No.: F.1(5) DOP/ A-II/88

Jaipur, Daded: 6-9-200

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Rajasthan hereby makes the following rules regulating the recruitment to posts in, and the conditions of service of persons appointed to the Rajasthan Tribal Area Development State and Subordinate Service, namely:

THE RAJASTHAN TRIBAL AREA DEVELOPMENT

STATE AND SUBORDINATE SERVICE

RULES, 2001

PART - I

GENIERAL

- 1 Short title and commencement: (1) These Rules may be called the Rajasthan Tribal Area Development State and Subordinate Service Rules, 2001.
 - (2) They shall come into force from the date of their publication in the Rajasthan Rajpatra.
- 2 Definitions: In these Rules unless the context otherwise requires:-
 - (a) "Appointing Authority" means the Government of Rajasthan in the case of State Service post and in case of Subordinate Service post the Commissioner, Tribal Area Development Department, Rajasthan;
 - (b) "Committee" means a Committee referred to in rule 27;
 - (c) "Commission" means the Rajasthan Public Services Commission;
 - (d) "Commissioner" means the Commissioner, Tribal Area Development Department, Rajasthan;
 - (e) "Direct' Recruitment" means recruitment made according to the procedure prescribed in Part IV of these Rules;
 - (f) "Government" means the Government of Rajasthan;
 - (g) "Member of Service" means a person appointed substantively to a post in the Service under the provisions of these Rules or Orders superseded by these Rules and includes a person placed on probation;
 - (h) "Schedule" means the Schedule appended to these Rules;
 - (i) "Service" means the Rajasthan Tribal Area Development State Service and the Rajasthan Tribal Area Development Subordinate Service, as the case may be;
 - (j) "Service" or "Experience" wherever prescribed in these Rules, as a condition for promotion from one service to another or within the service from one category to another or to senior post(s), in the case of a person holding a lower post eligible for promotion to higher post shall include the period for which the person has continuously worked on such lower post after regular selection in accordance with Rules promulgated under proviso to Article 309 of the constitution of India;

Note: Absence during service e.g. training, leave and deputation etc. which are treated as "duty" under the Rajasthan Service Rules, 1951 shall also be counted as service for computing experience or service required for promotion;

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(k) "Substantive Appointment " means an appointment made under the provisions of these Rules to a substantive vacancy after due selection by any of the methods of recruitment prescribed under these Rules and includes an appointment on probation or as a probationer followed by confirmation on the completion of the probationary period;

Note: Due selection by any of the method of recruitment prescribed under these Rules shall include recruitment either on initial constitution of services or in accordance with the provisions of any rules promulgated under the proviso to Article 309 of the Constitution of India, except an urgent/temporary appointment;

- (1) "State" means the State of Rajasthan; and
- (m) "Year" means the financial year beginning from 1st April and ending on 31st March.
- 3. Interpretation: Unless the context otherwise requires the Rajasthan General Clause Act, 1955 (Rajasthan Act No. VIII of 1955) shall apply for the interpretation of these Rules as it applies for the interpretation of any Rajasthan Act.

PART - III

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- 4. Commosition and Strength of the Service: (1) The nature of post(s)included in each category of Service shall be as specified in Col. 2 of Schedule I and Schedule II.
 - (2) The strength of the post in the Service shall be such as may be determined by the Government from time to time;

Provided that the Government may:-

- (a) create any post permanent or temporary from time to time, as may be considered necessary and it may abolish any such posts in the like manner without thereby entitling any person to any compensation; and
- (b) leave unfilled or hold in abeyance or abolish any post permanent or temporary from time to time, without thereby entitling any person to any compensation.
- 5. Constitution of the Service: The Service shall consist of:
 - (a) All persons holding substantively, the posts specified in Schedule I and II on the date of commencement of these Rules:
 - (b) All persons recruited to the post(s) included in the service before the commencement of these Rules; and
 - (c) All persons recruited by any of the methods laid down in rule 6 of these rules.

PART - IIII

Recruitment

- 6. <u>Method of Recruitment</u>:- (1) Recruitment to the post(s) in the Service after the commencement of these rules shall be made by following methods in proportion as indicated in Columns 3 and 4 of Scheduled I and II, as the case may be:-
 - (a) by direct recruitment in accordance with the procedure laid down in Part IV of these Rules; and
 - (b) by promotion in accordance with the procedure laid down in Part V of these Rules;

Provided that the persons not covered under rule 5, who were appointed to the posts enumerated in Schedule I and Schedule II on adhoc or officiating or urgent

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temporary basis and who have been continuously holding such post for atleast one year on date of commencement of these rule shall be screened by a communitiee referred to in rule 27 for adjudging their suitablity on the post held, if they possessed the requisite qualifications prescribed in these rules either for direct recruitment or for promotion or the prescribed qualifications on the basis of which such persons were selected for adhoc/officiating/ urgent temporary appointment. This provision shall be subject to the following conditions:-

- (a) A person appointed on adhoc/officiating/urgent temporary basis shall not be entitled to screening for a post higher than that to which he was initially appointed, if a person senior to him on a lower post who fulfilled the qualifications prescribed for the post was either not given such adhoc appointment or is not entitled to screening under this rules. Seniority for this purpose shall be determined according to the length of continuous service on the post.
- (b) The committee appointed under these rules for adjudging suitability by screening either as an excepition to general method of requirement or as initial constitution of service, may ex-gratia recommend, if any of the employees with more than three years of service on a post of which he is to be screened is not adjudged suitable and if thereafter has no right to be appointed on a lower post, or such lower post being offered to him by absorption and there upon such an empoyee shall be treated as surplus empoyee under the provisions of the Rajasthan Civil Services (Absorption of Surplus Personnel) Rules, 1969 and such an employee may be absorbed on the lower post on the recommendations of the committee subject to such conditions as may be laid down by it.

