

GOVERNMENT OF PUNJAB
DEPARTMENT OF ELECTIONS.

Notification

The 19th Janaury, 1984.

No. GSR 13/Const./Art. 309/84.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the President of India is pleased to make the following rules regulating the recruitment and the conditions of service of persons appointed to the Punjab Department of Elections (State Service Class III-Field) namely:—

1. *Short title, commencement and application*—(1) These rules may be called (the Punjab Department of Elections (State Service Class III-Field) Rules, 1984).
- (2) They shall come into force at once.
- (3) They shall apply to all the posts specified in Appendix 'A' to these rules.
2. *Definitions*—In these rules, unless the context otherwise requires,
 - (a) 'Board' means the Subordinate Service Selection Board, Punjab or any other authority constituted to perform its functions;
 - (b) 'direct appointment' means an appointment made otherwise than by promotion or by transfer of a person already in the service of Government of India or of a State Government;
 - (c) 'Government' means the Government of the State of Punjab in the Department of Elections ;
 - (d) 'Service' means the Punjab Elections Department (State Service Class III- Field) ; and
 - (e) 'recognised university or institute' means,—
 - (i) any university or institute incorporated by law in any of the State of India ;
 - (ii) the Punjab, Sind or Dacca university in the case of degrees or diplomas obtained as a result of examinations held by these universities before the 15th day of August, 1947 ; or
 - (iii) any other university or institute which is recognised by the Government for the purposes of these rules.
3. *Number and character of posts*.—The service shall comprise the posts specified in Appendix 'A' to these rules ;

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

4. Nationality, domicile and character of candidates appointed to service.—(1) No candidate shall be appointed to the service unless he is—

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

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

(3) No person shall be recruited to the service by direct appointment, unless he produces a certificate of character from the principal academic officer of the university, college, school or institution last attended, if any, and similar certificates from two responsible persons, not being his relatives who are well-acquainted with him in his private life and are unconnected with his university , college school or institution.

5. Disqualifications.—No person—

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

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

6. Age. (1) No person shall be recruited to the Service by direct appointment if he is less than eighteen years or is more than thirty years of age on the 1st January immediately preceding the last date fixed for submission of applications unless he is within such minimum and maximum age limit as may be specifically fixed by the Government from time to time ;

Provided that the condition of upper age limit may be relaxed upto forty-five years in the case of a person already in employment of Punjab Government, other State Government or the Government of India ;

Provided further that the appointing authority may for reasons to be recorded, in writing, relax the upper age limit for a category or class of persons ;

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

(2) In the case of a Demobilized Armed Forces Personnel his age at the time of joining Military service or training prior to the Commission, as the case may be, shall be the determining factor for the purposes of this rule and if at that time he was within the age limits prescribed in this rule he shall be considered to be within the age limits for recruitment to the Service.

7. **Appointing Authority.**—All appointments to the Service shall be made by the Joint Chief Electoral Officer, Punjab ;

Provided that the Deputy Commissioner may make temporary appointments of Election Kanungos in his district for a period not exceeding three months.

8. **Method of appointment and qualifications**—(1) The method of appointment and the minimum educational and other qualifications and experience required for different classes of posts in the Service shall be as under:—

Serial No.	Name of post	Method of appointment	Minimum educational and other qualifications	Minimum experience	Remarks
1	2	3	4	5	6
1	Election Naib-Tahsildar	(i) Seventy five per cent by promotion from amongst Election Kanungos	Matriculate or Higher Secondary of recognised university or Institute or its equivalent.	Should have an experience of working on the post of Election Kanungo for a minimum period of seven years.	
		(ii) Twenty five per cent by direct appointment	Graduate of a recognised university or its equivalent.		
		(iii) By transfer of an official already in the service of the Government of India or of a State Government if a suitable person for appointment by the methods mentioned at (i) and (ii) above is not available.	Graduate of a recognised University or its equivalent.	At least two years service on a post equivalent to the post of Election Naib-Tahsildar.	
2	Election Kanungo	(i) 50 per cent by promotion from amongst Revenue Patwaris.	Matriculate or Higher Secondary of a recognised University or institute or its equivalent.	Should have an experience of working on the post of Revenue Patwari for a minimum period of five years.	
		(ii) 25 per cent by promotion from amongst clerks of the Department of Elections.	Matriculate or Higher Secondary of a recognised University or institute or its equivalent.	Should have an experience of working on the post of Clerk for a minimum period of five years.	
		(iii) 25 per cent by direct appointment.	Graduate of a recognised University or its equivalent.		

