

GUJARAT PANCHAYAT SERVICE (Classification and Recruitment) RULES, 1967

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GUJARAT PANCHAYAT SERVICE (Classification and Recruitment) RULES, 1967

No. KP/966/PRR 71/67-Jh. Sachivalaya,Ahmedabad-15, 14th August 1967. In exercise of the powers conferred by sec. 323 of the Gujarat Panchayats Act, 1961 the Government of Gujarat hereby makes the following rules, namely:

PART 1

GENERAL

1. Short title and application :-

(a) These rules may be called the Gujarat Panchayat Service (Classification and Recruitment) Rules, 1967.

(b) They shall apply to the recruitment to any post in the Panchayat Service.

2. Definitions :-

(1) In these rules, unless the context otherwise requires:

(a) "the Act" means the Gujarat Panchayats Act, 1967;

(b) "appointing authority" in respect of relevant post in the panchayat service means the authority empowered to make appointment to such post;

(c) 'Board' means the Gujarat Panchayat Service Selection Board constituted under Sec. 210 of the Act;

(d) "Government" means the Government of Gujarat;

(e) "a panchayat servant" means any person appointed to the Panchayat Service and includes an officer or servant allocated to the panchayat service under sec. 236 of the Act;

(f) "panchayat service" means the Panchayat Service as constituted under sec. 203 of the Act;

(g) "Schedule" means a Schedule appended to these rules;

(h) "Selection Committee" means the District Panchayat Service Selection Committee constituted under sub-sec. (2) of sec. 211.

¹ [(ha) 'Socially and Educationally Backward Classes' means such castes, classes and groups as are specified in Schedule IIIA appended to these rules'].

(2) The words and expressions not defined but used in these rules shall have the meaning assigned to them in the Act.

1. Inserted by Guj. Gaz. Ext" Pt. I-A, d. 5-2-1986, p. 18.

3. . :-

(1) The Panchayat Service shall consist of two classes; namely

(i) Superior Panchayat Service;

(ii) Inferior Panchayat Service.

(2) (a) The Superior Panchayat Service shall consist of posts which are not included in the Inferior Panchayat Service.

(b) The Inferior Panchayat Service shall consist of specified in Schedule I.

4. Disqualification for appointment to Panchayat Service :-

(1) Subject to the provisions of these rules, no person shall be appointed to any post in the Panchayat service unless he is-

(a) a citizen of India, or

(b) a subject of Sikkim, or

(c) a subject of Nepal, or

(d) a subject of Bhutan, or

(e) a Tibetan refugee who came over to India before the 1st January 1962 with the intention of permanently settling in India; or

(f) a person of Indian origin who has migrated from Pakistan, Burma Ceylon, and East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly known as Tanganika and Zanzibar):

Provided that a candidate belonging to a category specified in clause (c) or (d), or (e) or (f) must be a person in whose favour a certificate of eligibility had been given by Government and where the candidate belongs to category specified in clause (f), the certificate of eligibility shall be valid only for a period of one year from the date of his appointment, beyond which he can be retained in service only if he has obtained the citizenship of India.

(2) A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview conducted by the Board or the Selection Committee or any other appointing authority and he may also provisionally be appointed to a post subject to his producing the requisite eligibility certificate within such time as may be allowed by the appointing authority.

(3) No person shall be appointed to any post in the Panchayat Service -

(i) if he was dismissed for misconduct from service under any local body, Government or a Co-operative Society registered or deemed to be registered under the Gujarat Co-operative Act, 1961; or

(ii) if he was convicted of an offence which, in the opinion of the appointing authority, involves moral turpitude, or

(iii) if he has more than one wife living, and in the case of a woman if she has married a person having already a wife living.

(4) Every applicant for appointment to a post in the Panchayat Service shall be required to declare whether he or she, as the case may be, is married and if so, in the case of a male applicant, whether he has more than one wife living and in the case of a female applicant, whether she is married to a person having already a wife living. In the event of such declaration being found incorrect after appointment, the applicant shall be liable to be removed from the Panchayat Service.

5. Evidence of good character :-

An appointment of any post otherwise than by promotion or transfer of person already in the Panchayat Service shall be subject to the production of such evidence of good character as may be required by the Board, Selection Committee or as case may be, the appointing authority.

