

The Punjab Panchayat Secretaries (Recruitment and Conditions of Services) Rules, 1979

PUNJAB

India

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Rule

THE-PUNJAB-PANCHAYAT-SECRETARIES-RECRUITMENT-AND-CON of 1979

- Published on 3 February 1979
- Commenced on 3 February 1979
- [This is the version of this document from 3 February 1979.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Panchayat Secretaries (Recruitment and Conditions of Services) Rules, 1979 Published vide Punjab Government Notification No. GSR 12/PA4/53/Section 101/79 dated 3.2.1979 See Punjab Government Gazette Legislative Supplement Part 3 Page 65

1. Short title commencement and application.

(1) These rules may be called the Punjab Panchayat Secretaries (Recruitment and Conditions of Service) Rules, 1979. (2) They shall come into force on the date of their publication in the Official Gazette. (3) They shall apply to all the members of the Service.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)'Act' means the Punjab Gram Panchayat Act, 1952; (b)'Department' means the Department of Rural Development and Panchayats; (c)'direct recruitment' means recruitment made on the recommendations of the Selection Committee; (d)'Government' means the Government of the State of Punjab in the Department of Rural Development and Panchayats; (e)'member' means a person holding a post in the Service; (f)'recognised university or institution, means, -(i) any University or institution incorporated by law in any of the State of India; (ii) the Punjab, Sind and Dacca University in the case of degrees or diplomas obtained as a result of examinations held by these Universities before the 15th August, 1947; or (iii) any other University or institution which is recognised by the Government for the purpose of these rules; (g)'Service' means the Punjab Panchayat Secretaries Service constituted by

the Government under sub-section (1) of Section 16 of the Act, in the manner prescribed in these rules.

3. Appointing Authority.

- All appointments to the Service shall be made by the Director.

4. Nationality, domicile and character of candidates.

(1) No candidate shall be appointed to the service, unless he is :-(a) a citizen of India; or (b) a citizen of Nepal; or (c) a subject of Bhutan; or (d) a Tibetan refugee who came over to India before the first January, 1962, with the intention of permanently settling in India; or (e) a person of India origin who has migrated from Pakistan, Burma, Sri Lanka, East African Countries of Kenya, Uganda, the United Republic of Tanzania (Formerly Tanganyika and Zanzibar), Zambia, Malawi, Naira, Ethiopia and Vietnam with the intention of permanently settling in India : Provided that the candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been given by the Government of India. (2) A candidate in whose case certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Selection Committee and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government of India. (3) No person shall be appointed to the Service by direct recruitment unless he produces a certificate of character from the principal academic officer of the University, College, school or institution last attended, if any and similar certificates from two responsible persons, not being his relative who are well acquainted with him in his private life and are unconnected with his University, College, School or institution.

5. Age.

- No person shall be appointed to the service by direct recruitment if he is less than seventeen years or more than twenty-seven years of age on the date of his appointment. Provided that in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes, the upper age limit shall be such as may be fixed by the Government from time to time.

6. Physical fitness.

- Every person appointed to the service by direct recruitment shall be required to produce a certificate of physical fitness from the Civil Surgeon of the district before joining the service. Such a person shall before being examined, make and sign a declaration in Form I appended to these rules and the medical Officer shall examine him and furnish a certificate in Form II appended to these rules : Provided that a person appointed in a temporary vacancy of less than three months duration, shall not be required to produce such certificate.

7. Qualifications.

- No person shall be appointed to the Service by direct recruitment unless he is a Matriculate of a recognised University or institution and has obtained six months training diploma from the Training Centre recognised by the Department for the training of Panchayat Secretaries and possesses such qualifications in Punjabi and Hindi languages as may be specified by the Government, from time to time in this respect.

8. Disqualifications.

- No person, -(a)who has entered into or contracted a marriage with a person having a spouse living, or(b)who having a spouse living has entered into or contracted a marriage with any person, shall be eligible for appointment to the service; Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing exempt any person from the operation of this rule.

