

## **Rajasthan Civil Services (Classification, Control And Appeal) Rules, 1958**

### **CONTENTS**

#### **CHAPTER 1 :- GENERAL**

1. Short Title And Commencement
2. Interpretation
3. Application
4. Special Provision By Agreement
5. Protection Of Rights And Privileges Conferred By Any Law Or Agreement

#### **CHAPTER 2 :- CLASSIFICATION**

6. Section 6
7. The State Services Shall Consists Of
8. The Subordinate Services Shall Consists Of
9. The Ministerial Service Shall Consist Of
10. The Class Iv Services Shall Consist Of
11. Section 11

#### **CHAPTER 3 :- APPOINTING AUTHORITIES**

12. Section 12

#### **CHAPTER 4 :- SUSPENSION**

13. Suspension

#### **CHAPTER 5 :- DISCIPLINE**

14. Nature Of Penalties
15. Disciplinary Authorities
16. Procedure For Imposing Major Penalties
17. Procedure For Imposing Minor Penalties
18. Joint Enquiry
- 18A. Special Procedure In Cases Of Sexual Harassment Of Working Women At Work Places
19. Special Procedure In Certain Cases
- 19A. Provisions Regarding Officers Lent To The Central Government Or To A Company In The Public Sector Or An Autonomous Body Created By An Act Of State Or Central Legislature
- 19B. Provision Regarding Government Servant Belonging To The Subordinate Service, Ministerial Service And Class Iv Service, Posted In A Government Department Other Than The Department

Of The Appointing Authority  
20. Section 20

## **CHAPTER 6 :- APPEALS**

- 21. Orders Made By Government Not Appealable
- 22. Appeals Against Orders Of Suspension
- 23. Appeals Against Order Imposing Penalties
- 24. Section 24
- 25. Period Of Limitation For Appeals
- 26. Form And Contents Of Appeal
- 27. Submission Of Appeals
- 28. Withholding Of Appeals
- 29. Transmission Of Appeal
- 30. Consideration Of Appeals
- 31. Implementation Of Order In Appeal

## **CHAPTER 7 :- REVISION AND REVIEW**

- 32. Section 32
- 33. Review Of Orders In Disciplinary Cases Against Members Of The State Services
- 34. Governors Power To Review

## **CHAPTER 8 :- MISCELLANEOUS AND TRANSITORY**

- 35. Repeal And Savings
- 36. Removal Of Doubts
- 37. Special Provision In Respect Of Certain Officers

## **SCHEDULE 1 :- Schedule A**

## **SCHEDULE 2 :- Schedule 2**

## **SCHEDULE 3 :- Schedule 3**

## **SCHEDULE 4 :- Schedule 4**

# **Rajasthan Civil Services (Classification, Control And Appeal) Rules, 1958**

## CHAPTER 1 GENERAL

### **1. Short Title And Commencement :-**

- (a) These rules may be called the Rajasthan Civil Services (classification, Control and Appeal) Rules, 1958.
- (b) They shall come into force at once.

### **2. Interpretation :-**

In these rules, unless the context otherwise requires -

(a) "Appointing Authority" in relation to a Government servant means -

(i) the authority empowered to make appointments to the service of which the Government Servant is for the time being a member or to the grade of the service in which the Government Servant is for the time being included, or

(ii) the authority empowered to make appointments to the post which the Government Servant for the time being holds, or

(iii) the authority which appointed the Government Servant to such Service, grade or post, as the case may be, or

(iv) where the Government Servant, having been a permanent member of any other service or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that service or to any grade in that Service or to any grade in that Service or to the post, Whichever authority is the highest authority: Provided that where Government or the Head of Department has delegated the powers to a subordinate authority; the Head of the Department concerned shall be the Appointing Authority for the purpose of rule 23(2) (a) (b).

(b) "Commission" means the Rajasthan Public Service Commission;

(c) "Disciplinary Authority" in relation to the imposition of a penalty on a Government Servant, means the authority competent under these rules to impose on him that penalty;

(d) "Gazette" means the Rajasthan Rajpatra;

(e) "Government" means the Government of Rajasthan,

(f) "Government Servant" means a person who is member of a service or holds a civil post under the Government of Rajasthan and includes any such person on foreign service, or whose services are temporarily placed at the disposal of a local or other authority and also any person in the service of a local or other authority whose services are temporarily placed at the disposal of Government of Rajasthan or a person in service on a contract or a person who has retired from Government service elsewhere and is re-employed under the Government of Rajasthan, but does not include a person in the Civil Service of the Indian Union or a State Government serving on deputation in Rajasthan who will continue to be governed by the Rules applicable to such person;

(g) "Head of Department" means the authority specified in Schedule A and an authority so declared for purposes of these rules by an order of the Government;

(h) "Head of Office" means the authority so declared by the Head

of Department under rule 3 of the General Financial and Accounts Rules;

(i) "Schedule" means a Schedule annexed to these rules;

(j) "Service" means a Civil Service of the State of Rajasthan.

