

**THE RAJASTHAN EXCISE SUBORDINATE  
SERVICE (Preventive Branch) RULES, 1976**

NOTIFICATION

Jaipur, December 10, 1976

G.S.R. 158 - In exercise of the powers conferred by the proviso to Article 309 of the constitution of India, the Governor of Rajasthan hereby makes the following rules regulating the recruitment to posts in, and the conditions of Service of persons appointed to the Rajasthan Excise Subordinate Service (Preventive Branch), namely :-

THE RAJASTHAN EXCISE SUBORDINATE SERVICE  
(PREVENTIVE BRANCH) RULES, 1976

PART - I

General

1. Short title and commencement - (1) These rules may be called the Rajasthan Excise Subordinate Service (Preventive Branch) Rules, 1976.

(2) They shall come into force from the date of publication in the Rajasthan Rajpatra.

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

- (a) "Appointing Authority" means the Excise Commissioner, Rajasthan and includes in relation to any post in the Service, any such other officer or Authority, who may with the approval of the Government, be specially empowered by the Excise Commissioner to exercise the powers and functions of the Appointing Authority;
- (b) "Commissioner" means the Excise Commissioner, Rajasthan;
- (c) "Committee" means the Committee referred to in rule 23;
- (d) "Direct Recruitment" means recruitment made in accordance with the procedure prescribed in Part IV of these rules;
- (e) "Government" means the Government of Rajasthan.

under the provisions of these rules or the rules or Orders superseded by rule 36 of these rules and includes a person placed on probation;

(g) "Schedule" means a Schedule appended to these rules;

(h) "Service" means the Rajasthan Excise Subordinate Service (Preventive Branch);

(i) "Substantive Appointment" means an appointment made under the provisions of these rules to a substantive vacancy after due selection by any of the methods of recruitment prescribed 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 methods of recruitment prescribed 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 an urgent temporary appointment;

(j) "Service" or "Experience" wherever prescribed 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 proviso to Article 309 of the Constitution of India.

Note : Absence during service e.g., training, 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.

(jj) "State" means the state of Rajasthan.

(k) "Service" means the Rajasthan Excise Subordinate Service (General Branch).

(l) "Year" means financial year.

the Rajasthan General Clauses Act, 1955 (Rajasthan Act-VIII of 1955) shall apply for the interpretation of these rules as it applies for the interpretation of a Rajasthan Act.

## PART-II

### CADRE

4. Composition and strength of the Service.- (1) The nature of posts included in the Service shall be as specified in Col-2 of the Schedule.

(2) The strength of posts in the Service shall be such as may be determined by Government from time to time.

Provided that -

- (a) The Government may create any post, permanent or temporary, from time to time, as many be found necessary and may abolish any such post in the like manner without thereby entitling any person to any compensation;
- (b) the Appointing Authority may leave unfilled or hold in abeyance or abolish or allow to lapse 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 Schedule;
- (b) all persons recruited to the Service before the commencement of these rules, and
- (c) all persons recruited to the Service in accordance with the provisions of these rules except persons appointed under rule 25.

## PART - III

### Recruitment

6. Methods of recruitment.- (1) Recruitment to posts in the Service after the commencement of these rules shall be made by the following methods in the proportion as indicated in Column 2 of the Schedule.

- (a) direct recruitment in accordance with Part IV of these rules, and
- (b) Promotion in accordance with Part V of these rules;

Provided -

- (i) that if the Appointing Authority is satisfied that suitable persons are not available for appointment by either method of recruitment or in the proportion so indicated in a particular year, appointment by the other method in relaxation of the prescribed proportion, may be made in the same manner as specified in these rules;
- (ii) that nothing in these rules shall preclude the Appointing Authority from appointing officers previously in the employment of pre-reorganisation States of Ajmer, Bombay and Madhya Bharat to suitable posts in the Schedule in accordance with the directions governing the integration of their services;
- (iii) that the persons who were appointed to the posts included in the Schedule in an ad-hoc/ officiating/ temporary basis before 1.1.1975 and were working as such on the date these rules came into force or have since retired shall be screened by a Committee referred to in rule 23 for adjudging their suitability on the posts held provided they possess the qualifications prescribed in the rules either for direct recruitment or promotion or the prescribed qualifications on the basis of which the persons were selected for ad-hoc/ officiating/ temporary appointment;

