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## **GUJARAT STATE MUNICIPAL CHIEF OFFICER'S SERVICE (RECRUITMENT, ABSORPTION AND CONDITIONS OF SERVICE) RULES, 1996**

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**GUJARAT STATE MUNICIPAL CHIEF OFFICER'S SERVICE  
(RECRUITMENT, ABSORPTION AND CONDITIONS OF  
SERVICE) RULES, 1996**

Whereas the Government of Gujarat was of the opinion that it was necessary and expedient so to do for bringing about a uniform and a more efficient service of officers in Municipalities for the purpose of carrying out the functions and duties under the Gujarat Municipalities Act, 1963 (Guj. 34 of 1964) and Rules thereunder: AND WHEREAS the Gujarat State Municipal Chief Officers Service (Recruitment, Absorption and Conditions of Service) Rules, 1995 were published as required by clause (b) of sub-section (2) of section 277, read with sub-section (2) of section 47-A, of the Gujarat Municipalities Act, 1963 (Guj. 34 of 1964), in the Gujarat Government, Extraordinary Gazette, part IV-B, dated 26- 12-1994 on page No. 539-6, under Government Notification. Urban Development and Urban Housing Department No.KV-600-1994-NPL- 1094-5555-R dated 26-12-1994, alongwith a notice calling upon any person to submit suggestions or objections if any with respect to the proposed rules, to the Additional Chief Secretary, Government of Gujarat, Urban Development and Urban Housing Department, Sachivalaya, Gandhinagar, in writing within a period of thirty days from the date of publication of the said rules; AND WHEREAS the Government of Gujarat has considered the suggestions and objections so received; NOW, THEREFORE, in exercise of the powers conferred by clause (b) of section (2) of Section 277, read with sub-section (2) of section 47-A, of the Gujarat Municipalities Act, 1963 (Guj. 34 of 1964), the Government of Gujarat hereby makes the following rules.

CHAPTER 1  
PRELIMINARY

**1. Short title and commencement. :-**

(1) These rules may be called the Gujarat State Municipal Chief Officer's Service (Recruitment, Absorption and Conditions of Service) Rules, 1996.

(2) They shall come into force on the day of publication in the official gazette.

**2. Definitions :-**

In these rules unless the context otherwise requires,

- (a) "Absorbed Officer" means an existing Chief Officer absorbed in service in accordance with rule 6.
- (b) "Act" means the Gujarat Municipalities Act, 1963.
- (c) "Appointed Day" means the day on which the service is constituted.
- (d) "Appointing Authority" means the State Government.
- (e) "Commission" means the Gujarat Public Service Commission.
- (f) "Degree" means a degree of statutory university.
- (g) "Director" means Director of Municipalities.
- (h) "Existing Chief Officer" means a person who was holding the office of a Chief Officer of any municipality OR a person who was holding the office of a Secretary in any Nagarpanchayat of in regular capacity immediately before the appointed day.
- (i) "Government" means the Government of Gujarat.
- (j) "Service" means the Gujarat State Municipal Chief Officer's service constituted by Government under Notification, Urban Development and Urban Housing Department No.KV-599-1994-NPL-1094-5555-R dated the 26th December, 1994.
- (k) Words and expressions used in these rules but not defined shall have the meaning respectively assigned to them in the Gujarat Municipalities Act, 1963.

## CHAPTER 2 RECRUITMENT

### **3. Nature of Chief Officers Grades I, II and III cadre. :-**

The service shall be called the Gujarat State Municipal Chief Officers Service and shall consist of Grade I, Grade II and Grade III Chief Officers. The cadre shall be a State cadre and officer appointed in these three grades may be posted anywhere in the State.

### **4. Methods of recruitment of service. :-**

(1) Recruitment to all posts in Grade I in the Service shall be made by promotion of suitable officers of proven merit and efficiency holding posts in Grade II of the Service and having not less than 8 years of service in that grade.

(2) Recruitment to posts in Grade II of the Service shall be made, either:

(a) by promotion of a person of proved merit and efficiency from amongst the persons who have worked for not less than 7 years in the cadre of Chief Officer Grade-III and have passed the test prescribed for the purpose:

Provided that where the appointing authority is satisfied that a person having experience specified above is not available for promotion and that it is necessary in the public interest to fill up the post by promotion of a person having experience for lesser period, it may, for reasons to be recorded in writing, promote such person who possesses experience for a period of not less than two thirds of the period specified in (a) above, OR

(b) by direct selection.

