

Punjab Food and Supplies (Class II) Service Rules, 1988.

GOVERNMENT OF PUNJAB
DEPARTMENT OF FOOD AND SUPPLIES

Notification
The 8th June, 1988.

No. G.S.R. 61/Const. /Art.309/88. In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the President of India is pleased to make the following rules regulating the recruitment and the conditions of Service of persons appointed to the Punjab Food and Supplies (Class II) Service, namely:

1. Short title and application: (1) These rules may be called the Punjab Food and Supplies (Class II) Service Rules, 1988.

(2) They shall apply to the posts specified in Appendix A to these rules.

2. Definition:- In these rules, unless the context otherwise requires:-

(a) 'Commission' means the Punjab Public Service Commission;

(b) 'Direct appointment' means an appointment made otherwise than by promotion or by transfer of an official already in the service of the Government of India or of a State Government;

(c) 'Director' means the Director, Food and Supplies, Punjab;

(d) 'Government' means the Government of the State of Punjab in the Department of Food and Supplies; and

(e) 'Service', means the Punjab Food and Supplies (Class II) Service.

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 the Government to add to or reduce the number of such posts or to create new posts with different designations and scales of pay whether permanently or temporarily.

4. Nationality, domicile and character of candidates appointed to Service:

1. No person shall be appointed to the service unless he is:

(a) a citizen of India, or

- (b) a citizen of Nepal, or
- (c) a subject of Bhutan, or
- (d) a Tibetan refugee who came over to India before the 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 and East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia, Zaire, Ethiopia and Vietnam with the intention of permanently settling in India:

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

(2) A candidate in whose case, a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or by any other recruiting authority of the Government but he shall not be appointed to the Service unless he produces a certificate of eligibility issued by the Government of Punjab in the Department of Home Affairs and Justice.

(3) No person shall be recruited to the Service by direct appointment unless he produces-

(a) a certificate of character from the principal academic office of the university, college, school, or institution last attended, if any, and similar certificate 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; and

(b) an affidavit to the effect that he was never convicted for any criminal offence involving moral turpitude and that he was never dismissed or removed from Service of any State Government or Government of India or any public sector undertaking.

5. Disqualification:- No person-

(a) who was 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- For eligibility regarding age, a person seeking direct appointment to the Service shall be governed by the Punjab Civil Services (Executive Branch) (Class I) Rules, 1976 as amended from time to time.

7. Appointing Authority- All appointments to the Service shall be made by the Government.

8. Method of appointment and qualification:- (1) Appointment to the Service shall be made in the manner as specified in Appendix 'B' to these rules.

(2) No person shall be appointed to the Service unless he possesses the educational qualifications and experience specified in Appendix 'B' to these rules.

(3) All appointments to the Service by promotion shall be made on the basis of seniority-cum-merit and no person shall have any claim to any post in the Service merely on the ground of seniority.

(4) When any vacancy occurs or is about to occur in the Service, the appointing authority shall determine the manner in which the vacancy is to be filled.

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

9. Probation of Members of Service:- (1) Persons appointed to 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 the appointment to the Service, may, in the discretion of the appointing authority be allowed to count towards the period of probation;

(c) any period of officiating appointment to the Service shall be reckoned as period spent on probation, 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; and

(d) any kind of leave not exceeding six months availed during or at the end of the period of probation is also countable towards the period of probation.

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

(a) if such person is recruited by direct appointment, dispense with his service or revert him to a post in which he hold lien prior to his appointment to the Service by direct appointment;

(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.

2. On the completion of the period of probation of a person, the appointing authority may,-

(a) if his work and conduct has, in its opinion, been satisfactory,-

(i) confirm such person from the date of his appointment, 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.

(b) if his work or conduct has not been in its opinion satisfactory or he has failed to pass the prescribed departmental examination,-

(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 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 (i):

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

10. Departmental Examination: Every member of the Service shall, unless he has already done so, pass by the higher standard the departmental examination prescribed by the Government from time to time.

11. Seniority of members of Service:- The Seniority inter se of members of the Service in each cadre shall be determined by the length of continuous service on a post in that cadre of Service;

Provided that in 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 Commission 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 Commission or other recruiting authority, 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 referred to in the proceeding 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 recruited 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 the length of service in that appointment and if the length of service is 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.

12. Liability of members of service to transfer- A member of 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.

13. 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 so to do by the Government.

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

15. Leave, Pension and other matters.-In respect of pay, leave, pension and other matters not expressly provided for in these rules, the members of service shall be governed by such leave rules and regulation as may have been or may hereafter be adopted or made by the competent authority.

16. Discipline, penalties and appeal.- (1) In matters relating to discipline penalties and appeals, all 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 there under in respect of all members of the Service shall be as specified in Appendix 'C' to these rules.

17. Liability for Vaccination.- Every member of the Service shall get himself vaccinated or re-vaccinated when the Government so directs by a special order or general order.

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

19. Power to relax.- Whereas the Government is of opinion that it is necessary or expedient so to do, it may, by order for reasons to be given in writing, the Government shall decide the same.

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

20. Repeal.- The Punjab Food and Supplies Department (State Service Class-II Rules, 1966 are hereby repealed.

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

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