

वित्त विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरू चौक,
मंत्रालय, मुंबई ४०० ०३२, दिनांक ३० डिसेंबर २०२१.

अधिसूचना**भारताचे संविधान.**

क्रमांक : मनासे-२०१९/प्र.क्र. १९ /सेवा-६.—भारताच्या संविधानाच्या अनुच्छेद ३०९ याच्या परंतुकाद्वारे प्रदान केलेल्या अधिकारांचा वापर करून, महाराष्ट्राचे राज्यपाल, याद्वारे, महाराष्ट्र नागरी सेवा (सेवेच्या सर्वसाधारण शर्ती) नियम, १९८१ यामध्ये आणखी सुधारणा करण्यासाठी पुढील नियम करित आहेत :—

१. या नियमास, महाराष्ट्र नागरी सेवा (सेवेच्या सर्वसाधारण शर्ती) (सुधारणा) नियम, २०२१ असे म्हणावे.

२. महाराष्ट्र नागरी सेवा (सेवेच्या सर्वसाधारण शर्ती) नियम, १९८१ (यात यापुढे ज्याचा निर्देश “ मुख्य नियम ” असा केला आहे.) याच्या नियम ३ मधील “ शासन ” या मजकुराऐवजी “ वित्त विभाग ” हा मजकूर दाखल करण्यात येईल.

३. मुख्य नियमाच्या नियम ९ मध्ये,—

(एक) पोट-नियम (१) मधील, “ घरगड्यांसह आणि ” व “ आणि जास्तीचे घरगडी कामावर लावण्यासाठी ” हा मजकूर वगळण्यात येईल ;

(दोन) पोट-नियम (६) मधील, “ उंट, ” हा शब्द वगळण्यात येईल ;

(तीन) पोट-नियम (१४) मधील, खंड (आय) ऐवजी पुढील खंड दाखल करण्यात येईल आणि तो दिनांक ११ सप्टेंबर, २०१७ पासून अंमलात आला असल्याचे मानण्यात येईल :—

“ (आय) प्राधिकृत वेद्यकीय अधिकाऱ्याच्या सल्ल्यानुसार, श्वान दंश झाल्याबद्दल उपचार घेणाऱ्या, एखाद्या शासकीय कर्मचाऱ्याला अतिरिक्त पूर्ण वेतनी विशेष रजा मंजूर करता येईल. ” ;

(चार) पोट-नियम (१५) मधील, खंड (पाच) मधील टीप-२ नंतर, पुढील टीप जादा दाखल करण्यात येईल आणि ती टीप दिनांक ३१ ऑक्टोबर, २००५ पासून जादा दाखल करण्यात आली असल्याचे समजण्यात येईल :—

“ टीप ३—जे शासकीय कर्मचारी ३१ ऑक्टोबर, २००५ रोजी किंवा तत्पूर्वी शासकीय सेवेत रुजू झाले असतील त्या शासकीय कर्मचाऱ्यांस ही तरतूद लागू आहे. ” ;

(पाच) पोट-नियम (१८) ऐवजी, पुढील पोट-नियम दाखल करण्यात येईल :—

“ (१८) पहिली नियुक्ती म्हणजे, एखाद्या व्यक्तीची सेवाप्रवेश प्रक्रियेद्वारे शासनाच्या अंतर्गत सेवेत झालेली नियुक्ती :

परंतु, जर, एखादी व्यक्ती शासनामध्ये पूर्वीपासूनच एखादे पद, धारण करित असेल व तिची सरळसेवेने शासनामधील दुसऱ्या पदावर निवड झाली असेल तर, ती नवीन नियुक्ती देखील पहिली नियुक्ती आहे.

टीप—“ सेवाप्रवेश प्रक्रिया ” म्हणजे, सेवाप्रवेश नियमांच्या तरतुदीनुसार महाराष्ट्र लांकसेवा आयोगाद्वारे किंवा सक्षम निवड प्राधिकरणाद्वारे केली जाणारी निवड अथवा अनुकंपा तत्वावर केली जाणारी नियुक्ती. ” ;

(सहा) पोट-नियम (१९) ऐवजी, पुढील पोट-नियम दाखल करण्यात येईल :—

“ (१९) स्वीयेतर सेवा म्हणजे, ज्या सेवेत एखाद्या शासकीय कर्मचाऱ्याची सक्षम प्राधिकाऱ्याच्या मान्यतेने भारतात किंवा भारताबाहेर नियुक्ती केली जाते आणि भारताच्या किंवा एखाद्या राज्याच्या किंवा संघराज्य क्षेत्राच्या एकत्रित निधी व्यतिरिक्त अन्य कोणत्याही उत्पन्नाच्या स्तोत्रातून त्याचे वेतन मिळते ती सेवा.

(१९अ) प्रतिनियुक्ती म्हणजे, एखाद्या शासकीय कर्मचाऱ्याची, शासनाच्या मान्यतेने त्याच्या मूळ संवर्गामधून एखाद्या राज्यात, भारतात किंवा भारताबाहेर अन्य पदावर केलेली बदली आणि त्याचे वेतन भारताच्या किंवा एखाद्या राज्याच्या अथवा संघराज्य क्षेत्राच्या एकत्रित निधीतून काढण्यात येते.

(१९ब) प्रतिनियुक्तीचा कालावधी म्हणजे, एखाद्या शासकीय कर्मचाऱ्यास ज्या दिनांकास मूळ विभागातील त्याच्या पदावरून कार्यमुक्त केले असेल त्या दिनांकापासून सुरु होणारा आणि ज्या दिनांकास तो, मूळ विभागातील पदावर रुजू होईल त्या दिनांकास संपुष्टात येणारा कालावधी होईल. ” ;

(सात) पोट-नियम (२०) ऐवजी, पुढील पोट-नियम दाखल करण्यात येईल :-

“(२०) राजपत्रित शासकीय कर्मचारी म्हणजे,—

(१) राज्य शासनाचे सर्व गट “अ” अधिकारी ;

(२) शासनाद्वारे ज्यांची नांवे व नियुक्त्या राजपत्रात प्रसिद्ध केल्या जातात असे राज्य शासनाचे गट “ब” अधिकारी ; परंतु,

(अ) ज्याला न्यायिक प्रयोजनासाठी प्राधिकृत केले आहे असा शासकीय कर्मचारी ; किंवा

(ब) आहरण व संवितरण अधिकारी म्हणून प्राधिकृत केलेला कोणताही शासकीय कर्मचारी, यांना राजपत्रित अधिकारी म्हणून समजण्यात येणार नाही ;

(२०-अ) “शासकीय कर्मचारी” म्हणजे, जी व्यक्ती,—

(एक) राज्याच्या कार्याशी संबंधित असलेल्या कोणत्याही नागरी सेवेत किंवा पदावर नियुक्ती केलेली आहे अशी व्यक्ती, आणि त्यामध्ये, ज्यांची सेवा, तात्पुरत्या स्वरूपात अन्य कोणत्याही राज्य शासनाकडे किंवा भारत सरकारकडे, अथवा शासनाची मालकी असलेल्या किंवा नियंत्रण असलेल्या कंपनीकडे किंवा महामंडळाकडे अथवा स्थानिक प्राधिकरणाकडे किंवा इतर प्राधिकरणाकडे सुपूर्द केलेल्या आहेत अशा शासकीय कर्मचाऱ्याचा, - मग त्याचे वेतन राज्याच्या एकत्रित निधी व्यतिरिक्त अन्य स्तोत्रातून काढले जात असले तरीही, - समावेश होतो ;

(दोन) कोणत्याही शासनाच्या अंतर्गत असलेले नागरी पद धारण करीत आहे आणि जिची सेवा तात्पुरत्या स्वरूपात शासनाकडे सुपूर्द केली आहे अशी व्यक्ती; किंवा

(तीन) स्थानिक किंवा अन्य प्राधिकरणाच्या सेवेत आहे आणि जिची सेवा तात्पुरत्या स्वरूपात शासनाकडे सुपूर्द केली आहे अशी व्यक्ती ;

टीप.— जिची शासनाने नियुक्ती केली नाही किंवा जिला भारताच्या किंवा एखाद्या राज्याच्या किंवा संघ राज्यक्षेत्राच्या एकत्रित निधीतून वेतन मिळत नाही, आणि जिच्या वेतनावरील खर्च, केंद्र सरकारने किंवा राज्य शासनाने किंवा संघ राज्यक्षेत्राने तरतूद केलेल्या सहायक अनुदान निधीतून भागवला जातो अशी व्यक्ती, शासकीय कर्मचारी ठरत नाही. ” ;

(आठ) पोट-नियम (२६) ऐवजी, पुढील पोट-नियम दाखल करण्यात येईल :-

“(२६) गट-“ड” ची सेवा म्हणजे पदनिर्मिती आदेशामध्ये किंवा सेवाप्रवेश नियमांमध्ये गट-ड चे पद म्हणून विनिर्दिष्टरीत्या वर्गीकृत केलेले पद. ” ;

(नऊ) पोट-नियम (२९) मधील, “मासिक” या मजकुरानंतर “प्रमाणशीर” हा मजकूर जादा दाखल करण्यात येईल. ;

(दहा) पोट-नियम (३०) मधील, “ज्या स्थायी” या मजकुरानंतर “किंवा अस्थायी” हा मजकूर जादा दाखल करण्यात येईल. ;

(अकरा) पोट-नियम (३३) मधील, “वर्ग तीन च्या” या मजकुरा ऐवजी, “गट-क च्या” हा मजकूर दाखल करण्यात येईल. ;

(बारा) पोट-नियम (३६) मधील,—

(ए) “दरमहा मिळणारे” या मजकुरानंतर “प्रमाणशीर रक्कम” हा मजकूर दाखल करण्यात येईल ;

(बी) खंड (दोन) मधील, “व विशेष वेतन” हा मजकूर वगळण्यात येईल ;

(सी) खंड (तीन) मधील, “शासनाकडून” या मजकुरापूर्वी “व्यवसायरोध भत्त्यासह” हा मजकूर आणि “वित्तलब्धी” या मजकुरानंतर “आणि” हा मजकूर जादा दाखल करण्यात येईल आणि तो १ जानेवारी, २००६ पासून जादा दाखल करण्यात आला असल्याचे मानण्यात येईल ;

(डी) खंड (तीन) नंतर, पुढील खंड जादा दाखल करण्यात येईल आणि तो १ जानेवारी, २००६ पासून जादा दाखल करण्यात आला असल्याचे मानण्यात येईल :

“(चार) वेतन म्हणजे शासकीय कर्मचारी त्याच्या निवृत्तिपूर्वी किंवा मृत्यूच्या लगतच्या दिनांकापूर्वी सहाव्या वेतन आयोगानुसार विहित पे-बँडमध्ये आहरित करीत असलेले वेतन अधिक अनुज्ञेय ग्रेड वेतन, त्यामध्ये विशेष वेतनाचा समावेश नसेल. ” ;

(ई) खंड (चार) नंतर, पुढील परंतुक समाविष्ट करण्यात येईल आणि ते २७ ऑक्टोबर, २०१४ पासून समाविष्ट करण्यात आले असल्याचे मानण्यात येईल :

“परंतु, शासनाच्या कोणत्याही धोरणानुसार देण्यात आलेल्या एकस्तर पदोन्नतीमुळे (कालबद्ध पदोन्नती योजनेच्या किंवा आश्वासित प्रगती योजनेच्या मार्गाने असेल त्या व्यतिरिक्त) वेतनातील फरकासह कोणत्याही प्रकारचे वित्तीय प्रोत्साहन, वेतनाची परिगणना करण्यासाठी अनुज्ञेय असणार नाही.”;

(एफ) अशा प्रकारे जादा दाखल केलेल्या खंड (चार) ऐवजी, पुढील खंड दाखल करण्यात येईल आणि तो १ जानेवारी, २०१६ पासून दाखल करण्यात आला असल्याचे मानण्यात येईल :

“(चार) वेतन म्हणजे शासकीय कर्मचारी त्याच्या निवृत्तिपूर्वी किंवा मृत्यूच्या लगतच्या दिनांकापूर्वी विहित वेतन स्तरामध्ये आहरित करित असलेले वेतन त्यामध्ये विशेष वेतनाचा समावेश नसेल.”;

(तेरा) पोट-नियम (३७) मध्ये, पुढील टीप जादा दाखल करण्यात येईल आणि ती १ नोव्हेंबर, २००५ पासून जादा दाखल करण्यात आली असल्याचे मानण्यात येईल :

“टीप.- जे शासकीय कर्मचारी, १ नोव्हेंबर, २००५ रोजी किंवा त्यानंतर शासकीय सेवेत रुजू झालेले असतील अशा कर्मचाऱ्यांना ही तरतूद लागू असणार नाही.”;

(चौदा) पोट-नियम (३८) ऐवजी, पुढील पोट-नियम दाखल करण्यात येईल आणि तो १ जानेवारी, २००६ पासून दाखल करण्यात आला असल्याचे मानण्यात येईल :-

“(३८) निवृत्तिवेतनाई वेतन म्हणजे, शासकीय कर्मचाऱ्याने, शेवटच्या दहा महिन्यांच्या सेवेमध्ये अर्जित केलेले सरासरी वेतन किंवा ज्या पदावरून कर्मचारी सेवानिवृत्त झाला आहे, त्या पदाकरिता निश्चित केलेले मूळ वेतन, यापैकी जे शासकीय कर्मचाऱ्यास अधिक फायदेशीर असेल ते वेतन ;

टीप.—स्वीयेतर सेवेत असताना शासकीय कर्मचाऱ्याने घेतलेले वेतन, निवृत्तिवेतनासाठी गणले जाणार नाही. अशा बाबतीत, त्या कर्मचाऱ्याला स्वीयेतर सेवेत पाठविले नसते, तर शासनांतर्गत त्याला जे वेतन मिळाले असते, केवळ तेच वेतन, निवृत्तिवेतनाई वेतनाची गणना करताना हिशेबात घेतले जाईल.” ;

(१४अ) पोट-नियम (३८) मधील, पोट-नियम व टीप यामध्ये पुढील तरतूद दिनांक २७ ऑक्टोबर, २०१४ पासून अंतर्भूत करण्यात येत आहे :

“शासनाच्या कोणत्याही धोरणानुसार देण्यात आलेल्या एकस्तर पदोन्नतीमुळे (कालबद्ध पदोन्नती योजनेच्या किंवा आश्वासित प्रगती योजनेच्या मार्गाने असेल त्या व्यतिरिक्त), वेतनातील फरकासह कोणत्याही प्रकारचे वित्तीय प्रोत्साहन निवृत्तिवेतनाई वेतनाची परिगणना करण्यासाठी अनुज्ञेय असणार नाही.”

(पंधरा) पोट-नियम (३८) नंतर, पुढील पोट-नियम जादा दाखल करण्यात येईल आणि तो १ जानेवारी, २००६ पासून जादा दाखल करण्यात आला असल्याचे मानण्यात येईल :-

“(३८अ) एखाद्या शासकीय कर्मचाऱ्याने शेवटच्या दहा महिन्यांच्या सेवेमध्ये अर्जित केलेल्या सरासरी मूळ वेतनाच्या पन्नास टक्के, किंवा कर्मचारी ज्या पदावरून सेवानिवृत्त झाला असेल, त्या पदाकरिता निश्चित केलेल्या त्याच्या मूळ वेतनाच्या पन्नास टक्के, यापैकी जे अधिक फायदेशीर असेल ते निवृत्तिवेतन प्रदान करण्यात येईल.” ;

(सोळा) पोट-नियम (५२) मधील, “वर्ग चारची” या मजकुराऐवजी “गट-ड ची” हा मजकूर दाखल करण्यात येईल. ;

(सतरा) पोट-नियम (५६) ऐवजी पुढील पोट-नियम दाखल करण्यात येईल :-

“(५६) महाराष्ट्र शासकीय कर्मचाऱ्यांचे बदल्यांचे विनियमन आणि शासकीय कर्तव्ये पार पाडताना होणाऱ्या विलंबास प्रतिबंध अधिनियम, २००५ (सन २००६ चा महाराष्ट्र अधिनियम क्रमांक २१) मध्ये व्याख्या केल्याप्रमाणे बदली म्हणजे, शासकीय कर्मचाऱ्याची एका पदावरून किंवा एका कार्यालयातून किंवा एका विभागातून दुसऱ्या पदावर, दुसऱ्या कार्यालयात किंवा दुसऱ्या विभागात होणारी पदस्थापना ;”.

४. मुख्य नियमांच्या नियम १० ऐवजी, पुढील नियम दाखल करण्यात येईल :-

“१०. शासकीय सेवेत प्रवेश करण्याची वयोमर्यादा.—

महाराष्ट्र नागरी सेवा वर्गीकरण व सेवाप्रवेश नियम यांमध्ये तरतूद केली असेल ते खेरीजकरून, शासकीय सेवेत प्रवेश करण्याची वयोमर्यादा,—

(अ) सर्व प्रवर्गांसाठी किमान अठरा वर्षे; आणि

(ब) सर्वसाधारण प्रवर्गाकरिता कमाल अडतीस वर्षे व मागासवर्गीय प्रवर्गाकरिता कमाल त्रेंचाळीस वर्षे, इतकी असेल.

टीप.—१. शासन, विशिष्ट संवर्गासाठी, आदेशाद्वारे किमान वयोमर्यादेत वाढ करू शकेल आणि कमाल वयोमर्यादा कमी करू शकेल किंवा वाढवू शकेल.

टीप.-२ दिव्यांग उमेदवारासाठी कमाल वयोमर्यादा पंचेचाळीस वर्षे इतकी आहे.

टीप.-३ ज्या शासन निर्णयाद्वारे कमाल वयोमर्यादेत वेळोवेळी वाढ केलेली आहे, ते शासन निर्णय, त्या संबंधित कालावधीत केलेल्या सेवा भरतीसाठी लागू राहतील. ”

५. मुख्य नियमांच्या नियम ११ मधील, पोट-नियम (२) नंतर पुढील परंतुक जादा दाखल करण्यात येईल :-

“ परंतु, दिव्यांग व्यक्तींचे हक्क अधिनियम, २०१६ (सन २०१६ चा ४९) मधील तरतुदी दिव्यांग व्यक्तींना लागू राहतील. ”

६. मुख्य नियमांच्या नियम १५ च्या,—

(एक) पोट नियम (२) नंतर, परिच्छेदातील, “ लेखापरीक्षा कार्यालयाकडे ” या मजकुराऐवजी, “ कार्यालय प्रमुखाकडे किंवा आहरण व संवितरण अधिकाऱ्याकडे ” हा मजकूर दाखल करण्यात येईल आणि तो, १ जानेवारी, १९९० पासून दाखल करण्यात आला असल्याचे मानण्यात येईल ;

(दोन) पोट नियम (४) मधील, अपवाद यामध्ये, “ वर्ग तीनच्या ” या मजकुराऐवजी “ गट-क च्या ” हा मजकूर दाखल करण्यात येईल.

७. मुख्य नियमांतील नियम १८ वगळण्यात येईल.

८. मुख्य नियमांच्या नियम १९ मधील,—

(एक) “ स्वेच्छानिर्णयानुसार ” या मजकुराऐवजी “ संबंधित क्षेत्रातील तज्ज्ञ समितीच्या सल्ल्यानुसार ” हा मजकूर दाखल करण्यात येईल ;

(दोन) “ माफ करू शकतील. ” या मजकुरानंतर “ या संबंधात संचालक, आरोग्य सेवा हा, ज. जी. समूह रुग्णालयातील वैद्यकीय मंडळाचा सल्ला घेईल. ” हा मजकूर जादा दाखल करण्यात येईल.

९. मुख्य नियमांच्या नियम २० ऐवजी, पुढील नियम दाखल करण्यात येईल :-

“(२०) **धारणाधिकार संपादित करणे-** जो शासकीय कर्मचारी शासन सेवेतील प्रवेशाच्या पदावर किंवा संवर्गात कायम झाला असेल किंवा ज्या पदांसाठी परिवीक्षाधीन कालावधी विहित केला असेल तो परिवीक्षा कालावधी पूर्ण केल्याचे घोषित केलेल्या वरिष्ठ पदावर ज्याला पदोन्नती देण्यात आली आहे अशा शासकीय कर्मचार्याने त्या पदावर किंवा संवर्गात धारणाधिकार संपादन केला असल्याचे मानण्यात येईल.

टीप.- वैध सेवाप्रवेश पद्धतीद्वारे नियुक्ती झालेल्या व्यक्तीस, स्थायित्व लाभ प्रमाणपत्र प्राप्त झाल्यानंतर ती कायम कर्मचारी असल्याचे समजण्यात येईल.

२०अ. धारणाधिकार समाप्त होणे- या नियमांमध्ये अन्यथा तरतूद केली नसेल तर, शासकीय कर्मचार्याने एखाद्या पदाचा धारणाधिकार संपादित केला असेल, तेव्हा त्याने यापूर्वी अन्य कोणत्याही पदावर संपादित केलेला कोणताही धारणाधिकार समाप्त होईल. ”

१०. मुख्य नियमांच्या नियम २१ मधील, पोट-नियम (१) व (२) ऐवजी, पुढील पोट-नियम दाखल करण्यात येतील :-

“(१) दोन किंवा त्याहून अधिक शासकीय कर्मचार्यांचा, एकाच वेळी एकाच पदावर- मग ते स्थायी किंवा अस्थायी पद असो,- धारणाधिकार असणार नाही.

(२) शासकीय कर्मचारी एकाच वेळी दोन किंवा त्याहून अधिक, पदांवर- मग ते स्थायी अथवा अस्थायी पद असो,- धारणाधिकार धारण करणार नाही.”

११. मुख्य नियमांच्या नियम २२ मधील,—

(एक) “ स्थायी ” या मजकुरानंतर “ किंवा अस्थायी ” हा मजकूर समाविष्ट करण्यात येईल ;

(दोन) उप-खंड (बी) ऐवजी पुढील उप-खंड दाखल करण्यात येईल :—

“ (बी) स्वीयेतर सेवेत असताना किंवा प्रतिनियुक्तीवर असताना किंवा अन्य पदावर स्थानापत्र असताना; ”

(तीन) उप-खंड (सी) मधील, “अशी बदली” या मजकुराआधी “ नियम २७ अन्वये ” हा मजकूर दाखल करण्यात येईल ;

(चार) उप-खंड (डी) ऐवजी, पुढील उप-खंड दाखल करण्यात येईल :—

“ (डी) मंजूर केलेल्या रजेवर असताना; ”.

(पाच) उप-खंड (ई) नंतरच्या, टीपेतील “स्थायी” या मजकुरानंतर “किंवा अस्थायी” हा मजकूर समाविष्ट करण्यात येईल.

१२. मुख्य नियमांच्या नियम २३ मध्ये,—

(एक) पोट-नियम (१) मधील,—

(ए) “ स्थायी ” या मजकुरानंतर “ किंवा अस्थायी ” हा मजकूर समाविष्ट करण्यात येईल ;

(बी) उप-खंड (ए) व (बी) मधील “ कायम नात्याने ” हा मजकूर वगळण्यात येईल ;

(दोन) पोट-नियम (२) मधील,—

(ए) “ स्थायी पद ” या मजकुराने सुरु होणाऱ्या आणि “यापैकी कोणत्याही प्रकरणांमध्ये,” या मजकुराने संपणाऱ्या मजकुराऐवजी पुढील मजकूर दाखल करण्यात येईल.