9. Method of recruitment.

(1)Recruitment to the service at the time of its initial constitution shall be made by the appointing authority by absorption of persons already in service as Secretary of a Gram Panchayat or group of Gram Panchayats, provided they are found fit by an authority appointed by the Government in this behalf for becoming a member of the service after taking into consideration their qualifications and service record.(2)After filling in the vacancies under sub-rule (1), the remaining vacancies and the vacancies which may occur thereafter shall be filled in by direct recruitment :Provided that twenty-five per cent of the posts shall be reserved for the persons belonging to the Scheduled Castes and five per cent for the persons belonging to the Backward Classes or such per centage of posts as the Government may, from time to time, decide in this behalf shall be reserved for these categories.(3)The recruitment under sub-rule (2) shall be made by the appointing authority on the recommendation of the Selection Committee constituted under sub-rule (4).(4)The Government, may from time to time, by notification constitute a Selection Committee consisting of not less than three and more than five officers of the Department.Provided that at least one of the member of the Selection Committee shall belong to the Scheduled Castes.

10. Cadre of the Service.

- The number of posts created for the service by the State Government or by an authority empowered by it under sub-section (3) of Section 16 shall be deemed to be the cadre of the Service which shall be subject to variation by the authorities referred to in the aforesaid sub- section.

11. Probation.

(1) Every person appointed to the Service by direct recruitment shall remain on probation for a period of two years. (2) If the work or conduct of a person appointed to the Service during the period of his probation, is, in the opinion of the appointing authority, not satisfactory, it may dispense with his services or revert him to a post on which he held lien prior to his appointment to the service by the direct recruitment. (3) On the completion of the period of probation of a person, the appointing authority may :- (a) if his work or conduct has, in its opinion been satisfactory :- (i) confirm such person from the date of his appointment if appointed against a permanent vacancy; or (ii) confirm such person from the date from which a permanent vacancy occurs, if appointed, against a temporary vacancy; or (iii) declare that he has completed his probation satisfactorily, if there is no permanent vacancy; or (b) if his work or conduct has not been in its opinion, satisfactory :- (i) dispense with his services, if appointed by direct recruitment; or (ii) extend his period of probation and thereafter pass such orders as it could have passed on the expiry of the first period of probation : Provided that the total period of probation, including extension, if any, shall not exceed three years.

12. Seniority of members of Service.

- The seniority of the members of the Service shall be determined on the basis of length of their continuous service in the cadre; Provided that in the case of members appointed by direct recruitment, their inter se seniority shall be in the order of merit in which they have been placed by the Selection Committee. Note 1. - This rule shall not apply to a member appointed on purely probational basis. Note 2. - In the case of a member whose period of probation is extended under rule 11, the date of appointment for purpose of this rule shall be deemed to have been deferred to the extent the period of probation is extended.

13. Departmental examination.

- The Government may, by notification direct that the persons appointed to service shall be required to pass a departmental examination. The details and syllabus for which and the consequences for failure to pass it shall be as notified by the Government.

14. Liability to serve.

- A member of the Service shall be liable to serve at any place in the State.

15. [Liability of members of Service to transfer.] [Substituted vide Punjab Government Notification No. GSR70/PA4/53/Section 101 dated 9.11.1991.]

- A member of the service shall be liable to be transferred from one Panchayat Samiti to another Panchayat Samiti, -(i) within the same Sub-Division on the order of the Sub- Divisional Officer, (Civil); (ii) within the same District on the order of the Deputy Commissioner; (iii) within the same

Division on the order of the Divisional Deputy Director; and (iv) within the State of Punjab on the order of the Director.

16. Pay of members of service.

(1) A member of the service shall be entitled to such scale of pay, if any, and allowances as may be specified by the Government from time to time. (2) The proportionate amount of contribution required to be made by the Panchayats as levied by the Panchayat Samiti for the purpose shall be deducted from the grants or other payments to be made to Panchayats or otherwise in accordance with the instructions issued by the Director in this behalf and shall be deposited into the Samiti Fund.

