

Punjab Municipal Elections Office (State Service Class-III) Rules, 1978

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✓ **NOTIFICATION**

No. G.S.R. 52/Const./Art.309/78 dated 26.4.1978. - In exercise of the powers conferred by the proviso to Article 309 of Constitution of India, the Governor of Punjab is pleased to make the following rules, regulating the recruitment, and conditions of service of persons appointed to the

Punjab Municipal Elections Office (State Service Class-III), namely :-

Part I

- 1. Short title, commencement and application.** - (1) These rules may be

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called the Punjab Municipal Elections Office (State Service Class-III) Rules, 1978.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) They shall apply to all posts specified in Appendix 'A' to these rules.

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

- (a) 'Commission' means the Punjab Public Service Commission;
- (b) 'Department' means the Punjab Local Government Department;
- (c) 'direct appointment' means an appointment made otherwise than by promotion or by transfer of an official already in the service of Government of India or of a State Government;
- (d) 'Director' means the Director, Local Government, Punjab;
- (e) 'Government' means Punjab Government in the Local Government Department;
- (f) 'recruiting authority' means the Punjab Subordinate Services Selection Board or any other authority constituted by the Government to perform the functions of the said Board;
- (g) 'recognised University or institution' means :-
 - (i) any university or institution incorporated by law in any of the States of India; or
 - (ii) any other university or institution which may be declared by Government to be a recognised university or institution for the purpose of these rules; or
 - (iii) the Punjab, Sind or Dacca University in case of degrees or diplomas obtained as a result of examination held by these universities before the 15th August, 1947; and
- (h) 'Service' means the Punjab Municipal Elections Office (State Service Class III).

Part II

Qualifications and method of recruitment.

3. Number and character of posts. - The service shall comprise the posts shown 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. Appointed authority. - All appointments to posts in the Service shall be made by the Director.

5. Nationality, domicile and character of candidates appointed to Service.

- (a) No person shall be appointed to the Service, unless he is -

- (i) 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 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 Tanganyika and Zanzibar), Zambia, Malawai, 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 issue 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, or recruiting authority on his furnishing proof that he has applied for the certificate and he may also provisionally be appointed subject to the necessary certificate being given to him by the competent authority.

(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.

6. Disqualification. - 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.

7. Age. - (1) No person shall be recruited to the Service by direct appointment if he is less than seventeen years or is more than twenty seven years of age on the date of appointment or such other date as may specifically be fixed by Government from time to time :

Provided that the condition of upper age limit may be relaxed upto 45 years in the case of a person already in employment of the Punjab Government, any other State Government or the Government of India :

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

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

(2) In the case of Demobilised Armed Forces personnel, his age at the time of joint Military Service or training prior to Commission, a the case may be, shall not exceed the upper age limit prescribed for direct appointment to such posts.

8. Educational and other qualifications. - No person shall be recruited to a post in the Service by direct appointment, unless he possesses the qualifications mentioned in Appendix 'B' to these rules.

9. Method of appointment. - (1) Appointment to posts in the Service shall be made in the following manner :-

(i) *In the case of Superintendent* -

(a) by promotion from amongst Assistants who have an experience of working for a minimum period of ten years on the post of Assistant or on some higher post, such as, Assistant Incharge, Head Clerk, Head Assistant or Deputy Superintendent;

(b) by transfer or deputation of an official already in the service of Government of India or of a State Government, provided he -

(i) is at least a graduate;

(ii) has an experience of working for a minimum period of ten years on the post of Assistant or on some higher post, such as, Assistant Incharge, Head Clerk, Head Assistant or Deputy Superintendent; and

(iii) has an experience of working for a minimum period of three years on the post of Superintendent;

(ii) *In the case of Assistant* -

(a) ten per cent by direct appointment;

(b) eighty per cent by promotion from amongst Steno-Typists, Registration Inspectors, Clerks, Registration Clerks and Moharrirs in the Service having an experience of working on any one or more of these posts for a minimum period of five years; and

(c) ten per cent by transfer or deputation of officials working in other Departments of Punjab Government who have an experience of working as Assistant as such from a minimum period of five years.

Note. - No person shall be appointed as an Assistant unless he qualifies such test as may be prescribed by Government from time to time and conducted by the appointing authority in -

(a) office noting and drafting; and

(b) general knowledge.

