

**THE RAJASTHAN MINES & GEOLOGICAL
SERVICE RULES, 1960**

[First published in the Rajasthan Rajptra, Part IV-C dated 4.8.1960]

GOVERNMENT OF RAJASTHAN APPOINTMENT 'D' DEPARTMENT

Notification

Jaipur, April 19, 1960

No. F.21 (13) Appts. (C)/55. -In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Rajasthan makes the following rules regulating recruitment to posts in, and the conditions of service of persons appointed to the Rajasthan Mines and Geological Service:-

THE RAJASTHAN MINES AND GEOLOGICAL SERVICE RULES, 1960

PART-I General

1. Short title and commencement:- These Rules may be called the Rajasthan Mines and Geological Service Rules, 1960 and shall come into force at once.
2. Supersession of existing rules and orders:- All existing rules and orders in relation to matters covered by these Rules are hereby superseded, but any action taken by on in pursuance of such existing rules and orders shall be deemed to have been taken under these Rules.
3. Status of the Service:- the Rajasthan Mines and Geological Service is a State Service.

@4. 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, or Chairman.” * 'and/ or x x x' any one or more members acting jointly severally”

@ Substitute vide Notification No. F.21 (13) Appts./C/55, dated 15.5.1962 for “rule 4. Definitions:- In these rules unless there is anything repugnant in the subject or context:-

(a) “Government” and “State” mean respectively the Government and State of Rajasthan;

(b) “Commission” means the Rajasthan Public Service Commission;

(c) “Service” means the Rajasthan Mines & Geological Service;

(d) “ Member of the Service: means a person appointed substantively to a post in the Service under the provisions of these rules or the rules or orders superseded by rule 2;

(e) “Director” means the Director of Mines & geology, Rajasthan;

(f) “Direct recruitment” means recruitment otherwise than by promotion or transfer as provided in rule 7;

(g) “Schedule” means a schedule to these Rules.”

Re-substituted for the words “unless there is anything repugnant in the subject or context” vide Notification No. F.21 (13) Appts/C/55, dated 4.10.1962.

- (c) "Direct Recruitment" means recruitment made otherwise than by promotion as prescribed in rule 7;
- (d) "Director" means the Director Mines and % "Geology", Rajasthan;
- %%(e) "Government" and "State" means respectively, the Government of Rajasthan and the State of Rajasthan;
- (f) "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 orders superseded by these rules and includes a person placed on probation;
- (g) "Service" means the Rajasthan mines and Geological Service;
- (h) "Schedule" means the Schedule appended to these Rules;
- Π(i) "Substantive Appointment" means an appointment made under the provision of these Rules to a substantive vacancy after due selection by any

@ Substituted for:- "(b)" " Commission" means the Rajasthan Public Service Commission vide notification No. F.5(8)DOP/A-II/75, dated 3.8.1975. Effective from 19.4.1960.

* Inserted and deleted the words "Chairman and" vide Notification No. F.5 (8)DOP/A-II/75, dated 8.8.1975.

% Substituted for the word "Geological" vide Notification No.F.21 (13) Appts./C/55, dated, 4.10.1962.

%% Substituted for:- "(e)" " Government and "State" means respectively the Government and the State of Rajasthan" vide Notification No. F.7(10)DOP (A-II)/74, dated 10.2.1975.

of the methods of recruitment prescribed under these Rules and includes an appointment on probation or as a probationer followed by confirmation on the completion of the probationary period.

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

Π Inserted vide Notification No. F.7(3)DOP/A-II/73, dated 5.7.1974.

%ff (M) "Service" or " Experience" wherever prescribed in these rules as 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 on the constitution of India.

% Inserted vide Notification No.F.(2) Appts.(A-II)/71-I, dated 9.10.1975.
Effective from 27.3.1973.

ff Substituted for "Service" or "Experience" wherever prescribed in these rules as a condition for promotion within the Service from one category to another or to senior posts 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 and shall also include the experience gained officiating, temporary or ad-hoc appointment, if such fortuitous nature or invalid-under any law and does not involve supersession of any senior official except when such supersession of any senior official and other qualification was either due to want 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.2(5)DOP/A-II/dated 29.8.82)

@ Inserted vide Notification No.F.6 (2) Appts./A-II/71, dated 13-7-1976.
Effective from 1.10.1975.

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

‡(n) (Added) "years" means the financial year.

5. Interpretation:- Unless the context otherwise requires, the Rajasthan general Clauses Act, 1955 (Rajasthan Act No. VII of 1955), shall apply for the interpretation of their Rules as it applies for the interpretation of a Rajasthan Act.

PART-II CADRE.

- *"6. Constitution of the Service: - (1) The Service shall consist of:-
(a) Persons holding substantively the post specified in schedule;

(b) Persons recruited to the Service before the commencement of these Rules; and

‡(n) Added vide Notification No. F.7(2) DOP/A-II/ Dated 21.12.81 (w.e.f. 1.4.81)

* Substituted for:- "Rules 6. Strength of the Service:- The strength of the Service and the nature of posts therein shall be as specified in schedule;

Provided that the Government may leave unfilled, hold in abeyance or abolish any vacant post or posts without thereby entitling any persons to compensation or may create additional permanent or temporary post in the service, from time to time, as may be found necessary." Vide Notification No. F.21(13) Appts./c/55, dated 15.5.1962.

(c) Persons recruited to the Service in accordance with the provisions of these Rules.

2. Composition and Strength of the Service: - (i) The nature of posts included in % "each category" ³ "of" the service shall be as specified in Column 2 of Schedule.

(ii) The strength of posts in each ^{@@} "category" shall be such as may be determined by Government from time to time provided that Government may-

(a) Create any post, permanent or temporary, from time to time, as may be found necessary; and

(b) Leave unfilled or hold in abeyance or abolish any post, permanent or temporary, from time to time without thereby entitling any person to any compensation:

@ Provided that:-

% Added vide Notification No.F.21(13) Appts./C/55, dated 4.10.1962.

³ Added vide Notification No. F.8(1) (29) Inds. (B)/63, dated 28.5.1966.

@@ Substituted for the word "grade" vide Notification No. F.21(13) Appts./C/55, dated 4.10.1962.

@ Added vide Notification No. F.1 (108) Khan/(Gr.III)/74, dated 20-5-1977. Come into force the date of their publication in the Rajasthan Gazette.

(a) The Government may create temporarily additional categories of posts in the service as specified in Schedule II appended to these rules and regulations, which shall remain in force for such time as such temporary posts in such categories as are sanctioned;

(b) the various conditions, principles and procedures contained in these rules and regulations except for substantive appointment, shall as far as possible apply mutates mutandis to recruitment, appointment and in other matters to such temporary categories of post as included in schedule-II and subject to such modifications as may be specified in that Schedule;

(c) the posts include in Schedule-II shall be treated as isolated and ex-cadre posts and appointment thereto shall not confer any right on a person for appointment, confirmation and seniority etc.

(d) a holder of temporary post included in Schedule-II shall also be eligible for promotion to higher temporary category of posts included in that Schedule, if he fulfills other conditions laid down in Schedule-I;

(e) a member of Service shall have precedence over a holder of temporary post included in Schedule- II where both are eligible; and

(f) the provisions for determination of seniority inter se of holders of such posts in the second Schedule shall except for substantive appointment, apply mutates mutandis and a separate seniority list shall be drawn for them.”

PART –III RECRUITMENT

7. Sources of recruitment:- \$ (1) Recruitment to the service after the commencement of these Rules shall be made by selection through the agency of the commission or by promotion as detailed in Schedule;

Provided that:-

- (1) That vacancies reserved for promotion shall be filled only when the candidates fulfilling the conditions laid down in columns 6 and 7 of the Schedule are available.
 - (2) That if the Government is satisfied in consultation with the commission that no suitable officer is available from the Service for appointment to the vacant post by promotion, such post shall also be filled up by direct recruitment.
- ^(x)3. “That if no one is suitable for promotion to the [post of Director, the Government may, in consultation with the Commission, appoint on the post of Director an Officer of the Indian Administrative Service.”