Note:- The provisions of screening under the above proviso has been intended to be the first step and after exhausting the vacancies required for screened persons irrespective of direct recruitment and promotion quota , the direct recruitment and promotion quota shall be applied.

(2) Recruitment to the service by the aforesaid method shall be made in such a manner that the persons appointed to the service by each method do not at any time exceed the percentage laid down in Schedule I and Schedule II, as the case may be, of the total cadre strength as sanctioned for each category from time to time.

Provided that if the Appointing Authority is satisfied in consultation with the Commission where necessary, that suitable persons are not available for appointment by either method of recruitment in a particular year, appointment by the other method in relaxation of the prescribed proportion may be made in the same manner as specified in these Rules;

- (3) Notwithstanding anything contained in these rules, the recuritment, appointment, promotion, seniroity and confirmation etc. of a person who joins the Army/Airforce/Navy during an emergency shall be regulated by such orders and instructions, as may be issued by Government, from time to time, provided that these are regulated mutatis mutandis according to the instructions issued on the subject by the Government of India.
- 6A. Compassionate Appointment of Dependents of the Deceased/Permanently incapacitated Armed Forces Service Personnel/Para-Military Personnel:
 - (1) Notwithstanding anything contained in these rules the Appointing Authority may filled the vacancies of the post(s) included in Schedule-II upto scale No.9 to be filled in by direct recruitment, by Appointing on compassionate ground one of the dependants of a member of Armed Forces/Para Military Forces belonging to the State who dies or becomes permanently incapacitated in the Border or the International Border or at the line of control.

Provided that in so far as appointment in the Service the dependants shall be considered for appointment to the lowest post, upto the scale No.9, at which direct recruitment is made, according to the qualifications possessed by the dependent.

- (2) Such dependants shall address an application for the purpose of the Zila Sainik Kalyan Adhikari in the case of Armed Force and the Officer Commanding the Para Military Unit for Para Military Forces duly verified by the Head of the Unit where the deceased/permanently incapacitated member of the Armed Forces/Para-Military Forces was serving at the time of death/becoming permanently incapacitated. The application shall be considered in relaxation of the normal recruitment rules subject to the condition that the dependent fulfills the academic qualifications and experience, and age limit prescribed for the post and is also otherwise qualified for Government Service.
- (3) The application of such dependent shall be forwarded to the District Collector concerned for suitable appointment according to the qualifications possessed by the dependent. In the event of non-availability of vacancy in the District concerned the application shall be sent to the Divisional Commissioner. The Divisional commissioner shall arranged appointment in any District under his Jurication.
- (4) The application shall contain the following information:-
 - 1. Name and designation of the deceased/permanently Incapacitated Armed Force/Para-Military Force Personnel;
 - 2. Unit in which he/she was working prior to death/becoming permanently incapacitated;
 - 3. The date and place of death with death certificate issued by the Authority competent to declare him a battle casually or becoming permanently incapacitated;
 - 4. Name, date of birth, educational qualification of the applicant and his/her relation with the deceased (with certificates).

Explanation: - For purpose of this rule-

- (a) 'Armed Force' means the Army, Navy and Air Force of the Union.
- (b) 'Dependent' shall mean spouse/son/adopted son, jummarried daughter/unmarried adopted daughter who were wholly dependent on the deceased/permanently incapacitated defence service personnel/para-military personnel.

Note: 'adopted son/daughter' means legally adopted son/daughter by the deceased/ permanently incapacitated person during his/her life.

- (c) 'Para-Military Forces' means the Border Security Force, Central Reserve Police Force, Indo-Tibetan Border Police and any other Para-Military Force, as may be notified by Central and State Government from time to time;
- (d) 'Permanently incapacitated' means a person who has suffered more than 80% permanent physical impairment or more than 75% permanent neurological impairment in operations rendering him/her unfit for any kind of employment in future.

Note:- Assessment of permanent impairment would be in accordance with the manual for Doctors to Evaluate permanent physical impairment (BGHS-WHO-AHMS, New Delhi, 1981) and certified by the Army Authorities and countersigned by Assistant Director, Medical Services, H.Q.61 (1) Sub-Area, Jaipur or certified by a Medical Board consisting of Head of Department of Orthopaedics, Head of Department of Physical Medicine and

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Rehabilitation and Head of Department of Forensic Science of a Medical College in Rajasthan.

7. Reservation of Vacancies for the Scheduled Castes and the Scheduled Hiribes:

(1) Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes shall be in accordance with the orders of the Govt. for such reservation in force at the time of recruitment i.e. by direct recruitment or by promotion.

(2) The vacancies so reserved for promotion shall be filled in by seniority-cum-merit and merit.

(3) In filling the vacancies so reserved the eligible candidate who are members of the Scheduled Cast and the Schuled Tribes, shall be consider for appointment in the order in which their names appear in the list prepared for direct recruitment by the Commission/Appointing Authority, as the case may be and the Departmental Promotion Committee/ Appointing Authority, as the case may be, in the case of promotics, irrespective of their relative rank as compared with other condidates.

(4) Appointment shall be made strictly in accordance with the rosters prescribed separately for direct recruitment and promotion. In the event of non-availability of the eligible and suitable candidates amongst the Scheduled Castes and the Scheduled Tribes. as the case may be, in a particular year, the vacancies of reserved for them shall be filled, in accordance with the normal procedure, and an equivalent number of additional vacancies shall be reserved in the subsequent year. Such of the vacancies which remain so unfilled shall be carried forward to the subsequent three recruitment years in total, and thereafter such reservation would lapse.

