

# The M.P. Municipal Service (Executive) Rules, 1973

MADHYA PRADESH

India

## The M.P. Municipal Service (Executive) Rules, 1973

### Rule THE-M-P-MUNICIPAL-SERVICE-EXECUTIVE-RULES-1973 of 1973

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The M.P. Municipal Service (Executive) Rules, 1973 Published vide Notification No. 449-18-U-2-72, dated 25-8-1973, M.P. Rajpatra, Part 2, dated 28-12-1973 at pp. 1432-1448 In exercise of the powers conferred by sub-section (1) and item (b) of clauses (iv) and (v) of sub-section (2) of Section 355 read with Section 86 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of Section 356 of the said Act, namely :-

## Chapter I Preliminary

### 1. Short title and commencement.

(1) These rules may be called the Madhya Pradesh Municipal Service (Executive) Rules, 1973. (2) They shall come into force from the date of their publication in the Madhya Pradesh Gazette.

### 2. Definitions.

- In these rules, unless the context otherwise requires :- (a) "Act" means the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961); (b) "Appointing Authority" means State Government in respect to Select Grades, Class I, Class II and Class III Chief Municipal Officers; (c) [ "Committee" means a Committee constituted under Rule 13] [Substituted by Notification No. 35-XVIII-1-88, dated 9-12-1988.], [(c-i) "Commission" means the State Public Service Commission.] [Inserted by Notification No. 35-XVIII-1-88, dated 9-12-1988.] (d) "Director" means Director of Local Bodies, and includes Additional Director; [(d-i) "Disciplinary Authority" means the authority competent under these rules to impose upon a member of the service any of the penalties specified in Rule 31; [Inserted by Notification No. F-4-74-05-XVIII-1, dated 28-4-2005.]] (d-ii) "Divisional

Commissioner" means the Officer appointed by the State Government under Section 14 of the Madhya Pradesh Land Revenue Code, 1959];(e)"Form" means a form appended to these rules;(f)"Member of the sendee" means a member of the State Municipal Service (Executive);(g)"Schedule" means a schedule appended to these rules;(h)"Secretary" means the Secretary' to the Government of Madhya Pradesh in the Local Government Department;(i)"Sendee" means the Municipal Service for the State constituted under sub-section (i) of Section 86 of the Act.

## **Chapter II**

### **Constitution**

#### **3. Constitution of Municipal service for the State.**

(1)There shall be constituted the State Municipal Service (Executive) for the State.(2)The State Municipal Service (Executive) shall consist of Four Classes, namely, Select Grade, Class I, II and III.

#### **4. Strength of service.**

(1)The strength of the service including both the number and designation of posts in various grades shall be determined by the State Government from time to time.Note. - The provisional strength of the Service, on the date of enforcement of these rules, is given in the First Schedule.(2)No member of the service shall be entitled of compensation in consequences of any changes in the structure of the service or in the event of the State Government leaving unfilled or holding in abeyance any vacant post in the cadre.

## **Chapter III**

### **Recruitment**

#### **5. Method of recruitment.**

(1)Recruitment to the service shall be made :-(a)by direct recruitment;(b)by promotion :Provided that the State Government may make temporary appointment for a total period not exceeding six months by direct recruitment to a permanent post in the service if it is necessary in the public interest that appointment should be made immediately and the recruitment on the result of the selection by the [Commission] [Substituted by Notification No. 35-XVIII I-88, dated 9-12-1988.] would take time.(c)The filling up of vacancies in all classes of Municipal Councils by direct recruitment and by promotion shall be as shown in the Second Schedule.(2)Subject to the provisions of these rules, the method or methods of recruitment to be adopted for the purpose of filling any particular vacancy or vacancies in the service, or such vacancies therein as may be required to be filled during any particular period of recruitment and the number of persons to be recruited by each method shall be determined on each occasion by the State Government.(3)Reservation of vacancies to the extent of 15 per cent and 18 per cent of the number of vacancies to be filled shall be made in favour of candidates belonging to the Scheduled Castes and the Scheduled Tribes respectively.

Candidates belonging to the Scheduled Castes and Scheduled Tribes, declared by the Committee to be suitable for appointment to the service with due regard to the maintenance of efficiency of Municipal administration and to the academic qualification may be appointed against the vacancies reserved for the candidates of the Scheduled Castes or the Scheduled Tribes, as the case may be. If sufficient number of candidates belonging to the Scheduled Castes and the Scheduled Tribes are not available for filling up all the vacancies reserved for them, the remaining vacancies shall be filled from amongst other candidates.

## **Chapter IV**

### **Qualification**

#### **6. Age.**

- A candidate for direct recruitment must have attained the age of 21 years and must not have attained the age of 28 years on the first day of January next following the year in which the recruitment is made :Provided that the upper age limit in case of a candidate belonging to Scheduled Castes or Scheduled Tribes, shall be relaxed up to maximum of five years :Provided further that the upper age limit in respect of candidates who are either employees in the Municipal Councils of the State or in State Government employment shall be relaxable up to the age of thirty eight years.

#### **7. Academic Qualifications.**

- The minimum academic qualification required for candidates for direct recruitment shall be as shown in columns 10 and 11 of the Second Schedule.

