

## **GUJARAT PANCHAYAT (Absorption, Seniority, Pay and Allowances) RULES, 1965**

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## **GUJARAT PANCHAYAT (Absorption, Seniority, Pay and Allowances) RULES, 1965**

No.KP/476/PRR/48/65-Jh.- In exercise of the powers conferred by section 323 read with sub-section 203 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962) the Government of Gujarat hereby makes the following rules, namely:-

### **1. Short title, commencement and application :-**

(1) These rules may be called the Gujarat Panchayats Service (Absorption, Seniority, Pay and Allowances) Rules, 1965.

(2) They shall apply to allocated employees except those who, immediately before the date on which they become the employees of a Panchayat under the provisions of the Act, were serving under an existing local authority or the State Government on contract, part-time or daily-rated basis or had been re-employed on superannuation or were paid from out of contingency grants.

## **2. Definitions :-**

In these rules, unless the context otherwise requires. -

- (a) "the Act" means the Gujarat Panchayats Act, 1961;
- (b) "allocated employee" means any person who is allocated to the Panchayat Service under the provisions of sub-section (1) of section 206;
- (c) "appointed day" in relation to an allocated employee means the date of his allocation to the Panchayat Service under the provisions of sub- section (1) of section 206;
- (d) "basic pay" means the amount drawn monthly by an allocated employee as pay but does ' not include any special pay, pay granted in view of his personal qualifications, technical pay, personal pay or other emoluments specially classed as pay;
- (e) "equivalent post" means in the Panchayat Service which the State Government may by order, determine to be generally corresponding to a post held by an allocated employee immediately before the appointed day or which would have been held by him but for his deputation elsewhere (hereinafter called "corresponding post") having regard to the pay scale, the minimum educational and other qualifications prescribed for the equivalent post and the corresponding post and the nature and magnitude of duties and responsibilities attached to such posts;
- (f) "existing local authority" means a District Local Board established under the Bombay Local Boards Act, 1923, a District School Board constituted under the Bombay Primary Education Act, 1947, or, as the case may be, the Saurashtra Primary Education Act, 1956, a Municipality constituted under the Bombay District Municipal Act, 1901, or the Bombay Municipality Boroughs Act, 1925, a village panchayat constituted under the Bombay Village Panchayats Act, 1958 and such other body as the State Government may general or special order specify in this behalf;
- (g) "officiating' in relation to any period during which an allocated employee has officiated in any postmeans the period of service during which such employee had actually officiated in that post as also the 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 in which conditions necessary for eligibility to the benefit of the next below rules are satisfied;
- (iv) suspension followed by reinstatement in the same post (the period of suspension being considered as on duty);
- (v) deputation on foreign service defined in the Bombay Civil Service Rules, 1959;
- (vi) deputation on training (the period of such deputation being considered as on duty);
- (vii) taking the joining time admissible to him;
- (viii) deputation out of India;
- (h) "panchayat service" means the Panchayat Service as constituted under section 203.
- (i) "section" means a section of the Act.

### **3. Appointment to equivalent posts :-**

Every allocated employee holding a corresponding post immediately before the appointed day, shall be appointed to the equivalent post. If an equivalent post is not available in the initial strength and composition of officers and servants in the Panchayat Service as determined under sub-section (2) of section 203, or if an equivalent post is not determined in respect of any post held by an allocated employee immediately before the appointed day, the person holding such post may be appointed to any post not lower in status than the post held by such person immediately before the appointed day, in the Panchayat Service as the State Government or any officer authorised by it in this behalf may direct.

### **4. Tenure of an allocated employee who was Government Servant :-**

Every allocated employee who was a member of the services of the State Government immediately before the appointed day shall, unless otherwise directed by the State Government by special or general order, be deemed to have been taken over in the Panchayat Service and consequently by the panchayat to which he is allocated, on the same tenure on which he held the corresponding post.

**5. Service rendered under the existing local authority or the State Government to be taken into account in calculating total service in the Panchayat Service :-**

The entire period of continuous service rendered by an allocated employee before the appointed day under the existing local authority or, as the case may be the State Government, shall be taken into account in calculating the total period of his service in the Panchayat Service.

**6. Permanent allocated employees appointed in the Panchayat Service to be deemed permanent holders of posts :-**

Every allocated employee holding a substantive appointment in a permanent post under an existing local authority or the State Government shall, on his appointment to any equivalent post under rule 3, be deemed for all purposes, to be holding a substantive appointment as from the appointed day on the equivalent post in which he is appointed, irrespective of whether such equivalent post is permanent or not:

Provided that an allocated employee who was the permanent holder of a post other than the corresponding post shall be deemed to be a permanent holder of a post which is determined to be equivalent to such other post.

**7. Fixation of seniority :-**

(1) Subject to the provisions of this rule, the seniority inter se of allocated employees in the equivalent post to which they are appointed under rule 3 shall, as from the appointed day, be determined on the length of continuous service, whether officiating or permanent rendered before the appointed day in the cadres of the corresponding post.

