

THE RAJASTHAN EXCISE SERVICE
(GENERAL BRANCH) RULES, 1974

260/ACD

DEPARTMENT OF PERSONNEL (A-Gr.-II)

NOTIFICATION

Jaipur, April 24, 1974.

No. F.101) Appts. (A-II)/67 - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Rajasthan hereby makes the following Rules regulating the recruitment to posts in, and the conditions of Service of persons appointed to the Rajasthan Excise Service (General Branch), namely :-

THE RAJASTHAN EXCISE SERVICE (GENERAL BRANCH) RULES, 1974.

PART-I - General

1. Short title and commencement - (1) These Rules may be called the Rajasthan Excise Service (General Branch) Rules, 1974.

(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) "Commissioner" means the Excise Commissioner, Rajasthan;

(c) "Committee" means the Committee referred to in rule 11;

(d) "Commission" means the Rajasthan Public Service Commission;

(e) "Government" means The Government of Rajasthan.

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- (f) "Equivalent post" means a post carrying similar nature of duties and responsibility and identical time scale of pay;
- (g) "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appointed in a substantive capacity to a post in the Service under the provisions of these rules or the rules or order superseded by these rules;
- (h) "Schedule" means the Schedule appended to these rules;
- (i) "Substantive Appointments" means an appointment made under the provisions of these rules to a substantive vacancy after due selection by any of the method of recruitment prescribed under these rules and includes an appointment on probation or as probationer followed by confirmation on the completion of the probationary period;
- (j) State means the State of Rajasthan.
- (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 accordance with Rules promulgated under proviso to Article 309 of the Constitution of India.

Note : Absence during service e.g., training, leave and deputation which are treated as "duty" under the Rajasthan Service Rules, 1951 shall also be counted as service for computing minimum experience or service required for promotion.

- (l) Year means "The Financial Year".

3. Interpretation - Unless the context otherwise requires the Rajasthan General Clauses Act, 1955 (Rajasthan) Act 8 of 1955) shall apply for the interpretation of these rules as it applies 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 of the Service shall be such as may be determined by Government, from time to time :-

Provided that --

(a) the Government may create any post, permanent or temporary, from time to time, as may be found necessary, and may abolish any such post in the like manner without thereby entitling any person to any compensation;

(b) that the Government may leave unfilled or hold in abeyance or abolish or allow to lapse any post, permanent or temporary, from time to time, without thereby entitling any person to any compensation.

(c) Such number of posts of District Excise Officers as may be determined by the Government, from time to time, shall be encadred in the Service except that not less than 4 posts of District Excise Officers shall be in the Service".

5. Constitution of the Service - The Service shall consist if :-

(a) all persons recruited to the Service before the commencement of these rule; and

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commencement of these rules; and

- (c) all persons recruited to the Service in accordance with the provisions of these rules.

PART-III - RECRUITMENT

6. Methods of Recruitment -- (1) Recruitment to the Service, after the commencement of these rules shall be made by promotion in accordance with Part IV of these rules :

Provided :-

- (1) that nothing in these rules shall preclude the Government from appointing Officers who were immediately before 1-11-1956 in the employment of pre-reorganisation States of Ajmer, Bombay and Madhya Bharat to suitable posts specified in Schedule I in accordance with the (directions) governing the integration of their services;
- (2) that if the Government is satisfied, in consultation with the Commission, that suitable persons are not available for appointment as Assistant Excise Officers, promotion in a particular year, the vacancies may be filled up by appointing on deputation, an officer from the Rajasthan Tehsildar Service, provided that he has completed at least five years service as a Tehsildar;
- (3) (a) that the persons who were appointed to the posts included in Schedule I in ad-hoc/officiating/temporary basis before 1-1-1972 and were working as such on the date these rules come into force shall be screened by the Committee referred to in rule 11 for adjudging their suitability on the posts held provided in the rules or the prescribed qualification on the basis of which the persons were selected for ad-hoc/officiating/temporary appointment :

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Provided that a person appointed on an ad-hoc basis shall not be entitled to screening for a post higher than to which he was initially appointed, if a person senior to him on lower post who fulfilled qualifications prescribed for the post was either not given such ad-hoc appointment or is not entitled to screening under this rule;

Note :- Seniority for this purpose will be determined in each category according to length of continuous service to a post held by the person concerned on the date referred to above.