#### **8. Eligibility for appointment.**

(1)A candidate for appointment to the service or post shall be either :-(a)a citizen of India; or(b)a subject of Sikkim; or(c)a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India; or(d)a subject of Nepal.(2)The appointment of candidates mentioned in categories (c) and (d) referred to in sub-rule (1) shall be subject to the issue of a certificate of eligibility by the State Government in their favour. The certificate of eligibility in respect of a candidate belonging to the category (c) referred to in the said sub-rule shall be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India. Certificates of eligibility will not, however, be necessary in case of candidates belonging to any one of the following categories :-(i)Persons who migrated to India from Pakistan before the 19th July, 1948 and have ordinarily been residing in India since then;(ii)Persons who migrated to India from Pakistan after the 18th July, 1948 and have got themselves registered as citizens;(iii)non-citizens mentioned in categories (c) and (d) referred to in sub-rule (1) who entered service under the Government or a Local authority before the commencement of the Constitution of India and who have continued in such service since then.(3)A candidate in whose case a certificate of eligibility is necessary may be appointed provisionally subject to the necessary certificate being eventually issued in favour by the State Government.

## **9. Character.**

- The character of a candidate for direct recruitment must be such as to render him suitable in all respects for employment, he should give names of two persons (not relations), who may have known him during the 3 years immediately preceding the date of application, to act as a referee in case of any doubt, etc., regarding his antecedents. Note. - A person who has been convicted of criminal offence punishable with simple or rigorous imprisonment exceeding six months shall be presumed to be unsuitable for employment. However, if even though a person has been so convicted, but he has been let off only with a warning and has not been sentenced to undergo any punishment, that conviction shall not be taken into account.

## **10. Disqualifications.**

(1) No male candidate who has more than one wife living and no female candidate who has married a person having already a wife living shall be eligible for appointment to the service or post : Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any such candidate from the operation of this sub-rule. (2) No candidate shall be appointed to the service or post unless he has been found after medical examination to be in good mental and physical health and free from any mental or physical defect likely to interfere with the discharge of the duties of the service or post: Provided that in exceptional cases a candidate may be appointed provisionally to the service or post before his medical examination, subject to the condition that the appointment is liable to be terminated forthwith, if he is found medically unfit. (3) No candidate shall be appointed or shall continue to the service or post ;-(a) if he has been dismissed from the service of the Government or local authority for misconduct and is disqualified for employment in the public service; (b) if he has been convicted of an offence which involves moral turpitude, or has been convicted of an offence under the Prevention of Untouchability Act; (c) if he is not eligible for employment under sub-section (1) of Section 98 of the Act.

## **Chapter V**

### **Procedure for Recruitment**

#### **11. Initial constitution of the service.**

- Subject to Rule 10 but notwithstanding anything contained in the following rules, those Municipal Officers who are continuously working as Chief Municipal Officers at the time of the commencement of these Rules shall be deemed to have been appointed to the service. [12. Direct recruitment. - (1) The selection of candidates for direct recruitment to the service shall be made by the Commission through competitive examination. (2) The list drawn by the Commission shall be submitted to the State Government and also be published for general information. The State Government shall consider the list prepared by the Commission for appointment in accordance with the provisions of the Act and these rules, in the order in which their names appear in the list. (3) The inclusion of a candidate's name in the list shall confer no right to appointment unless the Government is satisfied after such enquiry as may be considered necessary that the candidate is suitable in all respect for

appointment to the service.] [Substituted by Notification No. 35-XVIII-1-88, dated 9-12-1988.]

### **13. Promotions.**

(1) Subject to the provisions of Rule 5 of these rules, the post of Chief Municipal Officer in select Grade, Class I, Class II and Class III shall be filled by promotion as laid down in the Second Schedule. (2) [The selection of candidates for departmental promotion to select Grade, Class I, Class II and Class III, Chief Municipal Officers shall be made by a Committee consisting of the following :- (i) Chairman, State Public Service Commission or his nominee-Chairman. (ii) Secretary to Government Local Government Department-Member. (iii) Director, Directorate of Urban Administration-Member-Secretary. The Committee shall meet at least once in every year to consider all cases for promotion and submit its recommendations to the State Government. After the consideration, the Committee shall draw up a list of persons recommended for promotion and send the same to the State Government within a month from the date of meeting. In selecting the candidates for promotion, in addition to the minimum qualification prescribed in the rule, regard shall be had to- (i) integrity; (ii) tact and energy; (iii) intelligence and aptitude; and (iv) experience and record of service.] (3) On receipt of recommendations of the Committee, the State Government shall pass such orders, as they deem fit. The persons so selected shall be placed on a select list in order of their seniority and shall be appointed by the State Government when a vacancy occurs in the respective cadres. (4) The select list shall be reviewed and revised every year by the State Government and shall be deemed to be a confidential document. (5) The select list of candidates selected for appointment by promotion shall be maintained by the State Government for each grade separately. (6) An officer's name may be removed by the State Government from the select list at any time if the Government is satisfied with regard to his unsuitability for promotion.

## **Chapter VI**

### **Appointment, Probation, Confirmation and Seniority**

#### **14. Appointments.**

(1) Subject to the provisions of the Act and these rules, the State Government may make appointments for all categories of Chief Municipal Officers. (2) A candidate who without sufficient cause fails to join his appointment, when one is offered to him within one month from the date of receipt of such order, shall forfeit his claim to appointment.