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

Provided further that the committee appointed under these rules for adjudging suitability by screening either an exception of general methods of recruitment or as initial constitution of service, may ex gratia recommended, 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 for such lower post being offered to him by absorption and thereupon such an employee shall be treated as surplus employee under the provisions of the Rajasthan Civil Service (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 screening provision has been intended to be the first step for recruitment and after exhausting the vacancies required for screened persons irrespective of direct recruitment and promotion quota, the direct recruitment/ promotion quota shall be applied.

(1A) Recruitment to the service by the aforesaid method 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/Schedule of the total cadre strength as sanctioned for each category from time to time.

(2) Notwithstanding any thing contained in these Rules recruitment, appointment, promotion, seniority and confirmation etc. of a persons who joins the Army/ Air Force/ Navy during 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 directions issued on the subject by the Government of India.

7. Reservation of vacancies for the Scheduled Castes and the 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.

Committee in the case of promotees, irrespective of their rank as compared with other candidates.

(4) Appointment shall be made strictly in accordance with the rosters prescribed separately for direct recruitment and promotion. In the event of non-availability of the eligible and suitable candidates amongst Scheduled Castes and the Scheduled Tribes, as the case may be, in a particular year, the vacancies so reserved for them shall be filled 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 the 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 / group of post in any cadre of service to which promotions are made on the basis of merit alone under these rules.

**7A. Reservation of vacancies for Other Backward Classes:-** Reservation of vacancies for Other Backward Classes shall be in accordance with the orders of the Govt. 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 Class in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure.

**7B. Reservation of vacancies for woman candidates :-** Reservation of vacancies for woman candidates shall be 20% categorywise, in direct recruitment. In the event of non-availability of 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.

**8. 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, East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly

(Anganyika and Zanzibar) Zanzibar, Malawi, Zaire and Ethiopia  
Vietnam, 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 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 may also provisionally be appointed subject to the necessary certificate being given to him by the Government.

8A. Conditions of eligibility of persons migrated from other Countries to India : Notwithstanding anything 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 the same shall be regulated *mutatis mutandis* according to the instructions issued on the subject by the Government of India.

9. 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 occurring during the financial year.

(b) Where a post is to be filled in by a single method as prescribed in the rule or Schedule, 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 Schedule, the apportionment of vacancies, determined under clause (a) above, to 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, yearwise 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.



enumerated in the Schedule must have attained the age of 18 Years 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 :-

- (1) that the upper age-limit mentioned above, shall be relaxed by 5 years in the case of women candidates and candidates belonging to Scheduled Castes or Scheduled Tribes;
- (2) that the upper age-limit mentioned above shall not apply in the case of an ex-Prisoner who had served under the Government on a substantive basis on any post before his conviction and was eligible for appointment under the rules;
- (3) that the upper age-limit mentioned above shall be relaxed by a period equal to the term of imprisonment served in the case of an ex-Prisoner who was not over age before his conviction and was eligible for appointment under the rules;
- (4) that 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 have crossed the age limit, when they appear finally before the Commission or the Appointing Authority as the case may be and shall be allowed up to two chances had they been eligible as such at the time of their initial appointment;
- (5) that the Cadet instructors shall be allowed to deduct, from their actual age, the period of service rendered by them in the N.C.C. and if the resultant age does not exceed the maximum age limit prescribed above by more than three years, they shall be deemed to be within the prescribed age limit;
- (6) 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 examinations or in case of posts filled in through the Commission by interview. This relaxation shall not apply to urgent temporary appointments;

