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

**DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE  
 REFORMS**

(Department of Personnel -A-Gr-II)

**NOTIFICATION**

Jaipur, March 31, 1978

G.S.R.I. -- 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). " Direct Recruitment " means recruitment made in accordance with the procedure prescribed in part iv of these rules.
- (e) "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appointed in a substantive capacity to a post in the service under the provisions of these rules or the rules or orders repealed, by rule 22 and includes a probationer;
- (f) "Schedule" means the Schedule appended to these Rules;
- (g) "Service" means the Rajasthan Prosecution Service;
- (h) "Service" or "Experience" wherever prescribed in these Rules as a condition for promotion to from one Service to another or within the /service from in category to another or to Senior posts, in the case of a person holding a lower post eligible for promotion to higher post shall include the period for which the person has continuously worked on such lower post after regular selection in accordance with Rules promulgated under proviso to Article 309 of the constitution of India.

**NOTE:** -Absence during service e.g. training and deputation etc. whice 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.

- (i) "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 period of probation.

**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 or India, except urgent temporary appointment.

- (j) " 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.

## 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.
- (3). The strength of public prosecutors, additional public prosecutors and special 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 in 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.

PARE -- 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 orders of the Government for such reservation in force at the time of recruitment.
- (2). The vacancies so reserved for promotion shall be filled in by @ 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.

- (4). 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.

- 8. Determination of vacancies. -(1) (a)** Subject to the provisions of these rules, the Appointing Authority shall determine 1st April every year, the actual number of vacancies occurring during the financial year.

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

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

(2) The Appointing Authority shall determine the vacancies of earlier years which were required to be filled in by promotion as if such vacancies were determined and filled earlier in the year in which they were required to be filled in.

#### PART -- IV

#### PROCEDURE FOR RECRUITMENT BY PROMOTION

- 9. Criteria, Eligibility and procedure for promotion: -**

- (1). As soon as the Appointing Authority determines the vacancies under rule 8 and decides that a certain number of posts required to be filled in by promotion it shall, subject to provisions of sub-rule (9), prepare a correct and complete list of the senior-most persons who are eligible and qualified under these rules for promotion on the basis of seniority-cum-merit or on the basis of merit to the class of posts concerned.
- (2). The persons enumerated in Column 4 of the Schedule shall be eligible for promotion to posts specified against them in column 2 there of 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 5.
- (3). No person shall be considered for promotion unless he is substantively appointed and

confirmed. If no person substantive in the next lower post is eligible for promotion, persons who have been appointed on such 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 the said lower post

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

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

- (5). Subject to the provisions of sub-rule (7). Selection for promotion from the lowest post in the Service to the next higher post in the Service 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:

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

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

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

Provided that :-

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

(b) in a service or Groups or Sections 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 Service 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 posts shall be made on the basis of seniority-cum-merit and merit in the proportion of 50:50 except to the higher post.

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.

- (7) The Government or the Appointing Authority may order for the review of the proceeding a of the D.P.C. held earlier in account or some mistake or error apparent on the face of records or an account of a factual error substantively affecting the decision of the D.P.C. Or for any other sufficient reason e.g. change in seniority, wrong determination of vacancies, judgment, / direction of any court or Tribunal or where adverse entries in the confidential reposts of an individual are expunged or toned down or a punishment inflicted on him is set a side; or reduced. The concurrence of the Department of personnel and the Commission ( where commission is associated) shall always be obtained before holding the meeting of the review D.P.C.

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.

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

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) 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.

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

(1) Number of vacancies      eligible persons to be considered

(a) for one vacancy      Five eligible persons.

- |                                 |                                     |
|---------------------------------|-------------------------------------|
| (b) for two vacancy             | Eight eligible persons.             |
| ( c) for three vacancies        | ten eligible persons.               |
| (d) for four or more vacancies. | Three time the number of Vacancies. |

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

(3) Where adequate number of the candidates belonging to the Schedule Castes or the Scheduled Tribes, as the case may be, not available within the zone of consideration specified above, the zone of consideration may be extended to " Seven " time 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.

(4) For the highest post in a state Service:-

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

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

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

- (9) (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 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 of promotion laid down in these rules, equal to the number of vacancies determined under the 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 of 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 or 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. This list shall be reviewed and revised by the Departmental Promotion Committee when it meets in the subsequent year and that the upper age limit for persons serving in connection with the affairs of the panchayat Samitis and Zila Parishads and in the State Public Sector undertakings/Corporation in substantive capacity shall be 40 years. This list shall remain in force till 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 the lists as also of those not selected, if any."

Explanation: For the purpose selection on the basis of merit, the list of officers graded as ' Outstanding' and ' Very Good' shall be classified in the category in the order of seniority.

- (10) If in any subsequent year, after promulgation of these rules, vacancies relation 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 year to which the vacancies relate irrespective of the year in which the meeting of the Departmental promotion 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 promoted, shall be counted. The pay of a person who has been so promoted shall be fixed at the pay which he would have derived at the time of his promotion but no arrears of pay shall be allowed to him.
- (11) 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 consider it necessary to make any change in the lists received from the Appointing Authority, it shall inform the Appointing Authority of the changes proposed by it After taking into account the comments of the Commission, if any, the Appointing Authority may approve the lists finally with such modifications, as may in its opinion, be just and proper and when the Appointing Authority is an authority subordinate to the Government, the lists approved by the Commission shall be



disturbed only with the approval of the Government.