#### **15. Declaration.**

(1) A person appointed to a post in State Municipal Service, shall immediately before he joins his duty, declare all the immovable properties owned, acquired or managed by him or by any member of his family dependent on him. He should, also declare his allegiance to the Constitution of India in such form as may be required, and shall further declare that he is conversant with the terms and conditions of service including as regards his conduct as a member of the State Municipal Service. (2) Every member of State Municipal Service shall submit every year, a return declaring the

following :- (a) his relationship with any Councillor or office-bearer or person employed in the service of any Municipal Council. (b) The amounts which he may owe to any person with full details thereof. (c) Assets, movable as well as immovable, owned or acquired by him or managed by him or by any member of his family dependent on him. (3) The State Government may give order prescribing the form in which such declarations shall be made and the person who shall keep custody of such declarations.

## **16. Medical Certificate.**

- A candidate directly recruited to the service shall, subject to these rules, be required at the time of his appointment to produce a medical certificate of fitness in Form III signed by a Medical Officer in the State Government service not below the rank of a Civil Surgeon to show that he is in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties.

## **17. Probation.**

(1) A person appointed to a service or post by direct recruitment shall be placed on probation for a period of two years. (2) The appointing authority may, for sufficient reasons, extend the period of probation by a further period not exceeding one year in the aggregate. Note. - A probationer whose period of probation is not extended under this sub-rule but who has neither been confirmed nor discharged from the service at the end of the period of probation, shall be deemed to have been continued in service, subject to the condition of service being terminable on the expiry of the notice of one calendar month given in writing by either side. (3) A probationer shall undergo such training and pass such departmental examinations during the period of his probation as the State Government may from time to time, specify by general or special order.

## **18. Discharge or reversion.**

(1) If, at any time during or at the end of the period of probation, it is found that a probationer has not made sufficient use of his opportunities or that he has failed to satisfy the standard expected of him or is otherwise found unsuitable for his post, his services shall be dispensed with, without holding a departmental enquiry. (2) A person, whose services are dispensed with during or at the end of the probationary period shall not be entitled to any compensation from the Council or the State Government.

## **19. Confirmation.**

- A probationer shall be confirmed in his appointment at the end of his period of probation if - (i) he has undergone the prescribed training and has passed the departmental examination, if any, and (ii) the Director certifies that nothing adverse regarding the integrity of the Officer has come to his notice.

## **20. Trial for suitability of officiating persons.**

(1) Person already in Municipal Service appointed to another service or post by promotion shall ordinarily be appointed in an officiating capacity for a period of two years to ascertain his suitability for the service or post : Provided that the appointing authority may declare that any previous officiation in such a service or post may be counted towards the period of trial to such extent as may be specified in the particular case. (2) If during or at the end of the period of trial he is found to be unsuitable for the service or post, he shall be reverted to his former substantive service or post. Note. - The failure to pass the prescribed departmental examination, if any, within such period as may be allowed for the purpose, may be construed as failure to show fitness for the service or post in which the person is officiating. (3) If at the end of the period of trial, the person is considered suitable for the service or post, he shall be confirmed in the service or post, with effect from such date as may be specified in the order of confirmation.

## **21. Gradation List.**

- A gradation list shall be maintained for the service in which shall be arranged in order of seniority the names of the members of the service holding the posts in that service : Provided that a separate gradation list shall be maintained for each branch or group of posts of the service.

## **22. Seniority.**

- The seniority of the members of the service shall be determined in accordance with the following principles; viz. :- (a) Direct recruits :- (i) The seniority of a directly recruited member of service appointed on probation shall count from the date of his appointment : Provided that if more than one person has been selected for appointment on probation at the same time, the inter se seniority of the persons so selected shall be according to the order of merit in which they were recommended for appointment by Committee. (ii) The same order of inter se seniority shall be maintained on the confirmation of such direct recruits if the confirmation is ordered at the end of the normal period of probation. If, however, the period of probation of any direct recruit is extended, the State Government shall determine whether he should be assigned the same seniority as would have been assigned to him if he had been confirmed on the expiry of the normal period of probation or whether he should be assigned a lower seniority. (b) Promoted Municipal Officer. - Promoted Municipal Officer shall count his seniority from the date of his continuous officiation in the service of class to which he has been promoted : Provided that where two or more promoted Municipal Officers are confirmed with effect from the same date, the appointing authority shall determine their inter se seniority in the service in which they are confirmed, with due regard to the order in which they were included in the merit list, if any, prepared for determining their suitability for promotion, and their relative seniority in the lower service from which they have been promoted : Provided further that the inter-se seniority between promoted Municipal Officer and direct recruit shall be determined on the post from the date of promotion/appointment to the service. (c) Officiating Municipal Officer. - (i) Where a permanent Municipal Officer is reduced to a lower service, grade or category of posts, he shall rank in the gradation list of the latter service, grade or category of posts above all the others in that gradation list, unless the authority ordering such reduction by a special order indicates a

different position in the gradation list for such reduced Municipal Officer;(ii)Where an officiating Municipal Officer is reverted to his substantive service or post he shall revert to his position in that gradation list relating to his substantive appointment which he held before he was appointed to officiate in the other service or post;(iii)Notwithstanding anything contained above, the seniority of persons appointed under Rule 11 shall count from the date of their continuous officiation on a post equated with the post of the State Municipal Service.