(2-A) The appointment by direct selection and by promotion shall be made in the ratio of 1:1.

(3) Recruitment to all posts in Grade HI of the Service shall be made by direct selection.

(4-A) All Chief officers either appointed as direct recruit in Grade II or Grade III, will be required to passed the departmental examination and an examination in Hindi or Gujarati or both in accordance with the rules prescribed by the Government from time to time.

(4-B) All Chief officers appointed as direct selection will be required to furnish a security and surety bond as may be prescribed by Government.

(4-C) Notwithstanding anything hereinbefore contained in this rule, recruitment to the Service on its initial constitution shall be made by absorption of the existing Chief Officers in accordance with the rules contained in Chapter III.

(5) All appointments to the posts in the service by direct selection or by promotion shall be made by the Appointing Authority after consulting the Commission.

(6) Notwithstanding anything herein before contained in this rule, where any post in the service remains vacant due to non-availability of suitable candidate for recruitment to such post either

by direct recruitment or by promotion, as the case may be, or where there is any leave or other temporary vacancy of any post in the service, the post shall be filled in by appointment of a suitable officer on deputation.

(7) To be eligible for appointment by direct selection to the posts of Chief Officer, Grade-II and Grade-III of the service, a candidate shall

(a) have attained the age of 21 years and not have attained the age of 28 years;

(b) Possess:

(i) a degree of a recognised University;

(ii) adequate knowledge of Gujarati, Hindi and English:

Provided that the upper age limit may be relaxed in favour of candidate belonging to Scheduled Castes, Scheduled Tribes, Socially and Educationally Backward Class or other classes as provided in the Gujarat Civil Services Classification and Recruitment (General) Rules-1967 as amended from time to time.

## **5. Appoints to be on probation. :-**

(1)

(i) Appointments to the post of the Chief Officers Grade II and Grade III by direct selection shall be made on probation for a period of two years in the case of Grade III the probation period will one year, during which period the officers shall undergo such training and pass such examinations as may be prescribed by the State Government. The officers shall pass the prescribed examinations within three consecutive chances. Officers belonging to the Scheduled Casts, Scheduled Tribes and Socially and Educationally Backward Classes may be given an extra chance for passing the examination.

Explanation.-An officer shall be deemed to have had a chance if the examination is held irrespective of whether he actually takes the examination or not.

(ii) Government may, from time to time, extend for such a period or periods not exceeding one year in all, the period of probation of an officer-

- (a) who has not passed the prescribed the examination, or
- (b) who has failed to complete the training to the satisfaction of the Appointing Authority.
- (iii) The probationary Chief Officers Grade II and Grade III who fail to complete the prescribed training to the satisfaction of the appointing authority or fail to pass the prescribed examinations within the prescribed period and prescribed number of chances, shall be discharged from service.
- (iv) On satisfactory completion of the probationary period and passing the prescribed examination the officer shall be confirmed in the grade of the service to which he is appointed.
- (2) Appointment to the post of Chief Officers of Grade 1 and Grade II by promotion shall be provisional for a period of one year and their appointment may be confirmed on the basis of satisfactory performance during such period.

### CHAPTER 3 ABSORPTION

#### **6. Absorption of existing Chief Officer. :-**

- (1) Every existing Chief Officer
  - (i) who has not completed 58 years of age on the appointed day.
  - (ii) who possess the qualifications laid down by section 47(2) of the Gujarat Municipalities Act, 1963.
  - (iii) whose work and conduct as Chief Officer or as Secretary immediately before the appointed day was, in the opinion of the Government, satisfactory may be absorbed in Grade II and Grade III of the service.

Explanatory.-Secretary to be absorbed in Grade III.

#### **7. Alternate appointment to unabsorbed existing Chief Officers. :-**

Where any existing Chief Officer is not absorbed in the service, under Rule 6, he shall be appointed on any post other than the Chief Officer in that Municipality and his pay on the appointed day shall be protected.

