

Rules to regulate the Employment, Suspension, Removal and Conduct of Officers and Servants of Improvement Trusts in Punjab

PUNJAB

India

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Rule

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Rules to regulate the Employment, Suspension, Removal and Conduct of Officers and Servants of Improvement Trusts in PunjabPublished vide Punjab Government Notification No. 2842-CX-45/903-S-CR- 45/25090, dated 4th September, 1945Rules

Part I – Employment of officers and servants

1. Secretary.

- No person shall be appointed by a Trust as its Secretary, unless he is-(i)an officer of the Indian Civil Service or the Punjab Civil Service of not less than five years' standing subsequent to his appointment substantively to the Indian or the Punjab Civil Service as the case may be,(ii)a graduate and has served as Secretary or Executive Officer of a Municipal Committee for a period not less than five years :Provided that the Executive Officer of a Municipality may be appointed as Secretary to the Trust in addition to his own duties.

2. Land Acquisition Officer.

- No person shall be appointed by a Trust as its Land Acquisition Officer unless he is a member of the Punjab Civil Service of not less than three years standing in that service, or is a Tahsildar of not

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less than five years standing as a Tahsildar.

3. Town Planner.

- No person shall be appointed by a Trust as its Town Planner, unless he-(1)is a Member or Associate Member of the Town Planning Institute, London, and has passed the final examination conducted by the Town Planning Joint Examination Board, England, or obtained an equivalent diploma or pass from any other University, College or Institute, and(2)(i)either possesses the qualification prescribed by Government for the recruitment of officers of the Punjab Service of Engineers and in addition ten years professional standing from the date of the acquisition of those qualifications, or(ii)is a Fellow or Associate of the Royal Institute British Architects by examination with five years practical experience in town planning schemes, or(iii)is a Member or Associate member of the Institution of Civil Engineers, London, by examination, with five years practical experience in town planning scheme.

4. Engineer.

- No person shall be appointed by a Trust as its Engineers, unless he possess the qualification prescribed by Government for the recruitment of officers to the Punjab Service of Engineers and in addition has ten years professional standing from the date of the acquisition of those qualifications.

5. Assistant Engineer.

- No person shall be appointed by a Trust as an Assistant Engineer unless he possesses qualifications prescribed by Government for the recruitment of officers to the Punjab Service of Engineers and in addition has three years' practical experience in a salaried post in Civil Engineering.

6. Assistant Town Planner.

- No person shall be appointed by a Trust as an Assistant Town Planner unless he possesses -(i)a diploma in town Planning recognised by the Town Planning Institute, London, for Associate Membership of that body,orthe qualifications prescribed by Government for the recruitment of officers to the Punjab Service of Engineers,ora degree or diploma in Architecture recognised by the Royal Institute of British Architects for Associate membership of that body ;and(ii)in addition has at least two years practical experience in a salaried post in Town Planning, Civil Engineering, or Architecture.

7. Senior Draftsman.

- No person shall be appointed by a Trust as a Senior Draftsman, unless-(i)he has passed The Draftsman course and has obtained a certificate for the reinforced concrete course of the Government School of Engineering, Rasul,orpossesses and equivalent qualification;and(ii)in

addition has five years practical experience in such design and draftsmanship work as he is required to perform.

8. Junior Draftsman.

- No person shall be appointed by a Trust as a Junior Draftsman unless he has passed the two years course at the Government School of engineering, Rasul or, possesses and equivalent qualification.

9. Overseer.

- No person shall be appointed by a Trust as an Overseer unless he has passed the Final Overseer's Examination (preferably with Honours or credit) for the Government School of Engineering, Rasul, or any institution recognised, from time to time, by the Punjab Government.

10. Accountant.

(1) No person shall be appointed by a Trust as an Accountant, except for short vacancies not exceeding three months, unless he possesses any of the following qualifications :-(i) A degree in Arts or Science of a recognised Indian University and preferably in pass in the Public Examination qualifying for admission to the Establishment of Divisional Accountants. (This examination is conducted by the Bengal Engineering College, Sibley), or(ii) Government Diplomat Accountant' Diploma, or(iii) a higher or equivalent qualification, and has in addition passed the Departmental Examination of Accountant held by the Punjab Government.(2) An Accountant who has not passed the Departmental Examination and who has not been confirmed prior to the date on which these rules come into force shall be required to pass the Departmental Examination within three years failing which he shall be removed from the post. Government may for special reasons extend this period of three years in any case.

11.

(1) Government shall decide in each case whether a person not possessing a specified qualification holds an equivalent qualification(2) Government may, in special circumstances, permit the appointment of any person to a post other than that of a Town Planner, an Assistant Town Planner, an Engineer, and an Assistant Engineer, when he does not possess the prescribed qualifications, but otherwise possesses adequate experience.[11A. Scales of pay and allowances. - (1) No officer or servant in the employ of a Trust shall be given a higher grade pay than that of the corresponding post in the office of a Deputy Commissioner; and where, such a post does not exist in the office of Deputy Commissioner, a grade higher than that of the corresponding post in the Divisional Office of the State Public Works Department, Buildings and Roads Branch, provided that a higher grade may be allowed, in special circumstances, with the previous approval of Government. In the case of a post where the corresponding post does not exist both in the Deputy Commissioner's Office and in the Divisional Office of the Public Works Department, Buildings and Roads Branch, the grade shall be fixed by a reference to Government whose orders in this respect shall be final.(2) Higher initial pay

than the minimum of the grade of a post shall not be given to any officer or servant of a trust, except with the sanction of Government.(3)Not trust employee shall be allowed any allowance at a rate higher than that to which a Government servant drawing the same pay is entitled.] [Inserted by the Punjab Government notification No. 8725-LG(A)-50/2- 12019, dated 12th December, 1950.]

