

Bihar Public Service Commission (Limitation of Functions) Regulations, 1957

BIHAR

India

Bihar Public Service Commission (Limitation of Functions) Regulations, 1957

Rule

BIHAR-PUBLIC-SERVICE-COMMISSION-LIMITATION-OF-FUNCTIONS- of 1957

- Published on 8 July 1957
- Commenced on 8 July 1957
- [This is the version of this document from 8 July 1957.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Public Service Commission (Limitation of Functions) Regulations, 1957Published vide Notification No. A-8767, Dated 08.07.1957Last Updated 31st January, 2020Notification No. A-8767, the 8th July, 1957. - In exercise of the powers conferred by the Proviso to clause (3) of Article 320 of the Constitution of India and in supersession of the Regulations published with Notification No.3968-A., dated the 4th December, 1944, as subsequently amended, the Governor of Bihar is pleased to make the following Regulations, namely: -

1.

These Regulations may be called the Bihar Public Service Commission (Limitation of Functions) Regulations, 1957.

2.

In these Regulations, unless there is anything repugnant in the subject or context: -(a)"the Constitution" means the Constitution of India;(b)"the Commission" means the Public Service Commission for Bihar;(c)"Government" means the State Government of Bihar; and(d)"High Court" means the High Court of Judicature at Patna.

3.

It shall not be necessary to consult the Commission on any of the matters specified in sub-clauses (a) and (b) of clause (3) of Article 320 of the Constitution concerning services and posts to which appointments are made by authorities subordinate to Government, or by the Chief Justice of the High Court: Provided that Government may by a Resolution lay down that as regards direct appointment to any of such posts and services the Commission shall be consulted.

4.

It shall not be necessary to consult the Commission on any of the matters mentioned in sub-clauses (a), (b) and (c) of clause (3) of Article 320 of the Constitution in regard to the following services and posts, namely : -(1) Posts in the Governor's Secretariat and the personal staff of the Governor. (2) Advocates for the State in the High Court, whether designated as Advocate-General, Government Advocate Standing Counsel, Government Pleader or otherwise. (3) Public Prosecutors and Government Pleaders and Assistant Public Prosecutors and Assistant Government Pleaders. (4) Law Reporters and Assistant Law Reporters. (5) Personal Assistant or Private Secretary or Stenographer to a Minister, if on a temporary basis. (6) Personal Assistant, Private Secretary or Stenographer to the Chairman of the Bihar Legislative Council or to the Speaker of the Bihar Legislative Assembly, if on a temporary basis.

5.

It shall not be necessary to consult the Commission in regard to any claim of the nature specified in sub-clause (a) of clause (3) of Article 320 of the Constitution, if the claim is made by the persons concerned before the termination of the legal proceedings to which it relates and Government, on the matter being first brought to its notice, decides to pay the cost of his defence.

6.

In regard to services and posts to which appointments are made directly by Government, it shall not be necessary to consult the Commission on any of the following matters, namely (1) The creation and organisation of services and posts and their designation; (2) the classification of services and posts; (3) the general methods of recruitment to a service or post including the question whether recruitment should be made solely by (i) examination or (ii) selection or (iii) promotion or transfer, or partly by one of these methods and partly by another; and in the latter case, the proportion in which recruitment to any particular service should be made by each method and the relative seniority in the service of candidates recruited by different methods; (4) determination of the number of vacancies to be filled in the services in any particular year; (5) the determination of the strength of the cadres of different services; (6) the questions whether recruitment of candidates for particular posts should be made in India or from abroad; (7) the determination of the salary of Government servants on their first appointment and of officiating incumbents of posts; (8) the determination of the initial salary of officers recruited by promotion; (9) transfers of Government servants to foreign

service;(10)the probation and training of Government servants and the conditions of their confirmation in service;(11)appointment to posts where it has been decided by the Provincial Government that recruitment shall be made from abroad;(12)the re-employment of retired Government servants to posts borne on the cadre of the same service to which they belonged before their retirement or to posts in other departments, requiring the same qualifications and involving responsibilities of the like importance.

7.

When appointment to a service or a post is made by promotion or transfer from another service it shall not be necessary to consult the Commission unless it is proposed, by such promotion or transfer, to fill -(a)permanent post substantively; or(b)a permanent post or a temporary post on an officiating or temporary basis for a period exceeding six months :Provided that, if an appointment is made for a period not exceeding six months, and it is subsequently proposed to extend the period so that it will exceed six months in all the Commission shall be consulted.

8.

When appointment to a service or post is made otherwise than by promotion or transfer from another service, it shall not be necessary to consult the Commission, if the appointment is not expected to continue for more than six months and cannot be delayed without detriment to the public interest:Provided that, if it is proposed to retain the person so appointed in the same post for a period exceeding six months or to appoint him to another post in the service of Government, the Commission shall be consulted.

9.

Notwithstanding anything to the contrary contained in these Regulations it shall not be necessary to consult the Commission when a member of a Senior or Junior Branch of a State Service is appointed to hold a post in the State Secretariat or in any office attached to the Secretariat.

10.

It shall not be necessary to consult Commission in any case relating to -(a)the reversion to his permanent post of an officer officiating in a higher post; or(b)the termination of the employment of any officer in accordance with the terms of a contract of employment.

11. [**Substituted by Notification No. III/GI-105/60-A-11281 dated 8.8.1968.**]

(1)It shall not be necessary for any authority subordinate to Government or for the Chief Justice of the High Court to consult the Commission before passing any order in disciplinary cases.(2)In cases where an appeal lies to Government against an order in disciplinary cases, it shall not be necessary for Government to consult the Commission.(3)When exercising revisionary functions in disciplinary

cases in which no regular appeal lies to Government it shall not be necessary for Government to consult Commission.]

12.

In disciplinary cases it shall not be necessary to consult the Commission before passing any order - (a) drawing up, or directing the drawing up of proceedings against any Government servant with a view to disciplinary action; (b) of censure, or of suspension when a Government servant is to be suspended pending the investigation of charges against him; or (c) withholding increments or promotion, including stoppage at an efficiency bar.

13.

In disciplinary cases where consultation with the Commission is required, it shall not be necessary to consult the Commission at any stage of the proceeding until the case is ready for final decision.

14.

It shall not be necessary to consult the Commission in any case in which the Commission has at any previous stage given advice as to the orders to be passed and no fresh question has thereafter arisen for determination.

15.

It shall not be necessary to consult the Commission in any case falling under proviso (c) to clause (2) of Article 311 of the Constitution.

16. [[Added by Notification No. II/P SC-391/64-A-1641 dated 7.2.1962 .]

It shall not be necessary for the Governor to consult the Commission, - (a) in any case where the Governor proposes to make an order of dismissal, removal or reduction in rank after being satisfied that such action is necessary in the interest of the security of the State; and (b) in any case where the Governor proposes to make an order under Rule 3 of the Bihar Civil Services (Safeguarding of National Security) Rules, 1961.]