

### **GRAMIN DAK SEVAKS (CONDUCT AND ENGAGEMENT) RULES, 2020**

In supersession of the Department of Posts, Gramin Dak Sevaks (Conduct and Engagement) Rules, 2011 except as respects things done or omitted to be done before such supersession, the following rules are issued under the authority of the Government of India.

#### **3.Definitions: -**

➤ **Gramin Dak Sevak**

S.No.	GDS Post	Description of Post
1	Branch Post Master (BPM)	GDS Working as Postmaster in Branch Office.
2.	Assistant Branch Post Master (ABPM)	GDS other than BPM and working in Branch Office are designated as ABPM
3.	Dak Sevak	GDS other than BPM/ABPM working in Head office, Sub office or RMS office

➤ **Members of Family:-**

- the wife, child or step child of such Sevak, whether residing with him or not, and in relation to a Sevak who is a woman, the husband residing with her and dependent on her and
- any other person related, whether by blood or by marriage to such Sevak or to such Sevak's wife or husband and wholly dependent on such Sevak, but does not, include a wife or husband legally separated from such Sevak or a child or step child who is no longer in any way dependent upon such Sevak or of whose custody the Sevak has been deprived by any law; only widow and dependent Daughter-in-law.

#### **3.A. Terms and Conditions of Engagement: -**

- A Sevak shall not be required to perform duty beyond a maximum period of 5 hours in a day
- A Sevak shall not be retained beyond 65 years of age. A Sevak shall have to give an undertaking that he has other sources of income besides the allowances paid or to be paid by the Government for adequate means of livelihood for himself and his family



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- A Sevak can be transferred from one postal unit to another in public interest/vigilance and administrative ground
- A Sevak shall be outside the Civil Service of the Union.
- A Sevak shall not claim to be at par with the Central Government employees
- Residence in post village /delivery jurisdiction of the Post Office within one month after selection but before engagement shall be mandatory for a Sevak; Failure to reside in place of duty for GDS BPM & within delivery jurisdiction of the Post Office for other categories of Gramin Dak Sevaks after engagement shall be treated as violative of conditions of engagement and liable for disciplinary action under Rule 10 of the Conduct & Engagement Rules,
- Post Office shall be located in the accommodation to be provided by Gramin Dak Sevak Branch Postmaster suitable for use as Post Office premises. However, where accommodation is provided for Post Offices by the Central/State Government/local Government/Village Panchayat etc. the same will be used for Post Office premises.
- Combination of duties of a Sevak shall be permissible.

### **3.B. Eligibility Criteria for Engagement to Gramin Dak Sevaks Posts:**

- **Age:** - The minimum and maximum age for the purpose of engagement to GDS posts shall be 18 and 40 years respectively as on the date of notification of the vacancy. Relaxation in upper age.

S.No.	Category	Permissible Age Relaxation
1	SC/ST	5 Years
2	OBC	3 Years
3	EWS	No relaxation
4	PwD/PH	10 Years
5	PwD/PH + SC/ST	15 Years
6	PwD/PH + OBC	13 Years

- the persons belonging to EWSs who are not covered under the scheme of reservation for SCs, STs and OBCs shall get 10% reservation in engagement to Gramin Dak Sevaks posts in the Department of Posts as prescribed in Directorate letter No 17-09/2019 dated 26.02.2019



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- All engaging authorities shall maintain the above age relaxation for persons with disability for all categories of GDS posts. This relaxation however is not applicable for persons with benchmark of disability "Blind", as in place of blind, candidate with low vision have been identified as prescribed in Directorate letter No. 17-8/2017-GDS dated. 26.02.2019

S.No.	Name of Post	Categories of Disability suitable for the post
1	BPM/ABPM/GDS	<p>(a) (LV) Low Vision  (b) D (Deaf), HH (Hard of Hearing)  (c) One Arm (OA), One Leg (OL), Leprosy cured,  Dwarfism, Acid Attack victim,  (d) Specific Learning disability</p> <p>Multiple disabilities from amongst disabilities mentioned at (a) to (d) above except Deaf and Blindness.</p>

