

# **The Rajasthan Government Servants (Recognition of Service Association) Rules, 1989**

RAJASTHAN

India

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### **Rule**

### **THE-RAJASTHAN-GOVERNMENT-SERVANTS-RECOGNITION-OF-SER of 1989**

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The Rajasthan Government Servants (Recognition of Service Association) Rules, 1989Published vide Notification No. F. 10(1)/DOP/(A-5)/89, G.S.R. 16, dated 10-8-1989, published in Rajasthan Gazette Order 4(ga)(1), dated 10-8-89, page 37In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Rajasthan hereby makes the following rules to regulate the recognition of Service Associations of Government servants and other ancillary matters, namely:-

#### **1. Short title and commencement.**

- (i) These rules may be called the Rajasthan Government Servants (Recognition of Service Association) Rules, 1989.(ii)They shall come into force at once.

#### **2. Definitions.**

- In these rules unless the subject or context otherwise requires,-(a)"Government" means the Government of the State of Rajasthan:(b)"Government servants" shall have the same meaning as is assigned to this expression by clause (f) of rule 2 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958;(c)"Recognised association" means an association of Government servants recognised under rule 10:(d)"Service association" means an association of Government servants of a distinct category formed primarily with the object of promoting the common service interests of its members: and(e)"Schedule" means a schedule appended to these rules.

### **3. Applicability.**

- Subject to the provisions of the Police Force (Restriction of Rights) Act, 1966, these rules shall apply to all these Government servants to whom the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 apply by virtue of rule 3 of the said rules.

### **4. Fresh recognition of Service Associations/Federations already recognised.**

(1) Subject to the provisions contained in sub-rule (2), recognition to service associations/federations, accorded by the Government before the commencement of these rules shall stand withdrawn after the expiry of six months from such commencement and such associations/federations shall have to obtain recognition under the provisions of these rules afresh within the said period. (2) The Government in the Department of Personnel may extend the period of withdrawal of recognition specified in sub-rule (1), pending decision on application for fresh recognition by such service associations/federations.

### **5. Conditions for recognition of service associations.**

- No service association shall be recognised by the Government after the commencement of these rules, unless the following conditions are satisfied, namely:-(a) an application for recognition of the service association is made with all the informations relevant for such recognition: (b) the service association is formed primarily with the object of promoting the common service interests of its members: (c) membership of the service association is restricted to a distinct category of Government servants having common interest, all such Government servants of that category are eligible for membership of that association. Explanation. - Distinct categories of Government servants for the purpose of this clause in respect of different services in the State as classified in the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958, shall, unless otherwise declared by the Government, consist of one of the categories given in Appendix I. (d) the service association is not formed on the basis of any caste, tribe or religious denomination or of any group within or section of such caste, tribe or religious denomination: (e) no person other than a Government servant is connected with the affairs of the service association: (f) the executive of the service association is appointed from amongst its members only: (g) the funds of the service association consist exclusively of subscriptions from members and grants, if any, made by the Government and are applied only for the furtherance of the object of the service association: and (h) the service association represents not less than 35% of Government servants of the category or categories to which it seeks to represent.

### **6. Conditions subject to which recognition may be granted.**

- Every service association recognised or deemed to have been recognised under these rules shall comply with the following conditions, namely:-(a) the service association shall not send any representation or deputation except in connection with a matter which is of common interest to the members of the service association: (b) the service association shall not expose or support the cause of an individual Government servant relating to service matters: (c) the service association shall not