“ स्थायी किंवा अस्थायी पद कायमपणे धारण करणाऱ्या शासकीय कर्मचाऱ्याची, प्रतिनियुक्तीने किंवा स्वीयेतर सेवेत नियुक्ती झाली असेल आणि यापैकी कोणत्याही प्रकरणांमध्ये ” ;

(बी) टीपमधील “ संवर्गबाह्य पदावर बदली ” या मजकुराऐवजी “ प्रतिनियुक्तीने किंवा स्वीयेतर सेवेत नियुक्ती ” हा मजकूर दाखल करण्यात येईल;

(तीन) पोट-नियम (४) मधील,—

(ए) “ शासकीय कर्मचाऱ्यांचा ” या मजकुराने सुरु होणाऱ्या आणि “ पूर्वीप्रमाणे झाली पाहिजे. ” मजकुराने संपणाऱ्या मजकुराऐवजी पुढील मजकूर दाखल करण्यात येईल :—

“ अशा नियुक्तीला तात्पुरती नियुक्ती म्हटले जाईल आणि त्या पदावर नियुक्त झालेला शासकीय कर्मचारी, त्या पदावरील तात्पुरत्या धारणाधिकारास हक्कदार असेल, आणि तो धारणाधिकार, पोट-नियम (२) अन्वये नव्हे तर पोट-नियम (१) अन्वये निलंबित करण्यात येईल. ” ;

(बी) पुढील परंतुक जादा दाखल करण्यात येईल :—

“ परंतु, पोट-नियम (१) किंवा (२) अन्वये ज्या कर्मचाऱ्याचा धारणाधिकार निलंबित केलेला आहे, असा कर्मचारी, मूळ धारणाधिकार असलेल्या पदावर परत आल्यावर निलंबित धारणाधिकार पूर्ववत होताच ही व्यवस्था पूर्वीप्रमाणेच होईल. ”

(सी) टीप-२ वगळण्यात येईल;

(चार) पोट-नियम (५) वगळण्यात येईल ;

(पाच) पोट-नियम (६) व त्या खालील सूचना ऐवजी, पुढील पोट-नियम दाखल करण्यात येईल :—

“ (६) या नियमाच्या पोट-नियम (२) अन्वये जो धारणाधिकार निलंबित करण्यात आला आहे तो शासकीय कर्मचाऱ्याचा धारणाधिकार, शासकीय कर्मचारी रजेवरून परत आल्यानंतर, प्रतिनियुक्ती किंवा स्वीयेतर सेवेतील पद धारण करण्याचे चालू ठेविले आणि त्याच्या कर्तव्यार्थ अनुपस्थितीचा एकूण कालावधी तीन वर्षांहून कमी नसेल किंवा तो पोट-नियम (१) च्या खंड (ए) किंवा (बी) मध्ये विनिर्दिष्ट केलेल्या स्वरूपाचे पद कायमपणे धारण करील असे मानण्यास संयुक्त कारण असेल तर, त्याने रजा घेतल्याच्या कारणावरून पूर्ववत होणार नाही. ”.

१३. मुख्य नियमांच्या नियम २४ मधील,—

(एक) “भारताबाहेर” हा मजकूर वगळण्यात येईल;

(दोन) “किंवा दुसऱ्या संवर्गातील स्थायी किंवा अस्थायी पदावर स्थानापन्न नात्याने बदली केली जाईल,” हा मजकूर वगळण्यात येईल ;

(तीन) “तात्पुरत्या” या मजकुरानंतरचा “कायम” हा मजकूर वगळण्यात येईल.

१४. मुख्य नियमांच्या नियम २५ ऐवजी, पुढील नियम दाखल करण्यात येईल :—

“२५. एका शासकीय कार्यालयातून दुसऱ्या शासकीय कार्यालयात नियुक्त झाल्यास धारणाधिकार ठेवण्याचा कालावधी.—

(१) ज्याने धारणाधिकार संपादित केला आहे अशा राज्य शासकीय कर्मचाऱ्याची, केंद्र शासनाच्या किंवा राज्य शासनाच्या सेवेत निवड झाली असेल, कार्यमुक्ती आदेश काढून, त्यास नवीन सेवेत रुजू होण्यासाठी परवानगी दिली असेल तर, त्या कर्मचाऱ्याचा राज्य शासनाच्या मूळ पदाचा धारणाधिकार दोन वर्षांपर्यंत कायम राहिल:

परंतु, कार्यमुक्तीचे आदेश काढण्यापूर्वी, त्याचा मूळ पदावरील धारणाधिकार दोन वर्षांसाठी कायम राहिल आणि, त्या कालावधीनंतर त्याचा धारणाधिकार संपुष्टात येईल याची पूर्ण जाणीव असल्याबाबतचे हमीपत्र संबंधित कर्मचाऱ्याकडून घेता येईल:

परंतु, आणखी असे की, संबंधित शासकीय कर्मचाऱ्याने त्याचा तांत्रिक राजीनामा सादर करताना धारणाधिकार कायम ठेवण्याची विनंती केली नसली तरी देखील तो कायमपणे धारण करीत होता त्या पदाचा धारणाधिकार दोन वर्षांपर्यंत टिकून राहिल. अशा, शासकीय कर्मचाऱ्याला कार्यमुक्त करताना, मूळ कार्यालय, त्याचा धारणाधिकार दोन वर्षांपर्यंत टिकून राहिल असे कार्यालयीन आदेशात स्पष्ट नमूद करील.

(२) जर अशा शासकीय कर्मचाऱ्याची, अनुज्ञेय असलेल्या धारणाधिकार कालावधीनुसार मूळ पदावर, पुनर्नियुक्ती केली असेल तर, त्या पदावर तो रुजू झाल्याच्या दिनांकापासून त्या संवर्गामध्ये त्याची सेवाज्येष्ठता निश्चित करण्यात येईल आणि महाराष्ट्र नागरी सेवा (ज्येष्ठतेचे विनियमन) नियमावली, २०२१ च्या तरतुदी त्यास लागू होतील आणि त्यास मूळ पदाच्या ज्येष्ठतेचे लाभ अनुज्ञेय राहणार नाहीत. :

परंतु, जर त्या संवर्गात पद उपलब्ध नसेल तर, त्या संवर्गातील सर्वात कनिष्ठ असलेल्या शासकीय कर्मचाऱ्याला पदावनत करण्यात येईल.

२५ अ. धारणाधिकार केव्हा समाप्त होईल :—

(ए) ज्याने मूळ पदावरील धारणाधिकार संपादित केला आहे असा शासकीय कर्मचारी, राज्य शासन किंवा केंद्र शासन याव्यतिरिक्त अन्य सेवेत (उदा. खाजगी संस्था, स्थानिक स्वराज्य संस्था, महामंडळ, नगरपालिका, इत्यादी) रुजू झाल्यास, त्या कर्मचाऱ्याचा राज्य शासनाच्या सेवेतील धारणाधिकार टिकवून ठेवण्यास तो हक्कदार असणार नाही.

(बी) जर राज्य शासकीय कर्मचाऱ्याची, राज्य शासनाच्या किंवा केंद्र शासनाच्या अन्य सेवेत निवड झाली असेल आणि त्या पदावर रुजू होण्यासाठी त्याने त्याच्या पदाचा राजीनामा दिला असेल तर, आणि त्याचा राजीनामा स्वीकृत केला असेल तर त्याबाबत, अशा शासकीय कर्मचाऱ्याचा राज्य शासनातील त्याच्या मूळ पदाचा धारणाधिकार समाप्त करण्यात येईल.

(सी) जेव्हा राज्य शासकीय कर्मचाऱ्याला, शासनाच्या दुसऱ्या सेवेत सामावून घेण्यात आले असेल तेव्हा, त्यास सामावण्यात आल्याच्या दिनांकापासून त्याचा मूळ पदावरील धारणाधिकार समाप्त करण्यात येईल. ”.

१५. मुख्य नियमांच्या नियम २७ मधील शीर्षकाऐवजी पुढील शीर्षक दाखल करण्यात येईल :—

“ज्याने एखाद्या पदावर धारणाधिकार संपादित केला असेल त्या शासकीय कर्मचाऱ्याची कमी वेतन असलेल्या पदावर बदली केव्हा अनुज्ञेय ठरते.”

१६. मुख्य नियमांच्या नियम ३१ मध्ये, उपखंड (डी) मधील, “या दोन्ही प्रकरणांमध्ये, प्रतिवेदन पूर्ण झाल्यानंतर लगेच ते लेखापरीक्षा कार्यालयाकडे पाठवण्यात यावे.” हा मजकूर वगळण्यात येईल आणि तो १ जानेवारी, १९९० पासून वगळण्यात आला असल्याचे मानण्यात येईल.

१७. मुख्य नियमांच्या नियम ३२ मध्ये, पुढील परंतुक जादा दाखल करण्यात येईल :—

“परंतु, जर शासकीय कर्मचाऱ्यास मानीव दिनांक देण्यात आला असेल तर, त्याला दिलेल्या मानीव दिनांकापासून त्याची काल्पनिक वेतन निश्चिती करण्यात येईल, त्यानुसार त्या पदाचा प्रत्यक्ष कार्यभार धारण केल्याच्या दिनांकापासून वेतन काढण्यात येईल.”

महाराष्ट्र शासन राजपत्र, भाग चार-अ, गुरुवार ते बुधवार, डिसेंबर ३०, २०२१-जानेवारी ५, २०२२/पौष ९-१५, शके १९४३

१८. मुख्य नियमांच्या नियम ३३ नंतर, पुढील टीप जादा दाखल करण्यात येईल :-

“ टीप.—जे शासकीय कर्मचारी, १ नोव्हेंबर, २००५ रोजी किंवा त्यानंतर शासन सेवेत रुजू झाले आहेत अशा कर्मचाऱ्यांना भविष्य निर्वाह निधीची तरतूद लागू होणार नाही.”

१९. मुख्य नियमांच्या नियम ३५ ऐवजी, पुढील नियम दाखल करण्यात येईल आणि तो १ जानेवारी, १९९० पासून दाखल करण्यात आला असल्याचे मानण्यात येईल :-

“ ३५. राजपत्रित शासकीय कर्मचाऱ्यांचा सेवा अभिलेख ठेवणे :—(१) ज्या राजपत्रित कर्मचाऱ्यांचे वेतन व भत्ते कार्यालय प्रमुखांकडून काढण्यात येते, अशा प्रत्येक राजपत्रित शासकीय कर्मचाऱ्यांचा सेवा व रजा अभिलेख कार्यालय प्रमुखांकडून ठेवण्यात येईल.

(२) कार्यालय प्रमुखांचा सेवा व रजा अभिलेख, त्यांच्या नियंत्रण प्राधिकाऱ्यांकडून ठेवण्यात येईल.

(३) अखिल भारतीय सेवेतील अधिकाऱ्यांचा व विभाग प्रमुखांचा सेवा व रजा अभिलेख, त्यांच्या प्रशासकीय विभागांकडून ठेवण्यात येईल. ”

२०. मुख्य नियमांच्या नियम ३६ मध्ये, उपखंड (जी) मधील, “वर्ग चारचे” या मजकुराऐवजी “ गट-ड चे ” हा मजकूर दाखल करण्यात येईल.

२१. मुख्य नियमांच्या नियम ३८ मधील,—

(१) पोट-नियम (२) याऐवजी, पुढील पोट-नियम दाखल करण्यात येईल :-

“ (२) जन्म तारखेची नोंद करताना, पुढील कार्यपध्दतीचा अवलंब करण्यात येईल :-

(ए) महाराष्ट्र नागरी सेवा (सेवेच्या सर्वसाधारण शर्ती) (सुधारणा) नियम, २०२१ अंमलात येण्याच्या दिनांकापासून, शासकीय सेवेत किंवा पदांवर नव्याने नियुक्त होणारी प्रत्येक व्यक्ती नियुक्तीच्या वेळी खात्रीशीर कागदोपत्री पुराव्यासह ग्रेगोरियन कॅलेंडर नुसार, तिची जन्मतारीख घोषित करील. जेव्हा नियुक्तीची विहित शैक्षणिक अर्हता ही माध्यमिक शालांत परीक्षा किंवा त्यावरील असेल, अशा बाबतीत, माध्यमिक शालांत परीक्षा प्रमाणपत्र हे वैध दस्तऐवज असल्याचे मानण्यात येईल. अन्य बाबतीत, स्थानिक स्वराज्य संस्थेने निर्गमित केलेले जन्म प्रमाणपत्र किंवा ज्या शाळेत तो शेवटी शिकत होता, अशा मान्यताप्राप्त शाळेचे प्रमाणपत्र हे वैध दस्तऐवज असल्याचे मानण्यात येईल. तो त्याच्या जन्म तारखेसाठी परिशिष्ट-५ अ मध्ये हमीपत्र देईल.

टीप.- शासकीय सेवेत व्यक्तीची नियुक्ती होण्याच्या वेळी, तिच्या सेवापुस्तकात जन्म तारखेची नोंद घेण्यासाठी संबंधित कर्मचाऱ्यांकडून जन्मतारखेबद्दल हमीपत्र घेण्यात येईल. सदर हमीपत्र, कर्मचाऱ्यांच्या सेवापुस्तकामध्ये व वैयक्तिक नस्तीमध्ये ठेवण्यात येईल. सेवापुस्तकाच्या प्रथम पृष्ठावर जन्मतारखेची नोंद घेतल्यानंतर, शासकीय कर्मचाऱ्यांची सही, या रकान्यात दिनांकासह त्याची स्वाक्षरी घेण्यात येईल.

(बी) जेव्हा सेवापुस्तकात जन्मतारखेची नोंद केली असेल तेव्हा, संबंधित व्यक्तीव्यतिरिक्त दुसऱ्या एखाद्या व्यक्तीने काळजी न घेतल्यामुळे किंवा उघड उघड लेखनदोष म्हणून तशी नोंद झाली होती, असे माहीत झाल्याशिवाय त्या नोंदीत कोणताही फेरबदल केला जाणार नाही :

परंतु, खंड (बी) मध्ये विनिर्दिष्ट केलेल्या आकस्मिक प्रसंगासाठी शासकीय सेवेत प्रवेश केल्याच्या दिनांकापासून सुरू होणाऱ्या एक वर्षाच्या कालावधीनंतर अर्ज स्वीकारण्यात येणार नाही.

सूचना.— (१) जर शासकीय कर्मचाऱ्यांने त्यांच्या जन्म तारखेत बदल करण्यासाठी अर्ज केला असेल तर, कार्यालय प्रमुख, संबंधित शासकीय कर्मचाऱ्यांने सदर पदावर नियुक्तीच्या वेळी जन्म तारखेची नोंद घेण्यासाठी, या नियमाच्या पोट नियम(२) च्या खंड (ए) अनुसार नमूद केलेली कागदपत्रे आणि त्यांच्या सेवापुस्तकात प्रत्यक्ष केलेली जन्म तारखेची नोंद यांमध्ये तफावत आहे याची खातरजमा करील.

(२) जर वरील सूचना (१) नुसार जन्म नोंदीमध्ये तफावत असल्याचे निदर्शनास आले असेल तर, विभाग प्रमुख, या नियमाच्या पोट नियम (२) च्या खंड (ए) मधील तरतुदीनुसार योग्य जन्म तारखेची नोंद करील.

(२) पोट-नियम (३) मधील, “ सेवा पुस्तकातील ” या मजकुराच्या आधी “ जन्मतारखेच्या नोंदीतील दुरुस्तीची प्रकरणे वगळून ” हा मजकूर समाविष्ट करण्यात येईल. ”

२२. मुख्य नियमांच्या नियम ४१ मधील, "लेखापरीक्षा अधिकाऱ्याने" या मजकुराऐवजी "कार्यालय प्रमुखाने" हा मजकूर दाखल करण्यात येईल आणि तो १ जानेवारी, १९९० पासून दाखल करण्यात आला असल्याचे समजण्यात येईल.

२३. मुख्य नियमांच्या नियम ४२ मध्ये,—

(१) शीर्षकातील "बदलीनंतर" या मजकुरापूर्वी, "प्रतिनियुक्ती किंवा स्वीयेतर सेवेत किंवा" हा मजकूर समाविष्ट करण्यात येईल ;

(२) दोन्ही ठिकाणी आलेला, "अराजपत्रित" हा मजकूर वगळण्यात येईल आणि तो १ जानेवारी, १९९० पासून वगळण्यात आला असल्याचे समजण्यात येईल ;

(३) "दुसऱ्या कार्यालयात" या मजकुरानंतर "बदलीने किंवा प्रतिनियुक्तीवर किंवा स्वीयेतर सेवेत" हा मजकूर दाखल करण्यात येईल.

२४. मुख्य नियमांच्या नियम ४३ मध्ये,—

(एक) शीर्षकामधील,—

(ए) "अराजपत्रित" हा मजकूर वगळण्यात येत आहे ;

(बी) "लेखापरीक्षा अधिकाऱ्याने" या मजकुराऐवजी "कार्यालय प्रमुखाने प्रतिनियुक्ती किंवा" असा बदल करण्यात येत आहे आणि तो बदल १ जानेवारी, १९९० पासून करण्यात आला आहे, असे समजण्यात येईल ;

(दोन) (ए) "अराजपत्रित" हा मजकूर वगळण्यात येईल आणि तो, १ जानेवारी, १९९० पासून वगळण्यात आला असल्याचे समजण्यात येईल ;

(बी) जेथे जेथे "स्वीयेतर सेवेत" हा मजकूर आला आहे, तेथे तेथे त्या मजकुरापूर्वी "प्रतिनियुक्तीवर किंवा" हा मजकूर समाविष्ट करण्यात येईल ;

(सी) "लेखापरीक्षा अधिकाऱ्याकडे पाठवावे. लेखापरीक्षा अधिकारी," हा मजकूर वगळण्यात येईल आणि तो १ जानेवारी, १९९० पासून वगळण्यात आला असल्याचे समजण्यात येईल ;

(डी) "त्याचे सेवा पुस्तक लेखापरीक्षा अधिकाऱ्याकडे पुन्हा पाठविण्यात यावे., " हा मजकूर वगळण्यात येईल आणि तो १ जानेवारी, १९९० पासून वगळण्यात आला आहे असे समजण्यात येईल ;

(इ) "लेखापरीक्षा अधिकारी" या मजकुराऐवजी, "कार्यालय प्रमुख" हा मजकूर दाखल करण्यात येईल आणि तो १ जानेवारी, १९९० पासून दाखल करण्यात आला असल्याचे समजण्यात येईल ;

(ई) "लेखापरीक्षा अधिकाऱ्याव्यतिरिक्त" या मजकुराऐवजी, "कार्यालय प्रमुखाव्यतिरिक्त" हा मजकूर दाखल करण्यात येईल आणि तो १ जानेवारी, १९९० पासून दाखल करण्यात आला असल्याचे समजण्यात येईल ;

२५. मुख्य नियमांच्या नियम ४४ मधील, "लेखापरीक्षा" हा शब्द वगळण्यात येईल.

२६. मुख्य नियमांच्या नियम ४६ मधील,—

(एक) "हवालदाराहून वरचा दर्जा" या मजकुराने सुरू होणाऱ्या आणि "अधीक्षकाने सेवा पट ठेवावा." या मजकुराने संपणाऱ्या मजकुराऐवजी पुढील मजकूर दाखल करण्यात येईल :—

"हवालदारापेक्षा उच्च दर्जा नसलेल्या पोलीस शिपायांच्या संवर्गात, त्यांचे सेवापट, प्रत्येक जिल्ह्यासाठी संबंधित पोलीस आयुक्ताकडून, पोलीस अधिक्षकाकडून आणि समादेशक राज्य राखीव पोलीस बल किंवा यथास्थिति, संबंधित युनिट प्रमुख यांच्याकडून ठेवण्यात येईल."

(दोन) खंड (ए) ते (जी) याऐवजी पुढील खंड दाखल करण्यात येतील :—

"(ए) युनिटाचे नाव :

(बी) पदनाम, बक्कल क्रमांक :

(सी) नाव, वडिलांचे नाव, आडनाव :

(डी) मूळगांव आणि सध्याचा राहण्याचा संपूर्ण पत्ता :

(ई) धर्म, जात, पोट जात व जात वैधता प्रमाणपत्र-ज्या कागदपत्रांच्या आधारे नोंद केलेली आहे, ती कागदपत्रे त्यासोबत जोडावीत :

(एफ) (एक) जन्म तारीख-ज्या कागदपत्रांच्या आधारे नोंद केलेली आहे, ती कागदपत्रे त्यासोबत जोडावीत. (त्या अहवालावर सेवानिवृत्तीचा अचूक दिनांक नोंदवावा आणि त्यावर संबंधित कर्मचाऱ्याची स्वाक्षरी घ्यावी.) :

(दोन) उंची, छाती :

(तीन) ओळख चिन्हे :

(चार) शारीरिक पात्रता - नवीन पट क्रमांक, दिनांक :

(पाच) मातृभाषा :

(सहा) शैक्षणिक अर्हता :

(सात) उमेदवाराची स्वाक्षरी/डाव्या अंगठयाचा ठसा :

(जी) पदोन्नतीची/पदावनतीची तारीख (पदोन्नतीच्या साखळीद्वारे पोलीस नाईक व पोलीस हवालदार या पदावर सेवाज्येष्ठतेनुसार व सेवा तपशिलानुसार) :

(एच्) आदेशाचे दिनांक व क्रमांक यांसह बक्षीसे, शिक्षा व गोपनीय श्रे (शीट रिमार्क) (पोलीस महासंचालक कार्यालयाने निर्गमित केलेल्या सर्व सूचनांचे तंतोतंत पालन करावे) :

(आय) रजेसहित किंवा रजेशिवाय कामावरील अनुपस्थिती, आदेशाचा क्रमांक व दिनांक आणि कालावधी :

(जे) सेवांतर्गत प्रशिक्षण, पोलीस प्रशिक्षण संस्थेमधील कामगिरी :

(के) सेवेतील खंड, दिनांक व कालावधी :

(एल्) निवृत्तीवेतनाच्या रकमेवर प्रतिकूल परिणाम होऊ शकेल, अशा सेवेतील इतर घटना : ” ;

(तीन) परिच्छेद दोन व तीन ऐवजी, पुढील परिच्छेद दाखल करण्यात येतील :-

“महाराष्ट्र पोलीस नियमावली, खंड-१ च्या नियम ४७३ मध्ये विहित केल्यानुसार सेवापटांची तपासणी केली पाहिजे आणि त्यातील प्रत्येक नोंदीवर संबंधित पोलीस आयुक्ताने किंवा पोलीस अधीक्षकाने किंवा यथास्थिति; समादेशक, राज्य राखीव पोलीस बल यांनी स्वाक्षरी केली पाहिजे.