Note:- Where all the post in the senior cadre are to be filled up by promotion, no reference to Commission before making such appointment by promotion will be necessary.

\$7(2) Recruitment to the service by the aforesaid method shall be made in such a manner that the persons appointed to the service by each method do not any time exceed the percentage laid down in the rules/ Schedule of the total cadre strength as sanctioned for each category from time to time.

\$ Existing rule 7 numbered as Sub rule (1) and sub rule (2) added Vide Notification No. F.7(2)DOP/A-II/81, dated 13.11.1996

(x) Inserted vide Notification No.F.1(15) DOP/A-II/84 dated 22.7.08.

@”7-A. Notwithstanding anything contained in the recruitment, appointment, promotion, seniority and confirmation etc. of a person who joins the Army/Air Force/ Navy during an Emergency shall be regulated by such order and instructions as may be issued by the Government from time to time provided that these are regulated mutates mutandis according to the instructions issued on the subject by the Government of India.”

*8. Reservation of vacancies for the Schedules Castes and The Schedule tribes:-

@ Inserted vide Notification No F.21 (12) Apptts./C/55,Part II, dated 29.8.1973. Effective from 29.10.1963, or from the date the relevant Service Rules come into force, vide corrigendum of even No. Dated 25.4.1974.

* Substituted for:- “Rule 8. Reservation of Vacancies for Schedule Castes and Schedule Tribes:- (1) Reservation of Vacancies for Scheduled castes and Scheduled Tribes shall be in accordance with the orders of Government for such reservation in force at the time of recruitment.

(2) In filling the vacancies so reserved, the candidates who are members of the Scheduled Castes and Scheduled Tribes shall be considered for appointment in the order in which their names appear in the irrespective of their relative rank as compared with the other candidates.

(3) If a sufficient number of candidates who are members of the Scheduled Castes and Scheduled tribes are not available for filling the vacancies so reserved, the remaining vacancies shall be filled by appointment of other candidates in the list and an equivalent belonging to the Scheduled Castes and Scheduled tribes to be filled on the result of the next examination or interview in the next year to fill all the reserved vacancies the additional vacancies or such of them as are not filled shall lapse.

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

- (2) The vacancies so reserved for promotion shall be filled in the order of^{x@} “Seniority cum merit and merit”
- (3) In the 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 which their names appeared in the list prepared for direct recruitment by the Commission, for post failing in its purview, and by the Appointing authority, as the case may be in the case of promote, irrespective of their respective rank as compared with other candidates.

Note:- the reservation shall be calculated on basis of total vacancies. The adjustment of fractions shall be made over a period of five years. Vide Notification No.f.7(4) DOP/A-II/73, dated 3.10.1973

^x Substitute for the words “Merit-cum-seniority” vide Notification No. f.7(6) DOP/A-II/75 dated 31.10.1975.

[@] Substituted vide Notification No. F. 7(4) DOP/A-II/73 dates 29.1.81.

^{%4} Appointment shall be made strictly in accordance with the roster prescribed separately for direct recruitment and promotion, 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 accordance with the normal procedure, and an equivalent number additional vacancies shall be reserved in the subsequent year. Such of the vacancies which remain so unfilled shall be carried forward to 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-A} Reservation of vacancies for other Backward Classes: -

Reservation of vacancies for other backward Classes shall be in accordance with the orders of the government, for such reservation in force at the time of direct recruitment. In the event of non-availability of eligible and suitable candidates amongst Other Backward classes in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure.”

% Substituted for “(4) In the event of non- availability of a sufficient number of eligible candidates amongst the Scheduled Castes and Scheduled tribes a particular year, vacancies shall not be carried forward and shall be filled in accordance with the normal procedure.” Vide Notification No. F.7 (10)DOP/A-II/74, dated 10.2.1975.

@ Deleted the words “both merit and seniority-cum-merit and not by seniority cum.” Vide Notification No. F.7(6)DOP/A-II/75III, dated 31.10.1975. effective from the date of publication in the Gazette.

+8-A Added vide Notification No. F.7(2)DOP/A-II/93 dated 24.5.94 w.e.f. 29.9.93.

++8-B Reservation of vacancies for women candidates:-

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

ô(10) Substituted.

++8-B Added vide Notification No.F.7(2)DOP/A-II/88 dated 22.1.97.

ô Substituted for “(10) Determination of vacancies- (1) Subject to the provision 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.

(2) In calculating the actual number to be filled by each method on the basis of the percentage prescribed in Column 3 of the Schedule, the Appointing Authority shall adopt an appropriate cyclic order to correspond with the proportion laid down in Column 3 of the Schedule by giving precedence to promotion quota over direct recruitment quota.” vide Notification No.F.5(3)DOP/A-II, dated 6.10.79 (W.E.F. the date of publication of Rajasthan Rajpatra)

ô(10) Determination of vacancies:- (1)(a) subject to the provisions of these determine, the Appointing Authority shall determine on 1stApril 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 or Schedule, the vacancies so determined shall be filled in by that method.

ô Substituted for”10. Determination of vacancies :- (1) (a) Subject ‘to the provision of these rules, the Appointing Authority shall determine every years the number of existing vacancies and these 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 were to be filled in accordance with sub-rule. vide Notification No.F.7(2)/DOP/A-II/81 dated 21.2.81 (w.e.f. 1.4.81)
- (a) where a post is to be filled in by more than one method as prescribed in the rule or Schedule, the appointment of vacancies determined under clause (a) above to each such method shall be done maintaining the prescribed proportion for the overall number of posts already filled in. If any fraction of vacancies is left over after appointment of the vacancies in the manner prescribed above, the same shall be apportioned to the quota of various methods prescribed in a continuous cyclic order giving precedence to the promotion quota.
- (2) The Appointing Authority shall also determine the vacancies of earlier years, year wise which were required to be filled in by promotion, if such vacancies were not determines and filled earlier in the year in which they were required to be filled in.

[@]10. Nationality:- A candidate for appointment to the Service must be:-

[@] Substituted for:- Rule 10. Nationality: - A candidates for appointment to the service must be:-

(a) a citizen of India, or

(b) a subject of Sikkim, or

(c) a subject of Nepal, or

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

(a) a citizen of India, or

(b) a subject of Nepal, or

(c) a subject of Bhutan, or

(d) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or

(e) a person of India origin who has migrated from Pakistan, Burma, Ceylon and East African Counties of Kenya and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) ^xZambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India:

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

Provided that a candidate belonging to categories (c), (d), (e) and (f) shall be a person in whose favor a certificate of eligibility has been given by the Government of India and if he belongs to category (f) the certificate of eligibility will be issued for a period of one year after which such a

candidate will be retained in Service subject to his having acquired Indian citizenship.

A candidate in whose case certified of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or other recruiting authority as the case may be and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government” vide Notification No.F.7(4)DOP/A-II/76, dated 7.9.1976.

^x Inserted vide notification No. F7(5)DOP/A-II/76, dated 4.6.1977.

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

*10-A⁺ “conditions of eligibility f persons migrated from other countries to India.”

Notwithstanding anything contained in these rules, provisions regarding eligibility for recruitment to the Service with regard to Nationality, age-limit and fee or other concessions to a person who may migrate from other Countries to India with the intention of permanently settling in India shall be regulated by such orders or instructions as may be issued by the State government, from time to time and the same shall be regulated mutates mutandis according to the instructions issued in the subject by the Government of India.

** 11. Age:- A candidate for direct recruitment to a post enumerated in Schedule-I must have attained the age of 20 years and must not have attained the age of

* Added vide notification No.F.7(5)DOP/A-II/76, dated 20.6.1977.

+ Inserted vide notification No.F.2(4)DOP/A-II/79, dated 22.4.1984.

