

[Extract from the Punjab Government Gazette (Extra.), dated the 27th May, 1976

PUNJAB GOVERNMENT
EDUCATION DEPARTMENT

Notification

The 21st May, 1976

No. G.S.R.56/Const./Art./309/76.—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, and in consultation with the Government of India where such a consultation is necessary in terms of section 115 of the States Reorganisation Act, 1956, and section 82 of the Punjab Reorganisation Act, 1966, the Governor of Punjab is pleased to make the following rules regulating the recruitment and conditions of service of persons appointed to the Punjab Educational Service (College Cadre) Class I, namely :—

PART I.—GENERAL

1. (1) These rules may be called the Punjab Educational Service (College Cadre) (Class I) Rules, 1976.
- (2) They shall be deemed to have come into force on the first day of April, 1975.
- (3) They shall apply to all 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 recruitment" means an appointment made otherwise than by promotion or transfer of persons already in the service of Government of India or of a State Government ;
 - (c) "Government" means the Government of the State of Punjab in the Education Department ;
 - (d) "recognised university" means—
 - (i) any university incorporated by law in India ; or
 - (ii) the Punjab, Sind or Dacca University in the case of a degree, diploma or certificate obtained as a result of examination held by these universities before the 15th August, 1947 ; or
 - (iii) any other university which is declared by the Government to be recognised university for the purposes of these rules.
 - (e) "Service" means the Punjab Educational Service (College Cadre) (Class I).

PART II

RECRUITMENT

3. The Service shall comprise the posts shown in Appendix "A" to these rules :

Number and character of posts:

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

Pay.

4. 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 scales of pay for various posts in the service at present in force are given in Appendix "A" to these rules.

Appointing authority.

5. All appointments to the posts in the Service shall be made by the Government.

Nationality and character of Candidates appointed to service.

6. (1) No person shall be appointed to the Service unless he is :—

- (a) a citizen of India, or
- (b) a subject 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) 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 given by the Government of India and if he belongs to category (e) the certificate of eligibility will be issued for a period of one year, after which such a candidate will be retained in service subject to his having acquired Indian citizenship.

(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 any other recruiting authority and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government of India.

(3) No person shall be appointed to a post in the Service by direct recruitment 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 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.

7. 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.

8. No person who is more than forty-five years of age, shall be appointed to the Service by direct recruitment ;

Provided that in the case of candidates belonging to scheduled castes and other backward classes, the upper age limit shall be such as may be prescribed by the Government from time to time.

9. (i) No person shall be appointed to a post in the Service by direct recruitment unless he possesses the educational qualifications, professional training, and other qualifications as specified in appendix "B".

(ii) A person appointed to a post in the Service by direct recruitment shall possess knowledge of Punjabi of Matriculation or its equivalent standard failing which he shall have to acquire the requisite knowledge within a period of six months of his appointment after which he shall be required to pass a test of the aforesaid standard as may be specified by the State Government, otherwise his services shall be liable to termination.

10. (1) Appointment to the posts in the Service shall be made in the manner indicated below :—

(i) In the case of Director of Public Instruction (Colleges) by selection from amongst the members of the Service ;

(ii) In the case of other posts in the Service—

(a) 50 per cent of the posts by promotion from amongst the members of Punjab Educational (College Cadre) Service (Class II) or by transfer or deputation from other State Governments, Government of India or the universities having such experience as is specified in appendix "B".

(b) 50 per cent of the posts by direct recruitment.

(2) All appointments to the posts by promotion shall be made on the basis of seniority-cum-merit and no person shall have any right for promotion merely on the basis of seniority.

(3) Whenever a vacancy occurs or is about to occur, the Government shall determine the manner in which it shall be filled.

Disqualifications.

Age

Qualifications.

Method of recruitment.

PART III

CONDITIONS OF SERVICE

11. (1) A person appointed to a post in the Service shall remain on probation for a period of two years, if appointed by direct recruitment, and one year, if appointed otherwise :

Probation of persons appointed to the service.

Provided that—

(i) the period of probation of a person shall start from the date of his joining the appointment;

(ii) any period spent on deputation on a corresponding or a higher post after appointment to the Service shall count towards the period of probation fixed under this rule ;

(iii) in the case of an appointment by transfer, any period of work on equivalent or higher rank, prior to appointment to the Service may, in the discretion of the appointing authority, be allowed to count towards the period of probation fixed under this rule ; and

(iv) any period of officiating appointment to a post in the Service shall be reckoned as a period spent on probation for that post but no person who has so officiated shall, on the completion of the period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy.

(2) If, in the opinion of the Government, the work or conduct of a person appointed to the Service during the period of probation is not satisfactory, it may—

(a) if such person is appointed by direct recruitment dispense with his services, and

(b) if such person is recruited otherwise,—

(i) revert him to his former post ; or

(ii) deal with him in such other manner as the terms and conditions of his previous appointment permit.

(3) On the completion of the period of probation of a person, the appointing authority may —

(a) if his work and conduct have, 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 probation satisfactorily, if there is no permanent vacancy; or

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

(i) dispense with his services, if appointed by direct recruitment, 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 first period of probation; provided that the period of extension shall not exceed one year in any case.

12. (1) The *inter-se* seniority of the members of the Service holding the same class of post or posts in the same or identical scales of pay shall be determined by the length of continuous service on such posts which shall be counted from the date of appointment as specified in the appointment or promotion order or if no such date is specified in the said order, from the date of such order ;

Provided that in the case of members appointed by direct recruitment, the order of merit determined by the Commission shall not be disturbed in fixing the seniority and where no order of merit is laid down, an older member shall be senior to a younger one ;

Provided further that in the case of two members having the same date of appointment, the seniority shall be determined as follows :—

(a) a member appointed by direct recruitment shall be senior to the member appointed otherwise ;

(b) in the case of members appointed by promotion, the seniority shall be determined according to the seniority of such members in the Service from which they are promoted.

