

Gujarat Panchayat Service Selection Board (Consultation) Rules, 1998

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SCHEDULE 1 :- SCHEDULE

Gujarat Panchayat Service Selection Board (Consultation) Rules, 1998

In exercise of the powers conferred by Sec. 274 read with sub-sec. (5) of Sec. 227 of the Gujarat Panchayats Act, 1993 (Guj. XVIII of 1993), the Government of Gujarat hereby makes the following rules, namely:

1. Short title :-

These rules may be called the Gujarat Panchayat Service Selection Board (Consultation) Rules, 1998.

2. Definitions :-

In these rules, unless the context otherwise requires.

- (i) "the Act" means the Gujarat Panchayats Act, 1993;
- (ii) "Board" means the Gujarat Panchayat Services Selection Board constituted under Sec. 235 of the Act;
- (iii) "Government" means the Government of the State of Gujarat;
- (iv) "Panchayat Services" means the Panchayat Services as constituted under Sec. 227 of the Act;
- (v) "Schedule" means a Schedule appended to these rules;
- (vi) "Section" means a section of the Act;

(vii) "Selection Committee" means a District Panchayat Service Selection Committee as constituted under Sec. 236 of the Act.

3. Departmental Examination :-

The advice of the Board shall be obtained in the following matters in regard to and examination to be held for determining whether the candidates to be recruited through the Board or the Selection Committee or the officers and servants already in the Panchayat service have sufficient knowledge of any language or departmental Acts, rules, regulations or orders to justify their appointment, promotions or continuance in the Panchayat Services, namely: (1) the conditions of admission to the examination; (2) the syllabus of the examination; and (3) the percentage of marks to be obtained for passing the examination.

4. Appointment :-

The advice of the Board shall be obtained in respect of appointment including appointment by nomination and appointment by promotion to any of the posts mentioned in the Schedule, except;

(1) where the period of appointment is not likely to exceed one year; or

(2) where temporary appointments and promotions for a period exceeding one year are required to be made immediately on administrative grounds:

Provided that in the case of a temporary appointments or promotions referred to in clause (e) the Panchayat concerned shall, however notify the same to the Board immediately for its advice after the appointment is made.

5. Conditions of Services :-

Except as otherwise provided in Rule 7, the Board shall be consulted by the concerned panchayats in respect of all matters relating to the conditions of the services of the personnel belonging to the Panchayat Services mentioned in the Schedule and also in the schedule appended to the Gujarat District Panchayat Service Selection Committee (Consultation) Rules, 1998.

6. Disciplinary matters :-

(1) Except as otherwise provided in Rule 7 the advice of the Board shall be obtained by the Disciplinary Authority before imposing on any member of the Panchayat Services holding any post specified

in the Schedule and also in the Schedule appended to the Gujarat District Panchayat Service Selection Committee (Consultation) Rules, 1998 as to any of the following penalties, namely:

- (a) Reduction in rank including reduction to a lower post of time-scale or to a lower stage in a time scale;
- (b) Compulsory retirement;
- (c) Removal from Service which shall not disqualify for future employment;
- (d) Dismissal from service which shall ordinarily be a disqualification for future employment;
- (e) Reduction in pension.

(2) In the case of an appeal or application for revision against any order imposing any of the said penalties on any of the Panchayat Service as aforesaid, the advice of the Board shall be obtained by the appellate or, as the case may be, revisional authority in cases where such authority comes to a decision which is different from the advice which might have already been tendered by the Board to the Disciplinary Authority earlier and which is available on record of the case.

(3) When the advice of the Board is sought in the question of passing an order against a person, the Board shall be furnished with the record of the case by the concerned Disciplinary authority, or as the case may be, appellate authority or Revisional Authority and the opinion of the Board will be kept as part of the record.

Explanation. The expressions "Disciplinary Authority", "Appellate Authority" and "Revisional Authority" in this rule shall have the same meaning as have respectively been assigned to them under the Gujarat Panchayat Service (Discipline and Appeal) Rules, 1997.

7. Matters in which advice of the Board not necessary :-

It shall not be necessary for a panchayat to obtain advice of the Board in respect of any of the following matters, namely:

- (1) an appeal from or a memorial against, an order of suspension pending inquiry into the charge against the person so suspended;
- (2) rejection of a memorial or petition made in a disciplinary matter, if the memorialist or the petitioner has or had a right of appeal against the order in respect of which such memorial or

petition is made;

(3) The termination of the services of an officer on probation, if the termination is on the ground for want of a vacancy or for failure to acquire the prescribed specific qualifications or to satisfy any other specific qualifications or to pass the prescribed test or to satisfy any other specific condition laid down by the appointing authority;

(4) the termination of the employment of an officer in accordance with the terms of his contract of employment except where the employment is terminated for misconduct;

(5) the discharge or reversion of an officer otherwise than as penalty;

(6) the imposition of any penalty laid down in any rule or order for failure to pass any test or examination within the specified time;

(7) any matter in which the Board has at any previous stage given advice as to the order to be passed and no fresh point has thereafter arisen for the determination of the matter.

(8) In the case of second appeal where the appellate authority is State Government.

8. Repeal and Savings :-

The Gujarat Panchayat Service Selection Board (Consultation) Rules, 1964 are hereby repealed. Such repeal shall not affect anything done or any action taken under the rules so repealed.

SCHEDULE 1

SCHEDULE

All posts enumerated in the schedule for the time being in force appended to the Gujarat Panchayat Services Selection Board (Functions) Rules, 1998.