

The M.P. Panchayat Contract Service (Indian System of Medicine Unani and Homeopathy) Rules, 1999

MADHYA PRADESH

India

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Rule

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The M.P. Panchayat Contract Service (Indian System of Medicine Unani and Homeopathy) Rules, 1999 Published vide Notification No. F-1-5-99-22-P-2, dated 19-7-1999, M.P. Rajpatra (Asadharan), dated 19-7-1999 at p. 1034 (33) In exercise of the powers conferred by sub-section (2) of Section 70 read with sub-section (1) of Section 95 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following Rules, the same having been previously published as required by sub-section (3) of Section 95 of the said Act, namely :-

1. Short title and commencement.

(1) These rules may be called the Madhya Pradesh Panchayat Contract Service (Indian System of Medicine Unani and Homeopathy) Rules, 1999. (2) They shall come into force with effect from the date of their Final publication in the "Madhya Pradesh Gazette".

2. Definitions.

- In these rules, unless the context otherwise, requires, -(a) "Appointing Authority" in respect of contract service, means the authority shown as appointing authority for the post concerned in Schedule-III; (b) "Employee Under Contract" means a person appointed by a Zila Panchayat under contract and includes a person appointed as part time employees; (c) "Other Backward Classes" means the Other Backward Classes of citizens as specified by the State Government vide Notification No. F-8 5-XXV/4-84, dated 26th December, 1984 as amended from time to time; (d) "Panchayat" means Janpad Panchayat or Zila Panchayat; (e) "Panchayat Service" means the service of Zila

Panchayat or Janpad Panchayat, as the case may be, under sub-section (1) of Section 70 of the Act;(f)"Part time employee" means a person working under the control of Zila Panchayat who is not governed by the normal working hours applicable to regular employees;(g)"Schedule" means the schedule appended to these Rules;(h)"Scheduled Castes" means any caste, race or tribe or part of or group within a caste, race or tribe specified as Scheduled Castes with respect to the State of Madhya Pradesh under Article 341 of the Constitution of India;(i)"Scheduled Tribes" means any tribe, err tribal community or parti of or group within a tribe err tribal community specified as Scheduled Tribes with respect to the State of Madhya Pradesh under Article 342 of the Constitution of India;(j)"Selection Committee" means a Selection Committee constituted for selection of person for employment in the Panchayat Contract Service;(k)"State Government" means the Government of Madhya Pradesh.

3. Application.

- They shall apply to persons appointed by Chief Executive Officer, under Contract for Special Purposes.

4. Constitution of the Contract Service.

- The Contract Service shall consist of the persons recruited to the contract service in accordance with the provisions of these Rules.

5. Staffing Pattern in the Panchayat Contract Service.

- The staffing pattern of Panchayat Contract Service shall be as such as may be determined by the State Government, by general or special order, from time to time.

6. Classification and Pay etc.

- The classification of the contract service, the pay attached there to and the number of posts included in the contract service shall be in accordance with the provisions contained in Schedule-I.

7. Method of Recruitment.

- Recruitment to the Panchayat contract service or to a post or class of posts shall be made by direct recruitment, by written examination or interview or both.

8. Reservation of posts in recruitment.

(1)A prescribed percentage of posts in Panchayat contract service shall be reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes for appointment having regard to their population in a particular District.Explanation. - In calculating the number of vacancies to be reserved for members of each category of Scheduled Castes, Scheduled Tribes and Other Backward

Classes, all vacancies existing on the date of commencement of these rules or arising subsequent to that date should be taken into account in accordance with the provisions of the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994). (2) There shall be reserved thirty per cent of posts in the Panchayat Service in favour of woman and the said reservation shall be horizontal and compartmentwise. Explanation. - For the purpose of sub-rule (2), "horizontal and compartmentwise reservation" means reservation in each category namely Scheduled Castes, Scheduled Tribes, Other Backward Classes and unreserved. (3) Posts shall be reserved for candidates who are disabled persons or ex-servicemen or for such other classes as may be determined by the State Government from time to time. Said reservation shall be horizontal and compartmentwise. (4) When the post reserved for a particular class can not be filled by candidate of the class, for want of suitable candidates, the post shall be kept unfilled and carried forward till it is filled by member of that particular class for which it was kept reserved. (5) If sufficient number of candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes are not available for filling all the vacancies reserved for them, the remaining vacancies shall be re-advertised exclusively for the candidates of that class or classes till all such vacancies are filled.

