

GUJARAT PANCHAYAT SERVANT (Condition for Joining Military Service) Rules, 1967

CONTENTS

1. Short Title
2. Defenition
- 3 . Permanent Panchayat servant joining Military Service to be treated on deputation
- 4 . Reposting of temporary panchayat servant on a release from Military Service
- 5 . Period from release from Panchayat Service and reporting for training to Military Authorities to be duty
- 6 . Period of Military Service to count as duty in the Panchayat Service
- 7 . Panchayat Servant to be exempted from crossing an efficiency bar during Military Service
8. Construbution to any Provident Fund
9. Subscription to the Provident Fund by a Panchayat Servant and Panchayats contribution
10. Medical facilities to members of the family of a Panchayat Servant joining Military Service
11. Contribution of the Panchayat towards the Provident Fund Account, during the period of Military Service, to form a charge against the Dafence Service Estimates
12. Counting of the period spent in Military Service for Seniority in Panchayat Service
- 13 . Confirmation of a temporary Panchayat servant while on Military Service
14. Confirmation in case of a Panchayat Servant who has passed departmental examination
15. Confirmation of a Panchayat Servant joining Military Service who is required to pass Departmental examination
16. Rules 13 to 15 to apply to persons on probation or officiating in higher post who join Military Service
- 17 . Approval of Panchayat Service Selection Board etc. before confirmation of a Panchayat Servant
18. Promotion of a Panchayat Servant joining Military Service
- 19 . Promotion in Panchayat Service on reversion from Military Service
- 20 . Passing of Departmental Examination for promotion in Panchayat Service
21. Difference in Civil and Military Pay and Allowances on promotion after reversion from Military Service
22. Approval of Gujarat Panchayat Service Selection Board, etc. for

promotion

23. Pay and allowances

24. Pay and allowances to be reduced on supply of free ration

25. Pay and allowances of a Panchayat Servant who is a reservist of the Army

26. Pay and allowances of a Panchayat Servant joining Military Service to be fixed at the rate applicable to him in Panchayat Service

27. Difference between rates of pay in Panchayat Service and Military Service to be paid by Defence Authorities

28. Panchayat servant on his reversion from Military Service, promoted to higher post in Panchayat service, to be eligible for difference of pay

29. No advance pay for a Panchayat Servant called for advise

30. A reservist Panchayat servant to be entitled to draw conveyance allowance

31. Special casual leave for Panchayat servant permitted to take up Military service for absence caused by his interview, medical examination etc.

32. Panchayat servant attending official duty after interview or medical examination etc. to be treated on duty

33. A Temporary Panchayat Servant to be governed by Military Leave Rules in all respects

34. A Panchayat Servant remaining subject to Panchayat Service leave rules during his Military Service to be granted leave during Military Service as per leave rules of the Armed Forces

35. Balance of leave in Panchayat Service to remain unaffected

36. Adjustment of leave actually taken during Military Service in the regular leave account at the end of Military Service

37. A Panchayat Servant to be entitled to leave salary under the leave rules of the Armed Forces during leave taken in Military Service

38. Leave at credit in the leave account of a temporary Panchayat Servant to be restored to him on his reversion to the Panchayat

39. Leave salary for leave during Military Service to be paid by the Defence Authorities

GUJARAT PANCHAYAT SERVANT (Condition for Joining Military Service) Rules, 1967

No. KP/1136/PRR-72/67-Jh.-In exercise of the powers conferred by section 323 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962), the Government of Gujarat hereby makes the following rules, namely:-

1. Short Title :-

(i) These rules may be called the Gujarat Panchayat Servants (Conditions for joining Military Service) Rules, 1967.

(ii) They shall apply to members of the Panchayat Service.