6. Physical fitness :-

(1) Subject to the conditions mentioned here- under, no candidate shall be eligible for appointment in the Panchayat Service, or shall be admitted into a pre-service training course, if any, for such service, if he has failed to produce a medical certificate of fitness in the form given in Schedule II signed by a Medical Officer duly authorised for the purpose by the Government:

Provided that where an appointment is made by promotion or transfer of any person already in service no medical certificate of fitness shall ordinarily be required.

(2) The appointing authority shall require the selected candidate to present himself before the Medical Officer and shall, for the purpose, give him a letter in the form prescribed in Schedule III. The medical examination made under this rule shall be free of charge but the candidate shall appear before such Medical Officer at his own cost.

(3) The Medical Officer to whom a candidate is sent for medical examination shall forward the certificate to the officer at whose request the examination was made. The defects, if any, noticed in

the physique of the candidate by the Medical Officer shall be reported by him directly to appointing authority, with a clarification whether any of the defects so noticed shall materially interfere with the discharge of duties of the office on which the candidate is proposed to be appointed. The Medical Officer shall also forward alongwith the certificate the declaration made by the candidate in Forms A and B specified in Schedule III and signed in his presence.

(4) When a panchayat servant in whom a defect has been noticed by the Medical Officer is transferred from one post to another and duties of such post are different in character, the appointing authority shall give such servant a memo for medical examination addressed to the Medical Officer. The Medical Officer shall report to the appointing authority whether the defect is such as would materially interfere with the discharge of the new duties by the panchayat servant of the post to which he is so transferred.

(5) In the case of re-appointment of a candidate amounting to fresh appointment, no fresh medical certificate of fitness shall be necessary, if the candidate has already been medically examined and found physically fit not earlier than six months prior to date of his re-appointment.

(6) The Medical certificate of fitness issued in favour of a candidate shall be affixed to the first pay bill on which his pay is drawn, after keeping a copy of thereof in his service record.

(7) No person invalidated from State Service or panchayat Service shall be re-employed except on the strength of a certificate of fitness issued by a Medical Committee appointed by the district panchayat for the purpose. Such Committee shall include a specialist of the disease as a consequence of which the person was invalidated.

(8) Where a person retired from the State Service, Panchayat Service or service under any body constituted under any law is to be re-employed on any post in the Panchayat Service, then unless the re-employment follows immediately after the date of retirement, the production of medical certificate of fitness shall be necessary, as if it were fresh appointment.

¹ ["(9) The Director of Medical and Health Services, Gujarat State,

(10) Where a candidates selected for appointment or pre-service training is declared to be physically unfit he shall not be eligible for

appointment or to appear for medical examination.

1. Subs. by-[Noti. No. KP/76/114/PRR-1076-6089/TH, dt. 7-7-1976-Guj, Govt. Gaz, Exty., Pt. I-A, dt. 8-7-1976, P. 166]

7. Qualifications regarding age, education, experience etc.

:-

(1) The qualifications with regard to age, education, experience in respect of a post mentioned in Schedule IV shall be those specified against the respective post in that Schedule.

(2) The age limit prescribed for any post in Schedule IV may be relaxed by the appointing authority in the case of a candidate belonging to a ¹[Scheduled castes. Scheduled Tribes or the Socially and Educationally Backward class], provided his age does not exceed the prescribed age by more than five years and in the case of a candidate who is physically handicapped, the age limit may be relaxed by the said authority upto ten years beyond the age limit prescribed for the posts provided that such a physically handicapped candidate is otherwise found fit for the post and satisfies the other qualifications with regard to education and experience laid down for such post.

²[(3) Notwithstanding any thing to the contrary contained in these rules or other relevant rules for the time being in force relating to the recruitment to any Panchayat Service or post, the upper age limit for the purpose of recruitment prescribed in such rules shall not apply to a candidate who is already in Gujarat Government Service or Panchayat Service either as a temporary servant or a permanent servant officiating continuously for six months in a substantive or leave vacancy caused as a result of deputation of other servants and within the age limit prescribed for the posts at the time of his first appointment in Government Service or Panchayat Service as the case may be.

