

GOVERNMENT OF PUNJAB
DEPARTMENT OF HOME AFFAIRS AND JUSTICE
(Home-4 Branch)

NOTIFICATION
The 23rd September 2009.

No. G.S.R38/Const. /Art.309/2009- In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules regulating the recruitment and the conditions of service of the persons appointed to the Punjab Police Ministerial (Group-A) Service, namely:-

RULES:

1. Short title, commencement and application;-
 - (1) These rules may be called the Punjab Police Ministerial (Group-A) Service Rules, 2009.
 - (2) They shall come into force on and with effect from the date of their publication in the Official Gazette.
 - (3) They shall apply to the posts specified in Appendix 'A'.
2. Definitions;- In these rules, unless the context otherwise requires;
 - (a) "Appendix" means an Appendix appended to these rules;
 - (b) Government means the Government of the State of Punjab in the Department of Home Affairs and Justice; and
 - (c) "Service" means the Punjab Police Ministerial (Group-A) Service.
3. Number and character of posts:- The Service shall comprise the posts specified in Appendix 'A':

Provided that nothing in these rules shall affect the inherent right of the Government to add to or reduce the number of such posts or to create new posts with different designations and scales of pay, whether permanently or temporarily.

4. Appointing authority;- Appointments to the Service shall be made by the Government.

5. Method of appointment, qualifications and experiences:-

(1) Appointment to the Service shall be made in the manner, specified in Appendix 'B'.

Provided that if, no suitable candidate is available for appointment by promotion, appointment to the Service shall be made by transfer of a person holding a similar or an identical post under a State Government or Government of India.

(2) No person shall be appointed to a post in the service unless he possesses the qualifications and experience as specified against that post in Appendix 'B'.

(3) Appointment to the Service by promotion shall be made on seniority-cum-merit basis, but no person shall have any right to claim promotion on the basis of seniority alone.

6. Pay of members of the Services:- The members of the Service shall be entitled to such scales of pay, as may be authorized by the Punjab Government from time to time. The scales of pay at present in force, are given in Appendix 'A'.

7. Discipline, punishment and appeal:- (1) In the matters of discipline, punishment and appeal, the members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970 as amended from time to time, the Punjab Civil Services (Punishment and Appeal) Rules, 1970 in respect of the members of the Service, shall be the Government.

8. Application of the Punjab Civil Services (General and Common Conditions of Services) Rules, 1994:- (1) In respect of the matters, which are not specifically provided in these rules, the members of the Service shall be governed by the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994, as amended from time to time.

(2) The Punjab Civil Services (General and Common Conditions of Service) Rules 1994 at present in force, are contained in Appendix 'C'.

9. Interpretation:-If any question arises as to the interpretation of these rules, the Government in consultation with the Department of Personnel, shall decide the same.

APPENDIX 'A'

(See rules 1(3), 3 and 6)

| Serial No. | Designation of the post | Number of posts | | | Scale of pay (in rupees) |
|------------|-------------------------|-----------------|-----------|-------|---|
| | | Permanent | Temporary | Total | |
| 1. | Establishment Officer | 2 | - | 2 | 7880-220-8100- 275-10300-340- 11660 |
| 2. | Superintendent Grade-I | 21 | - | 21 | 7220-220-8100- 275-10300-340- 11660 |
| 3. | Private Secretary | 1 | - | 1 | 7220-220-8100- 275-10300-340- 11660 |

APPENDIX 'B'

(See rule 5)

| Serial No. | Designation of the post | Percentage for appointment by | | Method of appointment, qualifications and experience for appointment by | |
|------------|-------------------------|-------------------------------|-----------------|---|---|
| | | Direct Appointment- 3 | Promotion 4 | Direct Appointment- 5 | Promotion 6 |
| 1. | Establishment Officer | - | Hundred Percent | - | From amongst the Superintendents Grade-I who have worked an experience of working as such for a minimum period of five years. |
| 2. | Superintendent Grade-I | - | Hundred Percent | - | From amongst the Superintendents Grade-II working under the control of the Director General, who have an experience of working as such for a minimum period of one years. Provided that if, no suitable Superintendent Grade-II is available for promotion, then from amongst the Senior Assistants, working under the control of the Director General, who have an experience of working as such for a minimum period of ten years. |
| 3. | Private Secretary | | Hundred Percent | - | From amongst Personal Assistants working under the control of the Director General, who have an experience of working as such for a |

minimum period of one year.