## **Chapter VII**

### **Pay, Efficiency Bar, Departmental Examination and Increments.**

#### **23. Time scales of pay.**

- The time scale of pay admissible to a member of the service shall be as specified in Col. 5, Second Schedule :Provided that it shall be open to any person to whom any other time scale of pay was admissible under any competent order in force immediately before the commencement of the new pay scale under these rules, to opt to remain in that scale but he shall have to give his option to the Government through the Director within three months from the enforcement of these rules. If he fails to do so, the concerned new pay scale shall be made applicable to him from the date of the enforcement of these rules.(2)No allowance or additions to pay shall be allowed to a member of the service other than such allowance as may be granted to a Government employee in parallel circumstances under the Fundamental Rules applicable to persons employed in the service of the State of Madhya Pradesh.

#### **24. Determination of initial pay.**

- The initial pay of a member of service shall be determined by the appointing authority as far as possible in accordance with the provisions contained in Fundamental Rules 22-A and 22-B applicable to the servants of the State Government.

#### **25. Efficiency Bar.**

- In making recommendations in respect of the crossing of efficiency bar by the members of the service, the following criteria shall be followed :-(i)The general criteria is that the person should be efficient in the performance of the particular duties entrusted to him and that he is capable of discharging higher responsibilities. Confidential reports for this purpose shall be taken into consideration.(ii)The person should be fully conversant with the Act and the rules and bye-laws made thereunder as also the other State Acts connected with local administration.(iii)Apart from intelligence, industry and capacity for work, ability to control subordinates and manage the whole Municipal Office or any section thereof, as the case may be, is an important factor to be borne in mind in allowing a member of the service to cross the efficiency bar.(iv)He should also be competent to guide and train assistants in office, out-door and field work.



## **26. Departmental examination.**

(1) Every member of the service shall be required to pass the prescribed departmental examination within two years of his appointment in service and if he fails therein his appointment may be terminated notwithstanding any other provisions in these rules :Provided that the appointing authority may, in special cases, extend the period specified in this sub-rule for a period not exceeding two years in the aggregate.(2) The departmental examination shall be in the subjects mentioned in the Third Schedule.(3) The departmental examination shall be conducted in the manner, as may be specified by the State Government, from time to time.(4) The departmental examination shall be conducted in the manner, as may be specified by the State Government, from time to time.(5) Every Council shall be liable to pay such contribution to meet the cost of departmental examination as the State Government may, from time to time, specify in this behalf.

## **27.**

A member of the service shall ordinarily draw his annual increment, unless it is withheld. Where an efficiency bar is prescribed in a time scale, the increment next above the bar shall not be drawn without the specific sanction of Government.

## **Chapter VIII**

## **Termination of Employee, Superannuation and Retirement**

### **28. Termination of employment.**

(1) The temporary' appointment of a person under sub-section (1) of Section 89 of the Act shall be liable to termination at any time on one month's notice in writing being given by either side or as stated in the letter of appointment.(2) No member of the service in permanent service shall quit or resign his service without first giving three calendar months' notice in writing of his intention to do so to the appointing authority. A breach by the member of the service of the above provision shall make him liable to pay to the Council as compensation for such breach a sum equal to his pay for the period by which the period of notice actually given falls short of the period prescribed :Provided that the payment of such compensation may, in any individual case, be reduced or waived by the State Government.

### **29. Superannuation.**

(1) A member of the service shall attain the age of superannuation on the date he completes his 58 years of age and he shall retire on such date :Provided that the State Government may allow a member of the service to continue in employment in the interest of Municipal Council or in public interest. However, no member of service shall continue in service after he attains the age of 60 years.(2) Where a member of the service is granted any leave under the leave rules which goes beyond the date on which he must compulsorily retire, the grant of such leave shall automatically

carry' with it the extension of service for the period of such leave.

### **30. [ Retirement in certain cases. [Substituted by Notification No. 293-XVIII-1-76, dated 10-5-1976.]**

- Notwithstanding anything contained in Rule 29, on the completion of 25 years of service, a member of the service may retire from the service with the permission of the State Government. The State Government may suo motu and without assigning any reason retire any member of the service at any time on or after the completion of 25 years of service even if he has not attained the age of superannuation. In all such cases, where the State Government retire a member of service under this rules, they shall either give him three months notice or equivalent pay to him, after retirement, as far as possible, immediately.] [Substituted by Notification No. 35-XVIII-1-88, dated 9-12-1988]

## **Chapter IX**

### **Discipline and Appeals**

### **31. Penalties.**

- The following penalties may, for good and sufficient reasons and as hereinafter provided be imposed on a member of the service, viz :-(i)censure;(ii)withholding of increments or promotion;(iii)recovery from pay of the whole or part of any pecuniary' loss caused to the Council by negligence or breach of orders;(iv)reduction in rank including reduction to a lower grade or post or to a lower time scale or to a lower stage in a time scale;(v)removal from service which shall not be a disqualification for future employment;(vi)dismissal from service which shall be disqualification for future employment.Explanation. - (i) The discharge-(a)of a probationer during or at the end of the period of probation on grounds arising out of the specific conditions laid down by the appointing authority e.g., want of vacancy, failure to acquire prescribed special qualifications to pass prescribed test; or(b)of a person appointed otherwise in or under contract to hold a temporary appointment, on the expiration of the period of the appointment; or(c)of a person engaged under contract in accordance with the terms of his contract,does not amount to removal or dismissal within the meaning of this rule.(ii)The discharge of a probationer, whether during, or at the end the period of probation for some specific fault or on account of his unsuitability for the service does not amount to removal or dismissal within the meaning of this rule.(iii)The stoppage of a member of the service at the efficiency bar in the time scale of his pay on the ground of his unfitness to cross the bar does not amount to withholding of increments or promotion within the meaning of this rule.(iv)A refusal to promote a member of the service after due consideration of his case to a post or grade to which promotions are made by selection, does not amount to withholding of a promotion within the meaning of this rule.(v)The reversion to a lower post of a member of the service who is officiating in a higher post, after a trial in the higher post or for administrative reasons (such as the return of the permanent incumbent from leave or deputation, availability of a more suitable officer and the like) does not amount to reduction in rank within the meaning of this rule.