Provided that such upper age limit shall apply to such candidate in a case where recruitment to a post or service is done through competitive examination or by direct selection for which experience has not been prescribed as one of the qualification for such post:

Provided further that where a post requiring a medical, engineering or agriculture or diploma as a qualification is to be filled by direct selection through the Gujarat Panchayat Service Selection Board or District Panchayat Service Selection Committee, a Government

Servant or a Panchayat Servant who was within the age limit when appointed to such post shall, if he subsequently applies for the same post, be entitled to relaxation from the application of the upper age limit prescribed as aforesaid even if experience has not been prescribed as one of the qualifications for such post.]

(4) In exceptional cases, for reasons to be recorded in writing the appointing authority may appoint a candidate whose age exceeds the prescribed age irrespective of the class e.g. Schedule Caste or Scheduled Tribe

Provided that such appointment shall be reported to the Development Commissioner for approval, stating fully the reasons for making the appointment, and until approved by him the appointment shall be treated as provisional.

(5) The prescribed age limit should be reckoned with reference to the date of the commencement of continuous service whether officiating, temporary or work-charged and not with reference to the date of subsequent substantive appointment in the case of a candidate promoted to permanent establishment after continuous officiating, temporary or work-charged service.

Explanation-In the case of a candidate who is below the prescribed age limit at the time he enters service in a temporary or officiating capacity but has crossed that age limit at the time of confirmation, the question of relaxation of age limit would not arise, unless there is a break in service.

3 [(5A) Notwithstanding anything contained in any rules for the time being in force relating to any post in panchayat service requiring a Bachelor's degree of a recognised University or an equivalent qualification recognised by the Government as an essential qualification, the upper age limit for the purpose of recruitment to such service or post shall be 28 years, except where the upper age limit prescribed in such rule is more than 28 years].

(6) Where any notification or advertisement whether by the Board or as the case may be, by the Committee inviting applications for appointment to any post is published in a newspaper or in any other manner, then save as otherwise provided in such notification or advertisement, the question whether a candidate applying for such post has crossed the age limit prescribed for the post shall be determined with reference to the first day of the month

immediately following the month in which a period of ninety days from the date of the first publication of such notification or advertisement expires and accordingly a candidate shall be deemed to have crossed such age limit, if he has attained such age limit before the aforesaid first day of the month.

(7) The period of experience which a candidate is required to have in respect of a service or post shall be reckoned with reference to the last date fixed for the receipt of applications for that service or post.

(8) The appointing authority may on the advice of the Board or as the case may be, the Committee, in special circumstance and subject to the approval of the Development Commissioner relax in individual case the conditions relating to educational qualifications or experience.

1. Subs. by G G G Ex. Pt. 1-A, d. 5-2.1986 p. 18.
2. Subs. vide G G G IA, d. 27-7-1972, p. 410.
3. Inserted by GG Gaz., Ext. Pt. I-A, d. 19-6-1979, p. 196.

8. Appointment to post not within purview of Board or Selection Committee :-

In the case of a post in the panchayat Service, other than those of primary teachers, which is outside the purview of the Board or the Selection Committee and in respect of which no special qualifications has been prescribed under rule 7 an appointment thereto may be made by the appointing authority in a manner suitable with reference to the duties attached to the post after a Recruitment 'rule for such post is got approved by it from Government.

9. Procedure to be followed in regard to appointment to posts in Panchayat Service :-

(1) Except in the case of services: and posts which are not within the purview of the Board or the Selection Committee, recruitment appointment to all posts shall be made by the appointing authority after consultation with the Board or the Selection Committee, as the case may be, either by direct selection, or by promotion from a lower post or service, or by transfer from the State Service to the Panchayat Service, or by re-employment or by deputation.

(2) For the purpose of selecting candidates by direct selection for appointment to posts mentioned in Scheduled IV or with a view to selecting candidates for pre-service training prior to their

appointment to such post the Board or, as the case may be, the Selection Committee shall arrange to hold qualifying written examinations, as prescribed.