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Substituted for:- rule 11. Age:- A candidate for recruitment to the Service must have attained the age of 20 years and must not have attained the age of 27 years on the first day of January following the last date of receipt of applications:

Provided:-

(i) That the upper age limit for a candidate of a Scheduled Caste or Scheduled Tribes shall be 32 years.

“40 years” on the first day of January next following the last date fixed for receipt of applications:

Provided:-

^x (i) that the upper age limit mentioned above shall be relaxed.

(a) by 5 years in the case of male candidates belonging to the Scheduled Castes and the Scheduled tribes.

(b) by 5 years in the case of woman candidates belonging to General Category; and

(c) by 10 years in the case of woman candidates belonging to Scheduled Castes, Scheduled tribes and the Other Backward Classes.

[%](ii) that the persons appointed temporarily ⁺ “to a post in the Service” shall be deemed to be within the age limit had they have crossed the limit when they were initially appointed even though they have crossed the age limit when they appear finally before the Commission and shall be allowed up to 2 chances had they been eligible as such at the time of their initial appointment;”

^x Substituted for:- (i) that the upper age limit mentioned above, shall be relaxed by 5 years in the case of Woman Candidates and candidates belonging to

the Scheduled castes and Scheduled tribes; vide Notification No. F.7(2) DOP/A-II/81, dated 30.4.01.

% Added vide Notification No. F.1(26) Appts./A-II/62, dated 4.4.1967 and corrigendum of even No dated 15.12.1971.

+ Inserted vide Notification No F.1(39) DOP/A-II/73,dated 25.12.1974 and 17.6.1975.

£(iii) that the upper age limit mentioned above, shall be relaxed by a period equal to the service rendered in the N.C.C in the case of Cadet instructors and if the resultant age does not exceed the prescribed maximum age-limit by more than three years, they shall be deemed to be within the prescribed age-limit;”

@(iv) Notwithstanding anything contained contrary in these rules in the case of persons serving in connection with the affairs of the State in substantive capacity, the upper age limit shall be 40 years for direct recruitment to post filled in through the Commission by interview. This relaxation shall not apply to urgent temporary appointment.

±(v) that the upper age limit mentioned above, shall not apply in the case of an ex-prisoner who had served under the Government on a substantive basis on any post before his conviction and was eligible for appointment under the Rules;”

±(vi) “that in the case of other ex-prisoner the upper age limit mentioned above shall be relaxed by a period equal to the term of imprisonment served

£ Added vide Notification No F.1(10) Appts./A-II/66, dated 11.4.1967 and Corrigendum of even No. dated 15.12.1971.

@ Inserted vide Notification No F.7(8) DOP/A-II/73, dated 31.12.1974 and Corrigendum of even No. dated 25.07.1975

± Added vide Notification No F.5(6) DOP/A-II/74, dated 18.4.1975 and effective from 19.4.1960.

± Added vide Notification No F.5(6) DOP/A-II/74, dated 18.4.1975 and effective from 19.4.1960.

by him provided he was not overage before his conviction and was eligible for appointment under the Rules;”

£ (vii) that the released Emergency commission Officers and Short Service Commissioned Officers after released from the Army shall be deemed to be within the age limit even though they have crossed the age limit when they appear before the commission had they been eligible as such at the time of the joining the Commission in the Army”.

+ (viii) “That the upper age limit for persons serving in connection with the affairs of the Panchayat samities and Zila Parishads and in the State Public Sectors Undertakings/Corporation in substantive capacity shall be 40 years.

⊙ “That there shall be no age limit in the case of widows and divorce women.

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

“Provided that the person who has appeared or is appearing in the final year examination of the course which is the requisite educational qualification for the post as mentioned in the rules or schedule for direct recruitment, shall be eligible to apply for the post but he/she shall have to submit proof of having

£ Inserted vide Notification NO. F.7(2)DOP/A-II/75,dated 20.9.1975.

+ Added vide Notification NO. F.7(1)DOP/A-II/78,dated 30.11.1998.

(.) New proviso added vide Notification NO. F.7(2)DOP/A-II/84,dated 18.12.1987.

 acquired to requisite educational qualification to the appropriate selection agency:

- (i) before appearing in the main examination, where selection is made through two stages of written examination and interview;
- (ii) before appearing in interview where selection is made through written examination and interview;
- (iii) before appearing in the written examination or interview where selection is made through only written examination or only interview as the case may be.”

12. Qualifications- Candidate for direct recruitment, appointment by promotion must possess the minimum qualification prescribed in Schedule.

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

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Substituted for:- Rule 13. "Character: - the character of candidates for direct recruitment must be such as to qualify him for employment in the Service. He must unless he is serving a substantive capacity in connection with the Academic Officer of the University or College in which he was last educated and two such certificates written not more than six months prior to the date of application from two responsible persons not connected with his college or University and not related to him." Vide Notification No. F.21 (13) Apptts./C/55, dated 15.5.1962.

Note (1) :- A conviction by a court of law need not itself involve the refusal of a certificate of good character. The circumstances of the conviction should be taken in account and if they involve no moral turpitude or association with crimes of violence or with a movement which has its object to over throw by violent means of the Government as by law established, the mere conviction need not be regarded as a disqualification.

[@](2) Ex-prisoner who by their disciplined life while in prison and by their subsequent good conduct have proved to be completely reformed should not be discriminated against on group of their previous conviction for purpose of employment in the Services. Those who are convicted of offenses not involving moral turpitude shall be deemed to have been completely reformed on the production of a report to that effect from the Superintendent, 'After Care Home' or if there are no such Homes in a particular district from the Superintendent of Police of that district.

Those Convicted of offenses involving moral turpitude shall be required to produce a Certificate from the Superintendent, 'After Care Home' or if there are no such Homes in a particular district, from the Superintendent of Police of that district, endorsed by the Inspector General of Prison, to the effect that they are suitable for employment as they have proved to be completely reformed by disciplined life while in prison and by their subsequent good conduct in an 'After Care Home'.

@ Added vide Notification No. F.1(14) Apptts./A-II/60, dated 28.6.1961.

@ (14.) Physical fitness:- A candidate for direct recruitment to the service, must be in good mental and bodily health and free from any mental and physical defect likely to interfere with efficient performance of his duties as a member of Service and if selected must produce a certificate to that effect from a medical Authority notified by the Government for the purpose. The Appointing Authority may dispense with production of such certificate in the case of a candidate promoted in the regular line of promotion or who is already serving in connection with the affairs of the State if he has already been medically examined for the previous appointment and the essential standards of medical examination of the two posts held by him are held to be comparable for efficient performance of duties of the new post and his age has not reduced his efficiency for the purpose.

@@ (14-A) Employment of irregular or improper means:- A candidate who is or has been declared by the Commission or the Appointing Authority, as the case may be, guilty of impersonation or of submitting fabricated documents or documents which have been tampered with or of making statements which are incorrect or false or of suppressing material information or using or attempting to use unfair means in the examination or interview or otherwise resorting to any other irregular or improper means for obtaining admission to the examination or appearance at any interviews may in addition to rendering himself liable to

criminal prosecution, be debarred either permanently or for a specified period:-

@ Substituted for: - Rule 14. "Physical fitness: - A candidate for direct recruitment to the service, must be in good mental and bodily health and free from any mental and physical defect likely to interfere with efficient performance of his duties as a member of Service and if selected must produce a certificate to that effect from a medical Authority notified by the Government for the purpose." Vide Notification No. F7(2) DOP/A-II/74, dated 5.7.1974.

@@ Added vide notification No. F.1 (33) Appts./A-II/63, dated 26.8.1965.

(a) by the Commission from admission to any examination or appearance at any interview held by the Commission for selection of candidates, and

(b) by the Appointing Authority from employment under the Commission.

15. Canvassing: - No recommendation for recruitment either written or oral other than that required under these rules and regulations shall be taken into consideration. Any attempt on the part of a candidate to enlist support may disqualify him for recruitment.