- that there shall be no age-limit in the case of persons repatriated from East African countries of Kenya, Tanganyika, Uganda and Zanzibar;
- (8) that the upper age limit mentioned above shall be relaxed upto 45 years for the persons repatriated from Burma and Ceylon on or after 1.3.1963 up to 29.2.1977 with further relaxation upto 5 years in the case of persons belonging to the schedule castes or the schedule tribes.
- (9) that for recruitment to the post not within the purview of the Commission the upper age-limit for persons who were retrenched from the State government Service for want of a vacancy or due to abolition of post shall be 35 years if they were within the age-limit prescribed under these rules, when they were initially appointed to the post from which they were first retrenched provided that normal prescribed channels of recruitment relating to qualifications, character medical fitness etc. are fulfilled and they were not retrenched on account of complaint or delinquency and they produce a certificate of having rendered good services from the last Appointing authority.
- (10) That for recruitment to any of the Posts mentioned in the schedule, which are not within the Purview of the Commission, the upper age limit for Ex-service personnel of Army Air Force or Navy, and the reservists namely the defence service personnel transferred to the service shall be 50 years.
- (11) That there shall be no age limit in case of persons repatriated from Pakistan during the 1971 Indo Pak war.
- (12) That there shall be no age limit in the case of widows and divorce woman.

**Explanation :** That in the case of widow, she will have to furnish a certificate of death of her husband from the competent authority and in case of divorce she will have to furnish the proof of divorce.

- (13) That where the upper age limit to post/ posts is prescribed as 33 years or less in the rules or schedule as the case may be, it shall be relaxed by 2 years in the case of candidates belonging to the other backward classes.

Technical qualification and experience - A candidate for direct recruitment to the posts enumerated in the Schedule shall in addition to such experience as is required, possess:-

(i) the qualifications given in columns 4 of the schedule, and

(ii) working knowledge of Hindi written in Devnagri script knowledge and one of the Rajasthani dialects.

12. Character :- (1) 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 or School 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 or School 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 of violence or with a movement which has at its object to overthrow by violent means Government as established by law, the mere conviction need not be regarded as a disqualification.

(2) Ex-prisoners who by their disciplined life while in prison and by their subsequent good conduct have proved to be completely reformed, should not be discriminated against on grounds of their 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 that district.

Those convicted of offences involving moral turpitude shall be required to produce a certificate from the Superintendent, "After Care Home", or if there are no such Homes, from the Superintendent of Police of that district endorsed by Inspector General of Prisons, to the effect that they are suitable for employment as they have proved to be completely reformed by their subsequent goods conduct in an "After Care Home".

13. 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 the service and if selected, must produce a certificate to that effect from a medical authority notified by the Government for the purpose. The Appointing Authority may dispense with production of such certificate 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.

14. Employment of irregular or improper means — A candidate who is or has been declared by the Appointing Authority, guilty of impersonation or of submitting fabricated document or documents which have been tempered with or of making statements which are incorrect or false or of suppressing material information or of 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 interview, may, in addition to rendering himself liable to criminal prosecution, be debarrred either permanently or for a specified period:

(a) by the Appointing Authority from admission to any examination or appearance at any interview held by the Appointing Authority for selection of candidates, and

(b) by the Government from employment under the Government.

15. Canvassing: No recommendation for recruitment either written or oral other than that required under the rules, shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature by any means may disqualify him for recruitment.

#### PART IV

#### PROCEDURE FOR DIRECT RECRUITMENT.

16. Inviting of Application. Applications for direct recruitment to the posts in the service shall be invited by the Appointing authority by advertising the vacancies to be filled in in the Official Gazette or in such other manner as may be deemed fit.

Provided that while selecting candidates for the vacancies so advertised, the Appointing authority may, if intimation of additional requirement not exceeding 50% of the advertised vacancies is received by it before selection also select suitable persons to meet such additional requirement.

17. Form of Application :- The application shall be made in the form approved by the Commission/Appointing authority, and obtainable from the office of the Commission/Appointing authority, on payment of such fee as the Commission/Appointing authority may, from time to time, fix.

