

## **Rajasthan Women And Child Development (State And Subordinate) Service Rules, 1998**

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**Rajasthan Women And Child Development (State And Subordinate) Service Rules, 1998**

**PART 1 General**

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

(i) These Rules may be called the Rajasthan Women and Child Development (State and Subordinate) Service Rules, 1998.

(ii) They shall come into force from the date of their publication in the Rajasthan Rajpatra

**2. Definitions :-**

In these Rules unless the context otherwise requires-

(a) "Appointing Authority" in respect of the posts, included in State Service means the Government of Rajasthan and in respect of posts included in Subordinate, Service means the Director, Women Child Development Department. Rajasthan includes such other officer authority who may with the approval of the Government be specially empowered by the Director to exercise the powers and perform the functions of the Appointing Authority:

- (b) "Commission" means the Rajasthan Public Service Commission;
- (c) "Committee" means a Committee constituted under rule 27;
- (d) "Department" means women & Child Development Department, Rajasthan;
- (e) "Director" means the Director of Women & Child Development Department, Rajasthan;
- (f) "Direct Recruitment" means recruitment made according to the procedure laid down in Part IV of these Rules;
- (g) "Government" means the Government of Rajasthan;
- (h) "Member of Service" means a person appointed in a substantive capacity to a post in the service under the provisions of these Rules or the rules or orders superseded by these Rules and includes a person placed on probation;
- (i) "Service" means the Rajasthan Women & Child Development (State and Subordinate) Service, as the case may be;
- (j) "Schedules" means the schedules appended to these Rules;
- (k) "Screening committee" means the Committee constituted under rule 29 of these Rules;
- (l) "Substantive Appointment" means an appointment made under the provisions of these Rules to substantive vacancy after due selection by any of the methods of recruitment laid down under these Rules and includes an appointment on probation or as a probationer followed by confirmation on the completion of the probationary period;
- Note:-Due selection by any of the methods of recruitment laid down under these Rules will include recruitment either on initial constitution of service or in accordance with the provisions of any rules promulgated under proviso to Article 309 of the Constitution of India, except urgent temporary appointment.
- (m) "Service" or "Experience" wherever laid down in these Rules as a condition for promotion from one service to another or within the service from one category to another or to senior posts, in the case of a person holding a lower post, eligible for promotion to higher post shall include the period for which the person has continuously worked on such lower post after regular selection in accordance with Rules promulgated under the proviso to Article 309 of the Constitution of India;
- Note:-Absence during service, undergoing, leave and deputation, etc, which are treated as duty under the Rajasthan Service Rules, 1951 shall also be counted as "Service" for computing experience or service required for promotion.
- (n) "State" means the State of Rajasthan and

(o) "Year" means the Financial Year beginning from 1st April and ending on 31st March

### **3. Interpretation :-**

Unless the context (Otherwise requires the Rajasthan General Clauses Act, 1955 (Rajasthan act No. VIII of 1955) shall apply for the interpretation of these Rules as it applies, for the Interpretation of a Rajasthan Act.

## **PART 2** Cadre

### **4. Composition and Strength of the Service :-**

(1) The nature of posts included in the service shall be as specified in column No. 2 of the schedules.

(2) The strength of posts in the service shall be such as may be determined by the Government from time to time provided that the Government may:-

(a) create any post, permanent or temporary, from time to time, as may be considered necessary and it may abolish any such post in the like manner without thereby entitling any person to any compensation; and

(b) leave unfilled or hold in abeyance or abolish any post, permanent or temporary, from time to time, without thereby entitling any person to any compensation,

### **5. Constitution of the Service :-**

The service shall consist of:-

(a) All persons holding substantively, the posts specified in the Schedules on the date of commencement of these Rules;

(b) All persons recruited to the posts included in the service before the commencement of these Rules; and

(c) All persons recruited by any of the methods laid down in rule 6 of these Rules to the service except persons appointed on urgent temporary basis under rule 32 of these Rules.

## **PART 3** RECRUITMENT

### **6. Methods of Recruitment :-**

(1) Recruitment to various posts included in the Service after the commencement of these Rules shall be made by the following methods in proportion as indicated in Columns 3 and 4 of the

Schedule appended to these Rules:-

(a) By direct recruitment in accordance with the procedure laid down in Part IV of these Rules:

Provided that post of Assistant Project Officer (DCWRA)/Child Development Project Officer (CDPO) and Assistant Child Development Project Officer (ACDPO) shall be filled in accordance with the provisions of Rajasthan State and Subordinate Services (Direct Recruitment by Combined Competitive Examination) Rules, 1962.

(b) By promotion in accordance with the procedure laid down in Part-V of these Rules; and

(c) By Special selection through screening of persons belonging to other Services/cadres and working on any post included in the Schedule in accordance with the procedure prescribed in rule 30 of these Rules

(2) Recruitment to the service by the aforesaid methods shall be made in such a manner that the persons appointed to the service by each method do not at any time exceed the percentage laid down in the Rules/Schedules of the total cadre strength is sanctioned to each category from time to time.