2. Defenition :-

In these rules unless the context otherwise requires:-

(i) "the Act" means the Gujarat Panchayats Act, 1961;

(ii) "Emergency" means the period during which the Proclamation of Emergency, issued under clause (i) of Article 352 of the Constitution of India on the 26th October 1962 shall remain in force;

(iii) "Military Service" means enrolled or commissioned service in any of the three wings of the Indian Armed Forces (including service as a warrant officer) rendered by panchayat servant during the present emergency;

(iv) "Panchayat" means a district panchayat, taluka panchayat, nagar panchayat or gram panchayat as the case may be;

(v) "panchayat servant" means a servant belonging to the Panchayat Service;

(vi) 'Panchayat Service" means the panchayat service as constituted under section 203 of the Act;

(vii) Words or expressions used in these rules but not defined, shall have the same meanings respectively assigned to them in the Act and the rules thereunder.

3. Permanent Panchayat servant joining Military Service to be treated on deputation :-

A permanent panchayat servant permitted to join Military Service during the emergency shall be treated on deputation and while in such service he shall retain his lieu on the post of the panchayat service in accordance with the relevant rules applicable to him.

4. Reposting of temporary panchayat servant on a release from Military Service :-

A temporary Panchayat servant who is permitted to join Military Service during the emergency shall be reposted in the Panchayat Service on his release from Military Service:

Provided that the post is in existence at that time and services rendered are approved Military Service:

Provided further that if the temporary post reserved for him is not

in existence, he may be given priority for being taken up in vacancies in other posts similar to the temporary post which he held.

5. Period from release from Panchayat Service and reporting for training to Military Authorities to be duty :-

The period between the date of release of a panchayat servant from Panchayat Service and the date on which he reports for training to the Military Authorities and vice-versa shall be treated as duty in his Panchayat Service under the relevant rules applicable to him:

Provided that such period shall not be treated as duty if he avails leave during that period:

Provided further that such period shall not exceed the period of joining time admissible to him under the relevant rules applicable to him.

6. Period of Military Service to count as duty in the Panchayat Service :-

The period of Military service shall count as duty in the Panchayat Service for the purposes of leave, increment and also for pension, if it does not count for Military pension under the Military Service.

7. Panchayat Servant to be exempted from crossing an efficiency bar during Military Service :-

A Panchayat servant shall be exempted from crossing an efficiency bar during Military Service if his Military Service is from satisfactory subject to the condition that the next increment if any, due after his return from Military Service, shall be subject to an efficiency bar.

8. Contribution to any Provident Fund :-

Subject to the provisions of rules 9, panchayat servant who is in Military Service shall continue to be governed by the rules regarding provident fund applicable to him. A Panchayat Servant shall retain his right or liability, as the case may be, of subscribing in accordance with the rules regarding any Provident Fund of which he is member.

9. Subscription to the Provident Fund by a Panchayat Servant and Panchayats contribution :-

The subscription to the Provident Fund and the Panchayat's contribution towards the amount of a subscriber (Panchayat

Servant), shall be calculated on the basis of emoluments of the Panchayat Servant as defined in the relevant rules applicable to him, while in Military Service.

10. Medical facilities to members of the family of a Panchayat Servant joining Military Service :-

The members of the family of a panchayat servant who joins Military Service during the emergency, shall be entitled to medical facilities in accordance with the rules applicable to him in Panchayat Service.

11. Contribution of the Panchayat towards the Provident Fund Account, during the period of Military Service, to form a charge against the Defence Service Estimates :-

The Contribution of the Panchayat where payable towards the Provident Fund Account of a subscriber during the period of his Military Service, shall form a charge against the Defence Service Estimates. Those estimates shall however be entitled to a refund of the whole amount or of a portion thereof, as the case may be, in any individual case in which the whole contribution of Panchayat with interest thereon or a fraction thereof is withheld under the rules of the Fund concerned.

12. Counting of the period spent in Military Service for Seniority in Panchayat Service :-

A panchayat servant permitted to join the Military Service during the emergency shall be eligible to count the period spent in Military Service towards seniority on the post of the panchayat service, if he becomes eligible for promotion to a higher post in the Panchayat Service during his absence on Military Service his Military Service from the date of such promotion shall count for seniority in the higher post. Where a minimum period of approved service is prescribed either for the purposes of confirmation, or promotion, the period of satisfactory Military Service of a Panchayat servant shall be counted towards the prescribed minimum service.

