

GOVERNMENT OF PUNJAB
DEPARTMENT OF PUBLIC WORKS
(B & R III BRANCH)

Notification

The 26th March, 1990

No. GSR 16/Const./Art. 309, 187 and 234/90.—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 Department of Public Works (Buildings and Roads) Class II Ministerial Service, namely:—

1. *Short title and application.*—(1) These rules may be called the Punjab Department of Public Works (Buildings and Roads) Class II Ministerial Service Rules, 1990.

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

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

- (a) 'Chief Engineer' means a Chief Engineer of the Department of Public Works (Buildings and Roads) and includes an incumbent holding any other posts which is declared by the Government as a post of equivalent responsibility to that of a Chief Engineer;
- (b) 'Commission' means the Punjab Public Service Commission;
- (c) 'Government' means the Government of the State of Punjab in the Department of Public Works (Buildings and Roads);
- (d) 'Service' means the Punjab Department of Public Works (Buildings and Roads) Class II Ministerial 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 numbers of such posts or to create new posts with different designations and scales of pay, whether permanently or temporarily.

4. *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.

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5. *Appointing Authority.*—All appointments to the Service shall be made by the Government.

6. *Method of appointment and qualifications.*—(1) Appointment to the Service shall be made in the following manners, namely:—

- (a) in the case of Registrar, by promotion from amongst the Superintendents Grade-I who have an experience of working as such for a minimum period of 5 years; and
- (b) in the case of Superintendent Grade-I, by promotion from amongst the Legal Assistants/Assistants and Senior Scale Stenographers working under the control of the Chief Engineer who have an experience of working on any one or more of these posts for a minimum period of ten years;

Provided that in the case of Senior Scale Stenographers the promotion shall be regulated in accordance with the provisions of the Punjab Civil Services (Promotion of Stenographers and Steno-typists) Rules, 1961:

Provided further that if no suitable candidate is available for appointment to a post in the Service by promotion such a post shall be filled in by transfer of a person holding identical or similar post under a State Government or Government of India.

(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.

7. *Probation of members of Service.*—(1) Persons appointed to the Service shall remain on probation for a period of one year provided that,—

- (a) any period after such appointment spent on deputation on a corresponding or a higher post shall be counted towards the period of probation;
- (b) in the case of an appointment by transfer, any period of work in equivalent or higher post prior to 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 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; and
- (d) any period of leave not exceeding six months during or at the end of probation shall be counted towards the period of probation.

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(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,—

- (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 and conduct has in its opinion been satisfactory,—

- (i) confirm such person from the date of his appointment, if appointed against a permanent vacancy ;
- (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 period of probation satisfactory if there is no permanent vacancy ; or

(b) If his work or conduct has not been in its opinion satisfactory,—

- (i) 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 as specified in sub-rule (1) ;

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

8. *Seniority of members of Service.*—Seniority *inter se* of the members of the Service in each cadre shall be determined by the length of continuous service on a post in that cadre of the Service.

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

- (a) a member appointed by promotion shall be senior to a member appointed by transfer ;
- (b) 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

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- (c) 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 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.
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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 appointments.

9. *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.

10. *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.

11. *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.

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

13. *Discipline, penalties and Appeal.*—(1) In the matter of discipline, punishment and appeals, the members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeals) 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 the members of the Service shall be as specified in Appendix 'B' to these rules.

14. *Oath of allegiance.*—Every members 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.

15. *Power to relax.*—Where the Government is of opinion that it is necessary or expedient so to do, it may, by special order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

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Provided that the provisions relating to experience as specified in rule 6 shall not be relaxed.

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

17. Repeal and Savings.—The Punjab Secretariat Service, Buildings and Roads Branch (Recruitment and Conditions of the Service) Rules, 1943 in so far as they apply to the members of the service, 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 rule 1(7), 3 and 12]

Serial No.	Designation of the post	Posts			Scale of Pay
		Permanent	Temporary	Total	
1.	Registrar	1	0	1	Rs. 2,400— 60—2,700— 75—3,000— 100—4,000.
2.	Superintendent Grade-I	8	5	13	Rs. 2,000— 50—2,400— 60—2,700— 75—3,000— 100—3,500—

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APPENDIX 'B'
(See rule 13)

Serial No.	Designation of the post	Nature of Penalty	Authority empowered to impose penalty	Appellate authority
1	2	3	4	5

MINOR PENALTIES

1 Registrar

(i) Censure ;

2 Superintendent Grade-I

(i) Withholding of promotions ;

(ii) Recovery from pay the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders ;

(iv) Withholding of increments of pay ;

Chief Engineer

Government

MAJOR PENALTIES

(v) Reduction to lower stage in the time-scale of pay for a specified period with further 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 further future increments of his pay ;

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1	2	3	4	5
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(vi) Reduction to a lower time-scale of pay, grade, post or service which shall ordinarily be a bar to the promotion 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;

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(vii) Compulsory retirement ;

(viii) Removal from service which shall not be a disqualification for future employment under the Government.

(ix) Dismissal from service which shall ordinarily be a disqualification for future employment under the Government.

R. S. MANN,

Secretary to Government of Punjab,
Department of Public Works.