

Madhya Pradesh Civil Services (General Conditions Of Service) Rules, 1961

[13 July 1961]

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Madhya Pradesh Civil Services (General Conditions Of Service) Rules, 1961

[13 July 1961]

No. 1783-15.85-1 (iii)-60 - In exercise of the power conferred by the proviso to Article 309 of the Constitution of India, the Governor of Madhya Pradesh hereby makes the following general rules for regulating the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the State of Madhya Pradesh, namely :-

1. Short title and commencement :-

(1) These rules may be called the Madhya Pradesh Civil Services (General conditions of Service) Rules, 1961.

(2) These rules shall come into force on the date they are notified in the State Gazette.

2. Definitions.-In these rules, unless the context otherwise requires :-

(a) "Appointing authority" in respect of a service or post means the Government or such authority to whom the power of appointment to that service or post has been or may hereafter be, delegated by Government;

(b) "Commission" means the Madhya Pradesh Public Service Commission;

(c) "Government" means the Government of Madhya Pradesh;

(d) "Governor" means the Governor of Madhya Pradesh;

(e) A "Post" means a whole time employment under Government but does not include any employment where the employee is paid from contingencies;

(f) "Prescribed" means prescribed by other rules framed under the Constitution of India relating to the service in connection with the affairs of the State, or by general or special executive instructions issued by the Government in that behalf;

(g) A "Service" means a service of group of posts in connection with the affairs of the State other than the Indian Administrative Service and the Indian Police Service, organized and designated as such by Government;

(h) The "State" means the State of Madhya Pradesh.

3. Scope and application :-

The rules shall apply to every person who holds a post of is a member of a service in the State, except :-

(a) persons whose appointment and conditions of employment are regulated by the special provisions of any law for the time being in force;

(b) persons in respect of whose appointment and conditions of service special provisions have been made, or may be made hereafter by agreement;

(c) persons appointed to the Madhya Pradesh Judicial Service :

Provided that in respect of any matter not covered by the special provisions relating to them, their services or their posts, these rules shall apply to the persons mentioned in clauses (a), (b) and (c) above.

4. Classification :-

(1) The public services of the state shall be classified as follows :-

(i) The Madhya Pradesh Civil Services, Class-I.

(ii) The Madhya Pradesh Civil Services, Class-II.

(iii) (a) The Madhya Pradesh Civil Services, Class-III(Non-Ministerial);

(b) The Madhya Pradesh Civil Services, Class III (Ministerial); and

(iv) The Madhya Pradesh Civil Services, Class IV.

(2) The classification of an existing service or post and of a new service or post shall be as determined by the Government:

Provided that the classification of an existing service or post under the orders that may have been issued before the coming into force of these rules shall be deemed to be its classification under these rules unless modified by special or general orders issued in this behalf;

Provided further that a change in classification of a service or post from class I to class II or from class II to class III or from class III to class IV shall not be deemed to be a reduction in rank of the person affected.

5. Eligibility for appointment :-

A candidate for appointment to a service or post must be either-

(a) a citizen of India; or

(b) a subject of Sikkim; or

(c) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India; or

(d) a subject of Nepal or of a Portugese or French territory of India.

Note.-The appointment of candidates in categories (c) and (d) above will be subject to the issue of a certificate of eligibility by the State Government in their favour. The certificate of eligibility in respect of a candidate belonging to category (c) above will 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 become a citizen of India. Certificates of eligibility will not, however, be necessary in the cases of candidates belonging to any one of the following categories :--

(i) persons who migrated to India from Pakistan before the 19th July, 1948 and have ordinarily been residing in India since then;

(ii) persons who migrated to India from Pakistan after the 18th July, 1948 and have got themselves registered as citizens;

(iii) non-citizens in categories (c) and (d) above who entered service under the Government before the commencement the Constitution, namely, 26th January, 1950, and who have continued in such service since then.

Note. 2-A candidate in whose case a certificate of eligibility is necessary may be appointed provisionally subject to the necessary certificate being eventually issued in his favour by the State Government.