Provided that the persons repatriated from Burma and Ceylon on or after 1-3-1963 and from East African countries of Kenya, Tan-ganyika, Uganda, and Zanzibar shall be exempted from payment of cost of Application Form prescribed by the Commission or the Appointing Authority, upto 29.2.1977, subject to the condition that the Commission/Appointing Authority is satisfied that such persons are not in a position to pay such fee.

18. Application fee:- A candidate for direct recruitment to a post in the Service must pay the fees fixed by the Commission/Appointing authority, in such manner as may be indicated by it.

Provided that the persons repatriated from Burma and Ceylon on or after 1-3-1963 and from East African Countries of Kenya, Tan-ganyika, Uganda and Zanzibar shall be exempted from payment of the application fee, as prescribed by the Commission or the Appointing Authority up to 29.2.1977, subject to the condition that the Commission or the Appointing Authority, is satisfied that such persons are not in a position to pay such fee.

19. Scrutiny of Applications.- The Commission/Appointing authority shall scrutinise the applications received by it and require as many candidates qualified for appointment under these rules as seem to it desirable to appear before the committee for interview:

Provided that the decision of the Commission/Appointing authority, regarding the eligibility or otherwise of a candidate, shall be final.

20. Recommendations of the Committee- The Committee shall prepare a list of the candidates whom it consider suitable for appointment to the posts concerned, arrange in the order of merit.

Provided that the Commission, only to the extent of 50% of the advertised vacancies, keep names of suitable candidates on the reserve list which shall be operative upto a period of six months.

21. Disqualifications 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 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 for doing so, exempt any female candidate from the operation of this rule.

22. Selection by Appointing Authority:- Subject to the provisions of rule 7, 7A & 7B the Appointing Authority shall select candidates who stand highest in order of merit in the list prepared by the Commission/Appointing authority under rule 20:

Provided that inclusion of a candidate's 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 for appointment to the post concerned.

## PART V

### PROCEDURE FOR RECRUITMENT BY PROMOTION

23. Criteria, Eligibility and Procedure for Promotion .-

(1) As soon as the Appointing Authority determines the number of vacancies under rule 9 and decides that a certain number of posts are required to be filled by promotion, it shall prepare a correct and complete list containing names upto five times the number of vacancies out of the senior most persons who are qualified under these rules for promotion on the basis of seniority-cum-merit or on the basis of merit to the class of posts concerned.

(2) Selection for promotion from lower post or category of posts in the Service to the next higher post or category of posts in the Service and for posts upto Scale No. 11 shall be made solely on the basis of seniority cum-merit from amongst the persons who have completed at least five years service unless a different

period is prescribed in these rules, on the first day of the month of April of the year of selection on the post or category of posts from which selection is to be made :

Provided that in the event of non-availability of the persons with the requisite period of Service of five years, the committee may consider the persons having less than the prescribed period of service, if they fulfil the qualifications for promotion prescribed in these rules and are found otherwise suitable for promotion on the basis of seniority-cum-merit.

- (3) The persons enumerated in Col.5 of the Schedule shall be eligible for promotion to posts specified against them in col.2 thereof to the extent indicated in Col.3 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 Col.6.
- (4) No person shall be considered for promotion unless he is substantively appointed and confirmed if no person substantive in the next lower post from which promotion is prescribed in these rules, is eligible for promotion, persons who have been appointed on such posts after selection in accordance with one of the methods of recruitment or under any Service Rules promulgated under proviso to Article 307 of the constitution of India, may be considered for promotion in the order of seniority in which they would have been had they been substantive on the said lower post.

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

- (5) Selection for promotion to all other higher posts or

period of service is prescribed in these rules on the first day of the month of April of the year of selection on the post or category of post from which selection is to be made.

Provided that the condition of five years service shall not be applicable to a person if any person junior to him is eligible for promotion on the basis of merit.

Provided further that in the event of non-availability of persons equal to the number of vacancies to be filled in, eligible for promotion in the category of posts next lower from which promotion is to be made, the Committee may consider the persons having less than 5 years service if they are found otherwise eligible and suitable for promotion on the basis of merit alone.

