

# **M.P. Contractual Appointment to Civil Post Rules, 2017**

MADHYA PRADESH

India

# **M.P. Contractual Appointment to Civil Post Rules, 2017**

## **Rule**

## **M-P-CONTRACTUAL-APPOINTMENT-TO-CIVIL-POST-RULES-2017 of 2017**

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M.P. Contractual Appointment to Civil Post Rules, 2017Published vide Notification M.P. Government Gazette (Extraordinary), dated 28.9.2017In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Madhya Pradesh, after consultation with the Madhya Pradesh 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 Madhya Pradesh Contractual Appointment to Civil Post Rules, 2017.(2)These rules shall come into force from the date of their publication in the Gazette.

### **2. Definitions.**

- In these rules, unless the context otherwise requires, -(1)In relation to any service or post "Appointing Authority" means the Government or such authority which has been conferred with the powers to make appointment on that service or post under the recruitment rules related to that service or post or conferred by the Government by general or special order or which may be conferred hereafter;(2)"Departmental Recruitment Rules" means service recruitment rules in force for appointment to the concerned service or posts;(3)"Retired Government Servant" means Government servant retired from the Government Service after completing the age of superannuation;(4)"State" means the State of Madhya Pradesh;(5)"State Government" means the Government of Madhya Pradesh.

### **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 or may be declared as contract appointment post by the State Government under Rule 4.

### **4. Posts of contract appointment.**

- The following posts shall be called the contract appointment post, namely :-(1)Such posts which are sanctioned as contract appointment post in the departmental setup.(2)Notwithstanding anything contained in the Departmental recruitment rules, such post, which requires speciality, experience and specific qualification etc., may be declared contract appointment post by general or special order by concerning departments of the State Government, in exceptional cases, for the purpose of maintaining efficiency in the public administration, excluding the post which requires in the field of judicial service under any law or rule, for the time being in force.(3)Such sanctioned posts of class III and IV in the personal establishment of Chief Minister/ Ministers on which appointments are to be made till the tenure of Chief Minister /Ministers (co-terminus).

### **5. Methods of Appointment.**

- Contractual appointments in the concerned department of State Government may be made in the following manners, namely :-(1)on the posts mentioned under Rule 4(1) by way of public advertisement;(2)on the posts mentioned in Rule 4(2) by way of contract appointment of non-Government persons retired Government servant, on exceptional specific cases, on the basis of specialization, experience, special qualification and his suitability for the post after approval of the finance Department;(3)on the posts mentioned under Rule 4(3) by the person recommended by the Chief Minister/Ministers on the basis of prescribed qualification/ eligibility and suitability for the post.

### **6. Selection Committee.**

(1)Selection committee for contract appointment to the posts prescribed under Rule 4(1) shall be same as prescribed in the departmental recruitment rules.(2)The provisions of section 8 of the Madhya Pradesh Lok Sewa (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vergon Ke Live Arakshan) Adhiniyam, 1994 (No. 21 of 1994) shall also be applicable for the constitution of the selection committee.

### **7. Age Limit.**

- (I) 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 exemption in age limit shall also be applicable for contract appointment.(2)In the case of retired Government servant, contract

appointment may be given up to the age of 65 years where age of superannuation is 60 years and where the age of superannuation is 65 years, it may be given up to the age of 70 years.

## **8. Qualifications and eligibility criteria for appointment.**

- In cases of contract appointment the qualifications and eligibility criteria shall be the same as prescribed in Rule 5 and 6 of the Madhya Pradesh Civil Services (General Conditions of Service) Rules, 1961. For contract appointment minimum educational and other qualification shall be the same as prescribed in departmental recruitment rules per the said post

## **9. Ineligibilities for contract appointment of retired Government servants.**

(1) If confidential service record of the concerned officer/employee is not "very good" or above category in total; (2) Where there any doubt or charge has been raised at any time during his service period regarding the integrity of concerned officer/employee and his reputation regarding his honesty and efficiency has not been good in general; (3) On being dismissed or removed from the service or pending departmental enquiry/prosecution against him; (4) If concerned officer/employee has been punished during the last 10 years; (5) If his health is not sound;

## **10. Reservation.**

- The provisions of Madhya Pradesh Lok Sewa (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vergon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994) and rules/instructions issued thereunder from time to time shall apply to the posts of contract appointment, along with rules/instructions issued for reservation of women and disabled etc. from time to time, shall also be applicable.

## **11. Period of Appointment.**

(1) On the contract appointment posts mentioned under Rule 4(1), the contract appointment for the first time shall be made for the period of not more than one year however, the State Government may, take decision of renewal of contract appointment by extending the period of contract appointment for a period of maximum one year at one time depending on the necessity and assessing suitability of person appointed on contract. (2) Except the post specified in Rule 4(1), the total period of contract appointment shall not be more than five years. (3) Either of 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 lieu thereof. (4) Contract appointment shall be deemed terminated automatically on expiry of the period of the contract appointment and no separate order shall be needed for terminating the services.

## **12. Contract pay and other facilities.**

(1) In the case of contract appointment on the posts prescribed under Rule 4(1), payable monthly lump-sum honorarium shall be such as may be fixed by the Finance Department by a general or special order issued from time to time. (2) Regarding retired employees, contract pay shall be the lump-sum amount payable after deducting the payable pension (prior to commutation) and dearness relief thereupon, from 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 they do not possess Government Accommodation) and city compensatory allowance on the basic pay at the time of retirement and shall also be entitled for pension and dearness relief on pension. (3) The contract appointment on higher post under Rule 8(2), in case of appointment being given to non-Government person in exceptional specific cases in Rule 5(2) and for personal establishment of Chief Minister/Ministers, in cases of contract appointment of other persons beside the retired employees, the pay scale for the time being in force shall be payable for the period of contract and other incidental benefits may be given with the consent of Finance Department.

## **13. Applicability of Leave.**

- Under these rules, the employee appointed on contract shall be entitled for leave in the same manner as a temporary Government Servant.

## **14. Travelling Allowance and other facilities.**

(1) Person appointed to the post sanctioned as contract post in the departmental setup, shall be eligible for travelling allowance and other facilities. (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 Madhya Pradesh Civil Services (Conduct) Rules, 1965. (2) Persons appointed on contract shall not be eligible for any kind of pension gratuity or death benefit or the period of contract and the annual increment shall not be payable as well. (3) Confidential Report/PAR (Performance Appraisal Report) of the employees appointed on contract shall be recorded so that his work may be assessed in case he is to be given appointment on contract for the next year. (4) During the contract appointment of retired Government servants, he/they may be transferred to equivalent post in other offices and he/they may also be given additional responsibility in addition to the work of contract post which shall be mandatory for him/them to accept. (5) Person appointed on contract shall have to deposit minimum of 10 percent of

his contract pay in life insurance 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 is occupying the Government Accommodation at the time of retirement and license fee shall be recovered from him as per Rule 45-A of Madhya Pradesh Fundamental Rules.

## **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. 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, service condition of previous appointment order shall be applicable as it is for the remaining period of contract.