6. Disqualifications :-

(1) No male candidate who has more than one wife living and no female candidate who has married a person having already a wife living shall be eligible for appointment to any service or post:

Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any such candidate from the operation of this rule.

(2) No candidate shall be appointed to a service or post unless he has been found, after such medical examination as may be prescribed, to be in good mental and bodily health and free from any mental or bodily defect likely to interfere with the discharge of the duties of the service or post:

Provided that in exceptional cases a candidate may be appointed provisionally to a service or post before his medical examination, subject to the condition that the appointment is liable to be terminated forthwith if he is found medically unfit.

(3) No candidate shall be eligible for appointment to a service or post if, after such enquiry as may be considered necessary, the appointing authority is satisfied that he is not suitable in any respect for the service or post.

¹(4) No candidate shall be eligible for appointment to a service or post who has been, convicted of an offence against women :

Provided that where such cases are pending in a court against a candidate his case of appointment shall be kept pending till the final decision of the Criminal Case.

1. In rule 6 subrule (4) added vide GAD Notification No. FN-C-3-17-96-3-1, dated 25-10-96, published in "Madhya Pradesh Gazette, dated 25-10-96.

7. Methods of Recruitment :-

Candidates shall be selected for appointment to a service or post by

one or more of the following methods as may be prescribed, namely.:-

- (i) direct recruitment;
- (ii) promotion;
- (iii) transfer of person or persons already employed in another service or post :

Provided that the commission shall be consulted before a person is appointed to a service or post if such consultation is necessary under Article 320 of the Constitution read with the Madhya Pradesh Public Service Commission (Limitation of Functions) Regulations, 1957.

8. Probation :-

(1) A person appointed to a service or post by direct recruitment shall ordinarily be placed on probation for such period as may be prescribed.

(2) The appointing authority may, for sufficient reasons, extend the period of probation by a further period not exceeding one year.

²Note.-(Omitted).

(3) A probationer shall undergo such training and pass such departmental examination during the period of his probation as may be prescribed.

(4) The services of a probationer may be terminated during the period of probation if in the opinion of the appointing authority he is not likely to shape into a suitable Government Servant.

(5) The services of a probationer who has not passed the departmental examinations or who is found unsuitable for the service or post may be terminated at the end of the period of his probation.

³(6) On the successful completion of probation and passing of the prescribed departmental examination, if any, the probationer shall, if there is a permanent post available, be confirmed in the service or post to which he has been appointed, otherwise, a certificate shall be issued in his favour by the appointing authority to the effect that the probationer would have been confirmed but for the not availability of the permanent post and they as soon as a permanent post becomes available he will be confirmed.

³(7) A probationer, who has neither been confirmed, nor a certificate issued in his favour under sub-rule (6), nor discharged from service under sub-rule (4), shall be deemed to have been appointed as a temporary Government servant with effect from the

date of expiry of probation and his conditions of service shall be governed by the Madhya Pradesh Government Servant (Temporary and Quasi-permanent Service) Rules, 1960.

2. Note omitted vide GAD Notification No.C-3-15-74-3-1, dated 09-12-74, published in "Madhya Pradesh Gazette" dated 20-12-74.

3. Sub rule (6) substituted and sub-rule (7) inserted vide GAD Notification No. C-3-15-74-3-1, dated 9-12-74. published in Madhya Pradesh Gazette dated 9-12-74.

9. Trial for suitability of officiating Government Servants :-

(1) A person already in permanent government service appointed to another service or post by direct recruitment, promotion or transfer shall ordinarily be appointed in an officiating capacity for the period of two years to ascertain his suitability for the service or post;

Provided that the Government may declare that any previous officiation in such a service or post may be counted towards the period of trial to such extent as may be specified in the particulars case :

Provided further that if the Government servant is appointed to a post to which direct recruitment is also made in accordance with the recruitment rules governing appointments to such post then the period of officiation shall be equal to the period of probation prescribed for a person appointed by direct recruitment to the said post under the rules.

(2) The appointing authority may for sufficient reasons extend the period of officiation by further period not exceeding one year : .