### **32. Authorities who may impose penalties.**

(1) Subject to the provisions of the Act and these rules the penalties mentioned in clauses (i) to (ii) of Rule 31 may be imposed on a member of the service by the [appointing authority or Divisional Commissioner or Director] [Substituted by Notification No. F-4-74-05-XVIII-1, dated 28-4-2005, for the words 'appointing authority or by the Director']. (2) Subject to the provisions of the Act and these rules, the penalties mentioned in clauses (iv) to (vi) of Rule 31 shall not be imposed on a member of the service except by the appointing authority and in consultation with the Public Service Commission.

### **33. Procedure for imposing certain penalties.**

(1) Without prejudice to the provisions of the Public Servants Enquiry Act, 1850. no order shall be passed imposing any of the penalties specified in clauses (iv) to (vi) of Rule 31 on a member of the service unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. (2) The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges which shall be communicated to the member of the service charged together with a statement of allegations on which each charge is based and on any other circumstances which it is proposed to take into consideration in passing orders on the case. (3) The member of the service shall be required within such time, as may be specified by the appointing authority, to submit a written statement of his defence and to state whether he desires to be heard in person and produce witness. (4) The member of the service charged may request for an access to municipal record for the purpose of preparing his written statement provided that the appointing authority may, for reasons, to be recorded in writing, refuse him such access, if in its opinion such records are not strictly relevant to the case or it is not desirable in the public or municipal interest to allow him access thereto. (5) After the written statement is received from the member of the service in accordance with sub-rule (3) or if no such statement is received within the time specified, the appointing authority may, if it considers it necessary, appoint an Enquiry Officer to inquire into the charges framed against the member of the service and shall have the charges inquired into as provided in sub-rule (6). (6) If the member of the service desires to be heard in person, he shall be so heard. If he desires that an oral inquiry be held or if the appointing authority so directs, an inquiry shall be held by the Enquiry Officer. At such enquiry, evidence shall be heard as to such of the allegations as are not admitted and the member of the service charged shall be entitled to cross-examine the witness who gives evidence in person and to have such witness called as he may wish ; Provided that the Enquiry Officer may, for reasons to be recorded in writing refuse to call a witness whose evidence is, in the opinion of the Enquiry Officer, not relevant or material. (7) At the conclusion of the enquiry, the authority inquiring into the charges shall prepare a report of the inquiry, recording its findings on each of the charges together with the reasons therefor. If in the opinion of such authority the proceeding of the inquiry establishes charges different from those originally framed, it may record its findings on such charges : Provided that findings on such charges shall not be recorded unless the member of the service, charge has admitted the facts constituting them or has had an opportunity of defending himself against them. (8) The record of the inquiry shall include :- (i) the charges framed against the member of the service and the statement of allegations furnished to him under sub-rule (2); (ii) his written

statement of defence, if any;(iii)the evidence recorded in the course of inquiry;(iv)the orders, if any, made by the State Government and the report of the authority making the inquiry, in regard to the inquiry; and(v)a report setting out the findings on each charge and the reasons therefor.(9)The appointing authority shall consider the record of the enquiry and determine which of the findings of the Enquiry Officer, it accepts.(10)If the appointing authority having regard of the findings recorded or accepted, has arrived at any provisional conclusion in regard to one of the penalties specified in clauses (iv) to (vi) of Rule 31 to be imposed, it shall-(a)furnish to the member of the service concerned, a copy of the report of the enquiry' together with a statement of such findings; and(b)give him a show-cause notice stating the action proposed to be taken in regard to him and calling upon him to submit within a specified time, such representation as he may wish to make against the proposed action.(11)The appointing authority shall determine having regard to the findings recorded or accepted by it, and the representation, if any, made by the member of the service under sub-rule (10), what penalty, if any, should be imposed on the member of the service and subject to Rule 32 pass appropriate orders on the case and the orders so passed shall be communicated to the member of the service.

### **34. Procedure for imposing certain penalties.**

(1)No order shall be passed imposing any of the penalties specified in clauses (i) to (iii) of Rule 31 on a member of the service except after :- (a)the member of the service is informed in writing of the proposal to take action against him and of the allegations on which such action is proposed to be taken and he is given an opportunity to make a representation which he may wish to make; and(b)such representation, if any, is taken into consideration by the appointing authority or officer authorised under Rule 32 (1) and the order so passed shall be communicated to the member of the service.(2)The record of the proceedings in such a case shall include-(i)a copy of the intimation to the member of the service of the proposed punishment against him;(ii)a copy of the statement of allegations communicated to him;(iii)his representation, if any;(iv)the order of the case together with the reasons therefor.

### **35. Special provisions in certain cases.**

- The provisions of Rules 33 and 34 shall not apply where the penalty is imposed on a member of the service on the ground of conduct which led to his conviction on a criminal charge and in any such case the punishing authority may, after consideration of the case, pass such orders thereon, as it deemed fit.