#### **8. Retirement of certain existing Chief Officers. :-**

Every existing Chief Officer who is not absorbed under rule 6 or is

not appointed under Rule 7 by any municipality in any post other than the post of its Chief Officer, and every Chief Officer who, by notice to the Director, intimate his option of not desiring to be absorbed in the Service or to continue to work under any municipality, shall be retired from the service of the municipality under which he was working immediately before the appointed day and upon such retirement, he shall be entitled to receive all the terminal benefits to which he would have been entitled as if he had retired on that day, otherwise than under this Rule.

**9. Fixation of pay of absorbed officers. :-**

(1) Notwithstanding the pay scale of the post in which an absorbed officer is absorbed the absorbed officer may opt either (i) to be governed for such period as he may specify in the option by the pay scale applicable to him immediately before appointed day or (ii) to be governed immediately after the commencement of these rules or as the case may be, after the expiry of the period of option taken under clause (1) by the pay-scale of the post in which he is absorbed.

(2) The absorbed officer shall exercise the option under clause (1) of sub-rule (1) in writing and communicate it to the Director within two months from the date of his absorption under rule 6. If the option is not so communicated, the absorbed officer shall be deemed to have opted for the pay-scale of the post in which he is absorbed. Option once exercised or deemed to have been exercised shall be final and irrevocable.

**10. Leave of absorbed officers. :-**

(1) On the appointed day the entire leave to the credit of the Chief Officer shall be carried forward and credited to his leave account. He shall, however be allowed to avail himself of leave at his credit subject to the limitations prescribed in the Revised Leave Rule, 1935.

(2) Leave salary contribution of leave at his credit and carried forward on account of his past services under such municipality shall be paid to the State Government by such municipality as determined by the State Government. Explanation.-If there is any dispute about the question whether or not any particular leave to the credit of the absorbed officer immediately before the appointed day corresponds to earned leave or leave on half average pay, it shall be referred to the State Government whose decision thereon

shall be final.

**11. Pension provisions in respect of absorbed officers. :-**

Every absorbed officer who was governed by any pension scheme of any municipality immediately before the appointed day shall as from that day be governed by the Revised Pension Rules as applicable to members of the services of the State Government and the whole of the service rendered by him under that municipality immediately before the appointed day shall be counted for his pension. Pension contributions on account of his past services under such municipality shall be paid to the State Government by such municipality at such rates as the State Government may by order determine.

**12. Provisions in respect to contributions to General Provident Fund made by absorbed officers. :-**

The amount of subscriptions with interest thereon, if any, standing to the credit in the general provident fund account of the absorbed officer immediately before the appointed day under the general provident fund scheme of the municipality under which he was working shall as from that day, be transferred to his account in the Gujarat General Provident Fund and shall be governed by the Gujarat General Provident Fund Rules of the State Government.

**13. Provisions in respect to contributory provident funds of absorbed officers :-**

(1) Every absorbed officer who immediately before the appointed day, was governed by any contributory provident fund scheme of the municipality under which he was working shall have the option either:

(i) to be governed by the Revised Pension Rules, 1950 as applicable to the members of the services of the State Government; or

(ii) to be governed by the Contributory Provident Fund Rules (Gujarat) of the State Government.

(2) The option under sub-rule (1) shall be exercised in writing and communicated to the Director within three months from the date on and from which the absorbed officer is absorbed in the Service, and

(3) If the absorbed officer fails to communicate his option to the Director within the period specified in sub-rule (2) that officer shall be deemed to have opted for the Revised Pension Rules, 1950,



applicable to members of the services of the State Government.

(4) The fact of such option having been exercised or failure in this respect shall be recorded in the Service Record of the officer concerned.

(5) Where the absorbed officer has opted or deemed to have opted to be governed by the Revised Pension Rules, 1950 applicable to members of the services of the State Government, the whole of the service rendered by him under any municipality immediately before the appointed day shall be counted for his pension and such municipality shall be liable to pay pension contribution on account of such service to the State Government at such rates as the State Government may by order determine. The amount equal to the total subscriptions made by him to his contributory provident fund account before the appointed day together with interest thereon shall be credited to his account in the Gujarat General Provident Fund and the total amount of contributions of the municipality made before the said day shall be credited to the municipalities fund.

(6) Where the absorbed officer has opted to be governed by the Contributory Provident Fund Rules (Gujarat) of the State Government the total amount standing at the credit of the contributory provident fund account of the absorbed officer immediately before the appointed day under the contributory provident fund scheme of the municipality under which he was working with interest thereon shall, as from that day be transferred to his account in the Contributory Provident Fund Rules (Gujarat) of the State Government.