Provide that if, no suitable Personal Assistant is available for promotion, then from amongst the Senior Scale Stenographers, working under the control of the Director General, who have an experience of working as such for a minimum period of ten year.

APPENDIX C
(See rule 8)

GOVERNEMENT OF PUNJAB
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS
(PERSONNEL POLICIES-1 BRANCH)

Notification

The 4th May 1994

No.G.S.R.33/Const./Art.309/94 _____ In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, and all other powers enabling in this behalf, the Governor of Punjab is pleased to make the following rules regulating the recruitment and general and common conditions of service of persons appointed to Group 'A', Group 'B' and Group 'C' services in connections with the affairs of the State of Punjab, namely: -

1. **Short title, commencement and application:** _____(1) These rules may be called Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.

(2) They shall come into force at once.

(3) They shall apply to all the posts in Group 'A', Group 'B' and Group 'C' services in connection with the affairs of the State of Punjab.

2. **Definitions In these rules, unless context otherwise requires** _____

(a) "Appointing Authority" means an appointing authority specified as such in the Service Rules made under article 309 of the Constitution of India in respect of any service or post in connection with the affairs of the State of Punjab.

(b) "Board" means the Subordinate Services Selection Board, Punjab or any other authority constituted to perform its function;

(c) "Commission" means the Punjab Public Service Commission.

(d) "Direct appointment" means an appointment made otherwise than by promotion or by transfer of person already in the service of Government on India or of a State Government

(e) "Government" means the Government of the State of Punjab in the Department of Personnel and Administrative Reforms.

(f) "Recognized University or Institution" means:- (i) Any University or Institution incorporated by law in any of the State of India ;or (ii) Any other University or Institution which is declared by the Government to be a recognized University or Institution for the purpose of these rules ;

(g) "Service" means any Class-I Service or Class-II Service constituted in connection with the affairs of the State of Punjab;

(h) "Service Rules" means the service rules under article 309 of the constitution of India regulating the recruitment and conditions of services other than the general and common conditions of service of persons appointed to any service or post in connection with the affairs of the State of Punjab; and

(i) "War hero" means a defence service personnel, or a para-military forces personnel, who is a *bona fide* resident of Punjab State and is killed or discharged from the above service on account of disability suffered by him while fighting for defending the border of the country in Kargil sector of the State of Jammu and Kashmir or fighting for the country in any other sector or similar operation on or after the first day of January,1999 which may be notified by the State Government as undertaken for preserving

the unity and integrity of the motherland. However, in exceptional cases, the cases of those war heroes can also be covered under this definition who, though, not *bona fide* residents of Punjab State, but are yet closely connected to the State of Punjab. In such exceptional cases, the express approval of the Department of Personnel will be mandatory.

3. Nationality, domicile and character of persons appointed to the service:-

(I) No person shall be appointed to the service unless he is: -

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

Provided that a person belonging to any of the categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been given by the Government of Punjab in the Department of Home affairs and Justice.

(2) A person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or the Board, as the case may be ,on his furnishing proof that he has applied for the certificate but he shall not be appointed to the service unless the necessary certificate is given to him by the Government of Punjab in the Department of Home affairs and Justice.

(3) No person shall be recruited to the service by direct appointment, unless he produces:

- (a) a certificate of character from the Principal, Academic Officer of the University, College, School or Institution last attended, if any, and similar certificates from two responsible persons not being his relatives who are local by acquainted with him in his private life and are unconnected with the university, College or Institution; and
- (b) an affidavit to the effect that he was never convicted for any criminal offence involving moral turpitude and that he was never dismissed or removed from service of any State government of India, or of any Public Sector Undertaking.