(iii) *In the case of Draftsman* -

(a) by direct appointment; or

(b) by transfer or deputation of an official in the service of Punjab Government; provided that the official possesses the qualifications prescribed for direct appointment;

- (iv) *In the case of Steno-Typist -*
- (a) by direct appointment; or
 - (b) by promotion from amongst Registration Inspectors, Clerks, Registration Clerks and Moharrirs who have qualified a test in short-hand and typewriting conducted by the Department according to the procedure laid down by Government from time to time; or
 - (c) by transfer or deputation of an official in the service of the Government holding appointment equivalent to the post held by a person eligible for appointment by promotion;
- (v) *In the case of Registration Inspector. -* by promotion from amongst the Clerks, Moharrirs and Registration Clerks on the basis of seniority-cum-merit.
- (vi) *In the case of Clerk and Moharrir -*
by transfer from amongst the Registration Clerks on the basis of seniority-cum-merit.
- (vii) *In the case of Registration Clerk -*
- (a) eighty per cent by direct appointment to be made on the basis of the result of the clerks examination conducted by the recruitment authority;
 - (b) ten per cent by promotion with the approval of the recruiting authority from amongst Restorers, Operators, Daftries, Peons and Chowkidars who are matriculates and have worked on any one or more of these posts for a minimum period of one year after passing Matriculation Examination;
 - (c) ten per cent by transfer or deputation of an official in the service of Punjab Government holding appointment as a clerk or such post as is equivalent to that held by a person eligible for appointment by promotion;
- (viii) *In the case of Restorer -*
- (a) by direct appointment; or
 - (b) by promotion from amongst Daftries, Peons or Chowkidars who have passed Middle Standard and have worked on the post of Daftri for a minimum period of three years or on the post of Peon or Chowkidar for a minimum period of five years; or
 - (c) by transfer or deputation of an official already in the service of Punjab Government holding appointment as a Restorer or Daftri or Peon or Chowkidar who has passed Middle Standard and has an experience of working as Daftri for a minimum period of three years or as Peon or Chowkidar for a minimum period of five years;
- (ix) *In the case of Gestetner Operator -*
- (a) by direct appointment; or
 - (b) by promotion from amongst Daftries or Peons or Chowkidars :
Provided they have studied up to Middle Standard and have worked on the post of Daftri for a minimum period of three years or on the post of Peon or Chowkidar for a period of five years; or
 - (c) by transfer or deputation of an official already in the service of Punjab Government holding appointment as a Restorer, Daftri, Peon or

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Chowkidar who has studied up to Middle Standard and has an experience of working as Peon or Chowkidar for a minimum period of five years and has obtained a training certificate from the Gestetner Duplicating Agency.

(2) No person shall be recruited by direct appointment to any post in the Service unless he possesses knowledge of Punjabi Language in Gurmukhi script upto such standard as may be specified by the State Government.

(3) All appointments by promotion to various posts in the Service shall be made strictly on the basis of seniority-cum-merit and no person shall be entitled to claim promotion on the basis of seniority alone.

10. Probation of members of service. - (1) A person appointed to a post 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 appointment to the Service spent on deputation on a corresponding or a higher post shall count towards the period of probation fixed under this rule;
- (b) in the case of an appointment by transfer, any period of service spent on an equivalent or higher post prior to appointment to the Service may, at the discretion of the appointing authority, be allowed to count towards the period of probation fixed under this rule; and
- (c) any officiating appointment in the Service shall be reckoned as a period spent on probation, but no member who has thus officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent post.

(2) If the work and conduct of a person appointed to the Service during the period of probation in the opinion of the appointing authority is not satisfactory, it may -

- (a) dispense with his services, if recruited by direct appointment, and
- (b) if 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 in its opinion, has 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 recruited by direct appointment or if recruited 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 would have passed on the expiry of the first period of probation :

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

11. Seniority of members of Service. - The seniority *inter se* of the members of Service holding the same class of posts shall be determined by the length of continuous service on such posts in the Service :

Provided that in the case of members recruited by direct appointment, the order of merit determined by the Commission or the recruiting authority, as the case may be, shall not be disturbed in fixing their seniority :

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 recruited by promotion shall be senior to a person recruited by transfer;
- (c) in the case of members recruited by promotion or transfer, seniority shall be determined according to the seniority of such members in appointments from which they are promoted or transferred; and
- (d) in the case of members recruited by transfer from different cadres, their seniority shall be determined according to pay, preference being given to member who was drawing a higher rate of pay in his previous appointment and if the rates of pay drawn are 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 young member.