PART-IV- PROCEDURE FOR DIRECT RECRUITMENT

16. Inviting of application:- On a requisition for direct recruitment to the Service having been made by the Government to the commission, applications for direct recruitment to the Service shall be invited by the Commission by advertising the vacancies to be so filled in the Rajasthan Gazette + "or" in such other manner as they deem fit:

@ Provided that while selecting candidates for the vacancies so advertised, the Commission may, (i) if intimation of additional requirement is sent to the Commission before the selection and (ii) if suitable persons are available, keep on their reserve list more candidates

whose number shall not exceed 50% of the advertised vacancies, * “the names of such candidates may;,”

+ Substituted for the word “and” vide Notification No. F.9(24) DOP/A-II/72, dated 4.6.1973.

@ Added vide Notification No.F. 3(12) Apptts./A-II/59, dated 22.6.1960.

on requisition, be recommended in the order of merit to the Appointing Authority within six months from the date on which the original list is forwarded to the Appointing Authority.”

^X17. “Form of application:- The application shall be made in the form prescribed by the Commission and obtainable from the secretary to the Commission on payment of such fee as the Commission in such manner as may, time to time, prescribe.”

^{%£}18. “Application fee: - A candidate for direct recruitment to a post in the Service shall be the Commission such fee as are fixed by them from time to time in such manner as may be indicated by them.”

* Substituted for the words “The names of such candidates may be recommended on requisition to the appointing authorities within six months from due date of interview, vide Notification No. F.1(27) Apptts./A-II/69,dated 13.12.1973.

^X Substituted for: - Rule 17. “Form of Application”:- The application shall be made in the form approved by the Commission and obtainable from the Secretary to the Commission as the case may be on payment of such

fee as the commission may, from time to time, prescribe.” Vide Notification no.F.7 (2) DOP/A-II/73, dated 5.11.1973.

% Substituted for:- Rule 18. “Application Fee” :- A candidate for direct recruitment to the service must pay to the Commission in such manner as may prescribed by the Commission from time to time, an application fee of Rs.15/- or Rs 8/- , if he is a member of a Scheduled caste or Scheduled Tribe.” Vide Notification No.F.1(2)Appts./A-II/60,dated 21.6.1962.

£ Substituted for:- Rule 18. “Application Fee” :- A candidate for direct recruitment to a post in the service must pay to the Commission such fees as

19. Scrutiny of Applications: - The Commission shall scrutinize the applications received by them and require as many candidates qualified for appointment under these Rules as seem to them desirable to appear before them for interview.

20. Recommendations of the Commission:- The Commission shall prepare a list of the candidates whom they consider suitable for appointment to the service arranged in order of preference and forward the same to the Government :

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

@20-A. Disqualification for appointment:- No male candidate who has more than one wife living shall be eligible for appointment to the service unless Government after being satisfied that there are special grounds for doing so, exempt any candidate from the operation of this rule.

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

are fixed by them.” Vide Notification No. F7(4) DOP/A-II/83, dated 18.4.02.

%% Inserted Vide Notification No. F.1 (27) Apptts./A-II/60, dated 25.10.1971.

@ Inserted Vide Notification No. F. 7 (3) DOP/A-II/76, dated 21.5.1976.

% (3). Deleted.

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

Explanation:- For the purpose of this Rule, “Dowry” has the same meaning as in the Dowry Prohibition Act, 1961 (Central Act 28 of 1961)

21. Selection by Government:- Subject to the provisions of rule ⁺(substituted)⁺⁺ 8, 8A,8B the government shall selected the candidates who stand highest order

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

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

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

(ii) for the 'Claiming exemption under the proviso to this sub rule the candidate shall have to produce a certificate either from a Registered Medical Practitioner or swear an affidavit to the effect that the age of his or her youngest child is not less than 10 years.' Vide Notification No. F.7 (3) DOP/A-II/76, dated 5.2.1977.

£ Inserted Vide Notification No. F.15 (9) DOP/A-II/74, dated 5.1. 1977.

of merit in the list prepared by the Commission under rule 20; provided that it is satisfied after such enquiry as may be considered necessary, that such candidates are suitable in all * "other" respects for appointment to the Service."

@£22. Deleted.

+ Inserted Vide Notification No.F.7(2) DOP/A-II/93, dated 24.5.1994 w.e.f. 28.9.1993.

++ Substituted for the figure & word "8, 8A" Vide Notification No. F.7(2)DOP/A-II/88, dated 22.1.1997.

* Added Vide Notification No.F.21 (13) Appts/C/55, dated 15.5.1962.

@ Substituted for:- Rule 22 (1). "For purposes of recruitment by promotion a selection on seniority-cum-merit basis shall be made from the members of the Rajasthan Mines and Geological Subordinate Service who are eligible for promotion as provides in Schedule." Vide Notification No. F.8 (1)(29) Ind./B/63, dated May 1968.

£ Deleted for:- Rule-22. Criteria for selection:- (1) For purposes of recruitment by promotion, selection on seniority-cum-merit basis or merit only, as the case may be shall be made from the members of the Service in the next below category or the members of the Rajasthan Mines and Geological Subordinate Service who are eligible for promotion as provides in Schedule ± “on the first day of the month of April of the year of selection.”

± Inserted Vide Notification No. F.1(4)DOP/A-II/3, dated 13.6.1974.

£ (2) Deleted

*22-A. No officer shall be considered for promotion unless he is substantively appointed and confirmed on the next lower post. If no officer substantive in next lower post is eligible for promotion, officers who have been appointed in such post on officiating basis after selection in accordance with one of the methods of recruitment or under any Service Rules promulgated under proviso to Article 309 of the Constitution of India may be considered for promotion on officiating basis only in the order of seniority in which they would have been, had they been substantive on the said lower post.”

£ Deleted for:- sub rule (2) “In selecting candidates for promotion regard shall be had to their:-

(a) Technical qualification, knowledge and experience;

(b) Tact, energy and intelligence;

(c) Integrity;

(d) Previous record of Service; Vide Notification No.F.1 (6) Appts/D/60, dated 13/14.12.1965.

%Explanation:- In case direct recruitment to a post has been made earlier than regular selection for promotion in a particular year, such of the persons, who are r 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.”

% Inserted Vide Notification No.F.7 (1) DOP/A-II/75, dated 20.9.1975.
Effective from the date of publication in the Rajasthan Rajpatra.

* Inserted vide Notification No.F.7 (1) DOP/A-II/74, dated 5.7.1974.

£23. Procedure for selection-(1) As soon as it is decided that a certain number of

£ Substituted for:- Rule 23- (1) (a) As soon as it is decided that a certain number of vacancies in the service will be filled by promotion, the Director shall prepare a list of all the members of the Service in the next lower category, ** ‘or; the members of the Rajasthan Mines and Geological Subordinate Service eligible for promotion to the service in each category and forward it to the Administrative Department of the Government together with the confidential rolls and the personal files;

** Inserted vide Notification No.F.8(1)(20) Ind.(B)/63, dated May,1968.

(b) The Department Promotion Committee consisting of:-

(1) The Secretary in the Administrative Department @ “or the special Secretary concerned nomination by him”.

@ Inserted vide Notification No. F.7(9)DOP/A-II/74, dated 15.10.1974.

2. The Director of Mines and Geology.

3. Representative of Department of Personnel not below the rank of Deputy Secretary.

Shall consider the cases of all the candidates included in the list interviewing such of them as they consider necessary and shall selected a number of candidates twice the number of vacancies to be filled by promotion giving specific reason in cases of supersession, if any, and forward the list along with all the papers to the Commission along with relevant papers of all the persons including these supersession, if any.