9. Conditions of eligibility for direct recruitment.

- In order to be eligible for selection, candidate must satisfy the following conditions, namely :- (1) Age. - (a) He must have attained the age specified in column (3) of Schedule-II and not attained the age specified in column (4) of the said Schedule on the first day of January next following the date of commencement of the selection; (b) The upper age limit shall be relaxable upto a maximum of five years if a candidate belongs to Scheduled Castes, Scheduled Tribes, and Other Backward Classes; (c) The upper age limit shall be relaxable upto a maximum of 10 years to a woman candidate in accordance with the provision of the Madhya Pradesh Civil Services (Special Provisions of Appointment of Women) Rules, 1997; (d) The upper age limit shall be relaxable in respect of candidates, who are or have been employees of the Madhya Pradesh Government to the extent and subject to the conditions specified below :- (i) A candidate, who is a permanent Government Servant should not be more than 38 years of age; (ii) A candidate, holding a post temporarily and applying for another post should not be more than 38 years of age. This concession shall also be admissible to the contingency paid employees, work charge employees and employees working in the project implementing committees; (e) The general upper age limit shall also be relaxable upto two years in respect of green card holder candidates under the family welfare programme; (f) The general upper age limit shall be relaxable up to five years in respect of awarded superior caste partner of a couple under the intercaste marriage incentive programme of the Tribal, Scheduled Castes and Other Backward Classes Welfare Department; (g) The upper age limit shall be relaxable upto five years in respect of 'Vikram Award' holder candidates. (h) The upper age limit shall be relaxable up to a maximum of 38 years of age in respect of candidates who are employees of Madhya Pradesh State Undertakings/Corporations/Boards; (i) The upper age limit shall be relaxed in the case of voluntary Home Guards and non-commissioned officers of Home Guards for the period of service rendered to by them subject to the limit of 8 years, but in no case their age should exceed 38 years. Note. - In no other case, the age limit shall be relaxed. (2) Educational qualifications. - The candidate must possess the educational qualifications prescribed for the service as shown in Schedule-11. (3) Fees. -

Panchayat may impose such application fees as may be necessary to meet out expenses in this regard. Concessional rate of fees shall be applicable to candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes :Provided that candidates belonging to below poverty line family shall be exempted from paying such application fee.

10. Disqualification for appointment to Panchayat Contract Service.

- No person shall be appointed by direct recruitment to any post-(1)Unless he is a citizen of India or a subject of Nepal or Bhutan or permanent original resident of Madhya Pradesh;(2)If he has been dismissed for misconduct from service of Central Government, State Government, Zila or Janpad Panchayat or Gram Panchayat or any other local authority or a Co-operative Society or any Public Sector Undertaking under the control of Central Government or State Government;(3)If he has been convicted of an offence which involves moral turpitude;(4)If he has been convicted of an offence against women torture :Provided that where such case is pending in a Court against candidate, his appointment shall be kept pending till the final decision of the Court;(5)If he has more than one wife living, and in case of a female candidate, if one has married to a person having a wife living already;(6)If he has convicted of original offence punishable with simple, or rigorous imprisonment exceeding six months shall be presumed to be unsuitable for employment :Provided that if a person has been so convicted but has been let off with a warning and has not been sentenced to undergo any punishment, such conviction shall not be taken into account;(7)If he does not possess minimum prescribed qualification for the post;(8)If he is an employee of the Central Government or the State Government or any local authority or Central Government or State Government Undertaking or any Government aided body, unless he obtains no objection certificate of his employers and submits it alongwith his application.

