

DELHI AGRICULTURAL PRODUCE MARKETING COMMITTEE (SERVICE) REGULATIONS, 1978

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SCHEDULE 1 :- The Delhi Agricultural Market Committee (Service) Regulations, 1978

DELHI AGRICULTURAL PRODUCE MARKETING COMMITTEE (SERVICE) REGULATIONS, 1978

In exercise of the power conferred by clause (e) of sub-section (2) of section 44 of the Delhi Agricultural Produce Marketing (Regulation) Act, 1976 (No. 87 of 1976) and all other powers enabling it to do so, the Delhi Agricultural Marketing Board hereby makes the following regulations to provide for terms and conditions regarding lending of services of Secretary and salary and other conditions of service of other officers and servants of a Market Committee in the Union Territory of Delhi, namely :

1. Short title, commencement and application :-

(1) These regulations shall be called the Delhi Agricultural Market Committee (Service) Regulations, 1978.

(2) These shall come into force at once.

(3)

(a) These shall apply to

(i) all officers and servants who are appointed under the control of a Market Committee in the Union Territory of Delhi and whose pay and allowances are chargeable to the Market Fund under clause (e) of section 40;

(ii) a Government servant whose services are lent to a Market Committee;

(iii) an officer and servant of the Board whose services are lent to Market Committee.

(b) Save as otherwise provided nothing in these Regulations shall apply to

(i) a person who is not in whole-time employment of a Market Committee;

(ii) a person engaged on contract by a Market Committee;

(iii) a person engaged on daily wages in a Market Committee;

(iv) such other categories of persons employed in a Market Committee as may be specified by the Board.

2. Definitions. :-

In these regulations unless the context otherwise requires

(a) 'Act' means the Delhi Agricultural Produce Marketing (Regulation) Act, 1976 (No 87 of 1976).

(aa) 'Appointment' means the appointment to any post in a Market Committee by direct recruitment or by promotion or by transfer or on deputation or by absorption of an official on deputation;

(b) 'Article' means article of these regulations.

(C) 'Board' means the Delhi Agricultural Marketing Board constituted under Section 5.

(cc) 'Central Committee' means the Central Staff Selection

Committee constituted under regulation No 14A of these regulations.

(ccc) 'Chairman' means the Chairman of the Board nominated by the Administrator under section 5 of the Act.

(cccc) 'Chairman of the Committee' means the Chairman of a Market Committee nominated under sub-section (3) of section 9 of the Act and includes a functionary by whatever name called, appointed by the Administrator under clause (c) of sub-section (2) of section 48 of the Act for carrying out of the functions of the Market Committee;

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[(d) 'Direct Recruitment' means an appointment made otherwise than by promotion or by transfer or deputation].

(e) 'Government Rules' means the rules made under the provisions of Article 309 of the Constitution of India by the Central Government or by the Administration governing the terms and conditions of service of the employees of the Delhi Administration including all amendments and orders or instructions issued by the Central Government or by the Administrator thereunder or concerning them or the instructions issued by the Comptroller and Auditor General of India and any reference to any such rules in these Regulations shall include a reference to such amendments, orders and instructions.

(f) 'Market Committee' means a Committee constituted for a market area in the Union Territory of Delhi under section 8.

(g) 'Market Secretary' means a Secretary of a Market Committee as defined in clause(s) of Section 2.

(gg) Post includes a temporary or a permanent or a tenure post created in a Market Committee in connection with its affairs and the expenditure of which is chargeable to the Market Fund;

(ggg) 'Secretary' means the Secretary of the Board referred to in sub-section (5) and

(h) 'Section' means Section of the Act.

(i) 'Employee' means a person to whom the Regulations are made applicable under clause (a) of sub-article (3) of Article 1.

(ii) 'Vacancy' means a post in a Market Committee against which no appointment has been made and includes a post against which an appointment has been made without complying with the provisions of sub-section (2) of section 32 of the Act and the provisions of these Regulations.

All other terms and expressions used in these Regulations but not defined shall have the same meanings as are assigned to them in the Act, or the Rules made thereunder.

1. Substituted by Notification No. F. I(6)/78-DAMB dated 26-7-1979 published in Delhi Gazette, Extraordinary, Pt. IV, dated 26-7-1979.