(3) Notwithstanding anything contained in these Rules, the recruitment, promotion, seniority and confirmation etc. of a person who joins the Army/Airforce/Navy during an emergency shall be regulated by such orders and instructions as may be issued by the Government from time to time, provided that these are regulated mutatis mutandis according to the instructions issued on the subject by the Government of India:

Provided that:--

(i) if the Appointing Authority is satisfied, in consultation with the Commission where necessary, that suitable persons are not available for appointment by either method of recruitment in a particular year, appointment by other method, relaxation of the prescribed proportion may be made in the same manner as specified in these Rules;

(ii) if the Appointing Authority is satisfied in Consultation with the Commission that no suitable persons are available for promotion to the posts mentioned in the Schedule, such posts may be filled by taking officer on deputation from other Departments with a fixed tenure which shall not exceed two years at a time or till the members of this Service become eligible for promotion:

(iii) the persons not covered under rule 3, who were appointed to the posts included in Schedule-I and II on adhoc or officiating or

urgent temporary basis and who have been continuously holding such posts for at least one year on the date of commencement of these Rules shall be screened by a Committee referred to in Rule 27 for adjudging their suitability on the posts held, provided they possessed the requisite qualifications prescribed in the rules either for direct recruitment or promotion or the prescribed qualifications on the basis of which such persons were selected for adhoc/officiating/urgent temporary appointment. This provision shall be subject to the following conditions viz:-

(a) A person appointed on adhoc basis shall not be entitled to screening for a post higher than that to which he was initially appointed, if a person senior to him on a lower post who fulfilled qualifications prescribed for the post was either not given such adhoc appointment or is not entitled to screening under this rule. Seniority for this purpose shall be determined according to length of continuous service on a post:

(b) The Committee appointed under these Rules for adjudging suitability by screening either as an exception to general methods of recruitment or as initial constitution of Service, may ex-gratia recommend, if any of the employees with more than three years of Service on a post for which he is to be screened is not adjudged suitable and if thereafter has no right to be appointed on a lower post, or such lower post being offered to him/her by absorption and thereupon such an employee shall be treated as surplus employee under the provisions of the Rajasthan Civil Services (Absorption of Surplus Personnel) Rules, 1969 and such employee may be absorbed on the lower post on the recommendations of the Committee subject to such conditions as may be laid down by it.

Note-The provision of screening under proviso (iii) of Rule 6 has been intended to be the first step and after exhausting the vacancies required for screened persons irrespective of direct recruitment and promotion quota shall be applied.

## **7. Reservation of vacancies for the Scheduled Castes and Scheduled Tribes :-**

(1) Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes shall be in accordance with the Orders of the Government for such reservation in force at the time of recruitment i.e. by direct recruitment and by promotion.

(2) The vacancies so reserved for promotion shall be filled in by seniority-cum-merit and merit.

(3) In filling the vacancies so reserved the eligible candidates who are members of the Scheduled Castes and the Scheduled Tribes shall be considered for appointment in the order in which their names appear in the list prepared for direct recruitment by the Commission for posts falling in its purview, and by the Appointing Authority in other cases, and the Committee or the Appointing Authority, as the case may be, in the case of promotees, irrespective of their relative rank as compared with the other candidates.

(4) Appointments shall be made strictly in accordance with the rosters prescribed by the government separately for direct recruitment and promotion. In the event of nonavailability of the eligible and suitable candidates amongst Scheduled Castes and Scheduled Tribes, as the case may be, in a particular year, the vacancies so reserved for them shall be filled in, in accordance with the normal procedure and an equivalent number of additional vacancies shall be reserved in the subsequent year. Such of the vacancies which remain so unfilled shall be carried forward to subsequent three recruitment years in total, and thereafter such reservation would lapse:

Provided that there shall be no carry forward of the vacancies in posts or class/ category /groups of posts in any cadre of service to which promotions are made on the basis of merit alone under these Rules.

#### **8. Reservation of vacancies for other Backward Classes :-**

Reservation of vacancies for other Backward Classes shall be in accordance with the Government for such reservation in force at the time of direct recruitment. In the event of non-availability of eligible and suitable candidates amongst other Backward Classes in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure.

#### **9. Reservation of vacancies for women Candidates :-**

Reservation of vacancies for women candidates shall be 20% category wise, in direct recruitment. In the event of nonavailability of the eligible and suitable woman candidates in a particular year the vacancies so reserved for them shall be filled in accordance with the normal procedure and such vacancies shall not be carried forward to the subsequent year and the reservation shall be treated as horizontal reservation i.e. the reservation of woman candidates

shall be adjusted proportionately in the respective category to which the woman candidates belong.

#### **10. Reservation of vacancies for Outstanding Sports persons :-**

Reservation of vacancies for Outstanding Sportspersons shall be 2% of the total vacancies outside the purview of the Commission in that year earmarked for direct recruitment. In the event of non-availability of the eligible and suitable Sportspersons in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure and such vacancies shall not be carried forward to the subsequent year. The reservation for Sportspersons shall be treated as horizontal reservation and it shall be adjusted in the respective category to which the sportsperson belong.

Explanation;- "Outstanding Sportspersons" shall mean and include the Sportspersons belonging to the State who have participated individually or in team in the Sports and Games recognized by the International Olympic Committee and Indian Olympic Association or, in International Championships in Badminton, Tennis, Chess descriptions for each class of the Civil Services:-

<b>Class of Service</b>	<b>Description</b>
Subordinate Service	Has represented India in Asian Games, Asian Championships, Commonwealth Games, World Championship, World University Games, World School Games, SAARC Games or Olympic Games where he (in an individual item) or team (in a team event) has obtained 1st, 2nd or 3rd position)

#### **11. Nationality :-**

A candidate for appointment to the Service must be:-

- (a.) a citizen of India, or
- (b) a subject of Nepal, or
- (c) a subject of Bhutan, or
- (d) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
- (e) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia, Malawi, Zaire and Ethiopia, with the intention, of



permanently settling in India.