Provided that their shall be no carry forward of the vacancies in posts or class/category/group of posts of any cadre of Service to which promotion are made on the basis of merit alone under these Rules.

- 8. Reservation of Vacancies for Other Backward Classes: Reservation of vacancies for Other Backward Classes shall be in accordance with the orders of the Govt, for such reservation in force at the time of direct recruitment. In the event of non availability of eligible and suitable candidates amongst Other Backward Classes in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure and such vacancies shall not be carried forward to the subsequent year(s).
- 9. Reservation of vacancies for Woman Candidates: Reservation of vacancies for woman candidates shall be 30% categorywise, in direct recruitment. In the event of non availability of the eligible and suitable woman candidates in a particular year, the vacancies so reserved for them shall be filled up by male candidates and such vacancies shall not be carried forward to the subsequent year and the reservation shall be treated as horizontal reservation i.e. the reservation of woman candidates shall be adjusted proportionately in the respective category to which the woman candidate belongs.
- 10. Reservation of vacancies for Outstanding Sportspersons:—Reservation of vacancies for Outstanding Sportspersons shall be 2% of the total vacancies outside the perview of the Commission in that year, earmarked for the direct recruitment. In the event of nonavailability of the eligible and suitable sportspersons in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure and such vacancies shall not be carried forward to the subsequent year. The reservation for sports person shall be treated as horizontal reservation and it shall be adjusted in the respective category to which the sportspersons belong.

Explanation: "Outstanding Sportspersons" shall mean and include the sportspersons belonging to the State who have participated individually or in team in the Sports and Games recognised by the International Olympic Committee and Indian Olympic Association or in International Chairmanships in Badminton, Tennis, Chess and Cricket recognised by their

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respective National Level Association, Federation or Board, with the following descriptions for each class of the Civil Services.

Class of Service

Description

Subordinate Service Has represented India in Asian Games, Asian Championships, Common Wealth Games, World Championships, World University Games, World School Games, SAARC Games or Olympic Games where he (in an individual item) or his team (in a team event) has obtained f 1,2nd or 3rd position.

- 11. Nationality: A candidate for appointment to the service must be :-
 - (a) a citizen of India, or
 - (b) a subject 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, Srilanka and East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India.

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Govt. of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or other recruiting authority and he/she may also provisionally be appointed subject to the necessary certificate being given to him by the Govt. of India.

- 12. Conditions of eligibility of persons migrated from other countries to India: Notanything contained in these rules, provisions regarding eligibility for withstanding recruitment to the service with regard to nationality, age limit and fee or other concessions to a person who may migrate from other countries to India with the intention of permanently settling in India shall be regulated by such orders or instructions as may be issued by the State Government from time to time and the same shall be regulated mutates mutandis according to the instructions issued on the subject by the Govt. of India.
- Determination of vacancies:-(1) Subject to the provisions of these rules the Appointing Authority shall determine on 1st April every year, the actual number of vacancies occuring during the financial year.

Where a post is to be filled in by a single method as prescribed in the Schedule, the vacancies so determined shall be filled in by that method.

(3) Where a post is to be filled in by more than one method as prescribed in the Schedule, the apportionment of vacancies determined under sub-rule (1) above, to each such method shall be done maintaining the prescribed proportion for the over all number of posts already filled in. If any fraction of vacancies is left over after apportionment of the vacancies in the manner prescribed above, the same shall be apportioned to the quota of various methods prescribed in continuous cyclic order giving precedence to the promotion quota.

The Appointing Authority shall also determine the vacancies of earlier years, year wise which were required to be filled in by promotion, if such vacancies were not determined and filled earlier in the year in which they were required to be filled in.

14. Age:- A candidate for direct recruitment to the post(s) in the service must have attained the age of 21 years for State Service post(s) and 18 years for Subordinate Service post(s) and must not have attained the age of 33 years on the 1st day of January next following the last date fixed for receipt of applications.

Provided that :-

- (i) the upper age limit mentioned above shall be relaxed by 5 years in case of candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backword Classes;
- (ii) the upper age limit mentioned above shall not apply in the case of an ex-prisoner who had served under the Govternment on a substantive basis on any post before conviction and was eligible for appointment under these rules;
- (iii) In the case of other ex-prisoner, the upper age limit mentioned above shall be relaxed by a period equal to the term of imprisonment served by him provided he was not overage before his conviction and was eligible for appointment under these rules;
- (iv) the upper age limit mentioned above shall be relaxed by a period equal to the service rendered in the NCC in the case of Cadet Instructor and if the resultant age does not exceed the prescribed maximum age limit by more than three years, they shall be deemed to be within the prescribed age limit;
- (v) the upper age limit for persons serving in connection with the affairs of the State, Panchayat Samities and Zila Parishads and in the State Public Sector Undertaking/ Corporation in substantive capacity shall be 40 years;
- (vi) there shall be no upper age limit in the case of widows and divorce woman.

 Explanation: That in the case of widow, she will have to furnish a certificate of death of her husband from the competent authority and in case of divorcee, she will have to furnish the proof of divorce.
- (vii) the persons appointed temporarly to a post in the service shall be deem to be within the age limit had they being within the age limit when they were initially appointed even though they may have crossed the upper age limit when they appear finally before the Commission/Appointing Authority and shall be allowed up to two chances had they being eligible as such at the time of their initial appointment.
- (viii) the upper age limit mentioned above shall be relaxed by 10 years in case of woman candidates belonging to the Scheduled Castes, Scheduled Tribes and the Other Backward Classes and in case of woman candidates belonging to general category the upper age limit shall be relaxed by 5 years.
- 15. Academic and Technical Qualifications and Experience: A candidate for direct recruitment to the post(s) specified in Schedule I and Schedule II, as the case may be, shall possess:-
 - (1) The qualifications and experience as laid down in Column No. 5 of Schedule I and Schedule II, as they case may; and
 - (2) Working knowledge of Hindi written n Devnagri script and knowledge of Rajasthani Culture.