- (12) Appointments shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule (11) in the order in which they have been placed in the lists, till such lists are exhausted or reviewed and revised, as the case may be.
- (13) 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.

**9 A**        **Restriction of promotion of persons forgoing 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 his written request and if the concerned Appointing Authority accepts his/ her request, the persons concerned shall be debarred from consideration for promotion (both on the basis of urgent temporary appointment or on regular basis) for subsequent two recruitment or on the Departmental Promotion Committee.

#### PART - V

##### Appointments, Probation and Confirmation

**10.**        **Appointment to Service-** Appointment to the posts in Service by direct recruitment shall be made by the Appointing Authority on occurrence of substantive vacancies from the candidates selected under rule 23 in the order of merit.

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 year to which the vacancies relate irrespective of the year in which the meeting of the department promotion committee is held and such promotion shall be governed by the criteria and procedure of 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 counted. The pay of a person who has been so promoted shall be refixed 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 the review of the proceedings of the D.P.C. 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 D.P.C. 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 D.P.C.

**11. Urgent Temporary appointment: -**

- (1). A vacancy in the Service which cannot be filled in immediately by appointment either by direct recruitment or by promotion under these 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 or by appointing temporarily there to a person eligible for direct recruitment to the Service, where such direct recruitment has been provided under the provisions of these rules:

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

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

- (2). In the event of non availability of suitable persons, fulfilling the requirements of eligibility for promotion, Government may, notwithstanding the condition of eligibility for promotion required under sub-rule (1) above lay down general 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.

**12. Seniority. -** Seniority in each category of the Service shall be determined by the year of substantive appointment to a post in the particular category: -

Provided -

- (1). That the seniority *inter se of the* persons appointed to the Service before the commencement of *these rules, shall be* determined, modified or altered by the Appointing Authority *on an ad hoc basis* .
- (2). That the persons *selected and appointed* as a result of selection, which is not subject to review and revision 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 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.
- (4). 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.

- (5). The Seniority inters se of the persons appointed under sub rule I of 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 1.4.1974 in the cadre of Prosecuting Inspector in a police Department ; provided further that the persons who had passed the promotion cadre course and qualifying examination prescribed for promotion the post of Inspector/ Prosecuting inspector Under the Rajasthan Police Subordinate Services Rules, 1966 or under the Rajasthan Police Subordinate services Rules, 1974 prior to the appointment to the post of Assistant Public Prosecutor Grade -I, shall rank senior to the persons who had not passed the qualifying examination of promotion cadre course.

That if a candidate belonging to the Scheduled Caste/Schedule Tribes is promoted to an immediate higher post /grade against a reserved vacancy earlier to his senior general/O.B.C. candidate who is promoted later to the said candidate will regain his seniority over such earlier promoted candidate or the Scheduled Cast/ Scheduled Tribe in the immediate higher post/ grade.

**13. 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 and those appointed by promotion to any post against such a vacancy shall be 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 super session 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.

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

(I) he has worked on the post or higher post under the same Appointing Authority or would

have so worked but for his deputation or training;

(ii) he fulfils conditions as are prescribed under rule relating to confirmation subject to the quota prescribed under these rules; and

(iii) Permanent vacancy is available in the Department.

(2) if an employee referred to in sub -rule (1) above fails to fulfill the conditions mentioned in the said sub-rule, the period mentioned in sub-rule (1) above , 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, which-over is longer. If the employee still fails to fulfill 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.

(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 of the methods of recruitment or on initial constitution of Service in accordance with any of the Service Rules made under proviso to Article 309 of the Constitution of India.

(b) appointment to the posts for which no Service Rules exists, if the posts are within the purview of Rajasthan Public Service Commission recruitment in consultation with them;

(c ) appointment by transfer regular recruitment if 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 of officiating promotion which is subject to review and revision.

(ii) Person who held lien in another order shall be eligible to confirm 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 these rules. 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 cease.

(iii) Person who hold lien in another order 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 any option to the contrary, they shall be deemed to have been exercised option in favors 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 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 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.

**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.

#### **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 on 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 and Administrative Reforms 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.

**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 requirement 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 person it may with the concurrence of the Department of Personnel and Administrative Reforms and in consultation with the Commission by orders dispense with or relax the relevant provisions of these rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner provided that such relaxation shall not be less, favorable than the provisions already contained in these rules. Such cases of relaxation shall be referred to the Rajasthan Public Service Commission by the Administrative Department concerned.

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

## 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 NO. 4	
2.	Deputy Director/ public prosecutor	100% by promotion	Assistant Director/ Additional public prosecutor/ special public prosecutor, 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 or qualifications recognized by the Government as equivalent thereto, and four years experience on the post mentioned in Column 4	
3.	Assistant Director / Assistant public prosecutor/ special 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 or qualifications recognized by the Government as equivalent thereto, and five years experience on the post mentioned in Column 4	Service rendered as prosecuting inspectors will be counted as service as Assistant Public Prosecutor, Grade I
4.	Assistant	100% by	Assistant Public	Degree in law (two	Service

	Public Prosecutor, Grade-I	promotion	Prosecutor, Grade-II, governed by the Rajasthan subordinate prosecution service rules, 1978	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 qualifications recognized by the Government as equivalent thereto, and five years experience on the post mentioned in Column 4	rendered as prosecuting Sub-Inspector will be counted as service as Assistant Public Prosecutor, Grade II
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**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.

(No. F. 1 (4) DOP/ (A-II)/93)

Dated 16-10-2002

By order and in the name of the Governor,

Deputy Secretary to the Government.