#### CHAPTER 4

#### CONDITIONS OF SERVICE

### **14. Seniority of Officers. :-**

(1) The Seniority of officers in the service shall be determined in accordance with the provisions hereinafter contained in this rule.

(2) The seniority interse of absorbed officers in Grade II and Grade III of Service shall be determined on the basis of the total length of service rendered by them as Chief Officer or Secretary respectively before absorption.

(3) The seniority interse of the officers promoted to Grade I or II of Service shall be determined as follows, namely:

(i) if they are promoted on different dates, then according to the dates of their promotion:

(ii) if they are promoted on the same date, then on the basis of their seniority in the Grade from which they are promoted.

(4) The seniority interse of officers appointed by direct selection in any Grade of Service belonging to the same batch shall be determined according to their rank in the order of merit arranged by the Commission if they join their office within one month from the date of receipt of their appointment order or within such extended period as the Appointing Authority may permit: and according to the dates of their joining, if they fail to join the service within the aforesaid period.

(5) The seniority of officers appointed by direct selection viz- a-vis those appointed by promotion shall be fixed irrespective of the dates of their appointments in such manner as not to effect the ratio laid down in rule 4 for the respective posts.

**15. Service conditions of the Chief Officers appointed by direct selection from amongst employees of the Municipal Councils shall be regulated on the following basis. :-**

(1) Notwithstanding the pay-scale of the post of the Chief Officer to which an employee of the Municipal Council is appointed by direct selection under rule 4 of these rules, the conditions of service in respect of his pay and allowances and other amenities and liabilities relating thereto on his appointment as Chief Officer shall be determined in accordance with the provisions of the Gujarat Civil Services Rules taking into accounts the pay last drawn by him as an employee of the Council immediately before his appointment as the Chief Officer.

(2) On the day of appointment of the Chief Officer in Grade II or Grade III appointed by direct selection under rule 4 of these rules from amongst employees of the Municipal Councils, the entire leave, if any, to his credit in the council where he was working immediately before his appointment as Chief Officer, shall be carried forward and credited to his leave account and the respective Municipality should pay to Government the leave salary contribution to that extent.

**16. The previous service of officer absorbed as Chief Officer. :-**

The previous service of officer absorbed as Chief Officer in the service on the appointed day and previous service of Chief Officers Grade II and Grade III appointed by direct selection under rule 4 of these rules from amongst employees of the Municipal Councils before their absorption or appointment by direct selection as Chief Officers shall be counted for the purposes of Pension and/or Contributory Provident Fund subject to the provisions of the Bombay Civil Services Rules as amended from time to time, including pension, contribution to the General Provident Fund and Contributory Provident Fund relating thereto.

**17. Annual Confidential Reports. :-**

The Annual Confidential Reports of the Chief Officers, containing an assessment of the performance of the officer, shall be written by the President of the Municipality and shall be reviewed by the Collector, The annual confidential report files of the officers shall be maintained by the Director.

**18. Transfer :-**

Transfer of an officer in the service shall be made by the State Government.

**19. Cost and expenses payable out of the municipal fund to the State Government. :-**

The costs and expenses, if any, incurred by the State Government on account of the provisions of these rules in respect of persons appointed in the service shall be payable every year out of the municipal fund to the State Government in accordance with the provisions of sub-section (6) or section 47-A of the Act.

**20. Removal of difficulty. :-**

If any difficulty arises in the implementation of these rules or such implementation causes injustice to any person affected by these rules, the State Government may pass such orders as the occasion requires to remove the difficulty or mitigate the injustice:

Provided that, no order shall be made under this rule after the expiry of five years from the date of commencement of these rules.

**CHAPTER 5**

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**21. Maintenance of seniority list. :-**

Separate lists of each Grade of the Service shall be maintained by the Director, in accordance with the provisions of these rules.

**22. Cessation of application of previous rules. :-**

All rules relating to matters provided for in these rules which were applicable to the existing Chief Officer immediately before the appointed day shall, as from the date of commencement of these rules, cease to apply to them in respect of such matters, save in cases where the existing Chief Officers avail of any option given under these rules and opt to be governed by them, and excepts as respects things done or omitted to be done under such rules before their Cessation.