

Chhattisgarh Civil Sewa (Samvida Niyukti) Niyam, 2012

CHHATTISGARH

India

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Rule

CHHATTISGARH-CIVIL-SEWA-SAMVIDA-NIYUKTI-NIYAM-2012 of 2012

- Published on 31 December 2012
- Commenced on 31 December 2012
- [This is the version of this document from 31 December 2012.]
- [Note: The original publication document is not available and this content could not be verified.]

Chhattisgarh Civil Sewa (Samvida Niyukti) Niyam, 2012 Notification No. F 9-1/2012/1-3, dated 31st December 2012 Last Updated 16th October, 2019 Notification No. F 9-1/2012/1-3 dated the 31st December 2012. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Chhattisgarh, after consultation with the Chhattisgarh Public Service Commission, hereby, makes the following rules relating to contractual appointment, namely :-

1. Short title and commencement.

(1) These rules may be called "the Chhattisgarh Civil Sewa (Samvida Niyukti) Niyam, 2012". (2) These rules shall come into force from the date of their publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) In relation to any service or post "Appointing Authority" means the Government or the authority which has been conferred with the powers to make appointment to the service or post, under the recruitment rules applicable to the service or post, or by general or special order of the Government or which may be conferred hereafter; (b) "Commission" means the Chhattisgarh Public Service Commission; (c) "Departmental Recruitment Rules" means service recruitment rules in force for appointment to the concerned service or post; (d) "Government" means the Government of Chhattisgarh; (e) "Higher post" means "one post higher" than the post held at the time of retirement. (f) "Retired Government Servant" means Government servant superannuated or voluntarily retired or Government servant relieved from Government service on tendering resignation; (g) "State" means the State of Chhattisgarh.

3. Scope and Application.

- These rules shall apply in relation to every such post/posts and to such persons appointed or who may be appointed under these rules on the post/posts declared as contract appointment post by the State Government under Rule 4.

4. Posts of Contract Appointment.

- The following posts shall be called as contract appointment post:-(1)Such posts sanctioned as contract appointment posts in the departmental set up.(2)Such sanctioned posts in regular establishment in the departmental set up which are likely to remain vacant for a period of one year or more due to unavoidable reasons.(3)Such posts, which are likely to remain vacant for a period of one year or more due to non-availability of Government servants having minimum eligibility requirement or because of unavoidable reasons it is not possible to fill up the post by promotion, with approval of General Administration Department.(4)Such posts, notwithstanding anything contained in departmental recruitment rules, which require specialization, experience and special qualification declared as contract appointment post by a general or special order in exceptionally special cases by the State Government to maintain the efficiency in public administration, except such post for which legal experience in the judicial service field is required under any law or rule for the time being in force.(5)Posts sanctioned in the personal establishment of Chief Minister/Ministers on which appointment are to be made till the tenure of Chief Minister/Ministers (co-terminus).

5. Method of Appointment.

- Contractual appointment may be made in the following manner :-(1)for the posts mentioned under Rule 4(1), by way of public advertisement;(2)for the posts mentioned in Rule 4(2) and (3), by contract appointment of retired Government servants;(3)for the posts mentioned in Rule 4(4) in exceptional special cases, directly by contract appointment, of specific non-government person or retired Government servant on the basis of specialization, experience, special qualification and his suitability for the post after approval of the Finance Department;(4)for the posts mentioned under Rule 4(5), person recommended by Chief Minister/Ministers considering the prescribed qualification, eligibility and suitability of the person for the post.

6. Selection Committee.

(1)Selection Committee for contract appointment to the posts prescribed under Rule 4(1) or (2) shall be same as prescribed in the departmental recruitment rules :Provided that in the Selection Committee for contract appointment for the posts to be filled by the Chhattisgarh Public Service Commission, the State Government may nominate any Additional Chief Secretary, Principal Secretary or Secretary in place of the Chairman/Member of the Chhattisgarh Public Service Commission.(2)The provisions of Section 8 of the Chhattisgarh Lok Sewa (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vergon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of

1994) shall also be applicable for the constitution of the Selection Committee.

7. Age Limit.

(1) Age limit for contract appointments shall be the same as prescribed in the departmental recruitment rules for the concerned post or service : Provided that orders/instructions issued by the General Administrative Department from time to time relating to relaxation in age limit shall also be applicable for contract appointment. (2) In the case of retired Government servant contract appointment may be given for a maximum period of 10 years or upto the age of 70 years, whichever is earlier.

8. Eligibility criteria and qualifications for appointment.

(1) The eligibility criteria and qualifications for contract appointment, in all cases except the contract appointment of retired Government servant, shall be the same as prescribed in Rule 5 and 6 of the Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961. (2) (a) Minimum educational qualifications and other qualifications for contractual appointment on the post of direct recruitment shall be the same as prescribed in departmental recruitment rules for such post; (b) There shall be no restriction of educational qualification for appointment in the case of contract appointment of retired Government servant on the post equivalent to the post held prior to retirement, except such post for which legal experience in the judicial service field is required under any law or rule for the time being in force; (c) In the case of contract appointment of retired Government servants, in special cases, contract appointment may be given on higher post, except such post for which legal experience in the judicial service field is required under any law or rule for the time being in force, on the basis of their special experience, exemplary service record and evaluation of performance.

9. In-eligibility for contract appointment of retired Government servants.

(1) On integrity not being certified in service records; (2) Evaluation of confidential reports/performance of past three years service record not being Very Good/or above category; (3) Pending departmental enquiry/prosecution; (4) Punished during the last year of service; (5) Punished by way of stoppage of pension; (6) Dismissed/removed or compulsorily retired from service; (7) On being convicted; and (8) Other general ineligibilities for Government service.

