

## **Gujarat Civil Services (General Conditions Of Services) Rules, 2002**

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### **Gujarat Civil Services (General Conditions Of Services) Rules, 2002**

## **CHAPTER 1 GENERAL**

### **1. Short Title and Commencement :-**

(1) These rules may be called the "Gujarat Civil Services (General Conditions of Services) Rules" 2002.

(2) They shall come into force on and from the date of their publication in the Official Gazette.

### **2. Extent of application :-**

Except where it is otherwise expressly or impliedly provided, these rules shall apply to -

(a) all members of services and holders of posts whose conditions of service; the Government of Gujarat is competent to prescribe, and

(b) the person in respect of whose service conditions, pay and allowances and pension or any of them, special provision has been made under an agreement, in respect of any matter not covered by the provisions of such agreement.

### **3. Right to Interpret :-**

If any question relating to the interpretation of these rules arises, it shall be referred to the State Government in Finance Department whose decision thereon shall be final.

### **4. Power to Relax :-**

Where the Government is of opinion that the operation of any of these rules may cause undue hardship to any person or class of persons, it may, by written order, for reasons to be recorded in writing, relax the requirements of that rule 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 no such order shall be made except with the prior concurrence of the Finance Department.

### **5. Validity of terms of contract :-**

The terms and conditions of a specific contract enforceable at law entered into by the Government with any person relating to service shall prevail over the provisions of these rules.

### **6. Regulation of claims to pay, allowances, leave :-**

A Government employees claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned and claim to leave shall be regulated by the rules in force at the time the leave is applied for and granted, and which would have been admissible but for the introduction of such changes.

## **7. Exercise and delegation of powers :-**

(1) The nature of powers specified in column 3 of Appendix-I, annexed to these rules shall be exercised by the authority specified in Column- 4 to the extent specified in column 5 thereof.

(2) Subject to the provision of sub-rule (1), the powers under these rules shall not be exercised or delegated except in consultation with the Finance Department. Provided that the Finance Department may, by general or special order, specify the cases or class of cases in which it shall not be necessary to consult it.

## **8. Reasons for concessions to be communicated to Audit Officer :-**

When a competent authority, to whom the powers are delegated under Appendix-I other than the Government, communicates to the Audit Officer an order granting concessions under these rules to any Government employee in cases in which it is directed that the reasons therefore should be recorded, it shall at the same time forward to audit officer a copy of reasons.

## **CHAPTER 2 DEFINITIONS**

### **9. Unless the context otherwise requires :-**

(1) "Actual travelling expenses" means the actual cost of transporting a Government employee with his domestic employees and personal luggage, including charges for ferry and other tolls, if paid, and for carriage of camp equipment, if necessary and does not include charges for accommodation in hotels and travellers bungalows, or for refreshments, or for the carriage of stores or conveyances or for presents to drivers and like or any allowance for incidental losses or expenses such as the breakage of crockery, wear and tear of furniture, and the employment of additional domestic employees.

(2) "Allotment" means grant of licence to a Government employee

t o occupy a residential accommodation owned, leased or requisitioned by Government or a portion thereof for his use as residence.

(3) "Annexure" means annexure appended to these rules.

(4) "Appendix" means appendix appended to these rules.

(5) "Appointing Authority" means the authority which is competent t o make appointment to the service or post from which the Government employee seeks retirement.

(6) "Apprentice" means a person deputed for training in a trade or business with a view to employment in Government service, who is paid at monthly rates by Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(7) "Audit Officer" means an Accounts Officer or Audit Officer appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.

(8) "Cadre" means the strength of a service or a part of a service sanctioned as a separate unit.

(9) "Camp Equipage" means an apparatus for moving a camp.

Note : This definition distinctly shows that nothing is meant except moving apparatus or "carriage" which can only include baggage-camels, pack bullocks, carts, (together with the coolies who carry camp equipment and necessary bullocks, or horses etc.) drivers of the bullocks etc., coolies who carry camp equipments, and possibly employees employed as tent pitchers, but does not include private or extra employees.

(10) "Camp Equipment" means an apparatus for moving a camp and includes tents and the requisites for pitching and furnishing them, or, where tents are not carried, such articles of camp furniture as it may be necessary in the interests of public service for a Government employee to take with him on tour.

(11) "Class-IV service" means service performed by a Government employee on a post classified as Class-IV services and such other unclassified Non-gazetted posts the maximum of the scale of which does not exceed Rs. 4000/-.

Note : This service has been defined as Inferior Service under Clause (ii) of rule-2 of Gujarat Civil Services Classification and Recruitment (General) Rules, 1967.

(12) "Compensatory Allowance" means an allowance granted to meet personal expenditure necessitated by the special

circumstances in which duty is performed and includes travelling allowance.

(13) "Competent Authority" means in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.

(14) "Consolidated Fund of India or the State or the Union Territory" All revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of India" and all revenues received by the Government of a State/ Union Territory, all loans raised by that Government/Union Territory by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government/Union Territory in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of the State/Consolidated Fund of the Union Territory".

(15) "Constitution" means the Constitution of India.

(16) "Conveyance Allowance" means an allowance granted to a Government employee, whose pay has not been fixed with special reference to the expenditure likely to be incurred upon touring in the performance of his duties and whose duties involve an extraordinary amount of travelling within a limited area.

(17) "Date of first appointment" means the date on which the Government employee assumes the duties of his first post in Government service, or, if this be earlier, the date of his assumption of any duty which is treated as service counting for pension.

(18) "Daily Allowance" means an allowance granted to a Government employee for each day of his absence from headquarters, which is intended to cover the ordinary daily expenses incurred by a Government employee in consequence of such absence.

(19) "Day" means the period beginning from a midnight and ending with the next midnight.

(20) "Death-cum-Retirement Gratuity" means the gratuity payable under rule-81 of Gujarat Civil Services (Pension) Rules, 2002.

(21) "Director of Pension and Provident Fund" means the Director of Pension and Provident Fund or any other officer for the time being authorised to discharge the duties and functions of or on his behalf and it includes District Assistant Examiner in respect of the sanction of the retirement benefits to Class-IV employees.

(22) "Disbursing Authority for Pension" means (i) branch of a Nationalised Bank or (ii) treasury including sub-treasury, and pension payment office from where the retired Government employee is receiving pension authorised under the Gujarat Civil Services (Pension) Rules, 2002.

(23) "Duty" Duty includes -

(a) service as a probationer;

(b) joining time;

(c) a course of instructions or training authorised by or under the orders of Government;

Note 1 : The time reasonably required for the journeys between the place of training and the station from which a Government employee proceeds in order to undergo training, is part of the period of training.

Note 2 : The period spent by candidates at the Police Training College or School, for training and the interval between the satisfactory completion of the course and their assumption of duty should be regarded as duty for the purpose of this rule.

Note 3 : The period spent by candidates in the Prohibition and Excise Department for training and interval between the completion of the course and their assumption of duty, should be regarded as duty for the purpose of this rule.

Note 4 : When one or more holidays follow the period of training, the training period may be deemed to have been extended to cover such holidays.