Provided that the person who has appeared or is appearing in the final year examination of the course, which is the requisite educational qualification for the post as mentioned in Schedule I and Schedule II, as the case may be, for direct recruitment shall be eligible to apply for the post but he/she shall have to submit proof of having acquired the requisite educational qualification to the appropriate selection agency before appearing in the written examination or interview where selection is made through only written examination or only interview.

16. Character: The character of a candidate for direct recruitment to the service must be such as will qualify him for employment in the service. He must produce a certificate of good character from the Principle Academic Officer of the University or College in which he was last educated and two such certificates written not more than six months

prior to the date of application from two responsible persons not connected with his College or University and not related to him.

- Note: (1) A conviction by a court of law need not of itself involve the refusal of a certificate of good character. The circumstances of the conviction should be taken into account and if they involve no moral turpitude or association with crimes or violence or with a movement which has as its object the overthrow the Government by violent means as by law established, the mere conviction need not be regarded as a disqualification.
 - (2) Ex-prisoners who by their disciplined life while in prison and by their subsequent good conduct have proved to be completely reformed should not be discriminated against on grounds of the previous conviction for the purposes of employment in the Service. Those who are convicted of offences not involving moral turpitude shall be deemed to have been completely reformed on the production of a report to that effect from the Superintendent, 'After Care Home' or if there are no such homes in a particular District, from the Superintendent of Police of that District.
 - (3) Those convicted of offences involving moral turpitude shall be required to produce a certificate from the Superintendent, 'After Care Home' or if there is no such home in a particular District, from the Superintendent of Police of that District, endorsed by the Inspector General of Prisons to the effect that they are suitable for employment as they have proved to be completely reformed by their disciplined life while in prison and by their subsequent good conduct in an 'After Care Home'.
- 17. Physical Fitness: A candidate for direct recruitment to the service, must be in good mental and bodily healthy and free from any mental and physical defect likely to interfere with the efficient performance of his duties as a member of service and if selected, must produce a certificate of Medical Fitness to that effect from a Medical Authority notified by the Government for the purpose. The Appointing Authority may dispense with production of such certificate in the case of candidate who is already serving in connection with the affairs of the State, if he has already being medically examined for the previous appointment and the essential standard of Medical examined of the two posts held by him are held to be comparable for efficient performance of duties of the new post and his age has not reduced his efficiency for the purpose.
- 18. Employment of irregular or improper means: A candidate who is or has been declared by the Commission/Appointing Authority guilty of impersonation or of submitting fabricated documents, which have been tampered with or of making statements, which are incorrect or false or of suppressing material information or using or attempting to use unfair means in the examination or interview or otherwise resorting to any other irregular or improper means for obtaining admission to the examination or appearance at any interview may, in addition to rendering himself liable to criminal prosecution, be debarred either permanently or for a specified period:
 - (a) by the Commission/Appointing Authority from admission to any examination or appearance at any interview held by the Commission/Appointing Authority for selection of candidates; and
 - (b) by the Government from employment under the Government.
- 19. Canvassing: No recommendation for direct recruitment either written or oral other than that required under the rules, shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his/her candidature by any means may disqualify him/her for recruitment.

PART-IV

Procedure for Direct Recruitment

20. Inviting of Applications: Applications for direct recruitment to the post(s) in the Service shall be invited by the Commission or the Appointing Authority, as the case may be, by advertising the vacancies to be filled in, in the Official Gazette or in such other manner as they may deem fit.

Provided that while selecting candidates for the vacancies so advertised the Commission or the Appointing Authority, as the case may be, may, if intimation of additional requirement not exceeding 50% of the advertised vacancies, is received by them/it before selection, also select suitable persons to meet such addition requirement.

- 21. Form of Application: The application shall be made in the form approved by the Commission or by the Appointing Authority, as the case may be, and obtainable from the Secretary to the Commission/Appointing Authority, as the case may be, on payment of such fee, as the Commission/Appointing Authority, may, from time to time fix.
- Application Fee: A candidate for direct recruitment to a post in the Service must pay to the Commission/Appointing Authority, as the case may be, such fees as are fixed by them/it, from time to time in such manner as may be indicated by them/it.
- 23. Scrutiny of Application: (1) The Commission/Appointing Authority, as the case may be, shall scrutinise the application received by them/it and require as many candidates qualified for appointment under these rules as seem to them desirable to appear before them/it for interview.
 - (2) Notwithstanding anything to the contrary contained in these rules selection for the post(s) in pay scale No. 1 to 6 (as amended from time to time) shall be made by a Committee consisting of the following:
 - (1) Head of the Department or his representative not below the rank of Regional Level Officer;
 - (2) District Collector or his representative;
 - (3) District Level Officer of the Department.

Explanation: "District Level Officer" means the officer declared as such by the District Collector or the Appointing Authority and "Regional Level Officer" means the officer declared as such by the Appointing Authority.

Provided that the decision of the Commission/Appointing Authority, as the case may be, regarding the eligibility or otherwise of a candidate shall be final.

- 24. Recommendations: (1) The Commission/Appointing Authority/Committee referred to in rule 23, as the case may be, shall prepare a list of the candidates whom they/it consider suitable for appointment to the post(s) concerned and arranged in the order of merit. The Commission/Committee referred to in rule 23, shall forward such list to the Appointing Authority.
 - (2) The Commission/Appointing Authority/Committee referred to in rule 23, as the case may be, may to the extent of 50% of the advertised vacancies, keep names of suitable candidates on the reserved list. The Commission/Committee referred to in rule 23, may on requisition, recommend the names of such candidates in the order of merit to the Appointing Authority within six months from the date on which the original list is

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25. Disqualification for Appointment:— (1) No male or female candidate who has more than one wife/husband living shall be eligible for appointment to the Service unless the Government after being satisfied that there are special grounds permissible under Personal Law for doing so, exempt any candidate from the operation of this rule.