10. Reservation.

- The provisions of Chhattisgarh Lok Sewa (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vergon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994) and rules/instructions issued thereunder shall apply to the posts of contract appointment prescribed in Rule 4(1) and (2) alongwith rules/instructions issued for reservation of women and disabled etc., from time to time.

11. Period of Appointment.

(1) On the contract appointment posts mentioned under Rule 4(1), first contract appointment shall be made for a period of three years, however, the State Government may take decision of renewal of contract appointment by extending the period of contract appointment for one year at one time depending on the necessity and after assessing suitability of person appointed on contract. (2) For posts mentioned under Rule 4(2) and (3), contract appointment shall normally be for a period of one year, however on the basis of necessity and after assessing suitability of the person appointed on contract, the department may take decision to renew the period of contract. (3) On post mentioned in Rule 4(4) and (5), in the matter of contract appointment of retired Government servant, contract appointment being given as a special case on the basis of their special experience, exemplary service record and evaluation of performance, the period of contract appointment may be for a period of five years, which may be extended by the State Government considering the departmental necessity and suitability of the person appointed on contract, for a further period maximum upto five years, after the opinion of Finance Department and General Administration Department. (4) Contract appointment shall stand terminated automatically on expiry of the period of the contract appointment and there shall be no need to issue separate order terminating the service. (5) Either of both the parties may terminate the contract appointment during the period of contract appointment by giving one month's notice in advance or paying one month's salary in its place.

12. Contract pay.

(1) Only lump-sum monthly pay shall be payable in contract service and, in addition to his no special pay, dearness allowance, compensatory allowance, house rent allowance, etc. except in cases mentioned under sub-rule (2) of this rule shall be paid and there shall be no eligibility of annual increment under contract appointment. (2) Determination of lump-sum monthly pay shall be as follows :- (a) In the case of contract appointment under Rule 4(1) and (2), monthly lump-sum pay shall be such as fixed from time to time by the Finance Department by a general or special order issued; (b) At the time of retirement, contract pay shall be the lump-sum amount payable after deducting the pension (prior to commutation) and dearness relief thereupon, from his basic pay admissible in the pay structure (pay scale as amended) and dearness allowance admissible, at the time of retirement and apart from this he shall be entitled for house rent allowance (if do not possess government accommodation) and city compensatory allowance on the basic pay as getting at the time of retirement and shall also be entitled for pension and dearness relief on pension separately; (c) In special cases of contract appointment, in the cases of Government servants retired on superannuation and/or in the cases of appointment made on the basis of specialization, experience and special qualification, contract appointment being given in such situation on any post/higher post, the pay scale of the concerned post for the time being in force for the period of contract appointment alongwith other payable incidental benefits may be given with the concurrence of General Administration Department and Finance Department.

13. Eligibility for leave.

- Employee appointed on contract shall be entitled for 18 days casual leave and 3 days optional leave in each calendar year, and in the case of appointment in the middle of the year, or on termination of his service, calculation of eligibility for casual leave shall be made on proportional basis for full completed months. Explanation. - Incomplete day shall be adjusted/rounded off with the next full day for computation and for Vacation Department calendar year means actual service of 12 months.

14. Travelling Allowance.

(1) Person appointed to the post sanctioned as contract post in the departmental set up, shall be eligible for travelling allowance equivalent to the Government servant of the same or equivalent post. (2) In the case of contract appointment of retired persons, they shall be eligible for travelling allowance and other benefits as payable to Government servant for the concerned post/equivalent post. (3) If for any contract appointment post travelling allowance and other benefits are not prescribed in the rules then the eligibility of travelling allowance and other benefits to the person appointed on such post shall be same as that of the Government servant of the same or equivalent post.

15. Other conditions.

(1) Persons appointed on contract shall be governed by the Chhattisgarh Civil Service (Conduct) Rules, 1965. (2) Persons appointed on contract shall not be eligible for any kind of pension, gratuity or death benefit etc. for the period of contract appointment. (3) Confidential Report of the person, appointed on contract shall be recorded so that his work may be assessed in case he is to be considered for appointment on contract for the next year. (4) During the term of contract appointment of retired Government servants he/they may be transferred to equivalent post in other department and he/they may also be given additional responsibility in addition to the contract post and it shall be mandatory for him/them to accept that. (5) Person appointed on contract shall have to deposit minimum of 10 percent of his contract pay in L. I. C. pension scheme or PPF for social security of his family and he shall intimate this fact to the Appointing Authority as to which of the scheme he has opted : Provided that this provision shall not be applicable to retired Government servants. (6) Retired Government servant appointed on contract shall be eligible to retain the government accommodation if he was occupying the government accommodation at the time of retirement and licence fee shall be recovered from him as per Rule 45-A of Chhattisgarh Fundamental Rules and he shall also be eligible for medical facilities similar to that of Government servants.

16. Interpretation.

- If any question arises relating to the interpretation of these rules, it shall be referred to the General Administration Department on which decision of the General Administration Department shall be final.

17. Power to relax rules.

- Cabinet shall have the power to relax any of the provisions of these rules.

18. Repeal and savings.

- All the rules and instructions corresponding to these rules which were in force immediately prior to the commencement of these rules, are hereby repealed :Provided that all contract appointments on the date of coming into force of these rules, shall be deemed to have been made under these rules, subject to the terms and conditions of original appointment for the remaining period of contract.