(d) the period occupied -

(i) in appearing for a language examination prescribed by Government at which a Government employee has been granted permission to appear,

(ii) in attending an obligatory departmental examination,

(iii) in attending an examination which a Government employee must pass to become eligible for a higher post in any branch of the Public Service, including the time reasonably necessary for going to and from the place of examination.

This concession should not be allowed more than twice for each obligatory examination.

Note : If an examination is taken immediately before leave, the leave shall be held to have commenced from the date following that of the completion of the examination. In cases where an examination is taken in interruption of leave or immediately after leave, the time occupied in appearing for the examination, including the time necessary for going to and from the place of examination, shall be

treated not as duty but as leave.

(e) The period for which a Government employee is required to wait compulsorily until receipt of his posting orders in the cases mentioned below :-

(i) whose orders of transfer are held in abeyance, cancelled or modified while in transit, or

(ii) who, on return from leave or deputation or on abolition of the post held by him, has to await receipt of posting orders, or

(iii) who, on arrival at the headquarters of the post to which he is posted is not in a position to take charge of the post from the Government employee to be relieved.

The period availed of to resume duties after the receipt of posting orders shall not exceed the joining time admissible under the rules and shall be treated as continuation of the period of compulsory waiting.

(f) the period intervening between the date on which a Government employee is engaged temporarily for special or other duty and the date on which he takes over charge, provided the period does not exceed the joining time that would be permissible to a Government employee entitled to joining time.

(g) the period spent by Government employee on training mentioned below :-

(i) annual training courses of instruction or military service in accordance with the regulations framed under Territorial Army Act, 1948.

(ii) On Home Guard training or Home Guard duties with permission of the Head of office.

(iii) in training or in the camp in accordance with the rules of the National Cadet Corps and also such period of the vacations as are spent by National Cadet Corps Officers (Senior Division) who are Government employees holding officiating charge of units during the absence of regular Commanding Officers.

(iv) training at a Boy Scouts camp; Note : No travelling or halting allowance shall be admissible in respect of this duty.

(h) the period spent by a Government employee where he is summoned by Court of Law whether criminal or civil or by a court of martial or by a authority constituted under any law, to give evidence regarding facts which came to his knowledge in the discharge of his public duties or to produce official documents in a civil suit.

(i) the period spent by a Government employee in connection with work on the various University bodies in the Gujarat State -



- (a) as representatives of Government or ex-officio,
- (b) by virtue of his official position such as Principal of a College, and
- (c) for attending the meeting of a Board of Studies.

(24) "Emoluments" means -

(i) Pay,

(ii) payments from the Consolidated Fund of India or of the State or of the Union Territory and only that portion of the fees received by a Government employee which he is allowed to retain under the rules, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowance as part of the authorised remuneration of a post.

(iii) compensatory allowances other than travelling allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery whether drawn from the Consolidated Fund of India or of the State, or of the Union Territory.

(iv) Pension and pension equivalent of death-cum-retirement gratuity except the following :-

(a) wound or injury pension and Family Pensions drawn under the provisions of Gujarat Civil Services (Pension) Rules, 2002.

(b) compensation received under the Workmens Compensation Act, 1923.

Note : The word "Pension" means the full sanctioned pension prior to commutation.

(v) in the case of a Government employee under suspension and in receipt of a subsistence allowance, the amount of the subsistence allowance Provided that, if such Government employee is subsequently allowed to draw pay for a period of suspension, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of the emoluments ultimately drawn shall be recovered from him: Provided further that if such Government employee is subsequently reinstated and the period of suspension is treated as leave, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of emoluments defined in Note-2 below shall be recovered from him.

Note 1 : Allowances attached to the Presidents Police and Fire Services Medal, the Police Medal, or the Indian Order of Merit, Param Vir Chakra, Maha Vir Chakra, VIr Chakraare not included in the emoluments.

Note 2 : The emoluments of a Government employee on leave

mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

(25) "Executive Engineer" means an officer appointed as such and incharge of the different types of Government residential accommodation and includes any other officer to whom the powers are delegated by the Government in respect of Gujarat Civil Services (Occupation of Residential Accommodation) Rules, 2002.

(26) "Family" means a Government employees wife or husband, as the case may be, residing with the Government employee and legitimate children and step-children residing with and wholly dependent upon the Government employee. It includes, in addition, parents, sisters and minor brothers if residing with and wholly dependent upon the Government employee.

Note 1 : Not more than one wife is included in the term "family" for the purpose of these rules.

Note 2 : An adopted child shall be considered to be legitimate child if, under the personal law of the Government employee, adoption is legally recognised as conferring on it the status of a natural child.

Note 3 : A legitimate child or step child/parent/sister/minor brother who resides with the Government employee and whose income from all sources including pension (inclusive of temporary increase in pension) does not exceed Rs. 500 p.m. may be deemed to be "wholly dependent" upon the Government employee.

(27) "Fee" means a recurring or non-recurring payment to a Government employee from a source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory, whether made directly to the Government employee or indirectly through the intermediary of Government, but does not include -

(i) unearned income such as income from property, dividends, and interest on securities; and

(ii) income from literary, cultural, or artistic, scientific or technological efforts if such efforts are not aided by the knowledge acquired by the Government employee in the course of his service.

Note 1 : The above definition is not applicable to the fees payable from the Consolidated Fund under the Gujarat Law Officers (Appointment and Condition of Services) Rules, 1965.

Note 2 : When a Government Department undertakes the work for a non- Government organisation and, in its turn, assign the work to its official, suited for the purpose, the payment therefore is made to the Department in the first instance and forms a part of the revenue of Government. The subsequent payments to the official

concerned are, therefore, payments from the Consolidated Funds of Government and should accordingly be classed as honorarium.

(28) "First Appointment" means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.

(29) "Flat Rate Rent" means a monthly rate of flat rate rent to be recovered from a Government employee for the authorised occupation of Government residential accommodation. The rates for the same shall be as laid down in rule-18 the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rules, 2002 as amended from time to time.

(30) "Foreign Service" means service in which a Government employee receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a State, or of a Union Territory.

(31) "Form" means a form appended to these rules.

(32) "Gazetted Government employee" is one who is a member of an All India Service or State Service or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are Gazetted by Heads of Departments and who are Non- gazetted Government employees. Notifications investing Government employees with powers under different Acts, in order that the Courts may take judicial cognisance of them, do not constitute the persons invested with such powers as Gazetted Government employees within the meaning of this sub rule.

Provided that in respect of any category of Government employees in whose case the conditions of this clause have not been fulfilled, Government may by order treat them as Gazetted Government employees for the purposes stated in the said order. Exception : Officers whose appointments to Class II services or posts are made by the Heads of Departments or Heads of Offices subordinate to them and are not published in the Gazette should be treated as Gazetted Government employees.

(33) "Government" unless the context otherwise requires in respect of anything done or to be done after the commencement of the Constitution, shall mean the Government of Gujarat.

(34) "Head of Departments" this term includes the officers from Appendix-II who have been declared as such or any others officers whom Government may from time to time declare to be Heads of Department.