maintain any political fund or lend itself to propagation of the views of any political party or politician;(d)all representations made by the service association shall, as a normal practice, be addressed to the Secretary to the Government or head of the Office/Department concerned;(e)a list of members and office bearers, an up-to-date copy of the rules of the association and an audited statement of accounts of the service association shall be furnished to the Government annually through proper channel after the general annual meeting so as to reach the Government before the 1st day of July each year;(f)any amendment of a substantial character in the rules of the service association shall be made only with the previous approval of the Government. The Government may also from time to time require modification of a rule or proposed rule in a particular manner;(g)the previous permission of the Government shall be taken before the service association seeks affiliation with any other service association or federation;(h)the service association shall cease to be affiliated to a service association/federation whose recognition under these rules is withdrawn by the Government;(i)the service association shall cease to publish any periodical, magazine or bulletin, if directed by the Government to do so, on the ground that the publication thereof is prejudicial to the interest of the Central or any State Government or any Government authority or to good relations between Government servants and the Government or any Government authority;(j)the service association shall not do any act or assist in the doing of any act which, if done by a Government servant, would contravene any of the provisions of the Rajasthan Civil Services (Conduct) Rules, 1971;(k)the service association shall not address any communication to a foreign authority except through the Government which shall have the right to withhold it:(l)communications addressed by the service association or by any office-bearer on its behalf to the Government or a Government authority shall not contain disrespectful or improper language;(m)the service association shall not take part in any election to legislative body or a local authority or body in India or in the State or elsewhere and the service association shall not:-(i)pay or contribute towards any expenses incurred in connection with such election or by a candidate for such election;(ii)support by any means candidature of any person for such election;(iii)undertake or assist in the selection of a candidate for such election.(n)the service association shall not in any way, be connected with any political party or organisation engaged in any political movement;(o)the service association should not be affiliated to any Trade Union or get itself registered under the Trade Unions Act.

## **7. Settlement of disputes.**

(1)All matters relating to the recognised service association/federations shall be settled with the Heads of the Departments concerned or the Government, as the case may be, by correspondence or negotiations without resorting to unlawful means. In the case of any dispute with the Government, the matter shall be referred to the Joint Consultative Committee to be constituted by the Government and the association shall abide with the decision taken on the recommendation of the Joint Consultative Committee.(2)An association which is not a recognised service association shall not be entitled to submit its representation or memorial or send any deputation in respect of any matter affecting a Government servant or class of such Government servants.

## **8. Application for recognition.**

(1) A service association who wants to seek recognition shall apply to the Government in the Department of Personnel in the form given in Schedule I. (2) Such application shall be accompanied by three copies of the rules or bye-laws governing the constitution and conduct of business of such association.

## **9. Power to call information.**

- For purpose of satisfying itself as to the representative character of a service association and as to whether such association fulfils the conditions specified in rules 5 and 6, the Government in the Department of Personnel may call for such record or information from the service association as it may deem fit and examine the same.

## **10. Grant of recognition.**

- The Government in the Department of Personnel may, after such enquiry as it deems fit, grant recognition in the form given in Schedule II to a service association if in its opinion, the service association has complied with all the formalities and conditions prescribed or imposed by these rules.

## **11. Recognition to be of one service association for a category.**

(1) The Government in the Department of Personnel shall grant recognition only to one service association at a time in respect of distinct category of Government servants: Provided that if after an association is recognised, another association purporting to represent the same class of Government servants claims a larger membership of such class and applies for recognition, the Government in the Department of Personnel shall consider its claim for recognition in place of service association recognised before but no such application shall be considered, until the expiry of one year from the date on which the former association was recognised. (2) If two or more service associations representing the same category of Government servants apply for recognition of their associations, the service association having the largest percentage of membership of the same category of Government servants, shall, subject to the other provisions of these rules, be entitled to recognition by the Government. The question of largest percentage of membership shall be settled by election to be conducted under the auspices of the Government in the Department of Personnel (A-V).

## **12. Recognition of Federation of Service Association.**

(1) Subject to the provisions of these rules, a federation of service association may also apply for recognition to the Government in the Department of Personnel under these rules and conditions applicable for recognition of a service association shall, as far as may be applicable, apply to a federation of service association. (2) A federation of service association shall affiliate only recognised service associations and if the recognition accorded to any of the service association affiliated to a

federation of service association is withdrawn by the Government, the federation of service associations shall forthwith disaffiliate such service association.(3)The aims and objects of the federation of service association shall be to promote the spirit of self-help, good-will and co-operation amongst the affiliated service association to protect and safeguard the interests, rights, privileges and dignity of the members of the affiliated service associations.(4)The federation of service association may represent only on matters of general importance and shall not take up the question of individual association regarding which individual service association have the right of taking representations to the Government or to the Head of the Department.