या सेवापटावरून निवृत्तीवेतनाकरिता प्रत्येक कर्मचाऱ्याचे आवश्यक ते सेवाविषयक विवरण तयार करण्यात येईल. पोलीस शिपाई म्हणून पोलीस दलात भरती होण्यापूर्वी त्याने केंद्र शासनाच्या किंवा राज्य शासनाच्या इतर विभागामध्ये केलेली सेवा जोडून मिळण्यास विनंती केलेली असेल, तर अशा कोणत्याही सेवेच्या बाबतीत अतिरिक्त पुरावा गोळा करण्यात येईल. ”

२७. मुख्य नियमांच्या परिशिष्ट-एक मधील,—

(एक) अनु. क्र. ४ समोरील, सर्व नोंदी वगळण्यात येतील ;

(दोन) अनु. क्र. ५ समोरील, स्तंभ (५) मधील, “ ज्या पदाचे वेतन दरमहा रुपये २८० अधिक नाही, अशी त्यांच्या नियंत्रणाखालील पदे ” या मजकुराऐवजी “ त्यांच्या नियंत्रणाखालील गट-ड संवर्गातील पदे ” हा मजकूर दाखल करण्यात येईल ;

(तीन) अनु. क्र. ६ समोरील, स्तंभ (३) मधील, “ दरमहा रुपये २८० हून अधिक वेतन नसणाऱ्या ” या मजकुराऐवजी “ गट-ड ” हा मजकूर दाखल करण्यात येईल ;

(चार) अनु. क्र. १० समोरील नोंदीमध्ये,—

(ए) स्तंभ (३) मधील, “ पाच वर्षांच्या ” या मजकुराऐवजी “ एक वर्षांच्या ” हा मजकूर दाखल करण्यात येईल ;

(बी) स्तंभ (६) मधील मजकुराऐवजी पुढील मजकूर दाखल करण्यात येईल :-

“ शासनाने वेळोवेळी निर्गमित केलेल्या आदेशांच्या अधीन राहून शासकीय कर्मचाऱ्याची जो नियुक्ती करू शकतो तो विभाग प्रमुख किंवा सक्षम प्राधिकारी. ”

२८. मुख्य नियमांना जोडलेल्या परिशिष्ट-दोन मधील,

(एक) अनु. क्र.९, गृह विभाग यामधील, स्तंभ (३) मध्ये, नोंद क्र.१६ नंतर पुढील नोंदी जादा दाखल करण्यात येतील :-

“ १७. संचालक, आंतर्देशीय जलवाहतूक.

१८. जल आलेखक, मुंबई.

१९. किनारी अभियंता. ” ;

(दोन) अनु. क्र. १७, महसूल व वन विभाग यामधील, स्तंभ (३) मध्ये, अनु. क्र. ८ व ९ या नोंदीऐवजी पुढील नोंदी जादा दाखल करण्यात येतील :-

“८. प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख), महाराष्ट्र राज्य, नागपूर.

९. प्रधान मुख्य वनसंरक्षक (सर्व).

१०. अपर प्रधान मुख्य वनसंरक्षक (कार्मिक).

११. अपर प्रधान मुख्य वनसंरक्षक (प्रशासन दुय्यम संवर्ग).

१२. अपर प्रधान मुख्य वनसंरक्षक (स्वतंत्र कार्यालय असलेले).

१३. मुख्य वनसंरक्षक (स्वतंत्र कार्यालय असलेले).

१४. वनसंरक्षक (स्वतंत्र कार्यालय असलेले).

१५. महासंचालक, कुंडल विकास, प्रशासन व व्यवस्थापन प्रबोधिनी (वने), कुंडल.

१६. संचालक, चंद्रपूर वन प्रशासन, विकास व व्यवस्थापन प्रबोधिनी, चंद्रपूर. ” ;

(तीन) अनु. क्र. २१, वित्त विभाग यामधील, स्तंभ (३) मध्ये, जेथे जेथे “ विक्रीकर ” हा मजकूर आला आहे, तेथे तेथे त्या मजकुराऐवजी “ वस्तू व सेवाकर ” हा मजकूर दाखल करण्यात येईल;

(चार) अनु. क्र.२२, विधि व न्याय विभाग यामधील, स्तंभ (३) मध्ये, नोंद क्र. १३ नंतर पुढील नोंदी जादा दाखल करण्यात येतील :-

“ १४. महाप्रशासक व शासकीय विश्वस्त, मुंबई.

१५. महाअधिवक्ता, महाराष्ट्र, मुंबई. ” ;

(पाच) अनु. क्र. २३, वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग यामधील, स्तंभ (३) मध्ये अनु.क्र. ११ नंतर पुढील नोंदी जादा दाखल करण्यात येतील :-

“१२. आयुक्त, वैद्यकीय शिक्षण व संशोधन, मुंबई.

१३. संचालक-प्राध्यापक, महाराष्ट्र मानसिक आरोग्य संस्था, पुणे. ” ;

(सहा) अनु. क्र. २७, सामान्य प्रशासन विभाग यामधील, स्तंभ (३) मध्ये अनु. क्र. १८ नंतर पुढील नोंद जादा दाखल करण्यात येईल :-

“ १९. राज्य सेवा हक्क आयुक्त, मुंबई. ” ;

(सात) अनु.क्र.२९, सार्वजनिक आरोग्य विभाग यामधील, स्तंभ (३) मध्ये, अनु.क्र. ६ नंतर पुढील नोंदी जादा दाखल करण्यात येतील:-

“ ७. संचालक, आरोग्य सेवा-१.

८. संचालक, आरोग्य सेवा-२. ” .

२९. मुख्य नियमांस जोडलेल्या परिशिष्ट एक व तीन मधील,-

(एक) या नियमांत अन्यथा तरतूद केली असेल त्याखेरीज, जेथे जेथे “ वर्ग-एक, वर्ग-दोन, वर्ग-तीन आणि वर्ग-चार ” हा मजकूर आला आहे तेथे तेथे, त्या मजकुराऐवजी, अनुक्रमे “ गट-अ, गट-ब, गट-क आणि गट-ड ” हा मजकूर दाखल करण्यात येईल;

(दोन) परिशिष्ट तीन च्या परिच्छेद (एक) मधील,-

(ए) परंतुकातील खंड (एक) मधील,-

(एक) “प्रमाणपत्राबाबत सूट देऊ शकेल किंवा” हा मजकूर वगळण्यात येईल ;

(दोन) “कोणत्याही महिला वैद्यक व्यवसायीने” या मजकुराऐवजी “कोणत्याही शासकीय महिला वैद्यकीय अधिकारी, गट-अ यांनी” हा मजकूर दाखल करण्यात येईल ;

(बी) खंड (दोन) मध्ये, “दरमहा रुपये २८० हून अधिक नाही एवढ्या वेतनावर झाली असेल तर” या मजकुराऐवजी “गट-ड संवर्गामध्ये झाली असेल तर” हा मजकूर दाखल करण्यात येईल ;

(सी) खंड (तीन) मध्ये, “वर्ग-दोन” या मजकुराऐवजी “गट-अ” हा मजकूर दाखल करण्यात येईल ;

(तीन) परिच्छेद ८ व ९ वगळण्यात येतील;

(चार) परिच्छेद १० मधील,—

(ए) “पोलीस अधिकारी” या मजकुराऐवजी “पोलीस प्राधिकारी” हा मजकूर दाखल करण्यात येईल ;

(बी) “पुणे” या मजकुरानंतर “किंवा उमेदवार ज्या ठिकाणाचा आहे त्या मूळ ठिकाणाच्या जिल्ह्याचा जिल्हा शल्यचिकित्सक किंवा वैद्यकीय अधीक्षक, शासकीय वैद्यकीय महाविद्यालय” हा मजकूर समाविष्ट करण्यात येईल ;

(सी) “उमेदवारांनी देवी” या मजकुराने सुरु होणारा आणि “काढून घेतल्या पाहिजेत.” या मजकुराने संपणारा मजकूर वगळण्यात येईल ;

(पाच) परिच्छेद १२ मधील,—

(ए) “वैद्यकीय मंडळाकडून” या मजकुरानंतर “किंवा उमेदवाराच्या जिल्ह्यातील जिल्हा शल्यचिकित्सकाकडून किंवा वैद्यकीय अधीक्षक, शासकीय वैद्यकीय महाविद्यालय यांच्याकडून” हा मजकूर दाखल करण्यात येईल ;

(बी) “खाली दिलेल्या” हा मजकूर वगळण्यात येईल ;

(सी) खंड (दोन) च्या टीपेतील,—

(एक) “महाराष्ट्र वन अभियांत्रिकी” या मजकुराऐवजी “वन अभियांत्रिकी” हा मजकूर दाखल करण्यात येईल;

(दोन) “प्रमाणित केले पाहिजे” या मजकुरानंतर पुढील मजकूर जादा दाखल करण्यात येईल :—

“तथापि, प्रमाणपत्र मागवताना कामाचे स्वरूप व पदीय कर्तव्ये या बाबतची माहिती विभागाने द्यावयाची आहे.”;

(डी) खंड (तीन) ऐवजी पुढील खंड दाखल करण्यात येईल :—

“(तीन) वैद्यकीय मंडळाला, एखाद्या व्यंगाने अपात्र ठरत असलेल्या किंवा जो अक्षम ठरू शकत असेल अशा उमेदवारास प्रमाणित करता येईल.”;

(ई) “खंड (चार)” व “खंड (पाच)” वगळण्यात येतील ;

(सहा) परिच्छेद १३ मधील, “त्याला देवी काढण्यात आल्या आहेत. (किंवा त्याला देवी रोगापासून संरक्षण मिळालेले आहे)” हा मजकूर वगळण्यात येईल;

(सात) परिच्छेद १४ मधील, “युरोपातील” या मजकुरानंतर “किंवा कोणत्याही परकीय देशातील” हा मजकूर समाविष्ट करण्यात येईल ;

(आठ) परिच्छेद १७ मधील, सद्य टीपेऐवजी पुढील टीप दाखल करण्यात येईल :—

“टीप.—माननीय न्यायालय व संबंधित उमेदवार यांखेरीज, अन्य कोणतीही व्यक्ती/संस्था वैद्यकीय मंडळाच्या अहवालाची किंवा तपशीलवार निष्कर्षांची प्रत मिळण्यास हक्कदार असणार नाही.”

(नऊ) परिच्छेद १८ मधील, “करण्याचा हक्क असेल.” या मजकुरानंतर पुढील मजकूर जादा दाखल करण्यात येईल :—

“संचालक, आरोग्य सेवा यांस, त्यांच्या स्वेच्छा अधिकारानुसार, प्रमाणपत्र पुनर्तपासणीसाठी वैद्यकीय मंडळाकडे पाठविता येईल.”

३०. मुख्य नियमांस जोडलेल्या “परिशिष्ट-पाच” नंतर, पुढील परिशिष्ट समाविष्ट करण्यात येईल:—

“परिशिष्ट-पाच अ

[नियम ३८ (२) (ए) पहा]

हमीपत्र

शासकीय अभिलेखात माझ्या जन्मतारखेची नोंद करण्यासाठी, मी, ही कागदपत्रे सादर केली आहेत आणि माझ्या माहितीनुसार, सेवापुस्तकात नोंद केलेली तारीख म्हणजेच (अक्षरी) ही तारीख अचूक आहे आणि माझी जन्म तारीख नोंदविल्यानंतर, जन्म तारखेत बदल करण्याची विनंती त्यानंतर स्वीकारली जाणार नाही याची देखील मला जाणीव आहे.

ठिकाण :

दिनांक :

शासकीय कर्मचाऱ्याची सही.”

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,


नितीन गद्रे,

शासनाचे अतिरिक्त मुख्य सचिव (लेखा व कोषागारे).

FINANCE DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 30th December 2021.

NOTIFICATION

CONSTITUTION OF INDIA.

No. MCS-2019/C.R.19/SER-6.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following rules further to amend the Maharashtra Civil Services (General Conditions of Services) Rules, 1981, namely :—

1. These rules may be called the Maharashtra Civil Services (General Conditions of Services) (Amendment) Rules, 2021.

2. In rule 3 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 (hereinafter referred to as "the principal Rules"), for the word "Government" the word "Finance Department" shall be substituted.

3. In rule 7 of the principal Rules, for the words "that Department" the words "Finance Department" shall be substituted.

4. In Rule 9 of the principal Rules,—

(i) in sub-rule (1), the words "domestic servants and" and the words "and the employment of additional domestic servants" shall be deleted;

(ii) in sub-rule (6) the word "camels" shall be deleted;

(iii) in sub-rule (14), for clause (i), the following shall be substituted and shall be deemed to have been substituted with effect from the 11th September 2017;

"(i) additional special leave on full pay may be granted to a Government servant undergoing treatment for dog bite as per the advice of authorised Medical Officer;"

(iv) in sub-rule (15), in clause (v), after Note-2, the following Note shall be added and shall be deemed to have been added with effect from the 31st October 2005, namely:—

"Note-3.—This provision is applicable to those who joined Government Service on or before the 31st October 2005.";

(v) for sub-rule (18), the following sub-rule shall be substituted, namely:—

"(18) **First appointment** means the appointment of a person under the Government by recruitment process :

Provided that, if a person is holding a post previously in the Government and he is selected by direct recruitment for another post in the Government that new appointment is also a first appointment.

Note.—"recruitment process" means as per the provisions of Recruitment Rules, the selection by Maharashtra Public Service Commission or Competent Selection Authority or appointed on compassionate ground.";

(vi) for sub-rule (19), the following shall be substituted, namely:—

"(19) **Foreign service** means where a Government servant is appointed in India or outside of India with the approval of Competent Authority and receives his pay from any sources other than the Consolidated Fund of India or of a State, or of a Union Territory.

(19A) **Deputation** means, a Government servant transferred from his original cadre to other post, in a State or in India or outside India, with the sanction of Government, and draw his pay from Consolidated Fund of India or of a State, or of a Union Territory.

(19B) **Deputation period** means a period from the date on which a Government Servant relieves from his post in original department and came to an end on a date on which he joined the post in original department.”;

(vii) for sub-rule (20), the following sub-rule shall be substituted, namely:—

“(20) A Gazetted Government servant means,—

(i) All Group “A” Officers of the State Government;

(ii) Group “B” Officers of State Government, whose names and appointments are published in the *Gazette* by the Government.

Provided that,

(a) the Government servant who is authorised for judicial purposes; or

(b) any Government servant authorized as Drawing and Disbursing Officer, shall not be considered as Gazetted Officer;

(20A) “Government servant” means a person who,—

(i) is appointed to any Civil Service or post in connection with the affairs of the State, and include such Government servant whose services are temporarily placed at the disposal of any other State Government or Government of India, or a company, or corporation owned or controlled by the Government, or a local authority or other authority, notwithstanding that his salary is drawn from sources other than the Consolidated Fund of the State;

(ii) holds a civil post under any Government and whose services are temporarily placed at the disposal of the Government; or

(iii) is in the service of a local or other authority and whose services are temporarily placed at the disposal of the Government;

Note.—A person who is not appointed by the Government or who does not receive his pay from the Consolidated Fund of India or of a State, or of a Union Territory and his expenditure on pay met from the Grant-in-Aid Fund provided by the Central or State Government or Union Territory is not a Government servant.”;

(viii) for sub-rule (26), the following sub-rule shall be substituted, namely:—

“(26) Group “D” Service means a post specifically classified as Group D post in post creation order or in Recruitment Rules.”;

(ix) in sub-rule (29), after the words “the monthly” the word “proportionate” shall be added;

(x) in sub-rule (30), after the word “permanent” the words “or temporary” shall be inserted;

(xi) in sub-rule (33), for the word and figures “Class III” the word and letter “Group C” shall be substituted;

(xii) in sub-rule (36),—

(a) after the words “means the” the word “proportionate” shall be inserted;

(b) in clause (ii), the words “,and special pay ” shall be deleted;

(c) in clause (iii), after the words “by Government” the words “including Non-Practicing allowance; and” shall be added and shall be deemed to have been added with effect from the 1st January 2006;

(d) after the clause (iii), the following clause shall be added and shall be deemed to have been added with effect from the 1st January 2006 :

“(iv) the pay drawn in the prescribed pay band plus applicable grade pay as per the Sixth Pay Commission but does not include any other type of pay like special pay, which the Government Servant was receiving immediately before his retirement or on the date of his death.”;

(e) after the clause (iv), the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 27th October 2014:

“Provided that, any kind of financial incentive, including difference in pay on account of one-step promotion (other than by way of time bound promotion or assured career progression) as per any policy of the Government, shall not be admissible for calculating pay.”;

(f) for clause (iv) as so added, the following clause shall be substituted and shall be deemed to have been substituted with effect from the 1st January 2016, namely:—

“(iv) the pay drawn in the prescribed pay level but does not include any other type of pay like special pay, which the Government Servant was receiving immediately before his retirement or on the date of his death.”;

(xiii) in sub-rule (37), the following Note shall be added and shall be deemed to have been added with effect from the 1st November 2005 :

“Note.—This provision is not applicable to those who joined Government Service on or after the 1st November 2005;”;

(xiv) for sub-rule (38), the following sub-rule shall be substituted and shall be deemed to have been substituted with effect from the 1st January 2006;

“(38) Pensionable Pay means the average pay earned by a Government servant during the last ten months’ service or the basic pay fixed for the post from which an employee has been retired, which is more beneficial to the Government Servant;

Note.—The pay drawn by a Government servant while on foreign service shall not count for pension. In such a case, the pay which the Government servant would have drawn under the Government had he not been sent on foreign service, will alone be taken into account while calculating pensionable pay.”;

(xiv-A) In sub-rule (38), the following provision shall be inserted and shall be deemed to have been inserted with effect from 27th October 2014:

“Any kind of financial incentive, including difference in pay on account of one-step promotion (other than by way of time bound promotion or Assured career progression) as per any policy of the Government, shall not be admissible for calculating pensionable pay.”

(xv) after sub-rule (38), the following sub-rules shall be inserted and shall be deemed to have been inserted with effect from the 1st January 2006;

“(38A) Pension shall be paid at fifty per cent of the average basic pay earned by a Government servant during the last ten months’ service or at fifty per cent of the basic pay fixed for the post from which an employee has been retired, whichever is more beneficial to him.”;

(xvi) in sub-rule (52), for the word and letters “Class IV” the word and letter “Group D” shall be substituted;

(xvii) for sub-rule (56), the following sub-rule shall be substituted, namely:—

“(56) “Transfer” means posting of a Government servant from one post, office or Department to another post, office or Department as defined in the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (Maharashtra Act XXI of 2006);”

5. For rule 10 of the principal Rules, the following rule shall be substituted, namely:—

“10. Age limit for recruitment in Government Service.—Except as provided in the Maharashtra Civil Services Classification and Recruitment Rules, the age limit for recruitment in Government service shall be,—

(a) minimum eighteen years for all class of categories; and

(b) maximum thirty-eight years for General Category and forty-three years for Backward Class Category.

Note 1.—The Government may by an order increase the minimum age limit and reduce or increase the maximum age limit for specific cadres.

Note 2.—For physically challenged candidate the upper age limit is forty-five years.

Note 3.—The Government Resolutions by which upper age limit is enhanced from time to time shall be applicable for the recruitment made in that relevant period.”

6. After sub-rule (2), in rule 11 of the principal rules, the following proviso shall be added:

“Provided that, the provisions of The Rights of person with Disabilities Act, 2016 (49 of 2016) shall be applicable to the physically challenged persons.”

7. In rule 15 of the principal Rules,—

(i) after sub-rule (2), in the Paragraph, for the word “Audit” the words “Head of the Department or Drawing and Disbursing Officer” shall be substituted and shall be deemed to have been substituted with effect from the 1st January 1990;

(ii) in sub-rule (4), in the Exception, for the word and letter “Class III” the word and letter “Group C” shall be substituted.

8. Rule 18 of the principal Rules shall be deleted.

9. In rule 19 of the principal Rules,—

(i) for the words “at his discretion” the words “as per the advice of expert committee in the concerned field” shall be substituted;

(ii) after the words, “efficiency of the candidate” the words “Director of Health services shall obtain the advice of Medical Board in J. J. Group of Hospital in this regard” shall be added.

10. For rule 20 of the principal Rules, following shall be substituted, namely:—

“20. Acquiring of a lien.- A Government servant who is confirmed in the post or cadre of entry or who have been promoted to the higher post, declared as having completed the probation where it is prescribed, shall be considered that he acquired a lien in that post or cadre.

Note.—A person is appointed through valid recruitment procedure may be considered as a permanent employee after getting the certificate of permanency benefit.
20A. Ceasing of a lien.- Unless otherwise provided in these rules, a Government servant acquires a lien on the post, any lien previously acquired by him on any other post shall be ceased.”

11. In rule 21 of the principal Rules, for sub-rules (1) and (2), the following sub-rule shall be substituted, namely:—

“(1) Two or more Government servants shall not have lien on the same post, whether a permanent post or a temporary post, at the same time.

(2) A Government servant shall not hold lien on two or more post, whether a permanent post or a temporary post, at the same time.”.

12. In rule 22 of the principal Rules,—

- (i) after the word “permanent” the word “or temporary” shall be inserted;
- (ii) for sub-clause (b), the following shall be substituted, namely:—
 - “(b) while on foreign service or on deputation or officiating in another post;”;
- (iii) in sub-clause (c), after the word “substantively” the word and figures “under rule 27” shall be inserted;
- (iv) for sub-clause (d), the following sub-clause shall be substituted, namely :—
 - “(d) while on granted leave;”;
- (v) after sub-clause (e), in Note, after the word “permanent” the word “or temporary” shall be inserted.

13. In rule 23 of the principal Rules,—

- (i) in sub-rule (1),—
 - (a) after the word “permanent” the words “or temporary” shall be inserted;
 - (b) the words “in a substantive capacity” shall be deleted;
- (ii) in sub-rule (2),—
 - (a) for the portion beginning with the words “permanent post” and ending with the words “and if in any”, the following shall be substituted, namely:—
 - “permanent or temporary post which he holds substantively, if he is appointed on deputation or foreign service and if in any”;
 - (b) in the Note, for the words “transfer to post outside his cadre” the words, “appointed on deputation or in foreign service” shall be substituted;
- (iii) in sub-rule (4),—
 - (a) for the portion beginning with the words “the Government servant” and ending with the words “suspended lien revives” the following shall be substituted, namely:—
 - “such appointment shall be called temporary appointment and the Government servant appointed on that post is entitled to provisional lien on that post and that lien shall be suspended under sub-rule (1) and not under sub-rule (2)”;
 - (b) the following proviso shall be added, namely :—
 - “Provided that, the Government servant whose lien is suspended under sub-rule (1) or sub-rule (2), returned to the post, the arrangement shall be reversed as soon as the suspended lien revives.”;
 - (c) the Note 2 shall be deleted;
- (iv) sub-rule (5) shall be deleted;
- (v) for sub-rule (6) and the instruction thereunder, the following shall be substituted, namely:—
 - “(6) A Government servant’s lien which has been suspended under sub-rule (2) of this rule shall not revive because the Government servant takes leave, if there is reason to believe that he will, on return from leave, continue to be on deputation or on foreign service and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in clause (a) or (b) of sub-rule (1).”.

14. In rule 24 of the principal Rules,—

(i) the words “out of India” shall be deleted;

(ii) the words “or is transferred in an officiating capacity to a post either permanent or temporary in another cadre or” shall be deleted;

(iii) the word “substantive” shall be deleted.