11. Selection Committee.

- For direct recruitment to the Panchayat Contract Service, there shall be constituted a Selection Committee consisting of the following :-

(1) President of the Zila Panchayat	Chairman
(2) Two of the Chairperson of Standing Committee nominated by General Administration Committee	Member
(3) Any member of Panchayat who belongs to Scheduled Castes/Scheduled Tribes/Other Backward Class, nominated by General Administration Committee	Member
(4) An officer nominated by the Divisional Commissioner	Member
(5) Any officer not below the rank of Deputy Collector, nominated by Collector	Member
(6) One expert nominated by the General Administration Committee	Member
(7) District Head of the concerned Department	Member
(8) Chairperson of the concerned Standing Committee	Member
(9) Chief Executive Officer of the Zila Panchayat or an officer nominated by him	Member Secretary

12. Direct recruitment by written test and interview.

(1) Direct recruitment shall be made by written test and interview at such intervals, as the appointing authority may, from time to time, determine in consultation with General Administration Committee. (2) After scrutiny of the applications received, a list of eligible candidates for each category shall be prepared in order of the marks obtained in the qualifying examination prescribed for the post. (3) The number of candidates allowed to appear in written test shall not exceed ten times of the vacancies in each category. The candidates shall be considered for written test in the order in which their names appear in the list prepared in accordance with the provisions of above sub-rule (2). (4) The number of candidates allowed for interview shall not exceed three times of the number of vacancies in each category who may qualify in written examination according to the standard laid down by the Selection Committee. (5) Marks allotted for interview shall not exceed fifteen per cent of the minimum marks. (6) In interview, the suitability of the candidate shall be assessed by oral test having regard to their personality, general proficiency, professional knowledge, communication skills in local dialect, knowledge of local environment, general knowledge, general aptitude etc. (7) The written test shall be held by the Chief Executive Officer or any other officer nominated by the Chief Executive Officer under the direction and supervision of the Selection Committee.

13. Inviting Application for Direct Recruitment.

(1) Appointment by direct recruitment shall be made by inviting applications through advertisement in a daily news paper widely circulated in that area. The advertisement shall also specify the name of the post, qualifications required for the post, number of vacancies to be filled in, number of vacancies reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes and Other categories and particulars including pay scales, criteria fixed for such recruitment etc. (2) A copy of such advertisement shall be affixed on the notice board of the Panchayat Office and District Collectorate. (3) Such vacancies shall also be intimated to the local Employment Exchange.

14. Selection Committee's decision about the eligibility of candidate shall be final.

- The decision of the Selection Committee as to the eligibility or otherwise of a candidate for admission to examination shall be final and no candidates to whom a certificate of admission has not been issued by the Appointing Authority shall be admitted to appear in examination.

15. Disqualification for appointment.

- Any attempt on the part of a candidate or his relations or friends to enlist support directly or indirectly for his appointment to any post in Panchayat Contract Service, shall disqualify him for appointment for such a period as may be decided by the Selection Committee.

16. Appointment to Contract Service.

- All appointments under a contract for any special purpose or purposes (for a total period irrespective of breaks, not exceeding three years) after the commencement of these rules, shall be made by the appointing authority as shown in Schedule-V and no such appointment shall be made except after selection by one of the methods of recruitment specified in Rule 7.

17. Physical fitness certificate and production of evidence as to good character.

(1) The character of a candidate for recruitment to the Panchayat Contract Service shall be such as to render him suitable in all respects for employment in Panchayat Contract Service. The character verification of the candidates shall be made through District Police. The candidate shall have to suggest the names of two persons (not in relation to him who may have been known to him during the three years immediately preceding the date of application for such recruitment to act as reference. If it is brought to the notice of appointing authority about the character of the candidate is such as to render him unsuitable for appointment to Panchayat Contract Service, the appointing authority shall be competent to remove the name of such candidate from the select list. (2) Appointment to any post by direct recruitment shall be subject to the production of a medical certificate physical fitness in the form annexed issued by Civil Surgeon or District Medical Board duly constituted by the State Government, for this purpose.