Provided that a Candidate belonging to categories(b),(c),(d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or other recruiting authority and he/ she may also provisionally be appointed subject to the necessary certificate being given to him/her by the Government of India.

## **12. Conditions of eligibility of persons migrated from other countries to India :-**

Notwithstanding any thing contained in these Rules provisions regarding eligibility for recruitment to the Service with regard to nationality, age limit and fee or other concessions to a person who may migrate from other countries to India with the intention of permanently settling in India shall be regulated by such orders or instructions as may be issued by the State Government from time to time and same shall be regulated mutatis mutandis according to the instructions issued on the subject by the Government of India.

## **13. Determination of Vacancies :-**

(1) (a) Subject to the provisions of these Rules, the Appointing Authority shall determine on 1st April every year, the actual number of vacancies likely to occur during the year.

(b) Where a post is to be filled in by a single method as prescribed in the Rules or Schedules the vacancies so determined shall be filled in by that method.

(c) Where a post is to be filled in by more than one method as prescribed in the Rules or schedules, the apportionment of vacancies, determined under clause (a) above, for each such method shall be done maintaining the prescribed proportion for the over-all number of posts already filled in, if any fraction of vacancies is left over after apportionment of the vacancies in the manner prescribed above, the same shall be apportioned to the quota of various methods prescribed in a continuous cyclic order giving precedence to the promotion quota.

(2) The Appointing Authority shall also determine the vacancies of earlier years year-wise, which were required to be filled in by promotion, if such vacancies were not determined and filled earlier in the year in which they were required to be filled in.

#### **14. Age :-**

A candidate for direct recruitment to a post included in the Schedule, must have attained the age of 21 years for State Service posts and 18 years for subordinate Service posts and must not have attained the age of 33 years on the first day of January next following the last date fixed for receipt of applications.

Provided that :-

(1) the upper age limit mentioned above, shall be relaxed by 5 years in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and Women Candidates;

(2) the persons appointed temporarily to a post in the service shall be deemed to be within the age limit had they been within the age limit when they were initially appointed even though they may have crossed the upper age limit when they appear finally before the Commission/Appointing Authority and shall be allowed upto two chances had they been eligible as such at the time of their initial appointment;

(3) The upper age limit mentioned above, shall be relaxed by a period equal to the service rendered in the N.C.C. in the case of cadet instructors and if the resultant age does not exceed the prescribed maximum age limit by more than three years, they shall be deemed to be within the prescribed age limit;

(4) Notwithstanding anything contrary contained in these, Rules, in the case of persons serving in connection with the affairs of the State in substantive capacity the upper age limit shall be 40 years for direct recruitment to posts filled in by competitive examination or in case of posts filled in through the Commission or by the Appointing Authority, as the case may be, by Interview.

(5) there shall be no age limit in the case of widows and divorcee women.

Explanations - That in the case of widow, she will have to furnish a certificate of death of her husband from the competent authority and that in case of divorcee she will have to furnish the proof of divorce.

(6) the upper age limit mentioned above shall be 50 years in the case of reservist namely the defence personnel who were transferred to the Reserve.

(7) the upper age limit prescribed above shall be relaxed by 2 years in the case of candidates belonging to the other Backward Classes.

## **15. Academic and technical qualifications and experience :-**

A candidate for direct recruitment to the posts enumerated in Schedule, shall possess:

- (1) The qualifications and experience given in Columns of the Schedules, and
- (2) Working knowledge of Hindi written in Devnagri script and knowledge of Rajasthani Culture.

## **16. Character :-**

The character of a candidate for direct recruitment to the Service must be such as will qualify him for employment in the Service. He must produce a certificate of good character from the Principal Academic Officer of the University or College in which he was last educated and two such certificates written not more than six months prior to the date of application from two responsible persons not connected with his College or University and not related to him.

Note:-(1) A conviction by a Court of law need not of itself involve the refusal of a certificate of good character. The circumstances of the conviction should be taken into account and if they involve no moral turpitude or association with crimes or violence or with a movement which has as its object the overthrow by violent means of Government as by law established, the mere conviction need not be regarded as a disqualification.

(2) Ex-prisoners who by their disciplined life while in prison and by their sub-sequent good conduct have proved to be completely reformed should not be discriminated against on grounds of the previous conviction for purposes of employment in the Service. Those who are convicted of offences not involving moral turpitude shall be deemed to have been completely reformed on the production of a report to that effect from the Superintendent, After Care Home or if there are no such homes in a particular District from the Superintendent of Police of the District.

(3) Those convicted of offences involving moral turpitude shall be required to produce a certificate from the Superintendent, After Care Home or if there is no such home in a particular District from the Superintendent of Police of the District, endorsed by the Inspector General of Prisons to the effect that they are suitable for employment as they have proved to be completely reformed by their disciplined life while in prison and by their subsequent good

conduct in an After Care Home.

### **17. Physical Fitness :-**

A candidate for direct recruitment to the Service, must be in good mental and bodily health and free from any mental and physical defect likely to interfere with the efficient performance of his duties as a member of service and if selected/must produce a certificate of medical fitness to that effect from a Medical Authority notified by the Government for the purpose. The Appointing Authority may dispense with production of such certificates in the case of candidate who is already serving in connection with the affairs of the state if he has already been medically examined for the previous appointment and the essential standard of medical examination of the two posts held by him are held to be comparable for efficient performance of duties of the new post and his age has not reduced his efficiency for the purpose.