13. Confirmation of a temporary Panchayat servant while on Military Service :-

(1) A temporary officiating Panchayat Servant shall be eligible for confirmation in his post in Panchayat while he is away on Military Service.

(2) In cases where passing of any departmental examination is not a condition precedent to confirmation in the post, in Panchayat

Service, he shall be considered for confirmation. For this purpose, a report on his work and conduct may also be obtained from the Military Authorities, if considered necessary.

(3) Where the decision to confirm a Panchayat servant during his absence on Military Service cannot be taken at appropriate time and an assessment of his performance after his reversion to the Panchayat Service is considered necessary for the purpose, a permanent vacancy in the grade concerned shall be kept reserved for him. On reversion from Military Service if he is adjudged fit for confirmation, within one year from such reversion, then he shall be confirmed in that vacancy from the date he would have been so confirmed if he had not proceeded on Military Service.

14. Confirmation in case of a Panchayat Servant who has passed departmental examination :-

In cases where a passing of any departmental examination is a condition precedent to confirmation and the panchayat servant has passed such examination before joining military service the procedure as laid down in sub-rules (2) and (3) of rule 13 shall be followed while considering his case for confirmation.

15. Confirmation of a Panchayat Servant joining Military Service who is required to pass Departmental examination :-

A panchayat servant who is required to pass any departmental examination before confirmation and has not passed such examination before joining Military Service shall not be confirmed in the post in the Panchayat Service while he is away on Military Service, but a permanent vacancy in the grade concerned shall be kept reserved for him. On reversion from Military service he shall be required to pass the prescribed examination. He shall be entitled to have as many chances as he may have missed because of his joining Military Service and if he passes such examination within those chances and he is otherwise eligible and is considered fit for confirmation, he shall be confirmed in the post in the Panchayat Service from the date he would have been so confirmed, if he had passed the examination within the period and the number of chances prescribed in the rules or orders regarding such examination.

16. Rules 13 to 15 to apply to persons on probation or officiating in higher post who join Military Service :-

The provisions of rules 13 to 15 shall mutatis mutandis apply to the

person recruited on probation against permanent post in the panchayat service or who is appointed to officiate in higher post on trial and is permitted to join Military Service during the period his probation.

17. Approval of Panchayat Service Selection Board etc. before confirmation of a Panchayat Servant :-

The approval of the Gujarat Panchayat Service Selection Board or the District Panchayat Service Committee or the District Primary Education Staff Selection Committee shall be taken before a Panchayat servant is confirmed if it is necessary under the relevant rules applicable to him to obtain the approval.

18. Promotion of a Panchayat Servant joining Military Service :-

(1) A Panchayat Servant whether permanent or temporary shall be eligible for performance promotion in the Panchayat Service during his absence on Military Service.

(2) Where promotion is to be made on the basis of seniority-cum-fitness, or selection of merit, the case of a Panchayat Servant shall be considered by the Panchayat on the lines of the procedure set out in subrule 13.

(3) The provisions of sub. rule (2) shall also apply to cases where passing of any departmental examination is a condition precedent to promotion to the grade concerned and a Panchayat servant had passed such examination before proceeding on Military Service.

19. Promotion in Panchayat Service on reversion from Military Service :-

In the cases referred to in sub-rules (2) and (3) of rule 18, if the decision to promote a Panchayat Servant cannot be taken at the appropriate time and an assessment of his performance after reversion to the Panchayat Service is considered necessary for the purpose, he shall not be promoted during his absence on Military Service. On reversion from Military Service, if he is adjudged fit for promotion within one year of such reversion, he shall be promoted to the grade concerned the date he would have been so promoted had not proceeded on Military Service. To provide for such promotions, a sufficient number of persons promoted to that grade shall be kept on an officiating basis, if necessary so that they could be reverted in the event of promotion of the person returning from

Military Service.

