

Rajasthan Public Service Commission (Limitation of Functions) Regulations, 1951

RAJASTHAN

India

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Rule

RAJASTHAN-PUBLIC-SERVICE-COMMISSION-LIMITATION-OF-FUNCTIONS-REGULATIONS-1951

- Published on 23 March 1951
- Commenced on 23 March 1951
- [This is the version of this document from 23 March 1951.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Public Service Commission (Limitation of Functions) Regulations, 1951Published vide Notification No. F.20(1) Appts (c)/50, dated 23.3.1951No. F.20(1) Appts (c)/50. - In exercise of the powers conferred by the proviso to clause (3) of Article 320 of the Constitution of India, the Rajpramukh is pleased to make the following regulations: -Part-I General

1.

These regulations may be cited as the Rajasthan Public Service Commission (Limitation of Functions) Regulations, 1951.

2.

In these regulations -(i)"Commission" means the Rajasthan Public Service Commission.(ii)"Government" means the Government of Rajasthan.(iii)"Service" or "post" means a civil service or post in connection with the affairs of the State of Rajasthan.(iv)"Appointing Authority" means the authority which makes appointments to any service or post in connection with the affairs of the Rajasthan State.(v)"Schedule" means a schedule appended to these regulations.(vi)"Services of the Covenanting States" means the services of(a)Any of States specified in Article 1(a) of the Covenant establishing the State of Rajasthan.(b)The "former Rajasthan State" as defined in sub-clause (b) of the said Article; or(c)The "former Matsya State" as defined in sub-clause (i) (aa) of the Agreement dated the 10th May, 1949, between the Rajpramukh of Rajasthan and the Rulers of Alwar, Bharatpur, Dholpur and Karauli.

Part II – Recruitment and Appointments

3.

It shall not be necessary for the Commission to be consulted on any of the following matters of general principle relating to methods of recruitment and the principles to be followed in making appointments: -(1)The creation and organization of services and posts and their designation;(2)The classification of services and posts;(3)The general methods of recruitment to a service or post; i.e. whether recruitment should be made by examination, selection or promotion or transfer, or partly by one of these methods or partly by another, and in the latter case the proportion in which recruitment to any particular service should be made by each method and the relative seniority of candidates recruited by different methods;(4)The determination of the number of vacancies to be filled in a service in any particular year;(5)The determination of the strength of the cadres of different services;(6)The determination of the salary of Government servants on their first appointment and of officiating incumbents of posts;(7)The determination of the initial salary of Government servants recruited by promotion;(8)Transfers of Government servants from and to foreign services;(9)The probation and training of Government servants and the condition of their confirmation in service;(10)The prescribe qualifications for the various posts. This should be done by the Administrative Department in consultation with the Finance Department and Department of Personnel.(11)[The grant of concession in service regarding appointment, seniority, confirmation and promotion etc. of employees who may take up employment in the army/Air Force/Navy during Emergency, provided that these are regulated mutatis mutandis according to the instructions issued on the subject by the Government of India.] [Inserted vide Notification dated 29.08.73 w.e.f. 29.10.63]

4.

It shall not be necessary for the commission to be consulted in respect of any matters relating to or arising out of appointments made for the integration of services of the various Covenanting States in the services of the State of Rajasthan and interim appointments made or to be made in the process of such integration.

5.

It shall not be necessary for the Commission to be consulted when the recruitment or appointment is to a post specified in the schedule.

6.

It shall not be necessary for the Commission to be consulted in matters relating to methods of recruitment to civil services and posts or the principles to be followed in making appointments to such services and posts, or the suitability of the candidates for such appointments: -(a)Unless otherwise provided in the relevant Service Rules for recruitment to any post in a service, when the