### **18. Employment of irregular or improper means :-**

A candidate who is or has been declared by the Commission/Appointing Authority guilty of impersonation or of submitting fabricated documents which has been tampered with or of making statements, which are incorrect or false or of suppressing material information or using or attempting to use unfair means in the examination or interview or otherwise resorting to any other irregular or improper means for obtaining admission to the examination or appearance at any interview, shall, in addition to rendering himself liable to criminal prosecution, be dabarred either permanently or lor a specified period:-

- (a) By the Commission/Appointing Authority from admission to any examination or appearance at any Interview held by the Commission/Appointing Authority for Selection of candidates; and
- (b) By the Government from employment under the government.

### **19. Canvassing :-**

No recommendation for recruitment either written or oral other than required under the Rules, shall be taken into considerations. Any attempt on the part of a candidate to enlist support directly or indirectly for his/her candidature by any means may disqualify him/her for recruitment.

## **PART 4 Procedure for Direct Recruitment**

## **20. Inviting of Application :-**

Applications for direct recruitment to the post/posts in the service shall be invited by the Commission or the Appointing Authority, as the case may be, by advertising the vacancies to be filled in Official Gazette or in such other manner as they may deem fit:

Provided that while selecting candidates for the vacancies so advertised, the Commission or the Appointing Authority, as the case may be, may, it intimation of additional requirement not exceeding 50% of the advertised vacancies is received by them/ it before selection, also select suitable persons to meet such additional requirement.

## **21. Form of Application :-**

The application shall be made in the form prescribed the Commission or the Appointing Authority, as the case may be, and obtainable on cost from the Secretary to the Commission or from the office of the Director, as the case may be, alongwith such fee as the Commission or the Appointing Authority may, from time to time, fix.

## **22. Application Fee :-**

A candidate for direct recruitment to a post in the service must pay the fee fixed by the Commission/ Appointing Authority, as the case may be, in such manner as may be indicated by them/it.

## **23. Scrutiny of Applications :-**

The Commission or the Appointing Authority, as the case may be, shall scrutinise the applications received by them/it desirable to appear before them/it for interview:

provided that the decision of the Commission/Appointing Authority, as the case may be, as to the eligibility or other of a candidate shall be final.

## **24. Recommendations :-**

(1) The Commission or the Appointing Authority, as the case may be, shall prepare a list of the candidates whom they/it consider suitable for appointment to the post concerned and arranged in the order of merit- The Commission shall forward such list to the Appointing Authority.

(2) The Commission or the Appointing Authority as the case may be, to the extent of 50% of the advertised vacancies keep names of suitable candidates on the reserve list. The Commission may on requisition recommend the names of such candidates in the order of merit to the Appointing Authority within six months from the date of which original list is forwarded by the Commission to the Appointing Authority.

## **25. Disqualification for Appointment :-**

(1) No male candidate who has more than one wife living shall be eligible for appointment to the Service unless the Government, after being satisfied that there are Special grounds permissible under the personal law for doing so, exempt any candidate from the operation of this rule.

(2) No female candidate who is married to a person having already a wife living shall be eligible for appointment to the service unless the Government after being satisfied that there are special grounds permissible under the personal law for doing so, exempt any female candidate from the operation of this rule.

(3) No married Candidate, shall be eligible for appointment to the service if he had at any time of his marriage accepted any dowry.

Explanation:- For the purpose of this rule Dowry has the same meaning as in the Dowry Prohibition Act, 1961 (Central Act 28 of 1961).

## **26. Selection by the Appointing Authority :-**

Subject to the provisions of Rule 7, 8, 9 and 10 the Appointing Authority, shall select candidates who stand highest in the order of merit in the list prepared under rule 24:

Provided that inclusion of a candidates name in the list confers no right to appointment unless the Appointing Authority is satisfied after such enquiry as may be considered necessary that such candidate is suitable in all other respects of appointment to the post concerned.

## **PART 5 Procedure for appointment by promotion**

## **27. Constitution of the Committee :-**

The Constitution of the Committee shall be as under:-

(a) For posts falling within the purview of the Commission:-

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(i)	Chairman of the Commission or a Member there of nominated by him.	Chairman
(ii)	Secretary /Special Secretary to the Government, Women & Child Development Department	Member
(iii)	Secretary to the Government in the Department of personnel or his representative not below the rank of Deputy Secretary to the Government in the Department of personnel.	Member
(iv)	Director, Women & Child Development Department	Member Secretary

(b) For posts falling outside the purview of the Commission:-

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(i)	Director Women & Child Development Department	Chairman
(ii)	Deputy Secretary to the Government in the Department of personnel	Member
(iii)	One Member nominated by the Secretary to the Government, Women & Child Development department.	Member
(iv)	Additional Director, Women & Child Development Department.	Member Secretary

Provided that in case any Member or Member Secretary, as the case may be, constituting the Committee has not been appointed to the post Concerned, the officer holding charge of the post for the time being shall be the Member or Member Secretary, as the case may be, of the Committee.

## **28. Criteria, Eligibility and Procedure for Promotion :-**

(1) As soon as the Appointing Authority determines the number of vacancies under rule 13 of these Rules and decides that a certain number of posts are required to be filled by promotion, it shall subject to the provisions of sub-rule (6), prepare a correct and complete list of the senior-most persons who are eligible and qualified under these Rules for promotion on the basis of seniority-cum-merit or on the basis of merit, as the case may be, to the class of posts concerned.