**Explanation :-** If any doubt arises about the categorization of the post as the lowest, next higher or highest post in the Services, the matter shall be referred to the Government in the Department of Personnel, whose decision thereon shall be final.

- (7) The zone of eligibility for promotion shall be five times the number of vacancies to be filled in on the basis of seniority cum-merit or merit, as the case may be, :

Provided that in case of non-availability of sufficient number of suitable persons for selection on the basis of merit the Committee may at its discretion consider persons of outstanding merit outside the zone of eligibility but falling within six times the number of vacancies to be filled in on the basis of merit.

- (8) The Committee, consisting of the Commissioner as Chairman, Deputy Secretary to Government, Finance Department dealing with Excise, Deputy Secretary, Department of Personnel and the Additional Commissioner Excise Department (Preventive Force) as members shall consider the cases of all the senior most persons who are eligible and qualified for promotion to the post of Petroling Officer Grade I and another Committee, consisting of the Commissioner as Chairman, Additional Commissioner Excise Department



(Administration) and Additional Commissioner, Excise Department (Preventive Force) as members shall consider the cases of all senior most persons who are eligible and qualified for promotion to the other lower class of posts concerned under these rules interviewing such of them as it may deem necessary, and shall prepare a list containing names of persons equal to 50% of the person selected in the aforesaid list or select one more person, if the number of vacancies is one only, who may be considered suitable to fill temporary or permanent vacancies, which may occur till the next meeting of the Committee, on a temporary officiating basis and the lists so prepared shall be reviewed and revised every year and shall remain in force until it is so reviewed and revised. The lists so prepared on the basis of merit shall be arranged in the order of preference and the lists prepared on the basis of seniority-cum-merit shall be arranged in the order of seniority on the category of posts from which selection is to be made. Such lists shall be sent to the appointing authority together with the annual confidential Rolls and Personal Files of all the candidates included in them as also of those not selected, if any.

**Explanation.** The list of preference shall classify the officers in order as 'outstanding' 'very good' and 'good' on the basis of merit. In each class the officers shall maintain their inter seniority of the next below grade.

- (9) The Appointing Authority shall approve the lists received from the Committee finally.
- (10) Appointments shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule (9) 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.
- (11) 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 proceedings, is under progress, at the time 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 of proceedings.

23. Revised Criteria, Eligibility and Procedure for Promotion to Junior, Senior and other posts encadred in the Service :-

- (1) As soon as the Appointing Authority determines the number of vacancies under rule regarding determination of vacancies of these rules and decides that a certain number of posts are required to be filled in by promotion, it shall, subject to provisions of sub-rule (9), 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 to the class of posts concerned.
- (2) The persons enumerated in Column 5 or the relevant Column regarding "post from which promotion is to be made", as the case may be, of the relevant Schedule shall be eligible for promotion to posts specified against them in Column 2 thereof to the extent indicated in Column 3 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 6 or in the relevant Column regarding "minimum qualification and experience for promotion", as the case may be.
- (3) No person shall be considered for first promotion in the Service unless he 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 has been appointed to such post from which promotion is to be made after selection in accordance with one of the methods of recruitment under any Service Rules promulgated under proviso to Article 309 of the Constitution of India.

Provided that for 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 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 the methods of recruitment and have been appointed by direct recruitment first, shall also be considered for promotion.

- (4) Selection for promotion in the regular line of promotion from the post/posts not included in Service to the lowest posts or category of post in the 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 selection by 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) Subject to the provisions of sub-rule (7), selection for promotion from the lowest post or category of post in the State Service to the next higher post or category of post in the State Service and for all posts in the Subordinate Service and in the Ministerial Services shall be made strictly on the basis of seniority-cum-merit from amongst the persons who have passed the qualifying examination, if any, prescribed under these rules, and have put in at least five years' service, unless a different period is prescribed elsewhere in these rules, on the first day of the month of April of the year of selection on the post or category of post from which selection is to be made :

Provided that in the event of non-availability of the persons with the requisite period of service of five years, the Committee may consider the persons having less than the prescribed period of service, if they fulfil the qualifications and other conditions for promotion prescribed elsewhere in these rules, and are found otherwise suitable for promotion on the basis of seniority-cum-merit.