15. For rule 25 of the principal Rules, the following shall be substituted, namely:—

“25. Period of retention of lien for appointment from one Government Office to another Government Office.—

(1) A State Government servant who has acquired lien, is selected in Central Government service or State Government service, is allowed to resume to new post by relieving order, his lien shall continue in original post of State Government for two years:

Provided that, before issuing the relieving order, the undertaking from the concerned Government servant may be taken that he is fully aware that his lien will be retained for two years and after that period his lien will be terminated:

Provided further that, a Government servant shall retain lien for two years of a post he was holding substantively even if he had not requested for retention of lien while submitting his Technical Resignation. The parent Department shall clearly mention in office order that he will retain his lien for two years while relieving such Government servant.

(2) If such Government servant is reappointed to the original post as per the admissible lien period, his seniority shall be fixed in that cadre from the date he joined in the Cadre and the provisions of the Maharashtra Civil Services (Regulation of Seniority) Rules, 2021 shall be applicable to him and he shall not be entitled for benefits of seniority of the original post :

Provided that, if in the cadre the post is not available, the junior most Government servant in that cadre shall be reverted.

25A. When lien is terminated.—(a) When a Government servant, who has acquired the lien in original post, is joined in other services other than the State Government or Central Government (*viz.* Private Institute, Local Body, Corporation, Municipality, etc.), he shall not be entitled to retain his lien in the Government service.

(b) If the Government servant is selected in other services of the State or Central Government and he tenders his resignation to join that post and if his resignation is accepted, in that case, the lien of such Government servant on an original post of the State Government shall be terminated.

(c) Where a Government servant has absorbed to other service of the Government, from the date of absorption his lien in original post shall be terminated.”

16. In rule 27 of the principal Rules, for the “title Note” the following shall be substituted, namely:—

“When a transfer of Government servant who has acquired a lien in a post to other post carrying less pay is permissible.”

17. In rule 31 of the principal Rules, in clause (d), the words “In both cases, the report when completed, should be forwarded at once to the Audit.” shall be deleted and shall be deemed to have been deleted with effect from the 1st January 1990.

18. In rule 32 of the principal Rules, the following proviso shall be added, namely:—

“Provided that, if deemed date is given, then that Government servant’s pay shall be fixed notionally from the date of deemed date given to him, accordingly pay shall be drawn from the date of actual holding the charge of that post.”.

19. In rule 33 of the principal Rules, following note shall be added:

“Note. - Provision of Provident Fund is not applicable to those who joined in the Government Service on or after the 1st November 2005.”.

20. For rule 35 of the principal Rules, the following rule shall be substituted and shall be deemed to have been substituted with effect from 1st January 1990, namely:—

“35. Maintenance of service record of Gazetted Government Servant.—

(1) A record of the services and leave of each Gazetted Government servant, whose pay and allowances are drawn by the Head of Office, shall be maintained by the Head of the Office.

(2) The services and leave record of the Head of Office shall be maintained by Controlling Authority.

(3) The service record and leave record of Officers of All India Services and Head of the Office shall be maintained by the Administrative Department.”.

21. In rule 36 of the principal Rules, in clause (g), for the word and letters “Class IV” the word and letter “Group D” shall be substituted.

22. In rule 38 of the principal Rules,—

(i) for sub-rule (2) the following shall be substituted, namely:—

“(2) After the commencement of the Maharashtra Civil Services (General Conditions of Services) (Amendment) Rules, 2021 while recording the date of birth, the following procedure shall be followed:—

(a) Every person newly appointed in the service or a post under Government shall, at the time of the appointment, declare his date of birth according to the Gregorian calendar with confirmatory documentary evidence. Where prescribed qualification for appointment is Matriculation or above in such cases Matriculation Certificate shall be treated as valid document. In other cases, Birth Certificate issued by Local bodies or Certificate from the recognized school last attended shall be treated as a valid document. He shall give undertaking in Appendix-5-A for his date of birth.

Note.—At the time of appointment of a person in Government service, the undertaking for date of birth shall be obtained from the concerned employee for recording the date of birth in his service book. The undertaking shall be kept in his service book and in personal file. After recording the date of birth on the first page in the service book his signature shall be obtained in the column of signature of Government servant with date.

(b) After an entry of date of birth is recorded in a service book no alteration of the entry shall be allowed, unless it is known, that the entry was due to want of care on the part of some person other than the person in question or is an obvious clerical error:

Provided that, for the contingencies specified in this clause, the application shall not be entertained after a period of one year commencing from the date of his entry in the Government service.

Instructions.—(1) If the Government servant applies to change the date of birth, the Head of Office shall verify that the date of birth mentioned in the documents submitted as per the clause (a) of sub-rule (2) of this rule, by the concerned Government employee at the time of appointment to the office, for recording date of birth and the actual entry of date of Birth recorded in the service book are different.

(2) If a discrepancy is noticed in record as per the instruction (1), the Head of department shall record the correct date of birth as per the provisions of clause (a) of sub-rule (2) of this rule.

(ii) in sub-rule (3), after the words “service book” the words “excluding cases of amendment in the date of birth entry” shall be inserted.

23. In rule 41 of the principal Rules, for the words “Audit Officer” the words “Head of Office” shall be substituted and shall be deemed to have been substituted with effect from the 1st January 1990.

24. In rule 42 of the principal Rules,—

(i) in the title note, after the words “book on” the words “deputation or foreign service or” shall be inserted;

(ii) the words “Non-gazetted” occur at both the places shall be deleted and shall be deemed to have been deleted with effect from the 1st January 1990;

(iii) after the words “office to another” the words “on transfer or deputation or foreign service” shall be inserted.

25. In rule 43 of the principal Rules,—

(i) in the title note,—

(a) after the words “foreign service” the words “or on deputation” shall be inserted;

(b) for the words “Non-gazetted Government servant by Audit Officer” the words “Government servant by Head of Office” shall be substituted and shall be deemed to have been substituted with effect from the 1st January 1990;

(ii) (a) the word “Non-gazetted” shall be deleted and shall be deemed to have been deleted with effect from the 1st January 1990;

(b) after the word “foreign service”, wherever it occurs, the word “or on deputation” shall be inserted;

(c) the words “send his service book to the Audit Officer. The Audit Officer will” shall be deleted and shall be deemed to have been deleted with effect from the 1st January 1990;

(d) for the words “his service book should again be sent to the Audit Officer who” the words “the Head of Office” shall be substituted and shall be deemed to have been substituted with effect from the 1st January 1990;

(e) for the words “Audit Officer” the words “Head of Office” shall be substituted and shall be deemed to have been substituted with effect from the 1st January 1990.

26. In rule 44 of the principal Rules, the word “Audit” shall be deleted.

27. In rule 46 of the principal Rules,—

(i) for the portion beginning with the words “In the case of policemen” and ending with the words “Superintendent of Police, a service roll” the following shall be substituted, namely:—

“In the cadre of policemen of rank not higher than that of head constable, the service roll shall be maintained for each district by the concerned Police

Commissioner, Superintendent of Police and Commandant, State Reserve Police Force or Unit In-charge, as the case may be,";

(ii) for the clauses (a) to (g), the following shall be substituted, namely :—

"(a) Name of the Unit:

(b) Designation, Bakkal Number:

(c) Name, Father's Name, Surname:

(d) Native Place and Full Present Address:

(e) Religion, Caste, Sub-Caste and Caste Validity Certificate-enclosed documentary evidence from which the entry is recorded :

(f)(i) Date of Birth with documentary evidence from the entry is recorded. (Enter correct date of retirement and obtain the signature of concerned employee on the record):

(ii) Height, Chest:

(iii) Marks of Identification:

(iv) Physical Fitness-New roll no., date :

(v) Mother Tongue:

(vi) Educational Qualification :

(vii) Candidate's Signature/Finger print of left thumb:

(g) Date of Promotion/Reversion (as per the seniority and service details to the post of Police Naik and Police Hawaldar in the chain of promotion):

(h) Awards, Punishment and Confidential remarks (sheet remarks) with the date and number of order. (Instruction given by Office of the Director General of Police may strictly observed):

(i) Absence with leave or without leave, date of order and number and period :

(j) Training in service, performance in Police Training Institute :

(k) Break in service, Date and Period :

(l) Other incident which may adversely affect on the pension amount :";

(iii) for the second and third paragraph, the following shall be substituted, namely:—

"The service roll must be checked as prescribed in rule 473 of the Maharashtra Police Manual, Vol. I, and every entry in it must be signed by the concerned Police Commissioner or Superintendent of Police or Commandant or State Reserve Police Force, as the case may be.

From this roll the necessary statement of service of every personnel for pension shall be prepared. Additional proofs shall be collected in respect of any service, rendered in the Department of State or Central Government before joining Police Department in the constabulary which the personnel has requested to count."

28. In the Appendix I, III and VI of the principal Rules, the word "Bombay" wherever it occurs, the word "Mumbai" shall be substituted.

29. In Appendix I appended to the principal Rules,—

(i) entries at serial No.4 shall be deleted;

(ii) in entry at serial No.5, in column 5, for the letters and figures " Posts under their control the pay of which does not exceed Rs. 280 per mensem" the letters " Group-D posts under their control" shall be substituted;

(iii) in entry at serial No.6, in column 3, for the letters and figures "to a post on pay not exceeding Rs. 280 per mensem." the letters "to Group-D posts" shall be substituted;

(iv) in entry at serial No.10,—

(a) in column 3, for the words "five years" the words "one year" shall be substituted;

(b) for column 6, the following shall be substituted, namely:—

"Head of the Department or Competent Authority, who can appoint Government servant, subject to the orders issued by Government, from time to time."

30. In Appendix II appended to the principal Rules,—

(i) in serial No.9, Home Department, in column (3), after entry No. 16, the following entries shall be added, namely:—

"17. Director, Inland Water Transport.

18. Hydrographer, Mumbai.

19. Costal Engineer." ;

(ii) in serial No.17, Revenue and Forest Department, in column (3), entry No.8 and 9 are substituted, as follows:—

"8. Principal Chief Conservator of Forests, (Head of Forest Force), Maharashtra State, Nagpur.

9. Principal Chief Conservator of Forests, (All).

10. Additional Principal Chief Conservator of Forests, (Personnel).

11. Additional Principal Chief Conservator of Forests, (Administration-Subordinate cadre).

12. Additional Principal Chief Conservator of Forests , (Independent Office).

13. Chief Conservator of Forests , (Independent Office).

14. Conservator of Forests , (Independent Office).

15. Director General , Kundal Academy of Development, Administration and Management (Forests), Kundal.

16. Director, Chandrapur Forest Academy of Administration, Development and Management, Chadrapur.;

(iii) in serial No. 21, Finance Department, in column (3), for the words "Sales Tax" wherever it occurs, the words "Goods and Services Tax" shall be substituted;

(iv) in serial No.22, Law and Judiciary Department, in column (3), after entry No. 13, the following entries shall be added, namely:—

"14. Administrator General and Official Trustee, Mumbai.

15. Advocate General, Maharashtra, Mumbai.";

(v) in serial No. 23, Medical Education Department, in column (3), after entry No. 11, the following entries shall be added, namely:—

"12. Commissioner, Medical Education and Research, Mumbai.

13. Director-Professor, Maharashtra Mental Health Institute, Pune";

(vi) in serial No. 27, General Administration Department, after serial No. 18, the following entry shall be added, namely:—

“19. Commissioner, State Right to Services, Commission.”

(vii) in serial No. 29, Public Health Department, after serial No. 6, the following entries shall be added, namely:—

“7. Director, Health Services-1.

8. Director, Health Services-2.”

31. In Appendix I and III appended to the principal Rules,—

(i) except as otherwise provided, the words and letters “Class I, Class II, Class III and Class IV” wherever it occurs, the words and letters “Group A, Group B, Group C and Group D” shall be substituted, respectively;

(ii) in Appendix III, para 1,—

(a) in the proviso, in clause (i),—

(i) the words “either dispense with a certificate or” shall be deleted;

(ii) for the words “any female medical practitioner” the words “any Government female medical officer, Group-A” shall be substituted;

(b) in clause (ii), for the words and figures “on pay not exceeding Rs.280 per mensem” the words and letter “in Group-D cadre” shall be substituted;

(c) in clause (iii), for the words “Class II” the word “Group-A” shall be substituted;

(iii) the para 8 and 9 shall be deleted;

(iv) in para 10,—

(a) after the word “Pune” the words “or District Civil Surgeon or Medical Superintendent, Government Medical College of the District of candidate’s native place” shall be inserted;

(b) for the word “Police Officer” the word “Police Authority” shall be substituted;

(c) the portion beginning with the words “They must be” and ending with the words “joining the school.” shall be deleted;

(v) in para 12,—

(a) after the word “city” the words “or District Civil Surgeon or Medical Superintendent, Government Medical College of the District of the candidate” shall be inserted;

(b) the word “following” shall be deleted;

(c) in clause (ii), in Note,—

(i) for the words “Maharashtra Forest Engineering” the words “Forest Engineering” shall be substituted;

(ii) after the words “Forest Department.” the following shall be added, namely:—

“However, the concerned department has to give information of the nature of work and duties of the post while obtaining the certificate.”

(d) for clause (iii), the following shall be substituted, namely:—

“(iii) Medical Board may certify the candidate unfit, with any deformity or who may tend to incapacity.”;

(e) clauses (iv) and (v) shall be deleted;

(vi) in para 13, the words "He has been vaccinated (or protected from small-pox)." shall be deleted;

(vii) in para 14, after the words, "on the Continent" the words "or in any foreign countries" shall be inserted;

(viii) in para 17, for the Note, the following shall be substituted, namely:—

"Note.—Except Honourable Court and the concerned candidate, no other person/body is entitled to a copy of the report or the detail findings of a Medical Board.;"

(ix) in para 18, after the words "communicated to them." the following sentence shall be added, namely:—

"The Director Health Services as per his discretion may forward the certificate to the Medical Board for re-examination." .

32. After Appendix V appended to the principal Rules, the following Appendix shall be inserted, namely:—

" APPENDIX VA

[See rule 38(2) (A)]

UNDERTAKING

For recording my date of Birth in Government record, I have submitted..... (this) documents and as per my information the date mentioned i.e. (in words) is recorded in the service book is correct and I am also aware that after recording my date of Birth, the request for change in date of Birth will not be accepted later on.

Place :

Date:

Sign of the Government Servant." .

By order and in the name of the Governor of Maharashtra,



NITIN GADRE,

Additional Chief Secretary (Accounts & Treasuries).
to Government.



GOVERNMENT OF MAHARASHTRA
EDUCATION DEPARTMENT

**Maharashtra Employees of Private
Schools' (Conditions of Service)
Rules, 1981**

NIF PA DC



D00694



PRINTED IN INDIA BY THE MANAGER, GOVT. PHOTOZINCO PRESS PUNE AND
PUBLISHED BY THE DIRECTOR, GOVERNMENT PRINTING AND STATIONERY
MAHARASHTRA STATE, BOMBAY-4

[Price Rs. 2-00]

NIEPA DC



D00694

S. S. Narayana Murthy Unit,
National Institute of Educational
Planning and Administration
17-B, SriAurobindo Marg, New Delhi-110016
DOC. No. D. 694
Date..... 28/3/83

EDUCATION AND EMPLOYMENT DEPARTMENT

Mantralaya Annexe, Bombay 400 032, dated the 16th July 1981

**MAHARASHTRA EMPLOYEES OF PRIVATE SCHOOLS (CONDITIONS OF SERVICE)
REGULATION ACT, 1977.**

No. STR. 1081/2/SE-3 Cell.—In exercise of the powers conferred by sub-sections (1) and (2) of section 16 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (Mah. III of 1978), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 16, namely:—

1. *Short title.*—These rules may be called the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) “ Act ” means the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (Mah. III of 1978) ;

(b) "aided school" means a school which receives grant-in-aid either from Government or a local authority; but does not include a Primary School recognised by the Municipal Corporation of Greater Bombay;

(c) "Chief Executive Officer" means the Secretary, Trustee, Correspondent or a person by whatever name called who is empowered to execute the decisions taken by the Management;

(d) "Directorate" means the Directorate of Education or, as the case may be, the Directorate of Technical Education, Maharashtra State;

(e) "Education Officer"—

(i) in relation to a private secondary or higher secondary school or Junior College of Education in Greater Bombay, means an Educational Inspector,

(ii) in relation to a private primary school in the areas of any Municipal Corporation or Municipal Council, means the Education Officer or the Administrative Officer of a Municipal Corporation or a Municipal School Board, as the case may be, and

(iii) in relation to any private school in areas elsewhere in the State of Maharashtra, means an Education Officer in a Zilla Parishad;

(f) "Government" means the Government of Maharashtra;

(g) "Girls School" means a school in which only girls are admitted;

(h) "Schedule" means a Schedule appended to these rules;

(i) "School Committee" means a Committee constituted in accordance with the provisions of Schedule "A";

(j) "trained graduate" means a person possessing the qualifications mentioned in sub-clauses (i) to (vi) of clause (1) of item 11 in Schedule "B";

(k) "trained teacher" means a teacher who has secured a professional certificate, a diploma or a degree recognised by the Department which qualifies him for a teaching post in a school;

(l) "night school" means a secondary or higher secondary school which admits pupils who have completed eleven years of age and above, and which teaches the secondary or higher secondary school course for half the daily working hours of a day school to pupils who are unable by their daily avocations to attend day schools.

(2) Words and expressions used but not defined in these rules shall have the meaning respectively assigned to them in the Act.

3. *Qualifications and appointment of Head*.—(1) A person to be appointed as the Head—

(a) (i) of a primary school having an enrolment of students above 200 or having Standards I to VII shall be the seniormost trained teacher who has put in not less than five years' service; and

(ii) of any other primary school shall be the seniormost teacher in the school;

(b) of a secondary school including night school or a Junior College of Education shall be a graduate possessing Bachelor's degree in teaching or education of a statutory University or any other qualification recognised by Government as equivalent thereto and possessing not less than five years' total full-time teaching experience after graduation in a secondary school or a Junior College of Education out of which at least two years' experience shall be after acquiring Bachelor's degree in teaching or education :

Provided that, in the case of a person to be appointed as the Head of a night secondary school —

(i) he shall not be the one who is holding the post of the Head or Assistant Head of a day school, and

(ii) the experience laid down in clause (b) of sub-rule (1) may be as a part-time teacher.

(2) In the case of appointment to the post of Head of a secondary school including night school or a Junior College of Education if there is no person with the teaching experience mentioned in clause (b) of sub-rule (1) available on the staff of the school or if the qualified persons, though available and eligible, relinquish their claims for the post of Head and if a Management desires to appoint a person, from the teaching staff of the school who does not possess the requisite teaching experience mentioned in clause (b) of sub-rule (1), it shall apply to the Deputy Director for relaxing the requirement. The Deputy Director may, after recording reasons in writing, grant or refuse such relaxation. In such cases, the appointment shall not be made without obtaining the previous approval of the Deputy Director.

Note.—In the case of a graduate teacher already in service in a secondary school or Junior College of Education for more than fifteen years on the 1st June 1963, the Deputy Director shall relax the requisite qualifications for appointment of such teacher as a Head.

(3) The Management of a school including a night school shall fill up the post of the Head by appointing the seniormost member of the teaching staff (in accordance with the guidelines laid down in Schedule "F" from amongst those employed in a school (if it is the only school run by the Management) or schools [if there are more than one school (excluding night school) conducted by it] who fulfils the conditions laid down in sub-rule (1) and who has a satisfactory record of service.

Explanation.—For the purpose of this rule, the claim of the senior-most qualified teacher having satisfactory record of service, for the post of the Head, may be disregarded only if he, of his own free will, gives a statement in writing to the Education Officer that he has voluntarily relinquished his claim to the post. This shall not debar him from being considered for subsequent vacancies as and when they occur. Such a teacher shall record his statement in his own handwriting before the Education Officer and the latter shall endorse it as having been recorded in his presence. Such statement once duly made before the Education Officer shall not be allowed to be withdrawn.

(4) In the case of a girls' secondary school or Junior College of Education for Women, the seniormost lady teacher fulfilling the conditions laid down in clause (b) of sub-rule (1) and having satisfactory record of service, shall be appointed as the Head of that school irrespective of her seniority *vis-a-vis* the male teachers.

(5) (a) If a suitable teacher possessing qualifications laid down in the foregoing provisions of this rule is not available to fill in the post of a Head of a school, the Management shall, with the prior permission of the Education Officer in case of primary schools, or of the Deputy Director in the case of other schools, advertise the post and select and appoint a person possessing the requisite qualifications and experience.

(b) The application for permission to advertise the post shall be made at least two months in advance. The period of two months may be relaxed by the Education Officer or the Deputy Director, as the case may be, in the case of new schools or in emergency cases wherein the vacancy could not have been anticipated. The advertisement shall be given after the permission of the Deputy Director or the Education Officer is received. Management shall ensure that the advertisement appears in at least one daily newspaper having wide circulation in the region wherein the primary school or secondary school or Junior College of Education is located.

(6) The Education Officer or the Deputy Director shall direct the Management to cancel the appointments made without following the procedure laid down in this rule.

Explanation.—For the purposes of this rule the record of service shall be deemed to be satisfactory if there is nothing adverse in the annual confidential reports of the teacher concerned during the previous five years. Adverse remarks not duly communicated in writing to the teacher concerned, shall be disregarded for this purpose.

4. *Responsibilities of a Head.*—Subject to the superintendence and control of the Management, the Head as an administrative and academic head of the school shall be responsible for—

(a) improvement of academic standard of the school ;

(b) performing assigned teaching work ;

(c) assisting in planning and conduct of academic programmes such as orientation courses, seminars, in-service and other training programmes organised by agencies such as National Council of Educational Research and Training, the State Institute of Education and other State level institutions ;

(d) admissions of students and maintenance of discipline in the School ;

(e) maintenance of accounts ;

(f) management of the school library, laboratories, hostel for students exclusively from the school of which he is the Head ;

- (g) correspondence relating to the administration of the school;
- (h) organisation and supervision of the curricular and co-curricular activities and maintenance of school record ;
- (i) observance of the provisions of rules, regulations, the secondary schools code and other orders issued by Government and instructions pertaining to the administration of the school issued by the Management from time to time ;
- (j) supervision and conduct of the examinations including the examinations conducted by the Government, the Maharashtra State Board of Secondary and Higher Secondary Education and the Directorate and the work of internal assessment and such other work pertaining to the examinations as assigned ;
- (k) assessing work of assistant teachers and other staff and maintenance of service books of the employees of the school;
- (l) Any other work relating to the organization and administration of the school as may be assigned to him by the Management or the Department from time to time.

5. *Qualifications and Appointment of Assistant Head and Supervisor:—*
 (1) Management of secondary school with more than twenty classes shall appoint an Assistant Head to assist the Head in his organizational, administrative and supervisory duties.

(2) Subject to the provisions of sub-rule (5), the provisions of rule 3 relating to qualifications and appointment of Head shall *mutatis mutandis* apply to the post of an Assistant Head and Supervisor.

(3) Management of secondary school with more than ten classes shall appoint one or more Supervisors in accordance with the provisions of sub-rule (4).

(4) The number of posts of Supervisors in a school shall be regulated in the following manner, namely :—

(i) schools having 10 or less than 10 classes. No Supervisor.

(ii) schools having more than 10 classes but not exceeding 30 classes. One post of Supervisor.