- (35) "Head of Office" means a Gazetted officer declared as such by Government and includes such other authority or person whom the competent authority may by order, specify as Head of Office.
- (36) "Head-Quarters" means the station which has been or may be declared to be the headquarters of a Government employee by the appointing authority or a competent authority, or in the absence of such declaration the station where the records of his office are generally kept.
- (37) "Holiday" means -
- (a) a holiday declared or notified under Negotiable Instruments Act, 1881; and
  - (b) in relation to any particular office, a day on which such office is ordered by Government, or by a duly constituted authority, by notification in the Gazette or otherwise, to be closed for the transaction of Government business without reserve or qualification.
- (38) "Honorarium" means a recurring or non-recurring payment sanctioned to a Government employee from the Consolidated Fund of India or the Consolidated Fund of the State or of a Union Territory as remuneration for special work of an occasional character.
- (39) "House Rent Allowance" means a monthly allowance towards defraying house rent granted to a Government employee in locations where such rents are high or granted in lieu of free residential accommodation.
- (40) "Joining Time" means the time allowed to a Government employee to join a new post or to travel to or from a station to which he is posted.
- (41) "Leave" means permission to remain absent from duty granted by a competent authority under the Gujarat Civil Services (Leave) Rules, 2002.
- (42) "Leave Salary" means the monthly amount paid by Government to a Government employee on leave.
- (43) "Lien" means the title of a Government employee to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.
- (44) "Local Allowance" is an allowance granted on account of the expensiveness or unhealthiness of an area. It is admissible to Government employees who have their headquarters within the area for which it is sanctioned and not to Government employees merely travelling in that area.

(45) "Medical Authority" means Civil Surgeon/Superintendent of Civil Hospital or as the case may be the Medical Board.

(46) "Medical Board" means a board constituted under Rule 13 of Gujarat Civil Services (General Condition of Services) Rules, 2002.

(47) "Mileage Allowance" means an allowance calculated on the distance travelled and given to a Government employee to meet the cost of a particular journey. It can be drawn in the form of rail fare, bus or road mileage of the journey performed by road.

(48) "Ministerial employee" means a Government employee of Class III services, whose duties are entirely clerical and any other class of employees specially declared as such by Government.

(49) "Minor" means a person who has not completed the age of eighteen years.

(50) "Month" means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and thereafter the odd number of days should be calculated subsequently.

Instruction : Calculations of period expressed in terms of months and days shall be made as under :-

(a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted :-

Y. M. D. 25th January to 31st January 0 0 07 February to April 0 3 00 1st May to 13th May 0 0 13 Total 0 3 2 0

(b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days as indicated below :-

Y. M. D. 30th January to 31 January 0 0 2 February 0 1 0 1st March to 2nd March 0 0 2 Total 0 1 4

(51) "Non-Official Member" means any person other than a Government employee who is required to attend a meeting or conference of a Commission of Inquiry or of a Board or of a Corporation or Committee or is required to perform any public duties in an honorary capacity.

(52) "Officiate" means Government employee who officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority, may if it thinks fit, appoint a Government employee to officiate in a vacant post on which no other Government employee holds a lien.

(53) "Pay" means the basic pay in the revised scales of pay prescribed under the Gujarat Civil Services (Revision of Pay) Rules, 1998 and includes stagnation increments.

(54) "Permanent Travelling Allowance" means a monthly travelling allowance granted by Government to a Government employee whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of travelling allowance for journeys within the Government employees sphere of duty and is drawn all the year round whether the Government employee is absent from his headquarters or not.

(55) "Pension" means any class of service pension including compensation pension referred to in rule 44 of Gujarat Civil Services (Pension) Rules, 2002 and gratuity but does not include temporary increase/dearness relief, granted by Government to a pensioner as compensation for higher cost of living.

(56) "Pensionable Pay" means the average pay earned by a Government employee during the last ten months service as per provisions contained in rule 43 of the Gujarat Civil Service (Pension) Rules, 2002.

(57) "Pensioner" means a retired Government employee who has been granted pension.

(58) "Pension Payment Office" means an office declared as such for making payment to the pensioners and includes treasury and sub-treasuries.

(59) "Pension Payment Order" means an order in a form approved by Government for sanctioning the payment of pension, to be issued by the Director of Pension and Provident Fund.

(60) "Pension Sanctioning Authority" means a competent authority of the Government to whom the powers to sanction pension have been delegated.

(61) "Permanent Post" means a post carrying a definite rate of pay sanctioned without limit of time.

(62) "Pay and Accounts Officer" means the officer entrusted with pay and accounts functions of State transactions arising in Ahmedabad and Gandhinagar.

(63) "Personal Pay" means additional pay granted to a Government employee -

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations.

(64) "Presumptive Pay" of a post, when used with reference to any particular Government employee, means the pay to which he would be entitled if he held the post substantively and was performing its

duties; but it does not include special pay unless the Government employee performs or discharges the work or responsibility, in consideration of which special pay was sanctioned.

(65) "Probationer" means a Government employee on probation in or against a substantive or temporary vacancy in the cadre of a department.

Note 1 : No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment.

Note 2 : A Government employee (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be treated for all purposes as a temporary Government employee.

Note 3 : The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

(66) "Public Account of India or the State" means all other public moneys excluding those referred to in sub-rule (14) received by or on behalf of the Government of India or the Government of a State.

(67) "Public Conveyance" means a train, steamer, aircraft or other conveyance which plies regularly, though not necessarily at fixed intervals, a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of the passengers.

(68) "Qualifying Service" means service rendered while on duty or otherwise which may be taken in account for the purpose of pension and gratuity admissible under Gujarat Civil Services (Pension) Rules.

(69) "Registered Medical Practitioner" means a medical practitioner registered under the Gujarat Medical Council Act, 1967 or the Gujarat Medical Practitioner Act, 1963 or a practitioner registered and entered in the Register maintained under the Gujarat Homeopathic Act, 1963 (Guj.XXXVI of 1963) or any other law corresponding thereto and in force in the State of Gujarat, or the respective Medical Registration Acts, of the several State Governments.

(70) "Rent" means a monthly rate of compensation made by Government employee or a person not in Government service to Government for the use and possession of residential accommodation allotted or leased to him.

(71) "Residential Accommodation" means building, bungalow,

quarter or flat owned by Government and allotted for residential purpose. It also includes building, bungalow, quarter or flat hired, requisitioned or leased by the Government for the said purpose.

Note : Requisitioned means requisitioned under the provisions of Requisition and Acquisition of Immovable Property Act, 1952.

(72) "Selection Grade" means a scale of pay which has been sanctioned specifically as a selection grade by an order of Government.

(73) "Service Book" means service book and includes service roll, if any.

(74) "Special Pay" means an addition, of the nature of pay, to the emoluments of a post or of a Government employee granted in consideration of -

(a) the specially arduous nature of duties,

(b) a specific addition to the work or responsibility.

(75) "Sphere of duty" means the area to which the duties of a Government employee are confined.

(76) "Standard Rent" means a monthly rate of standard rent for different types of residential accommodation as laid down in rule-18 of the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rule, 2002.

(77) "Subsistence Allowance" means a monthly allowance granted to a Government employee who is not in receipt of pay or leave salary.

(78) "Substantive Pay" means the pay other than special pay, personal pay which a Government employee is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.

(79) "Superintending Engineer" means an officer appointed as such and to whom the powers are delegated by Government under the relevant rules.

(80) "Superior Service" means any kind of service not being Class IV service.