4. Disqualifications: - No person:

- (a) who has entered into or contracted marriage with a person having a spouse living; or
- (b) who having a spouse living has entered into or contracted a marriage with any person shall be eligible for appointment to service:

Provided that the Government, if satisfied that such marriage is permissible under the personal law and the other party to the marriage and that there are grounds for so doing, exempt any person from the operation of this rule.

5. Age: - (1) No person shall be recruited to the service by direct appointment, if, he is less than eighteen years or is more than thirty years of age in the case of non-technical posts and thirty three in the case of technical posts on the 1st day of January of the year immediately preceding the last date fixed for submission of application by the Commission or the Board, as the case may be, or unless he is within such range of minimum and maximum age limits as may be specifically fixed by the Government from time to time:

Provided that where different lower and upper age limits have been specially prescribed for posts in the Service Rules, these limits shall be made applicable for appointment to such posts:

Provided further that the upper age limit may be relaxed up to 45 years in the case of person already in the employment of the Punjab Government, other State Government or Government of India:

Provided further that in the case of candidates belonging to Scheduled Castes and other Backward Classes, the upper age limit shall be such as may be fixed by the Government from time to time.

(2) In the case of ex-servicemen the upper age limit shall be such as has been prescribed in the Punjab Recruitment of Ex-servicemen Rules, 1982 as amended from time to time

(3) In the case of appointment on compassionate grounds on priority basis the upper age limit shall be such as may be specifically fixed by the Government from time to time.

(4) In the case of appointment of a War-hero who has been discharged from defence services or paramilitary forces on account of disability suffered by him or his widow or dependent member of his family, the upper age limit shall be such as may be specifically fixed by the Government from time to time

6. Qualification etc: -Subject to the provision of these rules, the number and character of posts, method of recruitment and educational qualification and experience for appointment to a post or posts in a service and the departmental examination, if any, shall be such as may be specified in the Service Rules made for that Service:

Provided that where appointment of Class-I or Class-II non -technical post is offered to a war-hero, who has been discharged from defence services or paramilitary forces on account of disability suffered by him or his widow or dependent member of his family, under the instructions issued in this behalf by the Government, the educational qualification to be possessed such by person shall be graduation from a recognized university. Such person who is offered Group 'A', Group 'B' and Group 'C' non-technical post shall not however be required to possess experience of a technical or a non-technical post at the time of his initial appointment.

7. Probation:-(1) A person appointed to any post in the service shall remain on probation for a period of two years, if recruited by direct appointment and one year if appointed otherwise:

Provided that: -

(a) Any period, after such appointment spent on deputation on a corresponding or a higher post shall count towards the period of probation;

(b) In any case of an appointment by transfer, any period of work on an equivalent or higher rank, prior to appointment to the Service, may in the discretion of the appointing authority, be allowed to count towards the period of probation:

(c) Any period of officiating appointment to the service reckoned as period spent on probation; and

(d) Any kind of leave not exceeding six months during or at the end of period of probation shall be counted towards the period of probation.

(2) If, in the opinion of the appointing authority, the work or conduct of a person during period of probation is not satisfactory or if he has failed to pass departmental examination, if any, prescribed in the Service Rules within a period not exceeding two and half years from the date of appointment, it may-

- (a) If such a person is recruited by direct appointment, dispense with his service or revert him to a post on which he held lien prior to his appointment to the service by direct appointment; and
 - (b) If such person is appointed otherwise-
 - (i) revert to his former post; or
 - (ii) deal with him in such other manner as the terms and conditions of the previous appointment permit.
- (3) On the completion of period of probation of a person, the appointing authority may, -
- (a) If his work and conduct has in its opinion been satisfactory -
 - (i) confirm such person, from the date of his appointment or from the date he completes his period of probation satisfactorily, if he is not already confirmed; or
 - (ii) declare that he has completed his probation satisfactorily, if he already confirmed; or
 - (b) If his work or conduct has not been in its opinion, satisfactory or if he has failed to pass the departmental examination, if any, specified in the Service Rule-
 - (i) dispense with his services , if appointed by direct appointment or appointed otherwise revert him to his former post, or deal with him in such other manner as the terms and conditions of his previous appointment may permit;
 - (ii) extend his period of probation and thereafter pass such order as it could have passed on the expiry of the period of probation as specified in sub-rule (1):