(iii) schools having more than 30 classes but not exceeding 40 classes. Two posts of Supervisors.

(iv) schools having more than 40 classes. Three posts of Supervisors.

(5) The posts of supervisors shall be filled in only from amongst the permanent staff strictly on the basis of seniority-cum-merit. Seniority shall be determined on the basis of guidelines given in Schedule " F ". Merit shall be determined in accordance with the record of service within the meaning of that expression in the *explanation* below sub-rule (6) of rule 3.

6. *Qualifications of teachers.*—The minimum qualifications for the posts of teachers and the non-teaching staff in the primary schools, secondary schools, Junior Colleges and Junior Colleges of Education shall be as specified in Schedule “ B ” :

Provided that, the Education Officer may allow Managements to appoint untrained Science graduate teachers for teaching Mathematics and Science subjects or untrained Arts or Commerce graduates for teaching other subjects in secondary schools in exceptional circumstances, such as non-availability of trained graduates. Such appointments shall, however, be allowed on an year-to year basis, on the clear understanding that they shall have to obtain training qualification at their own cost and further subject to the condition that their services shall be liable for termination as soon as trained graduate teachers become available.

7. *Scales of Pay and Allowances.*—(i) The scales of pay for full-time as well as part-time Heads, Assistant Heads, Supervisors, Teachers and the non-teaching staff in the primary schools, secondary schools including night schools, Junior Colleges and Junior Colleges of Education, shall be as specified in Schedule “ C ”.

(ii) The allowances such as dearness allowance, compensatory local allowance and house rent allowance admissible from time to time at the place of duty to the full-time employee of a school shall be payable at the rates and according to such rules as are sanctioned by Government specifically to the employees of private schools.

(iii) The rates of dearness allowance applicable to part-time teaching and non-teaching staff in schools including night schools shall be such as may from time to time be determined by the Government by general or special order.

8. *Determining the pay-scale admissible to the Head and admissibility of posts of Assistant Head, Supervisors etc.*—(1) Admissibility of—

(a) the scale of pay to the post of Head in any school, and

(b) the post of Assistant Head, and the number of posts of Supervisors and other teaching and non-teaching staff,

shall be determined on the basis of the strength of students on the roll or the number of divisions of the school, as the case may be, as on the 1st August of a year.

(2) After the appointments to the teaching and non-teaching posts are made, the names and particulars of qualifications and experience of the persons so appointed shall be forwarded within a fortnight from the date of each such appointment to the Education Officer and in the case of Junior College of Education to the Deputy Director.

9. *Appointment of staff.*—(1) The teaching staff of the school shall be adequate having regard to the number of classes in the school and the curriculum including alternative courses provided and the optional subjects taught therein.

(2) Appointments of teaching staff (other than the Head and Assistant Head) and those of non-teaching staff in a school shall be made by the School Committee :

Provided that, appointments in leave vacancies of a short duration not exceeding three months, may be made by the Head, if so authorised by the School Committee.

(3) Unless otherwise provided in these rules for every appointment to be made in a school, for a teaching or a non-teaching post, the candidates eligible for appointment and desirous of applying for such post shall make an application in writing giving full details regarding name, address, date of birth, educational and professional qualifications, experience, etc. attaching true copies of the original certificates. It shall not be necessary for candidates other than those belonging to the various sections of backward communities for whom posts are reserved under sub-rule (7) to state their castes in their applications.

(4) The age-limit for appointment to any post in a school shall be as follows, namely :—

(a) for an appointment to be made to any post in a primary school, a candidate shall not be less than 18 years of age and more than 25 years of age, and in the case of candidate belonging to the Backward Classes he shall not be more than 30 years of age:

Provided that, upper age-limit may be relaxed in case of women, ex-servicemen and persons having previous experience with the previous permission of the Deputy Director.

(b) for an appointment to be made to any post in any school other than primary school, a candidate shall not be below the age of 18 years.

(5) A letter of appointment order in the Form in Schedule "D" shall be issued to a candidate appointed to the post. A receipt in token of having received the appointment order shall be obtained from the candidate appointed.

(6) Every employee shall within three months of his appointment, undergo medical examination by a registered medical practitioner named, if any, by the Management or otherwise by any registered medical practitioner. The expenses of medical examination shall be borne by the Management. The appointment shall be conditional pending certificate that he is free from any communicable disease and that he is physically fit to be so appointed.

(7) The Management shall reserve 34 per cent of the total number of posts of the teaching as well as non-teaching staff for the members of the Scheduled Castes, Scheduled Castes converts to Buddhism, Scheduled Tribes, Denotified Tribes, Nomadic Tribes and Other Backward Classes as follows, namely :—

- | | |
|--|-------------|
| (a) Scheduled Castes and Scheduled Castes converts to Buddhism. | 13 per cent |
| (b) Scheduled Tribes including those living outside the specified areas. | 7 per cent |
| (c) Denotified Tribes and Nomadic Tribes. | 4 per cent |
| (d) Other Backward Classes. | 10 per cent |

(8) For the purpose of filling up the vacancies reserved under sub-rule (7) the Management shall advertise the vacancies in at least one newspaper having wide circulation in the region and also notify the vacancies to the Employment Exchange of the District and to the District Social Welfare Officer requisitioning the names of qualified personnel, if any, registered with them. If it is not possible to fill in the reserved post from amongst candidates, if any, who have applied in response to the advertisement or whose names are recommended by the Employment Exchange or the District Social Welfare Officer or if no such names are recommended by the Employment Exchange or the District Social Welfare Officer within a period of one month the Management may proceed to fill up the reserved post in accordance with the provisions of sub-rule (9).

(9) (a) In case it is not possible to fill in the teaching post for which a vacancy is reserved for a person belonging to a particular category of Backward Classes, the post may be filled in by selecting a candidate from the other remaining categories in the order specified in sub-rule (7) and if no person from any of the categories is available, the post may be filled in temporarily on an year-to-year basis by a candidate not belonging to the Backward Classes.

(b) In the case of a non-teaching post, if a person from the particular category of Backward Classes is not available, the Management shall make efforts with regular intervals to fill up the post within the period of five years and the post shall not be filled up during that period by appointing any other person who does not belong to the respective category of Backward Class.

(10) (a) The Management shall reserve 24 per cent of the total number of posts (or vacancies) of Heads and Assistant Heads for the members of Scheduled Castes, Scheduled Castes converts to Buddhism, Scheduled Tribes, Denotified Tribes and Nomadic Tribes as follows, namely :—

- | | |
|---|-------------|
| (i) Scheduled Castes and Scheduled Castes converts to Buddhism. | 13 per cent |
| (ii) Scheduled Tribes including those living outside the specified areas. | 7 per cent |
| (iii) Denotified Tribes and Nomadic Tribes. | 4 per cent |

(b) In case it is not possible to fill in the post of a Head or Assistant Head for which a vacancy is reserved for a person belonging to the Castes and Tribes specified in clause (a), the post may be filled in by promoting a candidate from the other remaining categories in the order specified in clause (a), so however that the percentage of filling up such vacancies does not exceed the limit laid down for each such category. If candidates belonging to any of these categories are not available, then the vacancy or vacancies—

(i) of the Head may be filled in by promoting any other teacher on the basis of seniority-cum-merit after obtaining previous approval of the Education Officer;

(ii) of the Assistant Head shall be kept unfilled for a period of three years unless such vacancy or vacancies could be filled in by promotion of any teachers belonging to such Castes or Tribes becoming available during that period.

(11) The provisions of sub-rules (7), (8) and (10) shall not apply to a School having 10 or less than 10 posts (inclusive of both teaching and non-teaching) on its establishment.

10. *Categories of Employees.*—(1) Employees shall be permanent or non-permanent. Non-permanent employees may be either temporary or on probation.

(2) A temporary employee is one who is appointed to a temporary vacancy for a fixed period.

11. *Service Book.*—(1) A service book and leave account in the Form in Schedule "E" shall be opened in duplicate for each employee in the school within three months from the date of his appointment and the service and leave record of the employee shall be maintained therein. The duplicate copy shall be supplied to the employee concerned and brought up-to-date from time to time.

(2) The entries in the service book especially those relating to the date of birth, medical examination, educational and professional qualifications, etc., shall be verified by the Head of the school personally from the original record such as Birth Registration Certificate, School Leaving Certificate, Secondary School Certificate, Medical Examination Certificate, Degree, Diploma, Certificates etc. A remark, that "the entries are made in accordance with the original certificates" shall be made in the respective columns and signed and dated by the Head after verification.

12. *Seniority List.*—(1) Every Management shall prepare and maintain seniority list of the teaching staff including Head Master and Assistant Head Master and non-teaching staff in the School in accordance with the guidelines laid down in Schedule "F". The seniority list so prepared shall be circulated amongst the members of the staff concerned and their signatures for having received a copy of the list shall be obtained. Any subsequent change made in the seniority list from time to time shall also be brought to the notice of the members of the staff concerned and their signatures for having noted the change shall be obtained.

(2) Objections, if any, to the seniority list or to the changes therein shall be duly taken into consideration by the Management.

(3) Disputes, if any, in the matter of *interse* seniority shall be referred to the Education Officer for his decision.

13. *Vacation and Vacation Pay.*—(1) Subject to the provisions of this rule, all the employees on the teaching staff including Head Masters, Laboratory Assistants and Laboratory Attendants in a school shall be entitled to vacations as follows, namely :—

(i) a short vacation which may either commence in the month of October or November every year generally to cover Diwali Festival ;

(ii) a Summer vacation which may ordinarily commence in the month of May every year.

The dates of commencement and the periods of vacations shall be notified by the Educational Inspector, or as the case may be, the Education Officer in Zilla Parishad.

(2) Non-permanent employee shall be entitled to the salary for the period of vacation if he had served for a major part of respective term and the temporary vacancy such as vacancy on account of leave, deputation or post created for a specific period, in which he was originally appointed continues to exist beyond the period of vacation and that the employee continues to be in service after the vacation.

(3) If the Management terminates the services of a non-permanent employee soon before the commencement of Summer vacation, such non-permanent employee shall also be entitled, in addition to vacation salary, to pay and allowances for the gap between the date of termination of his service and the date of commencement of the vacation if the Education Officer is satisfied that the termination of his service was on the ground other than the possibility of reduction in establishment.

(4) If a permanent employee after due notice, resigns his post in the school on the last working day of the term, he shall be entitled to the vacation salary.

(5) If a permanent employee after due notice, resigns his post in the school in the middle of the term and if the school is required to appoint a substitute who would otherwise be entitled to vacation salary under sub-rule (2), the permanent employee who has resigned shall not be entitled to the vacation salary for the same period.

(6) Untrained teachers appointed in the Secondary Schools or Junior Colleges of Education during the period from the 16th July 1969 to 6th February 1974 (both days inclusive) and allowed to get trained at their own cost (by sanctioning leave for the entire period of training) shall be entitled to the vacation salary during the vacation immediately falling after their resuming duties on completion of training.

14. *Assessment of employees work.*—(1) At the beginning of each term, the teacher shall prepare the plan of his academic programme and at the end of the academic year, prepare a report of the work done by him and submit it to the Head.

(2) Each employee on the teaching and non-teaching staff of a school shall submit the report of self-assessment in the respective Form in Schedule "G" within one month after the end of a year.

15. *Writing of confidential reports etc.*—(1) The confidential reports shall be written annually in the respective Form in Schedule "G". The reporting authorities in respect of the employees and the Head shall be the Head and the Chief Executive Officer, respectively. Confidential reports shall be written in respect of the employee or the Head who had worked for six months or more during an academic year commencing from June. If the Head or a teacher is the Secretary of the Management the confidential report in his respect shall be written by the President of the Management.

(2) The confidential reports so written in respect of the employees and the Head shall be reviewed by the Chief Executive Officer and the President of the Management, respectively. The confidential report of the Head or a teacher written by the President shall be reviewed by the Managing Committee.

(3) The respective reporting authority shall arrange to communicate confidentially in writing adverse remarks, if any, to the concerned employee or the Head, as the case may be, before the end of August, every year.

(4) Representation, if any, from an employee against the adverse remarks communicated to him in accordance with sub-rule (3) above shall be decided by the School Committee. Similar representation, if any, from the Head shall be decided by the Managing Committee.

(5) Failure to write and maintain confidential reports and to communicate adverse remarks to the employees within the period prescribed in sub-rule (3) shall have the effect that the work of the employee concerned was satisfactory during the period under report.

(6) Performance of an employee appointed on probation shall be objectively assessed by the Head during the period of his probation and a record of such assessment shall be maintained.

16. *Leave.*—(1) Leave shall not be claimed as a matter of right. Discretion to grant, refuse or cancel leave (other than casual leave) is reserved—(i) in the case of the teaching and non-teaching staff (other than the Head), with the School Committee and (ii) in the case of the Head, with the Management.

(2) An application for leave other than casual leave or extension of leave or to proceed on leave after vacation shall ordinarily be made in good time before the date from which the leave or its extension is sought. Even in exceptional cases where it is not possible to apply beforehand because of circumstances beyond the control of the employee, the application shall be made within

7 days from the date of absence. A non-permanent employee shall be deemed to have abandoned his service if he fails to apply for leave within seven days from the date of absence.

(3) In the case of a permanent employee who, without sufficient cause, fails to apply for leave within 7 days from the date of absence, it shall be treated as breach of discipline and he shall be liable for suitable disciplinary action after due inquiry. (A permanent employee who is absent from duty (with or without leave continuously for a period of three years or more, shall be deemed to have voluntarily abandoned his services)

(4) Casual leave may be granted to the teaching and non-teaching staff other than the Head, by the Head, and to the Head by the Chief Executive Officer or by the Management if the Head himself is the Chief Executive Officer for a period not exceeding 15 days in an academic year subject to the condition that ordinarily not more than seven days, casual leave can be enjoyed at a time which may be extended upto 10 days, only in exceptional circumstances.

(5) Not more than two holidays can be enjoyed in conjunction with any spell of casual leave whether by prefixing or by suffixing or by both and the total period of casual leave and holidays enjoyed continuously at one time shall not exceed 7 days save only in exceptional circumstances when it may be extended upto 10 days.

(6) The number of holidays in excess of two holidays prefixed or suffixed or both, to the casual leave shall be treated as casual leave. Sundays and holidays interposed between two periods of casual leave shall be treated as part of casual leave.

(7) Casual leave cannot ordinarily be prefixed or suffixed to vacation except with the previous permission of the Head.

(8) It is permissible to enjoy half day's casual leave if the period of absence is half or less than half of a working day.

(9) Absence on a Saturday, if it is half working day or on any other day which is observed by the school as a half working day, shall be treated as casual leave for a full day and not as a half day's casual leave.

(10) The following kinds of special casual leave which shall not be debited to the casual leave admissible to an employee shall be granted, namely :—

(a) *Special Casual Leave under the Family Planning Scheme* :—

Occasion

Special Casual Leave Admissible

(i) Vasectomy or as the case may be, tubectomy operation. Not exceeding six working days.

(ii) Female Employees undergoing non-perperal sterilisation. Not exceeding 14 days.

Note 1.—The special casual leave on the above two occasions may be combined with ordinary casual leave or regular leave provided the application is supported by a medical certificate.

Note 2. The special casual leave in item (ii) shall also be granted to female employees who have three or more living children and who undergo sterilisation.

- (iii) Female employees undergoing I. U. For the day subject to production of a medical certificate.
C. D. insertion.
- (iv) Employee whose wife undergoes a Gynaec. Sterilisation (non-puerperal tubectomy). Not exceeding seven days, subject to production of a medical certificate.

Note 1.—The special casual leave may be combined with ordinary casual leave or regular leave provided the application is supported by a medical certificate by the doctor who actually performs the operation to the effect that the presence of the employee is essential to look after his wife during the period of leave.

Note 2.—Special casual leave not exceeding four days shall be granted to the employee whose wife undergoes tubectomy operation immediately after the delivery subject to production of a medical certificate from the doctor who actually performs the operation.

(b) *Special Casual Leave on other occasions mentioned below:—*

- | Occasion | Special Casual Leave admissible |
|---|--|
| (i) Anti-rabic treatment. | Upto 3 weeks. |
| (ii) Participation in national or international sports. | Upto 30 days, subject to the provisions of Notes 2 and 4. |
| (iii) Mountaineering. | Upto 30 days, subject to the provisions of Notes 3 and 4. |
| (iv) Free Blood Donation. | One day (either on the same day or on the very next day of donation of blood but not on any other subsequent day). |

Note 1.—If a substitute is appointed in place of an employee granted leave under item (i), such substitute shall be entitled to salary and allowances admissible to him.

Note 2.—Grant of Special Casual Leave for participation in national or international sports shall be—

- (1) For participation in sporting events of national or international importance.
- (2) When the employee is selected for such participation—

(i) in respect of international sporting events by National Sports Federation or Association recognised by the All India Council or Board and approved by Ministry of Education of Government of India, or

(ii) in respect of national importance when the sporting event in which participation takes place is held on an Inter-State, Inter-Zonal or Inter-Circle basis and the employee takes part in the event in a team as a duly nominated representative on behalf of the State, Zone or Circle and when he participates in his personal capacity.

(3) When an employee is selected or sponsored for attending, coaching a Training Camp or All-India Coaching or Training Schemes or his services are utilised as Umpire for such sporting events.

Note 3.—Special casual leave for Mountaineering shall be admissible when the expedition is approved by the Indian Mountaineering Foundation.

Note 4.—If an employee participates in national or international sporting event and also in mountaineering the total special casual leave shall not exceed 30 days.

(11) Half pay leave to the extent of 20 days for private reasons or on medical certificate may be granted for each completed year of service. No leave may be granted under this rule unless the authority competent to sanction the leave certifies that the employee shall return to duty on its expiry.

(12) (a) Commuted leave not exceeding half the period of half pay leave due may be granted on medical certificate given by a registered medical practitioner, stating as clearly as possible, the nature and probable duration of the illness, on the following conditions, namely :—

(i) When commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due.

(ii) No commuted leave shall be granted under this rule, unless the authority competent to sanction leave has reason to believe that the employee will return to duty on its expiry.

(b) The authority competent to sanction leave may, at its discretion, secure a second medical opinion by requesting the Superintendent in Government Medical Hospitals in Bombay, or Civil Surgeon or District Medical Officer, or Medical Officer of Zilla Parishads, Municipal Councils or Municipal Corporations to have the applicant medically examined. If the authority decides to do so, it shall arrange for the the second medical examination to be made on the earliest possible date after the date on which the first medical opinion was given. It shall forward the original medical certificate produced by the applicant to the Medical Officer by whom he is to be re-examined.

(c) The re-examination, if necessary, shall be arranged by the Management at its own cost, if any, and any, expenditure on this account shall not be held admissible for grant.

(d) Half pay leave upto a maximum of 180 days shall be allowed to be commuted during the entire service where such leave is utilised for an approved course of study which is certified to be in the public interest by the authority sanctioning leave on the conditions mentioned in sub-clauses (i) and (ii) of clause (a).

(13) Extraordinary leave may be granted to an employee in special circumstances when no other leave is by rule admissible or when other leave is admissible but the employee applies in writing for the grant of extraordinary leave. Except in the case of a permanent employee, the duration of extraordinary leave shall not exceed three months on any one occasion. In the case of a permanent employee, the duration of the extraordinary leave shall not exceed three years on any one occasion. The authority competent to sanction leave may commute retrospectively the period of absence without leave, into extraordinary leave.

(14) Subject to the provisions of sub-rule (16) maternity leave shall be granted to a female employee who has put in more than one year's service. It may be granted for a period not exceeding ninety days from the date of its commencement.

(15) Maternity leave under sub-rule (14) shall be granted on half pay to an employee who has put in more than one year's but less than two years' service before the date of commencement of such leave. In the case of employee who has put in two years' service or more on the date of commencement of such leave, she shall be granted maternity leave with full pay. In case of a female employee with less than one year's service she shall be granted extraordinary leave for a similar period.

(16) Maternity leave shall not be debited to the leave account. Leave of any other kind may be granted in continuation of maternity leave, if the request for granting it is supported by a medical certificate.

(17) Maternity leave shall not be granted to a female employee having three or more living children.

Note.—Leave under this rule shall be admissible in cases of miscarriage or abortion or termination of pregnancy under the Medical Termination of Pregnancy Act, 1971 (34 of 1971) subject to the following conditions, namely:—

(1) The leave shall not exceed six weeks; and

(2) The application for the leave shall be supported by a medical certificate.

(18) The earned leave admissible to a permanent employee entitled to vacations in respect of any year in which he is prevented from availing himself of the full vacations, or a part thereof, shall be in such proportion of 30 days a year as the number of days of vacation not availed of bear to the full vacation, provided that the employee shall cease to earn such leave when the earned leave due is accumulated to 180 days.

Illustration.—An employee who is prevented from availing himself of the full vacation of 63 days in a year, shall be entitled to earned leave for 30 days. Similarly the employee who is prevented from availing himself of 21 days out of the total vacation shall be entitled to earned leave for 10 days, and so on.

(19) The Management or Head shall obtain previous permission of the Education Officer for preventing the Head or, as the case may be, the teacher from availing himself of the vacation or a part thereof.

(20) An employee who is not entitled to vacations shall earn leave at the rate of one eleventh of the period spent on duty. The employee shall cease to earn such leave when the earned leave is accumulated to 180 days.

(21) An employee including an employee to whom provisions of sub-rule (18) apply shall be entitled to the benefit of encashment of surrendered leave on the following conditions, namely:—

(i) Such surrendered leave shall not be availed of in conjunction with vacation.

(ii) The employee who takes earned leave for a period not less than thirty days, shall be allowed to surrender the balance of the earned leave (or any portion thereof) to his credit on the date of commencement of leave, at his option subject to the maximum of thirty days and he shall be granted leave

salary, Dearness allowance and Compensatory Local allowance as admissible under the rules for the period of the leave surrendered.

(iii) The authority competent to sanction earned leave shall be competent to accept surrender of earned leave. Application for surrender of earned leave shall be made along with the application for grant of leave.

(iv) The number of days of earned leave surrendered shall be reckoned as surrendered on the date of commencement of actual leave taken and deducted from the leave account of the employee on that date.

(v) The total of the earned leave actually availed of and the earned leave surrendered shall not exceed the maximum leave admissible to the employee at any one time.

(vi) The leave salary and allowances admissible for the leave surrendered shall be at the rate of leave salary and allowances admissible at the commencement of earned leave. For this purpose, a month shall be reckoned as 30 days, irrespective of the month in which the leave is availed of.

(vii) The amount of leave salary and allowances for the surrendered leave may be paid in advance but not earlier than six days before the commencement of leave. The authority competent to sanction leave shall insert a clause in the sanctioning order itself to the effect that in case the leave is required to be cancelled by the competent authority before the date from which the employee was to proceed on leave, the amount of leave salary and allowances for the surrendered leave shall be refunded forthwith by the employee in one instalment or adjusted in full in the first monthly pay or leave salary bill of the employee. No deductions on account of Provident Fund subscriptions, house rent, re-payment of any advances and repayment of any dues to Co-operative Societies, etc. shall be made from the leave salary for the period of surrendered leave.

(viii) An employee who is permitted to surrender his leave shall not ordinarily be permitted to rejoin duty before the expiry of the thirty days leave sanctioned to him.