### **3. Application :-**

(1) these rules shall apply to all Government servants except -

(a) Persons who are on deputation from the Government of India or from any of the States or Union Territories;

(b) Persons who are employed in such Industrial Organisations or Government as may be notified from time to time and who are workmen within the meaning of the Industrial Disputes Act ;

(c) Judges of the High Court of Rajasthan ;

(d) Officers and servants of the said Court who will be governed by rules made under Clause (2) of Article 229 of the Constitution; (e) Chairman and members of the Rajasthan Public Service Commission who will be governed by regulations made under Article 318 of the Constitution;

(f) persons for whose appointment and other matters covered by these rules special provision is made by or under any law for the time being in force in regard to the matters covered by such law ;

(g) Persons in casual employment;

(h) Persons subject to discharge from service on less than one months notice ; and

(i) Members of All Indian Services.

(2) Notwithstanding anything contained in sub-rule (1) and subject to the provisions of Article 311 of the constitution, the Government may be order exclude from the operation of all or any of these rules any Government Servants or class of Government Servants. (3) If any doubts arises -

(a) Whether these rules or any of them may apply to any person ;  
or

(b) Whether any person to whom these rules apply belongs to a particular Service. The matter shall be referred to the Government in the Appointments Department whose decision therein shall be final.

### **4. Special Provision By Agreement :-**

Where it is considered necessary to make special provisions in respect of a Government Servant inconsistent with any of these rules, the authority making the appointment may, by agreement with such Government Servant, make such special provisions and

thereupon these rules shall not apply to such Government Servant to the extent to which the special provisions so made are inconsistent therewith: Provided that if the Appointing Authority is other than the Government in the Appointments Department, the previous approval of the Government in the Appointments Department shall be obtained by such authority.

**5. Protection Of Rights And Privileges Conferred By Any Law Or Agreement :-**

Nothing in these rules shall operate to deprive any Government Servant 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 agreement subsisting between such person and the Government at the commencement of these rules.

**CHAPTER 2**

**CLASSIFICATION**

**6. Section 6 :-**

(1) The Civil Services shall be classified as follows:-

- (i) The State Services;
- (ii) The Subordinate Services;
- (iii) The Ministerial Services; and
- (iv) The Class IV Services.

(2) If a Service consists post of more than one grade, posts of different grades may be included in different classes.

**7. The State Services Shall Consists Of :-**

- (a) Members of the services included in Schedule I.
- (b) Persons who hold in a substantive capacity, posts included in Schedule I and not borne on the cadre of any other Service.
- (c) Persons appointed on an ad-hoc basis pending final selection according to the rules of the Integration Department, on posts borne on the cadres of the Services referred to in clause (a) or on posts referred to in clause (b).

**8. The Subordinate Services Shall Consists Of :-**

- (a) Members of the services included in Schedule II.
- (b) Persons who hold in a substantive capacity, posts included in Schedule II and not borne on the cadre of any other service.
- (c) Persons appointed on an ac-hoc basis pending final selection according to the rules of the Integration Department, on posts

borne on the cadres of the Services referred to in clause (a) or on posts referred to in clause (b).

**9. The Ministerial Service Shall Consist Of :-**

- (a) Members of the services included in Schedule III.
- (b) Persons who hold in a substantive capacity, posts included in Schedule III and not borne on the cadre of any other service.
- (c) Persons appointed on an ac-hoc basis pending final selection according to the rules of the Integration Department, on posts borne on the cadre of the services referred to in clause (a) or on posts referred to in clause (b).

**10. The Class Iv Services Shall Consist Of :-**

- (a) Members of the services included in Schedule IV.
- (b) Persons who hold in a substantive capacity, posts included in Schedule IV and not borne on the cadre of any other Service.
- (c) Persons appointed on an ac-hoc basis pending final selection according to the rules of the Integration Department, on posts borne on the cadres of the Services referred to in clause (a) or on posts referred to in clause (b).

**11. Section 11 :-**

The Government may by an order classify a post for the purpose of these rules if any post not included in any Service, is held by person who is not a member of any of the Services specified under rule 7,8,9 and 10.

**CHAPTER 3**

**APPOINTING AUTHORITIES**

**12. Section 12 :-**

- (1) All appointments to a State Service shall be made by the Government or by any authority specially empowered by the Government in that behalf.
- (2) All appointments to the Subordinate and Ministerial Services shall be made by the Head of Department or by any authority specially empowered by the Head of Department with the approval of Government in that behalf.
- (3) All appointments to Class IV Services shall be made by the Head of Office subject to the rules and instructions issued by the Head of Department in that behalf.

**13. Suspension :-**

(1) The Appointing Authority or any authority to which it is subordinate or any other authority empowered by the Government in that behalf may place a Government servant under suspension.

(a) Where a disciplinary proceedings against him is contemplated or is pending, or

(b) Where a case against him in respect of any criminal offence is under investigation or trial: Provided that where the order of suspension is made by an authority lower than the Appointing Authority, such authority shall forthwith report to the Appointing Authority the circumstances in which the order was made.

(2) A Government Servant who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of detention, by an order of the Authority competent to place a Government Servant under suspension under sub-rule (1) and shall remain under suspension until further orders.

(3) Where a penalty of dismissal, removal or compulsory retirement from Service imposed upon a Government Servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continue in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government Servant is set aside or declared or rendered void in consequence or by a decision of a Court of Law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on allegations in which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government Servant shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) Any order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to

which that authority is subordinate.