### **36. Suspension pending disciplinary proceedings.**

(1)If having regard to the nature of charges and the circumstances in any case, the [appointing authority or the disciplinary authority] [Substituted by Notification No. F-4-74-05-XVIII-1, dated 28-4-2005, for the words 'appointing authority'.] is satisfied that it is necessary or desirable to place, under suspension the member of the service against whom disciplinary proceeding is contemplated or is pending, it may subject to the provisions of sub-section (2) of Section 86 of the Act, pass an order placing him under suspension.(2)A member of the service detained in police custody, whether

on a criminal charge or otherwise for a period longer than forty-eight hours, shall be deemed to have been suspended with effect from the date of detention under this rule.(3)A member of service against whom a criminal charge is pending may at the discretion of the appointing authority, be placed under suspension until the termination of the proceedings, if the charges are connected with his duties as a municipal servant or is likely to embrace him in the discharge of his duties in the Municipality or involves moral turpitude.

### **37. Subsistence allowance during suspension.**

- A member of the service who is placed under suspension shall during the period of such suspension be entitled to the following payments :-(a)during the first year of suspension, subsistence allowance at the rate of half of the amount of leave salary which the member would have drawn, under the leave rules applicable to him, if he had been on leave on average pay, and for any period subsequent thereto at three eighths, of such salary.(b)in addition he may be granted to such extent and subject to such conditions as the authority ordering his suspension may direct ;-(i)dearness allowance not exceeding the amount admissible as such, had he been on leave salary equal to the rate of subsistence allowance payable from time to time; and(ii)other compensatory allowance (except house rent allowance granted in lieu of rent free quarters) of which he was in receipt on the date of suspension.

### **38. Pay, allowances and treatment of service on reinstatement.**

(1)When a member of the service who has been dismissed, removed or suspended is reinstated, the authority competent to order the reinstatement shall consider and make specific order :- (a)regarding the pay and allowances to be paid to the member of the service for the period of his absence from duty; and (b)whether or not the said period shall be treated as a period spent on duty.(2)Where the authority mentioned in sub-rule (1) is of opinion that the member of the service has been fully exonerated or in the case of suspension, that it was wholly unjustified, he shall be given the full pay and allowances to which he would have been entitled had he not been dismissed, removed or suspended, as the case may be.(3)In order cases, the member of the service shall be given such proportion of such pay and allowances as the competent authority may determine :Provided that the payment of allowances under sub-rule (2) or (3) shall be subject to all other conditions under which such allowances are admissible :Provided further that such proportion of such pay and allowances shall not be less than the subsistence and other allowances admissible under Rule 37.

### **39. Right of appeal.**

(1)A member of the service shall be entitled to appeal against an order imposing on him any of the penalties specified in clauses (i) to (iii) of Rule 31 other than any order of censure within thirty days from the date of receipt of such order to the State Government when such an order is passed by the [Director or Divisional Commissioner] [Substituted by Notification No. F-4-74-05-XVIII-1, dated 28-4-2005, for the word 'Director;'.](2)The State Government may, for sufficient reasons to be recorded in writing, admit any appeal after the expiry of the period specified in sub-rule (1).

#### **40. Form, contents and submission of appeal.**

(1) Every person preferring an appeal shall do so in his own name. (2) Every appeal preferred under these rules shall be addressed to the Secretary to the Government Local Government Department; and (a) contain all material statements and arguments relied on by the - appellant with an attested copy of the orders imposing the penalty; (b) contain no disrespectful or improper language; (c) be complete in itself.

#### **41. Procedure for disposal of appeals.**

(1) An appeal may summarily be dismissed if - (a) it is not submitted in accordance with Rule 40; (b) no appeal lies under these rules; (c) it is not submitted within the prescribed time limit and no reasonable cause is shown for the delay; (d) it is a repetition of a previous appeal which has been decided and no new facts or circumstances are adduced, which afford ground for a reconsideration of the case : Provided that in every case in which appeal is dismissed the appellant shall be informed of the facts and reasons for it. (2) If the appeal is admitted, State Government may call for a report and record of the case from the authority against whose orders the appeal has been filed. The State Government shall then consider whether - (a) the facts established afford sufficient ground for taking action; (b) the facts on which the order was based have been established; (c) the penalty is adequate or excessive; And after such consideration, may remand any case for further enquiry or decision or may pass any other order that may be deemed just and proper : Provided that the penalty imposed shall not be enhanced by the State Government unless opportunity has been given to the appellant to show cause against the proposed enhancement : Provided further that no order shall be passed to the prejudice of any person until he has been given a reasonable opportunity of being heard. (3) (a) The State Government may allow any Officer of the Municipal Council deputed by the President for the purpose to appear before them in any appeal and to watch and represent the interest of the Council. (b) The State Government may, in special cases, allow the Council and/or the employees concerned to be represented by a Council.

#### **42. Stay Order.**

- An appeal under these rules shall not operate as a stay of proceedings under an order appealed from, except in so far as the State Government may order, nor shall execution of an order be stayed by reason of only an appeal having been preferred from the order, but the State Government may, for sufficient cause, order stay of execution of such order.

#### **43. Limitation.**

- The provisions of the Indian Limitations Act, 1908 (No. 9 of 1908), may, as far as practicable, be taken as a guide in computing the period of limitation under this chapter.