(ix) In case of compulsory recall to duty, an employee shall be allowed to enjoy the balance of his earned leave before expiry of the period of six months from the date on which he proceeded on earned leave or before he again proceeds on earned leave with the benefit of surrender of earned leave, whichever is earlier. The authority competent to sanction leave shall grant leave to such employee during the aforesaid period if he applies for it. If the employee concerned by himself does not ask for being allowed to enjoy the same, the balance of the earned leave shall lapse and the said period shall be debited to his leave account as if he had enjoyed it.

(x) In order to guard against omission to post a debit in the leave account in respect of the leave surrendered, in case of such employees, the details of surrendered leave shall be noted in their service books and in their leave accounts when the leave salary is drawn. A certificate to the effect that the necessary entries have been made in the service book and in the leave account shall be furnished by the school in the bill in which the leave salary for the surrendered leave is drawn.

(vi) The maximum earned leave that can be surrendered shall be limited to 30 days in a financial year, on the date of commencement of earned leave for a period of not less than 30 days.

(xii) The benefit of surrender of earned leave shall not be allowed more than once in any financial year.

(xiii) On return from leave, the employee shall serve the school for a period not less than the period of earned leave surrendered.

(22) Any kind of leave except casual leave may be granted in combination with or in continuation of any other kind of leave.

(23) Non-permanent employee shall not be entitled to any leave with pay other than casual and maternity leave. A non-permanent employee when appointed substantively to a permanent post shall be entitled to leave which would have been admissible if his previous continuous duty was as a permanent employee. Half pay leave at the rate of 20 days for each completed year shall be granted to a non-permanent employee provided the authority competent to sanction leave has reason to believe that the employee concerned shall return to duty on its expiry.

(24) An employee on full pay leave shall be entitled to leave salary equal to the pay drawn immediately before proceeding on leave.

(25) An employee on half pay leave shall be entitled to leave salary at the rate equal to half the amount specified in sub-rule (24) above. In addition he shall draw proportionate amount of Dearness allowance based on the amount of leave salary plus Compensatory Local allowance and House Rent allowance at full rates, if admissible.

(26) An employee on commuted leave shall be entitled to leave salary equal to twice the amount of pay admissible under sub-rule (25).

(27) An employee suffering from T. B., Cancer or Leprosy shall be entitled to such special leave and allowances as are admissible to Government Servants for this purpose.

(28) An employee on extraordinary leave shall not be entitled to any leave salary.

(29) An employee retiring on superannuation shall be eligible to receive payment of cash equivalent to leave salary in respect of the period of earned leave at his credit at the time of retirement limited to a maximum of 180 days of earned leave. He shall also be entitled to pension and pension equivalent of Death-cum-Retirement Gratuity in addition to the cash payment of leave salary, subject to the following conditions namely :—

(a) The payment of cash equivalent of leave salary shall be limited to a maximum of 180 days earned leave.

(b) the cash equivalent of leave salary thus admissible shall become payable on retirement and shall be paid in one lump-sum as a one-time settlement.

(c) the cash payment shall be equal to leave salary as admissible for earned leave and Dearness allowance admissible on that leave salary at the rates in force on the date of retirement. No Compensatory Local allowance and House Rent allowance shall be payable.

(d) the authority competent to grant leave shall *suo motu* issue orders granting cash equivalent of earned leave at the credit of the employee on the date of retirement.

(30) An employee may also avail of, as leave preparatory to retirement, a part of earned leave to his credit. In that case, he shall be allowed payment of cash equivalent of leave salary for the balance of the earned leave that remains to his credit on the date of retirement in accordance with these rules.

(31) An employee on leave, with full or half or without pay, shall not accept any full-time service, with or without pay, or remuneration during the period of leave. An employee may accept part-time employment after obtaining specific permission from the Head of the School, the School Committee or the Management, as the case may be.

(32) An employee on leave shall not be allowed to return to duty before expiry of the leave except with the permission of the sanctioning authorities.

(33) Under exceptional circumstances of administrative necessity, the authority competent to sanction leave may call back to duty an employee who is on leave, explaining the nature of the emergency, and it shall be incumbent on the employee to return to duty. If, however, the employee cannot return to duty as directed, he shall satisfy the said authority about the bonafide circumstances of his inability.

(34) The date of increment of an employee on extraordinary leave shall be postponed by the period of such leave. The teachers who are elected on the Legislative Assembly or elected or nominated on the Legislative Council shall, however, be entitled to count their extraordinary leave during their tenure as the members of Legislature for the purposes of increment.

17. *Superannuation and re-employment.*—(1) An employee, other than Class IV employee, shall retire from service on the date on which he attains the age of 58 years and under no circumstances he shall be granted an extension in service beyond that age. The age of superannuation of a lower grade employee shall be 60 years :

Provided that, a teacher or a Head of a recognised private secondary school in the Vidarbha Region of the State who was permanent in service on the 31st December 1965, irrespective whether he continues to serve in the same school

or has joined some other school in the Vidarbha Region, shall retire on the date on which he attains the age of 60 years.

Note.—If the date of superannuation of an employee happens to fall in the middle of the month, he shall be continued in service till the last day of the month in which the date of his superannuation falls.

(2) A teacher or Head who attains the age of superannuation in the middle of either of the two academic terms and if the Management desires to grant him re-employment beyond the age of 58 years, may be granted such re-employment till the end of the particular term only, subject to the condition that he is physically and mentally fit for continuance in service.

(3) On re-employment of a person in the manner specified in sub-rule (2) his pay shall not exceed the last pay (including special pay or additional pay, if any) drawn by him at the time of his retirement minus pension (including pension equivalent of death-cum-retirement gratuity or gratuity in lieu of pension). Such pay plus pension (including pension equivalent of death-cum-retirement gratuity or gratuity in lieu of pension) shall not, however, exceed the maximum of the time scale of the post in which he is re-employed. Once the pay is fixed as mentioned above, the incumbent shall be entitled to receive the benefits of annual increment even though the pension (including pension equivalent of death-cum-retirement gratuity or gratuity in lieu of pension) plus pay so fixed exceeds the last pay drawn by him at the time of retirement but the total amount of pay fixed on re-employment plus pension (including pension equivalent of death-cum-retirement gratuity or gratuity in lieu of pension) shall not exceed the maximum of the time scale of the post in which he is re-employed.

(4) Pension shall be drawn as a separate entity and shall not be held in abeyance in any case.

(5) The pay on re-employment of an employee who is governed by the Contributory Provident Fund scheme shall not exceed the last pay (including special pay or additional pay, if any) drawn by him at the time of retirement minus pension equivalent of the Management's and Government's contribution to the Contributory Provident Fund including interest thereon. The pay so fixed shall not, however, exceed the maximum of the time scale in which he is re-employed. The incumbent shall get the benefit of increment so, however, that the pay plus pension equivalent of the Management's and Government's contribution including interest thereon shall not exceed the maximum of the time scale in which the person is re-employed.

(6) An employee who is neither eligible to the pensionary benefits nor to the Contributory Provident Fund benefits may be re-employed under sub-rule (2) on a starting salary of the scale of pay to which he is entitled or on a higher start but not exceeding the pay (including special pay or additional pay, if any) drawn at the time of retirement with the prior approval of the Education Officer or, in the case of Junior College of Education, the Deputy Director.

18. *Discharge Certificate.*—(1) The Head shall issue a Discharge Certificate in the form in Schedule "H" to an employee (other than the Head himself) who leaves service after due notice or to an employee whose services are terminated. In the case of the Head, such a discharge Certificate shall be issued by the Chief Executive Officer, and if the Head himself is the Chief Executive Officer, by the President. The Head, Chief Executive Officer or President shall issue a Discharge Certificate at least within a week from the date of relief of the employee or, as the case may be, the Head concerned. If the Discharge Certificate is refused, reasons for such refusal shall be communicated in writing to the employee or the Head within one week from the date of relief. In case of refusal to issue the Discharge Certificate by the Head, the Chief Executive Officer or the President, the employee or the Head, may appeal to the Education Officer or in the case of Junior College of Education to the Deputy Director of Education. The Education Officer or the Deputy Director of Education may, after considering the reasons recorded by the Head, the Chief Executive Officer or the President, direct the Head, the Chief Executive Officer or the President to issue the Discharge Certificate and on receipt of such direction the Head, the Chief Executive Officer or the President shall issue the Discharge Certificate.

(2) No employee with previous service in a school shall be employed in other school unless he produces a Discharge Certificate or gives in writing that he is unable to produce a Discharge Certificate despite a written request to the previous Management. Unless the second Management finds out from the previous Management the reasons for the same and unless it is convinced of the *bona-fide*s of the employee regarding satisfactory work and good conduct, the second Management shall not continue the employee in service. In case he is continued in service, the Management of the new school shall report to the Education Officer or in the case of the Junior College of Education, to the Deputy Director about the refusal by the previous Management to issue the Discharge Certificate and obtain from him a certificate regarding the last pay drawn by the employee for the purpose of drawing his pay :

Provided that, where an employee from a day school desires to join a Night School, such Discharge Certificate shall not be necessary. The Head of the Day school shall communicate his consent stating that there is no objection to the said employee taking up such part-time employment in addition.

19. *Pension.*—An employee of an aided secondary school and aided Junior College of Education working on full time basis and retiring on or after the 1st April 1966 and an employee of an aided primary school working on full time basis and retiring on or after the 1st April 1979 but who have opted for pension and the employee appointed on or after the above mentioned respective dates shall be eligible for pension at the rates and in accordance with the rules as are sanctioned by Government specifically to the employees of private schools.

20. Provident Fund.—(1) Every employee (not being an employee who has opted for pension) of an aided or unaided school working on a full time basis or every employee employed on part-time basis in more than one school run by the same Management and doing full-time load of work in these schools, shall subscribe to the Contributory Provident Fund under the Contributory Provident Fund Rules (Bombay) as in force from time to time.

(2) Every employee of an aided private secondary school working on a full time basis who was appointed before the 1st April 1966 and who had exercised in writing his option for a Contributory Provident Fund scheme shall subscribe to that Fund as per rules made by Government and are in force in this behalf.

21. Work load.—(1) A full-time teacher shall be present on the school premises during the working hours of the school upto 30 hours a week exclusive of daily recesses according to the requirement of the school,

(2) A full-time teacher in a Secondary School or Junior College or Junior College of Education who is teaching in classes with an average enrolment of 30 or less number of pupils shall do actual teaching work for 19 hours per week. A teacher who is teaching in classes with an average enrolment from 31 to 50 pupils shall do actual teaching work for 18 hours per week. A teacher who is teaching in classes with an average enrolment of more than 50 pupils shall do actual teaching work for 17 hours per week.

Note 1.—All work provided in the time table should be spread over within the respective hours of work specified in this sub-rule.

Note 2.—A teacher shall, as far as possible, be given full load of 17 to 19 hours of teaching work according to the enrolment of the classes in the time table of the Secondary School or Junior College or Junior College of Education, but in case full load cannot be given for genuine reasons, it shall not affect adversely the payment of salary to such teacher.

Note 3.—In the case of schools having shift system, full work-load as specified in sub-rule (2) above shall be allotted to an employee in one shift as far as possible.

Note 4.—In the case of Night School teachers, they shall have half the work-load specified for the full-time teachers.

(3) For Schools having more than 20 classes, the Head, the Assistant Head and the Supervisor shall do teaching work for at least 4, 8 and 10 hours per week, respectively. For schools having 20 or less classes the Head and the Supervisor shall do teaching work for at least 6 and 12 hours per week, respectively.

(4) The hours of working and attendance of non-teaching staff of the school shall be 38½ hours per week (inclusive of lunch recess) in the case of clerical staff, Librarians and Laboratory Assistants etc., and 50 hours per week (inclusive of lunch recess) in the case of lower grade staff such as peons, hamals etc.

Note.—The hours of working and attendance of non-teaching staff in each cadre of Night School shall be half of those specified for non-teaching staff in respective cadre of employees of day schools.

22. *Duties and Code of Conduct.*—(1) The duties of Head, Assistant Head, Supervisor, teachers and non-teaching staff (clerks) shall be as specified in Schedule "I".

(2) All teachers and employees shall observe the following Code of Conduct namely :—

(a) An employee shall treat all students without discrimination on political ground or for reasons of race, religion, caste, language or sex or any other reason of arbitrary or personal nature and shall refrain from instigating students against other students or other employees or school administration.

(b) A teacher shall not misuse the facilities of the school while exercising freedom of academic thought or expression.

(c) An employee shall not make use of the resources and facilities of the institution or Management for his personal use or for commercial, political or religious purposes.

(d) A teacher shall be impartial in assessment of students and shall not deliberately overmark or undermark or victimise students on any ground.

(e) A teacher shall not conduct or be employed in any private coaching classes or give private tuitions on commercial basis, except as otherwise provided in rule 23.

(f) An employee shall communicate change in address, if any, during vacation or leave period to the Head, Chief Executive Officer or President, as the case may be.

(g) Full-time teaching staff shall not accept part-time employment on payment or for any consideration in another educational, cultural or literary institution without obtaining prior written permission from the authorities of the school in which he is employed on full-time basis. Such work shall, however, be limited to two hours per day including private tuitions. In respect of a full-time non-teaching employee desirous of working in Night School, he shall be so allowed for the entire working period of the Night School.

(h) The behaviour of an employee with male and female students and employees shall be modest.

(i) An employee shall—

(i) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(ii) not consume any intoxicating drink or be under the influence of any intoxicating drink or drug, during the course of his duty; and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of any such drink or drug ;

(iii) refrain from consuming any intoxicating drink or drug in a public place ;

(iv) not appear in a public place in a state of intoxication ;

(v) not use any intoxicating drink or drug in excess, so that he is unable to control his behaviour.

Explanation.—For the purpose of this rule, “Public Place” means any place or premises (including conveyance) to which the public have or are permitted to have access, whether on payment or otherwise.

(3) Failure to conform to any of the rules of Code of Conduct mentioned in sub-rule (2) shall be treated as an act of negligence or mis-conduct or both.

23. *Private Tuition*—(1) *Full-time Teaching Staff*—

(a) A Head shall not undertake private tuitions or any part-time job with remuneration excepting the following items of work, namely :—

(i) Working as a guide for post-graduate research (with the approval of the University).

(ii) Working as a part-time Lecturer in a college or in post-graduate Department of Universities.

(iii) Any other educational work of a small nature which does not interfere with his regular work and which shall be undertaken only with prior written permission of the Management.

(b) A teacher shall not do private tuition for more than two hours a day or teach more than five pupils during the whole period of tuition in the day. The expression “five pupils” means the same five pupils and not batches of pupils. Day school teachers working in Night Schools may work for full duration of the Night Schools instead of two hours as mentioned in this rule provided they do not undertake private tuitions.

(c) A teacher shall not associate himself directly or indirectly with any coaching classes to prepare pupils for the internal or external examination of secondary schools or any other examining body. When the number of pupils taking private tuition from a teacher for internal or external examination exceeds five, it shall be deemed to be a coaching class.

(d) The time spent by a teacher for conducting classes in curricular or co-curricular activities with remuneration with prior permission of the Management shall be set off against the limit of two hours of private tuitions as permissible.

(2) *Part-time Teaching Staff*—(a) The total number of hours spent by a part-time teacher in teaching in one or more schools as also the number of hours spent by him in tuitions shall not exceed the total number of hours spent in teaching in a school by a full-time teacher plus the number of hours permitted for undertaking private tuition by a full-time teacher.

(b) A part-time teacher shall intimate the Head before undertaking any tuition.

24. *Submission of representations.*—(1) Representation from an employee in connection with his employment or his school to the Management or to the Department shall be addressed through the Head. He may, if he so desires, however address an advance copy of his representation to the authorities. The receipt of the representation shall be acknowledged by the Head.

(2) Representation by the Head of a School to the Department shall be routed through the Management.

(3) The Head or the Management, as the case may be, shall take final decision on the representation addressed by an employee to him or it within a fortnight from the receipt thereof. If the representation has been addressed to the Departmental authorities, the Head or Management, as the case may be, shall forward the same to the Departmental authorities to whom it is addressed, within 15 days from the date of receipt thereof with his or its remarks under intimation to the employee concerned, failing which the authority to whom the representation is addressed shall directly take action on the advance copy of the representation.

25. *Obtaining Higher or Additional Qualifications.*—(1) An employee other than the Head shall obtain previous permission of the Head and the Head shall obtain previous permission of the Management in case he intends to obtain higher or additional qualifications by joining courses for which regular attendance is necessary. In other cases shall intimate the Head or the Management. The Head or Management may grant such permission provided the normal work of the School does not suffer. The employee so permitted cannot claim as a matter of right any kind of leave for the preparation of examination for obtaining such qualification. He shall however, be eligible to get leave due and admissible to him for the purpose of appearing for the examination, including the period required for journey, if any, for that purpose.

(2) The provisions of sub-rule (1) shall not apply in the case of professional courses, such as B. Ed. or D. Ed. which are pre-requisites of a teacher appointed by granting relaxation of qualifications prescribed in Schedule "B", and also in cases of any similar courses organised by the Department, if the employee intimates immediately after applying, to the Head or the Management that he intends to join the course.

26. *Retrenchment on account of abolition of posts.*—(1) The services of a permanent employee may be terminated by the Management after giving him 3 months' notice or 3 months' pay (together with allowances) in lieu of notice, on the following grounds namely:—

(i) Reduction of establishment owing to reduction in the number of Classes or Divisions.

(ii) Fall in the number of pupils resulting in reduction of establishment.

(iii) Change in the curriculum affecting the number of certain category of teachers.

(iv) Closure of a course of studies or of the school itself.

(v) Any other *bonafide* reason of similar nature.

(2) Termination of services under sub-rule (1) above shall be subject to the following conditions, namely:—

(i) The principle of seniority shall ordinarily be observed.

(ii) Prior approval of the Education Officer, or in the case of the Junior College of Education the Deputy Director shall be obtained by the Management in each and every case of retrenchment including cases in which the principle of seniority is proposed to be departed from and a senior member of the staff is proposed to be retrenched when a junior member should have been retrenched.

(iii) The employees whose services are proposed to be terminated shall be absorbed by the Education Officer or as the case may be, the Deputy Director, in other Schools. Till the employees are so absorbed the Management shall not be permitted to close down the Classes or Divisions or to effect retrenchment on account of any other reason mentioned in sub-rule (1) above.

(3) If posts retrenched are revived or additional posts for the same subjects are created, the Management shall, by a letter registered post acknowledgment due addressed to the employee who is retrenched and absorbed in other School, give him the first opportunity of re-joining services in the school. For this purpose the employee shall communicate to the Management his address and availability for the job every year before April by a letter sent by registered post acknowledgment due.

(4) The retrenched person who may have been absorbed in other School shall have an option either to get repatriated to his original School or to continue in the School in which he has been absorbed.

(5) If the employee opts to continue in the School in which he has been absorbed or if no written reply is received from the employee within a fortnight from the date of receipt of the letter addressed to him by the Management regarding the offer for re-appointment or repatriation to the School or on refusal by him to receive the letter containing such an offer, the Management shall be free to fill the post or posts by appointing some other qualified person or persons.

(6) In the event of the employee opting to get repatriated to the original School he shall be restored to his original position in pay, seniority etc.

27. *Principles of Termination of Service in the event of retrenchment.*—While terminating the services of employees under the preceding rule, the following principles shall also be observed : namely:—

(a) In the case of reduction in the number of classes at the High School stage, i.e., Standards VIII to X, the services of the junior-most teacher in the category of trained graduates shall be terminated.

(b) In the case of reduction in the number of classes at the Middle School stage, i.e., Standards V to VII, the services of the junior-most teacher in the category of trained undergraduates shall be terminated.

(c) If there are some teachers who entered the service as (i) untrained Matric/S.S.C. or (ii) Matric/S.S.C., S.T.C. or its equivalent and changed their category on improving qualifications as (i) untrained graduate or

(ii) trained graduate, respectively and if the situation demands that their services are required to be terminated under rule 26, they shall be given option either to go back to the original category of (i) untrained Matric/S.S.C or (ii) trained Matric/S.S.C., etc. On their doing so, the services of the junior most teacher in that category shall be terminated.

(d) In case the Management runs more than one school and in case the retrenchment is to be effected under rule 26 in any one of the schools run by it or in case any one of its schools is required to be closed either due to withdrawal of recognition or due to the decision of the Management to close it, while effecting retrenchment, the principle of common seniority of employees working in all the schools conducted by it shall be observed along with the above principles.

(e) When any retrenchment is to be effected, members of Backward Classes already in service shall not be retrenched though liable to retrenchment according to their seniority, if their strength in the school does not exceed the percentage of reservation prescribed in sub-rule (7) of rule 9. In their place, an equal number of other non-Backward Class members of the staff shall be retrenched subject, however, to the condition that, as between the permanent and temporary employees, the temporary employee shall be retrenched irrespective of the fact that he belongs to the Backward Class.

28. *Removal or Termination of Service.*—(1) The services of a temporary employee other than on probation may be terminated by the Management at any time without assigning any reason after giving one calendar month's notice or by paying one month's salary (pay and allowances, if any) in lieu of notice.

In the case of an employee entitled to vacation, the notice shall not be given during the vacation or so as to cover any part of the vacation or within one month after vacation.

(2) Subject to the provisions of sub-rule (3), the services of a permanent employee may be terminated by the Management on giving compensation equal to six months' emoluments (pay and allowances) in case he has put in less than 10 years' service, and 12 months' emoluments (pay and allowances) if he has put in service of 10 years or more, in the following circumstances, namely:—

Immodest or immoral behaviour with a female or male student or employee or such other action involving moral turpitude into which, if an open enquiry is held undesirable social consequences may follow.

(3) No order of termination of service shall be issued to an employee under sub-rule (2) unless a notice stating the grounds on which his services are proposed to be terminated is given to him by the Management allowing him to show cause, if any, within a reasonable time and the cause shown, if any, is considered. If, after considering the cause shown, if any, an order of termination of services of an employee is passed, the Management may not assign any reason in the order to be issued to the employee.

(4) If a permanent employee in a secondary school or Junior College of Education who is appointed prior to the 1st April 1966, or a permanent employee in a primary school who is appointed prior to the 1st April 1979, and who has opted to retain the Contributory Provident Fund scheme, is to be relieved from service in the school for being found medically unfit as certified by the Civil Surgeon, or the Superintendent of a Government Hospital, as the case may be, he shall be given gratuity at the rate of half a month's salary (pay and allowances) for every completed year of service but not less than 3 months' salary (pay and allowances), whichever is higher :

Provided that, an employee receiving gratuity under this sub-rule shall not be held eligible to receive in addition, compensation as provided under sub-rule (2) above.

(5) An employee shall be liable to be punished on one or more of the following grounds, namely :—

- (a) misconduct;
- (b) moral turpitude;
- (c) wilful and persistent negligence of duty;
- (d) incompetence.