- (2) The Commission shall consider the cases of all the candidates included in the list sent by the Government interviewing such of them as they consider necessary, and shall select a number of candidates consider suitable. During such selection the Commission shall associate the Director of Mines and Geology and Secretary to Government, in the Department of Industries and Commerce with its deliberations.
- (3) The name of the candidates whom the Commission consider to be suitable shall e reported to Government for final selection, but shall not be arranged in order of preference.
- (4) The final selection shall be made by government and a list of candidates considered suitable for promotion shall be arranged in order of seniority in their next below cadre.
- (5) Where all the vacancies in a particular category are to be filled by promotion a committee consisting of –

(1) A member of the Commission nominated by chairman
Chairman

(2) Secretary to the Government in the Mines Department Member

(3) Director of Mines and Geology Member

(4) Nominee of the Department of Personnel not below the rank Deputy secretary, Member shall consider the cases of all the candidates included in the list, interviewing such of them as they deem necessary and shall selected a number of candidates equal to the number of vacancies likely to filled by promotion. The names so selected shall be arranged in order of seniority and forwarded to the Government, along with confidential rolls and personal files of the candidates included in the list as also of those superseded, if any, for final orders

(5) The final selection shall be made by Government and a list; of candidates considered suitable for promotion shall be arranged in order of seniority in

posts shall be filled in by promotion, the Director of Mines and Geology shall prepare a correct and complete list containing names not exceeding five times a number of vacancies out of the senior most persons, who are qualified under the Rules for such promotion, He shall forward this list along with their confidential rolls and personal files to the Secretary to Government in the Mines Department.

(2)(a) A committee consisting of the Chairman of the Commission or when the chairman is unable to attend, any other member thereof nominated by him, the Secretary to Government in the Mines Department, Special Secretary to Government in the Department of Personnel and Administrative Reforms or his representative not below the rank of deputy Secretary and the Director of Mines and Geology as member shall consider the cases of all persons included in the list, interviewing such of them as they may deem necessary and shall prepare a list containing names of suitable candidates up to twice of the number of such posts as; are indicated in sub rule (1). Where the post of the Director is to be filled in by promotion, the list of eligible persons for promotion shall be prepared by the Secretary to Government in the Mines and Geology Department and the Director shall not be a member of the Committee.

(b) The Chairman of the Commission or a member thereof nominated by him shall preside at all meeting of the Committee at which he is present.

(c) “provided that in case any Member or member Secretary, as the case may be, constituting the Committee has not been appointed to the post

their next below cadre. Vide Notification No.F.(108) karmik/Gr.II/74, dated 7.7.28 w.e.f. publication in gazette.

(c) Added vide Notification No. F.7(5)DOP/A-II/78, dated 21.12.78 w/e/f/ 7.3.1978.

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.”

(3) The Committee shall also prepare a separate list containing names of persons who may be selected to fill officiating vacancies already existing or are likely to occur till the next meeting of the Committee.

(a) The list so prepared shall be reviewed and revised every year.

(b) The list shall ordinarily be force until it is reviewed or revised in accordance with Clause (a) of sub-rule (3).

(4) The names of the candidates selected as suitable shall be arranged in order of seniority.

(5) The lists prepared by the Committee shall be sent to Government together with the Confidential Rolls and Personal files of the candidates included therein as also of those superseded, if any.

(6) Where consultation with the Commission is necessary the list prepared in accordance with sub-rules (2) (3) alone with a list of persons

superseded shall be forwarded to the Commission by the Government along with the Confidential Rolls and Personal files of all the offices considered.

(7) The Commission shall consider the lists prepared by the Committee along with the other documents received from the Government and unless they consider any changes necessary shall approve the lists and if the Commission consider it necessary to make any changes in the lists received from the Government, it shall inform the Government of the changes proposed and after taking into account the Comments of the Commission, if any Government may

approve the lists finally with such modifications, as may in their opinion, be just and proper.

%@23-A Criteria, Eligibility and Procedure for Promotion:- (1) As soon as the

% Substituted for:- Rule 23-A vide Notification NO.F.7(10)DOP/A-II/77, dated 7.3.1978. Come into force from the date of their publication in the Rajasthan Rajpatra.

“23-A Revised Criteria, Eligibility and procedure for promotion to junior, senior and other posts encadred in the Service.- (1) Selection for promotion in the regular line of promotion from the post not included in the Service to the lowest post or category of post in the Service shall be made strictly on the basis of merit.

(2)Subject to the provisions of sub-rule (4), selection for promotion from the lowest post or category of post in the Service to the next higher post or category of post in the Service and for all posts up to Scale No.11, sanctioned under the Rajasthan Civil Services (New Pay Scales) Rules, 1969 or equivalent scales as may be declared by the Government from time to time, shall be made solely 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 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:

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 qualifications, experience and other conditions for promotion on the basis of seniority-cum-merit:

Provided further that in respect of posts included in the State Service in which the methods of recruitment to the lowest post provides for appointment by promotion, and where such posts are required to be filled on the basis of seniority-cum-merit under the Committee may select for

promotion such persons of outstanding merit available within zone of consideration, who may not be selected on the basis of seniority-cum-merit, to the extent of one fourth of the number of vacancies to be filled in by promotion and if the number of vacancies exceeds on but is less than four, the Committee may select one person on the basis of merit alone and if the vacancies are more than four and the calculation of the number of vacancies to be filled by merit alone according to the aforesaid basis result in a fraction, the Committee may select one more person against a fraction of half or more. On being so selected, for the purpose of determination of seniority, such persons shall be deemed to have been selected on the basis of seniority-cum-merit.

(3) Selection for promotion to all other higher posts or higher categories of posts in the service shall be made on the basis of merit alone.

(4) Selection for promotion to the highest post or higher category of post in the Service shall be made on the basis of merit alone.

(5) 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 is to be made:

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

Provided further that in the event of non-availability of persons, equal to the number of vacancies to be filled in, eligible for promotion in the category of post next lower from which promotion is made, the Committee may consider

the persons having less than five years' service, if they are found otherwise eligible and suitable for promotion on the basis of merit alone.

Explanation:- If any doubt about the categorization of post as the lower next higher or higher post in the Service, the matter shall be referred to the Government in the Department of Personnel, whose decision thereon shall be final.

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

Provided that in case of non-availability of sufficient number of suitable persons for selection on the basis of merit, the Committee may at its discretion consider persons of outstanding merit outside the zone of eligibility but failing within six times the number of vacancies to be filled in on the basis of merit.

(7) Except as otherwise expressly provided in this rule, the condition of eligibility for promotion, constitution of Committee and procedure for selection shall be the same as prescribed elsewhere in these Rules.

(8) The Committee shall consider the case of all the senior most persons who are eligible and qualified for promotion to the class of post concerned under these rules, interviewing such of them as it may deem necessary and shall prepare a list containing names of the suitable persons during the next twelve month after the determination of vacancies. The Committee shall also prepare a separate list containing names of persons equal to 50% of the persons selected in the 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 next meeting all 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 every year and shall remain in force until it is so reviewed and revised.

The list prepared on the basis of merit shall be arranged in order of preference and the list prepared on the basis of seniority-cum-merit shall be arranged in order of seniority on the category of post from which selection has been 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 of these not selected, if any.

Explanation: - The list of preference shall classify the officers in order as, in "Outstanding", "Very Good" and "Good" on the basis of merit. In each class the officers shall maintain their inter se seniority of the next below grade.

(9) 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.

(10) 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 should be disturbed only with the Approval of the Government.

(11) Appointments shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub rule (10) 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.

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

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

@23-A

Substituted for “Criteria, Eligibility and Procedure for Promotion”: -

- (1) As soon as the Appointing Authority determines the number of vacancies under sub-rule (iii) of rule 6 and under rule 10 and decides that a certain number of posts are required to be filled in by promotion, it shall, subject to provisions of sub-rule (9), prepare a correct and complete list of the senior-most persons who are eligible and qualified under these rules for promotion on the basis of seniority-cum-merit or on the basis of merit to the class of posts concerned

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

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

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

- (5) Subject to the provisions of sub-rule (7), selection for promotion from the lowest post or category of post in the State Service to the next higher post or category of post in the State Service and for all posts in the Subordinate Service 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:

⁺ Deleted

⁺ Deleted for - Provided that in the event of non-availability of the person 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 qualifications and other conditions of promotion prescribed elsewhere in these Rules, and are found otherwise suitable for promotion on the basis of seniority-cum-merit. Vide Notification No. f. 7 (3) DOP/A-II/95 dated 18/2/98.