(3) Every candidate seeking appointment to any of the posts mentioned in Schedule IV shall submit his application in the form prescribed by the Board, or as the case may be, to the Selection Committee, alongwith such application fee and other fees as the Board may require him to pay :

Provided that the rates of such fees shall be such as may be determined by the Board from time to time with the approval of Government.

(4) When recruitment to any post in any cadre or grade in Panchayat Service lying within the purview of the Board or of the Selection Committee is to be made by direct selection, the District Development Officer shall collect the information for his office as well as for the office subordinate to the District panchayat regard to the number of posts to be filled in by the District Panchayat, the Taluka Panchayat and Gram or Nagar Panchayat respectively, and shall submit the requisition, in the form specified in Schedule V to the Board or as the case may be, Selection Committee.

(5) When appointment to any post in any cadre or grade in the panchayat service lying within the purview of the Board or the Selection Committee, is to be made by promotion, then, except where the period of appointment is not likely to exceed three months, the procedure as laid down in sub-rule (4) shall be followed by the District Development Officer Taluka Development Officer/or the Secretary of the Gram/Nagar Panchayat as the case be, but instead of furnishing the Form specified in Schedule V he shall furnish information as required under sub-rule (1) of rule 5 of Gujarat Panchayat Service Selection Board (Functions) Rules, 1964, or as the case may be sub-rule (i) of rule 5 of the Gujarat District Panchayat Service Selection Committee (Functions) Rules, 1964.

6. When appointment to any post in any cadre or grade in the panchayat service, lying within the purview of the Board or selection Committee is to be made by transfer of a member from the State Service to the Panchayat Service except where the period of appointment is not likely to exceed three months, the procedure as laid down in sub-rule (4) shall be followed by the District Development Officer, Taluka Development Officer or the Secretary

of the Gram or Nagar Panchayat as the case may be, but instead of furnishing the information in the form prescribed in Schedule V he shall furnish information as required under sub-rule (1) of rule 6 of the Gujarat Panchayat Service Selection Board (Functions), Rules, 1964, or the case may be, sub-rule 6 of the Gujarat District Panchayat Service Selection Committee (Functions), Rules, 1964.

10. Appointment by the promotion :-

(1) Where an appointment to be made by promotion, no servant shall be entitled to such promotion on the ground only of seniority. No such appointment shall be made unless in addition to seniority, the servant to be appointed is found to be fit for such promotion.

(2) In making an appointment to any post by promotion, the appointing authority may supersede a servant who is apparently not fit to discharge the duties and responsibilities of the post and whose appointment is likely to affect adversely the efficiency of work against to that post.

10A. (1) Reservation of post for Scheduled Castes and Scheduled Tribes :-

1.

(1) The percentage of vacancies to be reserved in the Panchayat Service for the appointment of the members of the Scheduled Castes and Scheduled Tribes for posts in the Superior and Inferior Panchayat Service shall be as specified in Table I and Table II respectively.

\\ \\ \\ \\ TABLE 1 Percentage of reservation of vacancies for members of Scheduled Castes. TABLE 2 Percentage of reservation of vacancies for members of Scheduled Tribes.

2 [(2) For the purpose of carrying out the provisions of sub-rule (1) the following procedure shall be followed namely :-

(i) The term "vacancies" used in this rule means the number of posts to be filled by direct recruitment in superior and inferior Panchayat Service.

(ii) If at the time of recruitment, sufficient number of candidates belonging to Scheduled Castes and Scheduled Tribes are not available according to the prescribed percentage of reservation for candidate belonging to such Castes and Tribes, the same number of vacancies to be reserved shall be carried forward for the next two

subsequent occasion of recruitment such reserved posts shall be treated as "unreserved" thereafter, if sufficient number of such candidates are still not available. On no such occasion, the aggregate number of normal percentage of reserved vacancies and the reserved vacancies so carried forward shall together exceed 45% of the total number of vacancies to be filled.

(iii) The allocation of the vacancies so carried forward within this limit among the Schedule Caste and Schedule Tribes shall be in proportion to be total number of reserved vacancies of the two classes. The surpluses above 45% shall be carried forwarded to subsequent occasions of recruitment, subject to the condition that the particular vacancies carried forward do not become time become due to their being carried forward even for more than two years.]