Provided that if the Government servant is appointed to a post to which direct recruitment is also made in accordance with the Recruitment rules governing appointments to such posts and the rules provide for extension of the period of probation then the period by which the period of officiation may be further extended shall be equal to the period by which the period of probation is extendable for a person appointed by direct recruitment to the said post under the rules.

(3) If during or at the end of the period of officiation or extended period of officiation, the government servant is found unsuitable for the service or post to which he has been appointed he shall be reverted to his former substantive service or post.

Note.-The failure to pass prescribed departmental examination, if

any, within such period as may be allowed for the purpose may be construed as failure to show fitness for the service or post in which the Government Servant is officiating.

(4) If at the end of the period of the trial the officiating Government Servant is considered suitable for the service or post to which he has been appointed he shall, if there is a permanent post available, be confirmed in the service or post to which he has been appointed, otherwise a certificate shall be issued in his favour by the appointing authority to the effect that the officiating Government Servant would have been confirmed but for the non availability of the permanent post and that as soon as a permanent post becomes available he will be confirmed.

(5) An officiating Government servant who has neither been confirmed, nor a certificate has been issued in his favour under sub-rule (4) nor reverted to his former substantive service or post under sub-rule (3) shall, notwithstanding anything contained in sub-rule (2), be deemed to have been continued in officiating capacity till further orders and during such period he shall at any time be liable to be reverted to his substantive service or post.

10. Gradation List :-

A gradation list shall maintained for each service in which shall be arranged in order of seniority the names of the Government servants holding the posts included in that service :

Provided that when a service consists of two or more distinct branches or groupes of posts and transfers are not ordinarily made from one branch or group of posts to another, a separate gradation list shall be maintained for each branch or group of posts of such service.

11. Gradation lists prepared in connection with State Re-organisation :-

Nothing in these rules shall have the effect of altering the seniority of a Government Servant in the gradation list relating to his service prepared in pursuance of the provisions of the State Re-organisation Act, 1956.

12. Seniority :-

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The seniority of the members of a service or a distinct branch or

group of posts of that service shall be determined in accordance with the following principles, viz-

(1) Seniority of Direct Recruits and Promotees.-

(a) The Seniority of persons directly appointed to a post according to rules shall be determined on the basis of the order . of merit in which they are recommended for appointment irrespective the date of joining. Persons appointed as a result of an earlier selection shall be senior to those appointed as a result of a subsequent selection.

(b) Where promotions are made on the basis of selection by a Departmental Promotion Committee, the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee.

(c) Where promotions are made on the basis of seniority subject to rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where however a person is considered as unfit for promotion and is superseded by a junior, such person shall not, if subsequently found suitable and promoted, take seniority in the Higher grade over the junior persons who had superseded him.

(d) The seniority of a person, whose case was deferred by the Departmental Promotion Committee for lack of Annual Character Rolls or for any other reasons but subsequently found fit to be promoted from the date on which his junior was promoted, shall be counted from the date of promotion of his immediate junior in the select list of from the date on which he is found fit to be promoted by the Departmental Promotion Committee.

(e) The relative seniority between direct recruits and promotees shall be determined according to the date of issue of appointment/promotion order :

Provided that if a person is appointed/promoted on the basis of roster earlier than his senior, seniority of such person shall be determined according to the merit/select/ fit list prepared by the appropriate authority.

(f) If the period of probation of any direct recruit or the testing period of any promotee is extended, the appointing authority shall determine whether he should be assigned the same seniority as would have been assigned to him if he had completed the normal period of probation/testing period successfully, or whether he should be assigned a lower seniority.

(g) If orders of direct recruitment and promotion are issued on the same date, promotee persons enblock shall be treated as senior to

the direct recruits.

2. Seniority of Transferees.-(a) The relative seniority of persons appointed by transfer from one department to another department of the State Government shall be determined in accordance with the order of their selection for such transfer.