(b) Appointment to the posts shall be made by Government on the basis of the recommendations made by the Committee.

Provided further that the Committee appointed under these rules for adjudging suitability by screening either as an exception of general methods of recruitment or as initial Constitution of Service, may ex-gratia recommend, if any of the employees with more than three years' of service on a post for which he is to be screened is not adjudged suitable and if thereafter has no right to be appointed on a lower post, for such lower post being offered to him by absorption and thereupon such employee shall be treated as surplus employee under the provisions of the Rajasthan Civil Services (Absorption of Surplus Personnel) Rules, 1969 and such employee may be absorbed on the lower post on the recommendation of the Committee subject to such conditions as may be laid down by it.

(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/schedules of the total cadre strength as sanctioned for each category from time to time.

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7. RECRUITMENT, APPOINTMENT, PROMOTION, SENIORITY AND CONFIRMATION ETC. OF A PERSON WHO JOINS THE ARMY/AIRFORCE/NAVY DURING AN EMERGENCY :-

Notwithstanding anything contained in these rules 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 instruction issued on the subject by the Government of India.

8. Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes -- (1) Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes shall be in accordance with orders of the Government for such reservation in force at the time of promotion.

(2) The vacancies so reserved shall be filled in by Seniority-cum-merit and merit.

(3) In filling the vacancies so reserved the eligible candidates who are member of the Scheduled Castes and the Scheduled Tribes shall be considered for appointment in the order which their names appear in the list prepared by the Departmental Promotion Committee 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 :

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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.

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 what 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 clauses (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.

PART IV - Procedure for Recruitment by Promotion.

10. **Eligibility and Criteria for Selection** -- (1) (Selection for) higher posts shall be made (by Selection) strictly on the basis of merit and on the basis of seniority-cum-merit in proportion of 1:2.

(8)

Provided that if the (Departmental Promotion Committee) is satisfied that suitable persons are not available for (Selection) by promotion strictly on the basis of merit in particular year, appointment by promotion on the basis of seniority-cum-merit may be made in the manner as specified in these rules.

(2) The person enumerated in Column 4 of Schedule I shall be eligible, for promotion to posts specified in column 2, subject to :-

(i) Their possessing the minimum qualification and experience on the first day of April of the year of selection as specified in Column 5.

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.

(ii) Deleted

11. Procedure for Appointment by promotion - (1) As soon as the Appointing Authority determines the number of vacancies under rule 9 and decides that a certain number of posts are required to be filled by promotion, it shall prepare a correct and complete list containing names up to five times the number of vacancies out of senior most persons who are qualified under these rules for promotion on the basis of seniority-cum-merit or on the basis of merit of the class of posts concerned.

(2) Deleted.

(3) A Committee consisting of the Chairman of the Commission or a member thereof nominated by him as Chairman, Secretary to Government in-charge Excise Department (or the Special Secretary concerned nominated by him) or his representative

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to Government in the Department of Revenue
not below the rank of Deputy Secretary, Special Secretary, and
the Commissioner, shall consider the cases of all persons
included in the list referred to in sub-rule (1) interviewing
such of them as it may deem necessary and shall prepare
separate lists containing names of suitable candidates to be
promoted on the basis of seniority-cum-merit and merit
respectively upto one and a half times the number of posts to
be filled in on the respective basis.

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.

(4) The names of the candidates selected on the basis of
seniority-cum-merit and merit shall be arranged in their
respective lists in order of seniority.

(5) The lists prepared by the Committee shall be sent by
them to the Appointing Authority.

(6) 3 posts of Assistant Excise Officers shall be reserved
for appointment from amongst Assistant Public Prosecutors who
have put in 5 years of service and have passed the prescribed
examination. The Committee constituted under sub-rule (3)
above shall, on the basis of merit and seniority-cum-merit,
select from amongst them as many suitable persons as the
number of vacancies in the promotion quota are reserved under
this rule. The Committee shall arrange the names of persons
selected in the order of seniority and shall submit the list
to the Appointing Authority together with the Character
Rolls, the Personal Files and other information considered
relevant by the Committee relating to the persons selected as
also of those superseded, if any.

