

The Rajasthan Land Reforms and Jagir Resumption (Absorption of Jagir Employees) Rules, 1954

RAJASTHAN

India

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Rule

THE-RAJASTHAN-LAND-REFORMS-AND-JAGIR-RESUMPTION-ABSO of 1954

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The Rajasthan Land Reforms and Jagir Resumption (Absorption of Jagir Employees) Rules, 1954 Published vide Notification No. F. 4 (338) Revenue/1/53, dated 23-7-1954, Published in Rajasthan Gazette, Part 4-C, Extraordinary, dated 26-7-1954 In exercise of the powers conferred by clause (hh) of sub-section (2) of section 48 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952, the Government of Rajasthan is pleased to make the following rules for the employment of employees of Jagirdars in Government Service. [Framed under section 48 (i) (hh) of Rajasthan Land Reforms and Resumption of Jagirs act, 1952.]

1. Title and commencement.

(a) These rules may be called the Rajasthan Land Reforms and Jagir Resumption (Absorption of Jagir Employees) Rules, 1954. (b) These rules shall be deemed to have come into force on the 16th june, 1954.

1A. Definitions.

- In these rules unless there is anything repugnant in the context-(i)"Jagir Employee" means a person in the permanent whole time service of the Jagir on a post pertaining to the administration of the Jagir and public service connected with it whether employed by a Jagirdar or by the Court of Wards. It does not include a person employed for the Jagirdar's private or personal affairs.Explanation. - 1. Persons employed for the supervision or upkeep of roads, building, gardens, or other institutions of public utility taken over by the Government in consequence of the

Resumption of the Jagir are included in the term "Jagir Employee."

2. In case of dispute, the Collector of the district in which the headquarters of the jagir are situate shall decide whether a person should be included in the term "Jagir Employee" or not, and his decision shall be final, subject to revision by the [Revenue Appellate Authority] [Substituted by Notification No. F.5 (64) Revenue/C/62/6, dated 6-11-1962, published in Rajasthan Gazette, Part IV-C, dated 29-11-1962]:

[Provided that all revision applications pending on the date of publication of Notification No. F.5 (64) Revenue/C/62, dated the 6th November, 1962 shall also be disposed of by the Revenue Appellate Authority.] [Inserted by Notification No. F.5 (64) Revenue/C/62/6, dated 6-11-1962, published in Rajasthan Gazette, Part IV-C, dated 29-11-1962](ii)"Previous pay" means the pay of a Jagir Employee in respect of a permanent post held by him substantively on [1-2-1952] [Substituted by Notification No. 8842/F.4 (361) Revenue/A/54, dated 4-8-1959, published in Rajasthan Gazette, Part IV-C, dated 17-9-1959] and shall include-(1)subsequent increments, if any, drawn in the normal course if such pay is on a time-scale, and(2)pay including normal increments, if any, drawn in respect of a clear vacancy occurring in the ordinary course, to which the employee may have been substantively promoted after [1-2-1954] [Substituted by Notification No. 8842/F.4 (361) Revenue/A/54, dated 4-8-1959, published in Rajasthan Gazette, Part IV-C, dated 17-9-1959].No other items of pay, additions to pay and allowances shall be included in the term "Previous pay".

2. Maximum number to be absorbed.

- The number of Jagir Employees to be absorbed in Government service under these rules shall not exceed the number of posts created on account of the resumption of Jagirs.

3. Procedure for selection and appointment.

- The selection of Jagir employees to the State Service shall be carried out in the following manners:-(a)The Revenue Officers or authorities mentioned in sub-rules (b) to (f) shall be the provisional appointing authority for the Jagir Employees belonging to the Revenue Department. Similarly for employees of the Departments other than Revenue Department, e.g. the Education, Medical, Forests and Mining, the Departmental Officer of the District in which the headquarters of the Jagir are situate, will be the provisional appointing authority, subject to the rules of the Department regarding the selection of officers, and its Schedule of Powers.(b)The appointing authority mentioned in the foregoing clause will take into consideration the qualifications, experience, and record of service of a Jagir Employee for the purpose of his selection to the State Service. No person who has completed 30 years of service or the age of 55 years shall be selected for appointment.(c)The Jagir Commissioner will invite applications within a specified time from Jagir Employees who wish to be considered for absorption in State Service. The applications will be required to be submitted to the Collector.(d)The Collector of the district in which the headquarters of the Jagir are situate shall select out of the persons who have duly applied under sub-rule (c), and