(2) The persons enumerated in column No. 6 of the Schedule I & II shall be eligible for promotion to posts specified against them in

Column 2 thereof to the extent indicated in Column 4 subject to their possessing minimum qualifications and experience on the first day of the month of April of the year of selection as specified in Column 7.

(3) No person shall be considered for first promotion in the service unless he/she is substantively appointed and confirmed on the lowest post in the Service. After first promotion in the service, for subsequent promotions to higher posts in the Service a person shall be eligible if he/she has been appointed to such post from which promotion is to be made after selection in accordance with one of the method of recruitment prescribed under these Rules.

Provided that (or first promotion in the Service if number of persons substantively appointed and confirmed on the lowest post, equal to the number of vacancies, are not available then person who have been appointed to the lowest post in the service after selection in accordance with one of the method of recruitment prescribed under these Rules, shall also be eligible if they fulfil other conditions of eligibility.

Explanation\*-In case direct recruitment to a post has been made earlier than regular selection by promotion in a particular year, such of the persons who are/or were eligible for appointment to that post by both methods of recruitment and have been appointed by direct recruitment first, shall also be considered for promotion.

(4) Selection for promotions in regular line of promotion from the post/posts not included in the State Service to the lowest post or category of post in the State Service shall be made strictly on the basis of merit and on the basis of seniority-cum-merit in the proportion of 50:50.

Provided that if the Committee is satisfied that suitable persons are not available for promotion strictly on the basis of merit in a particular year, selection by promotion on the basis of seniority-cum-merit may be made in the same manner as specified in these Rules.

(5) Selection for promotion from the lowest post or category of posts in the State Service to the next higher post or category of the posts in the State Service and for all post in subordinate Service shall be made strictly on the basis of seniority-cum-merit.

Explanation -If in the Service, in any category of post, number of posts available for promotion is an odd number then for purpose of determining the vacancies for selection by promotion on the basis of seniority-cum-merit and merit in the proportion of 50:50, the following cyclic order shall be followed;



The first vacancy by seniority-cum-merit;

The subsequent vacancy by merit;

The cycle to be repeated.

(6) The zone of consideration of persons eligible for promotion shall be as under:-

(i)	Number of vacancies	Number of eligible person to be considered.
	(a) for one vacancy	five eligible persons.
	(b) for two vacancies	eight eligible persons.
	(c) for three vacancies	ten eligible persons.
	(d) for four or more vacancies	three times the number of vacancies.

(ii) Where the number of eligible persons for promotion to higher post is less than the number specified above, all the persons so eligible shall be considered.

(iii) Where, adequate number of the candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, are not available within the zone of consideration specified above, the zone of consideration may be extended to five times the number of vacancies and the candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, (and not any other) coming within the extended zone of consideration shall also be considered against the vacancies reserved for them.

(7) (a) The Committee shall consider the cases of all the senior most persons who are eligible and qualified for promotion to the class of posts concerned under these Rules and shall prepare a list containing names of the persons found suitable on the basis of seniority-cum-merit and/or on the basis of merit, as the case may be, as per the criteria for promotion laid down in these Rules, equal to the number of vacancies determined under rule relating to "Determination Of vacancies" of these Rules. The list so prepared on the basis of seniority-cum-merit and/or on the basis of merit, as the case may be, shall be arranged in the order of seniority in the category of posts from which selection is made

(b) The Committee may also prepare a separate list on the basis of seniority-cum-merit and/or on the basis of merit, as the case may be, as per the criteria for promotion laid down in the Rules, containing names of persons equal to the number of persons selected in the list prepared under (a) above to fill temporary or permanent vacancies which may occur subsequently. The list so prepared on the basis of seniority-cum-merit and/or on the basis of merit shall be arranged in the order of seniority in the category of posts from which selection shall be made. Such a list shall be reviewed and revised by the Departmental promotion Committee that meets in the subsequent year and that such list shall remain in force till the end of the last day of the next year or till the Departmental promotion Committee meets, whichever is earlier,

(c) Such lists shall be sent to the Appointing Authority together with Annual performance Appraisal Reports and other service Record of all the Candidates included in the lists as also of those not selected, if any.

Explanation;-For the purpose of selection for promotion on the basis of merit no person shall be selected if he/she does not have "outstanding" or "Very good" record in at least five out of the seven years preceding the year for which Departmental promotion committee is held.

(8) If in any subsequent year, after promulgation of these Rules, vacancies relating to any earlier year are determined under sub-rule (2) of rule 13 which were required to be filled by promotion, the Departmental promotion Committee shall consider the cases of all such persons who would have been eligible in the year to which the vacancies relate irrespective of the year in which the meeting of the

Departmental promotion Committee is held and such promotions shall be governed by the Criteria and procedure for promotion as was applicable in that particular year to which the vacancies relate and the service/experience of an incumbent who has been so promoted for promotion to higher post for any period during which he has not actually performed the duties of post to which he would have been promoted, shall be counted.

The pay of a person who has been so promoted shall be fixed at the pay which he would have drawn at the time of his promotion but no arrears of pay shall be allowed to him.

(9) The Government or the Appointing Authority may order for the review of the proceedings of the D. P. C. held earlier on account of some mistake or error apparent on the face of record, or on account of a factual error substantially affecting the decision of the D. P. C. or for any other sufficient reasons eg. change in Seniority, wrong determination of vacancies, judgement /direction of any Court or Tribunal, or where adverse entries in the Confidential Reports of an individual are expunged or toned down or a punishment inflicted on him is set aside or reduced. The concurrence of the Department of Personnel and the Commission (where Commission is associated) shall always be obtained before holding the meeting of the review D. P. C.