(7) Where consultation with the Commission is necessary the lists prepared in accordance with sub-rule (3) shall be forwarded to the Commission by the Appointing Authority along with Confidential Rolls and Personal Files of all officials whose names are indicated in the lists along with Confidential Rolls and Personal Files of all officers who are proposed to be superseded by the Committee.

(8) The Commission shall consider the lists prepared by the Committee along with other documents received from the Appointing Authority and unless it considers it necessary to make any change in the lists received from the Appointing Authority shall send the lists duly approved to the Appointing Authority along with the changes if any, proposed and the Appointing Authority, after taking into account the comments of the Commission, if any, may approve the lists finally with such modification, as may in his opinion, be just and proper.

(8-A) The names of the persons included in the two lists finally approved by the Appointing Authority shall be re-arranged in order of seniority.

(9) Appointment shall be made by the Appointing Authority taking persons out of the list finally approved under the preceding sub-rule in order in which they have been placed in the list, till such list is exhausted.

(10) For purpose of determining the number of vacancies to be filled on either basis, the cyclic order shall be followed :-

- The first one by merit;
- The next two by seniority-cum-merit;
- The next one by merit;
- The next two by seniority-cum-merit;
- The cycle to be repeated.

11-A. Revised Criteria, Eligibility and Procedure for Promotion to Junior, Senior and other posts encadred in the Service :- (1) As soon as 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 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 qualification 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

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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 :

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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 of Sections thereunder, where there are three scales e.g. Junior scale, senior scale and selection scale and there are two promotions 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.

(d) 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 :-

(i) 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;

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if promotion is from different categories of posts carrying different pay scale, 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 when 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 in these rule.

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 and 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

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to his promotion but no arrears of pay shall be allowed

If the Government or the Appointing Authority may be satisfied after the review of the proceedings of the D.P.C. held 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 published only with the approval of the Government.

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- (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.

11-AA. 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 V- APPOINTMENT, SENIORITY, PROBATION AND CONFIRMATION.

12. Appointments to Junior Posts :- Subject to the provisions of rule 8, appointments to junior posts shall be made by Government on the basis of merit, and seniority- cum -merit in accordance with the procedure laid down in rule 11.

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Appointments to Senior Posts :- Subject to the provisions of rule 9, appointments to senior posts encadred in the Service shall be made by the Government on the basis of merit in accordance with the procedure laid down in rule 11A. Appointments to senior posts not encadred in the Service may be made by the Government from amongst the members of the Indian Administrative Service, Rajasthan Administrative Service or the Rajasthan Excise (Preventive Officers) Service of reputation.

10A. Appointment of screened persons :- Appointment to posts in the service shall be made by the Appointing Authority from amongst the persons adjudged suitable under rule 6 of these rules.

Urgent Temporary Appointment - (1) A vacancy in the Service, which cannot be filled in immediately by promotion under the rules may be filled in by the Appointing Authority appointing in an Officiating capacity thereto an officer eligible for appointment to the post by promotion 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.

(2) In the event of non-availability of suitable persons, fulfilling the requirements of eligibility for promotion, Government may, notwithstanding the condition of eligibility for promotion required under sub-rule (1) above, issue general instructions for grant of permission to fill 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 in the said sub rule.

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10. Seniority :- Seniority of persons appointed to be lowest posts of the service or lowest categories of posts within of the group/section of 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 Group/Section 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 before commencement of these rules and/ or in the process of integration of the service of the pre-organisation State of Ajmer, Madhya- Bharat or Bombay or the service of the State of Rajasthan established by the State Reorganisation Act, 1956, shall be determined modified or altered by the Government on an ad hoc basis;
- (2) that the Seniority inter se of the persons adjudged suitable under sub-rule (3) of rule 6 shall be determined by the Appointing Authority on the recommendations of the Committee referred to in rule 11 on an ad hoc basis;
- (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.

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(4) Deleted.

(5) "that the seniority interse of persons appointed by promotion to a particular class of posts on the same date shall be same as in the next below grade, except in cases of continued officiation on higher posts when it shall be in accordance with the length of such continued officiation, provided that such officiation was not ad hoc or fortuitous".

(6) that if two or more persons are appointed as Assistant Excise Officers in the same years from Excise inspectors and Assistant Public Prosecutors, the persons appointed from amongst the Excise Inspectors shall rank senior to the Assistant Public Prosecuters.