appointment is to be made to any post:(i)In Ministerial Service; or(ii)[In Subordinate Service or State Service whether technical or non-technical starting with an initial pay of grade pay of Rs. 3200/- or less per month.] [Substituted by Rajasthan Notification No. G.S.R. 32, dated 30.5.2011 (w.e.f. 23.3.1951).](b)When the appointment is made by the Chief Justice of the High Court under clause (1) of Article 229 of the Constitution of India.(c)When it is proposed to appoint a member of any service to an isolated post which can be filled only by members of specified service while retaining lien of posts of particular status in the parent service;(d)When officiating appointment is made to a post borne on the state cadre of the I.A.S./I.P.S.;(e)When appointment is made of an officer of the I.A.S./I.P.S. to a non-cadre post declared equivalent to a post borne on the cadre of the service to which such officer belongs;(f)When the appointment is to be made by an authority other than the Government against 12.2% of the number of vacancies which occurred in Subordinate Services as defined in the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 from 1-1-59 to 30-6-61 but were not filled up from amongst the candidates belonging to Scheduled Castes/Tribes;(g)[, (h), (i) & (j) ***] [(g), (h), (i) & (j) deleted, vide Government notification dated 04.08.82](k)When appointment is to be made to the post of Assistant Secretary of Vigilance. Commission from cadre of the Rajasthan Administrative Service, Rajasthan Secretariat Service or from amongst the officers of the Rajasthan High Court;(l)When appointment is to be made to the posts of Commandant Border Home Guards and Additional Deputy Commandant General, Border Home Guards in the Border Home Guards Organisation during the period of Emergency;(m)When the appointment is to be made to post of Private Secretary to Minister/Deputy Minister.(n)When the appointment is to be made to the following posts in the Medical and Public Health Department for the fourth-Five year Plan period -(i)Public Analyst.(ii)Assistant Health Officer(iii)Matron Grade I.(iv)Matron Grade II.(v)Assistant Matron.(o)When the deputation of an officer of the R.A.S. and R.S.S. to administrative posts is made:(p)[[When the appointment is to be made to the following posts in the Harish Chandra Mathur Rajasthan State Institute of Public Administration: - [Substituted vide notification dated 30.06.1993](i)Professor(ii)Associate Professor and(iii)Assistant Professor]Recruitment to these posts shall be made on the recommendations of a Committee consisting of the following: -

1.	Chairman, Rajasthan Public Service Commission Or a Member thereof nominated by him	Chairman
2. [] [Amended vide Notification No. dated 24.07.1995 w.e.f. 12.05.92]	Principal Secretary to Govt. Department of Personnel	Member
3.	An expert to be nominated by Government.	Member
4.	Director General/Director Harish Chandra Mathur	Member
	Rajasthan State Institute of Public Administration, Jaipur.	Secretary

(q)When the appointment is to be made to the following posts in the [General Administration]
[General Administration Substituted for the word Education Vide Notification dated 13.05.88]
Department for the Rajasthan State Flying School: -

1. Pilot Instructor In-charge.

2. Aircraft Maintenance Engineer.

3. Gliding Maintenance Engineer.

4. Gliding Instructor In-charge.

5. [Assistant Pilot Instructor] [Added vide Notification no. dated 13.05.88]

6. [Chief Pilot [Items 6,7 and 8 Added vide Notification No. dated 15.05.93]

7. Pilot

8. Air Craft Radio Maintenance Engineer]

(r)[When the appointment is to be made to the post of Chief Pilot of VIP Aircraft] [Added vide Notification no. dated 21.02.86](s)[When the appointment is to be made to the following posts in the Civil Aviation Department for the State Aircrafts: -] [Added vide Notification no. dated 25.05.04](1)Chief aircraft Maintenance Engineer,(2)Pilot (Co-Pilot)Recruitment to these posts shall be made on the recommendations of a Committee consisting of the following: -

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|-----------------------------------------------------------------------------|------------------|
| 1. Chairman, Rajasthan Public Service Commission,Ajmer. | Chairman |
| 2. Principal Secretary, Finance Department. | Member |
| 3. Secretary, Department of Personnel | Member |
| 4. Secretary, Civil Aviation Department | Member Secretary |
| 5. Representative of Director General of CivilAviation, Government of India | Member |

(t)[when initial recruitment or transfer from other service is to be made on the posts included in the Rajasthan Rural Medical and Health Service Rules, 2008".] [Added vide Notification no. dated 18.02.08](u)[when initial recruitment or transfer from other service is to be made on the posts included in the Rajasthan Rural Ayurvedic, Unani, Homoeopathy & Naturopathy Service Rules, 2008."] [Added vide Notification no. dated 17.03.08](v)[when initial recruitment or screening or transfer from other service or special selection is to be made on the posts included in the Rajasthan Women Development Service Rules,2008".] [Added vide Notification no. dated 22.09.08]

7.