(2) No married candidate shall be eligible for appointment to the Service if he/she had at the time of his/her marriage accepted any dowry.

Explanation := For the purpose of this rule, "dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (Central Act, 28 of 1961).

(3) No candidate(s) shall be eligible for appointment to the post(s) in the Service who has more than two children on or after 1-6-2002;

Provided that where a candidate has only one child from earlier delivery but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children.

26. Selection by the Appointing Authority: Subject to the provisions of rule 7,8,9 and 10 the Appointing Authority, shall select the candidates in the order of merit in the list prepared by the Commission/Appointing Authority/Committee referred to in rule 23, as the case may be, under rule 24.

Provided that inclusion of a candidate names in the list confers no right to appointment unless the Appointing Authority is satisfied after such enquiry as may be considered necessary that such candidate are suitable in all other respects for appointment to the post or post concerned.

PART-V

Procedure for Requirement by Promotion

- 27. Consitution of the Committee: The Constitution of the Comittee shall be as under:
 - (a) For post(s) falling within the purview of the Commission:

1.	Chairman of the Commission or a Member thereof nominated by him.	Chairman
2.	Secretary to the Government in the Department of Tribal Area Development.	Member
3.	Secretary to the Government in the Department of Personnel or his nominee not below the rank of Deputy Secretary to the Government in the Department of Personnel.	Member
4.	Commissioner.	Member- Secretary

(b) For post(s) falling outside the purview of the Commission:

1.	Commissioner.	Chairman
2.	Deputy Secretary to the Government, Tribal Area Development,	Member
	Department	1
3.	Deputy Secretary to the Government in the Department of	Member
	Personnel	_
4.	Addl. Commissioner, Tribal Area Development Department.	Member-
		Secretary

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- 28. Criteria, Eligibility and Procedure for Promotion: (1) As soon as the Appointing Authority determines the number of vacancies under rule 13 and decides that a certain number of posts are required to be filled in by promotion, it shall subject to the provisions of sub-rule (8), prepare a correct and complete list of the senior most persons who are eligible and qualified under these rules for promotion on the basis of seniority cum merit or on the basis of merit to the class of post concerned.
 - (2) The persons enumerated in column 6 of Scheduled I and Schedule II, as the case may be, shall be eligible for promotion to the post specified against them in column 2 thereof to the extent indicated in column 4 subject to their possessing minimum qualifications and experience on the first day of the month of April of the year of selection as specified in column 7.
 - (3) (I) No person shall be considered for first promotion in the service unless he is substantively appointed and confirmed on the lowest post in the Service. After first promotion in the service for subsequent promotion(s) to higher post(s) in the Service a person shall also be eligible if he has been appointed to such post from which promotion is to be made after selection in accordance with one of the method of recruitment prescribed under the provisions of these Rules.

Provided that for first promotion in the Service, if number of persons substantively appointed and confirmed on the lowest post, equal to the number of vacancies, are not available then persons who have been appointed to the lowest post in the service after selection in accordance with one of the methods of recruitment prescribed under these Rules, shall also be eligible if they fulfil other conditions of eligibility.

Explanation: In case direct recruitment to a post has been made earlier than regular selection by promotion in a particular year such of the persons who are or were eligible for appointment to that post by both the methods of recruitment and have been appointed by direct recruitment first, shall also be considered for promotion.

(II) No person(s) shall be consider for promotion for five recruitment years from the date on which his promotion becomes due, if he/she has more than two children on or after 1st June, 2002;

Provided that-

- (i) the person having more than two children shall not be deemed to be disqualified for promotion so long as the number of children he/she has on 1st June, 2002, does not increase;
- (ii) where a Government servant has only one child from earlier delivery but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children.
- (4) Selection for promotion in the regular line of promotion from the post(s) not included in the State Service to the lowest post or category of post in the State Service shall be made strictly on the basis of merit and on the basis of seniority-cum-merit in the proportion of 50:50.

Provided that if the Committee is satisfied that suitable persons are not available for selection by promotion strictly on the basis of merit in a particular year, selection by promotion on the basis of seniority cum merit may be made in the same manner as specified in these rules.

(5) Selection for promotion from the lowest post or category of post in the State Service to the next higher post or category of post in the State Service and for all of the posts in the Subordinate Service shall be made strictly on the basis of seniority-cum-merit.

(6) Selection for promotion to all other higher post(s) or higher categories of post(s) in the State Service shall be made on the basis of merit and on the basis of seniority-cum-merit in the proportion of 50:50.

Provided that if the Committee is satisfied that suitable persons are not available for selection by promotion strictly on the basis of merit in a particular year, selection by promotion on the basis of seniority-cum-merit may be made in the same manner as specified in these rules.

Explanation: If in the Service, in any category of post(s), number of post(s) available for promotion is an odd number then for purpose of determining the vacancies for selection by promotion on the basis of seniority cum merit and merit in the proportion of 50:50, the following cyclic order shall be followed:

The first vacancy by seniority-cum-merit;

The subsequent vacancy by merit;

The cycle to be repeated.