CHAPTER 5  
DISCIPLINE

**14. Nature Of Penalties :-**

The following penalties may, for good and sufficient reasons, which shall be recorded, and as hereinafter provided, be imposed on a Government servant, namely :-

- (i) censure ;
- (ii) withholding of increments or promotion;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of any law, rule or order ;
- (iv) reduction to a lower service, grade or post; or to a lower time scale or to a lower stage in the time scale or in the case of pension to an amount lower than that due under the rules ;
- (v) compulsory retirement on proportionate pension ;
- (vi) removal from service which shall ordinarily not be a disqualification for further employment ;
- (vii) dismissal from service which shall ordinarily be a disqualification for further employment. Explanation :-

(1) The following shall not amount to a penalty within the meaning of the rule:-

- (i) withholding of increments of a Government servant for failure to pass a departmental examination in accordance with the rules or orders governing the Service or post or the terms of his appointment;
- (ii) stoppage of Government servant at the efficiency bar in the time scale on the ground of his unfitness to cross the bar ;
- (iii) non-promotion whether in a substantive or officiating capacity of Government servant, after consideration of his case, to a Service, Grade or post for promotion to which he is eligible ;
- (iv) reversion to a lower service, grade or post of a Government servant officiating in a higher service grade or post on the ground that he is considered after trial, to be unsuitable for such higher Service, grade or post or on administrative grounds unconnected with his conduct ;
- (v) reversion to his permanent service, grade or post of a Government servant appointed on probation to another service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation ;



- (vi) compulsory retirement of Government servant in accordance with the provisions relating to his superannuation or retirement ;
- (vii) termination of the services -
  - (a) of a Government servant appointed on probation during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation ; or
  - (b) of a temporary Government servant appointed otherwise than under contract on the expiration of the period of appointment;
  - (c) of a Government servant under an agreement, in accordance with the terms of such agreement;
  - (d) of a Government servant in the services of any of the integrating units of Rajasthan, on non-selection or non-absorption for appointment in any of the services of the integrated State of Rajasthan in accordance with the integration rules. Explanation:-
- (2) The discharge of a person appointed on an ad-hoc or provisional basis to any of the posts in the integrated setup of Rajasthan Services otherwise than for reasons of non-selection or non-absorption to any such services or posts in accordance with the integrated rules, shall amount to removal or dismissal as the case may be. Note-The disqualification for further employment on account of dismissal under Rule 14 (vii) can only be waived by the Government if the merits of an individual case so justify.

### **15. Disciplinary Authorities :-**

- (1) In respect of the State Services the Government or the authority specially empowered by the Government in that behalf, in respect of the Subordinate and Ministerial Services, the Head of Department or the authority specially empowered by the Head of Department with the approval of the Government and in respect of class IV Services the Head of Office shall be the disciplinary authority. Note :-
  - (i) The authority specially empowered to make appointment to a service under rule 12 of these rules shall have power to inflict any of the penalties specified in rule 14.
  - (ii) The State Government or the Head of Department as the case may be shall not empower under this rule any other authority to impose penalties specified in clause (vi) and (vii) of rule 14.
- (2) In respect of the State Services the powers of appointment to which is not delegated to a subordinate authority, before imposing the penalties other than censure, and withholding of increments, the Public Service Commission shall be consulted.

## **16. Procedure For Imposing Major Penalties :-**

(1) Without prejudice to the provisions of the Public servants (Inquiries) Act, 1850, no order imposing on a Government Servant any of the penalties specified in clauses (iv) to (vii) of rule 14 shall be passed except after an inquiry held as far as may be in the manner herein after provided.

(2) The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges together with statement of the allegations on which they are based, shall be communicated in writing to the Government Servant, and he shall be required to submit, within such time as may be specified by the Disciplinary Authority, a written statement indicating whether he admits the truth of all or any of the charges, what explanation or defence, if any, he has to offer and whether he desires to be heard in person: Provided that it shall not be necessary to frame any additional charge when it is proposed to take action in respect of any statement of allegation made by the person charged in the course of his defence. Explanation :- In this sub-rule (3) the expression "the Disciplinary Authority", shall include the authority competent under these rules to impose upon the Government Servant any of the penalties, specified in clause (i) to (iii) of rule 14.

(3) The Government Servant shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify provided that such permission may be refused if, for the reasons to be recorded in writing in the opinion of the Disciplinary Authority such records are not relevant for the purpose or it is against the public interest to allow him access thereto.

(4) On receipt of the written statement of defence, or if no such statement is received within the time specified, the disciplinary authority may itself enquire into such of the charges, as are not admitted or if, it considers it necessary so to do, appoint a Board of Inquiry or an Inquiring Authority for the purpose, and where all the articles of charges have been admitted by the Government servant in his written statement of defence, the Disciplinary Authority shall record its findings on each charge.

(4A) If the Government Servant who has not admitted any of the articles of charges in the written statement of defence or has not submitted any of the articles of charge in the written statement of defence or has not submitted any written statement of defence

appears before the Inquiring Authority, such authority shall ask him whether he is guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the Government Servant thereon. The Inquiring Authority shall return a finding of guilty in respect of those articles of charge which the Government Servant pleads guilty.