For the purpose of this rule—

(a) "Misconduct" shall include the following acts, namely:—

(i) breach of the terms and conditions of service laid down by or under these rules; ~~and~~

(ii) violation of the code of conduct;

(b) "Moral turpitude" includes the acts mentioned in sub-rule (2);

(c) "Wilful negligence of duty" shall include the following acts, namely:—

(i) dereliction in, or failure to discharge, any of the duties prescribed by or under these rules;

(ii) persistent absence from duty without previous permission; and

(iii) any other act of similar nature ;

(d) "Incompetence" includes the following acts, namely:—

(i) failure to keep up academic progress and up to date knowledge in spite of repeated instructions in that behalf and provision of facilities;

(ii) failure to complete the teaching of the syllabus determined for the year within the fixed periods for reasons not beyond his control; and

(iii) any other act of similar nature.

29. *Penalties.*—Without prejudice to the provisions of these rules, any employee guilty of misconduct, moral turpitude, wilful and persistent neglect of duty and incompetence, as specified in rule 28, shall be liable for any of the following penalties, namely:—

- (1) warning, reprimand or censure.

(2) withholding of an increment for a period not exceeding one year.

(3) recovery from pay or from such other amount as may be due to him of the whole or part of any pecuniary loss caused to the Institution by negligence or breach of orders.

(4) reduction in rank.

(5) termination of service:

Provided that, an employee of a private school aggrieved with the decision of imposing a minor penalty as specified in clause (1) of rule 31 may prefer an appeal to the Deputy Director of the region concerned within 45 days from the date of receipt of the order of punishment.

30. *Imposition of penalty of withholding of increment.*—When an increment of an employee is withheld, the authority imposing the punishment shall specifically mention in its order—

(a) the period for which it is withheld, and

(b) whether the period for which the increment is withheld shall be exclusive of the leave (except casual leave) taken during the period.

31. *Classification of penalties.*—The penalties shall be classified into minor and major penalties as under:—

(1) *minor penalties*—

(i) reprimand.

(ii) warning.

(iii) censure.

(iv) withholding of an increment for a period not exceeding one year.

(v) recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the Institution by negligence or breach of orders.

(2) *major penalties*—

(i) reduction in rank,

(ii) termination of service.

32. *Procedure for imposing minor penalties.*—The minor penalties may be imposed for lapses on the part of the employees such as delay in disposal of assignments, negligence of duty, insubordination, disobedience of orders of superiors and other misconduct or misbehaviour of similar nature. Before finally imposing any punishment as contemplated in this rule, the employee

concerned shall be given in writing an opportunity to explain within two weeks why he should not, for good and sufficient reasons, be punished for the lapses or omission on his part. The nature and quantum of punishment, if any to be imposed on him shall be decided after considering the explanation, if any, given by the employee.

33. *Procedure for inflicting major penalties.*—(1) If an employee is alleged to be guilty of misconduct or misbehaviour of a serious nature and if there is reason to believe that in the event of the guilt being proved against him, he is likely to be reduced in rank or removed from service, the Management shall first decide whether to hold an inquiry and also to place the employee under suspension and if it decides to suspend the employee, it shall authorise the Chief Executive Officer to do so after obtaining the permission of the Education Officer or, in the case of the Junior College of Education and Technical High Schools, of the Deputy Director. Suspension shall not be ordered unless there is a *prima facie* case for his removal or there is reason to believe that his continuance in active service is likely to cause embarrassment or to hamper the investigation of the case. If the Management decides to suspend the employee, such employee shall, subject to the provisions of sub-rule (5) stand suspended with effect from the date of such order.

(2) If the employee tenders resignation while under suspension and during the pendency of the inquiry such resignation shall not be accepted.

(3) An employee under suspension shall not accept any private employment.

(4) The employee under suspension shall not leave the headquarters during the period of suspension without the prior approval of the Chief Executive Officer. If such employee is the Head and also the Chief Executive Officer, he shall obtain the necessary prior approval of the President.

(5) An employee against whom proceedings have been taken on criminal charge or who is detained under any law for the time being in force providing for preventive detention shall be considered as under suspension for any period during which he is under such detention or he is detained in police or judicial custody for a period exceeding forty-eight hours or is undergoing imprisonment, and he shall not be allowed to draw any pay and allowances for such period until the termination of the proceedings taken against him or until he is relieved from detention and is in a position to rejoin duty after producing documentary proof of his release (otherwise than on bail) or acquittal, as the case may be. An adjustment of his pay and allowances for such periods shall be made according to the circumstances of the case, the full amount being given only in the event of the employee being acquitted of charge or detention being held by the Court to be unjustified.

(6) After the result of the criminal prosecution, a copy of the judgement shall be obtained by the Management and if the judgement is one of conviction for the charges and if an inquiry is also initiated by the Management against the employee on the basis of the same charges, it shall not be necessary to proceed with the inquiry on the same charges and the Management shall take action to terminate the services of the employee. The Management shall not, however, pass any order till the period upto which the employee is entitled to prefer an appeal or revision application to the higher Court against the conviction by the lower Court is over. If the appeal or revision application is preferred, the Management shall not take any action till the conviction is finally confirmed by the higher Court. When the judgement in the criminal case, appeal or revision application is one of acquittal, the Management shall consider in the light of the judgement whether it is necessary to institute or proceed with the inquiry. If the Management agrees that the acquittal is justified, it may drop the inquiry by certifying that it agrees with the findings of the Court. If the Management does not agree with the findings, it may proceed with the inquiry and inflict proper punishment.

34. *Payment of subsistence allowance.*—(1) (a) A subsistence allowance at an amount equal to the leave salary which the employee would have drawn if he had been on leave on half pay and in addition, Dearness allowance based on such leave salary shall be payable to the employee under suspension.

(b) Where the period of suspension exceeds 4 months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first 4 months as follows, namely :—

(i) The amount of subsistence allowance may be increased by a suitable amount not exceeding 50 per cent of the subsistence allowance admissible during the period of first 4 months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons, to be recorded in writing, not directly attributable to the employee.

(ii) The amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first 4 months, if in the opinion of the said authority the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the employee.

(iii) The rate of Dearness allowance shall be based on the increased or on the Decreased amount of subsistence allowance, as the case may be, admissible under sub-clauses (i) and (ii).

(2) Other compensatory allowances, if any, of which the employee was in receipt on the date of suspension shall also be payable to the employee under suspension to such extent and subject to such conditions as the authority suspending the employee may direct :

Provided that the employee shall not be entitled to the compensatory allowances unless the said authority is satisfied that the employee continues to meet the expenditure for which such allowances are granted :

Provided further that, when an employee is convicted by a competent court and sentenced to imprisonment, the subsistence allowance shall be reduced to a nominal amount of rupee one per month with effect from the date of such conviction and he shall continue to draw the same till the date of his removal or reinstatement by the competent authority :

Provided also that, if an employee is acquitted by the appellate court and no further appeal or a revision application to a higher court is preferred and pending, he shall draw the subsistence allowance at the normal rate from the date of acquittal by the appellate court till the termination of the inquiry, if any, initiated under these rules :

Provided also that, in cases falling under sub-rules (1) and (2) above, where the management refuses to pay or fails to start and continue payment of subsistence allowance and other compensatory allowances, if any, to an employee under suspension, payment of the same shall be made by the Education Officer or Deputy Director, as the case may be, who shall deduct an equal amount from the non-salary grant that may be due and payable or may become due and payable to the school.

(3) In case an employee under suspension attains the age of superannuation while under suspension he shall be deemed to have been retired on attaining the age of superannuation and any departmental or Judicial proceedings pending against him shall be continued even after his retirement. A provisional pension not exceeding the maximum pension which would have been admissible on the basis of qualifying service upto the date of retirement of the employee or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed under suspension shall be paid to him. But no amount of Death-cum-Retirement Gratuity shall be paid till his case is finally decided. Where an employee is acquitted of the charges and he is not proceeded against by the Management under sub-rule (6) of rule 33 his case shall be regulated by sub-rule (5) if his suspension is held to have been wholly unjustified, and by sub-rule (6) if it is held to have been wholly justified.

(4) When an employee who has been suspended is reinstated, the authority competent to order the reinstatement shall consider and make a specific order —

(a) regarding the pay and allowances to be paid to the employee for the period of his absence from duty, and

(b) regarding the said period being treated as a period spent on duty.

(5) Where the authority mentioned in sub-rule (4) is of the opinion that the employee has been fully exonerated or, in the case of suspension, that it was wholly unjustified, the employee shall be given the full pay, allowances and pension to which he would have been entitled had he not been dismissed, removed or suspended, as the case may be. The Management shall bear expenditure on pay and allowances of substitute, if any, appointed in place of the employee under suspension and such expenditure shall not hold admissible for Government grant.

(6) In other cases, the employee shall be given such proportion of pay and allowances and pension as the Management may decide :

Provided that, where the amount of provisional pension sanctioned to an employee during the period of suspension is more than the amount of pension finally held admissible, the difference of such amount shall not be recovered or adjusted from the amount of pension payable to him :

Provided further that, the payment of allowances under sub-rules (5) or (6) shall be subject to all other conditions under which such allowances are admissible :

Provided also that in a case falling under sub-rule (5), the period of absence from duty shall be treated as a period spent on duty, after the Management specifically directs that it shall be so treated (for specified purposes).

35. *Conditions of suspension.*—(1) In cases where the Management desires to suspend an employee, he shall be suspended only with the prior approval of the appropriate authority mentioned in rule 33.

(2) The period of suspension shall not exceed four months except with the prior permission of such appropriate authority.

(3) In cases where the employee is suspended with prior approval, he shall be paid subsistence allowance under the scheme of payment through Co-operative Banks for a period of four months only and thereafter, the payment shall be made by the Management concerned.

(4) In case where the employee is suspended by the Management without obtaining prior approval of the appropriate authority as aforesaid, the payment of subsistence allowance even during the first four months of suspension and for further period thereafter till the completion of inquiry shall be made by the Management itself.

(5) The subsistence allowance shall not be withheld except in cases of breach of provisions of sub-rules (3) or (4) of rule 33.

36. *Inquiry Committee.*—(1) If an employee is allegedly found to be guilty of misconduct or misbehaviour of a serious nature, and the Management decides to hold an inquiry, it shall do so through a properly constituted Inquiry Committee. Such a committee shall conduct an inquiry only in such cases where major penalties are to be inflicted. The Chief Executive Officer authorised by the Management in this behalf (and in the case of an inquiry against the Head who is also the Chief Executive Officer, the President of the Management) shall communicate to the employee or the Head concerned by registered post, acknowledgement due the allegations and demand from him a written explanation within seven days from the date of receipt of the statement of allegations

(2) If the Chief Executive Officer or the President, as the case may be, finds that the explanation submitted by the employee or the Head is not satisfactory, he shall place it before the Management within fifteen days from the date of receipt of the explanation. The Management shall in turn decide within fifteen days whether an inquiry be conducted against the employee and if it decides to conduct the inquiry, the Management shall authorise the President of the Management and the Chairman of the School Committee to nominate two members on the Inquiry Committee one each from the Management and from the School Committee respectively and the President, and the Chairman shall communicate the names of persons so nominated to the Chief Executive Officer within fifteen days from the date of the decision of the Management. The third member of the Inquiry Committee shall be a person nominated by the employee concerned from amongst the members of the Management or from amongst the employees of any private school. Where an inquiry is proposed to be held against the Head referred to in sub-rule (1) the Inquiry Committee shall consist of three members of whom one member shall be the President of the Management and two other members shall be nominated each one by the School Committee and the Head.

(3) The Chief Executive Officer shall communicate the names of members nominated under sub-rule (2) by the Management and the School Committee by registered post acknowledgement due to the employee or the Head referred to in sub-rule (1), as the case may be, and direct him to nominate a person on his behalf on the proposed Inquiry Committee. In the case of an inquiry against the Head referred to in sub-rule (1), the President of the Management shall communicate the name of the member nominated by the School Committee and shall direct the Head to nominate a person on his behalf on the proposed Inquiry Committee. The employee or the Head, as the case may be, shall forward the name of the person to be nominated by him alongwith the written consent of the person so nominated to the Chief Executive Officer or to the President, as the case may be, within fifteen days of the receipt of the communication to that effect.

(4) If the employee or the Head, as the case may be, communicates the name of the person nominated by him the Inquiry Committee of three members shall be deemed to have been constituted on the date of receipt of such communication by the Chief Executive Officer or the President, as the case may be. If

the employee or such Head fails to communicate the name of his nominee within the stipulated period, the Inquiry Committee shall be deemed to have been constituted on expiry of the stipulated period consisting of only two members as provided in sub-rule (2).

(5) The Convener of the Inquiry Committee—

(i) In the case of an employee shall be the member nominated by the School Committee, and

(ii) In the case of the Head referred to in sub-rule (1) shall be the President of the Management,

and such Convener shall initiate action pertaining to the conduct of the Inquiry Committee and shall maintain all the relevant record of the inquiry.

(6) The meetings of the Inquiry Committee shall be held in the School premises during normal school hours or immediately thereafter, if the employee agrees and even during vacation.

37. *Procedure of inquiry.*—(1) The Management shall prepare a chargesheet containing specific charges and shall hand over the same together with the statement of allegations and the explanation of the employee or the Head, as the case may be, to the Convener of the Inquiry Committee and also forward copies thereof to the employee or the Head concerned by registered post acknowledgement due, within 7 days from the date on which the Inquiry Committee is deemed to have been constituted.

(2) (a) Within 10 days of the receipt of the copies of chargesheet and the statement of allegations by the employee or the Head, as the case may be,—

(i) If the employee or the Head, as the case may be, desires to tender any written explanation to the chargesheet, he shall submit the same to the Convener of the Inquiry Committee in person or send it to him by the registered post acknowledgement due.

(ii) If the Management and the employee or the Head, as the case may be, desire to examine any witnesses they shall communicate in writing to the Convener of the Inquiry Committee the names of witnesses whom they propose to so examine, and

(iii) If the Management desires to tender any documents by way of evidence before the Inquiry Committee, it shall supply true copies of all such documents to the employee or the Head, as the case may be. If the document relied upon by the Management is a register or record of the school it shall permit the employee or the Head, as the case may be, to take out relevant extracts from such register or record. The employee or the Head, as the case may be, shall supply to the Management true copies of all the documents to be produced by him in evidence.

(b) Within 3 days after the expiry of the period of 10 days specified in clause (a), the Inquiry Committee shall meet to proceed with the inquiry and give 10 days notice by registered post acknowledgement due to the Management and the employee or the Head, as the case may be, to appear for producing evidence, examining witnesses etc., if any.

(c) The Inquiry Committee shall see that every reasonable opportunity is extended to the employee for defending his case.

(d) (i) The Management shall have the right to lead evidence and the right to cross-examine the witnesses examined on behalf of the employee.

(ii) The employee shall have the right to be heard in person and lead evidence. He shall also have the right to cross-examine the witnesses examined on behalf of the Management.

(iii) Sufficient opportunities shall be given to examine all witnesses notified by both the parties.

(e) All the proceedings of the Inquiry Committee shall be recorded and the same together with the statement of witnesses shall be endorsed by both the parties in token of authenticity thereof. The refusal to endorse the same by either of the parties shall be recorded by the Convener.

(f) The inquiry shall ordinarily be completed within a period 120 days from the date of first meeting of the Inquiry Committee, or from the date of suspension of the employee, whichever is earlier, unless the Inquiry Committee has, in the special circumstances of the case under inquiry, extended the period of completion of the inquiry with the prior approval of the Deputy Director. In case the inquiry is not completed within the period of 120 days or within the extended period, if any, the employee shall cease to be under suspension and shall be deemed to have rejoined duties, without prejudice to continuance of the inquiry.

(3) The Management and the employee or the Head, as the case may be, shall be responsible to see that their nominees and the witnesses, if any, are present during the inquiry. However, if the Inquiry Committee is convinced about the absence of either of the parties to the disputes or any of the members of the Inquiry Committee on any valid ground, the Inquiry Committee shall adjourn that particular meeting of the Committee. The meeting so adjourned shall be conducted even in the absence of person concerned if he fails to remain present for the said adjourned meeting.

(4) The Convener of the Inquiry Committee shall forward to the employee or the Head, as the case may be, a summary of the proceedings and copies of statements of witnesses, if any, by registered post acknowledgement due within four days of completion of the above steps and allow him a time of seven days to offer his further explanation, if any.

(5) The employee or the Head, as the case may be, shall submit his further explanation to the Convener of the Inquiry Committee within a period of seven days from the date of receipt of the summary of proceedings etc., either personally or by registered post acknowledgement due.

(6) On receipt of such further explanation or if no explanation is offered within the aforesaid time, the Inquiry Committee shall complete the inquiry and communicate its findings on the charges against the employee and its decision on the basis of these findings to the Management for specific action to be taken against the employee or the Head, as the case may be, within ten days after the date fixed for receipt of further explanation. It shall also forward

a copy of the same by registered post acknowledgement due to the employee or the Head, as the case may be. A copy of the findings and decision shall also be endorsed to the Education Officer or the Deputy Director, as the case may be, by registered post acknowledgement due. Thereafter, the decision of the Inquiry Committee shall be implemented by the Management which shall issue necessary orders within seven days from the date of receipt of decision of the Inquiry Committee, by registered post acknowledgement due. The Management shall also endorse a copy of its order to the Education Officer or the Deputy Director, as the case may be.

38. *Power to terminate services, etc.*—The Management shall not delegate to any subordinate authority other than the Chief Executive Officer, power to execute the decision of the Inquiry Committee in respect of reduction in rank or termination of services.

39. *Procedure of filing Appeals.*—(1) Every memorandum of appeal under sub-section (1) of section 9 of the Act shall be duly signed by the appellant and shall be submitted to the Presiding Officer of the School Tribunal in triplicate personally or by registered post acknowledgement due.

(2) Every appellant shall submit his appeal separately and no joint appeal shall be entertained :

Provided that, the Tribunal may entertain a joint appeal by two or more employees if the appeal arises out of the same inquiry and the grounds raised in the appeal are the same.

(3) Every memorandum of appeal shall contain all material statements and arguments relied upon by the appellant and shall be accompanied by a copy of the order appealed against and copies of all the documents referred to in the appeal.

(4) Every memorandum of appeal shall be accompanied by a *crossed* Indian Postal Order or Demand Draft of rupees fifty, payable to the "Presiding Officer of the School Tribunal . . .". The fee may also be remitted in cash in the office of the Tribunal or by postal Money Order.

(5) Every memorandum of appeal may be submitted in Marathi or in English language.

40. *Resignation.*—(1) A permanent employee may leave service after giving three calendar months' notice and a non-permanent employee may leave service after giving one calendar month's notice. The Management may, however, allow an employee to leave service earlier on payment of pay (excluding allowances) for three months, or as the case may be, one month in lieu of notice by the employee. The amount in lieu of notice shall be restricted to the pay for the period by which the notice period falls short.

(2) If any Management allows an employee to leave service earlier either without due notice or without making payment of pay in lieu of notice as specified in sub-rule (1), a proportionate amount of pay in lieu of notice shall be deducted from the grant due to the school concerned.

(3) An employee entitled to vacation shall not give notice of resignation during the vacation or so as to cover any part of the vacation. The notice of resignation shall not be given within a month after the beginning of the first term of the year.

SCHEDULE 'A'

[See rule 2 (I) (i)]

School Committee

1. (a) Every school shall have a School Committee which will be responsible to Government for the management of the School. There shall be different School Committees for (i) Primary School, (ii) Secondary School including Higher Secondary class, if any, (iii) Junior College section attached to Senior College and (iv) Junior College of Education.

(b) A Society or Trust conducting a large number of schools shall have a Co-ordination Committee for all the schools conducted by the Society or Trust or for a group of schools of Society or Trust in addition to the School Committee of each such school.

2. The School Committee shall consist of—

(a) Four representatives of the Management consisting of the President of the governing body or his nominee and three members nominated by the governing body. The President of the governing body or his nominee shall be the Chairman of the Committee;

(b) One member from amongst the permanent teachers from the same school only in order of seniority by annual rotation;

(c) The Head of the School, who shall be *ex-officio* Secretary of the School Committee, shall be responsible to keep a record of the proceedings of the Committee's meeting :

Provided that, in the case of a school run by a Trust which is registered as public trust the four representatives referred to in clause (a) shall consist of four founder members, if there are such members available. If there is one or more but less than four such founder members the three or other requisite number of members shall be nominated by the founder members so as to make the total number of members four on the School Committee for such school.

3. Functions of the School Committee shall be as follows, namely :—

(a) management and regulation of the finance of school, keeping of accounts and making investments of the funds of the school;

(b) preparation of budget estimates;

(c) appointment of employees (other than the Head of the school);

(d) institution of new teaching courses;

(e) confirmation, promotion of and minor punishment to the employees other than Head subject to the provisions of the Act and these rules;

(f) grant of leave other than casual leave, to the staff other than the Head of the school whose leave will be granted by the Management;

(g) reporting to the Management on matters relating to the school.

4. The Co-ordination Committee shall consist of—

(a) the President (or his representative from amongst members of the Management);

(b) the Head of each school conducted by the same Management or of each school in the group of schools in a locality for which the Co-ordination Committee is formed, and;

(c) a member of the School Committee of each school or group of schools, representing the Management.

5. The Co-ordination Committee will in general co-ordinate the activities of the School Committees of the schools under the same Management or a group of schools in the same locality.

6. The term of the School Committee or Co-ordination Committee shall be co-terminus with that of the Management.

7. No individual member of the School Committee or Co-ordination Committee excepting the Head of the school shall directly or indirectly interfere with the internal administration of the school, the discipline of the school and the duties of the teachers.

SCHEDULE ' B '

[See rules 2(1)(j) and 6]

I. *Qualifications for Primary Teachers*

Appointment to the posts of Primary school teachers (other than special teachers—Drawing teachers) shall be made by nomination from amongst candidates who have passed S.S.C. examination or Matriculation examination or Lokshala examination or any other examination recognised as such by Government and the Primary Teachers Certificate examination or Diploma in Education examination, or a Diploma in Education (pre-primary of two years' duration).

Note.—A person holding a Diploma in Education (pre-primary of two years' duration) shall be qualified to teach standards I to IV only notwithstanding anything contained in the foregoing provisions—

(a) Candidates who were recruited before the coming into force of these rules in accordance with the recruitment rules then in force and who were thereafter discharged for want of vacancies shall be eligible for reappointment.

(b) Other things being equal, preference may be given to

(i) candidates who have passed the S.S.C. or other equivalent examination with English, Mathematics and Science or any two of them: and

(ii) eligible women candidates obtaining [the qualifications mentioned at item (i) through condensed courses.

2. Appointment to the post of Special Teacher (Drawing Teacher) in Primary Schools shall be made by nomination from amongst candidates who have passed S.S.C. examination and possess Art Teachers Diploma or Drawing Teachers Certificate or Drawing Masters Certificate.

3. Primary School teachers whose date of first appointment as such teachers in the service of a Zilla Parishad or Municipal School Board or Municipal Corporation or Municipal Council or recognised private primary school is 15th October 1966 or any prior date are exempted from acquiring S.S.C. and training qualification.

4. Primary School teachers recruited prior to the 30th June 1972 and who are possessing academic and training qualifications according to the rules in force at the time of their appointment are exempted from the S.S.C. and D.Ed. qualifications. Those who were recruited after the 30th June 1972 and who do not possess the S.S.C. and training qualifications should acquire the same before June 1985. Failure to acquire these qualifications before June 1985 shall make them liable for termination of their services.