- (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 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.

X Deleted. @ 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 hold."

X Added vide Notification No. F. 7 (10) DOP /A-II/ 77 dated 14.8.78 W.e.f. 12.5.78.

@ Substituted for: - "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."

(vide notification No. F. 7 (10) DOP /A-11/ 77 dated 30/11/91

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

* Substituted for: - Sub rule (7) "Selection for promotion to the highest post or highest categories of posts in the State Service shall always be made on the basis of merit alone," vide Notification No. F. 7 (10) DOP /A-II/ 77 dated 12/5/1978.

Provided that -

(a) In a Service or Group or Section 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 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 promotion subsequent higher posts shall be made on the basis of 50:50: except to the highest post."

@“Provided further that if the Committee is satisfied that suitable persons is 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.”

@ Added vide notification No. F. 7 (10) DOP /A-II/ 77 dated 31.3.80.

(8) Deleted for "The persons having been selected and appointed by promotion to a post or category of post on the basis of merit, shall be eligible for promotion to the next higher post or category of post, which is to be filled in by merit, only when they have put in after

regular selection, at least five year' 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 is to be made:

Provided that the condition of five year' service shall not be applicable to a 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.

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. ("sub nth: 8" vide Notification No.F. 7(6) DOP/A-11/ 75 dated 15.7.92.)

%(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 case may be, are not available within the zone of consideration specified above, the zone of consideration may be extended to +Substituted "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.

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

£(i) Substituted. (i)The zone of eligibility for promotion shall be five times the number of vacancies to be filled in on the basis of seniority-cum-merit or merit or by both as he case may be."
 (vide Notification No.F.7 (1) DOP /A-11/ 81 dated 29th January, 1981)

(i) <u>Number of vacancies</u>	<u>Number of eligible persons to be considered.</u>
(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 highest post in a 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 up to two in number from each category of posts in the same pay scale shall be considered for promotion;
 - (c) if promotion is from different categories of posts carrying different pay scales, eligible persons in 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." (Vide Notification No.F.7(1) DOP/A-11/ 81, Dated 6.7.1983.

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

²(11) Added "(i) The Constitution of the Committee shall be as under: -

(A) For posts falling within the purview of the Commission: -

- | | |
|--|------------------|
| (a) Chairman of the Commission or a
thereof nominated by him. | chairman |
| (b) The Deputy Secretary of the
Government in the Agriculture
Department. | Member |
| (c) The Deputy Secretary to the
Government in the Department
Of Personnel. | Member |
| (d) Director | Member Secretary |

(B) For posts falling outside the purview of the Commission: -

- | | |
|---------------------------------|----------|
| (a) Director | Chairman |
| (b) The Deputy Secretary to the | Member |

Government in the Department
Of Personnel.

- | | |
|---|------------------|
| (c) The Deputy Secretary to the
Government in the Agriculture
Department. | Member |
| (d) The Additional Director
(Administration) of the
Agriculture Department. | Member Secretary |

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.

(ii) 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 person 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.

(iii) 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 Clause (2) 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 Department 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 year the meeting of Departmental Promotion Committee is held.

(iv) 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."

(Vide Notification No.F.7 (10) DOP/A-II/ 77, Dated 28.4.99.)

?(11)

Substituted for "(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 form 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 form 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 list 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 ."(Vide Notification No. F. 7 (2) DOP/A-II/ 81 dated 18.2.82)

11. "For the posts falling within the purview of the Commission, a Committee consisting of the Chairman, of the Commission or a Member thereof nominated by him as chairman, the Director, the Deputy Secretary to the Government in the Department of Personnel and Administrative Reforms. Deputy Secretary to the Government in-charge of the Agriculture Department as Members and for the posts falling out-side the purview of the Commission, a Committee consisting of the Director as Chairman,+/- Deputy Secretary to the Government in the Department of Personnel and Administrative Reforms. Deputy Secretary to the Government in-charge of the Agriculture in the Agriculture Department and the Deputy Director, Agriculture (Administration) as Member shall consider the cases of all the senior-most persons who are eligible and qualified for promotion to the class of posts concerned under these rules +/- interviewing such of them or they may deem anyone 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 person 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 no, selected. if any."

Explanation: - For Purposes 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

he 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 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.

£(11A) Added “If 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. 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 , 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 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.”(Vide Notification No.F.5 (3) DOP /A-II/77, dated 18.8.82.)

£(11A) Substituted for “if in any subsequent year, after promulgation of these rules, vacancies relating to any earlier year are determined under sub-rule (3) of rule mentioned in Column 3 of the Schedule which are required to be filled by promotion, the Departmental Promotion Committee shall consider the case of all such persons who would have been eligible in the year to which the vacancies relate irrespective of the year in which the meeting 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 6.10.79.)

[@](11-B) Added “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^o " record"(Corrected the word "records" vide notification No. F. 7(1) DOP/A-II/86 Dated 26.9.88) 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.” (vide Notification No.F.7(1) DOP /A-II/ 86 Dated 14.6.88)

(12) 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.

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

(13) 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.

- (14) Appointments shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule (12) in the order in which they have been placed in the lists, till such lists are exhausted or reviewed and revised, as the ease may be.
- (15) The Government may issued instructions for provisional 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 promotion arc considered to a post which they are eligible or would have been eligible but for such suspension or pendency of such enquiry or proceedings.
- (16) The provisions of this rule shall have effect notwithstanding anything to the contrary contained in any provision of these Rules."
the basis of seniority cum merit or on the basis of merit to the class of posts concerned.
- (2) The persons enumerated in the relevant column regarding post form 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.

- (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 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 five recruitment years from the date on which his promotion becomes due, if he/she has more than two children on or after 1 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 has on 1st June 2002, does not increase.
- (ii) 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.
- (5) Selection for promotion on the post included in the service shall be made on the basis of seniority-cum-merit.

Provided that promotion 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:

(1) <u>Number of vacancies</u>	<u>Number of eligible person to be considered</u>
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(a) for one vacancy	five eligible persons
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(b) for two vacancies	eight eligible persons
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(c) for three vacancies	ten eligible persons
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(d) for four or more vacancies	three times the number of Vacancies
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(ii) Where, the number of eligible persons for promotion to higher to the Scheduled Castes or the Scheduled Tribes, as the case may be, are not available within the zone of consideration specified above, the zone 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 any post in the service:

(a) if promotion is from more than one categories 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 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.

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

- (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.

- (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 of 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. (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 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.

- (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 persons who may be under progress, at the time 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.
- (17) The provisions of this rule shall have effect notwithstanding anything to the contrary contained in any provision of these Rules.

£23-AA “ Restriction of promotion of persons foregoing promotion: -

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 recommend action of the Departmental Promotion Committee, forgoes such an appointment through his 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 or 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-VI Appointments, Probation and Confirmation.

24. Appointments to the Service: - Appointments to the Service shall be made by the Government on occurrence of substantive vacancy in the cadre of the Service by selection of persons from the list prepared by the Commission under Rule 20 or 23 (3) and of persons selected by Departmental Promotion Committee under rule 23 (4) where the posts are outside the purview of the Commission.

£23AA

Substituted for “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 recommendations of the Departmental Promotion Committee, forgoes such an appointment, he shall be consider 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/ Dated 5.8.98)

- [@]25. Urgent Temporary Appointment. — (1) A vacancy in the Service which cannot be filled in immediately either by direct recruitment or by promotion under the rules may be filled in by the Government or by the *Authority competent to make appointment, as the case may be, or by appointing in an officiating capacity thereto an officer eligible for appointment to the post by promotion or by appointing temporarily thereto a person eligible for direct recruitment to the Service, where such direct recruitment has been provided under the provisions of these rules:

££ 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.”