make provisional appointments of officers of the Revenue Department which he can ordinarily appoint under the Schedule of Powers. For higher posts of the Revenue Department viz. Upper Division Clerks, Qanungos, Naib Tehsildars and Tehsildars, he will make a preliminary selection according to the above-mentioned criteria and forward the available record with his recommendations to the Commissioner of the Division for disposal as provided in sub-rule (e). The Collector shall forward the applications of Jagir Employees other than those of the Revenue Department to the Departmental Officer concerned of the district for disposal as provided in sub-rule (a). (e) The Commissioner of the Division will select and provisionally appoint officers of the Revenue Department up to the rank of Upper Division Clerks, and Qanungos. For the posts of Naib Tehsildars, Tehsildars and for other posts belonging to the Subordinate Administrative Service, he will make a preliminary selection and forward the record with his remarks to the Chairman, Revenue Board, as stated in sub-rule (h). (f) The Chairman, Revenue Board, will examine the Recommendations of the Commissioner, and make provisional appointments of Naib Tehsildars, Tehsildars and other officers in the cadre of Subordinate Administrative Service. (g) Each Collector shall report the number of vacancies caused by creation of new posts along with available record of candidates to the Commissioner of the Division, sending separate lists of the appointments provisionally made by him and of those provisionally selected by him under sub-rule (d) and the vacancies still to be filled up. (h) The Commissioner of the Division shall consolidate the statements received from the Collector and forward a copy of the consolidated statement to the Board of Revenue sending separate list of appointments provisionally made by him under sub-rule (e) and of the vacancies still to be filled up. (i) As soon as the final list of vacancies and candidates is ready in the Revenue Board, it shall be submitted for final selection to a Committee consisting of the following members:-

(1) [[Substituted by Notification No. F.9 (41) Revenue D. 61/Gr. I, dated 6-7-1962, published in Rajasthan Gazette, Part 4-C, dated 26-7-1962]	Chairman, Revenue Board	Chairman
(2)	One member of the Revenue Board to be nominated by the Chairman	Member
(3)	Jagir Commissioner, Rajasthan	Member
(4)	Settlement Commissioner, Rajasthan	Member
(5)	Secretary to the Government in the Revenue Department	Member]

Provided that the final selection of candidates for appointment to vacancies in departments other than the Revenue Department shall be made by the respective officers of such departments according to the Schedule of Powers, and shall not be referred to the Committee. (j) The Committee shall after interviewing the claimants prepare a list of candidates to be recommended for selection to the Public Service Commission for posts of Tehsildar, Naib Tehsildars and for any other posts belonging to the Sub-ordinate Administrative Service. (k) Every candidate recommended under sub-rule (i) shall be required to state whether he would be willing to serve on any ministerial post if he is not selected by the Rajasthan Public Service Commission for the posts mentioned in that

sub-rule.(l)The Committee shall reserve a sufficient number of vacancies in ministerial service for the officials who are prepared to accept ministerial posts as mentioned in sub-rule (k) and declare that the appointment of other persons to such vacancies shall be treated as provisional.(m)Subject to sub-rule (1) the vacancies of ministerial servants of the Revenue Department shall be filled up finally by the Committee; provided that the appointments to vacancies of class IV servants shall be finalised by the Collector and will not be referred to the Committee or next higher authority except by way of appeals against the order of appointment. The Committee may also draw up a separate list of such candidates out of the list of Jagir Employees mentioned in sub rule (i) who are surplus to the needs of recruitment as laid down under rule 2, and whom the Committee consider suitable for appointment against future vacancies in the ministerial cadre. Such lists will be sent by the Government to the Commissioners of the Divisions who will endeavour to get the candidates absorbed in the various departments functioning in the Division according to their suitability in preference to new entrants.(n)If any official referred to in sub-rule (1) fails to join the post reserved for him under sub-rule (1) within one month of rejection by the Public Service Commission for a higher post, steps will be taken to fill up the post either by confirming the official working provisionally against the post or otherwise.(o)For employees belonging to a Department other than the Revenue Department, the Appointing authority shall follow the same procedure as is described in sub-rules (e) to (n) above, as the case may be.