(5) The disciplinary authority may nominate any person to present the case in support of the charges before the authority enquiry into charge (hereinafter referred to as the Inquiring Authority). The Government Servant may present his case with the assistance of any other Government Servant or retired Government Servant approved by the Disciplinary Authority, but may not engage a legal practitioner for the purpose unless the person nominated by the Disciplinary Authority is a legal practitioner or unless the Disciplinary Authority, having regard to the circumstances of the case, so permits. Explanation.- For the purpose of this sub-rule, a Public Prosecutor, Prosecuting Inspector or a Prosecuting Sub-Inspector shall be deemed to be a legal practitioner.

(i) Provided that no Government Servant shall be entitled to take up more than one case at a time. At the time of appearance before the Inquiry Officer the retired Government Servant should certify that he has only one case in hand at that time.

(ii) Provided further that if the retired Government Servant is also a legal practitioner, the restrictions on engaging a legal practitioner by a delinquent Government Servant to present the case on his behalf would apply.

(6) (a) Where the Government Servant has pleaded not guilty to the charges, at the commencement of the enquiry, the Inquiring Authority shall ask the Presenting Officer appearing on behalf of the Disciplinary Authority to submit the list of witnesses and documents within 10 days, who shall also simultaneously send a copy to the Government Servant. Delinquent Officer, within ten days of the receipt of the list of prosecution witness and documents, shall submit the list of documents required by him for his defence. The Inquiring Authority shall then summon the documents of both sides and ask the parties to admit or deny them. It shall then summon such evidence as is necessary, giving opportunity to the presenting officer for examination-in-chief and also to the Government Servant or his assisting officer, whosoever may be present, for cross-examination. The Presenting Officer shall be entitled to re-examine the witness on any point on which they have been cross-examined but not on any new matter, without the leave of the Inquiring

Authority, after the close of the prosecution evidence the Government Servant shall be called upon to submit the list of the witnesses within 10 days which he would like to produce in his defence. The Inquiring Authority after considering the relevancy of the witnesses and the documents shall summon only the relevant witnesses and the documents and record the evidence thereof, while giving opportunity of Examination-in-Chief and cross-examination/re-examination to the parties and then close the evidence. The Inquiring Authority shall consider the relevancy of the witnesses and the documents called for by both the parties and in case of his refusal to summon any witnesses or documents, he shall record the reason in writing. The Inquiring Authority may also put such questions to the witnesses of the parties, as it thinks fit, in the interest of justice. An opportunity for hearing the arguments shall be given to the parties. Note:- If the Government Servant applied orally or in writing for the supply of copies of the statement of witnesses mentioned in the list referred to in sub-rule(6) (a), the Inquiring Authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the Disciplinary Authority.

(6) (a) (1). The evidence of any person which is of a formal character may be given by affidavit and may, subject to all just exception, be accepted in evidence in departmental proceedings. Where the enquiry officer thinks fit that the person should be summoned and examined personally, or if either party, namely the presenting officer or the delinquent officer insists on the personal attendance of the witness, arrangements should be made for the personal attendance of such witness.

(6) (b) The enquiring Authority may, for good and sufficient reasons to be recorded in writing, recall witnesses for examination in part-heard cases being conducted by him.

(6) (c) The Inquiring Authority shall give a notice within 10 days of the order or within such further time not exceeding 10 days as the Enquiring Authority may allow, for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (6) (a). Note :-The Government Servant shall indicate the relevance of the documents required by him to be discovered or produced by the Government. The Inquiring Authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the

documents are kept, with as requisition for the production of the document by such date as may be specified in such requisition: Provided that the Enquiring Authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are in its opinion, not relevant to the case. On receipt of the requisition, every authority having the custody or possession of the requisitioned documents shall produce the same before the Inquiry Authority: Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or, any of such documents would be against the public interest or security of the State, it shall inform the Inquiring Authority accordingly and the Inquiring Authority shall, on being so informed, communicate the information to the Government Servant and withdraw the requisition made by it for the production or discovery of such documents.

(6) (d) In case of joint departmental enquiry under rule 18 or in the case of enquiry under rule 16 of these rules, the Government Servant/s/fail/fails to appear without sufficient cause on the date fixed for the hearing of which he had the notice, the Inquiry Authority, may proceed with the enquiry in the absence of such Government Servant(s).

(6) (A) If it shall appear necessary before the close of the case on behalf of the Disciplinary Authority, the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not including in the list given to the Government Servant or may itself call for new evidence or re-call re-examine any witness and such case the Government Servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the Inquiry for three clear days before the production of such new evidence, exclusive of the days of adjournment and the day to which the inquiry is adjourned. The Inquiring Authority shall give the Government Servant an opportunity of inspecting such documents before they are taken on the record. The Inquiring Authority may also allow the Government Servant to produce new evidence, if it is of the opinion that production of such evidence is necessary in the interest of justice.

Note:-New evidence shall not be permitted or called for or, any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(6) (B)(a) Where a Disciplinary Authority competent to impose any of the penalties specified in clauses (i) to (iii) of Rule 14, but not competent to impose any of the penalties specified in clauses (iv) to (vii) of Rule 14, has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any Inquiring Authority appointed by it, is of the opinion that the penalties specified in clauses (iv) to (vii) of Rule 14 should be imposed on the Government Servant, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.