- (6) Selection for promotion to all other higher posts or higher categories of post in the State Service shall be made on the basis of merit and on the basis of seniority cum-merit in the proportion of 50:50.

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.

(7) Selection for promotion to the highest post or highest categories of posts in the State Service shall always be made on the basis of merit alone :

(8) Deleted.

Explanation:- If any doubt arises about the categorisation of the post as the lowest, next higher or highest post in the Service, the matter shall be referred to the Government in the Department of Personnel and Administrative Reforms whose decision thereon shall be final.

(9) The Zone of consideration of person eligible for promotion shall be as under :-

- |                                |  |
|--------------------------------|--|
| (i) Number of Vacancies        | Number of eligible persons 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 cases 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.
- (iv) For the highest post in a State Service :-

(a) if promotion is from one category of post, eligible persons upto five in number shall be considered for promotion;

(b) if promotion is from different categories of posts in the same pay scale, eligible persons upto two in number from each category of posts in the same pay scale shall be considered for promotion;

(c) if promotion is from different categories of posts carrying different pay scales, eligible persons in the higher pay scale shall be considered for promotion first and if no suitable person is available for promotion on the basis of merit in the higher pay scale then only the eligible persons of other categories of posts in lower pay scales shall be considered for promotion and so on so forth. The zone of consideration for eligibility in this case shall be limited to five senior most eligible persons in all.

(10) Except as otherwise expressly provided in this rule, the conditions of eligibility for promotion, constitution of the Committee and procedure for selection shall be the same as prescribed elsewhere in these rules.

(11) (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 the 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

order of the 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 list shall be sent to the Appointing Authority together with Annual Confidential Reports/Annual Performance Appraisal Reports and other Service Records 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 does not have "Outstanding" or "Very Good" record in at least five out of the 7 years' preceding the year for which D.P.C. is held."

(11-A) If in any subsequent year, after promulgation of these Rules, vacancies relating to any earlier year are determined under sub-rule (2) of rule relating to determination of vacancies 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 the 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 the post to which he would have been promoted shall be re-fixed at the pay which he would have derived at the time of his promotion but no arrears of pay shall be allowed to him.

(11-B) 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 e.g. change in seniority, wrong determination of vacancies, judgement/direction of any Court or Tribunal, or where adverse entries in the confidential report 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."

- (12) Where consultation with the Commission is necessary the lists prepared by the Committee shall be forwarded to the Commission by the Appointing Authority alongwith the Personal files and Annual Confidential Rolls of all the persons whose names have been considered by the committee.
- (13) The Commission shall consider the lists prepared by the Committee alongwith other relevant documents received from the Appointing Authority and unless any change is considered necessary, shall approve the lists. In case the Commission consider it necessary to make any change in the lists received from the Appointing Authority, it shall inform the Appointing Authority of 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 modifications, 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.
- (14) Appointments shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule (13) 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.
- (15) 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 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.
- (16) The provisions of this rule shall have effect notwithstanding anything to the contrary contained in any provision of these rules.

23AA. Restriction of promotions of persons for going promotions : In case a person on his appointment by promotion to the next higher post either on the basis of urgent temporary appointment or on regular basis on the recommendation of the Departmental Promotion Committee, for such or appointment, he shall be considered against

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);

provision of these Rules.

## PART VI

### APPOINTMENT, PROBATION AND CONFIRMATION

24. Appointment to the service- Appointments to posts in the Service by direct recruitment or by promotion as the case may be, shall be made by the Appointing Authority on occurrence of substantive vacancies from the candidates selected under rule 22 in order of merit and from the persons selected under rule 23 of these rules and persons adjudged suitable under proviso (iii) to rule 6 of these rules.