18. Pay.

- The pay of a person to be appointed under a contract shall be as shown in Schedule-1.

19. Pension.

- No employee under contract shall be entitled to any pension.

20. Leave.

- Where a contract is for a period not exceeding one year, an employee under contract shall not be entitled to any kind of leave other, than leave on medical grounds, and where such contract is for a period exceeding one year but not exceeding three years such employee under contract shall be entitled to leave on average pay for fifteen days during the entire period of the contract ; Provided that a Chief Executive Officer may grant to an employee under contract, leave on medical grounds as follows :-(a) Leave on half average pay for a period not exceeding 15 days during a year, and (b) Leave without pay for a period not exceeding thirty days during a year. Note. - For the purposes of this rule a year means a period of 12 months beginning with the date and month of appointment of an employee under contract.

21. Agreement of contract.

- Every person to be appointed on contract under these rules, not being a part time employee shall be required to enter into an agreement with the Chief Executive Officer, Zila Panchayat in the form contained in Appendix-I to these Rules. The Terms & Condition of such contract shall not be altered by the Zila Panchayat unless the concurrence of the State Government thereto is first obtained.

22. Miscellaneous.

(1) Except as otherwise decided by a Zila Panchayat in any case every employee under contract shall as respect conduct, be governed by the rules applicable to regular employee of the Panchayat in such matters. (2) In respect of any matters for which special provision is not made by or under these rules, the condition of service of an employee under contract shall be governed by such rules and orders as may be specified by a Zila Panchayat with the approval of the State Government.

23. Control and Discipline.

- All the Panchayat contract employees of Indian System of Medicine and Homeopathy shall be under the administrative control of the Panchayat through its Chief Executive Officer.

24. Saving.

- Nothing in these rules shall affect reservation and other conditions required to be provided for the Scheduled Castes, Scheduled Tribes and Other Backward Classes in the orders issued by the State Government from time to time in this regard.

25. Repeal and Savings.

- All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed in respect of the matters covered by these rules : Provided that any order made or any action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules. Appendix I [See Rule 21] Form of Agreement This Agreement made the day of between Shri..... (hereinafter called "the Employee") of the part and the Chief Executive Officer of the Zila Panchayat for and on behalf of the Zila Panchayat. Where the Zila Panchayat has agreed to engage the employee as..... from the day of on the terms and condition hereinafter appearing. Now it is agreed hereby and between the parties as follows :-(1) The Zila Panchayat shall employ and the employee shall serve the Zila Panchayat as..... from the..... day of..... (2) The employee shall serve the Zila Panchayat for a period of years from the day of..... subject to earlier termination as hereinafter provided. (3) The employee will devote his whole time to the duties of the service and will not engage directly or indirectly in any trade, business or occupation on his own account and will not (Except in the case of accident or sickness certificate by the competent medical authority) absent himself from his duties without having first obtained permission from the Chief Executive Officer of the Zila