(b) The Disciplinary Authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any witnesses is necessary in the interest of justice, recall the witnesses and examine, cross-examine and re-examine the witness and may impose on the Government Servant such penalty as it may deem fit in accordance with rules.

(7) At the conclusion of the inquiry, the Inquiring Authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefore. If in the opinion of such authority the proceedings of the inquiry establish charges different from those originally framed it may record findings on such charges provided that findings on such charges shall not be recorded unless the Government Servant has admitted the facts constituting them or has had an opportunity of defending himself against them.

(8) The record of the inquiry shall include: -

(i) the charges framed against the Government Servant and the statement of allegations furnished to him under sub-rule (2) ;

(ii) his written statement of defence, if any ;

(iii) the oral evidence taken in the course of the enquiry ;

(iv) the documentary evidence considered in the course of the enquiry ;

(v) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to inquiry ; and

(vi) a report setting out the findings on each charge and the reasons therefore.

(9) The Disciplinary Authority shall, if it is not the Inquiring Authority, consider the record of the inquiry and record its findings on each charge. The Disciplinary Authority may while considering the report of the Enquiring Authority for just and sufficient reasons to be recorded in writing remand the case for further/de-novo enquiry, in case it has reason to believe that the enquiry already

conducted has been laconic in some respect or the other.

(10) The disciplinary authority shall forward a copy of the report of the inquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the inquiring authority a copy of the report of the inquiring authority to the Government Servant who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority within fifteen days.

(10A) The disciplinary authority shall, if it disagrees with the findings of the Inquiry Authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge if the evidence on record is sufficient for the purpose and the same to be forwarded to the Government Servant for his representation along with a copy of the report of the inquiry.

(10B) The Disciplinary Authority shall consider the representation, if any, submitted by the Government Servant before proceeding further in the manner specified in sub-rules (11) and (11 A).

(11) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (iii) of rule 14 should be imposed on the Government Servant, it shall, notwithstanding anything contained in rule 17, make an order imposing such penalty. Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and such advice shall be taken into consideration before making any order imposing any such penalty on the Government Servant.

(11A) If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in clauses (iv) to (vii) of rule 14 should be imposed on the Government Servant, it shall make an order imposing such penalty and it shall not be necessary to give the Government Servant any opportunity of making representation on the penalty proposed to be imposed. Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and such advice shall be taken into consideration before making any order imposing any such penalty on the Government Servant.

(12) Orders passed by the Disciplinary Authority shall be communicated to the Government Servant along with a copy of the

advice, if any, given by the Commission and, where the Disciplinary Authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

### **17. Procedure For Imposing Minor Penalties :-**

(1) No order imposing any of the penalties specified in clause (i) to (iii) of rule 14 shall be passed except after -

(a) The Government Servant is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make;

(aa) holding an enquiry, in the manner laid down in Rule 16, in every case, in which it is proposed to with-hold increments of pay for a period exceeding three years, or with cumulative effect for any period or so as to adversely affect the amount of pension payable to him or in which the Disciplinary Authority is of the opinion that such inquiry is necessary;

(b) such representation, if any submitted by the Government Servant under clause (a), and the record of enquiry, if any, held under clause (aa), is taken into consideration by the Disciplinary Authority;

(c) an opportunity of personal hearing is given by the Disciplinary Authority to the Government Servant to explain his case, if so desired by him;

(d) The Commission is consulted in cases where such consultation is necessary.

(2) The record of proceedings in such cases shall include:-

(i) a copy of the intimation to the Government Servant of the proposal to take action against him;

(ii) a copy of the statement of allegations communicated to him;

(iii) his representation, if any;

(iv) the evidence produced during the enquiry;

(v) the findings of each allegation;

(vi) the advice of the Commission, if any; and

(vii) the orders on the cases together with the reasons therefore.

### **18. Joint Enquiry :-**

(1) Where two or more Government Servants are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such Government Servants may make an order directing that disciplinary action



against all of them may be taken in a common proceedings.

(2) Any such order shall specify -

- (i) the authority which may function as the Disciplinary Authority for the purpose of such common proceedings;
- (ii) the penalties specified in rule 14 which such Disciplinary Authority shall be competent to impose; and
- (iii) whether the procedure prescribed in rule 16 to 17 may be followed in the proceeding.

### **18A. Special Procedure In Cases Of Sexual Harassment Of Working Women At Work Places :-**

Notwithstanding anything contained in rules 16, 17 and 18, if there is a complaint of sexual harassment within the meaning of rule 25AA of the Rajasthan Civil Services (Conduct) Rules, 1971, the Complaint Committee established in each department/ Office for enquiring into such complaint, shall be deemed to be an enquiry authority and the report for the purpose of these rules. The Disciplinary Authority will act on the said enquiry report in accordance with these rules. The Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the enquiry into the Complaint of sexual harassment, the enquiry as far as practicable in accordance with the procedure laid down these rules.

