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PART- III

GOVERNMENT OF PUNJAB

**DEPARTMENT OF DEFENCE SERVICES WELFARE
(DEFENCE WELFARE BRANCH)**

Notification

The 30th April, 1986

No.G.S.R. 30/Const./Art/309/86.- In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules for regulating the recruitment, and the conditions of service of persons appointed to the Punjab District Sainik Welfare Officers (State Service Class I), namely :-

- 1. Short title and commencement.-** (1) These rules may be called the Punjab District Sainik Welfare Officers (State Service Class I), Rules, 1986.
 - (2) They shall come into force at once.
 - (3) They shall apply to all 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 as appointment made other side 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 Department of Defence Services Welfare.
- (d) "Service" means the Punjab District Sainik Welfare Officer (State Service Class -I) .

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 the

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 India 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 setting 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 given by the Department of Home Affairs, Punjab Government.

(2) A candidate in whose favour a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the commission or any other recruiting authority of the Government and he may also provisionally be appointed subject to the Government and he may also provisionally be appointed subject to the necessary certificate being given to him by the Department of Home Affairs, Punjab Government.

(3) No person shall be recruited to the Service by direct appointment unless he produce 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.

5. Disqualification.- No person,-

- (a) who has entered into or contracted a marriage with a person having a spouse living ; or
- (b) who having a 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 person and 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 twenty five years or more than fifty five years of age on the 1st January preceding the date fixed the receipt of applications or unless he is within such range of minimum and maximum age as may be specifically fixed by Government from time to time

Provided that the condition of upper age limit may be relaxed up to fifty six years in the case of those ex-Indian Commissioned Officers, who are recipients of gallantry awards of Vir Chakra series that is Param vir Chakra, Maha vir Chakra or Vir chakra.

7. Appointing Authority.-All appointments to the Service shall be made by the Government.

8. Method of appointment and qualifications.- (1) Appointment to the Service shall be made

- (i) by direct appointment or
- (ii) by transfer of an officer already in the Service of the Government of India or of a State Government.

(2) wherever any vacancy arises, the appointing authority shall determine the method by which the same is to be filled in.

(3) No person shall be appointed to the Service unless he --

- (a) is an ex-Indian commissioned Officer of the rank of Second lieutenant, Lieutenant, Captain or Major or an Officer of equivalent rank of the Indian Navy or the Indian air Force ;

Provided that the Government may, in exceptional circumstances and for reasons to be recorded in writing relax this condition :

Provide further that in case no suitable person as specified in this clause is available an Ex-Emergency Commissioned Officer of any of the ranks mentioned therein shall be eligible for appointment to the Service;

- (b) produces a dossier and recommendation certificate from the concerned Defence Services Head quarters, and
- (c) is a Matriculate of a recognized university or possesses equivalent qualifications.

Explanation.-- Indian Army, Air Force or Navy Special certificate of Education will be treated as equivalent to Matriculation Certificate.

9. Probation of persons appointed to Service.- Persons appointed to 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, after such appointment, spent on deputation on a corresponding or higher post shall count towards the period of probation ;
- (b) in the case of an appointment by transfer, any period of work in equivalent or higher rank prior to appointment to the Service may, in the discretion of the appointing , be allowed to count towards the period of probation ; and
- (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.

2. If, in the opinion of the appointing authority, the work or conduct of a person appointed to the Service 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 post on which he held lien prior to his appointment to the service by direct appointment ; and
- (b) if recruited otherwise,-
 - (i) revert him to his former post; or
 - (ii) deal with him in such other manner as the terms and conditions of his previous appointment permit.

3. On the completion of the period of probation of a person, the appointment authority may,-

- (a) if his work and conduct has, 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 satisfactory, if there is no permanent vacancy ; or
- (b) if his work or 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) extends his period of probation and thereafter such orders as it could have passed on the expiry of the period of probation as specified in sub-rule (2):

Provided that the total period of probation, including extension, if any shall not exceed three years.

10. Seniority of members of Service.- The seniority inter se of members in each cadre of the Service shall be determined by the length of continuous service on a post in that cadre of the Service:

Provided that in the case of members recruited by 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 or other recruiting authority of the Government, as the case be, 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 or other recruiting authority of the Government as the case may be, 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 by transfer. ;
- (b) in the case of members recruited by transfer, seniority shall be determined according to the seniority of such members in the appointments from which they were transferred, and
- (c) in the case of members recruited 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 by their length of service in those appointment; and if the length of service is also the same, an older man 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 members of 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 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 under the constitution of India.

14. 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, in respect of the members of the Service shall be the Government.

(3) The authority competent to pass an order of the nature specified in rule 15 of the Punjab Civil Services (punishment and Appeal) Rules , 1970 other than an order imposing any of the penalties mentioned in rule 5 of the aforesaid rules shall also be the Government.

15. 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.

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

17. Power to relax.-Where the Government is of the opinion that it is necessary or expedience 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 educational qualifications and experience unless it is otherwise provided in these rules, shall not be relaxed.

18. Interpretation.-If any question arises as to the interpretation of the rules, the Government shall decide the same.

19. Repeal and Saving.- The Punjab District Soldiers, Sailors and Airmen's Boards (State Service Class II) Service Rules, 1968 are hereby repealed:

Provided that any order issued or any action taken under the rules so repealed shall be deemed to have been issued or taken under the corresponding provisions of these rules.

Principal Secretary to Government of Punjab,
Department of Defence Services Welfare