1. Ins. vide G.G.G., IA. d. 12-11-1970, p. 456

2. Ins. vide G.G.G. IA, d. 17-8.1972, p. 436

10AA. Minimum Experience in Service or post requisite for promotion :-

1 .-

(1) Wherein any rules or orders relating to recruitment in or promotion to any service or post included in the Panchayat Service or relating to promotion from cadres in Panchayat Service to cadres in the State Service, possession of experience in a lower service or post for a specified period is not prescribed as a condition precedent to promotion to a higher service or post, the provisions of sub-rule (2) shall apply.

(2)

(a) No person shall be promoted from a lower post in Panchayat Service to a higher post in the same service unless he has an experience of five years in the post from which he is to be promoted.

(b) No person shall be promoted from a cadre in Panchayat Service to a cadre in the State Service unless he has an experience of seven years in the cadre in Panchayat Service from which he is to be promoted:

Provided that where an appointing authority is satisfied that a person having an experience specified in clause (a), or as the case may be, (b) is not available for promotion and that it is in public

interest to fill up the post of service by promotion of a person having experience for a lesser period it may, for reasons to be recorded in writing promote such person who have experience for a period not less than two thirds of the period specified in clause (a) or (b) which applies to him.

1. Added by [Noti. No. KP/56 of 1985/PRR-1085/3573-KH dt, 10-12-1985 -Guj. Govt. Gaz Ex. Pt. I-A dt, 10-12-1985, P, 116]

11. Confirmation in a post :-

1 .-Where confirmation of a person in panchayat service is made according to the rank in the seniority list in force it shall not be necessary to consult the Gujarat Panchayat Service Selection Board or, as the case may be, the District Selection Committee, if such person has satisfactorily put in service in the post or cadre for a continuous period of not less than three years and has passed the departmental examination, if any prescribed for that post and has also successfully undergone training, if any laid down for such post :

Provided that where confirmation is proposed to be made otherwise than in accordance with the rank in the seniority list it shall be necessary to consult to the Gujarat Panchayat Service Board or Gujarat Panchayat Service Selection Committee, as the case may be before making such confirmation in the post which fall within the purview of the Gujarat Panchayat Service Selection Board or the District Panchayat Service Selection Committee"].

1. Subs. vide G.G:G., IA d. 21-9-1972 p. 558

12. Endeavour to enlist support for appointment or promotion or disqualify a candidate :-

Any endeavour on the part of a candidate or his relatives or friends to enlist support by direct or indirect methods for his application for first appointment to Panchayat Service or for his promotion to a higher post or grade shall be held to disqualify him for such appointment to promotion.

13. Passing of Departmental and Hindi and Gujarati Language examination :-

A candidate on appointment to any posts in Panchayat Service shall be required to pass such departmental examination or Language examination as may be prescribed by rules in that behalf. He shall also be required to undergo such pre-recruitment, or as the case may be, postrecruitment training as may be laid down by Government from time to time.

14. Application by a Panchayat Servant for a post outside the Panchayat Service or for a post under any other Panchayat :-

(1) No application of a panchayat servant for post outside the Panchayat Service or under another panchayat shall be withheld unless in the opinion of the Panchayat under which he is for the time being serving, his service cannot be spared in the interest of panchayat service, such interest being real and substantial:

Provided that where such application is for post in an organisation with which the panchayat servant has dealing in his official capacity, the panchayat shall refuse to forward the application to such organisation.

15. Savings :-

¹ -Nothing in these rules or any rules or orders relating to recruitment in or promotion to any service or posts included in the superior Panchayat Service or inferior Panchayat Service shall affect any orders made by the State Government relating to-

(a) reservations to be made in that service or in relation to those posts in pursuance of clause (4) of article 16 of the Constitution,

(b) relaxation of age limit, and

(c) other concessions in respect of persons belonging to the Scheduled Castes, Scheduled Tribes, and other backward classes in the State.] Schedules not reproduced.

1. Inserted by Notification No. KP-3(86)/PRR-1085-35-73-KH, dt. 27-2-1986-Guj- Govt. Gaz. Ex, Pt. I-A dt, 27-2-1986. P. 33]