(2) The seniority inter se of allocated employees who were serving under the same existing local authority or in the same department or office of the State Government immediately before the appointed day, shall not be disturbed, except by general or special orders of the State Government.

(3) Where the length of continuous service of persons in the corresponding post is equal, the person senior in age shall be deemed to be senior.

(4) Where the seniority of any allocated employee in any cadres in

the service of an existing local authority or of the State Government, as the case may be hereinafter in this sub-rule called "the old cadre" was fixed otherwise than on the basis of length of continuous service, than his seniority in the Panchayat Service shall be first fixed in accordance with the foregoing provisions of this rule, and thereafter he shall be placed in seniority immediately above the person who was immediately junior to him in the old cadre.

(5) Where the seniority of an allocated employee cannot be determined under this rule, the State Government, or such authority as may be specified by it in this behalf, may determine the same in such manner as it may deem fit.

Explanation.-For the purpose of this rule, continuous service rendered under an existing local authority or the State Government, includes service rendered in any other post under any existing local authority or as the case may be, the State Government, which in the opinion of the State Government or the authority aforesaid is generally on comparable or higher time-scale, but does not include service during period of fortuitous appointments, which are in the nature of stop gap arrangement and service during the training period where appointment to a post is to take effect after a course of training, irrespective of whether the period of training counts as duty for the purpose of increments in the time scale or not.

#### **8. Pay scale applicable to allocated employees :-**

Subject to the provisions of these rules, the pay-scale applicable to an allocated employee shall-

(a) in respect of the period commencing on the appointed day and till orders prescribing the pay scales of posts included in the Panchayat Service are made by the State Government, be the pay-scale legally admissible to him immediately before the appointed day, and

(b) in respect of any period thereafter be the pay-scale prescribed for the equivalent post to which he is appointed under rule 3.

#### **9. Fixation of Pay :-**

Subject to the provisions of rules 10, 11 and 13, the pay of an allocated employee in the pay-scale prescribed for the equivalent post to which he is appointed, shall be fixed at a stage which corresponds to the basic pay of the corresponding post to which

such employee was entitled immediately before such appointment:

Provided that-

(i) if there is no such corresponding stage in the pay-scale applicable to him, his pay shall be fixed at that stage which is next below the pay drawn by him immediately before such application and the difference between the pay so drawn by him and the pay so fixed shall be treated as personal pay and absorbed in the next increment;

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

(iii) the allocated employee may elect to draw the pay which he was drawing immediately before such application 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 applicable to him under clause (b) of rule 8.

**10. Circumstance in which special pay to be included in basic pay :-**

Where the State Government or any authority empowered by it in this behalf is satisfied that any allocated employee was drawing special pay immediately before the appointed day in lieu of a higher time-scale and the equivalent post to which he is appointed does not carry any special pay the State Government or the authority empowered by it in this behalf, may direct that for the purpose of fixation of his pay under rule 9, the basic pay shall, include the special pay drawn by him immediately before the appointed day.

**11. Special cases (where reference to be made to State Government) for fixing pay :-**

Notwithstanding any thing contained in the foregoing rules, where the pay of an allocated employee in the post held by him immediately before the appointed day had been fixed by an existing local authority of the State Government otherwise than in accordance with the normal rules applicable to such post, or had been fixed in a pay scale sanctioned as personal to such employees, or where, in opinion of the State Government. the pay is fixed fortuitously, then the pay-scale and the pay admissible to such

employee shall be determined by the State Government or by such authority as may empowered by it in this behalf, by a special order.

**12. Allowances payable to allocated employees :-**

Until any new rules as respects payment of allowances are made by the State Government, every allocated employee shall be entitled to such allowances (including) dearness allowance, compensatory local allowance, house rent allowance and city allowance) as were admissible to him immediately before the appointed day while holding a corresponding post:

Provided that, no allocated employee shall be entitled to the allowances aforesaid unless he continues to perform the duties for which the allowances were payable or to serve in the area in respect of which the allowances were payable.

**13. Power of allocated employees to exercise option in respect of certain terms and conditions applicable to them :-**

(1) Subject to the provision of this rule, an allocated employee appointed under rule 3 may elect to retain the pay scale together with the allowances if any (not being travelling allowances) attached to the corresponding post and he may also elect to be governed as respects leave, pension and provident fund by provisions of the rules or regulations applicable to him immediately before the appointed day; and on such election, he shall not be entitled to the pay-scale or any allowances attached to the post to which he is appointed under rule 3 or, as the case may be, governed as respects leave, pension and provident fund by the rules or regulations applicable to such post.

(2) The election under sub-rule (1) shall be exercised within three months from the date of the order of appointment of the allocated employee to an equivalent post and communicated to the District Development Officer concerned. Election once made shall be final and shall not be rescinded:

Provided that, if the allocated employee fails to make his election within the period of such three months, then the pay scale, the provisions as respects leave, pension and provident fund shall be regulated by the rules and orders applicable to the post to which he is appointed under rule 3.