3. Classification of Posts :-

Subject to such exceptions as the Board may, by general or special order make from time to time, all posts in a Market Committee to which an employee may be appointed shall be classified as under :

1. 'A' Grade a post carrying a pay of scale or pay with a maximum of not less than Rs.13007-
2. 'B' Grade a post carrying a pay or scale of pay with a maximum of not less than Rs. 900/- but less than Rs. 13007-
3. 'C' Grade a post carrying a pay or scale of pay with a maximum of over Rs. 2907- but less than Rs. 9007-
4. 'D' Grade a post carrying a pay or scale of pay the maximum of which is Rs. 2907- or less.

Explanation. For the purposes of this article

(i) 'Pay' shall have the meaning assigned to it in F.R.9(21) (a).

(ii) 'Scale of pay' means the scale prescribed under Government Rules called the Central Civil Services (Revised Pay) Rules, 1973.

4. Appointing Authority :-

Without prejudice to the provision of Section 32 of the Act, an appointment in a post (but excluding the post of a Market Secretary) shall be made by a Market Committee by

- (a) direct recruitment; or
- (b) promotion; or
- (c) transfer; or
- (d) transfer or deputation. in accordance with the provision of these

regulations.

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[Provided that no appointment to a post in Grade A shall be made unless the previous approval of the Administrator has been obtained.

1. Added by Notification No. F. 1 (6)/78-DAMB dated 26-7-1979 published in Delhi Gazette, Extraordinary, Pt. IV, dated 26-7-1979.

5. Sanction of appointment and creation of posts :-

(1) Subject to budget provisions appointment by a Market Committee shall be made as is required for the efficient management of its affairs with the previous approval of the Secretary of the Board.

(2) A post in a Market Committee shall be created in the scale of pay sanctioned for a corresponding post under Delhi Administration from time to time carrying the comparable duties and responsibilities.

(3) Whenever the scale of pay of the corresponding posts of the Delhi Administration undergo a change, the scale of pay of the posts in a Market Committee shall automatically stand changed subject to conditions, restrictions and provisions of rules governing such revisions of scales.

Explanation. A declaration as to the relative degree of duties and responsibility and work attached to a post in a Market Committee and the corresponding post under Delhi Administration shall be made by the Board for purposes of sanctioning a scale of pay for a post in a Market Committee.

(4) A post shall be created subject to budget provisions and availability of funds.

(5) When a post is required to be sanctioned in relaxation of the provisions of any of the foregoing sub-articles, the previous approval of the Secretary of the Board shall be obtained.

5A. Restriction on appointments :-

(1) Notwithstanding anything contained in these regulations, no appointment in a Market Committee shall be made otherwise than in accordance with the procedure specified in these regulations.

(2) No amount standing to the credit of the Market Fund shall be spent by a Market Committee for salary, pay and allowance, wages, pension and leave allowances, gratuity, compensation for injuries and contribution towards leave, allowances, pensions or Provident Fund of Officers and servants of a Market Committee or any fee or any other valuable consideration payable under any contract of service unless the appointments have been made in accordance with the provisions of the Act and these Regulations.

5B. Appointment of servants on daily wages or on contract basis :-

No person in a Market Committee shall be appointed as a part-time worker or on contract or on daily wages unless the previous approval of the Secretary as required under sub-section (2) of section 32 has been obtained in writing.

(6) All posts in a Market Committee shall be non-pensionable.

6. Application of Government Rules :-

1. All the Government Rules which are made applicable by these regulations to the employees shall apply with the following modifications, namely :

(a) The powers of the State Government or the Administrator or the Government shall vest in the Chairman of the Board.

(b) The powers of the Head of Department shall be exercised by a Market Committee.

(c) The powers of the Head of Office or of a Controlling Authority for purposes of T.A. claims shall be exercised by the Secretary of the Market Committee or such other officers as may be authorised by a Market Committee in writing.

2. The terms and conditions for which provision has not been specifically made in these regulations shall be regulated in accordance with the provisions of the Fundamental Rules and Supplementary Rules :

Provided that the provisions of Appendix 6 to the Supplementary Rules containing orders regarding compensatory (city) allowance and house rent allowance shall be applicable with the following modifications :

(i) Rate of H.R.A. shall be 30 per cent of the pay;

(ii) H.R.A. shall be admissible without reference to the quantum of rent paid to the employees drawing pay upto Rs.1000 per month.