Provided that such an appointment will not be continued beyond a period of one year without referring the case to the Commission for

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- @ Substituted for: - Rule 25. “Emergent temporary appointments. — A vacant post in the cadre of the Service may be filled temporarily by the Government by appointing thereto, a person eligible for appointment to the post; provided that no such appointment shall be continued beyond a period of one year without referring it to the Commission for their concurrence in cases where the post is to be filled by selection by the Commission, and the appointment shall be terminated immediately on the refusal of the Commissioner to concur.” Vide Notification No. F. 1(10) DOP/A-II/72, dated 16.2.1973.
- * Substituted for the words “Appointing Authority” vide corrigendum No. F. 1 (10) DOP /A-II/ 72, dated 12.9.1973.
- ££ Added vide Notification No. F. 7 (5) DOP/A-II/ 78, dated 21.12.78. W.e.f. 7.3.78.

concurrence where such concurrence is necessary and shall be terminated immediately on its refusal to concur.

[%] Provided further that in respect of a post in the Service for which both the above methods of recruitment have been prescribed, the Appointing Authority or the Authority Competent to make appointment, as the case may be, shall not, save with the specific permission of the Government in the Administrative Department, fill the temporary vacancies against the direct recruitment quota by a whole time appointment for 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 conditions 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 conditions and restrictions regarding pay and other allowances as it may direct. Such appointment shall, however be subject to concurrence of the Commission as required under the said sub-rule.

% Substituted for: - Proviso of Rule 25. Provided further that in respect of a Service or a post in a Service for which both the methods of recruitment or the Authority Competent to make appointments as the case may be have been prescribed, the Government shall not fill the temporary vacancy by appointing a person eligible for direct recruitment unless no suitable person eligible for promotion is available.” Vide Notification No. F. 1 (10) DOP /A-II/ 72, dated 28/11/1973.

£ Inserted vide Notification No. F. 7 (7)DOP /A-II/ 75, dated 31/10/1975. Effective from the date of publication in the Gazette.

@26. Appointments to senior posts: - Appointments (including in an officiating/temporary capacity to senior posts shall be made by the Government from amongst members of the service ⁺ in accordance with the selection having been made” on the basis of seniority-cum-merit ⁺ “and merit in accordance with rules 23 and 23-A” on the recommendations of a Committee which shall consist of the following officers: -

1 .Chairman, Rajasthan Public Service Commission or a Member nominated by him Chairman

2. Special Secretary to Government in ^{*} Department of Personnel” or his nominee not below the rank of a Deputy Secretary Member

3. Secretary to Government in the Mining Department Member

4. Director of Mines & Geology, Rajasthan ** “or the
Chief Mining Engineer

Member

@ Substituted for: - Rule 26. “Appointment to senior post.- (1) Substantive or officiating appointments to the senior posts shall be made by the Government, by graded promotions, from among Members of the Service in the next below category who are eligible for promotion as shown in the Schedule with due regard to their seniority and suitability.”
Vide notification No. F. 1 (4) Appts. /A-II/ 63, dated 22/11/1962.

+ Inserted vide Notification No. F. 7 (6) DOP /A-II/ 74, dated 15/10/1974.

Effective from 15/1/1973.

* Substituted for the words “Appointments Department” vide Notification No. F. 1(13) DOP /A-II/ 72-I dated 3/1/1973. Effective from 17/7/1972.

** Inserted vide Notification No. F. 8 (1) (29) Ind. /B/63, dated May, 1968.

Secretary

The Committee shall consider the cases of the persons eligible for promotion by examining their confidential rolls and personal files, interviewing such of them as they deem necessary and shall select a number of candidates equal to the number of vacancies likely to be filled by promotion:

Provided that Government may fill a vacancy in the senior grade temporarily by appointing thereto for a period not exceeding six months in an officiating capacity any Member of the Service who is eligible for such appointment under these Rules:

** Provided further that if the candidates are not available with the age limit as prescribed in rule 11 they shall be appointed on contract basis on such terms and conditions as may be prescribed by the Government after consultation with the Rajasthan Public Service Commission.”

%27. Seniority: - Seniority in the Service shall be determined in each category of the Service by the year of substantive appointment.”

Provided: -

(1) That the seniority inter se of persons appointed to the service before the commencement of these Rules or who may be appointed to the Service as a result of the re organization of States, shall continue as already fixed by the Government or as may in future be fixed ad hoc by the Government, subject to any modifications, corrections or revision which the Government may in future consider necessary.

% Substituted for: - Rule 27 excluding provisos. “Seniority: - Seniority in the Service shall be determined by the date of the order of appointment to the Service.” Vide Notification No. F. 7 (6) DOP A-III 73, dated 15.6.1974.

(2) That the seniority inter se of persons appointed to the service on the basis of one and the same selection except those who do not join the service when a vacancy is offered to them, shall follow the order in which they have been placed in the list prepared by the Commission under Rule 20.

(3) That inter-seniority of persons appointed by direct appointment and by promotion in the same year, the persons appointed by promotion shall be senior to those appointed by direct recruitment.

@(4) That the persons selected and appointed as a result of 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 below grade.

% (5) Deleted.

@ Substituted for: - Proviso (4) “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 shall be the same as in the next below grade, except in case of continued officiation on higher posts when it shall be in accordance with the length of continued officiation; provided that such officiation was not ad hoc or fortuitous.” Vide Notification No. F. 7 (10) DOP/A-II/ 77, dated 17/6/1978.

% Deleted proviso (5): - “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 17/6/1978.

⁺(6) That if promotion, to higher post from different categories of posts is prescribed, one senior most eligible persons from each category of post carrying higher pay scale shall be considered first and their inter se seniority for promotion shall be determined on the basis of length of Service.

(7) That if persons in the categories mentioned in clause (6) above are not found suitable ten one senior most eligible person from other categories carrying lower pay scale shall be considered for promotion and their inter se seniority for promotion shall be determined on the basis of length of Service.

- (8) That if promotion to higher post is from different categories of post carrying indential scale of pay, the seniority inter se shall be determined on the basis of length of service.
- (9) That if the number of different categories of posts mentioned in clauses ;(6) and (7) are less than five, the number of persons to be considered from each category of posts for promotion to higher post shall be five times of the vacancies and the persons shall be considered in cyclic order.
- ££(10) That if a candidate belonging to the Scheduled Caste/Scheduled tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior general /O.B.C. candidate who is promoted later to the said immediate higher post/grade, the general /O.B.C candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste/Scheduled Tribe in the immediate higher post /grade.

+ Added vide Notification No. F. 1 (15) DOP /A-II/ 84, dated 30/10/84

££ Added vide Notification No. F. 7 (1) DOP /A-II/ 96, dated 1/4/97.

(x) Deleted.

£28. Period of Probation: - “(1) All persons appointed to the Service by direct recruitment against a substantive vacancy shall be placed on probation for a

(x) Deleted for:- “Provided that a candidate who has got the benefit of proviso inserted vide Notification No. F. 7 (1) DOP/A-II/96 dated 1/4/1997 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.”

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Substituted for: - rule 28. “ Probation: - (1) All persons appointed to the Service by direct recruitment or promotion, shall be on probation and the period of such probation shall be two years in the case of direct recruitment and one year in the case of promotion:

Provided that such of them as have previous to such appointment officiated or served temporarily on a post encadred in the Service, may be permitted by the Government to count such officiating or temporary service towards the period of probation up to a maximum of six months.

- (2) During the period of probation, each probationer shall be required to pass such Departmental examination, and to undergo such training as the Government may, from time to time specify.” Vide notification No. F. 1 (35) Karmik/ Ka-II/ 74, dated 4/5/1 977. Effective from the date of publication in the Rajasthan Gazette.

- * 28. (1) substituted for” 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 9.4.79)

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 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 such Departmental Examination and to undergo 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.

