

Punjab Home Guards and Civil Defence (Class II) Service Rules, 1988

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Rule

PUNJAB-HOME-GUARDS-AND-CIVIL-DEFENCE-CLASS-II-SERVICE-R of 1988

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Punjab Home Guards and Civil Defence (Class II) Service Rules, 1988Published vide Punjab Government Notification No. G.S.R.97/Constitution/Article 309/88 dated 26.9.1988Government of PunjabDepartment of Home Affairs and JusticeNo. G.S.R. 97/Constitution/Article The 26th September, 1988/309/88. - In exercise of the powers conferred by section 9 of the Punjab Home Guards Act, 1947 (Punjab Act No. 8 of 1947) and all other powers enabling him in this behalf, the President of India is pleased to make the following rules regulating the recruitment and the conditions of service of persons appointed to the Punjab Home Guards and Civil Defence (Class II) Service, namely :-

1. Short title and application.

(1)These rules may be called the Punjab Home Guards and Civil Defence (Class II) Service Rules, 1988.(2)They shall apply to the posts specified in Appendix 'A' to these rules.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)'Commission' means the Punjab Public Service Commission ;(b)'Commandant General' means the Commandant General Home Guards, Punjab;(c)'Direct appointment' means an appointment made otherwise than by promotion or by transfer of a person already in the service of Government of India or of a State Government;(d)'Government' means the Government of the State of Punjab in the Department of Home Affairs and Justice ;(e)'Recognized University' means, -(i)any university incorporated by law

in any of the States of India;(ii)the Punjab, Sind or Dacca University in the case of degrees or diplomas obtained as a result of examination held by these universities before the 15th day of August, 1947 ; or(iii)any other university recognized by the Government for the purposes of these rules; and(f)'Service' means the Punjab Home Guards and Civil Defence (Class II) Service.

3. Number and Character of posts.

- The Service shall comprise the posts specified in Appendix 'A' to these rules :Provided that nothing in these rules shall affect the inherent right of the Government to add to or to reduce the number of such posts or to create new posts with different designations and scales of pay whether permanently or temporarily.

4. Nationality, domicile and character of candidates appointed to Service.

(1)No candidate shall be appointed to the Service, unless he is, -(a)a citizen of India ; or(b)a citizen 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 Indian origin who has migrated from Pakistan, Burma, Sri Lanka and East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia, Malwani, Zaire, Ethiopia and Vietnam with the intention of permanently settling in India :Provided that a candidate belonging to any of the categories (b), (c), (d) and (e) shall be a person in whose favour of a certificate of eligibility has been issued by the Government of India.(2)A candidate in whose case, a certificate of eligibility is necessary may be admitted to any examination or interview conducted by the Commission or other recruiting authority of the Government and he may not be appointed until the necessary certificate of eligibility is issued in his favour by the Government of India.(3)No person shall be recruited to the Service by direct appointment, unless he produces, -(a)a certificate of character from the principal academic officer of the university, college, school or institution last attended, if any, and similar certificates from two responsible persons not being his relatives who are well acquainted with him in his private life and are unconnected with his university, college, school or institution ; and(b)an affidavit to the effect that he was never convicted of any criminal offence and that he was never dismissed or removed from service of any State Government of India or any Public Sector Undertaking ;

5. Disqualifications.

- No person, -(a)who has entered into or contracted a marriage with a person having a spouse living ; or(b)who having a spouse living, has entered into or contracted a marriage with any person,shall be eligible for appointment to the service :Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. Age.

- No person shall be recruited to the Service by direct appointment if he is less than eighteen years or is more than thirty years of age on the first day of January immediately preceding the last date fixed by the Commission for submission of applications or unless he is within such range of minimum and maximum age limits as may be specifically fixed by the Government of Punjab from time to time :Provided that the condition of upper age limit may be relaxed upto forty-five years in the case of a person already in the service of Government of India or of a State Government:Provided further that in the case of a candidate belonging to Scheduled Castes, Scheduled Tribes or other Backward Classes the upper age limit shall be such as may be fixed by the Government from time to time :Provided further that the appointing authority may for reasons to be recorded, in writing, relax the upper age limit for a category or class of persons.Note :- For age limits to the case of Ex-servicemen, the provisions of Rule 6 of the Punjab Recruitment of Ex-servicemen Rules, 1982 shall apply.

7. Appointing Authority.

- The appointment to the Service shall be made by the Government.

