

Punjab Home Guards and Civil Defence (Class I) Service Rules, 1988

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Rule

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Punjab Home Guards and Civil Defence (Class I) Service Rules, 1988Published vide Punjab Government Notification No. G.S.R.9/P.A.8/47/Section 9/88 dated 6.1.1988Government of PunjabDepartment of Home Affairs & JusticeNo. G.S. R.9/The 6th January, 1988/P.A./8/47/Section 9/88. - In exercise of the powers conferred by section 9 of the Punjab Home Guards Act, 1947 (Punjab Act 8 of 1947), the President of India is pleased to make the following rules regulating the recruitment and conditions of service of the persons appointed to the Punjab Home Guards and Civil Defence (Class I) Service, namely :-

1. Short title and applications.

(1)These rules may be called the Punjab Home Guards and Civil Defence (Class I) Service Rules, 1988.(2)They shall apply to the posts specified in Appendix 'A' to these rules.

2. Definitions.

- In these rules unless the context otherwise requires, -(a)'Commission' means the Punjab Public Service Commission;(b)'direct appointment' means an appointment made otherwise than by promotion or by transfer of a person already in the service of the Government of India or of a State Government;(c)'Government' means the Government of the State of Punjab in the Department of Home Affairs & Justice;(d)'recognised University' means -(i)any university incorporated by law in any of the States of India; or(ii)in the case of degrees or diplomas obtained as a result of an examination held before the 15th August, 1947, the Punjab, Sind or Dacca University; or(iii)any

other university which is recognised by the Government for the purpose of these rules; and (e) 'Service' means the Punjab Home Guards and Civil Defence (Class I) Service.

3. Number and Character of posts.

- The service shall comprise the posts specified in Appendix 'A' to these rules : Provided that nothing in these rules shall affect the inherent right of the Government to add to or reduce the number of such posts or to create new posts with different designations and scales of pay whether permanently or temporarily.

4. Nationality, domicile and character of candidates appointed to service.

(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 1st January, 1962, with the intention of permanently settling in India; or (e) a person of Indian origin, who has migrated from Pakistan, Burma, Sri Lanka and East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire, Ethiopia and Vietnam with the intention of permanently settling in India : Provided that a candidate belonging to any of the categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India. (2) A candidate in whose case a certificate of eligibility is necessary may be admitted to any examination or interview conducted by the Commission but he will not be appointed to the service until eligibility certificate is issued by the Government of India. (3) No person shall be recruited to the service by direct appointment, unless he produces, -(a) 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 relatives who are well acquainted with him in his private life and are unconnected with his university, college, school or institution ; and (b) an affidavit to the effect that he was never convicted of any criminal offence and that he was never dismissed or removed from service of any State Government or Government of India or any public sector undertaking.

5. Disqualifications.

- No person -(a) who has entered into or contracted a marriage with a person having a spouse living, or (b) who having 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 persons 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.

6. Age.

- No person shall be recruited to the service by direct appointment if he is less than eighteen years old or is more than thirty years of age on the first day of January of the year immediately proceeding

the last date fixed by the Commission for submission of applications or unless he is within such range of minimum and maximum age limit as may be specifically fixed by the Government from time to time :Provided that the condition of upper age limit may be relaxed up to forty five years in the case of a person already in service of Government of India or of a State Government :Provided further that in the case of a candidate belonging to Scheduled Castes or other Backward Classes the upper age limit shall be such as may be fixed by the Punjab Government from time to time :Provided further that the appointing authority may for reasons to be recorded, in writing, relax the upper age limit for a category or class of persons. Note. - For age limits in the case of ex-servicemen, the provisions of rule 6 of the Punjab Recruitment of Ex-Servicemen Rules, 1982, shall apply.

7. Appointing authority.

- The appointment to the Service shall be made by the Government.