- **Education Qualification:** -
  - Secondary School Examination Pass certificate of 10<sup>th</sup> Standard with passing marks in Mathematics and English as compulsory/elective subject conducted by a recognized board of Central/State/UT.
- **Compulsory knowledge of Local Language:** -
  - The candidate should have studied the local language at least up to 10th standard [as compulsory or elective subjects] as declared by the State Government or as per constitutional provisions relating to the 8th schedule of Constitution of India as prescribed by the Department from time to time.
- **Basic Computer Training**
  - "An undertaking has to be submitted by the candidate declaring that he/she has adequate knowledge to operate Computer desktop/laptop/PoS/mobile etc. to work on the Departmental software, (**vide No.17-02/2018-GDS dated 11.05.2022**)



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➤ **Adequate means of Livelihood:** -

- Selected candidate shall be required to comply with this prescribed condition within 30 days after selection but before engagement. The GDS will also have to ensure that he/she is having adequate additional means of livelihood during the period of engagement till his discharge.

➤ **Furnishing of Security:** - Deleted (vide No.17-02/2018-GDS dated 11.05.2022)

➤ **Method of Engagement:** -

**Exemption of fee for applying on GDS Posts**

- Male applicants belonging to the category UR/OBC/EWS have to pay a fee as Rs100/-. Payment of fee is exempted for all female candidates, all SC/ST candidates, all PwD candidates and Transwomen candidate.
- the work performed for IPPB will not be included in calculation of TRCA. Since the same is being done on incentive basis.

**8. Termination of Engagement:** -

- The engagement of a Sevak who has not already rendered more than **three years' continuous engagement** from the date of his/her engagement shall be liable to be terminated at any time by a notice in writing given either by the Sevak to the Engaging Authority, or by the Engaging Authority or any Authority to which the Engaging Authority is subordinate or any other Authority empowered in that behalf by the Government, by general or special order, to the Sevak
- The period of such notice shall be **one month** Provided that the engagement of any such Sevak may be terminated forthwith and on such termination, the Sevak shall be entitled to claim a sum equivalent to the amount of Basic Time Related Continuity Allowance plus Dearness Allowance as admissible for the period of the notice at the same rates at which /was drawing them immediately before the termination of his/her engagement, or, as the case may be, for the period by which such notice falls short of one month

NOTE. 1 : Where the intended effect of such termination has to be immediate, it should be mentioned that one month's Time Related Continuity Allowance plus Dearness Allowance as admissible is being remitted to the Sevak in lieu of notice of one month through money order



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NOTE -2 : When engagement of a GDS is terminated under this Rule, he/she shall not be eligible for GDS Gratuity and Severance amount etc.

**Rule-9 Nature of Penalties: -**

**1. Minor Penalties: -**

1. Censure
2. Debarring of a Sevak from appearing in the recruitment examination for the post of Multi-Tasking Staff and /or Postman and /or Mail Guard and/or from being considered for recruitment as Postal Assistant/Sorting Assistant for a period not exceeding 3 years.
3. Debarring of a Sevak from being considered for recruitment to Multi-Tasking Staff on the basis of selection-cum-seniority for a period not exceeding three years.
4. Recovery from Time Related Continuity Allowance (TRCA) of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders.
5. Withholding of annual increase in Time Related Continuity Allowance (TRCA) without cumulative effect for a period not exceeding three years

**2. Major Penalties: -**

6. Reduction to a lower stage in the TRCA slab for a specified period exceeding three years (not in nature of permanent measure) with further direction as to whether or not the Sevak will earn annual increase during the period of reduction and whether on expiry of such period, the reduction will or will not have the effect of postponing the future increase of his / her Time Related Continuity Allowance (TRCA)
7. Compulsory Discharge from engagement with monetary benefits (i.e. SDBS etc.) and GDS Gratuity proportionate to engagement period rendered by GDS.
8. Removal from engagement which shall not be a disqualification for future engagement
9. Dismissal from engagement, which shall ordinarily be a disqualification for future engagement.

**10-A Procedure for imposing Minor Penalty**

- (i) No order imposing any of the penalties specified in Clause (1) to (5) of Rule 9 shall be passed on a GDS except after: -



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- (a) The Sevak is informed in writing of the proposal to take action against him/her and of the allegation on which it is proposed to be taken and given an opportunity to make any representation he/she may wish to make and
- (b) such representation, if any, is taken into consideration by the engaging Authority.