4. Pay.

- Where the previous pay of a Jagir employee is less than the minimum pay of the post in which he is finally absorbed, his initial pay in the post shall be fixed at such minimum. Where the previous pay is equal to or higher than such minimum his initial pay shall be fixed in the time scale attached to the post at a stage equal to such previous pay or if there is no such stage at the stage next below plus personal pay equal to the difference to be absorbed in future increments provided that the pay including personal pay shall not in any case exceed the maximum pay of the post.Note. - Until a Jagir Employee is finally absorbed including the period of provisional appointment under rule 3, a Jagir Employee will be entitled only to his previous pay but on permanent absorption his pay will be finalised in the scale applicable to the post to which he is appointed.

5. Seniority.

- For the purpose of seniority, the date of taking over the Jagir will determine the rank of a Jagir Employee vis-a-vis a Government employee in the same cadre. The seniority of Jagir Employee inter-se will be fixed by the Department according to the existing rules of the Departments concerned.

6. Counting service for pension.

- The past services of Jagir Employees who are absorbed in Government service shall be counted for pension in cases where the services of such employees were pensionable under the Jagir and were otherwise qualifying according to Rajasthan Service Rules for the purpose of such pension.

7. Leave.

- Jagir Employees absorbed in State Service shall be entitled to get credit on account of privilege leave or equivalent category of leave to which they were entitled in the service of the Jagir at the time of its resumption provided that:-(a)The leave rules under which title is claimed were in force in the Jagir concerned before 31-12-48.(b)Such rules were not more liberal than the rules of leave for Government servants laid down in the Rajasthan Service Rules. If such rules were more liberal, the R.S.R. will apply.(c)No employees of Jagirs in which there were no rules governing grant of leave shall be entitled to any credit of leave on account of previous service in such Jagirs.(d)Where leave records are not available or have not been maintained properly, the privilege leave or equivalent category of leave earned by a Jagir Employee during periods of service in respect of which leave accounts are not available or have not been properly maintained should be assumed to be equal to 1/12th of the total of such periods. Half of leave so calculated should be assumed to have been enjoyed by the employees concerned. The balance thus arrived at should, however, be limited to the maximum periods prescribed in the first proviso to rule 91 (B) of the Rajasthan Service Rules.

8. Treatment to be accorded to the Jagir employee who cannot be absorbed in state Service.

- Jagir Employees who cannot be absorbed in the manner indicated in rule 3, shall be discharged from service by the appointing authority concerned:[Provided that any Jagir Employee who had already completed 30 years of service or attained the age of 55 years on the date of the resumption of the Jagir shall be deemed to have been retired with effect from the said date and granted subject to the provisions of rule 12 pension or gratuity as the case may be, in accordance with rule 10:Provided further that any such Jagir Employee who has been appointed to or continued in, Government service shall be deemed to have been re-employed from the said date or the date of his appointment in Government service, whichever is later.] [Inserted by Notification No. F.4 (361) Revenue/I/54, Part I, dated 30-4-1962, published in Rajasthan Gazette, Part IV-C, dated 24-5-1962]

9. Notice of Discharge.

(a)Jagir Employees to be discharged under the above rules shall be given notice of discharge to the extent and in the manner indicated below:-

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| (i) | Jagir Employees whose period of service on the date the notice is served is less than five years | One month |
| (ii) | Jagir Employees whose period of service on the date the notice is served is not less than five years but is less than ten years | Two months |
| (iii) | Jagir Employees whose period of service on the date the notice is served is ten years or over | Three months |

