

The M.P. Government Servants (Temporary and Quasi-Permanent Service) Rules, 1960

MADHYA PRADESH

India

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Rule

THE-M-P-GOVERNMENT-SERVANTS-TEMPORARY-AND-QUASI-PERM of 1960

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1.

(1)These rules may be called the Madhya Pradesh Government Servants (Temporary and Quasi-Permanent Service) Rules, 1960.(2)Subject to the provisions of sub-rule (3), these rules shall apply to all persons who hold a civil post under the State Government, but who do not hold a lien on any post under the Government of this State, the Government of India or any other State Government.(3)Nothing in these rules shall apply to :-(a)Government servants engaged on contract;(b)Government servants not in whole time employment;(c)Government servants paid out of contingencies;(d)persons employed in work-charged establishments; and(e)such other categories of Government servants as may be specified by the State Government by notification in the Gazette.

2.

In these rules, unless there is anything repugnant in the subject or context-(a)"Allocated Government servant" means a person allotted or deemed to be allotted for service in the State of Madhya Pradesh under the provisions of Section 115 of the State Re-organisation Act, 1956;(b)["Quasi-Permanent Service" means temporary service commenced from such date as may be specified in that behalf in the declaration issued under Rule 3 or from the date from which the Government servant concerned is deemed to be in quasi-permanent service under Rule 3-A and consisting of periods of duty and leave (other than extraordinary leave) after that date;] [Substituted

by Notification dated 22-12-1975.](c)["Specified post" means a particular post, or the particular grade or posts within a cadre, in respect of which a Government servant is declared to be in quasi-permanent service under Rule 3 or deemed to be in quasi-permanent service under Rule 3-A.] [Substituted by M.P. Rajpatra (Asadharan), dated 22-12-1975.](d)"Temporary service" means officiating or substantive service in a temporary post, and officiating service in a permanent post, under State Government and also includes the period of leave with allowance taken while on temporary service and complete years of approved war-service, which have been counted for fixation of pay and seniority.

3.

A Government servant shall be deemed to be in quasi-permanent service:-(i)if he has been in temporary service in the same service or post continuously for more than three years; and(ii)if the appointing authority being satisfied as to his suitability in respect of age, qualifications, work and character for employment in a quasi-permanent capacity, has issued a declaration to that effect, in accordance with such instructions as the Governor may issue from time to time.[x x x] [Omitted by M.P. Rajpatra (Asadharan), dated 22-12-1975.][Explanation. - In computing continuous temporary service for the purposes of this rule and period of break in service during a vacation shall be counted as a period of actual service where, upon re-employment immediately after the vacation, the Government servant has been allowed to draw his pay and allowances in respect of such period.] [Substituted by M.P. Rajpatra (Asadharan), dated 22-12-1975.]

3A. [[Inserted by M.P. Rajpatra (Asadharan), dated 22-12-1975.]

Government servant in respect of whom a declaration under Clause (ii) of Rule 3 has not been issued but has been in temporary service continuously for five years in a service or post in respect of which such declaration could be made shall be deemed to be in quasi-permanent service unless for reasons to be recorded in writing the appointing authority otherwise orders.

3AA.

For the purpose of Rules 3 and 3-A, in the case of an appointment:-(a)where consultation with the Public Service Commission is not required, a service which a Government servant has rendered prior to his temporary appointment according to the provisions of the recruitment rules or any instructions issued by the Governor from time to time, shall not be counted for reckoning the completed three years or five years of service, as the case may be;(b)where Consultation with the Public Service Commission is required, a service which a Government servant has rendered prior to his selection by the Public Service Commission shall not be counted for reckoning the completed three years or five years of service, as the case may be.]

4.

(1)A declaration issued under Rule 3 shall specify the particular post or the particular grade of posts

within a cadre, in respect of which it is issued and the date from which it takes effect.(2)Where recruitment to a specified post is required to be made in consultation with the Public Service Commission, Madhya Pradesh, no such declaration shall be issued, except after consultation with the Commission :[Provided that where according to any rules the appointments or promotions were required to be made in consultation with the Commission and where such consultation has been made, no further consultation with the Commission shall be necessary at the time of declaring the Government servant as quasi-permanent:] [Inserted by M.P. Rajpatra, Part IV (Ga), dated 25-1-1974.][Provided further that where an appointment requiring consultation with the Public Service Commission was made without such consultation in such case before a Government servant is declared to be in quasi-permanent service consultation with the Public Service Commission shall be necessary.] [Substituted by M.P. Rajpatra (Asadharan), dated 22-12-1975.]