@(+)28-A Confirmation in certain cases: - (1) Notwithstanding anything to the

@ Substituted for: - Rule 28. "Notwithstanding anything contained in rule 28, on a permanent vacancy being available, a person who has been appointed on a post against a temporary vacancy after a regular selection, and has thereafter put in more than 2 years' service on such post or higher post shall be deemed to have completed the period of probation and shall be confirmed; provided he fulfills other conditions of confirmation as laid down in these Rules," vide Notification No. F. 7 (7) DOP/A-II/ 79, dated 1974.

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

Provided that if the employee has failed to give satisfaction or has not fulfilled any of the condition prescribed for confirmation as passing of Departmental Examinations Training or promotion Cadre Course etc. the aforesaid period may be extended as prescribed for a probation or under the Rajasthan Civil Services (Departmental Examination) Rules, 1959 and other Rules, or by one year, whichever if longer If the employee still fails to fulfill the prescribed conditions or fails to give satisfaction, he will be liable to be discharged form 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:

contrary contained in the preceding rule, a person appointed to a post in the

Provided further that no person shall be debarred from confirmation after the said period of service if not reason to the contrary about the satisfactory performance of his work are communicated to him within the said period.

- (b) The reasons for confirming an employee referred to in the second proviso to Clause (a) shall in the case of non-gazetted employee, be also immediately recorded by the Appointing Authority in his Service Book and Confidential Report Files and in the case of Gazetted officer

communicated to the Accountant General, Rajasthan and in his Confidential Report Files. A written acknowledgment 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 services Rules exist, if the post are within the purview of Rajasthan Public Service Commission, recruitment in urgent temporary appointment/ ad hoc appointment or officiating promotion against temporary or lien vacancies which are liable to review and revision form year to year. In case where the Service Rules specifically permit appointment by transferred was after regular recruitment if the appointment to the post on which the official was transferred was after regular recruitment. Persons who have been made eligible for substantive appointment at a post under rules shall be treated as having been regularly recruited.

- (ii) Persons who hold 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 any 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 shall cease.

Service temporarily or on officiating basis who, after regular recruitment by any one of the methods of recruitment prescribed under these rules, has not been confirmed, within a period of six months on completion of a period of two years’ service in case he is appointed by direct recruitment or within a period of one years’ service in case he is appointed by promotion, shall be entitled to be treated 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 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-ever 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 reverted to his substantive or lower post, if any, to which has 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 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 exists, if the posts are within the purview of the Commission, recruitment in consultation with them;

(c) appointment by transfer after regular recruitment where the Service Rules specifically permit;

(d) persons who have been made eligible for substantive appointment to a post under the rules shall be treated as having been regularly recruited;

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

(ii) persons who held 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 favor of confirmation under this rule and their lien on the previous post shall cease.

[@]29. Unsatisfactory progress during probation: - — (1) If it appears to the Appointing Authority, at any time, during or at the end of the period of probation, that a member of the Service has not made sufficient use of his opportunities of that he has failed to give satisfaction, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment, provided he holds a lien thereon or in other cases may discharge or terminate him from Service:

Provided that the Appointing Authority may, if it so thinks fit in any case or class of cases, extend the period of probation of any member of service by a specified period not exceeding two years 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.

@ Substituted for: - Rule 29. “Unsatisfactory progress during probation: - (I) If it appears to the Government at any time during or at the end of the period of probation, that a member of the service has not made sufficient use of his opportunities or that he has failed to give satisfaction, the Government may revert him to the post held substantively by him immediately preceding his appointment to the Service; provided he holds a lien thereon, or in other cases may removes him from service:

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

(2) A probationer reverted or remove 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. 1 (35) Karmik/ KA-II/74, dated 4/5/1977.

+ Inserted vide Notification No. F. 1 (35) Karmik / Ka-II/ 74, dated 3/8/1977.

%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 three years.

(2) Notwithstanding anything contained in the above provisions, 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.

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

(a) he has passed the prescribed Departmental Examination, if any, completely, and

(b) The Government is satisfied that his integrity is unquestionable and that he is otherwise fit for confirmation.

^{**}30A. Notwithstanding anything contained in rule 30, a probationer shall be confirmed in his appointment at the end of his period of probation, even if the prescribed Departmental Examination/ Training/ Proficiency test in Hindi, if any, are not held during the period of probation laid down in the rules provided —

[%] Added vide Notification No. F. 7 (6) DOP /A-II/77, dated 26/10/1977.

^{**} Inserted vide Notification No. F. 1 (12) Appts. IA-HI 68, Part V, dated 17/10/1970.

(i) He is otherwise fit for confirmation and the

(ii) Period of probation expires on or before the date of publication of this Amendment in the Rajasthan Rajpatra.”

PART-VII-PAY

[@]31. Pay during probation.: - The initial pay of a person appointed by direct recruitment to a post in the Service/ Cadre shall be the minimum of the scale of pay of the post:

Provided that the pay of a person already serving in connection with the affairs of the State shall be fixed in accordance with the provisions of the Rajasthan Service Rules, 1951.”

^X32 Increments during probation. — A probationer shall draw increments in the scale of pay admissible to him during the period of probation in accordance with the provisions of the Rajasthan Service Rules, 1951.

[@] Substituted for: - Rule 31. “Scale of Pay: - The scale of monthly pay to persons appointed to posts in the service shall be such as may be admissible under the Rules referred to in rule 34 or as may be sanctioned by Government from time to time,” vide notification No. F. 1 (15) Appts./A-II/ 67, dated 6.2.1969.

^X Substituted for: - rule 32. “Increment during probation: - A probationer shall draw increments in the scale of pay admissible to him during the period of probation as they accrue provided that if the period of probation is extended on account of failure to give satisfaction, such extension shall not count for

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

PART-VIII- OTHER PROVISIONS.

[£]34 Regulation of pay, leave, allowances and pension etc.: -

Except as provided in these rules, the pay, allowances, pension, leave and other conditions of service of the members of the Service shall be regulated by: -

- (1) The Rajasthan Traveling Allowances Rules, 1971, as amended up to date;
- (2) The Rajasthan Civil Services (Unification of Pay Scales) Rules, 1950, as amended up to date;
- (3) The Rajasthan Civil Services (Rationalization of Pay Scales) Rules, 1950, as amended up to date;
- (4) The Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958, as amended up to date;
- (5) The Rajasthan Service Rules, 1951, as amended up to date;
- (6) The Rajasthan Civil Services (Revised Pay) Rules, 1961, and

increment unless the Government directs otherwise,” vide Notification No. F. 3(11) Appts./A-II/58-IV, dated 16/10/1973.

[£] Substituted for: - Rule 34: - “Regulation of leave, Allowances, pension, etc: - Except as provided in these Rules the pay, Allowances, pension, leave etc. shall be regulated by: -

(7) 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.

^{££}35. Power the 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 cases undue hardship

in any particular cases 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 rules to such extent and subject to such conditions

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1. The Rajasthan Traveling allowances Rules, 1949, as amended up to date;
 2. The Rajasthan Civil Services (Unification of Pay Scales) Rules, 1950, as amended up to date;
 3. The Rajasthan Civil services (Rationalization of Pay scales) Rules, 1956, as amended up to date;
 4. The Rajasthan (Classification, Control and Appeal) Rules, 1957 as amended up to date;
 5. The Rajasthan Service Rules, 1951, as amended up to date;

any other rules made by the appropriate authority under the proviso to article 309 of the Constitution of India, for the time being in force.” Vide Notification No. F. 21(13) Appts. /C/55, dated 15/5/1962.

^{££}35. Added vide Notification No.F 11(2) DOP /A-II/75, dated 27.12.78

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 or relaxation shall be referred to the Rajasthan Public Service Commission by the ⁺Administration.

⁺ 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.”

By order and in the name of the Governor

(R.D. THAPER)

Special Secretary to the Government

+ Substituted the words “ Department of Personnel and Administrative Reforms (Department of Personnel —A- Group-II) vide Notification No. F. 11(2) DOP /AII/ 75 dated 18.8.82

+ Added vide Notification No. F. 7(3) DOP /A-II/ 95 dated 18.2.58.