(81) "Table" means a table appended to these rules.

(82) "Temporary Post" means a post carrying a definite rate of pay sanctioned for a limited time.

Note : Substantive appointments to temporary posts should be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of, three years. In all other cases, appointments on temporary posts



should be made in an officiating capacity only.

(83) "Temporary Transfer" means a transfer to duty in another station which is expressed to be for a period not exceeding one hundred twenty days. For the purpose of these rules it includes deputation. Subject to the limit of four months, the title to compensatory allowance, if the temporary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of the extension.

(84) "Tenure Post" means a permanent post which an individual Government employee may not hold, for more than a limited period without re-appointment.

Note : The following posts have been declared by Government to be tenure posts :- Period of Tenure (Years) (1) Chief Engineer in the Gujarat Service of Engineers (Class-I) - 5 (2) Three posts of Assistant Directors of Social Welfare - 3 (3) All technical posts of Under Secretaries and Deputy Secretaries in the Public Works Department. - 5 (4) The following posts in the Legal Department : (i) Deputy Secretaries (Three posts) - 3 (ii) Solicitor and Ex-officio Deputy Secretary to Government Ex-Officer (one post) - 3 (iii) Special Officer and Ex-officio Under Secretary to Government (one post) - 3 (5) Nineteen cadre posts of Deputy Secretaries in the Secretariat Department excluding posts of Deputy Secretaries in the Legal Department and technical posts in the Public Works Department. - 5 (6) Eight posts of Under Secretaries out of the total number of temporary and permanent posts on the Secretariat cadre excluding post of Under Secretaries on the Legal side of the Legal Department and Technical posts in the Public Works Department. - 5

Provided that where a tenure post of an Under Secretary or a Deputy Secretary is held by a Secretariat Officer, such post shall, so long it is held by such officer, cease to be a tenure post.

(85) "Time-Scale Pay" means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.

Note-1 : Time scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

Note-2 : A post is said to be on the same time-scale as another post on a time scale if the two time-scales are identical and the posts fall within a cadre or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a

service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(86) "Transfer" means the movement of a Government employee from one headquarter station in which he is employed to another such station, either -

(a) to take up the duties of a new post; or

(b) in consequence of a change of his headquarters.

(87) "Transit Time" means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel.

(88) "Travelling Allowance" means an allowance granted to a Government employee to cover the expenses which he incurs in travelling in the interest of the public service. It includes allowance granted for the maintenance of conveyance.

(89) "Treasury" means the treasury established at the headquarters of a district and includes a sub-treasury / Pay and Accounts office.

### **CHAPTER 3 GENERAL CONDITIONS OF SERVICE**

#### **10. Age limit for recruitment to pensionable service :-**

Except as provided in the Gujarat Civil Services Classification and Recruitment (General) Rules 1967, a person whose age is below 18 years and whose age exceeds 28 years may not be appointed to a post in pensionable service.

#### **11. Certificate of physical fitness a prerequisite for substantive appointment or continuance in service :-**

(1) Every Government employee shall produce a medical certificate of health specified in Appendix-III either before he is appointed substantively to a permanent post in Government service or before he completes six months service from the date of his appointment, whichever is earlier.

(2) The limit of six months prescribed in sub-rule(1) above is the maximum one and the Head of Office should, in the case of Government employees who, on their appointment, are expected to continue in Government service for more than six months, require them to produce medical certificates of fitness for Government service within two months from the date of joining service. These time limits for producing the medical certificate are also applicable

from the date of appointment to the higher post in cases where fresh medical examination is necessary under sub-rule (4) of rule 15.

Note 1 : Rules for the medical examination of the candidates as to their physical fitness for Government service have been embodied in Appendix-III.

Note 2 : Part time Government employees should be required to produce medical certificates of fitness in the same manner and under the same condition as applicable to full time Government employees.

Note 3 : In case, however, where a person is required to join immediately for work or for training, appointment may be made without first obtaining the medical certificate but subject to his being declared medically fit by an appropriate Medical Authority. In all such cases, if a Government employee is declared unfit for service on medical examination and he prefers an appeal under rule 17 in Appendix-III, he should be retained in service till the appeal is finally decided. Efforts should be made to obtain the decision early. If the candidate is found responsible for causing delay, his services should be terminated forthwith.

Note 4 : In the case of a Government employee whose appointment is made on temporary basis without a medical certificate, it is necessary to get a certificate of fitness from the appropriate Medical Authority as required by sub-rule (1) of rule 15 of these rules and rule 10 of Appendix - III. If a Government employee is found unfit for retention in service at all by the appropriate Medical Authority and if an appeal for a second medical examination from him is accepted, he should be allowed to continue in service till the verdict of appropriate Medical Authority is known. In case it is decided not to accede to his request for second medical examination or, if he is found to be responsible for causing delay in obtaining the verdict of the appropriate medical Authority on his appeal, his services should be terminated forthwith.

Note 5 :

(i) For a proper observance of the procedure in the above Notes 3 and 4 above, it is necessary that intimation regarding unfitness should immediately on receipt, be communicated to the person concerned with a note that appeal, if any, must be made by the Government employee concerned, within one month from the date of communication of the findings of the Medical Officer and that if any medical certificate issued by the Registered Medical Practitioner is produced as piece of evidence about the possibility of an error of

judgement in the decision of the Medical Officer who examined him in the first instance the certificate must contain a note by the Medical Practitioner Concerned to the effect that it has been given in full knowledge of the fact that the candidate has already been rejected as unfit for Government service by the Medical Officer.

ii) In case no appeal is preferred by the Government employee within one month from the date of communication to him of the findings of the Medical Officer, his service should be terminated forthwith on expiry of the period of one month and no appeal should be allowed after expiry of that period.

## **12. Who should sign a Medical Certificate :-**

Such a certificate shall be signed by the Medical Officer prescribed in rule-1 in Appendix-III and in the case of females, shall be regarded as confidential.

## **13. Medical Board :-**

(1) There shall be Standing Medical Board at Ahmedabad, Jamnagar, Vadodara and Surat. Note : Reciprocal arrangement exists with the Government of Maharashtra for free Medical examination of Government employees of the State concerned (including all Police Personnel) on the following terms and conditions :

(a) This arrangement is made for purposes of grant of leave or extension of leave, fitness to resume duty on the expiry of leave, and invalidation from Government service.

(b) Medical requisition from the competent Authority should be insisted before the Medical Examination is conducted by the Medical Board or Medical Officer.

(c) Fees prescribed for Medical Examinations conducted in connection with the commutation of pension of State Government pensioners and for issuing of physical fitness certificates for first appointment in Government service have to be borne by the pensioners or candidates themselves as there should not be any free medical examination for those purposes.

(2) The Medical Board referred to above sub-rule shall consist of three qualified medical men, of whom one shall be the Civil Surgeon or the Senior Professor of Medicine if the post of Civil Surgeon is not in existence; Ahmedabad, Jamnagar, Vadodara or Surat, as the case may be, who shall also be a Chairman.

(3) A Government employee serving in Gujarat shall normally be

required to appear before the Medical Board located at one of the places nearest to the place where he is serving but, when, the head of Department or office is satisfied that it will be more convenient either to Government or to the Government employee, that the latter should appear before another board, he may request the Chairman of said Medical Board accordingly.