It shall not be necessary for the Commission to be consulted for the continuance of any appointment for a period not exceeding 12 months to a service or post to which appointment, promotion or transfer is ordinarily made after consultation with the commission when, owing to an emergency, the Commission cannot be consulted without detriment to the public serviceProvided that if the

duration of appointment actual or probable is more than 12 months, the Commission shall be consulted as soon as possible after the appointment is made and in any case before the expiry of 12 months from the date of appointment regarding continuance of such appointment.

8.

It shall not be necessary for the Commission to be consulted in respect of appointment to any post of an officer on deputation from the Government of India or from any State for a period not exceeding one year.

9.

It shall not be necessary for the Commission to be consulted when it is proposed to reappoint a retired officer for a period not exceeding 3 years in the case of Post-Graduate Heads of Department, Readers and Principals of Degree and Post-Graduate Colleges and of Doctors and women employees in all Departments and for a period not exceeding 2 years in the case of other officers

-(a)Temporarily to a permanent post in the service from which he retired; or(b)To temporary post created as an addition to the cadre of the service from which he retired; or(c)To any other temporary or permanent post the duties of which are similar to those normally discharged by members of the service from which he retired.

Part III – Transfers and Promotions

10.

It shall not be necessary to consult the Commission regarding the principles to be followed in making transfers or regarding the suitability of candidates for transfer or promotion in the following cases: -(a)Promotion to a service or post by an appointing authority other than the Government unless the service or post is within the purview of the Commission;(b)Promotion from a lower to higher grade or post within the same service according to the rules of service;Provided that if it is proposed to make a promotion from one grade to another, the Commission shall be consulted if direct recruitment to the higher grade may also be made after consulting the Commission.

10A.

It shall not be necessary to consult the Commission in respect of matters specified in sub-clause (a) & (b) of clause 3 of Article 320 of the Constitution of India in respect of any temporary or permanent post which is filled by a person not already confirmed in a civil service or re-employed on a civil post on contract basis which may involve a total period of service on contract upto 5 years. In every case of appointment on contract which may involve a total period of service in excess of 5 years the Commission shall be consulted before the contract is made or renewed.

Part IV – Disciplinary Matters

11.

It shall not be necessary for the Commission to be consulted -(i)On disciplinary matters, including memorials and petitions relating to such matters, when the order is to be passed by an appointing authority other than the Government;(ii)Before drawing up or directing the drawing up of proceedings against any Government servant with a view to disciplinary action;(iii)At any stage of disciplinary proceedings until the case is ready for the final decision.(iv)When the order is passed by Government and is -(a)An order of suspension passed in order to enable an enquiry to be held;(b)An order relating to the discharge or reversion of an officer otherwise than as a penalty;(c)[An order imposing any punishment in respect of a person for whose appointment consultation with the Commission is not necessary;] [Added vide Notification dated 12.03.1975](d)[An order imposing any punishment other than dismissal or removal from service or reduction to lower service grade or post, or to a lower time-scale or to a lower stage in a time-scale or reduction of pension to an amount lower than due under rules or withholding or withdrawing pension or any part of it, whether permanently or for a specified period or recovery from pay or pension of the whole or part of any pecuniary loss caused to the Government by negligence or breach of law, rule or order.] [Substituted for Vide Notification dated 11.08.1972](v)[In respect of officers of the R.H.J.S & RJS:] [Added Vide Notification dated 26.05.1977]Explanation: 1 - The discharge -(a)Of a person appointed on probation during or at the end of the period of probation grounds arising out of the specific conditions of probation;(b)Of a person otherwise than under contract to hold a temporary appointment on the expiration of the period of appointment;(c)Of a person engaged under contract in accordance with the terms of his contract; and(d)Of a person in the services of any of the Covenanted States, who has been found, in accordance with the integration rules, either surplus or unsuitable for appointment to the services of the State of Rajasthan shall not be deemed to amount to removal or dismissal for the purposes of this Regulation.Explanation: 2 - The discharge of a person appointed on an ad hoc or provisional basis to any of the posts in the Rajasthan Services, otherwise than or reasons of his being found surplus or unsuitable for appointment to the services of the State of Rajasthan shall amount to removal or dismissal as the case may be.Explanation: 3 - Reduction to a lower post of a person appointed on an ad hoc or provisional basis to any of the posts in the Rajasthan Services consequent on the enforcement of the Schemes for the integration of the Services of the Covenanted States in the Services of the State of Rajasthan shall not be deemed to amount to a penalty within the meaning of this Regulation.Explanation: 4 - The extension of the probationary period on grounds arising out of the specific conditions of probation shall not be deemed to be a penalty within the meaning of this Regulation.