Note. - This rule shall not apply to persons appointed on purely provisional basis pending their passing the qualifying test or otherwise.

12. Pay of members of Service. - Members of the service shall be entitled to such scales of pay including special pay, if any, as may be authorised by Government from time to time. The scale of pay at present admissible in respect of specified posts are given in Appendix 'A' to these rules.

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, rules and regulations as may have been or may hereafter be adopted or made by the competent authority.

14. Discipline, penalties and appeals. - (1) In the matter of discipline, punishment and appeals, members of the Services 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 under the Punjab Civil Services (Punishment and Appeal) Rules, 1970, and the appellate authority thereunder

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in respect of the members of the Service shall be as specified in Appendix 'C' to these rules.

(3) The Secretary to Government, Punjab, Local Government Department, shall be the appellate authority for the purposes of rule 16 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, in respect of all the members of the Service.

15. Liability of transfer. - (1) A member of the Service may be transferred by the Government to a post whether included in any other Service or not on the same terms and conditions as are specified in rule 317 of the Punjab Civil Services Rules, Volume I, Part I.

(2) 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.

16. Vaccination. - Every member of the service shall get himself vaccinated or re-vaccinated if and when the Government so directs by a special or general order.

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

18. 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, except the educational qualifications and experience, with respect to any class or category of persons.

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

20. Repeal and saving. - The Municipal Elections Office Service Rules, 1946, for Class III employees notified, - vide Punjab Government Gazette No. 4534-C-46/37670, dated 23rd December, 1946 are hereby repealed :

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

Appendix 'A'

[See rules 1(2), 3 and 12]

S.No.	Designation of the post	Number of posts			Scale of pay
		Permanent	Temporary	Total	
1	2	3	4	5	6
1.	Superintendent	1	..	1	400-25-500/30-650
2.	Assistants	6	..	6	160-10-280/15-400
3.	Draftsman	1	..	1	170-8-210/10-300

4.	Steno-typist	1	..	1	110-4-130/5-180/6-210/8-250+Rs. 25 as Special Pay
5.	Registration Inspectors	10	..	10	120-5-150/6-180/8-220/10-250
6.	Clerks	11	..	11	110-4-130/5-180/6-210/8-250
7.	Registration Clerks	.33	--	33	110-4-130/5-180/6-210/8-250
8.	Moharrir	1	..	1	110-4-130/5-180/6-210/8-250
9.	Gestetner Operator1	1	..	1	100-4-140/5-160
10.	Restorer	1	..	1	100-4-140/5-160

Appendix 'B'

[See rule 8]

S.No.	Name of post	Minimum qualifications
1.	Assistant	.. Graduate (with Punjabi upto Matric Standard) should have at least five years experience in noting and drafting.
2.	Draftsman	.. Matriculate or its equivalent and Diploma of Civil Draftsman from the recognised institute (with Punjabi upto Matric Standard).
3.	Steno-typist	.. Matriculate or its equivalent with a speed of 80 w.p.m. in Punjabi Short hand and 40 w.p.m. in Punjabi Typing writing with Punjabi upto Matric standard)
4.	Registration Clerk	.. Matriculate or its equivalent preferred knowing typewriting in Punjabi with a speed of 30 w.p.m. (with Punjabi upto Matric standard)
5.	Restorer	.. Middle Pass (with Punjabi Language)
6.	Gestetner Operator	.. Middle Pass (with Punjabi Language with certificate of training from the Government Duplicator Agency.

Appendix 'C'

[See sub-rule (2) of Rule 14]

S.No.	Designation of the Official	Nature of penalty	Authority empowered to impose penalty	Appellate Authority
1	2	3	4	5
1.	Superintendent	(i) Censure;	Director	Secretary, Local Government, Punjab
2.	Assistant	(ii) withholding of his promotions;		
3.	Draftsman	(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;		
4.	Steno-Typist	(iv) withhold of increments of pay;		

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5. Registration Inspectors (v) reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not he will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will not have the effect of postponing the future increments of his pay;
 6. Clerk (vi) reduction to a lower time-scale of pay, grade post or service which shall ordinarily be bar to his promotion 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 he was reduced and his seniority and pay on such restoration to that grade, post or service;
 7. Registration Clerks (vii) compulsory retirement;
 8. Moharrir (viii) removal from service which shall not be a disqualification for future employment under the Government;
 9. Operator; and (ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Government.
 10. Restorer.
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