

**THE RAJASTHAN EXCISE SERVICE**

**(Preventive Officers) RULES, 1967**

APPOINTMENTS (A-II) DEPARTMENT

NOTIFICATION

Jaipur, April 11, 1967

No. F1(9)Appts (A-II)/66 :- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Rajasthan makes the following Rules regulating recruitment to posts in and the conditions of the service of persons appointed to the Rajasthan Excise (Preventive Officers) Service.

THE RAJASTHAN EXCISE (PREVENTIVE OFFICERS)  
SERVICE RULES, 1967

PART I - General

1. Short title and commencement : - (1) These Rules may be called the Rajasthan Excise (Preventive Officers) Service Rules, 1967.

(2) They shall come into force at once.

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

- (a) 'Appointing Authority' means the Government of Rajasthan;
- (b) 'Commission' means the Rajasthan Public Service Commission;
- (c) 'Commissioner' means the Excise Commissioner, Rajasthan;
- (d) 'Departmental Examination' means an examination conducted in accordance with the Rajasthan Civil Services (Departmental Examination) Rules, 1959 or as laid down in these Rules.
- (e) "Government" means the Government of Rajasthan.
- (f) 'Member of the 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appointed in a substantive capacity to a post in the service under the provisions of these Rules or the Rules or orders superseded by these Rules and includes a person placed on probation;
- (g) 'Schedule' means a Schedule appended to these rules.
- (h) 'Service' means the Rajasthan Excise Service (Preventive Branch); and
- (hh) "State" means the state of Rajasthan.

(i) "Year of allotment" means in the case of persons appointed by promotion the calendar year in which they are appointed after selection in accordance with Part V of these Rules or if no selection is made in a particular year, the year in which such selection would have taken place provided that he was holding a post in the service in that year in an officiating capacity.

(j) "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 method 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 urgent temporary appointment.

(k) "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."

(l) "Year" means financial year.

3. **Interpretation :-** Unless the context otherwise requires, the Rajasthan Central Clauses Act, 1955 ( Rajasthan Act No. 8 of 1955 ) shall apply for the interpretation of these Rules as it applied for the interpretation of a Rajasthan Act.

## PART II - Cadre

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

(1) The nature of posts included in each category of the service shall be as specified in column 2 of Schedule - I.

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

(a) Create any post permanent or temporary from time to time as may be found necessary, and

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

### 5. Initial constitution of the service :- The service shall consist of :-

(a) All persons holding substantively the post specified in the Schedule ;

(b) All persons appointed in a temporary, officiating or adhoc capacity to the posts of Assistant Excise Officer (Preventive) before the commencement of these rules provided that they are found suitable accordance with the procedure as laid down in part IV of these rules and pass the prescribed Departmental Examination.

(c) All persons who have held in a temporary or officiating capacity the posts of Assistant Commissioner Excise & Taxation (Preventive Force) Assistant Excise and Taxation Officer (Preventive Force) and Petrolling Superintendent (Preventive Force) for not less than a period of six months on 1.1.1966 or who have opted for appointment under the Excise Department in response to Finance Department Circular No. F.11(125)FD/RT/64, dated the 31st August, 1964 or who have held the above post or its corresponding post in the Excise Department for a period of not less than six months on the said date provided that they are found suitable in accordance with the procedure as laid down in part IV of these rules and pass the prescribed Departmental Examination.

### PART - III - Recruitment

6. *Method of Recruitment* - (1) Recruitment to the Service after the commencement of these rules shall be made by the following methods :-

- (a) Promotion in accordance with part V of these rules;
- (b) Selection through the agency of the Commission of such candidates as possess special qualifications and experience required to man the service from time to time. When Government feel the necessity of recruiting a person or persons of special qualifications and experience they may communicate their requirements to the Commission and prescribe the special qualifications, experience age limit, fees and probationary period. The seniority and initial pay of persons so appointed shall be determined *ad hoc* by government. In all matters the provisions of these rules shall apply.

Provided :

- (i) That if Government is satisfied in consultation with the Commission, that suitable persons are not available for appointment by either method of recruitment in a particular year. Vacancies may be filled up by appointing an Inspector of Police on deputation.
- (ii) That nothing in these Rules shall preclude the Government from appointing officer 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. Recruitment against temporary posts of Assistant Excise Officers (Preventive) may also be made in accordance with clause (a) above or by special selection and it shall not be necessary to consult the Commission again if appointment to permanent vacancies in the cadre of the Service of persons recruited by promotion or special selection follow their temporary appointment.