20. Passing of Departmental Examination for promotion in Panchayat Service :-

In case where the passing of any departmental examination is a condition precedent to promotion a Panchayat Servant who had not already passed such examination before taking up Military Service, shall not be promoted while he is away on such service. On reversion from Military Service he shall be allowed to take as many chances to pass the prescribed examination as he might have missed because of joining Military Service. If he passes the examination in one of those chances, he shall be promoted with retrospective effect from the date he would have been so promoted if had passed the examination in the corresponding chance that he could have otherwise availed himself of, but for his joining Military Service. To provide for such promotions, a sufficient number of persons promoted to the grade concerned shall be kept on an officiating basis, if necessary so that they could be reverted in the event of promotion of the persons returning from Military Service.

21. Difference in Civil and Military Pay and Allowances on promotion after reversion from Military Service :-

A Panchayat Servant who on reversion from Military Service, is promoted to higher post in the Panchayat Service with retrospective effect from earlier dates shall be eligible for the difference between the civil pay and allowances and the military pay and allowances, as a result of such promotion and also for the arrears of pay and allowances for the period intervening between his reversion from Military Service and actual promotion in the Panchayat Service provided that all the conditions precedent to the grant of benefit under the next below rule are fulfilled to the necessary.

22. Approval of Gujarat Panchayat Service Selection Board, etc. for promotion :-

The approval of the Gujarat Panchayat Service Selection Committee or the District Primary Education Staff Selection Committee shall be taken before a panchayat servant is promoted it is necessary under the relevant rules applicable to him.

23. Pay and allowances :-

A Panchayat Servant shall be eligible to draw pay and allowances while in Military Service at the same rate to which he was entitled but for his joining Military Service or at the rates of pay and

allowances in Military Service, whichever is higher.

24. Pay and allowances to be reduced on supply of free ration :-

The pay and allowances of a Panchayat Servant who joins Military Service as a Junior Commissioned Officer or, as the case may be, officer, shall be reduced by Rs 25 per month on account of free ration if he draws at the rates which he was entitled to draw in Panchayat Service.

25. Pay and allowances of a Panchayat Servant who is a reservist of the Army :-

The pay and allowances of a Panchayat Servant who is reservist of the Army, Air Force Reserve, Indian Fleet Reserve, Air Defence Reserve, Indian Naval Reserve and Indian Naval Volunteer Reserve shall be fixed at the rate as per the relevant rules applicable to him in the Panchayat Service when called for training.

26. Pay and allowances of a Panchayat Servant joining Military Service to be fixed at the rate applicable to him in Panchayat Service :-

The Pay and allowances of a Panchayat Servant who is permitted to join Military Service during emergency for the period between the date of his release from Panchayat service and the date on which he reports for training to the Military Authorities shall be fixed at the rates as per relevant rules applicable to him in Panchayat Service.

27. Difference between rates of pay in Panchayat Service and Military Service to be paid by Defence Authorities :-

The difference between the rates of pay to which he was entitled in Panchayat Service and the rates to which he is eligible in the Military rates, shall be paid by the Defence Authorities and a debit thereof shall subsequently be raised against the Panchayat concerned.

28. Panchayat servant on his reversion from Military Service, promoted to higher post in Panchayat service, to be eligible for difference of pay :-

A Panchayat Servant on his reversion from Military Service promoted to higher post in the Panchayat Service with retrospective effect from earlier dates shall be eligible for the difference of pay and allowances in Panchayat Service and the pay and allowances in Military service, and also for the arrears of pay

and allowances for the period intervening between his reversion from Military Service and actual promotion in the Panchayat Service:

Provided that all the conditions precedent to the grant of benefit under the next below rule fulfilled to the extent necessary.

29. No advance pay for a Panchayat Servant called for advise :-

service.-A Panchayat servant called for active service not be entitled to draw advance of pay.