17. Record of Service.

(1) There shall be personal file for every member of the service in which shall be placed all papers, record and other documents relating to his service. The file shall contain in particular the service book indicating history of service from the date of his appointment, particulars of increment, promotion, reward, punishment and all other special events of his career. The service book shall also contain the leave account form showing a complete record of leave other than casual leave. (2) A confidential file shall also be maintained for each member of the service : Provided that the Government may if it so decides, make such arrangements as it may deem necessary to maintain, in addition, a centralised record of leave, pay and service of members.

18. Contributory Provident Fund.

(1) Members of the service shall be entitled to contribute to the Provident Fund of the Panchayat Samiti where they are employed for the time being like other subscribers of the Fund : Provided that on transfer of a member from one Panchayat Samiti to another, the balance of Provident Fund at his credit along with interest accrued thereon upto date shall, within a period of thirty days from the date of his transfer, be transferred to the Panchayat Samiti to which such member has been transferred. (2) A separate account of Provident Fund shall be maintained for each subscriber by the Panchayat Samiti where he may be serving for the time being : Provided that the Government may, if it so decides, make arrangements for centralised accounting of the Provident Fund of members.

19. Gratuity.

(1) Members of the service shall at their option be entitled to such gratuity as is admissible under the Gratuity Scheme specified in the Appendix to these rules or to the amount of gratuity to which they may be entitled under the conditions of service applicable to them immediately before becoming member of the service, whichever is more beneficial to them : Provided that the total service of a member under different Panchayat Samiti he has served shall be taken into account for calculating the amount of gratuity due to him : Provided further that on transfer of a member of the service from one Panchayat Samiti to another, the gratuity to which he may be entitled shall be transferred to the

Panchayat Samiti where such a member has been transferred and the member shall be entitled to claim the entire amount of gratuity payable to him from the Panchayat Samiti last served.(2)The incidence of gratuity of the funds of the concerned Panchayat Samiti payable to a member shall be in proportion to the length of his service in each Panchayat Samiti.(3)The family of a member of the service who dies while serving shall be entitled to ex gratia payments and the benefit, other than family pension, as are admissible to the families of the State Government employees from time to time. The incidence of the liability of such payments shall be determined by the Government.(4)The Government may make such arrangements as it may deem proper to maintain a record of service rendered by a member under different Panchayat Samitis for working out the gratuity admissible to them at the time of retirement or death, as the case may be.

20. Leave travelling allowances, retirement, and other matters.

- In respect of leave, travelling allowances, retirement, compulsory retirement and all other matters except pension, not expressly provided for in these rules, the members of the service shall be governed by the corresponding provisions contained in the rules applicable to Punjab Government employees.

21. Punishment and appeal.

(1)The Punjab Civil Service (Punishment and Appeal) Rules, 1970, shall apply to the members of the service so far as they are not inconsistent with the provisions of the Punjab Gram Panchayat Act, 1952.(2)The authority empowered to impose a penalty of Censure on a member of the service shall be the District Development and Panchayat Officer and appeal against such an order shall lie to the Divisional Deputy Director of Panchayats within a period of sixty days from the date of the said order.(3)The authority empowered to impose the other penalties mentioned in rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 shall be the Divisional Director of Panchayats and appeal against such on order shall lie to the Director within a period of sixty days from the date of the said order.(4)The authority competent to hear an appeal against an order specified in rule 15 of the Punjab Civil Services (Punishment and Appeal) Rules, 1940, other than an order imposing any of the penalties mentioned in rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 shall be the Director.

22. Resignation from service.

- If a member wishes to resign from the service, he shall be given one month's notice in writing to the appointing authority. If the members fails to give such a notice or gives shorter notice, the appointing authority shall be entitled to recover one month's salary with usual allowances; or salary and allowances for the period by which notice falls short of one month, as the case may be, from such member in lieu of notice.

23. Liability for vaccination or revaccination.

- Every member of the service shall get himself vaccinated or revaccinated as the Government may direct by special or general order.

24. Oath of allegation.

- Every member of the Service, unless he has already done so, shall be required to take the oath of allegiance to India and to the Constitution of India as by law established.

25. Power to relax rules.

- Where the Government is of opinion that it is necessary or expedient so to do, it may by order, for reasons to be recorded in writing relax any of the provisions of these rules except the educational qualifications and experience in respect of any class or category of persons.