(10) Where consultation with the Commission is necessary the lists prepared by the Committee shall be forwarded to the Commission by the Appointing Authority along with the personal files and Annual Confidential Rolls (APAR) of all the persons whose names have been considered by the Committee.

(11) The Commission shall consider the lists prepared by the Committee along with other relevant documents received from the Appointing Authority, and unless any change is considered necessary, shall approve the lists. In case the Commission considers it necessary to make any change in the list received from the Appointing Authority, it shall inform the Appointing Authority the changes proposed by it. After taking into account the comments of the Commission, if any, the Appointing Authority may approve the lists finally with such modification, as may in its opinion, be just and proper and when the Appointing Authority is an authority subordinate to the Government, the lists approved by the Commission shall be disturbed only with the approval of the Government.

(12) Appointments shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule (11) in the order in which they have been placed in the lists till such lists are exhausted or reviewed and revised, as the case may be.

(13) The Government may issue instructions for provisionally dealing with promotions, appointments or other ancillary matters in an equitable and fair manner of persons who may be under suspension, or against whom departmental proceeding is under progress, at the time of promotions are considered to a post to which they are eligible or would have been eligible but for such suspension or pendency of such enquiry or proceedings.

## **29. Restriction on promotion of persons foregoing promotions :-**

In case of a person on his promotion to the next higher post either on the basis of urgent temporary appointment or on regular basis, on the recommendations of the Departmental Promotion Committee, foregoes such an appointment, he shall be considered against for appointment by promotion only after a period of one year (both on the basis of urgent temporary appointment or on regular basis), on the recommendations of the departmental promotion Committee.

**30. Special Section through Screening of persons belonging to other Services/cadres and working on any post in the Department :-**

A Screening Committee consisting of Chairman of the Commission or a member thereof nominated by him as Chairman Secretary to the Government in the Department of personnel or his nominee not below the rank of Deputy Secretary in the Department of personnel as Member, Secretary to the Government Department of Women & Child Development as Member Secretary, shall be constituted for screening the cases of the officers of the following cadres:

(1) Officers and Officials of the Social Welfare Department, who were substantive in the Social welfare Service and are working in the Department of Women & Child Development against the post (s) now included in the Schedules, and have put in atleast 3 years continuous Service on the Existing post (s) on the date of commencement of these Rules.

(2) Persons transferred from State Social welfare Advisory Hoard to this Department and working on any of the post (s), included in the Schedules, for a continuous period of 3 years, at the time of commencement of these Rules.

(3) Lady Nutrition Extension Officers transferred from Rural Development & Panchayat Raj Department or appointed on ad-hoc basis by the Department without adhering to the provision of the Rules promulgated under proviso to Article 309 of the Constitution of India;

(4) Lady Supervisor transerred from Rural Development & Panchayat Raj Development and who are still working on any of the posts included in the Schedules and whose posts have been abolished. In the Rural Development & Panchayat Raj Development. The Screening Committee shall screen and consider the cases of such persons who are still working in the Department against any post included in the Service/Schedule and who opt for such post.

After considering their Annual performance Appraisal Reports for the last 5 years and special performance report for the financial year preceding the year in which these Rules are promulgated and also go through other relevant record to adjudge their suitability/usefulness in the Department and shall recommend to the Government the names of such persons who are found suitable for the State Service posts included in the Schedule-I. Another list of persons who are found suitable for the Subordinate Service posts

included in Schedule-II shall be drawn by the screening committee which shall be forwarded to the Appointing Authority for issuance of orders for final absorption on the post shown in the Schedule-II.

The above mentioned lists shall be prepared by the screening committee on the basis of merit alone and shall recommend for their substantive appointment in the service against a post for which the officer is adjudged suitable/ useful.

(5) The provisions of the above rule shall be subject to the following conditions:-

(a) That a person appointed on adhoc basis without following the procedure laid down in those Rules for direct recruitment shall not be entitled for screening for a post higher than that he was holding in his parent department before his transfer on the post included in the service; and

(b) That the Screening Committee shall recommend names and such officers for integration purposes as one of the method of initial constitution of the service.

If any employee with more than 3 years of service on a post is not adjudged suitable by the Screening Committee, such person shall have no right to be appointed against any post in the service. Such person shall, therefore, be declared as surplus by the Appointing Authority and he/she shall be reverted back to his parent cadre for his/her further placement and if it is not feasible on account of any reasons, he/ she shall be declared surplus under the provisions of the Rajasthan Civil Service (Absorption of Surplus Personnel) Rules, 1969 and such employee may be absorbed on any lower post under the provisions of above mentioned rules applicable in case of surplus personnel.

The Government shall consider the recommendations of the Screening Committee and shall issue appropriate directions to the Director for making substantive appointment against the vacancies of posts included in Schedule-II and the Government shall issue orders for appointment of persons found suitable against any of the posts mentioned in Schedule-I, which have been categorised as State Service posts.

## **PART 6** Appointment, probation and confirmation

### **31. Appointment to the Service :-**

Appointment to the posts in the service by direct recruitment or by promotion or by special selection, as the case may be, shall be made by the Appointing Authority on occurrence of vacancies from

the candidates selected under rule 24, 28 and by special Selection through screening process from the persons adjudged suitable under rule 30 of these Rules.