(7) Deleted

(8) 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.

16. 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

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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;

(11) 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 earliest on the date immediately preceding 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.

17. (a) Notwithstanding anything contained in the rule if no order of confirmation is issued by the Appointing Authority within a period of six months, an employee appointed on temporary or officiating basis who has, after the date of his regular recruitment by either method of recruitment completed a period of two years service, or less in the case of those appointed by promotion where the period of probation prescribed is less, on the post of a higher post under the same Appointing Authority or would have so worked but for his deputation or training shall on the occurrence of permanent vacancies be entitled to be treated as confirmed if the same conditions as are prescribed under the Rules for the

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confirmation of a probationer are fulfilled subject to the quota prescribed under the Rules and in accordance with his seniority :

Provided that if the employee has failed to give satisfaction or has not fulfilled any of the conditions prescribed for confirmation, such as passing of Departmental Examination, training or promotion cadre course etc. the aforesaid period may be extended as prescribed for probation or under the Rajasthan Civil Service Departmental Examination Rules, 1959, and any other Rules or by one year, which ever is longer. If the employee still fails to fulfil the prescribed conditions or fails to give satisfaction, he will be liable to be discharged 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 :

Provided further that no person shall 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.

(b) The reasons for not confirming an employee referred to in the second proviso to clause (a) shall in the case of a non-gazetted employee, be also immediately, recorded by the Appointing Authority in his Service Book and C.R. file and in the case of Gazetted Office communicated to the Accountant General, Rajasthan and in his Confidential Report File. A written acknowledgment shall be kept on record in all these cases.

Explanation : (1) Regular recruitment for the purpose of this rule shall mean 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 or for posts for which no Service Rules exists.

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(25)
if the posts are within the purview of Rajasthan Public Service Commission recruitment in consultation with them but it shall not include an urgent temporary appointment, ad hoc appointment or officiating promotion against temporary or lien vacancies which are liable to review revision from year to year. In case where the Service Rules specifically permit appointment by transfer, such appointment shall be treated regular recruitment if the appointment to the post from which the official was transferred was after regular recruitment. Persons who have been made eligible for substantive appointment to a post under the rules shall be treated as having been regularly recruited.

(ii) Persons who hold lien in 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.

18. 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 case may discharge or terminate him from service:

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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 year.

(2) Notwithstanding anything contained in the above proviso, during the period of probation, if a probationer is placed under suspension, or disciplinary proceeding 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.

19. Confirmation in certain cases :- (1) 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 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;

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(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 rule 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 fulfil 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, whichever 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 : (1) Regular recruitment for the purpose of this rule shall mean :-

(a) appointment by either method of recruitment or on initial constitution of Service in accordance with the Rules made under the 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.

PART VI-PAY

20. 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 23 or as may be sanctioned by Government from time to time.

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21. **Increments during probation :-** A person placed on probation shall draw increments in the scale of pay admissible to him in accordance with the provisions of the Rajasthan Service Rules, 1951.
22. **Deleted**
23. **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 (Relationship of Pay Scales) Rules, 1956 as amended from time to time.
 4. The Rajasthan Civil Services (Classification Control and Appeal) Rules, 1958 as amended from time to time.
 5. The Rajasthan Civil Services (Revised Pay) Rules 1961 as amended from time to time.
 6. The Rajasthan Service Rules, 1951 as amended from time to time.
 7. The Rajasthan Civil Services (New Pay Scales) Rules 1969 as amended from time to time.
 8. 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.

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

25. **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.

26. **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".

SCHEDULE -1

S.No.	Name of Post	Method of recruitment	Post from which promotion is to be made	Minimum qualification & experience for Promotion
1.	2.	3.	4.	5.
<u>Senior Post</u>				
1.	Dy. Commissioner/ Distt. Excise officer (Sr. Scale)	100% by promotion	Distt. Excise Officer (Ord. Scale)	5 year Experience on the post mentioned in column 4
2.	Distt. Excise Officer	100% by promotion	Asstt. Excise Officer	5 Year experience on the Post in column 4
<u>Junior Post</u>				
3.	Asstt. Excise Officer	100% by promotion	Excise Inspector Grade-I	5 Year experience on the Post mentioned in column 4