7. Medical Attendance :-

Central Service (Medical Attendance) Rules, 1944 as amended from time to time shall be ipso facto applicable to the employees of the Market Committee :

Provided that for the purposes of medical treatment and attendance an employee shall remain under medical treatment and medical attendance at a dispensary, hospital, clinic or other institution or of a medical practitioner as may be specified by the Board from time to time :

Provided further that an employee may elect to claim reimbursement for expenses incurred by him on his own treatment or treatment of any member of his family at a flat rate of Rs. 20 per month without preferring any claim on the condition that he shall not be entitled to claim any other benefit which may be admissible under these rules and the option once exercised shall be final.

8. Temporary Employees :-

Temporary employees shall be governed by the provisions of the Government rules called The Central Civil Services(Temporary Service) Rules, 1965, as amended from time to time. Powers of the Administrator in the said Rules shall be exercisable by the Board.

9. Discipline and Penalties :-

All matters concerning discipline suspension, penalties and appeals in respect of an employee shall be regulated by Government Rules contained in Central Civil Services (Classification, Control and Appeal) Rules, 1965 as amended from time to time with the following modifications :

(a) Market Committee shall be the disciplinary authority to impose any penalty. However, the Secretary of a Market Committee shall be competent to impose a minor penalty.

(b) In case of an employee appointed on deputation or on transfer basis, no major penalty shall be imposed by the Market Committee but the enquiry report, and the recommendations of the Market Committee on such report shall be forwarded to the lending authority for such action as may be deemed fit by it.

(c) The powers of the appellate authority shall be exercised by the Secretary of the Board.

10. Conduct :-

The Government rules called the Central Civil Services(Conduct) Rules, 1964 as amended from time to time shall be applicable to the employees of a Market Committee with the following modifications :

(a) The Secretary of the Board shall exercise the powers of the competent authority or prescribed authority for purposes of property returns and information and granting permissions concerning acquisition of property by sale, gift or any other mode of transfer.

(b) Market Committee shall enforce the compliance with these rules.

11. Seniority :-

Inter-seniority of employees shall be determined in accordance with rules called the Delhi Administration (Seniority) Rules, 1965, as amended from time to time with the following modifications:

(a) 'Competent Authority' means the appointing authority.

(b) For the expression Class II, Class III and Class IV the expression 'Grade B, Grade C and Grade D' shall be respectively substituted.

(c) Power of the Administrator shall be exercised by the Chairman of the Board.

12. Provident Fund :-

(1) Each Market Committee shall establish 'Employees Provident Fund' (hereinafter referred to as the Provident Fund).

(2) The management of the provident fund shall vest in the Market Committee.

(3) The rules called the Contributory Provident Fund Rules, 1962 as amended from time to time shall mutatis mutandis apply to the provident fund established by a Market Committee particularly with the following modifications, namely :

(a) 'Accounts Officer' shall be the Market Secretary.

(b) 'Contribution by Government' shall mean the contribution by

the Market Committee establishing the provident fund.

(c) 'Government' shall mean the Market Committee establishing the provident fund.

(d) The authority competent to sanction advances or withdrawal shall be the Market Committee establishing the fund.

(e) Provisions of rule 19 to rule 32 (both inclusive) shall not be applicable to the provident fund.

13. Leave :-

The Rules called the Central Civil Services (Leave) Rules, 1972 as amended from time to time shall mutatis mutandis apply to the employees of a Market Committee with the following modifications, namely :

(a) Powers of the Administrator shall be exercised by the Board.

(b) Authority competent to sanction leave shall mean the Market Committee.

(c) Department of the Central Government shall mean the Market Committee.

14. Recruitment to the post under a Market Committee :-

(1) Posts specified in the Schedule shall comprise a separate unit of establishment of a Market Committee which defrays the expenditure of the posts from the Market Committee Fund. The qualifications, method of recruitment and other requirements shall be the same as are specified in the Schedule :

Provided nothing in this article shall affect the right of the authority competent to sanction a post on the establishment of a Market Committee to add or to reduce the number of such posts whether permanent or temporary with different designations and scales of pay :

Provided further that where a post is created subsequently and such post is likely to continue for a period of more than one year, the authority competent to create the post shall with previous approval of the Board and the Administrator prescribe the method of recruitment and qualifications and other requirements first before filling up of the post and in that event the post shall be added to the regular cadre of the Market Committees and the amendment of the Schedule shall be notified accordingly.

(2) All appointments shall be made initially on probation for a period herein specified, namely :

(a) By direct recruitment ...Two years.

(b) By promotion/transfer ...One year.