### **32. Urgent Temporary Appointment :-**

(1) A vacancy in the service which can not be filled in immediately either by direct recruitment or by promotion under these Rules may be filled in by the Appointing Authority or by authority competent to make appointments, as the case may be, by appointing in an officiating capacity thereto an officer eligible for appointment to the post by promotion or by appointing temporarily thereto a person eligible for direct recruitment to the service, where such direct recruitment has been provided under the provisions of these Rules.

Provided that such an appointment shall not be continued beyond a period of one year without referring the case to the Commission for concurrence where such concurrence is necessary and shall be terminated immediately on its refusal to concur;

Provided further that in respect of a post in the Service for which both the above methods of recruitment have been prescribed, the Government or the authority competent to make appointment, as the case may be, shall not, save with the specific permission of the Government in the Department of Personnel, fill the temporary vacancy against the direct recruitment quota by a whole time appointment for a period exceeding three months otherwise than out of persons eligible for direct recruitment and after a short term advertisement.

(2) In the event of non-availability of suitable persons fulfilling the requirements of eligibility for promotion, Government may, notwithstanding the conditions of eligibility for promotion required under sub-rule (1) above lay down general instructions for grant of permission to fill the vacancies on urgent temporary basis subject to such conditions and restrictions regarding pay and other allowances as it may direct. Such Appointment, shall however, be subject to concurrence of the Commission as required under sub-rule (1) above.

### **33. Seniority :-**

Seniority of persons appointed to the lowest post of the Service or lowest category of post in each of the Group/Section of the Service, as the case may be, shall be determined from the date of confirmation of such persons to the said post but in respects of

persons appointed by promotion to other higher post in the service or other higher categories of posts in each of the Group/Section in the service, as the case may be, shall be determined from the date of their regular selection to such posts;

Provided that:

(i) the seniority of the persons appointed to the service before the commencement of these Rules shall be determined modified or altered by the Appointing Authority as deemed proper;

(ii) the seniority inter se of persons appointed to a post in a particular category by direct recruitment on the basis of one and the same selection except those who do not join service when a post is offered to them within a period of six weeks from the date of issue of order or logner if extended by the Appointing Authority, shall follow the order in which their names have been placed in the list prepared under rule 21 of these Rules.

(iii) the persons selected and appointed as a result of a selection, which is not subject to review and revision, shall rank senior to the persons who are selected and appointed as a result of subsequent selection.

Seniority inter se of persons selected on the basis of Seniority-cum-merit and on the basis of merit in the same selection shall be the same as in the next below grade.

(iv) the inter se seniority of persons who have been adjudged suitable under provisions of rule 30 shall be determined on the recommendation of the Screening Committee.

(v) Interse seniority of persons appointed by direct recruitment and by promotion in the same year the persons appointed by promotion shall be senior to those appointed by direct recruitment.

(vi) if a candidate belonging to the Scheduled Caste/ Scheduled Tribe is promoted to an immediate higher post /grade against a reserved vacancy earlier than his senior General/O.B.C. candidate who is promoted later to the said immediate higher post/grade, the General/O.B.C. candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste/Scheduled Tribe in the immediate higher post/grade,

#### **34. Period of probation :-**

(1) All person appointed to the Service by direct recruitment against a substantives vacancy shall be placed on probation for a period of two years and those appointed to the Service by promotion/Special selection against a substantive vacancy shall be

placed on probation for a period of one year.

Provided that;-

(i) such of them as have, previous to their appointment by promotion/Special selection or by direct recruitment against a substantive vacancy officiated temporarily on the post which is followed by regular selection may be permitted by the Appointing Authority to count such officiating or temporary service towards the period of probation. This shall, however, not amount to involve supercession of any senior person or distribute the order of their preference in respective quota or reservation in recruitment.

(ii) any period after such appointment during which a person has been on deputation on a corresponding or higher post shall count towards the period of probation.

(2) during the period of probation specified in sub-rule (1), each probationer may be required to pass such Departmental Examination/Tests and to undergo such training as the Government may, from time to time, specify/decide.

Explanation:-In case of a person who dies or is due to retire on attaining the age of superannuation the period of probation shall be reduced so as the end one day earlier on the date immediately preceding the date of his death or retirement from Government Service. The condition of passing the Departmental Examination in the rule regarding confirmation shall be deemed to have been waived in case of death or retirement

### **35. Confirmation in certain cases :-**

(1) Notwithstanding anything to the contrary contained in the preceding rule a person appointed to a post in the Service temporarily or on officiating basis who, after regular recruitment by any one of the method of recruitment prescribed under these Rules, has not been confirmed, within a period of six months after satisfactory completion of the period of probation as prescribed above, shall be entitled to be treated as confirmed in accordance with his seniority, if:-

(i) he has worked on the post or higher post under the same Appointing Authority or would have so worked but for his deputation or training;

(ii) he fulfils condition as prescribed under rule relating to confirmation subject to the quota prescribed under these Rules; and

(iii) permanent vacancy is available in the Department.

(2) If an employee referred to in sub-rule (1) above fails to fulfil the conditions mentioned in the said sub-rule (1), the period mentioned in sub-rule (1) above, may be extended as prescribed for a probationer or under the Rajasthan Civil Services (Departmental Examination) Rules, 1959 and any Other rules or by one year, whichever is longer. If the Employee still fails to fulfil the conditions mentioned in sub-rule (1) above, he will be liable to be discharged or terminated from such post in the same manner as a probationer or reverted to his substantive or lower post, if any to which he may be entitled.