(2) On amalgamation of the men and women branches, the seniority of the members of the Service holding the same class of posts and in the same or identical grade of pay shall be determined by the length of their continuous appointment in the post :

Provided that their *inter-se* seniority in their respective branches shall not be disturbed :

Provided further that in case two or more members have the same length of continuous service as aforesaid, an older member shall be senior to a younger member and if their age is also the same, the member who was drawing a higher rate of pay shall be senior to the other.

13. In respect of pay, leave, pension and other cognate matters, not expressly provided for in these rules, the members of the Service shall be governed by such rules and regulations as may have been, or may hereafter be adopted or framed by the competent authority under article 309 of the Constitution of India or under any law for the time being in force made by the State Legislature and the rules made thereunder.

Discipline, penalties and appeals. 14. In matters relating to discipline, penalties and appeal, members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970, as amended from time to time :

Provided that the authority competent to impose penalties shall be the Government.

Liability for vaccination and re-vaccination. 15. Every member of the Service shall get himself vaccinated or re-vaccinated when the Government so directs by a special or general order.

Oath of Allegiance. 16. Every member of the Service, unless he has already done so, shall take the oath of allegiance to India and to the Constitution of India as by law established.

Liability to transfer. 17. Every member of the Service shall be liable to transfer under the orders of 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.

Liability to serve. 18. A member of the Service shall be liable to serve at any place whether within or outside the State of Punjab on being ordered so to do by the Government.

Power to relax. 19. Where the Government is of the 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 in respect of any class or category of persons.

Liability for examination work. 20. All Principals of the Colleges shall have to do any examination work, including invigilation, setting of papers, examination of papers that may be assigned to them by the college authorities or by any university within the State of Punjab and the Punjab University, Chandigarh.

Repeal and saving. 21. The Punjab Educational Service (Class I) Rules, 1931, in so far as they apply to the posts included in the Service, 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.

7
APPENDIX "A"
(Rules 3 and 4)

Particulars of the post	Pay Scale	Number of posts		
		Temporary	Perma- nent	Total
1. Director of Public Instruction (Colleges)	Rs. 1,800—100—2,000/ 125—2,250	..	1	1
2. Deputy Director, Colleges and Planning	1,200—50—1,300— 60—1,540—EB— 60—1,900	..	1	1
3. Principals of Government Arts, Training Colleges and Director, Government College of Science Education and Research, Jagraon	1,200—50—1,300— 60—1,540—EB— 60—1,900	13	21	34
Total	..	13	23	36

APPENDIX "B"

[Rule 9 (f)]

Qualifications and experience for appointment to the Service: (i) by direct recruitment, (ii) by promotion

(i) By Direct Recruitment :

- M.A. First Division or High Second Division (50 %) in relevant subject or an equivalent degree of a foreign University with 8 years' teaching experience.
- Ph.D. with 8 years' teaching experience.

(ii) By Promotion :

Experience of working as a Lecturer for a minimum period of eight years.

SADA NAND,
Secretary to Government, Punjab,
Education Department.

No. 7454-1Ed(1)-76/16763, dated Chandigarh, the 21st May, 1976.

A copy, together with five spare copies is forwarded to the Accountant-General, Punjab, Chandigarh, for information.

D. K. PODAR,

Deputy Secretary to Government, Punjab,
Education Department.

No. 7454-1Ed(1)-76/16764, dated Chandigarh, the 21st May, 1976.

A copy, together with a spare copy, is forwarded to the Secretary to the Government of India, Department of Personnel Administrative Reforms Cabinet Secretariat, New Delhi, with reference to his letter No. 5/20/73-SR(S), dated the 25th June, 1975.

D. K. PODAR,

Deputy Secretary to Government, Punjab,
Education Department.

No. 7454-1Ed(1)-76/16765, dated Chandigarh, the 21st May, 1976.

A copy, with ten spare copies is forwarded to the

- Director of Public Instruction (Colleges), Punjab.
- Director of Public Instruction (Schools), Punjab.

NIRMAL SINGH,

for Secretary to Government, Punjab,
Education Department.

A copy each is forwarded to the :-

- Chief Secretary to Government, Punjab, Services II Branch, with reference to his U.O. No. 6810-SII(3)-71, dated the 13th December, 1971.
- Secretary to Government, Punjab, Finance Department, with reference to his U. O. No. 5109-IFDII-71, dated the 4th November, 1971.
- Legal Remembrancer and Secretary to Government, Punjab Law and Legislative Department, with reference to his U. O. No. 595 Leg. 257/76, dated the 18th March, 1976.

NIRMAL SINGH,

Section Officer, Education I,

for Secretary to Government, Punjab,
Education Department.

To

- (1) The Chief Secretary to Government, Punjab,
Services I Branch.
- (2) The Secretary to Government, Punjab, Finance Department.
(F. D. II Branch).
- (3) The Legal Remembrancer to Government, Punjab.

U. O. No. 7454-1Ed(1)-76/ dated Chandigarh, the 21st May, 1976.
No. 7454-1Ed(1)-76/16766, dated Chandigarh, the 21st May, 1976.

A copy with four spare copies is forwarded to the Secretary, Punjab
Public Service Commission, Patiala with reference to his letter No. S.R. 238
71/26033, dated the 29th November, 1971.

NIRMAL SINGH,

Section Officer, Education I,
for Secretary to Government, Punjab,
Education Department.