12.

It shall not be necessary for the Commission to be consulted on any matter on which the Commission have given advice at any previous stage as to the order to be passed and no fresh question has thereafter arisen for determination.

Part V – 13.

It shall not be necessary for the Commission to be consulted on any claim for the award of a pension in respect of death caused as a result of injuries sustained by a person while serving (on any post under) the Government in a civil capacity and any question as to the amount of any such award.

Part VI – Miscellaneous

14.

Notwithstanding anything contained in these regulations, Government may direct that the Commission shall be consulted in any particular case.*Schedule(See Regulation 5)

- 1. Appointment in the Office and at the residence of the Governor and in the Office of the Secretary to the Governor.**
- 2. Advocate General, Government Pleaders and Public Prosecutors.**
- 3. Administrator General and Official Trustees.**
- 4. Official Receiver in the State Insolvency Act.**
- 5. All posts in the Rajasthan Police Force and Rajasthan Armed Constabulary other than posts encadred in the Rajasthan Police Service.**
- 6. Honorary post of Medical Officer.**
- 7. Post of Budget Officer in the Government Secretariat when it is filled by a member of I.A.S./R.A.S./R.S.S./R. Acs. for a period of 5 years.**
- 8. Vigilance Commission.**
- 9. O.S.D. Revenue-cum-Member Secretary, Revenue Laws Commission.**
- 10. Post of Director, Mobile Surgical Unit-cum-Officer on Special Duty when the post is to be filled by appointment of a member of the Rajasthan Medical and Health Service or by appointment of a member of the Rajasthan Medical (Collegiate Branch) Service.**

11. [Junior Engineers and Soil Surveys under the Rural Engineering Survey Scheme.] [Added Vide Notification dated 20.01.1974 and effective upto 28.02.1974]

12. [Member of the Rajasthan Panchayat and Local Bodies Subordinate Service Commission.] [Added Vide Notification dated 23.08.1975]

13. [Project Officers and Project Directors appointed in accordance with the provisions of the Rajasthan Civil Services (Special Selection and Special Conditions of Service of Project Directors and Project Officers) Rules, 1975.] [Added Vide Notification dated 13.09.1975]

14. [Member of the Rajasthan Civil Services, Appellate Tribunal who is not a member of the Indian Administrative Service or the Rajasthan Higher Judicial Service."] [Inserted Vide Notification dated 31.07.1976]

15. [District Adult Education Officers, Project Officers, Assistant Project Officers and Supervisors appointed in accordance with the provisions of the Raj. Civil Services (Special Selection and Special Conditions of Service of District Adult Education Officers, P.O., A.P.O.S. and Supervisors in the Adult Education Programme Rules, 1980.) [Added Vide Notification dated 23.05.1980]

[[16.] [Serial No.16. Second Grade Teachers of Education Department.]] Deleted[[17.] [Serial No 17. All posts of Medical and Health Department whose initial pay starts from Rs. 5500/- or less per month. (Added Vide Notification No. F.3(104) 65 dated 18.07.2003 w.e.f. 01.09.96)]] Deleted

18. [All the posts of direct recruitment under the provisions of Rajasthan Medical and Health Service Rules, 1963.] [Added vide Notification dated 06.09.2011]

19. [Ayurved Chikitsadhikari/ Unani Chikitsadhikari/ Homoeopathy Chikitsadhikari appointed in accordance with provision of the Rajasthan Ayurvedic, Unani, Homoeopathy and Naturopathy Service Rules, 1973.] [Added vide Notification dated 13.05.2013]

20. [Junior Engineer appointed in accordance with provision of the Rajasthan Engineering Subordinate Service (Public Health Branch) Rules, 1967.] [Added vide Notification dated 01.10.2013]