Provided that

(i) any period after such appointment spent on deputation on a corresponding or a higher post shall count towards the period of probation :

(ii) continuous services in an equivalent or higher scale under Government/Board or other Market Committee shall count towards the period of probation.

(3) If, in the opinion of the appointing authority the work or conduct of an employee during the period of probation is not satisfactory, it may extend the period for a period of one year, it may

(i) if such employee was appointed by direct recruitment, dispense with his service; or

(ii) if such employee was appointed otherwise than by direct recruitment, revert him to the former post :

Provided that where an appointment was made by transfers action under this sub-article shall be taken with the previous approval of the Board or, as the case may be, of the Secretary of the Board.

Explanation. For purposes of this article, it is provided for removal of doubts that if an employee successfully completes the period of probation including the extended period, he shall not be deemed to have been confirmed in the post until he is substantively appointed in a permanent post by order, in writing, of the appointing authority.

(4).

(5) All appointments shall be made strictly in accordance with the order of merit of the list communicated to the Market Committee by the Secretary.

(6) No person shall be appointed to the service of a Market Committee who :

- (a) is less than 18 years of age or more than 2[32] years of age;
- (b) is not a citizen of India;
- (c) is convicted of an offence involving moral turpitude;
- (d) is insane or of unsound mind;
- (e) if married has more than one living spouse;
- (f) who does not satisfy the appointing authority that his character and antecedents are such as justify him for employment in the service.

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(7).

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(10) The reservation and concessions as are in force from time to time in favour of the Scheduled Castes, Scheduled Tribes or other special categories of persons the filling up in vacancies in posts of services under the Central Government shall be applicable to in filling up of the vacancies in the posts or service in a Market Committee and all the provisions of the instructions, orders or directions issued by the Central Government in respect thereof from time to time and the procedure laid down for maintenance of roster of reserved posts and submission of statements shall, so far as may be, apply accordingly for the purpose of filling up the vacancies in the posts or services in a Market Committee.

(11) In case suitable Scheduled Castes/Scheduled Tribes candidates are not available to fill the vacancies reserved for them, such vacancies shall not be reserved except with the previous approval of the Administrator.

1. Omitted by *ibid*.

2. *Ibid*.

3. *Ibid*.

4. Substituted by Notification No. F.I(6)/78 DAMB dated 26.7.1979 published in Delhi Gazette, Extraordinary, Part IV, dated

26.7.1979.

14A. Constitution of the Central Staff Selection Committee

:-

(1) There shall be a Central Staff Selection Committee consisting of following five members :

(i) Chairman

(ii) Secretary

(iii) Chairman of the Market Committee concerned

(iv) Two members of the Board to be nominated by the Chairman one of whom shall belong to a Scheduled Caste/Tribe Members.

(2) The functions of the Central Committee shall be to make selection of candidates for appointment to any vacancy in a Market Committee.

(3) The Central Committee shall be competent to take aid and advice from any expert who may be associated in its deliberation under orders of the Chairman.

(4) If there happens to be no member in the Central Committee belonging to Scheduled Caste/Scheduled Tribe, the Chairman shall nominate a member on it from amongst the Officers of Delhi Administration belonging to Scheduled Caste or Scheduled Tribe.

14B. Procedure for filling up the vacancies in a Market Committee :-

Notwithstanding anything contained in these Regulations and without prejudice to the provisions of section 32 of the Act

(1) All vacancies in a Market Committee shall be filled up from the candidates nominated by the Central Committee which shall be binding on the Market Committee.

(2) All vacancies in a Market Committee shall be notified to the Secretary, who shall thereupon proceed to take action in the manner hereinafter specified.

(3) Where a post is required to be filled up under these regulations by direct recruitment :

(a) The post shall be duly advertised in a widely read newspaper in the Union Territory of Delhi and/or notified to the Employment

Exchange by the Secretary.

(b) The applications received in response to an advertisement and/or the list of candidates received from the Employment Exchange would be scrutinised by the Secretary and the list of eligible candidates shall be put up to the Central Staff Selection Committee.

(c) The Central Staff Selection Committee shall be competent to lay down criteria for scrutiny of applications and/or list of the candidates received from the Employment Exchange and also for the selection of the candidates by the Central Committee.

(d) The candidates may, if considered necessary by the Central Staff Selection Committee, be subject to a test before interview by the Central Staff Selection Committee.

(e) After the preparation of results of the interview, the recommendations of the Central Committee shall be finalised and authenticated by the Secretary.

