

## **Gujarat Panchayat Service, Allocated Employees (Absorption, Seniority, Pay and Allowances) Rules, 1997**

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## **Gujarat Panchayat Service, Allocated Employees (Absorption, Seniority, Pay and Allowances) Rules, 1997**

In exercise of the powers conferred by Sec. 274 read with sub-sec. (5) of Sec. 227 of the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993), the Government of Gujarat hereby makes the following rules, namely :

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

(1) These rules may be called the Gujarat Panchayat Service, Allocated Employees (Absorption, Seniority, Pay and Allowances) Rules, 1997.

(2) They shall apply to all allocated employees except those who, immediately before the date on which they become the employees of a Panchayat under the provisions of the Act, or were serving under an existing local authority or in the State Government on contract basis, part-time or daily-rate basis or had been re-

employed on superannuation or were paid out of contingency grants.

## **2. Definitions :-**

In these rules, unless the context otherwise requires,

- (a) "the Act" means the Gujarat Panchayats Act, 1993;
- (b) "allocated employee" means any person who is allocated to the Panchayat Service under Sec. 230 of the Act;
- (c) "appointed day" means the date of allocation of officers and servants to the Panchayat Service under Sec. 230 of the Act;
- (d) "basic pay" means the amount drawn monthly by an allocated employee as pay and 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 a post in the Panchayat Service which the State Government may by order, determine to be corresponding to a post held by an allocated employee immediately before the appointed day or the post which would have been held by him but for his deputation in the panchayat service (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 panchayat" means a district panchayat or a taluka panchayat or a nagar panchayat or a gram panchayat constituted under the Gujarat Panchayats Act, 1961 (Guj. VI of 1962).
- (g) "officiating" means the period of service during which such employee had actually officiated on particular post as also the period during which he would have officiated on that post or a post on the time-scale, but for his
  - (i) proceeding on leave;
  - (ii) appointment to a higher post;
  - (iii) appointment to another post during the period of appointment to which conditions necessary for eligibility to the benefit of the next below rules are satisfied;
  - (iv) suspension followed by reinstatement on the same post and

the period of suspension being considered as on duty;

(v) deputation on foreign service (as defined in the Bombay Civil Service Rules, 1959);

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

(vii) availing the joining time admissible,

(viii) deputation out of India;

(h) "panchayat service" means the panchayat service constituted under Sec. 227 of the Act;

(i) "section" means section of the Act.

### **3. Appointment to the equivalent post :-**

Every allocated employee holding a corresponding post immediately before the appointed day shall be appointed to the equivalent post:

Provided that if an equivalent post is not available or if an equivalent post is not decided 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 other post not lower in rank 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 :-**

Every allocated employee who was a member of the State Service 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 by the panchayat to which is allotted, 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 the span of total service :-**

The entire period of continuous service rendered by an allocated employee before the appointed day under the existing local authority or the State Government, as the case may be 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 on a permanent post under the 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 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 inter se, seniority of allocated employees in the cadres of 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 inter se seniority of allocated employees who were serving under the same existing panchayat 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) In case of equal length of continuous service of persons in the corresponding post the person senior in the age shall be deemed to be senior.

(4) Where the seniority of any allocated employees in any cadres in the service of the existing panchayat or of the State Government, as the case may be (hereinafter referred to in this sub-rule as "the old cadre"), was fixed otherwise than on the basis of length of continuous service, then 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 rule, the State Government or such authority empowered in this behalf shall determine the same in such manner as it may be deemed fit.

Explanation. -For the purpose of this rule, "continuous service the existing panchayat or the State Government includes service rendered on any other post under any existing panchayat, or the State; Government as the case may be 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 the orders prescribing the pay scales of posts included in the Panchayat Service are made by the State Government be the Pay Scale 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. RULE :-**

Fixation of pay, Subject to the provisions of rule 10, 11 and 13 of these rules, 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 of the corresponding post to which such employee was entitled immediately before such appointment :

Provided that 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 of pay scale and the difference between the pay so drawn by him and the pay so fixed shall be treated as personal pay and shall be absorbed in the next increment :

Provided further that if the basic pay of any such allocated employee immediately before such application of pay scale 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 :

Provided also that the allocated employee may opt to draw the pay which he was drawing immediately before such application of pay scale until the date on which he earns his next increment, and upon such option his pay as from that date, shall be fixed in accordance with these rules in the time-scale applicable to him under clause (b) of Rule 8.

**10. Inclusion of special pay 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 and 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 anything 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 or 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 the 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 be empowered by it in this behalf.

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

Every allocated employee shall be entitled to such allowances (including dearness allowance, compensatory local allowance, house rent allowance, city allowance and medical allowance) as were admissible to him immediately before the appointed day while holding a corresponding post : Provided that, an allocated employee shall not be entitled to any allowances aforesaid unless he shall be continued to be paid till he performs the duties for which the allowances were payable or to serve in the area in

respect of which the allowances were payable.

**13. Right of option in respect of certain terms and conditions :-**

(1) Subject to the provisions of this rule, an allocated employee appointed under Rule 3 of these rules may opt to retain the pay scale together with the allowances if any (not being travelling allowances) attached to the corresponding post and he may also opt to be governed in respect of leave, pension and provident fund by the provisions of the rules or regulations applicable to him immediately before the appointed day and on such option, 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 case may be, governed in respect of leave, pension and provident fund by the rules or regulations applicable to such post.

(2) The option 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. Option once exercised shall be final and shall not be rescinded;

(3) In cases where an allocated employee fails to exercise option within a period of three months, referred to in sub-rule (3), the pay scale and the provisions in respects of leave, pension and provident fund shall be regulated under the rules and orders applicable to the post to which he is appointed under Rule 3.

**14. Repeal and saving :-**

The Gujarat Panchayat Service (Absorption, Seniority, pay and Allowances) Rules, 1965 are hereby repealed. Such repeal shall not affect anything done or any action taken under the rules so repealed.