8. Method of appointment and qualifications.

(1) Appointments to the Service shall be made in the following manner, namely :-(a) in the case of Commandant General, -(i) by promotion from amongst the Deputy Commandant Generals or Divisional Commandants who have an experience of working as such for a minimum period of eight years; and (ii) by transfer of serving police officers not below the rank of Deputy Inspector General Police or Additional Inspector-General of Police under the Punjab Government or other State Government or the Central Government, if a suitable person is not available for appointment by promotion ;(b) in the case of Deputy Commandant General and Divisional Commandants, -(i) by promotion from amongst the Battalion Commanders or Commandant Combined Home Guards and Civil Defence Training Institute, who have an experience of working as such for a minimum period of eight years; and (ii) by transfer from amongst the serving Police Officers not below the rank of a Superintendent of Police under the Punjab Government, if a suitable person is not available for appointment by promotion ;(c) in case of a Battalion Commander or Commandant C.T.I., -(i) twenty-five per cent by direct appointment from amongst the persons who -(a) possess Bachelor's Degree in the second division from a recognised university and also possess 'C' Certificate of the National Cadet Corps, or (b) are Ex-servicemen not below the rank of a Major. (ii) seventy-five per cent by promotion from amongst the Battalion 2nd-in-Command, including District Commanders, Chief Instructor, Junior Officer at the State Headquarters working under the control of the Commandant General, Punjab who have an experience of working as such for a minimum period of eight years. (2) An appointment to the Service by promotion shall be made by selection on seniority-cum-merit basis and no person shall be entitled to claim promotion on the basis of seniority alone. (3) No person shall be recruited to any post in the service by direct appointment unless he possesses the knowledge of Punjabi language of matriculation standard or its equivalent or passes test in Punjabi language of matriculation standard to be held by such authority as may be specified by the Government in this behalf from time to time.

9. Probation of persons appointed to Service.

(1) Persons appointed to a post in the Service shall remain on probation for a period of two years, if recruited by direct appointment, and one year if recruited otherwise : Provided that :- (a) any period during the first six months after appointment to the Service, spent on leave or on deputation on a corresponding or a higher post shall count towards the prior of probation ; (b) in the case of an appointment by transfer, any period of work on equivalent or higher post, prior to appointment to the Service may, in the discretion of the appointing authority, be allowed to count towards the period of probation ; (c) any period of officiating appointment to the Service shall be reckoned as period spent on probation, but no person who has so officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy ; (d) leave taken for a period not exceeding six months in aggregate during the period of probation will be considered as period of probation. (2) If in the opinion of the appointing authority, the work and conduct of a person during the period of probation is not satisfactory, it may, - (a) if such person is recruited by direct appointment, dispense with his services or revert him to a post on which he held lien prior to his appointment ; and (b) if such person is recruited otherwise, - (i) revert his to his former post ; or (ii) deal with him in such manner as the terms and conditions of his previous appointment permit. (3) On the completion of the period of a probation of a person, the appointing authority may, - (a) if his work and conduct have 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 and conduct has not been, in its opinion, satisfactory, - (i) dispense with his services, if appointed by direct appointment, or if appointed otherwise, revert him to his former post, or deal with him in such other manner as the terms and conditions of his previous appointment may permit ; or (ii) extend his period of probation and thereafter pass such orders as it could have passed on the expiry of the period of probation specified in sub-rule (1) : Provided that the total period of probation including extension, if any, shall not exceed three years.

10. Seniority of the members of the Service.

- The seniority inter se of the members of the Service, in each cadre, shall be determined by the length of the continuous appointment on a post in that cadre of the Service : Provided that in the case of members of Service recruited by the direct appointment, who join within the period specified in the order of appointment or within such period as may from time to time be extended by the appointing authority subject to a maximum of four months from the date of order of appointment, the order of merit determined by the Commission shall not be disturbed : Provided further that in case a candidate is permitted to join the service after the expiry of the said period of four months, in consultation with the Commission, his seniority shall be determined from the date he joins the Service : Provided further that in case any candidate of the next selection has joined the service before the candidate referred to in the preceding proviso joins the candidate so referred shall be placed below all the candidates of the next selection who join within the time specified in the first proviso : Provided further that in the case of two members appointed on the same date, their

seniority shall be determined as follows :-(a)a member recruited by direct appointment shall be senior to a member recruited otherwise ;(b)a member appointed by promotion shall be senior to a member recruited by transfer ;(c)in the case of members appointed by promotion or transfer seniority shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred; and(d)in the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member who was drawing a higher rate of pay in his previous appointment, and if the rates of pay drawn are also the same, then their length of service in those appointments and if the length of service is also the same, an older member shall be senior to a younger member. Note :- Seniority of members appointed on purely provisional basis shall be determined as and when they are regularly appointed keeping in view the date of such regular appointment.