Panchayat.(4)The employee will not be transferred from his place of posting and he has to make his headquarters as place of posting.(5)This agreement may be at any time during the continuance thereof be terminated by either party giving to the other party at least one calendar month notice in writing to that effect and any such notice given by or on behalf of the Zila Panchayat shall be deemed to be sufficient if addressed to the employee and@1 sent by registered post to his last known place of residence :Provided however, the services of the employee may be terminated without notice and the employee shall be paid compensation at the rate of one month pay :Provided that if the agreement is terminated by the employee before the expiry of the contract period without giving the requisite one month notice he shall pay compensation to the Zila Panchayat at the rate of one month pay.(6)The services of the employee may at any time be disposed with without any notice if the employee shall be guilty of any personal misconduct or any wilful breach or neglect of the terms of this agreement or of his duties or any duties which may from time to time be assigned to him.(7)During the term of his employment the employee shall be paid by pay of remuneration for his services Rs.....(8)The employee shall not be entitled to any pension.(9)Notwithstanding anything contained in clause 5 of this agreement, it shall be lawful for the Zila Panchayat at any time during the existence of this agreement if satisfied on the report of a duly constituted advisory medical board that the employee is unfit, and is likely for a considerable period to continue to be unfit by reason of ill health, for the discharge of his duties, to determine his service under these presents and there upon his services shall be terminated after giving fifteen days notice to him. In the event of such termination the Zila Panchayat shall not be liable to pay an compensation to the employee for the unexpired period of the contract.(10)The employee shall, while travelling on duty, be entitled to travelling allowance and daily allowance at such rate as from time to time declared by the Zila Panchayat.(11)During the course of his employment the employee shall be allowed leave in accordance with the leave Rules prescribed in this behalf.In witness whereof the employee hath hereunto set his hand and Shri the Chief Executive Officer of the.....Zila Panchayat hath set his hand and the seal of the.....Zila Panchayat has been affixed hereto the day and year first above written.Signed by above named employeeShri.....In the presence of-

1.

2.

Signed, sealed byShri.....Chief Executive Officer of the Zila Panchayat.

I

[See Rule 6]

S. No.	Name of the post included in the Service	No. of Post*	Fixed emoluments
(1)	(2)	(3)	(4)
1.	Kanistha Chikitsak, Ayurved	-	5,000/- p.m.
2.	Kanistha Chikitsak, Homeopathy	-	5,000/- p.m.

3.	Ausadhi Samishrak, Ayurved	-	2,200/- p.m.
4.	Ausadhi Samishrak, Homeopathy	-	2,200/- p.m.
5.	Ausadhi Samishrak, Unani	-	2,200/- p.m.
6.	Panchayat Mahila Ayurved Swasthya Karmi	-	2,200/- p.m.
7.	Panchayat Ausadhalaya Karmi	-	1,800/- p.m.

*Note. - Number of sanctioned post and vacancies shall be communicated by the District Head of the Department.

II

[See Rule 9]

S.No.	Name of duty Post	Mini mum age limit	Upper age limit	Prescribed Educational Qualification and Experience	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1.	Kanistha Chikitsak, Ayurved	18 years	33 years	5 years degree in Ayurved from any recognised University, with Internship and registration with an Ayurvedic Board established by law.	
2.	Kanistha Chikitsak, Homeopathy	18 years	33 years	5 years degree or 4 years diploma from any University or Board or council recognised from C.C.H., with Internship and registration with an Homeopathic Board established by law.	
3.	Ausadhi Samishrak, Ayurved	18 years	33 years	Higher Secondary pass with Ayurved compounder training pass from Government Center or from Center recognised by State Government.	
4.	Ausadhi Samishrak, Homeopathy	18 years	33 years	Higher Secondary pass with Homeopathic Compounder training pass from Government Center or from Center recognised by State Government	
5.	Ausadhi Samishrak, Unani	18 years	33 years	Higher Secondary pass with Unani Compounder training pass from Government Center or from Center recognised by State Government.	
6.	Panchayat Mahila Ayurved Swasthya Karmi	18 years	33 years	Higher Secondary pass with Mahila Ayurved Swasthya Karyakart training of minimum one year pass from Government Center or from Center recognised by State Government.	
7.		18 years		Primary examination pass.	

[See Rule 6]

S. No.	Name of Panchayat	Name of Service and Post	Appointing Authority
(1)	(2)	(3)	4
1.	Zila Panchayat	1. Kanistha Chikitsak, Ayurved 2. Kanistha Chikitsak, Homeopathy 3. Ausadhi Samishrak, Ayurved 4. Ausadhi Samishrak, Homeopathy 5. Ausadhi Samishrak, Unani 6. Panchayat Mahiia Ayurved Swasthya Karmi 7. Panchayat Ausadhalaya Karmi	Chief Executive Officer, Zila Panchayat