### **19. Special Procedure In Certain Cases :-**

Notwithstanding anything contained in rules 16, 17 and 18,

- (i) where a penalty is imposed on a Government Servant on the ground of conduct which has led to him conviction on a criminal charge; or
- (ii) where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rules; or
- (iii) Where the Governor is satisfied that in the interest of the security of the State, it is not expedient to follow such procedure, the disciplinary Authority may consider the circumstances of the case and pass such orders as it deems fit. Provided that the Commission shall be consulted before passing such orders in any case in which such consultation is necessary. Note:-If any question arises whether it is reasonably practicable to give any person a opportunity of showing cause under clause (2) of Article 311 of the Constitution, the decision thereon of the authority empowered to dismiss, or remove such person or to reduce him in rank, as the case may be, shall be subject to only one appeal to the next higher authority.

### **19A. Provisions Regarding Officers Lent To The Central Government Or To A Company In The Public Sector Or An Autonomous Body Created By An Act Of State Or Central**

## **Legislature :-**

(1) Where the services of Government servants are lent to :-

(i) The Central Government;

(ii) Any Public sector Company, registered under the Companies Act, 1956 (Act 1 of 1956); or

(iii) Any Autonomous Body created by an Act of State or Central Legislature under the control of the Government (hereinafter in this rule referred to as "Borrowing Authority"). The Borrowing Authority shall have the powers of the Appointing Authority for the purpose of placing him under suspension and of the Disciplinary Authority for the purpose of taking a disciplinary proceeding against him: Provided that the Borrowing Authority shall forthwith inform the authority which lent his services (hereafter in this rule referred to as the "Lending Authority") of the circumstances leading to order of his suspension or the commencement of the disciplinary proceedings, as the case may be.

(2) In the light of findings in the Disciplinary proceedings taken against the Government Servant -

(i) If the Borrowing Authority is of the opinion that any of the penalties specified in clause (i) to (iii) of rule 14 should be imposed on him, it may, in consultation with the lending authority pass such orders in the case as it deems necessary: Provided that in the event of a difference of the opinion between the Borrowing Authority and the Lending Authority the services of the Government Servant shall be placed at the disposal of the Lending Authority:

(ii) The Borrowing Authority is of the opinion that any if the penalties specified in clauses (iv) to (vii) of Rule 14 should be imposed on him, it shall replace his services at the disposal of the Lending Authority and transmit it the proceedings of the enquiry and thereupon the Lending Authority may if it is the Disciplinary Authority, pass such orders as it deems necessary or if it is not the Disciplinary Authority submit the case to the Disciplinary Authority which shall pass such orders in the case as it deems necessary: Provided that in passing any such order the Disciplinary Authority shall comply with the provisions of sub-rule (10) and (11) of Rule 16.

Explanation:-The Disciplinary Authority may make an order under this clause on the record of inquiry transmitted by the Borrowing Authority or after holding such further enquiry as it may deem necessary.

## **19B. Provision Regarding Government Servant Belonging To The Subordinate Service, Ministerial Service And Class Iv Service, Posted In A Government Department Other Than The Department Of The Appointing Authority :-**

(1) Where a Government Servant is posted in a Department other than the Department of the Appointing Authority, hereinafter in this rule referred to as the Borrowing Department), The Head of the Borrowing Department shall have the powers of the Appointing Authority for the purpose of placing him under suspension and of the Disciplinary Authority for the purpose for taking disciplinary proceedings against him: Provided that the Borrowing Department shall forthwith inform the Appointing Authority of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be.

(2) In the light of the findings in the disciplinary proceedings taken against the Government Servant -

(i) If the Head of the Borrowing Department is of the opinion that any of the penalties specified in Clauses (i) to (3) of Rule 14 should be imposed on him, he may, in consultation with the Appointing Authority pass such orders in the case as he deems necessary : Provided that in the event of a difference of the opinion between Head of the Borrowing Department and the Appointing Authority, the

service of the such Government Servant shall be placed at the disposal of the Appointing Authority.

(ii) If the Head of the Borrowing Department is of the opinion that any of the penalties specified in clauses (iv) to (vii) of Rule 14 should be imposed on him, he shall place his services at the disposal of the Appointing Authority and transmit to it the proceedings of the enquiry and thereupon the Appointing Authority may, if it is the Disciplinary Authority, submit the case to the concerned Disciplinary Authority which shall pass such orders in the case as it deems necessary: Provided that in passing any such order the Disciplinary Authority shall comply with the provisions of sub-rule (10) and (11) of Rule 16. Explanation:- The Disciplinary Authority may make an order under this clause on the record of the inquiry transmitted by head of the Borrowing Department or after holding such further enquiry as it may deem necessary.

## **20. Section 20 :-**

Orders passed by the Disciplinary Authority, other than the Government in case of the subordinate service, the Ministerial Service and the Class IV Service shall be communicated to the Appellate Authority.

## **CHAPTER 6** **APPEALS**

### **21. Orders Made By Government Not Appealable :-**

Notwithstanding anything contained in this part, no appeal shall lie against any order made by the Government, imposing any of the penalties specified in rule 14.

### **22. Appeals Against Orders Of Suspension :-**

A Government Servant may appeal against order of suspension to the authority to which the authority made is deemed to have made the order, is immediately subordinate.

### **23. Appeals Against Order Imposing Penalties :-**

(1) A member of the Subordinate Service, Ministerial Service or Class IV Service may appeal against an order imposing upon him any of the penalties specified in rule 14 to the Authority as shown below :-

( i ) Subordinate Service - Government in Administrative Department.