(f) The name of the candidates on the select list shall be communicated in order of merit to the Market Committee in which the vacancy is to be filled up.

(4) Where a post is required to be filled up by promotion under these Regulations :

(a) The Market Committee shall forward to the Secretary

(i) the list of eligible officers;

(ii) latest inter se seniority list of the incumbents of the feeder posts; and

(iii) the upto-date dossiers of character roll of the eligible Officers.

(b) After scrutiny of the record of service of the eligible officers the Central Committee shall draw a list in order of merit of the officers not exceeding thrice the number of vacancies required to be filled up by promotion. The list shall be authenticated by the Secretary.

(c) The Secretary shall then communicate the recommendations to the Market Committee concerned.

(d) All the instructions, guidelines issued by the Government of India for making appointments promotion to the Central Services posts shall be followed by the Central Staff Selection Committee.

(5) Where the post is required to be filled up by transfer on deputation :

(a) The Market Committee shall notify the vacancy to the Secretary.

(b) On receipt of the intimation referred to in the foregoing clause, the Secretary shall proceed to obtain a panel of Officers from the department, institution, organisation from which the services of an Officer is to be borrowed together with the dossiers of character roll.

(c) Thereupon the Secretary shall place the panel officers together with the dossiers of character rolls before the Central Committee.

(d) After the selection has been made by the Central Committee and authenticated by the Secretary, the name of the officer selected shall be communicated to the Market Committee concerned.

(e) The Secretary shall finalise the terms and conditions of appointment of the officer taken on deputation and communicate the same to the Market Committee concerned.

15. Liveries or Uniform :-

Drivers or other grade "D" employees shall be supplied by every Market Committee liveries on the scale and subject to the conditions specified in the liveries rules applicable to the Drivers and Grade "D" employees of Delhi Administration.

16. Record of Service :-

(1) The Secretary of a Market Committee shall be responsible for keeping the record of service of the employee.

(2) The record of service referred to in the preceding sub-article shall include

(a) Service book in which every event in the service of an employee shall be recorded chronologically;

(b) annual confidential report on the work and conduct of the employee which shall be written by the reporting officer and countersigned by the reverse authorities to be specified by order in writing by the Secretary of the Board.

17. Terms and conditions of existing employees :-

Notwithstanding anything contained in these regulations

(1) The salary and other terms and conditions of an existing employee approved by the competent authority shall not be varied to his disadvantage :

Provided that every such employee shall be entitled to option for terms and conditions of service as contained in their regulations and the option once exercised shall be final.

(2) If any existing employee is not covered by the provisions of these regulations as to qualifications, age, mode of recruitment, he shall be deemed to have been appointed in relaxation of these provisions.

Explanation. For purpose of this regulation existing employee shall mean the employee validly appointed on replacement basis by a Market Committee immediately before the commencement of these regulations.

18. Powers to relax :-

Where a Market Committee is of opinion that it is necessary or expedient so to do, it may with the previous approval of the Board and the Administrator, relax any of the provisions of these regulations with respect to any class or category of persons or posts.

SCHEDULE 1

The Delhi Agricultural Market Committee (Service) Regulations, 1978

SCHEDULE 1			
Stating Power of Superintendence, Control and Direction Delegated to Various Authorities			
Serial No.	Reference to the section	Nature of Power	Authority to whom the powers under Col. 2 are delegated
1.	5(11)	To authorise other officials of the Board to exercise the powers under sub-section 11 of Section 5.	Secretary
2.	5(12)	Power to transfer the Secretary or any employees dealing in accounts from one Market Committee to another.	Secretary
3.	25(i)(ii)	To direct a Market Committee to provide facilities for marketing of agricultural produce.	Secretary

4.	36(2)	To make an order on appeal preferred under clause (a) of subsection (1) of section 36 as he may deem just and proper.	Chairman
5.	37(3)	Power to hear and to make order on the appeal preferred under sub-section (3) of section 37 as he may deem just and proper.	Appeal Sub-committee to be constituted by the Board.
6.	43	To authorise any officer by general or special order in this behalf. (a) To inspect the accounts and affairs of Market Committee. (b) To hold enquiry into the affairs of Market Committee. (c) To call for any return, statement or account or report which he may think fit to require to furnish. (d) To require a Market Committee to comply with the provisions of clauses (d) and (e) of section 43.	Secretary
7.	45	To issue order for authorising a person to seize and take possession of books, records and funds and property of a Market Committee.	Chairman