(2) 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.

6A. Notwithstanding anything contained in the recruitment, appointment, promotion seniority and confirmation etc. of a person who joins the Army/Air Force/ 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.

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

1. Reservation of vacancies for the Schedule 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 Schedule Castes and the Scheduled tribes shall be considered for appointment in the order in which their names appeared 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 Departmental Promotion Committee or the Appointing Authority, as the case may be in the case of promotee, irrespective of their relative rank as compared with other candidates.
4. Appointments 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 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 posts in any cadre of Service to which promotions are made on the basis of merit alone, under these rules :-

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 India origin who has migrated from Pakistan, Burma, Shri Lanka and East African Countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanzanyika 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 may also provisionally be appointed subject to the necessary certificate being given to him by the Government.

**8.A. 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."

**10. Physical Fitness :-** A candidate for direct recruitment to the service, must be in good mental or bodily health and free from any mental or physical defect likely to interfere with the efficient performance of his duties as a member of 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 promoted in the regular line of promotion, or 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 standards of medical examination of the two posts held by him are to be comparable for efficient performance of duties of the new post and his age has not reduced his efficiency for the purpose.

**11. Employment of irregular or improper means :**

A candidate who is or has been declared by Commission guilty of impersonation or of submitting fabricated documents or documents which have been tampered 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 debarred either Permanently or for a specified period -



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

(b) by Government from employment under the Government.

12. Convassing - 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 Initial Constitution of Service.

13. Procedure for selection :- (1) A committee, consisting of the Chairman of the Commission or when the Chairman is unable to attend any other Member thereof nominated by him, the Secretary to Government incharge of the Excise Department, Secretary / Special Secretary to Government in the Department of Personnel or his representative not below the rank of Deputy Secretary and the Excise Commissioner as members and Deputy Secretary to Govt. in Excise Deptt. as non member Secretary shall consider and screen the cases of all the persons as mentioned in clauses (b) and (c) of rule 5 interviewing such of them as they may deem necessary and also having regard to their academic qualifications and experience and special aptitude for detection of excise crime as evidenced by the number of important seizures made and cases successfully prosecuted tact initiative and energy, intelligence and ability to undertake touring duties, character including integrity and confidential Rolls etc and shall prepare a list containing the names of suitable candidates.

(2) The Chairman or the member of the Commission shall preside at all meetings of the Committee at which he is present.

(3) The names of the candidates selected as suitable shall be arranged in the order of merit.

(4) The list shall be sent to the Government who will forward the same alongwith personal files, confidential Rolls and other necessary documents to the Commission.

(5) The Commission shall consider the list prepared by the Committee alongwith the other documents received from Government and unless they consider any changes necessary they shall approve the list and is the commission consider it necessary to make any change in the list received from Government they shall inform

Government of the changes proposed and after taking into account the comments of the Commission if any, Government may approve the list finally with such modifications as may in his opinion be just & proper.

14. Appointment by Government :- Persons included in the list as finally approved by government in accordance with Sub- Rule (5) of rule 13 shall be notified as having been appointed to the service.

## PART V

### Procedure for Recruitment by Promotion

15. Eligibility and Criteria for selection :- The persons enumerated in column 5 of the Schedule shall be eligible on the basis of merit and seniority-cum-merit for promotion to posts specified in column 2 subject to their possessing the minimum qualifications and experience on the first day of the month of April of the year of selection as specified in column 6 of the Schedule.

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.

15A. No officer shall be considered for promotion unless he is substantively appointed and confirmed on the next lower post. If no officer substantive in next lower post is eligible for promotion, officers who have been appointed on such post on officiating basis after selection in accordance with one of the methods of recruitment or under any Service Rules promulgated under proviso to Article 309 of the Constitution of India, may be considered for promotion on officiating basis only in the order of seniority in which they would have been had they been substantive on the said lower post.

16. Procedure for Selection - (1) As soon as it is decided that a certain number of posts shall be filled by promotion the Deputy Secretary to Government in the Excise Department shall prepare a correct and complete list containing names not exceeding five times the number of vacancies out of the senior most persons who are qualified under the rules.