#### **44. Giving effect to order of Appellate Authority.**

- The authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

### **Chapter X**

## **Service Book, Confidential Report and Personal Files**

#### **45. Service Books.**

(1) A service book in Form IV shall be maintained for every member of the service. This book shall contain the history of the service of the member and each entry shall be attested by the President. (2) The Service Book shall be supplied at his own cost to every member of the service on his first appointment. It shall be kept in the custody of the Accountant or Accounts Officer, as the case may be, if the Council in which he is serving and transferred with him from one Council to another on his transfer. The President shall see that all entries in the Service Book are duly made and attested. There shall be no erasure or over writing, all corrections being neatly made and properly attested. (3) The President shall see that the service book of every member of the service is properly kept. (4) When the member of the service is transferred to another Council, his service book shall be sent to the President of the Council and not made over to him nor shall it be given to him while proceeding on leave. (5) A fresh service book shall be used when there is no more space for entries in the old service book and the entries shall not be continued by the addition of extra pages or on slips of paper pasted into completed service books.

#### **46. Confidential Reports.**

(1) Confidential reports shall be maintained and prepared for all the members of the service in Form V. (2) These reports shall be written annually in the month of April for the previous financial year. (3) [ Confidential report shall be initialed by the President of the Council and it shall be scrutinized by the Collector of the concerned district through the Deputy Director Local Institutions having jurisdiction and then by the Director Local Institutions, Madhya Pradesh who shall after writing his opinion shall send his report to the State Government. Confidential report of every member of the service shall be kept in custody of the State Government] [Substituted by Notification No. 312-XVIII-1-76, dated 24-5-1976.], (4) The confidential report shall be treated as a strictly confidential document and adverse remarks given therein shall be communicated to the members of the service concerned by the State Government. It will be open to the member to whom adverse remarks have been communicated to make a representation to the State Government to have the unfavourable remarks against him in his confidential report expunged.

#### **47. Remarks.**

- The President before, relinquishing his office, shall leave on record for the information of his

successor his opinion on the working of every member of the service. This record shall, as far as possible, contain his opinion with regard to all points specified in Form V.

#### **48. Personal files.**

(1) Personal files of every member of the service shall be maintained in the State Government Secretariat as well as in the office of the Council concerned. (2) The personal files to be maintained in the State Government Secretariat shall contain original orders of appointment, promotion, punishment, suspension and record of official life of a member of the service which may throw light on his working character, conduct, etc., while personal files to be maintained in the office of the Council concerned shall contain copies of the documents referred to in this rule.

### **Chapter XI**

#### **Leave, Provident Fund, Loans and other Matters**

#### **49. Regulation of pay, joining time, leave, provident fund, loan, security and travelling allowance.**

(1) Except as provided in the Act and these rules :- (a) The Fundamental Rules applicable to the Government servants of Madhya Pradesh shall be applicable to the members of the service in respect of regulation of pay and joining time. (b) The Fundamental Rules regarding leave applicable to the Government servants of Madhya Pradesh shall be applicable to every member of service subject to the following modification, namely :- The appointing authority may delegate powers of sanction of leave to any of its subordinates. (c) The pay and other emoluments, including travelling and other allowances of the members of the service shall be a charge on the Municipal Fund in the Municipality in which he may happen to be an employee from time to time. (2) In respect of Provident Fund, loans, security, travelling allowance and conduct, the members of the service shall be governed by the rules applicable to Government Officers Class II.

### **Chapter XII**

#### **Miscellaneous**

#### **50. Relaxation.**

- Save as otherwise provided in the Act and these rules, the State Government may relax the provisions of these rules in any individual case in such manner as may appear to them to be just and equitable : Provided that the case shall not be dealt with in any manner less favourable than that provided in these rules.



## 51. Interpretation.

- If any question arises relating to the interpretation of these rules, it shall be referred to the State Government whose decision thereon shall be final.

## 52. Repeal and savings.

(1) All rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the member of the State Municipal Service to whom these rules apply are hereby repealed : Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules. (2) Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeal which had accrued to him under the rules repealed by sub-rule (1) in respect of any order passed before the commencement of these rules. First Schedule [See note below sub-rule (1) of Rule 4] The provisional strength of the service is as follows :- Select Grade - I Class 1-19 Class 11-71 Class 111-94. Second Schedule [See sub-rule (c) of Rule 5]

S. No.	Name of Posts	No. of posts	Classification of Grade
(1)	(2)	(3)	(4)
1	Chief Municipal Officer	1	Select Grade
2	Chief Municipal Officer	19	Class 1
3	Chief Municipal Officer	71	Class 11
4	Chief Municipal Officer	94	Class III

Scale of pay as per Madhya Pradesh Municipal Services (Scale of Pay and Allowances) Rules, 1967		Mode of Recruitment	Minimum age limit	Maximum age limit	
By direct recruitment		By promotion			
(5)		(6)	(7)	(8)	(9)
Rs. 300-300-25-400-EB-30-550-550-25-700-700-EB- 25-850		.....	100.00%	.....	.....
Rs. 275-275-300-15-405-EB-20-425-25-550-550-EB -25-700		.....	100.00%	.....	.....
Rs. 250-10-290-15-350-EB-20-450		50.00%	50.00%	21 years	28 years for direct recruits.
Rs. 170-170-8-250- EB -10-290		50.00%	50.00%	21 years	28 year for direct

recruits.  
38 years for  
Ministerial  
employees of  
Municipal Councils  
and of State  
Government.

# Educational qualification

For direct recruitment

(10)

For promotion

(11)

By promotion of C.M.Os. of Class AM.Cs. having at least 7 years experience on that post.