#### 25. Urgent temporary Appointment.

- (1) A vacancy in service which cannot be filled in immediately either by direct recruitment or by promotion under the rules may be filled in by the Appointing Authority, or by the Authority or competent to make appointment, 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 will 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 Appointing Authority or the Authority competent to make appointment, as the case may be, shall not save with the specific permission of the Govt. in the Administrative Department concerned, 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.



in the event of the Government may notwithstanding the condition of eligibility for promotion required under sub rule (1) above, laid 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.

**26. Seniority:-** Seniority of persons appointed to the lowest post of the Service or lowest categories of post in each of the groups /Sections 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 respect of persons appointed by promotion to other higher posts in the Service or other higher categories of posts in each of the Groups/Sections in the Service, as the case may be, shall be determined from the date of their regular selection to such posts.

Provided -

- (1) that the seniority inter se of the persons appointed to the Service before the commencement of these rules, and/or in the process of integration of the services of the pre-organisation State of Rajasthan or the services of the New State of Rajasthan established by the State Reorganization Act 1956, shall be determined, modified or altered by the Appointing Authority on an ad hoc basis.
- (2) that the seniority of the persons adjudged suitable under proviso (iii) to rule 6 shall be determined by the Appointing Authority on the recommendations of the Committee referred to in rule 23.
- (3) that if two or more persons are appointed to a post in the same category in the same year, a person appointed by promotion, shall rank senior to a person appointed by direct recruitment.
- (4) that the seniority inter se of person 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 2 months from the date of order of appointment unless extended by the appointing authority shall follow the order in which their names have been placed in the list prepared under rule 20.
- (5) that the seniority inter se of persons appointed to a post in a particular category by promotion shall follow the order in which their names have been placed in the list prepared under rule 20.

- (6) that the person 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 in the next below grade;
- (7) deleted
- (8) that for purpose of promotion to higher posts in service in case of substantive employees of different groups, their integrated seniority on initial appointment shall be determined, notwithstanding their year of substantive appointment in the different groups, according to the date of continuous officiation in the category of post concerned provided such officiation was not of the nature of fortuitous or ad hoc or urgent temporary appointment and there was no default on the part of the employee to join the appointment when ordered.
- (9) That if a candidate belong 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 or such earlier promoted candidate of the scheduled caste/scheduled tribe in the immediate higher post/grade.
27. Probation.- (1) All persons appointed to the Service by direct recruitment against a substantive 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 the supersession of any person or disturb the order of their preference in respective quota or reservation in recruitment.

...any person who 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 and to undergo such training as the Government may, from time to time, specify.

**Explanation :** In case of a persons who dies or is due to retire on attaining the age of superannuation the period of probation shall be reduced so as to 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."

28. **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 methods of recruitment prescribed under these Rules, has not been confirmed, within a period of six months on completion of a period of two years' service in case he is appointed by direct recruitment or within a period of one year's service in case he is appointed by promotion, 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 out for his deputation or training.

(ii) he fulfills conditions as are 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 fulfill the conditions mentioned in the said sub-rule, the period mentioned in sub-rule(1) above, may be extended as prescribed for a probationer under the Rajasthan Civil Services (Departmental Examinations) Rules, 1952 and any other rules or by one year, whichever is longer. If the employee still fails to fulfill 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 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) appointment by transfer after regular recruitment where the Service Rules specifically permit;

(d) 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 the expiry of two years of their temporary appointment 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.

29. 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 his opportunities or that he has failed to give satisfaction, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment, provided he hold 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 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 further that the Appointing Authority may, if it so thinks fit in case of persons belonging to 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 the above proviso, during the period of probation, if a probationer is placed under suspension, or disciplinary proceedings are contemplated or started against him, the period of his probation may be extended till such period the Appointing Authority thinks fit in the circumstances.
- (3) A probationer reverted or discharged from service during or at the end of period of probation under sub-rule(1) shall not be entitled to any compensation.

