
GUJARAT DISTRICT PANCHAYATS (Appointment, Seniority, Pay and Allowances of Board Officer) RULES, 1970

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GUJARAT DISTRICT PANCHAYATS (Appointment, Seniority, Pay and Allowances of Board Officer) RULES, 1970

No. KP/2105/PRR 81/70-JH- In exercise of the powers conferred by section 323 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962), read with sections 203 and 206B, the Government of Gujarat hereby makes the the following rules namely:-

1. Short title :-

(1) These rules may be called the Gujarat District Panchayats (Appointment, Seniority, Pay and Allowances of Board Officers) Rules, 1970.

(2) They shall apply to all Board Officers except those who were serving under the Board on contract or part-time basis and to Board Officers who were re-employed on superannuation by the Board.

2. Definitions :-

In these rules, unless the context otherwise requires,

(a) "the Act" means the Gujarat Panchayat Act, 1961;

(b) "basic pay" means the amount drawn monthly by a Board Officer as pay, but does not include any special pay, pay granted in view of his personal qualifications, technical pay, personal pay or

any emoluments specially classed as pay;

(c) "board" means a district local board established under the Bombay Local Boards Act, 1923 (Bom. VI of 1923);

(d) "Board Officer" means a person who immediately before the commencement of section 326 was holding any corresponding post under a district local board and to whom section 206B is applicable and includes any such person, who, immediately before such commencement was on deputation to a post (not being a corresponding post) and who, but for such deputation, would have held a corresponding post;

(e) "officiating" in relation to any period during which a Board Officer has officiated in any post means the period of service during which a Board Officer had actually officiated in that post as also the period during which he would have officiated in that post or a post on the same time-scale, but for his-

(i) proceeding on leave;

(ii) appointment to a higher post;

(iii) appointment to another post during the period of which conditions necessary for eligibility of the benefit of the next below rule operate;

(iv) suspension followed by reinstatement in the same post (the period of suspension being treated as duty or leave);

(v) deputation on training (the period of such deputation being considered as on duty);

(vi) taking the joining time admissible to him;

(vii) deputation out of India;

(f) "section" means a section of the Act;

3. Appointment to equivalent post :-

(1) The State Government shall, after consulting the Gujarat Public Service Commission where such consultation is necessary according to the provision of clause (3) of article 320 of the Constitution read with the regulations made under the proviso to that article, by general or special order, appoint a Board Officer who holding while in the employment of a Board a post and scale of pay generally corresponding to those in Class 1 or Class II Services

of the State (in these rules, referred to as the corresponding posts) to appropriate cadres, of Class I or Class II Services of the State (in these rules, referred to as the equivalent posts), regard being had to the pay-scales, the minimum educational and other qualifications prescribed for the corresponding posts and for the proposed equivalent posts and the nature and magnitude of duties and responsibilities attached to such corresponding and equivalent posts and the duties and responsibilities assigned to any such officer and performed by him in the corresponding post held by him immediately before the commencement of section 326.

(2) Every order made under sub-rule (1), shall contain the following particulars, namely.-

(i) name of the officer;

(ii) corresponding post held under the board (with pay-scale);

(iii) equivalent post in the appropriate cadre of Class I or Class II Service of the State with pay-scale) to which the person is appointed.

4. Permanent Board Officers appointed to posts in State Service to be deemed permanent holders of posts :-

Every Board Officer who was holding a substantive appointment in a permanent post while in the employment of a board shall, on his appointment to any equivalent post under rule 3, be' deemed, unless otherwise directed by the State Government, for all purpose, to be a permanent holder of the equivalent .post to which he is appointed, irrespective of whether such equivalent post is permanent or not.

5. Fixation of Seniority :-

(1) Subject to the provisions of this rule, the seniority of a Board Officer in the post or cadre to which he is appointed under rule 3, shall as from the date on his appointment in relation to the persons holding or appointed to equivalent posts on that date, be first determined by the length of continuous service whether officiating or permanent rendered immediately before such date in the corresponding pot and in the post held while he was in the service of a district panchayat.