(2) A Committee consisting of the Chairman of the Commission or when the Chairman is unable to attend, any other member thereof nominated by him, the Secretary to Government incharge of the Excise Department, or the

Special Secretary concerned nominated by him, the Special Secretary to Government in the Appointments Department or his representative not below the rank of Deputy Secretary and the Commissioner as members and Deputy Secretary concerned as non member Secretary shall consider the case of all persons included in the list interviewing such of them as they may deem necessary and shall prepare a list containing names of suitable candidates up to twice the number of such posts as are indicated in sub-rule (1).

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.

(b) The Chairman or the Member of the Commission shall preside at all meetings of the Committee at which he is present.

(3) The Committee shall prepare a separate list containing names of persons who may be selected to fill officiating vacancies already existing or are likely to occur till the next meeting of the Committee -

(a) The list so prepared shall be revised and reviewed every year.

(b) The list shall ordinarily be in force until it is reviewed or revised in accordance with clause (a) of the sub-rule(3)

(4) the names of the candidates selected as suitable, shall be arranged in order of ranking assigned by the Selection Committee.

(5) The lists prepared by the Committee shall be sent to Government together with the Confidential Rolls and Personal files of the candidates included in them as also of those superseded, if any.

(6) The lists prepared in accordance with sub-rules (2) and (3) shall be forwarded to the Commission by the Government alongwith.

(a) Confidential rolls and Personal Files of all officers whose names are included in the lists.

(b) The Confidential Rolls and the Personal Files of all officers who are proposed to be superseded by the recommendations made by the Committee.

(7) The Commission shall consider the lists prepared by the Committee alongwith the other documents

received from the Government and unless they consider any changes necessary, they shall approve the lists and if the Commission consider it necessary to make any changes in the list received from Government, the Commission shall inform Government of the changes proposed and after taking into account the comments of the Commission, if any, the government may approve the lists finally with such modifications as may, in their opinion, be just and proper.

**17. 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 posts 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.

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.

**Explanation :** If in a service, in any category of Post

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 be seniority cum merit;  
The subsequent vacancy by merit;  
The cycle to be repeated.

(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 :

Provided that :-

- (a) in a Service or Groups or Sections thereunder, where there are only two scales e.g. Junior scale or senior scale and there is only one promotion then promotion shall be made on the basis of seniority-cum-merit alone;
- (b) in a Service or Groups or Sections thereunder, where there are three scales e.g. Junior scale, senior scale and selection scale and there are two promotions then promotion shall be as under :-
  - (i) first promotion on the basis of seniority-cum-merit;
  - (ii) second promotion on the basis of seniority-cum-merit and merit in the proportion of 50:50;
- (c) in Service or Groups or Sections thereunder, where there are more than two promotions then first promotion shall be made on the basis of seniority-cum-merit alone and promotions to subsequent higher posts shall be made on the basis of seniority-cum-merit and merit in the proportion of 50:50 except to the highest post."

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

(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 :-

(1) 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, as the case may be, shall be arranged in the order of seniority on the category of posts from which selection is made.

(b) The Committee shall 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 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

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."

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(14) Appointments shall be made by the Appointing Authority taking persons out of the lists finally

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.

**17-A. 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, 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);

## **PART VI**

### **Procedure for Promotion to Senior Post**

**18. Substantive appointment to senior post. -** Substantive appointments to senior posts shall be made by Government on occurrence of substantive vacancy, from within the service, on the basis of ranking by the Selection Committee in accordance with the procedure laid down in rules 16 & 17:

Provided that Government may appoint to such posts officers on deputation from the Rajasthan Administrative Service and the Rajasthan Police Service.

## **Part VII**

### **Appointment, Promotion & Confirmation**

**19. Appointment of candidates by direct recruitment -** Appointment to posts by selection shall be made by Govt. on occurrence of vacancies from amongst demobilised Defence forces personnel.

**20. Appointments by promotion, -** Appointment to posts to be filled by promotion shall be made by Government from lists prepared under rules 16 & 17.

21. Urgent Temporary Appointment - (1) A vacancy in the Service, which cannot be filled in immediately either by direct recruitment or by the promotion under the rules may be filled in by the Government or by the Appointing 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 the Service or a post in Service for which both the above methods of recruitment have been prescribed, the Govt. or the authority competent to make appointments, as the case may be, shall not, save with the specific permission of the Government in the department of personnel in the case of State Services and the government in the administrative Department concerned in respect of to her services fill the temporary vacancy against the direct recruitment quota by a whole time appointments for a period exceeding three months, other-wise than out of person 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, not withstanding the condition 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 appointments shall however, be subject to concurrence of the Commission as required under the said sub rule.