30 Confirmation : (1) A Probationer shall be confirmed in his appointment at the end of his period of probation, if-

- (a) he has passed the departmental examination and has successful undergone such training, as Government, may from time to time, specified
- (b) he has passed the 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 VII

### PAY

31. Scale of Pay :- The scale of monthly Pay of a person appointed to the post in service, shall be such as may be admissible under the rules referred to in rule 34 or as case may be sanctioned by the Government from time to time.

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

33. Criteria for crossing of Efficiency Bar:- No member of the Service shall be allowed to cross an Efficiency Bar unless in the opinion of the Appointing Authority he has worked satisfactorily and his integrity is unquestionable.

34. Regulations of Pay, Leave, Allowances, Pensions etc.:- Except as provided in these rules the pay allowances, pension, leave and other conditions of service of the members of the Service shall be regulated by :-

1. The Rajasthan Civil Services (Unification of Pay Scales) Rules, 1950 as amended from time to time.
2. The Rajasthan Service Rules, 1951 as amended from time to time.
3. The Rajasthan Civil Services (Relationship of Pay Scales) Rules, 1956 as amended from time to time.
4. The Rajasthan Civil Services (Classification Control and Appeal) Rules, 1958 as amended from time to time.
5. The Rajasthan Civil Services (Revised Pay) Rules 1969 as amended from time to time.
6. The Rajasthan Civil Services (New Pay Scales) Rules 1969 as amended from time to time.
7. The Rajasthan Traveling Allowance Rules 1971 as amended from time to time and
8. Any other rules prescribing general conditions of Service made by the appropriate authority under the provision in Article 309 of the Constitution of India, and for the time being in force.

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

36. **Repeal and Saving :-** All rules and orders in relation to matters covered by these rules are hereby repealed :

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.

37. **Power to relax rules :-** In exceptional cases where the Administrative Department of the government 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 persons, it may with the concurrence of the Department of Personnel and Administrative Reforms and in consultation with the Commission by orders 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 Rajasthan Public Service Commission by the Administrative Department concerned".

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# SCHEDULE

S. No.	Name of the Post	Source of recruitment	Qualification for direct	Post from which appointment by promotion is to be made	Minimum experience and qualification required for promotion.
1	2	3	4	5	6
1.	Patrolling Officer Grade -I	100 % by promotion	-	Patrolling Officer Gr.-II	Should have held the post of Patrolling Officer Gr. II continuously for 3 years.
2.	Patrolling Officer Grade -II	(i) 50 % by promotion	-	Jamadar Gr.-I	(i) Should have three year's continuous service as Jamadar, Gr.-I, Preventive Force, and  (ii) Should be mariculate or possess Army Education Certificate Roman/Urdu 1st class.
		(ii) 25 % by direct recruitment from Ex-service Personnel.	(i) Should be an Ex-Service Personnel of the Rank of Subedar/Risaldar or higher rank of the Army or equivalent Air force or Navy, and  (ii) Should have passed the High School or equivalent Examination or should possess an Army Education Certificate Roman/ Urdu 1st Class.		
		(iii) 25 % by direct recruitment	Should be Graduate from a recognised University established by Law in India and should possess at least certificate 'C' of the N.C.C.		
	Jamadar Grade -I	100 % by promotion		Jamadar Gr.-II	Should have held the post of Jamadar Gr. II for 3 years.



1	2	3	4	5	6
4.	Jamadar Grade II	25 % by promotion		Sepoy	(i) Should have held at least the Rank of Sepoy in Preventive Force at least for 5 years continuous  (ii) Should be 8th Class passed or its equivalent from a recognised Institution.
		75 % direct recruitment	Ex-service Personnel of the Rank of non-Commissioned Officer in the Defence Services		
5.	Sepoy	100 % by direct recruitment	Ex-Service Personnel (Combatant) from Defence Service or if requisite number is not available, from others with same physical standard as prescribed by the Government. Police Constables and who have passed 8th Class.		
6.	Driver	100 % by direct recruitment	Literate and must possess Driving Licence for the type of Vehicle to be handled and should have 5 years practical experience for effecting emergent and roadside repairing and detection of defects.		