#### **10-B Procedure for imposing Major Penalty**

- (i) No order imposing any of the penalties specified in clause (6) to (9) of Rule 9 shall be passed on a GDS except after: -
  - (a) The Sevak is informed in writing of the proposal to take action against him/her and of the allegation on which it is proposed to be taken and given an opportunity to make any representation he/she may wish to make and
  - (b) such representation, if any, is taken into consideration by the Engaging Authority

#### **10-C The record of Proceedings shall include: -**

- (i) A copy of the intimation to the Sevak of the proposal to take action against him/her
- (ii) a copy of the statement of allegations, along with a list of evidence in support thereof, communicated to him/her
- (iii) his/her representation, if any
- (iv) the records of the inquiry proceedings along with the inquiry report of the Engaging Authority or Inquiry Officer, if any, appointed in a case where
  - (v) a formal inquiry is necessary
  - (vi) the representation, if any of the Sevak on the Inquiry Officer's report.
  - (vii) findings of the Engaging Authority in respect of the allegations
  - (viii) the order imposing the penalty

**10-D** Inquiry has to be conducted even if the GDS accepts the charges in the cases where major penalty is to be imposed by Engaging Authority. The purpose of holding inquiry in such cases is primarily to give the GDS adequate opportunity to defend himself/herself. In case the charge is accepted by him/her unconditionally, there would obviously be no need for an inquiry for imposing major penalty



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**10-E.**

- Normally, there is no need for conduct of an inquiry for imposing minor penalty to GDS. However, where a minor penalty is to be imposed under Rule 10, it is up to the discretion of Disciplinary Authority to decide whether an inquiry should be held or not in case of a request by the delinquent GDS received by the Disciplinary/Engaging Authority.
- The implication of this rule is that, on receipt of representation of delinquent GDS concerned on the imputations of misconduct or misbehaviour communicated to him/her, the Disciplinary/Engaging Authority should apply its mind to all facts and circumstances and reasons urged in the representation for holding a detailed inquiry and form an opinion whether an inquiry is necessary or not.
- In a case where delinquent GDS has asked for inspection of certain documents and cross-examination of the prosecution witnesses, the Disciplinary/Engaging Authority should naturally apply its mind more closely to the request and should not reject the request solely on the ground that an inquiry is not mandatory.
- If the records indicate that, notwithstanding the points urged by the delinquent GDS, the Disciplinary/Engaging Authority could, after due consideration, come to the conclusion that an inquiry is not necessary, it should say so in writing indicating its reasons, instead of rejecting the request for holding inquiry summarily without any indication that it has applied its mind to the request, as such an action could be construed as denial of natural justice.

**10.F Procedure for imposing penalty after discharge: -**

- The departmental proceedings under rule 10, if instituted while a Sevak was in engagement shall after the discharge of the Sevak on attaining the age of sixty five years be deemed to be proceedings under that rule and shall be continued and concluded by the authority by which the proceedings were commenced in the same manner as if the Sevak had continued in engagement and in such case the function of the disciplinary authority shall be only to reach a finding on the charges and to submit a report recording its findings to the President and the final decision on such report shall be taken in the same manner as in the case of review petitions of the Sevaks addressed to the President and no appeal shall lie against such decision
- The President reserves to himself the right of withholding group insurance amount, security amount, post engagement benefits like ex gratia gratuity/ GDS Gratuity and severance amount



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of a Sevak, by ordering recovery from these amounts in case a Sevak is found guilty of grave misconduct or negligence during the period of his engagement

- o For the purpose of this rule, departmental proceedings shall be deemed to be instituted on the date on which statement of charge is issued to the Sevak or if Sevak had been put off duty, on the date on which he/she had been so put off.