22. Seniority :- Seniority of persons appointed to the lowest posts of the service or lowest categories of posts 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 in accordance with rule 5 of these rules and / or in the process of integration of the service of the prereorganisation State of Rajasthan or the Services of the new State of Rajasthan established by the States reorganisation Act, 1956, shall be determined, modified or altered by the Government, on an ad-hoc basis.
- (2) that if two or more persons appointed to posts in the same category have the same year of allotment a person appointed by promotion, shall be senior to a person appointed by direct recruitment, and
- (3) that 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.

(4) Deleted

- (5) That 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.

23. Period of 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 :- (1) 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 supersession of any senior person or disturb 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 and to undergo such training as the Government may, from time to time, specify.

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 to end one day earlier on the date immediately preceeding 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.

23.A (a) 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 the 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 but for his deputation or training;

(ii) he fulfills conditions as are prescribed under the Rules 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, 1959, and any other Rules or by one year, which ever 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 after either of the methods of recruitment or on initial constitution of service in accordance with any of the Service Rules promulgated under 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.



24. 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 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 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 think fit in case of persons belonging to the Scheduled Casts 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 the period of probation under sub-rule (1) shall not be entitled to any compensation.

25. Confirmation :- A probationer shall be confirmed in his appointment at the end of his period of probation if,

- (a) he has passed a departmental examination if any,
- (b) he has passed a departmental test of proficiency in Hindi and knows one of the Rajasthani dialects, and
- (c) the Government is satisfied that his integrity is unquestionable and that he is otherwise fit for confirmation.

25.A. Notwithstanding anything contained in Rules 25, A probationer shall be confirmed in his appointment at the end of his period of probation even if the prescribed Departmental Examination/Training/Proficiency in Hindi, if any, are not held during the period of probation let down in the rules provided;

- (i) he is otherwise fit for confirmation and the
- (ii) period of probation expires on or before the date of publication of this amendment in the Rajasthan Rajpatra.

## PART VIII

### PAY

26. 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 rule referred to in rule 28 or as may be sanctioned by the Government, from time to time.

27. Increments during probation :- A person placed on probation shall draw increment, in the scale of pay admissible to him in accordance with the provisions of the Rajasthan Service Rules, 1951.

28. Criteria for crossing Efficiency Bar - No member of the service shall be allowed to cross an Efficiency Bar unless in the opinion of the Government he has worked satisfactory and his integrity is unquestionable.

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

1. The Rajasthan Travelling Allowance Rules 1971 as amended from time to time.

2. The Rajasthan Civil Services (Unification of Pay Scales) Rules, 1950 as amended from time to time.

3. The Rajasthan Civil Services (Classification Control and Appeal) Rules, 1958 as amended from time to time.

4. The Rajasthan Civil Services (Revised Pay) Rules 1961 as amended from time to time.

5. The Rajasthan Service Rules, 1951 as amended from time to time.

Any other rules prescribing general conditions of Service made by the appropriate authority under the proviso to Article 309 of the Constitution of India, and for the time being in force.

**30. Removal of Doubts :** If any doubt arises relating to the application and scope of these rules, it shall be referred to the Government in the appointments Department whose decision thereon shall be final.

**31. 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.

**32. 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 - I

No.	Name of Post	Method of Recruitment with Percentage	Qualification for direct Recruitment	Post from which promotion is to be made	Qualification and experience for promotion	Remarks
2		3	4	5	6	7

## Senior Posts

Additional Commissioner ( Excise Preventive Force )	100 % by Promotion	-	Dy. Comm. (EPF)	5 Year experience on the post mentioned in Col.No. 5	-
Dy. Commissioner ( Excise Preventive Force )	100 % by Promotion	-	Excise Officer (EPF)	5 Year experience on the post mentioned in Col.No. 5	-

## Junior Posts

Excise officer (Excise Preventive Force )	100 % by Promotion	-	Assitant Excise Officer ( EPF )	5 Year experience on the post mentioned in Col.No. 5	-
Assistant Excise Officer (Excise Preventive Force )	100 % by Promotion	-	Petrolling Officer Grade - I	5 Year experience on the post mentioned in Col.No. 5	-