(2) All appointments to the Service by promotion shall be made by selection on seniority-cum-merit basis and no person shall be entitled to claim promotion on the basis of seniority alone.

(3) No person shall be recruited to any post in the Service by direct appointment unless he possesses knowledge of Punjabi language of Matriculation standard or its equivalent or passes test in Punjabi language of Matriculation standard to be held by such authority as may be specified by Government in this behalf from time to time.

(4) When any vacancy occurs or is likely to occur in the Service, the appointing authority shall decide in what manner such a vacancy shall be filled in.

9. **Probation of members of Service.**—(1) Persons appointed to the posts in the Service shall remain on probation for a period of two years, if recruited by direct appointment and one year if recruited otherwise :

Provided that—

- (a) any period, after such appointment spent on deputation on a corresponding or a higher post shall count towards the period of probation ;
 - (b) in the case of an appointment by transfer, any period of work in equivalent or higher rank, prior to appointment to the Service may, in the discretion of the appointing authority, be allowed to count towards the period of probation ; and
 - (c) any period of officiating appointment to the Service shall be reckoned as period spent on probation, but no person who has so officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy.
- (2) If, in the opinion of the appointing authority, the work or conduct of a person, during the period of probation is not satisfactory, it may—
- (a) if such person is recruited by direct appointment, dispense with his services or revert him to a post on which he held lien prior to his appointment to the Service by direct appointment ; and
 - (b) if such person is recruited otherwise.—
 - (i) revert him to his former post ; or
 - (ii) deal with him in such other manner as the terms and conditions of his previous appointment permit.
- (3) On the completion of the period of probation of a person the appointing authority may :—
- (a) if his work or conduct has, in its opinion, been satisfactory ;
 - (i) confirm such person from the date of his appointment if appointed against a permanent vacancy ; or

- (ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy ;
or
 - (iii) declare that he has completed his probation satisfactorily, if there is no permanent vacancy ; or
- (b) if his work or conduct has not been, in its opinion, satisfactory—
- (i) dispense with his services, if appointed by direct appointment or if appointed otherwise revert him to his former post or deal with him in such other manner as the terms and conditions of his previous appointment may permit ;
or
 - (ii) extend his period of probation and thereafter pass such orders as it could have passed on the expiry of the period of probation specified in sub-rule (1) :

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

10. **Seniority of members of Service.**—The seniority in each cadre of the Service shall be determined on the basis of continuous length of service on a post in that cadre of the Service :

Provided that in the case of members recruited by direct appointment who join within the period specified in the order of appointment or within such period as may from time to time be extended by the appointing authority subject to a maximum of four months from the date of order of appointment the order of merit determined by the Board or other recruiting authority of the Government, as the case may be, shall not be disturbed :

Provided further that in case a candidate is permitted to join the Service after the expiry of the said period of four months in consultation with the Board or other recruiting authority of the Government, as the case may be, his seniority shall be determined from the date he joins the Service :

Provided further that in case any candidate of the next selection has joined the Service before the candidate as referred to in the preceding proviso joins the candidate so referred shall be placed below all the candidates of the next selection who join within the time specified in the first proviso ;

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

- (a) a member recruited by direct appointment shall be senior to a member recruited otherwise ;
- (b) a member appointed by promotion shall be senior to a member appointed by transfer ;

- (c) in the case of members appointed by promotion or transfer, seniority shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred ; and
- (d) in the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member who was drawing a higher rate of pay in his previous appointment ; and if the rates of pay drawn are also the same, then by their length of service in those appointments ; and if the length of such service is also the same, an older member shall be senior to a younger member.