11. Liability of the member of the Service to transfer.

- A member of the Service may be transferred by the Government to any post, whether included in any other service or not, on the same terms and conditions as are specified in rule 3.17 of the Punjab Civil Services Rules, Volume I, Part I.

12. Liability to serve.

- A member of the Service shall be liable to serve at any place, whether within or out of the State of Punjab, on being ordered to do so by the appointing authority.

13. Pay of the members of Service.

- The members of the Service shall be entitled to such scales of pay as may be authorised by the Government from time to time. The scales of pay at present in force in respect of the member of the Service are given in Appendix 'A' to these rules.

14. Leave, Pension and other matters.

- In respect of pay, leave, pension and all other matters not expressly provided for in these rules, the members of the Service shall be governed by such law, rules and regulations as may have been or may hereafter be adopted or made by the competent authority,

15. Discipline, penalties and appeals.

(1)In the matter of discipline, punishment and appeals, the members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970, as amended from time to time.(2)The authority empowered to impose penalties as specified in rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 and the appellate authority thereunder in respect of the members of the Service shall be as specified in Appendix 'B' to these Rules.

16. Oath of allegiance.

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

17. Liability for vaccination and re-vaccination.

- Every member of the Service shall get himself vaccinated or re-vaccinated when Government so directs by a special or general order.

18. Power to relax.

- Where the Government is of the 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 with respect to any class or category of persons: Provided that the provisions relating to qualifications and experience shall not be relaxed.

19. Repeal and saving.

- The Punjab Home Guards Rules, 1963 in so far these are applicable to the members of the Service are hereby repealed : Provided that any order issued or any action taken under the rules so repealed shall be deemed to have issued or taken under the corresponding provisions of these rules.

20. Interpretation.

- If any question arises as to the interpretation of these rules, the Government shall decide the same. Appendix 'A' [Rules 1(2), 3 and 13]

Sr.No.	Designation	Number of posts		Scale of Pay	
		Permanent	Temporary	Total	
1	2	3	4	5	6
1	Commandant General, Home Guards and Director Civil Defence	..	1	1	Rs. 2500-125/2-2750
2	Deputy Commandant General, Home Guards and Deputy Director Civil Defence	..	1	1	(i) Rs. 1400-60-1700-75-2000-100-2100 if held by departmental officer. (ii) Rs. 1200-50-1400/60-1700 plus Rs. 200 as special pay if any

					officer of the police is appointed by transfer.
					Rs.
3	Divisional Commandants ..	3	3		1200-50-1400/60-1700-75-1850 plus Rs. 100 as special pay if any officer of the Police is appointed by transfer.
4	Battalion Commanders/Commandant C.T.I.	4	3	7	Rs. 940-30-1000/40- 1200-50-1400/60-1700-75-1775.

Appendix 'B'(See Rule 15)

Sr.No.	Designation of the officer	Nature of penalty or orders	Authority empowered to impose penalty	Appellate authority
1.	Commandant General and Director Civil Defence ..		State Government (In case of I.P.S. Officers, as per I.P.S. Rules).	
Minor Penalties				
2.	Dy. Commandant General/Divisional Commandants.	(i) Censure;	Ditto	
		(ii) withholding of promotion;	Ditto	
		(iii) recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of order;	Ditto	
3.	Battalion Commanders/Commandant C.T.I.	(iv) withholding of increment of pay	Ditto	
Major Penalties				
		(v) reduction to a lower scale in the timescale of pay for a specified period, with further directions as to whether or not the Government employee will earn increments of pay during the period of such reductions and whether on the expiry of such period the	Ditto	

reduction will or will not have the effect of postponing the future increments of pay.

(vi) reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the Government employee to the time scale of pay, grade, post or service from which he was reduced, with or without future directions regarding conditions of restoration to the grade or post or service from which the Government employee was reduced and his seniority and pay on such restoration to that grade, post or Service. Ditto

(vii) Compulsory retirement; Ditto

(viii) removal from service which shall not be a disqualification for future employment under the Government. Ditto

(ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Government. Ditto