(7) (i) Selection for promotion to the highest post(s) in the State Service shall always be made on the basis of merit alone;

Provided that:

- (a) in the Service or Groups or Sections thereunder, where there are only two scales e.g. junior scale or senior scale and there is only one promotion then promotion shall be made on the basis of seniority-cum-merit alone:
- (b) in the service or group or section thereunder, where there are three scales e.g. junior scale, senior scale and selection scale and there are two promotions then promotion shall be as under.
 - (i) first promotion on the basis of seniority-cum-merit;
 - (ii), second promotion on the basis of seniority-cum-merit and merit in the proportion of 50:50.
- (c) in the service or groups or section thereunder, where there are more than two promotions then first promotion shall be made on the basis of seniority-cum-merit and promotions to subsequent higher post(s) shall be made on the basis of seniority-cum-merit and merit in the proportion of 50:50, except to the highest post;

Provided further that the Committee is satisfied that suitable persons are not available for selection by promotion to the highest post(s) strictly on the basis of merit in a particular year, selection by promotion to the highest post on the basis of seniority-cum-merit may be made in the same manner as specified in these rules.

Explanation: If any doubt arises about the categorisation of the post as the lowest, next higher or highest post in the Service, the matter shall be referred to the Government in the Department of Personnel whose decision thereon shall be final.

(8) The zone of consideration of persons eligible for promotion shall be as under:-

(i) Number of vacancies Number of eligible persons.

a) for one vacancy five eligible persons,

b) for two vacancies eight eligible persons,

c) for three vacancies ten eligible persons.

d) for four or more vacancies three times the number of vacancies

(ii) Where, the number of eligible persons for promotion to higher post is less than the number specified above, all the persons so eligible shall be considered.

- (iii) Where, adequate number of the candidates belonging to the Scheduled Castes or Scheduled Tribes, as the case may be, are not available within the zone of consideration specified above, the zone of consideration may be extended up to five times the number of vacancies and the candidates belonging to the scheduled castes or the scheduled Tribes, as the case may be, (and not any other) coming within the extended zone of consideration shall also be considered against the vacancies reserved for them.
- (iv) For the highest post in State Service:
 - (a) if promotion is from one category of post, eligible persons up to five in number shall be considered for promotion;
 - (b) if promotion is from different category of the posts in the same pay scale, eligible persons up to two in number from each category of posts in the same pay scale shall be considered for promotion;
 - (c) if promotion is from different categories of posts carrying different pay scales, cligible persons in the higher pay scale shall be considered for promotion first and if no suitable person is available for promotion on the basis of merit in the higher pay scale than only the eligible persons of other categories of posts in lower pay scales shall be considered for promotion and so on and so forth, the zone of consideration for eligibility in this case shall be limited to five senior most eligible persons in all.
- (9) Except as otherwise expressly provided in this rule, the conditions of eligibility for promotion, constitution of the Committee and procedure for selection shall be the same as prescribed elsewhere in these rules.
- (10) (a) The Committee shall consider the cases of all the senior most persons who are eligible and qualified for promotion to the class of post(s) concerned under these rules and shall prepare a list containing names of the persons found suitable on the basis of seniority-cum-merit and/ or on the basis of merit, as the case may be, as per the criteria for promotion laid down in these rules equal to the number of vacancies determined under rule 13 of these rules. The list so prepared on the basis of seniority-cum-merit and/or on the basis of merit, as the case may be, shall be arranged in the order of seniority of the category of post(s) from which selection is made.
 - (b) The Committee shall also prepare a separate list on the basis of seniority-cummerit and/or on the basis of merit, as the case may be, as per the criteria for promotion laid down in these rules, containing names of persons equal to the number of persons selected in the list prepared under (a) above, to fill temporary or permanent vacancies, which may occur subsequently. The list so prepared on the basis of seniority-cummerit and/or on the basis of merit, is to be arranged in the order of seniority in the category of posts from which selection shall be made. Such a list shall be reviewed and revised by the Committee that meets in the subsequent year and that such list shall remain in force till the end of the last day of the year for which the meeting of the Committee is held.
 - (c) Such lists shall be sent to the Appointing Authority together with Annual Confidential Report/Annual performance Appraisal Reports and other Service Record of all the candidates included in the lists as also of those not selected, if any.

Explanation: For the purpose of selection for promotion on the basis of merit no person shall be selected if he does not have "Outstanding" or "very Good" record in at least five out of the seven years preceding the year for which Committee is held

(11) If in any subsequent year, after promulgation of these rules vacancies relating to any earlier year are determined under sub-rule (4) of rule 13 of these Rules which were required to be filled in by promotion, the Committee shall consider the cases of all such persons who would have been eligible in the year to which the vacancies relate irrespective of the year in which the meeting of the Committee is held and such promotions shall be governed by the criteria and procedure for promotion as was applicable in the particular year to which the vacancies relate

and the Service/Experience of an incumbent who has been so promoted, for promotion to higher post for any period during which he has not actually performed the duties of the post to which he would have been promoted, shall be counted. The pay of a person who has been so promoted shall be re fixed at the pay which he would have derived at the time of his promotion but no arrears of pay shall be allowed to him.