30. A reservist Panchayat servant to be entitled to draw conveyance allowance :-

A Panchayat servant who is reservist shall be entitled to draw conveyance allowance to the intended place of residence, at the rates applicable to the corresponding ranks in the Armys etc., during active service or on voluntary resignation due to circumstances beyond control or on dismissal, removal from service or on being permitted to resign.

31. Special casual leave for Panchayat servant permitted to take up Military service for absence caused by his interview, medical examination etc. :-

In the case of Panchayat servant who is permitted to join Military Service during the emergency, the period of absence from duty occasioned by his interview, medical examination etc. in connected with his joining Military Service shall be treated as Special Casual Leave:

Provided that it shall not be treated as special casual leave where it shall not be possible for a Panchayat Servant to attend to his duties.

32. Panchayat servant attending official duty after interview or medical examination etc. to be treated on duty :-

A permanent Panchayat servant shall be allowed to earn leave according to the rules applicable to him in Panchayat Service during the emergency. The leave actually taken in Military Service shall be deducted from his leave account, and in case if it exceeds the leave admissible, the excess leave shall be condoned.

33. A Temporary Panchayat Servant to be governed by Military Leave Rules in all respects :-

A temporary Panchayat Servant shall be governed by the Military Leave Rules in all respects.

34. A Panchayat Servant remaining subject to Panchayat Service leave rules during his Military Service to be granted leave during Military Service as per leave rules of the Armed Forces :-

A Panchayat 'servant who remains subject to the rules applicable to him in Panchayat service shall be granted leave during the period of his Military Service under the leave rules of the Armed Forces. The leave so granted shall also be subject to the conditions and limits laid down in the leave rules of the Armed Forces.

35. Balance of leave in Panchayat Service to remain unaffected :-

The balance of leave in the leave account maintained under the rules applicable to him in Panchayat service at the time of his transfer to Military Service shall remain unaffected.

36. Adjustment of leave actually taken during Military Service in the regular leave account at the end of Military Service :-

(i) The leave actually taken during Military Service shall be adjusted in the regular leave account at the end of Military Service as follows:-

(a) Annual leave against earned leave;

(b) sick leave on full pay as commuted leave against half pay leave;

(c) leave on half pay (including sick leave) against half pay leave account.

(ii) If a Panchayat servant availed of leave during Military Service in excess of what he earned during that service under the leave rules, such excess consumption shall be condoned.

(iii) The leave at credit in the leave account during Panchayat Service shall not be operated on for any purpose during Military Service.

(iv) The balance of leave earned during Military Service remaining at the credit of a Panchayat Servant on the date of his reversion after adjustment of leave availed of during that service shall be

credited to his frozen leave account to the extent that the total leave of credit in frozen leave account together with the balance added under this clause does not exceed the limits upto which leave can be accumulated under the leave rules applicable to him.

(v) A Panchayat servant shall be granted leave under the leave rules of Armed Forces during the period on Military Service. He shall not be granted special disability leave under the rules applicable to him in Panchayat Service.

37. A Panchayat Servant to be entitled to leave salary under the leave rules of the Armed Forces during leave taken in Military Service :-

A Panchayat Servant shall be entitled to leave salary under the leave rules of the Armed Forces during the period of leave taken by him in Military Service. If he is in receipt of pay at the rates under the relevant rules under the Panchayat Service, the leave salary under the leave rules of the Armed Forces shall be calculated with reference to Panchayat service pay only.

38. Leave at credit in the leave account of a temporary Panchayat Servant to be restored to him on his reversion to the Panchayat :-

The leave at the credit in the leave account during Panchayat Service of a temporary Panchayat servant shall be carried forward and made available to him on his reversion to the Panchayat.

39. Leave salary for leave during Military Service to be paid by the Defence Authorities :-

The leave salary in respect of the leave availed of during Military Service shall be paid by the Defence authorities. The leave salary in respect of the leave earned during Military Service shall, if such leave is availed of after reversion to the Panchayat service, be the liability of the Panchayat. The Panchayat shall not claim any leave salary contribution.