

Rajasthan Appointment of Dependents of Deceased Defence Personnel Rules, 2018

RAJASTHAN

India

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Rule

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Rajasthan Appointment of Dependents of Deceased Defence Personnel Rules, 2018 Published vide Notification No. G.S.R. 87, dated 3.10.2018 Last Updated 1st October, 2019 G.S.R. 87. - In 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 regulating the appointment of dependents of deceased defence personnel (battle casualties), namely:-

1. Short title and commencement.

(1) These rules may be called the Rajasthan Appointment of Dependents of Deceased Defence Personnel Rules, 2018. (2) They shall come into force with immediate effect.

2. Scope.

- Notwithstanding anything contained in any service rules regulating the recruitment of persons in various services of the State or in the rules that may be framed hereinafter, the dependents of deceased battle casualty defence personnel of Rajasthan during the period from 15-08-1947 to 31-12-1970 shall be eligible for appointment to the posts specified in various service rules and they shall not confer any right to a particular post.

3. Definitions.

- In these rules unless the context otherwise requires, -(a)"Appointing Authority" means the Government of Rajasthan and includes any other officer to whom powers have been delegated by the Government through a special or general order to exercise the powers and functions of the Appointing Authority under the relevant service rules, if any;(b)"Armed Force Personnel" means the personnel of Army, Navy and Air Force of the Union;(c)"Board" means the Rajasthan Staff Selection Board;(d)"Commissioner/Director" means the Commissioner/Director, Department concerned, Rajasthan;(e)"Defence Personnel" means a member of the Armed Forces of the Union (Indian Army, Indian Navy, Indian Air Force)(f)"Family Members" means spouse of the deceased person, son / adopted son, daughter/adopted daughter, grand-son /adopted grand-son, grand daughter/adopted grand-daughter, and also includes members of family in blood relations i.e. , brother / sister etc.(g)"Government" means the Government of Rajasthan; and(h)"State" means the State of Rajasthan.

4. Appointment subject to certain conditions.

- An armed forces personnel (Indian Army, Indian Navy, Indian Air Force) died in war or any defence operation including counter insurgency and operations against terrorists, while in service and declared a battle casualty during the period from 15-08-1947 to 31-12-1970 by the authorized Armed Forces Head Quarter, one of his/her family members may be considered for appointment in Government service, subject to the condition that employment under these rules shall not be admissible in cases where any of the family member of the deceased soldier is already employed on regular basis under the Central/State Government or Statutory Board, Organization/Corporation owned or controlled wholly or partially by the Central/State Government prior to 31-12-1970:Provided that this condition shall not apply where the widow/ living spouse seeks employment for him/her self.

5. Selection of posts.

(1)The family member may be considered for appointment to a post carrying pay level- 1 to level- 9 and meant for being filled up by direct recruitment in the Subordinate Services/Ministerial Services/Class IV Services as the case may be, according to his/her educational qualification and fulfilment of other service conditions irrespective of the rank and status of the deceased Government servant.(2)Once an appointment has been made on any post under these rules, the benefit intended under these rules shall be deemed to have been availed and the case shall not be re-opened for appointment to any other post under any circumstances.

6. Qualifications.

(1)The family member should possess the qualifications prescribed for the post under the concerned service rules at the time of appointment.(2)While considering for appointment, the requirement of educational qualifications for the post shall be dispensed with.(3)Before a family member is

appointed, Appointing Authority shall satisfy itself that he/she is otherwise fit for the Government service with regards to his/her character, physical fitness and fulfillment of other general conditions prescribed in the concerned service rules.

7. Age.

- The family member should be within the age limit prescribed for the post under the service rules concerned at time of appointment: Provided that the crucial date for calculating age shall be the date of receipt of application for appointment. The time spent in arranging a suitable post shall not disqualify the family member in case he/she becomes overage during that period.

8. Order of Preference.

- The order of preference for appointment under these rules would be, -(a) if widow of shaheed is alive, successor of class I, nominated by the widow; (b) if widow of shaheed is not alive, successor of class I as per seniority of age and if successors of class I are not alive successor of class II as per seniority of age; and (c) if shaheed was unmarried, brother / sister of shaheed as per seniority of age.

9. Procedural requirement etc.

- The procedural requirement for selection, such as training or departmental examination or typing test, shall not be insisted upon at the time of initial appointment. The family member shall, however, be required to clear such training or departmental examination or typing test, within a period of 3 years for entitlement for confirmation failing which his/her appointment shall be liable to be terminated. No annual increments will be allowed until he/she acquires such qualifications. On acquiring such qualifications, annual grade increments shall be allowed notionally from the date of appointment but no arrears will be paid. Note. - For the purpose of this rule, such test shall be conducted by the committee empowered under notification/circular issued in this regard by the Competent Authority.

10. Procedure.

(1) The application shall be made by one of family members of the deceased in the order of preference as per rule 8, above and other family members of the said category shall have to give their consent to his/her candidature. (2) Such family members shall address an application for the purpose to the Zila Sainik Kalyan Adhikari duly verified by the concerned Armed Forces Headquarters to which the deceased belonged at the time of death. (3) The application shall contain the following information:-(i) Name and designation of deceased (Battle Casualty) Armed Forces Personnel; (ii) Unit in which he/she was working prior to death; and (iii) Battle Casualty Certificate issued by the competent Headquarters of the Armed Forces. (4) The application of such family member shall be forwarded to the District Collector concerned for suitable appointment according to the qualifications possessed by the family member. In the event of non-availability of vacancy in the District concerned, the application shall be sent to the Divisional Commissioner who shall

arrange appointment in any District under his jurisdiction. If vacant post is not available under the jurisdiction of the Divisional Commissioner, then the application shall be referred by the Divisional Commissioner to Government in the Department of Personnel for providing appointment.(5)In case vacancy in a suitable post as per the qualification of the applicant is not available, the department concerned or authority will forward the case to the Department of Personnel for release of suitable alternate vacancy.

11. Overriding effect.

- These rules and any order issued there under shall have overriding effect notwithstanding to the contrary contained in any rules regulations or orders in force at the commencement of these rules.

12. Nodal Department.

- Department of Personnel in consultation with Sainik Kalyan Vibhag, will function as the Nodal Department for the purpose of administrating these rules and it may make any general or special order as it may considered necessary or expedient for proper implementation of these rules.

13. Removal of doubts.

- If any doubt arises relating to the application and scope of these rules, it shall be referred to the Government in Department of Personnel (A-II) whose decision thereon shall be final.

14. Power to remove difficulties.

- The State Government may for the purpose of removing any difficulty in the implementation of any provision of these rules, make any general or special order as it may consider necessary or expedient in the interest of fair dealing or in the Public interest.