- (12) The Appointing Authority may order for the review of the proceedings of the Committee held earlier on account of some mistake or error apparent on the face of record, or on account of a factual error substantially affecting the decision of the Committee or for any other sufficient reasons e.g. change in seniority, wrong determination of vacancies, judgement/direction of any Court or Tribunal, or where adverse entries in the Confidential Reports of an individual are expunged or turned down or a punishment inflicted on him is set aside or reduced. The concurrence of the Department of Personnel and the Commission (where Commission is associated) shall always be obtained before holding the meeting of the review Committee.
- (13) Where consultation with the Commission is necessary the lists prepared by the Committee shall be forwarded to the Commission by the Appointing Authority along with the personal files and Annual Confidential Rolls/Annual Performance Appraisal Reports of all the persons whose names have been considered by the Committee.
- (14) The Commission shall consider the lists prepared by the Committee along with other relevant documents received from the Appointing Authority and unless any change is considered necessary, shall approve the lists. In case the Commission consider it necessary, to make any change in the lists received from the Appointing Authority, it shall inform the Appointing Authority of the changes proposed by it. After taking into account the comments of the Commission, if any, the Appointing Authority may approve the lists finally with such modifications, as may in it's opinion, be just and proper and when the Appointing Authority is an authority subordinate to the Government, the lists approved by the Commission shall be disturbed only with the approval of the Government.
- (15) Appointments shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub rule (14) in the order in which they have been placed in the lists, till such lists are exhausted or reviewed and revised, as the case may be.
- (16) The Government may issue instructions for provisionally dealing with promotions, appointments or other ancillary matters in an equitable and fair manner of persons who may be under suspension, or against whom departmental process is under progress, at the time of promotions are considered to a post to which they are eligible or would have been eligible in absence of such suspension or tendency of enquiry or proceeding.
- 29. Restriction of Promotion of Persons Foregoing Promotions: In case a person, on his appointment by promotion to the next higher post either on the basis of urgent temporary appointment or on regular basis on the recommendation of the Committee, forgoes such an appointment through his written request, and if the concerned Appointing Authority accept his/her request, the person concerned shall be debarred from consideration for promotion (both on the basis of urgent, temporary appointment or on regular basis) for subsequent two recruitment years for which the Committee is held and the name of such person who forgoes promotion shall not be included in the seniority-cum-cligibility list to be placed before the Committee for subsequent two recruitment years.

PART - VI

Appointment. Probation and Confirmation

30. <u>Appointment to the Service</u>: Appointment to the posts in the Service by direct recruitment or by promotion, as the case may be, shall be made by the Appointing

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Authority on occurrence of substantive vacancies from the candidates selected under rule 26 in the order of merit and by promotion from the persons selected under rule 28.

31. Semiority: Seniority of persons appointed to the lowest post of the Service or lowest categories of post in each of the Group/Section of the Service, as the case my be, shall be determined from the date of confirmation of such persons to the said post but in respect of persons appointed by promotion to other higher post(s) in the Service or other higher categories of post(s) in each of the Group/Section in the Service, as the case may be, shall be determined from the date of their regular selection to such posts;

Provided that -

- (i) the interse seniority of persons appointed to a post in a particular category by direct recruitment on the basis of one and the same selection except those who do not join service when a post is offered to them within a period of six weeks Appointing Authority, shall follow the order in which their names have been placed in the list prepared under Rule 24;
- (ii) If two or more persons are appointed to the service during the same year a person appointed by promotion shall be senior to a person appointed by direct recruitment;
- (iii)the person selected and appointed as a result of a selection, which is not subject to review and revision, shall rank senior to the persons who are selected and appointed as result of subsequent selection.
- (iv) seniority interse of person selected on the basis of seniority-cum-merit and on the basis of merit in the same selection shall be same as in the next below grade.
- (v) If a candidate belonging to the SC/ST is promoted to an immediate higher post/grade against a reserved vacancy earlier then his senior General/OBC candidates who is promoted later to the said immediate higher post/grade, the General/OBC candidate will regain his seniority over such earlier promoted candidate of the SC/ST in the immediate higher post/grade.
- (vi) The persons adjudged suitable under proviso to sub-rule(1) of rule 6 shall rank enbloc junior to all the persons appointed regularly by direct recruitment upto the date of commencement of these Rules and their inter-se-seniority shall be determined by the Committee according to the length of continuous service in an ad-hoc officiating capacity or on urgent temporary basis.
- 32. Period of Probation: (1) All persons appointed to the Service by direct recruitment against a substantive vacancy shall be placed on probation for a period of two years and those appointed to the service by promotion against a substantive vacancy shall be placed on probation for a period of one year.

Provided that :

(i) such of them as have previous to their appointment by promotion or by direct recruitment against a substantive vacancy, officiated temporarily on the post which is followed by regular selection may be permitted by the Appointing Authority to count such officiating or temporary service towards the period of probation. This shall however not amount to involve super session of any senior person disturb the order of their preference in respective quota or reservation in recruitment.

(ii) Any period after such appointment during which a person has been on deputation on a corresponding or higher post shall count towards the period of probation.

(2) During the period of probation specified in sub-rule (1) above each probationer may be required to pass such Departmental Examination and to undergo such training as the Government may, from time to time specify.

Explanation: In case of a person who dies or is due to retire on attaining the age of superannuation the period of probation shall be reduced so as to end one day earlier on the date immediately preceding the date of his death or retirement from Government

Service. The condition of passing the Departmental Examination in the rule regarding confirmation shall be deemed to have been waived in case of death or retirement.

- 33. Confirmation in Certain Cases: (1) Notwithstanding anything to the contrary contained in the preceding rule a person appointed to a post in the Service temporarily or on officiating basis who, after regular recruitment by any one of the method of recruitment prescribed under these Rules has not been confirmed within a period of six months after satisfactory completion of the period of probation as prescribed in rule 32 shall be entitled to be treated as confirmed in accordance with his seniority, if:-
 - (i) he has worked on the post or higher post under the same Appointing Authority or would have so worked but for his deputation or training;
 - (ii) he fulfils conditions as are prescribed under rule relating to confirmation subject to the quota prescribed under these Rules; and
 - (iii) permanent vacancy is available in the Department.
 - (2) If an employee referred to in sub-rule (1) above, fails to fulfil the conditions mentioned in said sub-rule (1), the period mentioned in sub-rule (1) above, may be extended as prescribed for a probationer or under the Rajasthan Civil Services (Departmental Examination) Rules, 1959 and any other rules or by one year, whichever is longer. If the employee still fails to fulfil the conditions mentioned in sub-rule (1) above, he will be liable to be discharged or terminated from such post in the same manner as a probationer or reverted to his substantive or lower post, if any, to which he may be entitled.
 - (3) The employee referred to in sub-rule (1) above, shall not be debarred from confirmation after the said period of service if no reason to the contrary about the satisfactory performance of his work are communicated to him within the said period of service.
 - (4) The reasons for not confirming of any employee referred to in sub-rule (1) above, shall be recorded by the Appointing Authority in his Service Book and Annual Performance Appraisal Report.