8. Method of appointment and qualifications.

(1)All appointments to the service shall be made in the following manner, namely :-(a)in the case of District Commander/Battalion 2nd-in-Command/Junior or Staff Officer/Chief Instructor, -(i)Seventy five per cent by promotion on merit-cum-seniority basis from amongst Company Commanders working under the control of Commandant General and having a minimum experience of live years as such :Provided that only one post of Junior Staff Officer shall be available for appointment by promotion of Superintendents, and(ii)Twenty-five per cent by direct appointment, -(a)from amongst the Ex-servicemen who have been not below the rank of Lieutenant in the Armed Forces of the Union and who are graduates of a recognised university with Punjabi upto Matriculation Standard or having knowledge of Punjabi language of equivalent standard ; or(b)from amongst the persons holding 'C' certificate of the National Cadet Corps and who are Graduates of a recognised University with Punjabi upto Matriculation Standard or having knowledge or Punjabi language of equivalent standard ; and(iii)By transfer from amongst the officers not below the rank of a Deputy Superintendent of Police of the State of Punjab or a Captain of the Armed Forces of the Union, if no suitable candidate is available by the aforesaid methods ;(b)In the case of Administrative-cum-Accounts Officer by the transfer of an Accounts Officer working in the Treasuries and Accounts Organisation of the Department of Finance of the State of Punjab.

9. Probation of persons appointed to Service.

(1)Persons appointed to the Service shall remain on probation for a period of two years, if recruited by direct appointment, and one year if recruited otherwise :Provided that, -(a)any period, after

appointment to the Service, spent on deputation on a corresponding or a higher post shall count towards the period of probation ;(b)in the case of an appointment by transfer, any period of work in equivalent or higher rank, prior to appointment to the Service, may in the discretion of an appointing authority, be allowed to count towards the period of probation;(c)any period of officiating appointment to the Service shall be reckoned as period spent on probation, but no person who has so officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy; and(d)any period of leave not exceeding six months during or at the end of probation shall be counted towards the period of probation.(2)If in the opinion of the appointing authority, the work or conduct of a person during the period of probation is not satisfactory, it may, -(a)if such person is recruited by direct appointment, dispense with his services or revert him to a post on which he had lien prior to his appointment to the Service by direct appointment; and(b)if such person is recruited otherwise, -(i)revert him to his former post ; or(ii)deal with him in such other manner as the terms and conditions of his previous appointment permit.(3)On the completion of the period of probation of a person, the appointing authority, may, -(a)if his work and conduct has in its opinion, been satisfactory :-(i)confirm such person from the date of his appointment, if appointed against a permanent vacancy ; or(ii)confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy ;(iii)declare that he has completed his probation satisfactory, if there is no permanent vacancy ; or(b)if his work or conduct has not been, in its opinion, satisfactory, -(i)dispense with his services, if appointed by direct appointment or if appointed otherwise, revert him to his former post, or deal with him in such other manner as the terms and conditions of his previous appointment may permit ; or(ii)extend his period of probation and thereafter pass such orders as it could have passed on the expiry of the period of probation specified in sub-rule (1) :Provided that the total period of probation including extension, if any, shall not exceed three years.

10. Seniority of members of Service.

- The seniority inter se of the members of the Service in each cadre shall be determined by the length of continuous appointment on a post in that cadre of the Service :Provided that in the case of members of Service recruited by direct appointment who join within the period specified in the order of appointment or within such period as may from time to time be extended by the appointing authority subject to a maximum of four months from the date of the order of appointment, the order of merit determined by the Commission or the other recruiting authority of the Government shall not be disturbed :Provided further that in case a candidate is permitted to join the Service after the expiry of the said period of four months in consultation with the Commission or other recruiting authority of the Government his seniority shall be determined from the date he joins the Service :Provided further that in case any candidate of the next selection has joined the Service before the candidate referred to in the preceding proviso joins, the candidate so referred shall be placed below all the candidates of the next selection who join within the time specified in the first proviso :Provided further that in the case of two members appointed on the same date, their seniority shall be determined as follows :-(a)a member recruited by direct appointment shall be senior to a member recruited otherwise :(b)a member appointed by promotion shall be senior to a member recruited by transfer ;(c)in the case of members appointed by promotion or transfer, the seniority

shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred ; and(d)in the case of the members of the Service appointed by transfer from different cadres, their seniority shall be determined according to the pay, preference being given to a member who was drawing a higher rate of pay in his previous appointment, and if the rates of pay drawn are also the same, then by their length of service in those appointments and if the length of service is also the same, an older member shall be senior to a younger member.Note. - Seniority of the members of Service appointed on purely provisional basis, shall be determined as and when they are regularly appointed keeping in view the date of such regular appointments.