#### **10-G. Procedure for disciplinary proceedings after discharge: -**

##### **1.**

- (a) The departmental proceedings under Rule 10, if not instituted and the GDS is discharged on attaining of age of 65 years and his/her terminal benefits have not been released on the ground that, departmental proceedings under Rule 10 were proposed to be instituted shall be instituted after the discharge of the Sevak on attaining the age of Sixty Five years and be deemed to be proceedings under that rule and shall be continued and concluded by the authority by which the proceedings were proposed to be instituted and in such case, the function of the Disciplinary Authority shall be only to reach a finding on the charges and to submit a report recording its findings to the President and the final decision on such report shall be taken in the same manner as in the case of review petitions of the Sevaks addressed to the President and no appeal shall lie against such decision.
- (b) Provided that departmental proceedings are not instituted while the GDS was in engagement, before his discharge : -
  - (i) Shall not be instituted save with the sanction of the President
  - (ii) Shall not be in respect of any event which took place more than four years before such institution, and
  - (iii) Shall be conducted by such authority and in such place as the President may direct and in accordance with the procedure applicable to departmental proceeding in which an order of dismissal from engagement could be made in relation to the GDS during his/her engagement.
- (c) The President reserves to himself/herself the right of withholding security amount, post-engagement benefits Like GDS gratuity and Severance Amount of a Sevak, by ordering recovery from these amounts in case a Sevak is found guilty of grave misconduct or negligence during the period of his/her engagement.



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## **2. For the purpose of this Rule:--**

- (i) Departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Gramin Dak Sevak or discharged Gramin Dak Sevak or if the Gramin Dak Sevak has been placed under Put Off Duty from an earlier date, on such date and
- (ii) Judicial proceedings shall be deemed to be instituted, -
  - (a) in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the magistrate takes cognizance is made and
  - (b) in the case of civil proceedings, on the date the plaint is presented in the court.

## **11. Provisions of Rule 10 shall not apply: -**

- (i) Where any penalty is imposed on a Sevak on the ground of conduct which has led to his/her conviction on a criminal charge or
- (ii) Where the Authority empowered to dismiss or remove a Sevak is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such enquiry or
- (iii) Where the President is satisfied that in the interest of the security of the State it is not expedient to follow the procedure prescribed in that rule and the Engaging Authority may consider the circumstances of the case and make such orders thereon as it deems fit.

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## **Rule.12 Put of Duty: -**

- The Engaging Authority or any authority to which the Engaging Authority is subordinate or any other authority empowered in that behalf by the Government, by general or special order, may put a Sevak off duty
  - Where a disciplinary proceeding against him/her is contemplated or is pending or
  - Where a case against him/her in respect of any criminal offence is under investigation, inquiry or trial:
- Provided that in cases involving fraud or embezzlement, the Sevak holding any post specified in the Schedule to these rules may be put off duty by the Inspector of Post Offices or the Assistant Superintendent of Post Offices of the Sub-Division, as the case may be, under immediate intimation to the Engaging Authority.



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- Where Inspector of Post Offices or the Assistant Superintendent of Post Offices of the Sub-Division is not the Engaging Authority, an order made by them shall cease to be effective on the expiry of 15 days from the date of such order unless earlier confirmed or cancelled by the Engaging Authority or the Authority to which the Engaging Authority is subordinate.
- A Sevak shall be entitled to an amount of compensation as ex-gratia payment equal to **25% of his/her Time Related Continuity Allowance (TRCA)** together with admissible Dearness Allowance per month for the period of put off duty.
- Provided that where the period of put of duty exceeds **90 days**, the Engaging Authority or the authority to which the Engaging Authority or any other authority empowered in this behalf, as the case may be, who made the order of put duty shall be competent to vary the amount of compensation for any period subsequent to the period of first 90 days.
- The amount of compensation as ex-gratia payment may be increased by a suitable amount, not exceeding 50% of such compensation admissible during the period of the first 90 days, if in the opinion of the said authority the period of put off duty has been prolonged, for reasons to be recorded in writing, not directly attributable to the Sevak
- The amount of compensation as ex-gratia payment may be reduced by a suitable amount not exceeding 50 % of such compensation admissible during the first 90 days, if in the opinion of the said authority, the period of put off duty has been prolonged due to reasons to be recorded in writing directly attributable to the Sevak.
- Provided that a Sevak who has been absconding or remains absent unauthorisedly and is subsequently put off duty shall not be entitled to any compensations as ex-gratia payment
- Provided further that in the event of departmental proceedings initiated against a GDS (who was placed under put off duty) for imposition of major penalty finally ends with the imposition of a minor penalty, the Sevak concerned should, be paid full Time Related Continuity Allowance and allowances for the period of put off duty.