**14. A Government employee with a defect transferred to another office :-**

When a Government employee, in whom a defect has been noticed by the examining officer, is transferred from one office to another, the duties of which are different in character, the authority competent to sign a medical certificate of physical fitness for Government service should report whether the defect will materially interfere with the discharge of his new duties by the said Government employee.

**15. Production of Medical Certificate within six months of temporary employment :-**

(1) No person, who has already completed six months temporary (including officiating) service in the employment of Government, or who having been discharged before completing six months, is re-engaged in such service and completes six months from the date of re-engagement, shall be continued in employment without production of a medical certificate as referred to in sub-rule (1) in rule-11.

(2) No person, who after completing six months temporary service (including officiating service) in the employment of Government is discharged before the production of the medical certificate mentioned in sub-rule (1) above, shall be re-engaged without the production of such a medical certificate.

Note : It is the responsibility of the Head of Office to see that no person under him is continued in employment after completing relevant period of service (six months or two months as the case may be) unless that person produces the required medical certificate. To meet the requirement of Audit, a certificate to the effect that the medical certificate in the prescribed form required under sub-rules (1) and (2) above has been obtained in respect of the Government employee and that he has been declared fit, should be furnished to the Audit. The first bill in which the pay of the Government employee is drawn after the date on which the

medical certificate becomes due, or, if this cannot be done for good and sufficient reasons, to the next such bill should be accompanied by such medical certificate.

(3) When a person who has produced the medical certificate required under rule 11 is discharged from Government service and is re-engaged, a fresh medical certificate need not be produced by him if the re-engagement takes place within the period of six months from the date of the medical certificate already produced. In such a case, the period between the date of discharge and the date of re-engagement will not be treated as a break for the purposes of rule - 11.

(4) If Government employee is subsequently appointed to any higher post, fresh medical examination, by appropriate medical authority and in accordance with standard prescribed for the post, shall be necessary except in cases where the medical examination already undergone at the time of initial appointment was of the same standard and by the same medical authority as prescribed for the new appointment or where the new appointment is by way of promotion in the same line of promotion and against promotion quota of vacancies.

Note : The production of a medical certificate is necessary when a person reemployed after resignation or forfeiture of past service.

(5) Where a candidate for Government service is required to undergo training at Government cost before he is appointed to any post in Government service, such a candidate shall not be admitted to such training unless he is medically examined and found physically fit for the service for which he is required to undergo the training.

Exception 1 : In the case of Government employees in Class III Secretariat Service in reckoning the period of six months, broken period of service of less than six months should be counted.

Exception 2 : A person re-employed after resignation shall be exempted from producing a medical certificate if the resignation was for taking up another appointment under a Government or a quasi Government body for which he applied with the approval of and through the appointing authority provided that he was medically examined by the competent medical authority and declared fit according to the medical standards not lower than those required in the new post.

## **16. Entry in service book about medical examination :-**

The fact that a Government employee is medically examined and found fit should be recorded in his service book as soon as a certificate is produced and the medical certificate of fitness should be kept in safe custody along with the other documents connected with his service career.

**17. Invalid pensioner must produce certificate from a Medical Committee before reemployment :-**

No person invalided from Government service should be re-employed except on the strength of a certificate from a Medical Committee. The Committee shall consist of the members of the Medical Board and also a Specialist of the disease for which the person was invalided.

**18. Re-employment immediately after retirement :-**

A retired Government employee reemployed within six months from the date of retirement may be exempted from producing a medical certificate of health. In cases other than those referred to in rule 17, where the reemployment does not take place within six months from the date of retirement, the appointing authority will decide whether a medical certificate should be produced.

**19. Condition of disabilities when permitted and by whom :-**

When a candidate for Government service is rejected by the Medical Officer examining him on account of any disability, except eye defects, the Director of Health, Medical Services and Medical Education, may, upon the request of the Head of the Office, at his discretion, condone such disabilities as are not likely to interfere with the efficiency of the candidate.

**20. Acquiring and ceasing of a lien :-**

Unless in any case it be otherwise provided in these rules, a Government employee on substantive appointment to any permanent post acquires in a lien on that post and ceases to hold any lien previously acquired on any other post.

**21. Restrictions over holding of lien on posts by Government employee at same time :-**

(1) Two or more Government employees cannot be appointed

substantively to the same permanent post at the same time.

(2) A Government employee cannot be appointed substantively to two or more separate and permanent posts at the same time.

(3) A Government employee cannot be appointed substantively to a post on which another Government employee holds a lien.

## **22. Retention of lien :-**

Unless his lien is suspended under rule 23 or transferred under rule 26, a Government employee holding substantively a permanent post retains a lien on that post :-

(a) while performing the duties of that post;

(b) while on foreign service or holding a temporary post, or officiating in another post, or holding a post the pay of which is charged to works or contingencies;

(c) during joining time on transfer to another post on lower pay, in which case lien is transferred to the new post from the date on which he is relieved of his duties, in the old post;

(d) while on leave; and

(e) while under suspension.

## **23. Suspension of a lien :-**

(1) A competent authority shall suspend the lien of a Government employee on a permanent post which he holds substantively if he is appointed in a substantive capacity :

(a) to a tenure post, or

(b) provisionally, to a post on which another Government employee would hold lien had his lien not been suspended under this sub-rule.

(2) A competent authority may, at its option, suspend the lien of a Government employee on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service or in circumstances not covered by sub-rule (1) of this rule is transferred in an officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

Note : When it is known that a Government employee on transfer to a post outside his cadre is due to retire on superannuation within three years of his transfer, his lien on his cadre post cannot be suspended.

(3) Notwithstanding anything, contained in sub-rule (1) or (2) of



this rule, a Government employees lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(4) If a Government employees lien on the post including a post in a selection grade of a cadre is suspended under sub-rule (1) or (2) of this rule, the post may be filled substantively, and the Government employee appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

Note : When a post is filled substantively under this sub-rule, the appointment will be termed a provisional appointment, the Government employees appointed will hold a provisional lien on the post; and that lien will be liable to suspension under sub-rule (1) but not under sub-rule (2) of this rule.

(5) A Government employees lien which has been suspended under sub-rule (1) of this rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in clause (a) or (b) of sub-rule (1).

(6) A Government employees lien which has been suspended under sub rule (2) of this rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that suspended lien shall not revive because the Government employee takes leave; if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in clause (a) or (b) of sub-rule (1).

Instruction : Under the existing provisions of this rule, it is possible for more than one person to be appointed in a provisional substantive capacity against a single post. The operation of this rule should, however, be restricted so as to permit only one provisional substantive appointment against one post. Accordingly, the lien acquired by a Government employee on his appointment in a provisionally substantive capacity under sub-rule (4) of this rule, should not be suspended if he is deputed out of India or is transferred to a post of the nature specified in sub-rule (2) of this rule.