(2) Where the aggregate length of continuous service of a person in the corresponding post and in the post held under a district

panchayat and the length of such service of a person in the equivalent post are equal, the person senior in age shall be deemed to be senior.

(3) After determining the seniority of a Board Officer in the manner aforesaid in the equivalent post to which he is appointed Under rule 3, his seniority shall be fixed and he shall be give a rank in such seniority immediately above the person, who was initially recruited or appointed to such equivalent post but by virtue of the length of continuous service would become junior to him in such equivalent post, irrespective of fact whether such person, on the date of appointment of the Board Officer to such equivalent post under rule 3, is or is not holding such equivalent post has been promoted or is holding post in the cadre of which such equivalent post forms part.

(4) The seniority inter-se of Board Officers who were serving under the same board immediately before the commencement of section 326 shall not be disturbed except by general or special orders of the State Government.

(5) Where the seniority of a Board Officer cannot be determined under this rule, the .State Government may determine the same in consultation with the Gujarat Public Service Commission.

Explanation -For the purposes of this rule, continuous service rendered under the Board includes service rendered in any other post under the Board which in the opinion of the State Government is generally on comparable or higher time-scale but does not include service during periods of fortuitious appointments which are i n the nature of stop-gap arrangement and service during the tranining period where appointment to a post is to take effect after a course of tranining, irrespective of whether the period of training counts as duty for the purpose of increments in the time-scale or not.

6. Fixation of pay :-

Subject to the provisions of rules 7 and 8, the pay of a Board Officer in the pay-scale applicable to him under the Act, shall be fixed at a stage equal to the basic pay to which he was entitled to in the pay-scale of the corresponding immediately before the date of his appointment to the equivalent post:

Provided that:-

(i) if there is no such stage in the new pay-scale, then, his pay

shall be fixed at the stage in that pay-scale which is next below the pay to which he was entitled to immediately before his appointment to the equivalent post, the difference being treated as personal pay which shall be absorbed in the next increment;

(ii) if the basic pay of the Board Officer immediately before such date is more than the maximum in the pay-scale of the equivalent post in to which he is appointed, the difference shall be paid to him as personal pay; and

(iii) the Board Officer may elect to draw the pay which he was drawing immediately before such date until the date on which he earns his next increment, and upon such election his pay, as from that date, will be fixed according to these rules in the time-scale of the equivalent post to which he is appointed.

7. Circumstances in which special pay to be included in basis pay :-

Where the State Government is satisfied that any Board Officer was drawing special pay immediately before the date of his appointment to a equivalent post in lieu of a higher time-scale or for higher or special duties assigned and performed by him, and the equivalent post to which he is appointed does carry any special pay, the State Government may direct that for the purpose of fixation of his pay under rule 6, the basic pay shall include the special pay drawn by him immediately before the said date,

8. Power of Board Officer to exercise option in respect of certain terms and conditions applicable to them :-

(1) Subject to the provisions of this rule, a Board Officer appointed to an equivalent post may elect to retain the pay-scale together with the allowances, if any, attached to the corresponding post and to be governed as respects leave, pension and provident fund by provisions of rules or regulations applicable to him immediately before the date of his appointment to a equivalent post and on such election he shall not be entitled to the pay-scale or any allowances, attached to the equivalent post to which he is appointed or to be governed as respects leave, pension and provident fund by the rules or regulations applicable to such equivalent post.

(2) The election under sub-rule (1) shall be exercised within three months of the date of final orders of appointment of the Board Officer to the equivalent post and communicated to the District

Development Officer concerned with a copy to the Development Commissioner. Election once made shall be final and shall not be resinded :

Provided that, if the Board Officer, fails to make his election within the period of such three months, then. the pay-scale and the provisions as respect leave, pension and provident fund shall be regulated by the rules and orders applicable to the equivalent post to which he is appointed.