Explanation: - (i) Regular recruitment for the purpose of this rule shall mean:

- (a) appointment by either method of recruitment or on initial constitution of Service in accordance with the rules made under the proviso to Article 309 of the Constitution of India;
- (b) appointment to the post for which no Service Rules exists, if the posts are within the purview of the Commission, recruitment in consultation with them;
- (c) appointment by transfer after regular recruitment where the rules specifically permit;
- (d) persons who have been made eligible for substantive appointment to a post under these rules shall be treated as having been regularly recruited, provided that it shall not include urgent temporary appointment or officiating promotion which is subject to review and revision.
- (ii) Persons who hold lien on another cadre shall be eligible to be confirmed under this rule and they will be eligible to exercise an option whether they do not select to be confirmed on the expiry of two years of their temporary appointment under this rule. In the absence of any option to the coritrary they shall be deemed to have exercise option in favour of confirmation under this rule and their lien on the previous post shall cease.
- 34. Unsatisfactory progress during probation: (1) If it appears to the Appointing Authority, at any time, during or at the end of the period of probation, that a member of the Service has not made sufficient use of the opportunities made available or that he has failed to give satisfactory performance, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment provided he holds a lien thereon in other cases may discharge or terminate him from Service.

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- (i) the Appointing Authority may, if it so thinks fit in any case or class or cases extend the period of probation of any member of Service by a specified period not exceeding two years in case of person appointed to a post in the Service by direct recruitment and one year in the case of person appointed by promotion to such post.
- (ii) the Appointing Authority may, if it so thinks fit in case of persons belonging to the Scheduled Castes and the Scheduled Tribes, as the case may be, extend the period of probation by a period not exceeding one year at a time and a total extension not exceeding three years.
- (2) Notwithstanding anything contained in sub-rule (1) above during the period of probation, if a probationer is placed under suspension or disciplinary proceedings are contemplated or started against him the period of his probation may be extended till such period as the Appointing Authority may thinks fit in the circumstances.

(3) A probationer reverted or discharged from service during or at the end of the period of probation under sub-rule (1), shall not be entitled to any compensation.

- 35. Confirmation: A person placed on probation under rule 32 shall be confirmed in his appointment at the end of his period of probation if:
 - (a) he has passed the Departmental Examination and has successfully undergone such training as is referred to sub-rule (2) of rule 32;
 - (b) he has passed a Departmental Test of proficiency in Hindi, and
 - (c) the Appointing Authority is satisfied that his integrity is unquestionable and that he is otherwise fit for confirmation.

PART: VIII - PAY

- 36. Scales of pay: The scale of monthly pay of a person appointed to a post in the Service shall be such as may be admissible under the Rules referred to in rule 38 or as may be sanctioned by the Government from time to time.
- 37. Increment during probation: A probationer shall draw increment in the scale of payadmissible to him during the period of probation with the provisions of Rajasthan Service Rule, 1951.
- 38. Regulation of Pay. Leave. Allowances. Pension etc: Except as provided in these Rules, the pay, allowances, pension, leave and other conditions of Service of a member of the Service shall be regulated by:-
 - (1) The Rajasthan Service Rules 1951, as amended from time to time;
 - (2) The Rajasthan Civil Services, (Classification, Control and Appeal) Rules 1958, as ammended from time to time;
 - (3) The Rajasthan Travelling Allowance Rules, 1971, as amended from time to time;
 - (4) The Rajasthan Civil Services (Conduct) Rules 1971, as amended from time to time;
 - (5) The Rajasthan Civil Services (Pension) Rules, 1996, as amended from time to time;
 - (6) The Rajasthan Civil Services (Revised Pay Scales) Rules, 1998, as amended from time to time;
 - (7) Any other rules prescribing general conditions of service made by the appropriate authority under the proviso to Article 309 of the Constitution of India and for the time being in force.
- 39. Removal of Doubts: If any doubt relating to the application, interpretation and scope of these rules, it shall be referred to the Government in the Department of Personnel, whose decision there on shall be final.
- 40. Repeal and Saving: All rules and order in relation to matters covered by these Rules in force immediately before the commencement of these Rules are hereby repealed:

Provided that any action taken under the Rules and Orders so superseded shall be deemed to have been taken under the provisions of these Rules.

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Government is satisfied that operation of the rules relating to age or regarding requirement of experience for recruitment causes undue hardship in any particular case or where the Government is of the opinion that it is necessary or expedient to relax any of the provision of these Rules with respect to age or experience of any person, it may with the concurrence of the Department of Personnel and in consultation with the Commission, where necessary, by order, dispense with or relax the relevant provisions of these Rules to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner, provided that such relaxation shall be less favourable than the provisions already contained in these Rules. Such cases of relaxation shall be referred to the Commission by the Administrative Department concerned.

"Provided that relaxation in the prescribed period of service or experience under this rule shall only be granted to the extent of 1/3 of the service or experience prescribed for promotion to any post before holding the meeting of the Departmental Promotion Committee.

SCHEDULE - I

STATE SERVICE POSTS

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By order and in the name of the Governor.