NOTE—Seniority of members appointed on purely provisional basis, shall be determined as and when they are regularly appointed keeping in view the date of such regular appointment.

11. Liability of members of Service to transfer.—A member of the service may be transferred by the Government to any post, whether included in any other Service or not on the same terms and conditions, as are specified in rule 3-17 of the Punjab Civil Services Rules, Volume I, Part I.

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

13. Leave, pension and other matters.—In respect of pay, leave, Pension and all other matters not expressly provided for in these rules, the members of the Service shall be governed by such law and rules as may have been or may here-after be adopted or made by the competent authority.

14. Discipline, penalties and appeals.—(1) In the matter of discipline, punishments and appeals, the members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970, as amended from time to time.

(2) The authority empowered to impose penalties as specified in rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, and the Appellate authority thereunder in respect of each category of members of the Service shall be as specified against that category in Appendix 'B' to these rules.

(3) The authority competent to hear an appeal against an order specified in rule 15 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, other than an order imposing any of the penalties specified in Appendix 'B' to these rules in respect of the members of the Service shall be the Government.

15. Oath of allegiance.—Every member of the Service, unless he has already done so, shall be required to take oath of allegiance to India and to the Constitution of India as by law established.

16. Power to relax.—Where the Government is of opinion that it is necessary or expedient, so to do it may by order, for reasons to be recorded, in writing, relax any of the provisions of these rules.

Provided that the provisions relating to educational qualifications and experience shall not be relaxed.

17. Interpretation.—If any question arises as to the interpretation of these rules, the Government shall decide the same.

18. Repeal and Saving.—The Punjab Elections Department (Class III) Subordinate (Field) Services Rules, 1963, are hereby repealed :

Provided that any order issued or any action taken under the rules so repealed shall be deemed to have been issued or taken under the corresponding provisions of these rules.

APPENDIX 'A'

[See rules 1 and 3]

Serial No.	Designation of post	Number of posts			Scale of pay
		Perma- nent	Tempo- rary	Total	
1	2	3	4	5	6
1	Election Naib-Tahsildar	2	..	2	Rs 700—25—850/30—1,000/40—1,200
2	Election Kanungo	40	3	43	Rs 480—15—600/20—700/25—850—30—880, plus Rs 15 as special pay per month

APPENDIX 'B'

[See rule 14 (2)]

Serial No.	Designation of post	Nature of penalty	Authority empowered to impose penalty	Appellate authority
1	2	3	4	5
1	Election Naib-Tahsildar	Minor penalties— (i) Censure	District Election Officer	Chief Electoral Officer
2	Election Kanunge	(ii) Withholding of his promotions (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders (iv) withholding of increments of pay	District Election Officer District Election Officer District Election Officer	Chief Electoral Officer Chief Electoral Officer Chief Electoral Officer
		Major penalties— (v) reduction to a lower stage in the time scale of pay for a specified period, directions as to whether or not the Government employee will earn increments of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing the future increments of his pay (vi) reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the pro-	Joint Chief Electoral Officer Joint Chief Electoral Officer, Punjab	Government Government

1	2	3	4	5
		<p>motion of the Government employee to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the Government employee was reduced and his seniority and pay on such restoration to that grade, post or service</p>		
		<p>(vii) compulsory retirement—</p>	<p>Joint Chief Electoral Officer, Punjab</p>	<p>Government.</p>
		<p>(viii) removal from Service which shall not be a disqualification for future employment under the Government</p>	<p>Joint Chief Electoral Officer, Punjab</p>	<p>Government</p>
		<p>(ix) dismissal from Service which shall ordinarily be a disqualification for future employment under the Government</p>	<p>Joint Chief Electoral Officer, Punjab.</p>	<p>Government</p>

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