(ii) Ministerial Service - Government in Administrative Department.

(iii) Class IV Service - Head of Department. The Government may, however, by a general or special order specify any other authority to whom the appeal may be preferred against the order imposing any of the penalties under rule 14 of these rules by any of the Disciplinary Authority. Provided that a member of the Ministerial Service or Class IV Service against whom an order imposing any of

the penalties specified in rule 14 is passed by the Commissioner for Departmental Enquiries as Head of Department in respect of embezzlement enquiry cases may appeal to the Government in the Administrative Department in respect of that Department. Provided further that a member of the Ministerial Service or Class IV Service against whom an order imposing any of the penalties specified in rule 14 is passed by the Officer on Special Duty, Embezzlement Enquiry Cases/ Assistant Commissioner for Departmental Enquiries as Heads of Offices in respect of embezzlement enquiry cases may appeal to the Commissioner for Departmental Enquiries. Provided that a member of the Subordinate Service against whom an order imposing any of the penalties specified in rule 14 is passed by the Commissioner for Department Enquiries as Head of Department in respect of embezzlement enquiry cases may appeal to the Government in the Administrative Department in respect of that Department. Explanation:- Where Government or the Head of Department has delegated the powers of appointment to a Subordinate Authority, the Head of the Department concerned shall be the Appointing Authority for the purpose of this sub-rule in terms of proviso below rule 2 (a) (iv).

(2) A member of the State Service against whom an order imposing any of the penalties specified in rule 14 is made by an authority other than the Government may appeal against such order to the Government. Provided that a member of the Rajasthan Higher Judicial Service and the Rajasthan Judicial Service against whom an order imposing any of the penalties specified in rule 14 except the penalty of removal or dismissal from service is made by an authority other than the Government may appeal to a Committee consisting of three Judges of the Rajasthan High Court nominated by the Chief Justice. Provided further that member of the State Service against an order imposing any of the penalties specified in rule 14, under delegated authority is passed by the Commissioner for Department Enquiries as Head of Department in respect of embezzlement enquiries cases may appeal to the Government in the Administrative Department in respect of that Department.

(4) Notwithstanding anything contained in sub-rule (1) to (3) an appeal against an order in a common proceeding held under rule 18 shall lie to the authority to which the authority functioning as the Disciplinary Authority for the purpose of that proceeding is immediately subordinate.

(5) Where an appeal lies to the Government under this rule the decision there on shall be taken after consultation with the Public

Service Commission, where such consultation is necessary.  
Explanation:-In this rule the expression "member of a Civil Service" includes a person who has ceased to be a member of that Service.

#### **24. Section 24 :-**

In the case of an order which is Appealable, the authority passing the order shall, within a reasonable time, give a certified copy of the order free of cost to the person against whom the order is passed.

#### **25. Period Of Limitation For Appeals :-**

No appeal under this part shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against: Provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

#### **26. Form And Contents Of Appeal :-**

- (1) Every person submitting an appeal shall do so separately and in his own name.
- (2) The Appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies shall not contain any dis-respectful or improper language, and shall be complete in itself.

#### **27. Submission Of Appeals :-**

Every appeal shall be submitted through the proper channel to the authority which made the order appealed against: Provided that if such authority is not the head of the office in which the appellant may be serving or, if he is not in service, the head office in which he was last serving, or is not subordinate to the head of such office, the appeal shall be submitted to the head of such office who shall forward it forthwith to the said authority: Provided further that a copy of the appeal may be submitted to the appellate authority.

#### **28. Withholding Of Appeals :-**

- (1) The authority which made the order appealed against may withhold the appeal if -
  - (i) It is an appeal against an order from which no appeal lies; or
  - (ii) It does not comply with any of the provisions of rule 26; or
  - (iii) It is not submitted within the period specified in rule 25 and no

cause is shown for the delay: or

(iv) It is a repetition of an appeal already decided and no new facts and circumstances are adduced: Provided that an appeal with held on the ground only that it does not comply with the provisions of rule 26 shall be returned to the appellant and, if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld.

(2) Where an appeal is with held, the appellant shall be informed of the fact and the reasons therefore.

(3) At the commencement of each quarter, a list of the appeals withheld by authority during the previous quarter together with the reasons for with-holding them, shall be furnished by that authority to the appellate authority.

### **29. Transmission Of Appeal :-**

(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which his not withheld under rule 28, together with its comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmitted to it of any appeal withheld under rule 28 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

### **30. Consideration Of Appeals :-**

(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provision of rule 13 and having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 14, the appellate authority shall consider

-

(a) whether the procedure prescribed in these rules has been complied with and if not, whether such non-compliance has resulted in violation of any provisions of Constitution or in failure of Justice;

(b) whether the facts on which the order was passed has been established;

(c) whether the facts established afford sufficient justification for making an order; and

(d) whether the penalty imposed is excessive, adequate or inadequate and after giving a personal hearing to Government Servant to explain his case, if he desires so and after consultation with the Commission if such consultation is necessary in the case, pass order -

(i) setting aside, reducing, confirming or enhancing the penalty; or  
(ii) remitting the case to authority which imposed the penalty or to any other authority with such directions as it may deem fit in the circumstances of the case: Provided that -

(i) the appellate authority shall not impose any enhance penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose.

(ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which may wish to make against such enhanced penalty; and

(iii) if the enhanced penalty which the appellate authority propose to impose is one of the penalties specified in clause (iv) to (vii) or rule 14 and an inquiry under rule 16 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 18, itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry pass such orders as it may deem fit.

### **31. Implementation Of Order In Appeal :-**

The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

#### **CHAPTER 7**

#### **REVISION AND REVIEW**

### **32. Section 32 :-**

The authority to which appeal against an order imposing any of the penalties specified in rule 14 lies may, if no appeal has been preferred there from, of its own motion or otherwise, call for and examine the records of the case in a disciplinary proceeding held by an authority subordinate to it and after consultation with the Commission where such consultation is necessary -

(a) Confirm, modify or set aside the order;

(b) Impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order;

(c) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as it considers proper in the circumstances of the case; or

(d) pass such order as it deems fit. Provided that -

(1) An order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against enhanced penalty.

(2) if the appellate authority propose to impose any of the penalties specified in clause (iv) to (vii) of rule 14 in a case where an inquiry under rule 16 has not been held, it shall, subject to the provisions of rule 19, direct such an inquiry to be held and thereafter on consideration of the proceedings of such inquiry, pass such orders as it deems fit.

(3) No action under this rule shall be initiated more than 6 months after the date of order to be reviewed.

### **33. Review Of Orders In Disciplinary Cases Against Members Of The State Services :-**

The Government may, of its own motion or otherwise, call for the records or the case in which an order imposing any of the penalties specified in rule 14 has been made against a member of the State Services, review any order passed in such a case and after consultation with the Commission where such consultation is necessary:

(a) Confirm, modify or set aside the orders;

(b) Imposed any penalty or set aside, reduce or enhance the penalty imposed by it. Provided that an order enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty: Provided further that no action under this rule shall be initiated more than three months after the date of the order to be reviewed. Note :- This rule shall not apply in the case of a member of the Rajasthan Judicial Service against whom an order imposing any of the penalties specified in Rule 14, except the penalty of removal or dismissal from service is made by the Administrative Judge or a Judge nominated by the Chief Justice of the High Court or when an order is made by the Committee of the Court in appeal.

### **34. Governors Power To Review :-**

Notwithstanding anything contained in these rules, the Governor may, on his own motion or otherwise, after calling for the records of these case, review any order which is made or appealable under these rules or the rules repealed by rule 35 and, after consultation with the Commission where such consultation is necessary:

(a) Confirm, modify or set aside the orders;



- (b) Impose any penalties or set aside, reduce, confirm or enhance the penalty imposed by the order;
- (c ) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as he considers proper in the circumstances of the case; or
- (d) Pass such other orders as he deems fit: Provided that:-
  - (i) An order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty:
  - (ii) if the Governor proposes to impose any of the penalties specified in clauses (iv) to (vii) of rule 14 in a case where an inquiry under rule 16 has not been held, he shall subject to the provisions of rule 19, direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry, pass such orders as he may deem fit.
  - (iii) No action under this rule shall be initiated more than three years after the date of order to be reviewed. Note :- This rule shall not apply in the case of a member of Rajasthan Judicial Service and the staff of Subordinate Courts against whom an order imposing any of the penalties specified in Rule 14, except the penalty of removal or dismissal from service is made by the Administrative Judge or a Judge nominated by the Chief Justice of the High Court or when an order is made by the Committee of the Court in appeal.

#### CHAPTER 8

#### MISCELLANEOUS AND TRANSITORY

### **35. Repeal And Savings :-**

- (1) the Rajasthan Civil Services (Classification, Control an Appeal) Rules, 1950, and any notification issued and orders made under any such rules to the extent to which they apply to the person to whom these Rules apply and in so far as they relate to classification of Civil Services specified in the Schedule or confer powers to make appointments, impose penalties or entertain appeals are hereby repealed. Provided that -
- (a) Such repeal shall not effect the previous operation of the said Rules, notification and orders or anything done or any action taken there under;
  - (b) Any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions

of these rules.

(2) nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeal which had accrued to him under the rules, notifications or orders repealed by sub-rule(1) in respect of any order decided before the commencement of these rules.

(3) An appeal pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed in accordance with these rules.

### **36. Removal Of Doubts :-**

Where a doubt arises as to who is the head of any office or as to whether any authority is subordinate to or higher than any other authority or as to the interpretation of any of the provisions of these rules or their applicability the matter shall be referred to the Government in the Appointments Department whose decision thereon shall be final.

### **37. Special Provision In Respect Of Certain Officers :-**

Where an officer has not been appointed to any post in any of the integration states schemes, he will continue to be governed by the rules applicable to him of the integrating unit of Rajasthan in which he held the last appointment. By orders of the Governor, sd/- R.D. Mathur Special Secretary to Government.

#### **SCHEDULE 1**

Schedule A

#### **SCHEDULE 2**

Schedule 2

#### **SCHEDULE 3**

Schedule 3

#### **SCHEDULE 4**

Schedule 4