11B.

[--] [Omitted by Punjab Government Notification No. GSR 108/PA/4/22/Section /73/Amendment(3) 74 dated 4.10.1974.][11C. Every employee of a Trust other than a class IV employee shall retire from service on the last day of the month on which he attains the age of fifty-eight years and every class IV employee shall retire from service on the last day of the month in which he attains the age of sixty years.] [Substituted vide GSR 112/..../78, dated 19th October, 1978.][Provided that the Trust may with the sanction of the State Government, retain an employee after he attains the aforesaid age, in exceptional circumstances in public interest to be recorded in writing.Provided further that,-(i)a Trust may, if it is of opinion that it is in public interest to do so, by giving one month's notice in writing retire any of its employees on the date on which he couplets twenty-five years of service, or attain fifty years of age, or on any date after to be specified in the notice.(ii)any employee of a Trust may, after giving at least one month's previous notice in writing to the Trust retire from service on the date on which he completes twenty-five years of service or attains fifty years of age or of any date there after to be specified in the notice.]

Part II – Suspension and Removal of Officers and Servants

12. Suspension.

- The Trust or its Chairman may suspend an officer or servant of the Trust into whose conduct it is proposed to hold enquiry after framing the necessary charges. During the period of suspension the Trust or its Chairman may allow an officer or servant subsistence allowance at such rates as the suspending authority may direct but not exceeding one-fourth of the pay of the suspended officer or servant.

13. Dismissal of officers and servants.

- No order of dismissal removal for misconduct shall be passed against an officer or servant of a Trust unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

14. Charges.

(1)The grounds on which it is proposed to take action shall be reduced to the form of definite charges.(2)The charges shall be communicated in writing to the person charged and he shall be required within a reasonable time to State in writing whether he admits the truth of all or any of the charges, what explanation or defence, if any, he has to offer, and whether the desires to be heard in

15. Oral enquiry.

- If the person charged so desires or if the authority empowered to dismiss or remove him so directs, an oral enquiry shall be held in respect of such charges that are not admitted.

16. Proceedings.

- When an enquiry is held under the provision of rule 14, the charge shall be explained to the person charged, the evidence in support of it, and any evidence that the person charged may adduce in his defence shall be recorded in his presence and his defence taken down in writing. The person charged shall be entitled to cross-examine the witnesses called, and to have such witnesses called as he may wish; provided that the officer conducting the enquiry may, for special and sufficient reasons to be recorded in writing, refuse to call a witness. Each of the charges framed shall be discussed and a finding recorded on each charge. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

17.

(1)the provisions of rules 12 to 15 (both inclusive) shall not apply when -(i)the accused is absconding.(ii)the order of dismissal is passed on the ground of facts or inferences based on the findings of a court.(2)All or any of the provisions of rules 12 to 15 (both inclusive) may, with the sanction of Government, be waived or modified if in the special circumstances of the case it is difficult or undesirable to comply with such provisions.

18. Counsel.

- The person charged shall not be allowed to engage a counsel; provided that if the charges are that they are likely to result in the dismissal of such person, he may with the sanction of the authority empowered to dismiss him, be represented by a counsel :Provided further that if in an enquiry counsel is engaged on behalf of the Trust the person charged shall also be entitled to engage counsel.

19. Removal other than dismissal.

(1)If it is sought to remove any officer or servant otherwise than -(i)for misconduct,(iii)by discharge during probation, or(iii)by discharge at the expiry of the period for which he was engaged, an order shall be recorded by the competent authority giving reasons for which it is proposed to take such action.(2)A copy of this order shall be communicated to the officer or servant concerned and he shall be required within a reasonable time to offer his explanation, if any.(3)It shall not be necessary to hold any detailed enquiry, but the explanation of the person concerned shall be taken into consideration before final orders are passed.(4)In the absence of a written contract to the contrary, every officer or servant removed under this rule shall be entitled to one month's notice before

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removal or one month's wages in lieu thereof,

Part III – Conduct of officers and servants

20.

Should any officer or servant employed by a Trust, in the absence of a written contract authorising him so to do, and without reasonable cause resign his employment or absent himself from his duties without giving one month's notice to the Trust he shall be liable to forfeit a sum not exceeding one month's wages out of any wages due to him, and if no wages, or less than one month's wages are due to him, he shall be liable to a penalty not exceeding wages for one month or an amount equal to the difference between one month's wages and the wages due to him.

21.

Rules regarding conduct and discipline applicable to persons in the service of the Crown in India for the purpose of the Punjab Province shall apply to officers and servants of the Trust, as far as they can be applicable.[Inserted by Punjab Government Notification No. 4098-LG(A)-51/11-8000, dated 28th June, 1951 and vide GSR 98/75 at 11.10.1975.]