By promotion of revenue officers of Class AA, or Class A Municipal Councils and CMOs of Class B Municipal Councils having at least 7 years experience on the respective posts of RO/CMO.

(a) [ Graduate of a  
Recognised University;  
[Substituted by Notification  
No. 35-XVIII-1-88,, dated  
9-12-1988.]

By promotion of CMOs of Class C Municipal Councils,  
Revenue Inspectors of Select Grade, Class I and Class II MCs.  
having experience of at least 7 years of the respective posts  
of CMO/Revenue Inspector.

(b) Preference will be given  
to degree holders in  
L.S.G.D.]

-do-

[Note. - Minimum Second  
Class]

By promotion of Supdts. of Class A MCs. having at least 7-1/2 years experience, Rls. of Class C MSc. having at least 7 years experience and Revenue Sub-Inspectors having at least 9 years experience and the Ministerial employee of the Municipal Council having at least 10 years experience possessing required qualifications.[x x x] [Omitted by Notification No. 135-XV1II-1-80, dated 6-3-1980.].

Note. - Class AA, A, B and C Municipal Councils are those as are classified according to the M.P. Municipal Services (Scales of Pay and Allowances) Rules, 1967. Third Schedule [See sub-rule (2) of Rule 26] The departmental examination referred to in sub-rule (2) of Rule 26 shall be in the subjects given in the table below :-

Service

Subject

(1)

(2)

State Municipal  
(Executive) Service

(i) Laws connected with local bodies -

(a) M.P. Municipalities Act, 1961

(b) M.P. Town Planning Act, 1948.

- (c) M.P. Town (Periphery) Control Act, 1960-
- (d) M.P. Town Improvement Trusts Act, 1960
- (e) M.P. Local Authorities (Loans) Act, 1914, or M.P. Local Authorities (Loans) Act, 1950
- (f) M.P. Local Fund Audit Act.
- (g) M.P. Public Health Act.
- (h) M.P. Land Revenue Code and the Revenue Book Circular connected with Nazul, transfer of property, acquisition etc.
- (ii) Accounts.
- (iii) Hindi.

Form I and II\* (Prescribed under Rule 12) (Not reproduced here) Form III (See Rule 16) Medical Certificate of Fitness I hereby certify that I have examined Shri/Shrimati/Kumari .... a candidate for appointment to the State Municipal Service..... and cannot discover that he/she has any disease (communicable or otherwise) constitutional weakness or bodily infirmity except..... I do not consider this a disqualification for employment on the post of..... Condition of.....

**1. Circulatory system..... Blood pressure.....**

(Systolic)..... (Diastolic).....

**2. Respiratory system.....**

**3. Digestive system.....**

**4. Genito Urinary System.....**

Urine

Examination..... Reaction.....

gravity..... Albumen.....

system..... Special senses including

remarks on correction of visual defects, if

any..... His/Her age is,

according to his/her own statement..... years and by appearance about..... years. He/She

has/had small pox/has been successfully vaccinated. Thumb and finger impressions of the left/right

hand (to be obtained except in the case of women and literate person who can sign their names in

Hindi/English). Thumb Index Middle Ring Little..... Signature of the candidate

in Hindi/English (to be obtained in the case of those who can sign their names in

Hindi/English)..... Signature and designation of the examining Medical

Authority Station.....Date.....Form IV[See sub-rule (1) of Rule 451]Service Book(Personal Remarks)

**1. Name****2. Race****3. Residence****4. Father's name and residence****5. Date of birth by the Christian and Saka era as nearly as can be ascertained.****6. Exact weight by measurement****7. Personal marks for identification.****8. Signature and designation of the member of the service.****9. Signature and designation of the head of the office or other attesting officer.....**

Note. - The entries in this page should be renewed or re-attested at least every five years and the signature in lines (8) and (9) should be dated.

Name of the appointment	Whether substantive or officiating and whether permanent or temporary	If officiating here state substantive appointment	Pay in substantive appointment	Additional pay for officiating
(1)	(2)	(3)	(4)	(5)
Other emoluments falling under the term 'Pay'	Date of appointment	Signature of servant	Signature and designation of the officer or other attesting officer in attestation of columns (1) to (8)	Date of termination of appointment
(6)	(7)	(8)	(9)	(10)
Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the Head of the Office or other attesting officer.	Nature and duration of leave taken.	Signature of head of the office, or other attesting	Reference to any record of punishment or censure or reward or praise of the member.

officer

(11)

(12)

(13)

(14)

(15)

Form v[See sub-rule (1) of Rules 46 and 47]Madhya Pradesh State Municipal Service  
ExecutiveConfidential Report

**1. Confidential report for period ending.....**

**2. Name of Officer.....**

(N.B.-Name to be written in Block Capitals)

**3. Class of service to which he belongs.....**

**4. How employed.....**

**5. Name of the Municipality in which the appointment is held.....**

**6. District and Division.....**

Descriptive Reports of Superior OfficersNote. - (1) The Report should comment generally on the way in which the officer carried out his various duties during the year and should give an estimate of his personality, character and abilities, making particular mention of his relations with his fellow officers and general public. It should contain an opinion on any point especially required at any particular time for example fitness to pass an efficiency bar.(2)In case it is considered necessary to refer to the integrity and honesty of a member of the service, the officer writing the report should also record his opinion.(3)Name of officers making the report should be typed or written in block letters below their initials/signatures.