5.

Notwithstanding anything contained in Rules 3 and 4, a declaration under Rule 3 shall not take effect in respect of-(i)an allocated Government servant of the former State of Madhya Bharat who has rendered continuous service for any period exceeding three years but not exceeding four years before the 1st November, 1956 from a date prior to the said date;(ii)an allocated Government servant of the former State of Madhya Pradesh who has rendered continuous service for a period of not less than four years before the 1st November, 1956, from a date prior to that on which he completed four years of service;(iii)an allocated Government servant of the former State of Madhya Bharat from a date prior to the 1st November, 1956.

6.

(1)The service of a Government servant in quasi-permanent service shall be liable to termination :- (i)in the same circumstances and in the same manner as in the case of a Government servant in permanent service; or(ii)when the appointing authority concerned has certified that a reduction has occurred in the number of posts available for Government servants not in permanent service :Provided that the service of a Government servant in quasi-permanent service shall not be liable to termination under Clause (ii) so long as any post of the same grade and under the same appointing authority as the specified post held by him continuously to be held by a Government servant not in permanent or quasi-permanent service :Provided further that as among Government servants in quasi-permanent service whose specified posts are of the same grade and under the same appointing authority, termination of service consequently on reduction of posts shall ordinarily take place in order of juniority in the list mentioned in Rule 7.(2)Nothing in this rule shall affect any special instructions issued by Government regarding the manner and the order in which a temporary Government servant belonging to any Schedule Caste or Scheduled Tribe may be discharged.

7.

(1)Subject to the provisions of this rule a Government servant in respect of whom a declaration has been issued under Rule 3, shall be eligible for a permanent appointment on the occurrence of a

vacancy in the specified posts which may be reserved for being filled from among persons in quasi-permanent service in accordance with such instructions as may be issued by the Governor in this behalf from time to time. Explanation. - No such declaration shall confer upon any person a right to claim permanent appointment to any post. (2) Every appointing authority shall, from time to time, prepare a list, order or precedence, of persons in quasi-permanent service who are eligible for a permanent appointment. In preparing such a list, the appointing authority shall consider primarily the merit and secondarily the seniority of the Governor servants concerned. All permanent appointments which are reserved under sub-rule (1) under the control of any appointing authority shall be made in accordance with such list.

8.

A Government servant in quasi-permanent service and holding a specified post, shall, as from the date on which his service is declared to be quasi-permanent, be entitled to the same conditions of service in respect of leave, allowances and disciplinary matters as a Government service in permanent service holding the specified post.

9.

Notwithstanding anything contained in Rule 7, the services of a Government servant to whom these rules apply may be terminated at any time without notice on his being declared physically unfit for continuance in service by an authority who would have been competent to declare him as permanently incapacitated for service had his appointment been permanent.

10.

A Government servant in quasi-permanent service shall, if his service is terminated otherwise than as a disciplinary measure or by resignation be eligible for-(a) a gratuity at the rate of half a month's pay for such completed year of quasi-permanent service, such gratuity being payable on the basis of pay admissible to such Government servant in respect of the specified post on the last day of his service; and (b) any gratuity to which he is entitled in respect of his service before his appointment to quasi-permanent service : Provided that this rule shall not apply to persons borne on establishment to which Contributory Provident Fund benefits are attached.

11.

(1) Where a Government servant in quasi-permanent service is appointed substantively to a permanent post, the entire period of his quasi-permanent service, together with one-half of the period of the preceding continuous temporary service (excluding any period of extraordinary leave) rendered after attaining the prescribed minimum age after which service qualifies for pension shall be deemed to be qualifying service for the grant of pension or gratuity, as the case may be. (2) Where any quasi-permanent servant is appointed substantively to any post in respect of which the rules prescribe a period of probation, the State Government may, exempt such servant, either partly or

wholly, from the requirement of being on probation, if in its opinion the post or posts in which the quasi-permanent and continuous temporary service was rendered by him is equivalent to the post to which he is appointed substantively.

12.

(a) Subject to any provision contained in the order of appointment or in any agreement between the Government and the temporary Government servant who is not in quasi-permanent service shall be liable to termination at any time by notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant: [Provided that the services of any such Government servant may be terminated forthwith and on such termination, the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rates at which he was drawing them immediately before such termination or, as the case may be, for the period by which such notice falls short of one month :] [Substituted by Notification dated 28-12-1979.] Provided further that the payment of allowances shall be subject to the conditions under which such allowances are admissible. (b) The period of such notice shall be one month unless otherwise agreed between the Government and the Government servant.