#### **24. Suspension of the lien retrospectively and consequential promotion :-**

When suspension of the lien of a Government employee is sanctioned under sub-rule (2) of rule 23, it is permissible retrospectively from the date he is deputed out of India or transferred in an officiating capacity to a post either permanent or temporary in another cadre or from any subsequent date; but whether provisional substantive promotions should be given from that date or from any subsequent date is a matter which is entirely at the discretion of the authority whose duty is to fill up the post if permanently vacant

**25. When a lien or a suspended lien cannot be terminated :-**

(1) Except as provided in subrule (2) below, a Government employees lien on a post may in no circumstances be terminated even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(2) A Government employees lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or State Government) outside the cadre on which he is borne.

Note : In the case of a person in Government service who is appointed as a Member or Chairman of Public Service Commission, his lien in Government service should be terminated automatically from the date he is appointed as a Member or Chairman in view of the article 319 of the Constitution.

**26. Transfer of the lien to another post :-**

Subject to the provisions of rule 27, a competent authority may transfer to another permanent post in the same cadre the lien of a Government employee who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

**27. Transfer to a post carrying less pay is permissible :-**

(1) A Government employee may be transferred from one post to another, provided that, except :-

(a) on account of inefficiency or misbehavior, or

(b) on his written request, or

(c) in anticipation of the abolition of the post on which he holds a lien,

A Government employee shall not be transferred substantively to, or, except in case covered under the Gujarat Civil Services (Pay) Rules, 2002, appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien, had his lien not been suspended under rule - 23.

(2) Nothing contained in sub-rule (1) of this rule or in sub-rule (43) of rule-9 shall operate to prevent the re-transfer of a Government employee to the post on which he would hold a lien, had it not been suspended in accordance with the provision of sub-rule (1) of rule-23.

**28. Date from which pay and allowances take effect :-**

Subject to any exceptions specifically made in these rules, a Government employee commences or ceases to be entitled to the pay and allowances of a post with effect from the date on which he assumes or relinquishes charge of those duties in the forenoon of that day; otherwise from the following day. Exception : For a period of not more than three days spent by a direct recruit to the post of a Deputy Engineer in taking over charge of his post on first appointment, he should be granted his grade pay excluding any special pay or allowance (but including dearness allowance) to which he would be entitled on assumption of complete charge.

**29. Relieving Government employee to intimate probable date of joining to the Government employee to be relieved :-**

Every relieving Government employee is responsible for informing the Government employee to be relieved, at the earliest possible moment, of the date when he will be in a position to receive charge, and it is the duty of the Government employee to be relieved to be in readiness to deliver charge on that date.

**30. How the date of handing over charge is determined :-**

When more than one day is occupied in making over charge, the last day should be entered in the report, and an explanation should be submitted.

**31. Charge must be handed over at the head quarters, both relieved and relieving Government employees to be present :-**

Except as otherwise provided below, the charge of a post must be made over at the head quarters, both the relieving and relieved Government employees being present :

(a) Permission may be granted to make over charge of a post elsewhere than at its headquarters, excepting to a Head of an Institution under the Education Department. In such cases the amount of travelling allowance claimed by Government employee concerned shall not exceed the amount admissible to him while on transfer.

(b) for special reasons which must be expressed on the face of the order and be of a public nature, a competent authority may permit the charge to be made over elsewhere.

(c) in case of persons who are permitted to combine vacation with leave, the following procedure may be followed :

Before proceeding on leave to which he has been allowed to prefix vacation, a Government employee should sign a charge report making over charge with effect from the date on which his leave commences and hand over the report to a responsible member of his office staff with instructions to deliver it for signature to his successor on the latter's arrival to take over the duties of the post. Similarly, when a Government employee is permitted to affix vacation with leave should at the commencement of the vacation sign a charge report making over the charge from the beginning of the vacation and hand over the report to a responsible member of his office staff for delivery to his successor on the latter's return at the close of the vacation. In both cases, the report when completed, should be forwarded at once to the Heads of Department. The term vacation in this exception includes holidays.

(d) In exceptional circumstances, which should be recorded, a competent authority may permit the charge of a post to be made over in the absence of the relieved Government employee by letter or by telegram at or outside the headquarters of the post. Instruction : It shall be permissible for a Government employee to take over charge on a public holiday provided the procedure laid down in this rule is followed and the charge is handed over by the relieved officer in person; provided further that taking over of charge does not involve handing over and taking over cash and securities.

### **32. How the date of promotion is determined :-**

The promotion of a Government employee from a lower to a higher

post, his duties remaining the same, takes effect from the date on which the vacancy occurs, unless it is otherwise ordered. But when the promotion involves the assumption of a new post with enlarged responsibilities the higher pay is admissible only from the date on which the duties of the new post are taken.

### **33. Provident and other Funds :-**

A Government employee may be required to subscribe to a Provident Fund, an Insurance Scheme or other fund or scheme, in accordance with such rules as Government may by order prescribe.

### **34. Whole time of a Government employee to be at the disposal of Government :-**

Unless in any case it be otherwise distinctly provided, the whole time of a Government employee is at the disposal of Government and he may be employed in any manner required by the proper authority, without a claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from the Consolidated Fund of India or of a State or from the funds of a body incorporated or not, which is wholly or substantially owned or controlled by the Government.

### **35. Termination of services of a temporary Government employee :-**

The service of a temporary Government employee shall be liable to termination at any time by a notice in writing given to him by the appointment authority.

### **36. Resignation from Government service :-**

(1) A Government employee may at any time resign from the services of the State by giving a notice of one month in writing to the appointing authority. Provided that in the case of a temporary employee who has put in service of less than one year, the period of such notice shall be one week.

Note : Nothing in this rule shall affect the provisions of any special contract of service or bond entered into by the Government employee with the Government, or the provisions of any special rules, if any, applicable to him, in respect of the period of notice to be given for resignation from service or payment of any sum by the Government employee, to the Government for premature

resignation by him.

(2) The resignation tendered by a Government employee shall be effective from the date on which it is accepted by the appointing authority; but if it is not accepted before the expiry of the period of notice for resignation to be given by such employee under subrule (1), it shall be deemed to have become effective on the date of the expiry of such period, unless the Government employee is informed before such date, that his resignation has been rejected and of the reasons for such rejection : Provided that the resignation of a Government employee shall not be rejected except in a case where

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(a) any ascertained or ascertainable amount of money is found outstanding against him and payment thereof is not made by him within the period mentioned above,

(b) he is under suspension,

(c) any departmental inquiry or criminal prosecution is contemplated or pending against him.

(3) A Government employee shall not be relieved from his office, if his resignation is rejected.

(4) Where a Government employee remains absent from duty before his resignation has become effective or if his resignation has been rejected without prior grant of leave for such absence, it shall be lawful for the competent authority to treat his absence as leave without pay and to take disciplinary action against him for unauthorised absence from duty.

(5) Any notice of resignation from service shall not be permitted to be withdrawn after the resignation has become effective, except on exceptional ground or in public interest.

(6) Where the temporary Government employee has put in service for a period exceeding one year, the period of such notice shall be one month and where such Government employee has put in service for one year or any period less than one year the period of such notice shall be one week.

Provided that the service of any such Government employee may be terminated forthwith by payment to him of a sum equivalent to the amount of his pay plus allowance for the period of the notice at the same rates at which he was drawing pay and allowances immediately before the termination of his service, or as the case may be, for the period by which such notice falls short of the notice period.