11. Liability of member of Service to transfer.

- A member of the Service may be transferred by the Government to any post whether included in any other Service or not, on the same terms and conditions as are specified in rule 3.17 of the Punjab Civil Services Rules, Volume I, Part I.

12. Liability to serve.

- A member of the Service shall be liable to serve at any place, whether within or out of the State of Punjab, on being ordered to do so by the appointing authority.

13. Leave, pension and all other matters.

- In respect of pay, leave, pension and all other matters not expressly provided for in these rules, the members of Service shall be governed by such law, rules and regulations as may have been or may thereafter be adopted or made by the competent authority.

14. Pay of members of Service.

- The members of the Service shall be entitled to such scales of pay, as may be authorised by the Government from time to time. The scales of the pay at present in force in respect of the members of the Service are given in Appendix 'A' to these rules.

15. Discipline, penalties and appeals.

(1)In the matter of discipline, punishment and appeals, the members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970, as amended from time to time.(2)The authority empowered to impose penalties as specified in rule 5 of the Panjab Civil Services (Punishment and Appeal) Rules, 1970 and the appellate authority thereunder in respect of the members of the Service shall be as specified in Appendix 'B' to these rules.(3)The authority competent to hear an appeal against an order specified in rule 15 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, other than an order imposing any of the penalties mentioned in Appendix 'B' to these rules shall also be the Government.

16. Oath of allegiance.

- Every member of the Service unless he has already done so, shall be required to take an oath of allegiance to India and to the Constitution of India as by law established.

17. Liability for vaccination and revaccination.

- Every member of the Service shall get himself vaccinated or revaccinated when Government so directs by a special or general order.

18. Power to relax.

- Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded, in writing, relax any of the provisions of these rules with respect to any class or category of persons: Provided that the provisions relating to qualifications and experience shall not be relaxed.

19. Repeal and saving.

- The Punjab Home Guards Rules, 1963 in so as these are applicable to the members of the Service are hereby repealed : Provided that any order issued or any action taken under the rules so repealed shall be deemed to have been issued or taken under the corresponding provisions of these rules.

20. Interpretation.

- If any question arises as to the interpretation of these rules, the Government shall decide the same. Appendix 'A' (See rules 1, 3 and 14)

Sr.No.	Designation	No. of Posts		Total	Scale of pay
		Permanent	Temporary		
1.	District Commander/Battalion 2nd-In-Command/Junior Staff Officer/Chief Instructor	16	6	22	Rs. 825-25-850-30-1,000/40-1,200/50-1,400 A Special Pay of Rs. 50 per month shall be admissible to the incumbent of the post of Junior Staff Officer. (Administration).
2.	Administrative-cum-Accounts Officer		1	1	As admissible to an Accounts Officer in the Treasury and Accounts Organisation of the Department of

the Finance of the State of Punjab.

Total		16	7	23		
Appendix 'B'						
Sr.No.	Designation of Official	Nature of penalty		Authority empowered to impose penalty	Appellate authority	
1	2	3		4	5	
Minor Penalties						
1.	Battalion-2nd-in-Command/District Commander/Chief Instructor/Junior Staff Officer.	(i) Censure(ii) Withholding of increments of pay.		Commandant General Home Guards.	Government	
2.	Administrative-cum-Accounts Officer.	(iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders; (iv) Withholding of his promotion;		Government	Government	
Major Penalties						
		(v) reduction to a lower stage in the timescale of pay for a specified period with further directions as to whether or not the Government employee will earn increments of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing the future		Government	Government	

increments of his
pay;

(vi) reduction to a
lower time scale of
pay, grade post or
service which shall
ordinarily be a bar to
the promotion of the
Government
employee to the time
scale of pay, grade,
post or service from
which he was reduced
with or without

further directions
regarding conditions
of restoration to the
grade or post or
service from which
the

Government employee
was reduced and his
seniority and pay on
such restoration to
that grade, post or
service;

(vii) compulsory
retirement ;

(viii) removal from
service which shall
not be a

disqualification for
future, employment
under the
Government;

(ix) dismissal from
service which
shall ordinarily be a
disqualification for
future employment
under
the Government.

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