Provided that the total period of probation including extension, if any shall not exceed three years

8. **Seniority:** - The seniority inter se of persons appointed to posts in each cadre of a service shall be determined by the length of continuous service on such posting in that cadre of the service:

Provided that in case of person recruited by direct appointment who joins within the period Specified in the order of appointment or within such period as may be extended from time to time by the appointing authority subject to a maximum of four months from the date of appointment the order of merit by the Commission or the Board, as the case may be, shall not disturbed;

Provided further that in case a person is permitted to join the post after expiry of the said Period of four months in consultation with the Commission or the Board, as the case may be, his seniority shall,be determined from the date he joins the post:

Provided further that in case a person of the next selection has joined a post in the cadre of the concerned Service report the person referred to in the preceding proviso joins, the person so referred shall be placed below all the persons of the next selections who join within the time specified in the first proviso:

Provided further that in the case of two or more persons appointed on the same date, their seniority shall be determined as follows: -

- (a) a person appointed by direct appointment shall be senior to a person appointed otherwise;
- (b) a person appointed by promotion shall be senior to a person appointed by transfer;
- (c) in the case of persons appointed by promotion or transfer, the seniority shall be determined according to the seniority of such persons in the appointment from which they were promoted or transferred; and

- (d) in the case of persons appointed by transfer from different cadres their seniority shall be determined according to pay, preference being given to a person who was drawing a higher rate of pay in his previous appointment and if the rates of pay drawn are also then by their length of service in these appointments and if the length of service is also the same, an older person shall be senior to a younger person.

Note: - Seniority of person appointed on purely provisional basis or on adhoc basis shall be determined as when they are regularly appointed keeping in view the dates of such regular appointment.

9. Liability of members of service to transfer: -A member of Service may be transferred to any post whether included in any other service or not, on the same terms and conditions as are specified in rule 3.17 of Punjab Civil Service Rules, Vol.-I, Part-I.

10. Liability to serve: -A member of service shall be liable to serve at any place, whether within or out of the State of Punjab on being ordered so to do by the appointing authority.

11. Leave, Pension and other matters__In respect of pay, leave, pension and all other matters not expressly provided for in these rules, a member of a Service shall be governed by such rules and regulations as may have been or may hereafter be adopted or made by the competent authority.

12. Discipline, Penalties and Appeals____(1) In the matter of discipline, punishment and appeals a member of a Service shall be governed by the Punjab Civil Service (Punishment and Appeal) Rules, 1970 as amended from time to time by special or general order.

(2) The authority empowered to impose penalties specified in rule 5 of the Punjab civil Service (Punishment and Appeal) Rules, 1970 and the appellate authority hereunder in respect of the Government employee shall be such as may be specified in the Service Rules.

13. Liability for vaccination and re-vaccination.__Every member of a service shall get himself vaccinated or re-vaccinated when, Punjab Govt. so directs by a special or general order.

14. Oath of allegiance __Every member of a Service unless he has already done so, shall be required to take oath or allegiance to India and to the Constitution of India as established by law.

15. Minimum educational and other Qualifications__(1) No person shall be appointed by direct appointment to the post of Clerk under the Punjab Govt. unless he is matriculate in Second Division or has passed Senior Secondary Part II examination from a recognized university or institution.

(2) The person so appointed as clerk in terms of sub-rule (1), shall have to qualify a test in Punjabi typewriting to be conducted by the Board or by the appointing authority at the speed of thirty words per minutes within a period of one year from the date of his appointment.