(7) Where a notice is given by the authority other than Government terminating the services of a temporary Government

employee or where the services of any such Government employee is terminated by an authority other than the Government either on the expiry of the period of such notice or forthwith by payment of pay plus allowances, the Government may, of its own motion or otherwise reopen the case and after calling of the records of the case and after making such inquiry as it deemed fit

(i) confirm the action taken by the authority;

(ii) withdraw the notice;

(iii) re-instate the Government employee in service, or

(iv) make such other order in the case as it may consider proper.

Provided that except in special circumstances, which shall be recorded in writing, no case shall be reopened under this sub-rule after the expiry of three months.

(i) from the date of notice in case where notice is given;

(ii) from the date of termination of service, in a case where no notice is given.

(8) Where a Government employee is re-instated in service under sub-rule-(7), the order of re-instatement shall specify -

(i) the amount or proportion of pay and allowance, if any, to be paid to the Government employee for the period of his absence between the date of termination of his service and the date of his reinstatement; and

(ii) whether the said period shall be treated as a period spent on duty for any specified purpose or purposes.

#### **CHAPTER 4 MAINTENANCE OF RECORDS OF SERVICE**

##### **37. Maintenance of service records of Heads of Department**

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A record of the services of each Head of Department shall be maintained by the Pay and Accounts Officer, Ahmedabad or Gandhinagar.

##### **38. Maintenance of service book of Gazetted and Non-Gazetted Government employee :-**

(1) A service book in the Form as may be prescribed by the Government from time to time should be opened in duplicate for every Gazetted and Non-Gazetted Government employee except Head of Department, free of charge on his being appointed substantively or in an officiating capacity to a permanent post or appointed to hold a temporary post in Government service for the

first time with the following exceptions -

- (a) Government employees, the particulars of whose service are recorded in a history of services or a service register maintained by the Pay and Accounts Officer, Ahmedabad or Gandhinagar.
- (b) Government employees officiating in posts or holding temporary posts, who are recruited for purely temporary or officiating vacancies not likely to last for more than one year and are not eligible for permanent appointment;
- (c) Policemen of rank not higher than that of Head Constable;
- (d) Prohibition and Excise Constabulary Staff;
- (e) Forest Guards;
- (f) Class IV employees of all sorts.

(2) One copy should be kept in the custody of the Head of the Office in which the Government employee is serving, and transferred with him from office to office; the other copy should be given to the Government employee concerned. In the case of the copy kept in the custody of Head of the Office, it is his duty to see that all entries are duly made and attested.

Instruction : While handing over the duplicate copy of the service book to the Government employee it should be impressed on him that he should verify that the entries made therein are correct and attested by the Head of the Office and he should also ensure that all subsequent entries are made in the duplicate service book which should be attested by the officer competent to do so. For this purpose he should submit his copy of the service book when an occasion arises for making a fresh entry and he should carefully see that entries in both the books tally and are up-to-date.

(3) The Head of Office shall also obtain a declaration each year from each Government employee for whom a service book is maintained, to the effect that he has carefully gone through the entries made in his duplicate service book and has satisfied himself that all the relevant entries are made therein and that they are up-to-date. A certificate to the effect that he has obtained declarations as above should be submitted by the Head of Office to his next superior officer by the end of the month of September of every year.

(4) Non-compliance of the provisions contained in this chapter by the Head of Office / Department in the custody of "original service book" shall be deemed to be lacking in devotion to duty within the meaning of the provisions contained in clause (ii) of subrule (1) of rule-3 of the Gujarat Civil Services (Conduct) Rules, 1971.



### **39. Maintenance of service rolls :-**

A service roll, free of charge, as described in rule 47, must be maintained for every other class of permanent, temporary or officiating Non-Gazetted Government employees, for whom no service book is necessary except the Government employees mentioned in exceptions (a) and (b) under sub-rule (1) of rule-38. One copy should be kept in the custody of the Head of Office in which the Government employee is serving, and transferred from office to office, the other copy should be given to the Government employee concerned. In the case of the copy kept in the custody of the Head of Office, it is his duty to see that all entries are duly made and attested. Instruction : The instruction below rule 38 should be followed in respect of service rolls also.

### **40. Procedure for writing the events and recording the date of birth in the service book :-**

(1) In the service book every step in a Government employees official life, including temporary and officiating promotions of all kinds, increments and transfers and leave availed of should be regularly and concurrently recorded, each entry being duly verified with reference to orders of the Department, pay bills and leave account attested by the Head of the Office. If the Government employee is himself the Head of an Office, the attestation should be made by his immediate superior.

(2) While recording the date of birth, the following procedure should be followed -

(a) the date of birth should be verified with reference to documentary evidence and a certificate recorded to that effect stating the nature of the document relied on;

(b) in the case of a Government employee, the year of whose birth is known but not the date, the 1st July should be treated as the date of birth;

(c) when both the year and the month of birth are known, but not the exact date, the 16th of the month should be treated as the date of birth;

(d) in the case of a Government employee who is only able to state his approximate age and who appears to the attesting authority to be of that age, the date of birth should be assumed to be the corresponding date after deducting the number of years representing his age from his date of appointment;

(e) when the date, month and year of birth of a Government employee are not known, and he is unable to state his approximate age, the age by appearance as stated in the medical certificate of fitness, in the prescribed Form in Appendix - III should be taken as correct, he being assumed to have completed that age on the date the certificate is given, and his date of birth reduced accordingly;

(f) when once an entry of age or date of birth has been made in a service book, no alteration of the entry should afterwards be allowed, unless it is known, that the entry was due to want of care on the part of some person other than the individual in question or is an obvious clerical error;

(g) requests made for alteration of date of birth should not be entertained after the preparation of the service book of the Government employees concerned and in any event not after the completion of the probation period or five years continuous service, whichever is earlier. In the case where there is no probation period, such request should not be entertained after the completion of five years continuous service.

(h) the date of birth may, however, be permitted to be altered at a later stage if the Government is satisfied that a bonafide clerical mistake has been committed and that it should be rectified.

(3) Officers of a rank not lower than the Principal District Officer in the Department concerned may correct errors in the service book which are obviously clerical. Cases in which the correctness of the original entry is questioned on other grounds should be referred to a competent authority.

(4) Finger - prints of a Government employee who is not literate enough to sign his name in English, Hindi, Marathi or Gujarati should be recorded in the column headed Personal marks of Identification in the service book itself. The impression should not be taken on separate slips of paper and pasted to the service book.

Exemptions : When a military employee is transferred to a Civil Department and assumes a civilian status or when a military employee discharged from the army without earning a pension is employed in a post in civil department in which his military service counts towards pension, the date of birth to be entered in his service book or roll shall be either that entered by the Military Authorities in his form of attestation when he first joined the army or, if at the time of attestation he stated only his approximate age, the date arrived at by deducting the number of years representing his age from his date of appointment.

Note 1 : The latest discharge certificate (printed as Appendix-IV)

issued to military employees on release of discharge does not provide for the age on the date of attestation or enrolment. It does, however, provide inter alia for (i) age at the time of completion of the certificate, and (ii) date of enrolment. In such cases the age at the time of enrolment (attestation) should be worked out as indicated below:-

a) Calculate the difference between (i) the date of commanding Officers signature (vide space provided below serial No.8 in the certificate) and (ii) the date of enrolment;

b) Deduct the period calculated as per (a) above from the age at the time of completion of the certificate (the date of the completion of the certificate vide serial No.2 in the certificate).

c) Once the age at the time of enrolment is calculated the date of birth should be calculated as per the exemptions above.