(b) Where a person is appointed by transfer in accordance with the provisions in the Recruitment Rules, providing for such transfer in the event of non availability of suitable candidates by direct recruitment or promotion, such transferee shall be grouped with direct recruits or promotees, as the case may be, and he shall be ranked below all direct recruits or promotees, as the case may be, selected on the same occasion.

(c) In the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for "transfer on deputation/transfer") his seniority in the grade in which he is absorbed will normally be counted from the date of absorption. If he has however been holding already (on the date of absorption) the same or equivalent grade on regular basis, in his parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he will be given seniority, from the date he has been holding the post on deputation or the date from which he has been appointed on a regular basis to the same or equivalent grade in his present department whichever is later.

Explanation.-The fixation of seniority of a transferee in accordance with the above rule will not however affect any regular promotions to the next higher grade made prior to the date of such absorption. In other words it will be operative only in filling up Of vacancies in higher grade taking place after such absorption.

2. Seniority in special types of cases.-(a) In case where a penalty of reduction to a lower service, grade or post is imposed on a Government servant and such reduction is for a specified period and is not to operate to postpone future increments, the Seniority of the Government servant may, unless the terms of the order of punishment provide otherwise, be fixed in the higher service, grade or post or the higher time scale at what it would have been but for his reduction.

(b) Where the reduction is for a specified period and is to operate to postpone future increments, the seniority of the Government servant on repromotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him in the higher service, grade or

post or higher time scale.

(c) The surplus employees shall not be entitled for the benefit of the past service rendered in the previous office for the purpose of their seniority in the new office and such employees shall be treated as fresh entrants in the matter of their seniority.

(d) When two or more surplus employees of a particular grade in an office are selected on different dates for absorption in a grade in another office their inter-se-seniority in the later office shall be the same as in their previous office provided that:-

(i) no direct recruits has been selected for appointment to that grade in between these dates, and

(ii) no promotee has been approved for appointment to that grade in between these dates.

4. Seniority of Adhoc employees.-(a) A person appointed on adhoc basis shall not get any seniority till the regularisation of his services.

(b) If a person is appointed on adhoc basis by substantially following the procedure laid down by the Recruitment Rules and the appointee continues in the post uninterruptedly till the regularisation of his service in accordance with the rules, the period of officiating service shall be counted for seniority.

4. 12 substituted vide GAD Notification No. C-3-84/92/3/1 dated 02-04-98 published in "M. P. Gazette" (Extraordinary) dated 02-04-98.

13. Promotion :-

The Government shall determine in respect of each grade or service to which appointment may be made by promotion, the grade or service from which such promotion may be made and the procedure to be followed for the purpose, and in particular whether such promotion shall be on the basis of seniority subject to the rejection of the persons considered unfit for promotion or whether the selection for promotion shall be determined on the basis of merit from among persons who had completed in the lower grade or service such minimum period of service as may be prescribed.

14. Reversion and re-appointment :-

Permanent Government servants officiating in a higher grade or service may be reverted to the lower grade or service from which they were promoted if there are no vacancies in the former grade

of service, and such reversion shall not be construed to be a reduction in rank :

Provided that the order in which such reversion shall be made will be the reverse of the order in which officiating promotion was made, except when administrative convenience renders it necessary to revert and officiating Government servant otherwise than in accordance with this proviso :

Provided further that on the occurrence of a fresh vacancy the re-appointment to the higher grade or service shall ordinarily be in the order of relative seniority of the reverted Government Servants.

15. Safeguards :-

Nothing in these rules or in any order issued under them shall have the effect of depriving any person of any right or privilege to which he is entitled-

(a) By or under any law for the time being in force, or

(b) By the terms of any contract or agreement subsisting between such person and the Government at the commencement of these rules.

16. Relaxation :-

Nothing in these rules shall be construed to limit or abridge the power of the Governor to deal with the case of any person serving in a connection with the affairs of the State in such manner as may appear to him to be just and equitable :

Provided that where any rule is relaxed in the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by that rule.

17. Interpretation :-

If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision there on shall be final.

18. Repeal and Saving :-

All rules corresponding to these and in force immediately before the commencement of these rules, are hereby repealed :

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