(b)If a Jagir Employee served with a notice of discharge is not required to serve during the whole or part of the period of notice, shall be given notice-pay for the period of notice during he is not required to serve.(c)A Jagir Employee served with a notice of discharge may, if he so likes, within

one month from the date of the notice signify his willingness in writing to the appointing authority concerned to be considered for final selection and absorption in the State Service.(d)If he is subsequently absorbed the whole of the period of notice of discharge or such part of it during which he was not required to serve, will be treated as duty and remainder as leave without pay not amounting to interruption of service.(e)The appointing authorities will respectively prepare separate lists of such employees and forward them to the next higher authorities concerned as specified in rule 3 (g) and 3 (h).

10. Pension or Gratuity.

- Where pension rules existed in a Jagir, pension or gratuity as the case may be, will be granted on discharge to the extent due in accordance with such rules as if the Jagir Employee concerned had been retired from the Jagir in consequence of the abolition of his post. Where no specific rules existed but there was a well established custom in the Jagir for the Grant of pension or other similar benefits. Government may consider the grant of pension or gratuity at a rate not exceeding what would have been admissible had the Jagir Employees been in the service of the Government, and discharged in consequence of abolition of post.Explanation:- (1) Rules or amendments to rules made after the 31st December, 1948, shall not be treated as existing for the purpose of this rule. (2) In case of dispute the Jagir Commissioner shall decide and if so what exact rules or custom existed in Jagir in this. (3) [For the purpose of calculating pension under the rules of Jagir or under well established customs in a Jagir, substantive pay drawn of 1-2-1952 and subsequent increments, if any, drawn in the normal course, if such pay is on a time scale and pay including normal increase, if any drawn in respect of a clear vacancy occurring in the ordinary course, to which the employee may have been substantively promoted after 1-2-1952, shall only be taken into account.] [Added by Notification No. F.82 (9) Revenue/D/59, dated 20-1-1961, published in Rajasthan Gazette, Part IV-C (Supplementary) dated 6-4-1961]

11. [Contributory Provident Fund. [Substituted by Notification No. F.I (59) Revenue/A/66, dated 18-8-1966, published in Rajasthan Gazette, Part IV-C, dated 6-4-1967]

- Where a Jagir Employee was under a scheme of contributory provident fund and was not entitled to pension, no pension or gratuity will be paid for the period of his service with the Jagirdar, but Government will-(a)pay the employee's contribution to any Jagir Employee who was retired on the resumption of the Jagir: or(b)in the case of a Jagir Employee who has been absorbed in Government service, count as pensionable the period when such employee paid his contribution to the provident fund of the Thikana;irrespective of whether or not the Government realised from the Jagirdar the Thikana's contribution payable for the period ending with the date of the resumption of the Jagir.]

12. No Pension or Gratuity in other cases.

(a)No right to pension or gratuity or other retiring benefit shall be recognised in the case of pensions discharged on account of no-absorption and not covered by rules 10 and 11.(b)No such right shall

also be recognised in the case of Jagir Employees who were employed in the service of Jagir after retiring from Jagir or elsewhere on completion of service of thirty years or the age of 55.

13. Statement regarding Pension.

- Statement for grant of pension under these rules shall be prepared by Jagir Employees and submitted to the Collector, Commissioner of the Division or other Departmental Officer concerned, as the case may be, who shall verify the service of the claimants in the manner prescribed for grant of pension in Government servants.

14. Transfer of service record.

- The Jagirdar shall transfer to Government all services record including record of the accounts relating to the Jagir Employees and payment of their salaries, in order to enable the Departmental Officer concerned to verify particulars regarding their service in connection with the settlement of pension claims.

15. Verification.

- After verification of service the Collector, Commissioner of the Division or the Departmental Officer concerned shall send the pension statements and other necessary documents to the Accountant General and after his verification sanction pension according to the rules.