Note 2 : Cases in which the date of birth has been reduced by any other method, from the age at appointment or attestation, or cases in which Government have passed specific orders accepting a particular date of birth, need not be reopened.

(5) Events like extraordinary leave, training, suspension, interruption between dismissal or removal, compulsory retirement and reinstatement, as also between the period of resignation and withdrawal, unauthorised absence, participation in strike, overstayal of joining time etc., which do have bearing on the total qualifying service shall be noted on separate pages in distinct colour in the Service book, with clear remarks by Heads of Office or Heads of Department, as the case may be, as to whether they shall be counted for pension or not.

(6) Copies of nomination forms filled in by Government employee in respect of General Provident Fund, Pension, Government Insurance Scheme, etc., shall be kept in the service book.

#### **41. Reasons for reduction, removal etc. to be stated in the service book :-**

When a Government employee is reduced to a lower post, removed, or dismissed from service or suspended from employment, the reason for the reduction, removal, dismissal or suspension, as the case may be, should always be briefly stated thus "Reduced for inefficiency", "Reduced owing to revision of establishment", etc. The Head of the Office should make efficient arrangement for these entries being made with regularity. This duty should not be left to the Non-Gazetted Government employee

concerned.

**42. Personal certificate of character not to be entered in the service book :-**

Personal certificates of character should not, unless the Head of the Department so directs, be entered in a service book.

**43. Service books to be shown to Government employees by Head of Office :-**

It shall be the duty of every Head of Office to initiate action to show the service books to Government employees under his administrative control every year and to obtain their signature therein in token of their having inspected the service books. A certificate to the effect that he has done so in respect of the preceding financial year should be submitted by him to his next superior officer by the end of the month of September of every year. The Government employees shall inter-alia, ensure before affixing their signatures that their services have been duly verified and certified as such and that all erasures in the service book are duly attested. In the case of a Government employee on foreign service, his signature shall be obtained in his service book after the Audit Officer has made therein necessary entries connected with his foreign service.

**44. Completion and movement of service book on transfer :-**

When a Government employee is transferred, from one office to another, the necessary entry of the nature and reason of the transfer should be made in his service book in the office from which the Government employee is transferred and the service book, after being duly verified to date and attested by the Head of the Office, should be forwarded to the Head of the Office to which the Government employee has been transferred. The service book will thereafter be maintained in that office. If he finds any error or omission in the service book on receipt, he should return it to the forwarding officer for the purpose of having the error rectified or the omission supplied before the service book is taken over by him. The service book should not be made over to the Government employee who has been transferred.

**45. Responsibility of Head of Department to make entries :-**

When a Government employee is transferred to foreign service, the responsibility for making entries in the Service Book should be with the Head of the Department or Office, on whose establishment the persons are borne and from where they had been sent on foreign service or deputation. For this purpose, the Accountant Generals office will send the certificate to the effect that contributions have been recovered from the office of deputation, to the drawing and disbursing officer concerned. A copy of the communication to the drawing and disbursing officer about the recovery of the contribution would also be endorsed simultaneously to the officer concerned so that he is also aware of the fact of the recovery of contribution. The employee concerned and the Drawing and Disbursing Officer has to send acknowledgment to Accountant Generals office of such communication, having been received by them.

#### **46. Annual verification of Service Books and Service Rolls :-**

The service books and service rolls (except in the case of Police Head Constables and Constables) in each office should be taken up for verification in the month of January of every year by the Head of the office. After satisfying himself that the entries relating to services of the Government employee concerned are correctly recorded in his service book and service roll in conformity with these rules, he would record therein a certificate over his signature to the effect that the services have been verified up to the date from pay bills, acquittance rolls and similar records to be specified. If there is any portion of service that cannot be verified from office records, the Head of the Office should distinctly state that for the excepted periods, which should be specified, a statement in writing by the Government employee as well as a record of the evidence of his contemporary employees is attached to the service book.

#### **47. Maintenance of service rolls in respect of Policemen :-**

(1) In the case of Policemen of rank not higher than that of Head Constable, there must be maintained for each district by the Superintendent of Police, a service roll in which the following particulars should be recorded for each man in the constabulary holding substantively a permanent post and for each man in constabulary officiating in a post or holding a temporary post, who is not recruited for a purely temporary or officiating vacancy for a short period and who is eligible for permanent appointment :

- (a) The date of his enrolment.
  - (b) His religion and in the case of Scheduled Castes, Scheduled Tribes or other Backward Classes, the Tribe or Caste.
  - (c) i) His village,  
ii) Age,  
iii) Height, and  
(iv) Marks of identification when enrolled.
  - (d) The rank which he, from time to time holds his promotions and his reduction or other punishments.
  - (e) His absence from duty with or without leave.
  - (f) Interruptions in his service.
  - (g) Every other incident in his service which may affect the amount of his pension.
- (2) The service roll must be checked with the roll maintained under rule- 383 of the Gujarat Police Manual, Volume - I, in the principal language of the District and order book and the punishment register and every entry in it must be signed by the District Superintendent.
- (3) From this roll the necessary statement of service of every applicant for pension shall be prepared, additional proofs being collected in respect of any service rendered before enrolment in the constabulary which the applicant may be entitled to count.

#### **48. Inspection of service books and service rolls :-**

It is the duty of officers inspecting subordinate Offices to inspect the service books and service rolls maintained there. They should see that -

- (i) the service books and service rolls are maintained up-to-date,
- (ii) entries are properly made and attested,
- (iii) verification has been properly carried out,
- (iv) the necessary statements and evidence secured, and
- (v) verification certificates have been properly recorded, by the Head of the Offices.

#### **49. Service book not to be returned to Government employee on cessation of service :-**

The service book or service roll should not be returned to the Government employee on retirement, resignation or discharge from service

#### **50. Extract to be given to insurance companies from Service**

## **Records :-**

Heads of Departments may at their discretion furnish to Life Insurance Corporation of India, on request, relating to his date of birth, name, fathers name, place of residence, race, place and designation of employment, date of appointment and personal marks of identification.

## **CHAPTER 5 PATENTS TO GOVERNMENT EMPLOYEES ENGAGED IN SCIENTIFIC AND TECHNICAL RESEARCH**

### **51. Restriction on obtaining the patent for an invention made by Government employee :-**

Government employee whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention made by such Government employee save with the permission of the Government and in accordance with such conditions as Government may impose.

Note : The general instructions issued in this connection are contained in Appendix-V.

### **52. Decision of Government is final on the application of rule-51 :-**

If any question relating to application of rule-51 to a Government employee arises, it shall be referred to the Government whose decision thereon shall be final.

## **CHAPTER 6 REPEAL AND SAVINGS**

### **53. Repeal and Savings :-**

The Bombay Civil Services Rules, 1959 (as adapted by Government of Gujarat) so far as they relate to General Conditions of Services are hereby repealed : Provided that such repeal shall not affect the previous operation of the rules so repealed or anything done or any action taken there under.