### **13. Appeal: -**

- A Sevak may appeal against an order putting him/her off duty to the authority to which the authority passing the order regarding putting him/her off duty is immediately subordinate
- A Sevak may appeal against an order imposing on him/her any of the penalties specified in Rule 9 to the authority to which the authority imposing the penalty is immediately subordinate



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**14. Period of limitation for Appeal :-**

- No appeal shall be entertained unless it is submitted within a period of **three months** from the date on which the appellant receives a copy of the order appealed against, provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

**18. Consideration of Appeal: -**

The Appellate Authority shall consider,

- (a) whether the procedure specified in these rules has been complied with;
- (b) whether the findings are justified and
- (c) whether the penalty imposed is excessive, adequate or inadequate and passing orders,
  - (i) setting aside, reducing, confirming or enhancing the penalty
  - (ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case, provided that no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty

**19. Revisions: -**

- (i) Regional PMG, for those Gramin Dak Sevaks who work in region headed by PMG; and in the rest of the cases by the Head of the Circle Chief Postmaster General,
- (ii) Any other authority immediately superior to the authority passing the orders or
- (iii) Any other authority specified in this behalf by the Government by general or special order, and within such time as may be specified in that general or special order may, at any time, either on its own motion or otherwise call for records of any enquiry or disciplinary case and revise an order made under these rules, reopen the case and after making such enquiry as it considers necessary, may
  - (a) confirm, modify or set aside the order, or
  - (b) pass such orders as it deems fit "

Provided that no such case shall be reopened under this rule after the expiry of six months from the date of the order to be revised except by the Government or by the Head of Circle or

by the Postmaster-General (Region; and also before the expiry of the time limit of three months specified for preferring an appeal under Rule14.

**20 Review: -**

- The President may, at any time, either on his own motion or otherwise, review an order passed under these rules when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought to his notice

**GDS Conduct Rules**

**21. General**

- Every Sevak shall at all times: -
  - (i) maintain absolute integrity;
  - (ii) maintain devotion to duty and
  - (iii) do nothing which is unbecoming of a Sevak



**21-A. Promptness and Courtesy:-**

No Sevak Shall: -

- (i) in the performance of his/her official duties, act in a discourteous manner;
- (ii) in his/her official dealing with the public or otherwise adopt dilatory tactics or wilfully cause delay in disposal of the work assigned to him

**21-B. Prohibition of sexual harassment of working women: -**

**22. Taking part in Politics and Elections,**

**23. Strikes**

**24 Criticism of Government: -**

**25. Evidence before committee or any other Authority: -**

**26. Unauthorized communication of information**



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**27. Insolvency and habitual indebtedness'-**

**28.Vindication of acts and character of Sevak'-**

**29.Canvassing of non-official or other outside influence,**

**29-A Prohibition regarding engaging in any business detrimental to the business of the Post Office/IPPB,**

### **Competent Authority in context of GDS**

S/No.	Post	Engaging Authority	Disciplinary Authority	Appellate Authority	Revision Authority	Review Authority
1.	BPM	Divisional Head <u>(Gr."A"JTS/STS/ Gr. "B")</u>	Sub Divisional Head (For Minor Penalty, 1-5 of Rule 9)	Divisional Head <u>(Gr."A"JTS/STS/ Gr. "B")</u>	DPS	President
			Divisional Head <u>(Gr."A"JTS/STS/ Gr. "B")</u> (For Minor & Major penalty, 1 to 9 of Rule-9)	DPS	PMG/CPMG	President

S/No.	Post	Engaging Authority	Disciplinary Authority	Appellate Authority	Revision Authority	Review Authority
2.	ABPM	Sub-Divisional Head (ASP/IP)	Sub-Divisional Head (For Minor & Major Penalty, 1 to 9 of Rule-9)	Divisional Head <u>(Gr."A"JTS/STS/ Gr. "B")</u>	DPS	President
3.	Dak Sevak	Sr.PM- Gr- "B"/ASP/ASRM /IP/IRM	Sr.PM- <u>Gr."B"/ASP/ASRM/IP/IRM</u> (For Minor & Major)	Divisional Head <u>(Gr."A"JTS/STS/ Gr. "B")</u>	DPS	President



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