. Public Prosecutor	100% by promotion	Assistant Public Prosecutor, Grade-I appointed as such under these rules.	Degree 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 qualifications recognized by the Government as equivalent thereto, and five years' experience on the post mentioned in Column 4	Service rendered as prosecuting Inspector will be counted as service as Assistant Public Prosecutor, Grade I.
3.	Assistant Public Prosecutor, Grade-I	100% by promotion	Assistant Public Prosecutor, Grade-II governed by the Rajasthan Subordinate Prosecution Service Rules, 1978	Degree 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 qualifications recognized by the Government as equivalent thereto, and five years' experience on the post mentioned in Column 4	Service rendered as prosecuting Sub-Inspector will be counted as service as Assistant Public Prosecutor, Grade II.

Explanation:-

- (1) The post of Deputy Director and Public Prosecutor inter-transferable.
- (2) The post of Assistant Director, Additional Public Prosecutor and Special Public Prosecutor shall be inter-transferable." vide Notification No. F 1(4) DOP/A-II/93 Dated: 20.11.1997



SCHEDULE

S.No.	Name of the post	Method of Recruitment	post from which promotion is to be made	Qualification and experience for promotion	Remarks
1	2	3	4	5	6
%1.	Deputy Director	100% by promotion	Assistant Director	Four years experience on the post mentioned in Column 4	
2.	Assistant Director	100% by promotion	Assistant Public Prosecutor, Grade-I	Degree 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 qualifications recognized by the Government <sup>δ</sup> "as" equivalent thereto, and five years experience on the post mentioned in Column 4	Service rendered as prosecuting Inspector will be counted as service as Assistant Public Prosecutor, Grade I.
3.	Assistant Public Prosecutor, Grade-I	100% by promotion	Assistant Public Prosecutor, Grade-II	Degree 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 qualifications recognized by the Government <sup>δ</sup> "as" equivalent thereto, and five years' experience on the post mentioned in Column 4	Service rendered as prosecuting Sub-Inspector will be counted as service as Assistant Public Prosecutor, Grade II.

vide Notification No. F 1(4) DOP/A-II/93 Dated: 20.11.1997.

% Inserted and renumbered vide Notification No. F. 1(1) DOP/A-II/93 Dated 15.04.1993.

δ Substituted for "or" vide Notification No. F 1(1) DOP/A-II/77 Dated: 20.08.1979.