26. Interpretation.

- If any question arises as to the interpretation of these rules, the Government shall decide the same. Form I[See Rule 6]The candidate must make the statement required below for Medical Examination and must sign the declaration appended. Attention is specifically drawn to the warning given below :-

1. State your name in full (in block letters).

2. State your age and place of birth.

3. (a) Have you ever had small-pox intermittent or any other fever enlargement or suppuration of Glands, spitting of blood, asthma, heart disease, fainting attack, rheumatism, appendicitis ?

(b)Any other disease or accident requiring confinement to bed and medical or surgical treatment.

4. When were you last vaccinated ?

5. Have you or any of your near relative been affected with consumption scrofula goitre asthma, fits of epilepsy or insanity ?

6. Have you suffered from any form of nervousness due to over work or any other cause ?

7. Have you been examined and declared unfit for Government/Punjab Panchayat Secretaries Service by a Medical Officer/Medical Board, within the last year ?

8. Furnish the following particulars concerning your family :-

Father's age, if living and state of health, Father's age at the time of death and cause of death.
Mother's age, if living and state of health. Mother's age at the time of death and cause of death.
No. of brothers living, their age and state of health. No. of brothers dead, their age at the time of death and cause of death.

No. of sisters living, their age and state of health. No. of sisters dead, their age at the time of death and cause of death.

I declare that all the above answers are true to the best of my belief. I also solemnly affirm that I have not received a disability pension certificate, pension on account of any disease or other conditions. Signature of candidate Signed in my presence Note. - The candidate will be responsible for the accuracy of the above statement by wilfully suppressing any information he will incur the risk of losing the appointment and if appointed of forfeiting all claims to superannuation allowances or gratuity. Form No. II [See Rule 6] Medical Certificate of fitness on first entry into the service. I hereby certify that I have examined..... whose signature is given below 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 in the service of..... His/Her age is according to his/her own statement, year and by appearance about years. The candidate..... Has been vaccinated within the last 12 months, or has been revaccinated within the last 13 months, or has already had small-pox and shows obvious scars thereof. Marks of Identification..... left hand thumb and finger impression of.....

Fourth or small Finger Third finger Second finger First finger Thumb

Taken before..... Name of Officer..... Designation of Officer..... on (date) Father's name and residence..... Date of birth by Christian Era as nearly as can be ascertained..... Exact height by measurement..... Personal mark of identification..... Signature of Officer..... Signature of the Head of Officer..... I do hereby declare that I have not any time been pronounced unfit for the service by a duly constituted medical authority. Signature of Officer Appendix [See Rule 19] Gratuity Scheme A. Pattern of the Scheme - (i) In case of death of an employee while in service or on his becoming incapable of service any further due to physical or mental disability., Note. - In case of death,, gratuity shall be payable to their(s) or assign(s) of the employee., (ii) In case of resignation by the employee after he had put in 20 years' continuous service or in case of his resignation due to his becoming unfit to serve further on account of his old age or protracted illness., 15 days' consolidated wages for each year of service. (iii) In case of termination of any employee's service for any reason other than misconduct after he has put in 5 years service., (iv) In case of termination of any employee's service for misconduct after he has put in 5 years', 8 days consolidated wages for each year of service. Provided that in the case of termination on account of any misconduct involving financial loss to the Panchayat Samiti, the Panchayat Samiti

shall be entitled to set off the said loss against the amount of gratuity payable to the employee :Provided further that the maximum amount of gratuity payable to a member shall not exceed seven and a half months' consolidated wages.B. A member who after putting in atleast 10 years service retires from service may be paid gratuity at the rate of 15 days consolidated wages for each year subject to the maximum of [20 months] [Substituted for '15 months' by Punjab Government Notification No. GSR 30/PA4/53 dated 17.3.1988.] consolidated wages.C. Verification of claims, nomination, etc.(i)The Executive Officer of Panchayat Samiti shall be responsible for the verification of claims in respect of the amount of gratuity.(ii)The Panchayat Samiti may pay the amount of gratuity upto one thousand rupees to the legal heirs of the deceased employee without production of a succession certificate.