### **13. Withdrawal of recognition.**

- The Government in the Department of Personnel may, after giving an opportunity of being heard withdraw the recognition accorded to a service association/federation under these rules:-(i)if in the opinion of the Government, service association/federation has failed to comply with the conditions laid down in rules 5 and 6;(ii)if the Government is satisfied that such recognition was granted under any mistake or obtained by any mis-representation or fraud: and(iii)if the service association/federation has committed breach of any conditions of recognition or conditions subject to which recognition was granted under these rules.

### **14. Relaxation.**

-The Government in the Department of Personnel may, for good and sufficient reasons, dispense with or relax the requirements of any of these rules in relation to any service association or class of service association or federation subject to such conditions as it may deem fit.

### **15. Repeal.**

-All rules, orders, instructions made or issued by the Government regarding the recognition of service associations of Government servants before the commencement of these rules are hereby repealed.

### **16. Removal of doubts.**

-If any doubt or question arises as to the interpretation of any of the provisions of these rules, it shall be referred to the Government in the Department of Personnel and Administrative Reforms (A-V) whose decision thereon shall be final. Appendix I (See rule 5) (A) State Services: (i) Holders of the same category of State Service. (ii) Holders of two or more categories of State Service. (B) Subordinate Services: (i) Holders of the same category of Subordinate Service. (ii) Holders of two or more categories of Subordinate Service. (C) Ministerial Services: (i) Holders of the same category of posts in Ministerial Service. (ii) Holders of two or more categories of posts in the Ministerial Services. (iii) Holders of all Ministerial posts in the Government Secretariat. (D) Class IV Services (i) Holders of all Class IV posts in the same Department. (ii) Holders of Class IV posts in two or more Departments. (iii) Holders of all Class IV posts in the Government Secretariat.

I

(Vide Rule 8) Form of application for recognition of service association of Government servants.

Name of the association .....

Address .....

Dated the ..... day of.....19

- 1. The application is made by the persons whose names are subscribed hereunder**
- 2. The name of the service association on behalf of which the application is made**
- 3. The Address of the head office of the service association to which all communications and notices may be addressed:**
- 4. The ..... service association came into existence on the date of 19 ..**
- 5. The service association consists of Government servants of the category of.....engaged in .....department and has..... members out of ..... persons employed in that Department.**
- 6. Three copies of the rules of the service association are enclosed.**

Note.-Table I hereto contains information about the rules, and their contents and Table II hereto indicates the changes made in the rules from time to time.

- 7. A list of office-bears of service association in Table III is attached hereto.**
- 8. We have been duly authorised by the service association to make this application on its behalf by resolution No.....**

dated.....

Signatures Occupation Address

- 1.
- 2.
- 3.
- 4.

- 5.
- 6.
- 7.
- 8.

The Secretary to the Government of Rajasthan.....Department, Jaipur. Table I Reference to relevant rules. The number of the rule making provisions for the several matters detailed in column 1 are given in column 2 below:-

Matter (1)	Number of rule (2)
1. Name of the service association	.....
2. Objects for which the service association has been established.	.....
3. Purpose for which the general funds of the service associations shall be utilised.	.....
4. Maintenance of list of members.	.....
5. Admission of ordinary members.	.....
6. Condition under which members are entitled to benefits under the rules	.....
7. Admission of honorary members.	.....
8. Manner in which the rules can be amended.	.....
9. Manner in which the members of the executive and the other office bearers of the service association shall be appointed or removed.	.....
10. Manner of holding meetings.	.....
11. Safe custody of the funds.	.....
12. Annual audit of the account.	.....
13. Facilities for the inspection of the account books by office bears and members.	.....
14. Manner in which the service association may be dissolved.	.....

Table II

Serial No. of rules (1)	Changes in rules (2)	Reasons for changes (3)
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Dated.....(Signed) Table III List of office bearers.

Name of the Service Association .....

Office held in the Name service association Age Address Occupation

Dated.....(Signed) Schedule II (See rule 10) Government Of

Rajasthan.....Department Certificate of Recognition The Government of the State of Rajasthan in pursuance of rule.....of the Rajasthan Government Servants (Recognition of Service Associations) Rules, 1989 do hereby recognise.....association/federation for the purpose of the said rules.