3) In case, the person fails to qualify the said test within the period specified in sub-rule (2) he shall be allowed annual increment only with effect from the date he qualifies such test, but he shall not be paid any arrear for the period, for which he could not qualify the said test:

Provided that where appointment of Group 'C' non-technical post is offered to a War Hero who has been discharged from defence services or paramilitary forces on account of disability suffered by him or his widow or dependent member of his family, under instructions issued in his behalf by the Government, the educational qualifications to be possessed by such person shall be Matriculate from a recognized university or institution .Such person will, however be not required to qualify the test in Punjabi typewriting as specified in sub-rule (2).

16. Minimum educational and other qualifications for appointment to the Steno-typist Grade-II or Junior Scale Stenographer Grade-II: - No person shall be appointed by direct appointment to a post of Steno-typist grade-II or a Junior Scale Stenographer Grade-II under the Punjab Govt. unless, he, ___

(a) is Matriculate in second Division or has passed Senior Secondary Part -II examination from a recognized university or institution: and

(b) qualifies a test in Punjabi Stenography to be held by the Board or by the appointing Authority at a speed to be specified by the Government from time to time.

17. Knowledge of Punjabi Language: -No person shall be appointed to any post in any service by direct appointment unless he has passed matriculation examination with Punjabi as one of the compulsory or elective subject or any other equivalent examination in Punjabi language, which may be specified by the Government from time to time.

Provided that where a person is appointed on compassionate grounds on priority basis under the instructions issued in this behalf by the Government from time to time, the person so appointed shall have to pass an examination of Punjabi language equivalent to Matriculation standard or he shall have to qualify a test conducted by the Language Wing of Department of Education of Punjab Government within a period of six months from the date of his/her appointment:

Provided further that where educational qualifications for a post in any service are lower than the Matriculation standard, then the person so appointed shall have to pass an examination of Punjabi Language equivalent to Middle standard:

Provided further that where a War Hero, who has been discharged from defence services or paramilitary forces on account of disability suffered by him or his widow or dependent member of his family, is appointed under the instructions issued in this behalf by the Government, the person so appointed will not be required to possess aforesaid knowledge of Punjabi Language:

Provided further that where a ward of Defence service Personnel, who is a bona fide resident of Punjab State, is appointed by direct appointment, he shall have to pass an examination of Punjabi Language equivalent to Matriculation Standard or he shall have to qualify a test conducted by the Language Wing of Department of Education of Punjab Government within a period of two years from the date of his appointment.

18. Promotion to Group 'A' and Group 'B' Services.__(1) (a) For promotion to the post as Head of the Department would be decided strictly on the basis of merit-cum-seniority as per the instructions issued by the Government from time to time. The minimum bench mark for promotion for such post would be 'Very Good' The officer who is graded as 'Outstanding' would supersede the officer graded as 'Very Good'.

(b) For promotion to the falling in group 'A' other than Head of Department, the minimum bench marks will be very good as per instructions issued by the Government from time to time. There shall be no super session on the basis of merit.

(c) For promotion to the falling in group 'B' the minimum bench marks will be 'Good' and shall be no super session on the basis of merit.

2. Debarring for considering for promotion of a Government employee who refuses to accept promotion:- In the event of refusal to accept promotion by a member of a Service, he shall be debarred by the appointing authority from consideration for promotion for all the consecutive chances which may occur in future within a period of two years from the date of such refusal to accept promotion.

Provided that in a case where the appointing authority is satisfied that a member of a service has refused to accept promotion under the circumstances beyond his control, it may exempt such a member for reason to be recorded, therefore, in writing from the operation of this rule.

19. Power to relax: - Where the government is of the opinion that it is necessary or expedient to do so, it may by order, for reason to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons:

Provided that the provision relating to educational qualification and experience, if any, shall not be relaxed.

20. Overriding effect: - The provisions of these rules shall have effect notwithstanding anything contrary contained in any rules for the time being in force for regulating the recruitment and condition of service for appointment to public service and posts in connection with the affairs of the State

21. Interpretation:-If any question arises as to the interpretation of these rules; the Government shall decide the same.:

A.S. CHATTHA,

Chief Secretary to Government of Punjab