(3) The employee referred to in sub-rule (1) above shall not be debarred from confirmation after the said period of service if no reasons to the contrary about the satisfactory performance of his work are communicated to him within the said period of service

(4) The reasons for not confirming of any employee referred to in sub-rule (1) above shall be recorded by the Appointing Authority in his Service Book and Annual performance Appraisal Report.

Explanation:-(i) Regular recruitment for the purpose of this rule shall mean:-

(a) Appointment by either method of recruitment or on initial constitution of service in accordance with the rules made under the proviso to Article 309 of the Constitution of India;

(b) appointment to the posts for which no Service Rules exists, if the posts are within the purview of the Commission, recruitment in consultation with them;

(c) persons who have been made eligible for substantive appointment to a post under the rules shall be treated as having been regularly recruited;

Provided that it shall not include urgent temporary appointment or officiating promotion which is subject to review and revision.

(ii) Persons who hold lien on another cadre shall be eligible to be confirmed under this rule and they will be eligible to exercise an option whether they do not elect to be confirmed on expiry of two years of their temporary appointments under this rule. In the absence of any option to the contrary they shall be deemed to have exercised option in favour of confirmation under this rule and their lien on the previous post shall cease.

### **36. Unsatisfactory Progress During Probation :-**

(1) If it appears to the Appointing Authority, at any time, during or at the end of the period of probation that a member of the Service



has. not made sufficient use of the opportunities made available or that he has failed to give satisfactory performance, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment provided he holds a lien thereon or in other cases may discharge or terminate him from service-

Provided that the Appointing Authority may, if it so thinks .fit in any case or class of cases, extend the period of probation of any member of Service, by a specified period not exceeding two years in case of a person appointed to a post in the Service by Direct recruitment and one year in the case of person appointed by promotion/special selection to such post.

Provided farther that the Appointing Authority may, if it so thinks fit in case of persons belonging to the Scheduled Castes or Scheduled Tribes, as the case may, be extend the period of probation by a period not exceeding one year at a time and a total extension not exceeding three years.

(2) Notwithstanding anything contained in sub-rule (1), if a probationer during the period of probation is placed under suspension, or disciplinary proceedings are contemplated or started against him, the period of his probation may be extended till such period as the Appointing Authority may think fit in the given circumstances.

A Probationer reverted on his substantive or lower post or discharged from service during or at the end of the period of probation under sub-rule (1), shall not be entitled to any compensation.

### **37. Confirmation :-**

A person placed on probation under rule 34 shall be confirmed in his appointment at the end of the period of probation if:-

- (a) he has passed the Departmental Examination and has successfully undergone such training as is referred to in sub-rule (2) or rule 34;
- (b) he has passed a departmental test of proficiency in Hindi; and
- (c) the Appointing Authority is satisfied that his integrity is unquestionable and that he is otherwise fit for confirmation.

## **PART 7 PAY**

### **38. Scale of pay :-**

The scale of monthly pay of a person appointed to a post in the Service, shall be such as may be prescribed under the Rules referred to in rule 40 or as may be sanctioned by the Government from time to time.

### **39. Increments during probation :-**

A probationer shall draw increments in the scale of pay admissible to him during the period of probation in accordance with the provisions of the Rajasthan Service Rules. 1951.

### **40. Regulation of pay, Allowances, Leave, Pension etc. of the persons appointed in the Service :-**

Except as provided under those Rules, the pay, allowances pension including gratuity leave and other conditions of service of the members of the Service shall be regulated by:-

(1) The Rajasthan Service Rules, 1951 as amended from time to time.

(2) The Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958

(3) The Rajasthan Civil Services (Conduct) Rules, 1971.

(4) The Rajasthan Travelling Allowances Rules, 1971 as amended from time to time.

(5) The Rajasthan Civil Services (Revised Pay Scales) Rules, 1998 as amended from time to time by Government in respect of the posts enumerated in the Schedule.

(6) Any other rules prescribing general conditions at service made by the Government under the provisions of proviso to Article 309 of the Constitution of India and are in force.

The Conditions of service and pay scales can be revised or altered by the Government from time to time as it may deem proper and the persons working against the posts in the service shall be regulated by such amended/revised or altered rules.

### **41. Removal of doubts :-**

If any doubt arises relating to application, interpretation and scope of these Rules, it shall be referred to Government in the Department of Personnel whose decision thereon shall be final.

### **42. Repeal and Saving :-**

All Rules and Orders in relation to matters covered by these Rules

and in force immediately before the Commencement of these Rules are hereby repeated.

Provided that any action taken under the Rules and Orders so superseded shall be deemed to have been taken under the provisions of these Rules.

#### **43. Power to relax Rules :-**

In exceptional cases where the Administrative Department is satisfied that operation of the rules relating to age or regarding requirement of experience for recruitment causes undue hardship in any particular case or where the Government is of the opinion that it is necessary or expedient to relax any of the provisions of these Rules with respect to age or experience of any person, it may with the concurrence of the Department of Personnel and in consultation with the Commission where necessary, by order, dispense with or relax the relevant provisions of these Rules to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner, provided that such relaxation shall not be less favourable than the provisions already contained in these Rules. Such cases of relaxation shall be referred to the Commission by the Administrative Department concerned.

Provided that relaxation in the prescribed period of service or experience under this rule shall only be granted to the extent of 1/3 period of the service or experience prescribed for promotion to any post before holding the meeting of the Departmental Promotion Committee.