5. The Primary School teachers with S.S.C. plus S.T.C. or T.D. or D.T. (one year) or Diploma in Education (one year) qualification who have been appointed in service on or before the 30th September 1970 in primary schools shall be regarded as trained and held eligible for the scale of pay for trained S.S.C. teachers.

If. Qualifications for trained Teachers in Secondary Schools and Junior Colleges of Education

(1) For Graduate Teachers:

(i) A Bachelor's degree in Teaching or Education of any statutory University or a qualification Recognised by Government as equivalent thereto;

(ii) A Teaching Diploma of any statutory University if a person holding it is appointed for the first time before the 1st October 1970;

(iii) A Secondary Teachers Certificate of the Education Department of this State, if the person holding it is appointed for the first time before 1st October 1970;

(iv) A Diploma in Education of the Graduates Basic Training Centres;

(v) A Diploma in Physical Education or a qualification recognised by Government as equivalent thereto; or Biforcral Higher Diploma in Physical Education of the Government of Maharashtra (as Physical Education with one of the method subjects) or B. P. Ed. (Marathwada University) or B. P. Ed. (Shivaji University) or B.Ed. (Physical Education) (Poona University) or B.Ed. (Physical Education) (Bombay University) or Diploms in Physical Education, Culture and Recreation awarded by Hanuman Vyayam Prasarak Mandal, Amravati; or

(vi) Any other degree, diploma or certificate which Government or the Inter-University Board may sanction as equivalent to any of the above qualifications.

(2) For Undergraduate Teachers:

(i) A Diploma in Education of Nagpur and Bombay Universities which is awarded two years after Secondary School Certificate Examination;

(ii) A Secondary Teachers' Certificate of the Education Department or the Teachers' Diploma of any other statutory University if the person holding it is appointed for the first time before the 1st October 1970;

(iii) A Certificate in Physical Education recognised by Government if the person holding it is appointed for the first time before the 1st June 1971;

(iv) A Diploma in Education (Primary) awarded by Government; or

(v) Any other equivalent diploma or certificate approved by Government or Inter-University Board.

(3) For Drawing Teachers:

A Drawing Teacher's or a Drawing Master's Certificate or an Art Master's Certificate or Art Teacher's Diploma or Art Master's Diploma.

(4) For Crafts Teachers:

A Certificate of having completed the special course in Craft run by the Directorate of Technical Education or any other equivalent course approved by Government with a minimum duration of six months.

(5) For Language Teachers (Arabic, Hindi, Persian, Sanskrit etc.):

For Graduate Teachers any degree, diploma or certificate which Government or the Inter-University Board may sanction as equivalent to the professional qualification as referred to under Item (1).

Note.—Persons in service on the 1st June 1963 with qualifications which have been approved by Government for the posts held by them shall continue to be considered as persons having approved qualifications.

III. Qualifications for Teachers in Junior Colleges**(1) Full-time Teachers :**

(a) Master's Degree of a statutory University in second class in the respective subjects *plus* B.Ed., or a Diploma or Certificate in Teaching, approved by the Department.

(b) Subject to the provisions of sub-clause (c) the qualifications of the teachers who are in service on the appointed date or appointed after the appointed date with the approval of the Deputy Director, shall be as follows, namely :—

(i) A master's degree of a statutory University at least in second class in Science with Physics, Chemistry or Mathematics, or a Master's degree of a statutory University at least in second class in Arts with Mathematics or a master's degree of a statutory University at least in second class in Commerce, or any higher qualification :

(ii) A bachelor's degree of a statutory University at least in second class in Commerce and who is also a Chartered Accountant (such teachers are already having the professional qualification of Chartered Accountant and hence they shall not be required to acquire the professional qualification of a bachelor's degree in Education or Diploma or Certificate in teaching approved by the Department) ;

(iii) A bachelor's degree of a statutory University at least in second class with a bachelor's degree in Technology ;

(iv) A master's degree of a statutory University in Arts in first class ;

(v) A master's degree of a statutory University at least in second class in any respective subject ;

(vi) A bachelor's degree of a statutory University at least in second or pass class with a bachelor's degree of a statutory University in Education and having experience of teaching standards VIII to X or XI for a period not less than seven years and appointed during the year 1975-76; or

(vii) Any other qualification recognised as equivalent by Government or the Inter-University Board.

(c) The teachers possessing the qualifications referred to in sub-clause (i), (iii), (iv) and (v) shall be required to acquire the professional qualification of a bachelor's degree of a statutory University in Education or Diploma or Certificate in teaching approved by the Department on or before the 13th day of March 1985 failing which they shall not be entitled to increments in the scale of Rs. 500—900 accruing after the date aforesaid.

(d) If persons possessing the qualifications referred to in clauses (a) and (b) are not available, the Director may relax the qualifications on the basis of the merits of each case and the person in whose favour such relaxation is allowed shall be appointed purely on temporary basis.

(2) Part-time Teachers :

It may be necessary to engage part-time teachers in certain optional subjects such as Book-Keeping and Accountancy, Biology, Geology etc. The qualifications prescribed for full-time teachers for the Junior College classes will also be applicable to them. The Director may relax the qualifications in suitable cases as mentioned in clause (1).

(3) Teachers for Technical subjects :

Teachers teaching technical subjects or teaching optional technical subjects shall have the following qualifications, namely :—

(i) Diploma in Engineering with three years' teaching experience or three years' professional experience ; or

(ii) teachers having Degree in Engineering or Technology.

(4) Teachers teaching Art subjects :

For teaching optional Art subjects, persons possessing the following qualifications shall be considered eligible :—

(a) (i) A Diploma in Drawing and Painting or Sculpture and Modelling or Applied Art in at least second class awarded by the Directorate of Art of Government or a Degree in Fine Art or Commercial Art of a statutory University in at least second class or an equivalent qualification recognised by the Directorate of Art of Government ; and

(ii) A.M. (Art Master, Certificate or A. M. Diploma or Diploma in Art Education in at least second class, awarded by the Director of Art ; or

(b) Candidates who possess Art Master with A. M. Certificate and who have worked as Art Teachers in secondary schools for a period of at least ten years.

Notes.—The candidates who have not undergone the revised Diploma course referred to in sub-clause (i) of clause (a) or who possess only the Art Master's Certificate shall be held eligible to teach Junior College classes provided they have undergone or undergo the Refresher Course in the Foundation Course or any orientation programme in Art Education conducted by the Directorate of Art.

(5) Hindi teachers :

A person who possesses academic and training qualification in Hindi which is recognised as equivalent to the qualifications mentioned in clause (1) shall be held eligible for appointment as Hindi teacher.

(6) Teachers for Defence Studies :

A person who possesses any of the following qualifications shall be held eligible for appointment as a teacher in Defence Studies, namely :—

(a) a graduate or post-graduate with Defence Studies as one of the subjects

(b) a graduate in any faculty and a Commissioned Officer' having experience of not less than three years in the N. C. C. Senior Division or having experience of not less than five years in N. C. C. Junior Division ; or

(c) a graduate in any faculty possessing the bachelor's degree in Education with 7 years' teaching experience in secondary school and at least 'C' Certificate of the N. C. C. Division.

(7) Physical Education teachers :

(a) A person who possesses a D. P. Ed. or B. Ed. (Physical Education) with seven years' Post-Training experience if he possesses bachelor's degree in Arts, Science or Commerce at least in second class or with ten years' experience if he possesses any of such degrees in pass class.

(b) A person who possesses certificate in Physical Education (C. P. Ed.) and whose appointment is approved by the Director by relaxing qualifications mentioned in sub-clause (a).

IV. *Qualifications for non-teaching posts in Schools*

- (1) Junior Clerk .. A person who has passed at least the Matriculation or the Secondary School Certificate Examination or any other qualification declared by Government as equivalent thereto.
- (2) Senior Clerk .. By promotion from amongst persons holding the posts of Junior Clerk on the basis of seniority-cum-merit.
- (3) Head Clerk .. By promotion from amongst persons holding the posts of Senior Clerk on the basis of seniority-cum-merit.
- (4) Superintendent .. By promotion from amongst persons holding the posts of Head Clerk on the basis of seniority-cum-merit.

(The above posts are shown in descending order and the higher posts are promotional posts available in Secondary Schools and Junior Colleges of Education on the basis of enrolment of the Schools concerned.)

Note.—For the purpose of filling in the promotional posts from among the staff strictly on the basis of the seniority-cum-merit, the seniority shall be determined on the basis of guidelines mentioned in Schedule "F" and merit shall be determined in accordance with the record of service within the meaning of that expression in the *Explanation* below sub-rule (6) rule 3.

- (5) Librarian .. A person who has passed at least the Matriculation or the Secondary School Certificate Examination and possesses a certificate in Library Training awarded by the Directorate of Libraries.
- (6) Laboratory Assistant .. A person who has passed the Matriculation or Secondary School Certificate Examination with Physics and Chemistry or General Science subjects.
- (7) Laboratory Attendant (for the scale of pay of Rs. 250-435) A person who has studied upto Pre-S.S.C. class with Physics and Chemistry or General Science subjects.
- (8) Laboratory Attendant and other lower grade employees such as Naik, Peon, Watchman, Chowkidar, Sweeper, Callwoman, Kamathi etc. A person who is literate.

SCHEDULE ' C '

[See rule 7(1)]

Pay-scales

PART I

Scales of Pay of Primary School Head Masters and Teachers

Serial No. 1	Qualification 2	Pay-scale 3
Rs.		
1 Head Master in Primary Schools having an enrolment of students above 200 or having standards I to VII ;		335—15—500—20—580—Extn. —20—680.
2 (a) Untrained teachers who have passed the Primary School Certificate examination or other examination recognised as equivalent thereto by Government ;		
(b) Untrained teachers in Marathwada Region possessing qualifications lower than Munshi or Matriculation qualification ;		
(c) Teachers who have passed either the Primary School Certificate Examination or Secondary School Certificate Examination or any other Examination recognised as equivalent thereto by Government and who are treated as experienced teachers, in accordance with the orders issued by Government in that behalf.		250—7—285—10—385—Extn. —10—435.
3 (a) Untrained teachers who have passed the Secondary School Certificate Examination or other examination recognised as equivalent thereto by Government ;		
(b) Untrained Teachers in Marathwada Region possessing Munshi or Matriculation qualifications ;		260—10—390—15—420—Extn. —15—495.
(c) Teachers who have passed the Primary School Certificate Examination or an examination recognised as equivalent thereto by Govern-		

Serial No. 1	Category 2	Pay-scale 3
		Rs.
	ment and also the Primary School Teachers Examination (two years course) ;	
	(d) Teachers who have passed the Primary School Certificate Examination or an examination recognised as equivalent thereto by Government and who have secured Training Certificate prior to 1958 according to the old or new course ;	
	(e) Teachers who have passed the Primary School Certificate Examination or other examination recognised as equivalent thereto by Government and who are treated as deemed trained teachers in accordance with the orders issued by Government in that behalf ;	260—10—390—15—420— Extn.—15—495.
	(f) Teachers who have passed the Primary School Certificate Examination or other examination recognised as equivalent thereto by Government and who are treated as trained teachers in accordance with the orders issued by Government in that behalf ;	
4	(a) Teachers who have passed the Secondary School Certificate Examination or other examination recognised as equivalent thereto by Government and also the Junior Primary Teachers Certificate Examination after 1958 ;	290—10—390—15—465— Extn.—15—540
	(b) Teachers who have passed the Secondary School Certificate Examination or other examination recognised as equivalent thereto by Government and the old one year's training course ;	

Serial No. 1	Category 2	Pay-scale 3
--------------------	---------------	----------------

Rs.

- (c) Teachers who have passed the Secondary School Certificate Examination or other examination recognised as equivalent thereto by Government and the two years' training course, if any ;
- (d) Teachers who have passed the Secondary School Certificate Examination or other examination recognised as equivalent thereto by Government and who are treated as trained teachers in accordance with the orders issued by Government in that behalf ;
- (e) Teachers who have passed the Secondary School Certificate Examination or other examination recognised as equivalent thereto by Government and who are treated as deemed trained teachers in accordance with the orders issued by Government in that behalf ;
- (f) Teachers who have passed the Secondary School Certificate Examination or other examination recognised as equivalent thereto by Government and who are treated as trained teachers by the former Governments of Madhya Pradesh and Hyderabad prior to the 1st November 1956 ;
- (g) Teachers who have passed the Secondary School Certificate Examination or other examination recognised as equivalent thereto by Government and who have passed the Senior Primary Teachers Certificate Examination or Diploma in Education (Primary) or Diploma in Education (Pre-Primary) Examination, which are courses each of two years' duration.

290—10—390—15—465—
Extn.—15—540.

Serial No.	Category	Pay Scale
1	2	3

Rs.

- 5 (a) Untrained Hindi teachers who have passed the Primary School Certificate examination or have acquired qualifications in Hindi recognised by Government ; 250—7—285—10—385—
Extn.—10—435.
- (b) Untrained Hindi teachers who have passed the Secondary School Certificate Examination or acquired the qualifications in Hindi recognised by Government ;
- (c) Trained Hindi teachers who have passed Primary School Certificate Examination or who have acquired the qualification in Hindi recognised by Government ; } 260—10—390—15—420—
Extn.—15—495.
- (d) Trained Hindi teachers who have passed the Secondary School Certification Examination or other examination recognised as equivalent thereto by Government, or who have acquired qualifications in Hindi recognised by Government : 290—10—390—15—465—
Extn.—15—540.
- (e) All other special teachers, i.e. teachers teaching Drawing, Music, Sewing etc. 250—7—285—10—385—
Extn.—10—435.

The scales of pay of Head-Masters in Secondary Schools, teachers in Secondary Schools and academic teaching staff in Technical, Multipurpose and Vocational High Schools.

PART II

Head-Masters

Sr. No.	Category	Pay-scales
1	2	3
		Rs.
1	Head of Secondary School ..	(Enrolment of students 500 and below) : 600—30—750—40—950. (Enrolment of students above 500) : 750—40—1150.
2	Assistant Head of Secondary School.	600—30—750—40—950.
3	Supervisor	No separate scale of pay has been prescribed. The incumbent will draw pay in the scale of pay as an Assistant Teacher <i>plus</i> an allowance of Rs. 40 per month.

PART III

Secondary School Teachers and academic teaching staff in Technical, Multipurpose and Vocational High Schools.

Sr. No.	Category	Pay-scales
1	2	3
		Rs.
1	Untrained Matric/S.S.C. ..	260—10—390—15—420—Extn. —15—495.
2	Matric/S.S.C. and one year course thereafter such as S.T.C., T.D. (one year); D.Ed. (one year); Dip. T. (one year) etc.	290—10—390—15—465—Extn. —15—540, <i>plus</i> special pay of Rs. 8 per month to only those who teach standard VIII or any higher standards for at least 1/3rd of the prescribed number of periods of work-load.
3	Matric/S.S.C. and Diploma in Education of Government or H.S.C. or First Year of College and Diploma in Education (Nagpur University) or T.D. (Bombay University).	290—10—390—15—465—Extn. —15—540, <i>plus</i> special pay of Rs. 8 per month to only those who teach standard VIII or any higher standards for at least 1/3rd of the prescribed number of periods of work-load.

Serial No. 1	Category 2	Pay-scale 3
		Rs.
4	Untrained Graduates ..	335—15—500—20—580—Extn. —20—680.
5	Graduates with S.T.C./T.D. (one year)/Dip.T. (one year)	365—15—500—20—660—Extn. —20—760.
6	Graduates with Diploma in Education of Government or D.P.Ed. (Nagpur University) or T.D. (Bombay University) obtained after H.S.C. or first year of College	365—15—500—20—660—Extn. —20—760.
7	Graduates with Dip. T. (2 years) ..	365—15—500—20—660—Extn. —20—760.
8	Graduates with B.T./B.Ed. ..	365—15—500—20—660—Extn. —20—760.
9	Agricultural Graduates with B.T./B.Ed.	365—15—500—20—660—Extn. —20—760, with higher starting pay of Rs. 410 to those who teach the subject 'Agriculture' in Multipurpose Schools.
10	Teachers possessing post-graduate degree at least in Second Class with B. T./B.Ed.	365—15—500—20—660—Extn. 20—760, with a higher starting pay of Rs. 410 to those who possess postgraduate degree at least in Second Class in the subject taught in the school.

Teachers in Marathwada

11	Munshi passed/Matric/other equivalent qualifications passed, untrained teachers	} 260—10—390—15—420—Extn. 15—495.
12	Intermediate untrained ..	
13	Intermediate trained ..	290—10—390—15—465—Extn. 15—540.

Note 1.—The scales of pay mentioned at serial numbers 5 and 6 above shall be admissible to the graduate teachers who were holding the qualifications specified therein and who were appointed in service for the first time on or before the 1st October 1970 and are in service as trained graduate teachers.

Note 2.—The teachers with qualifications specified at serial numbers 5, 6 and 7 and who were appointed on or before the 1st October 1970 shall only be eligible for the scales of pay mentioned therein if they obtain a Bachelor's degree after that date and are appointed as trained graduate teachers for standards V to VII on or after the 17th April 1979 and not otherwise.

PART IV

Special Teachers in Secondary Schools and Junior Colleges of Education

Serial No. 1	Category 2	Pay-scale 3
Rs.		
<i>(a) Drawing Teachers—</i>		
1	Drawing Teacher's Certificate or Drawing Master's Certificate or Art Teacher's Diploma.	290—10—390—15—465—Extn. 15—540.
2	G. D. Art or Bachelor of Fine Art or Art Master's Certificate.	365—15—500—20—660—Extn. 20—760.
3	G. D. Art or Bachelor of Fine Art, plus Art Master's Diploma.	365—15—500—20—660—Extn. 20—760—(with a higher starting pay of Rs. 395 for those possessing Art Master's Diploma).
<i>(b) Drawing Teachers in Marathwada only—</i>		
1	Junior Drawing Teacher ..	290—10—390—15—465—Extn. 15—540.
2	Senior Drawing Teacher ..	290—10—390—15—465—Extn. —15—540.
3	Special Drawing Teacher ..	365—15—500—20—660—Extn. 20—760.
<i>(c) Physical Training Instructors—</i>		
1	Non-Matric or non-S.S.C. P. T. Instructor.	260—10—390—15—420—Extn. 15—495.
2	Matric or S.S.C. with short-term course in Physical Education.	290—10—390—15—465—Extn. 15—540.
3	Matric or S.S.C. with one year's Certificate Course in Physical Education.	290—10—390—15—465—Extn. 15—540.
4	Physical Training Instructor (Graduate) or Kandivali Trained [B.A. or B.Sc. or B. Com. and D.P.Ed. or persons possessing a Bifocal Higher Diploma in Physical Education of the Government of Maharashtra (as Physical Education with one of the method subjects) or B.P.Ed.	365—15—500—20—660—Extn. 20—760.

Serial No. 1	Category 2	Pay-scale 3
		Rs.
	(Shivaji University) or B.P.Ed. (Marathwada University) or B.Ed. (Physical) (Pune University) or B.Ed. (Physical) (Bombay University) or Diploma in Physical Education, Culture and Recreation awarded by Hanuman Vyayam Prasarak Mandal, Amravati]	
	<i>(d) Sanskrit Teachers—</i>	
1	Shastri without S.T.C. ..	260—10—390—15—420—Extn. 15—495.
2	Shastri with S.T.C. ..	290—10—390—15—465—Extn. 15—540.
3	Shastri (Graduate) without S.T.C.	335—15—500—20—580—Extn. 20—680.
4	Shastri (Graduate) with S.T.C. ..	365—15—500—20—660—Extn. 20—760.
	<i>(e) Hindi Teachers—</i>	
1	Matric or S.S.C. with Kovid, Pravān, Visharad or any other examination recognised by Government as equivalent to intermediate.	260—10—390—15—420—Extn. 15—495.
2	Matric or S.S.C. or Inter with Hindi Shikshak Sanad including Junior or Senior Hindi Shikshak Sanad.	290—10—390—15—465—Extn. 15—540.
3	B.A. with Hindi without Hindi Shikshak Sanad.	335—5—500—20—580—Extn. 1—20—680.
4	Graduate with Junior or Senior Hindi Shikshak Sanad.	365—15—500—20—660—Extn. 20—760.
	<i>(f) Craft Teachers—</i>	
1	Those who have not passed Standard VIII or above with Certificate in Craft.	250—7—285—10—385—Extn. 10—435.
2	Primary School Certificate Examination or Primary School Certificate plus Certificate and/or Diploma in Tailoring and/or Embroidery Courses approved by the Director of Technical Education.	260—10—390—15—420—Extn. 15—495.

Serial No. 1	Category 2	Pay-scale 3
		Rs.
3	Matric or S.S.C. with Craft Certificate	290—10—390—15—465—Extn.— 15—540.
<i>(g) Music Teachers—</i>		
1	Sangit Visharad without Matric or S.S.C.	290—10—390—15—465—Extn.— 15—540.
2	Sangit Visharad with Matric or S.S.C.	335—15—500—20—580—Extn.— 20—680.
<i>(h) Shorthand and Typewriting Instructors—</i>		
1	Shorthand and Typewriting Instructor.	335—15—500—20—580—Extn.— 20—680.
2	Typewriting Instructor	290—10—390—15—465—Extn.— 15—540.
<i>(i) Field Assistant—</i>		
1	Matric or S.S.C. plus 6 months' course in Agriculture.	260—10—390—15—420—Extn.— 15—495.
<i>(j) Tabaljis—</i>		
1	Sangit Madhyama (Tabla) or a certificate from a Government recognised Sangit School or possessing 10 years' experience of playing Tabla or Certificate of proficiency from first class music expert from the All India Radio	260—10—390—15—420—Extn. 15—495.
2	Sangit Visharad of Gandharva Mahavidyalaya, Pune or any other diploma from the Government recognised Sangit Schools recognised as equivalent thereto by Government.	

Note.—The pay-scales of Graduate Teachers shown in Part III shall be admissible to teachers appointed for standards V to VII on the condition that the number of graduate and under-graduate teachers (other than teachers in music, drawing, craft and physical education) admissible shall be in the ratio of 25:75.

PART V

The Scales of pay of Principals and Teachers in Junior Colleges of Education

Serial No. 1	Category 2	Pay-scale 3
		Rs.
1	Trained Graduate Teachers ..	395—15—500—20—700—Extn. —20—800.
2	Graduate and Montessory trained teachers.	365—15—500—20—660—Extn. 8 —20—760.
3	Principals	(1) For Colleges having four Divisions or less—600—30—750—40—950. (2) For Colleges having more than four Divisions—750—40—1150.

PART VI

Scales of pay of Teachers in Junior College (Higher Secondary) Units attached to Secondary Schools or Colleges

Serial No. 1	Category 2	Pay-scale 3
		Rs.
1	Teachers with post-graduate degree in II Class plus B.Ed. or a diploma or certificate in Teaching approved by Government.	500—20—700—25—900.
2	Teachers in the Secondary Schools having the qualifications of Bachelor's degree in the second or pass class with B.Ed. and with 7 or 10 years' experience of teaching standards VIII-X/XI appointed to teach the Junior College Classes attached to the Secondary Schools during 1975-76 and who have opted for the scale applicable to the Junior College Teachers.	500—20—700—25—900.
3	Teachers with post-graduate degree at least in second class appointed to teach the Junior College Classes in	500—20—700—25—900.

Serial No. 1	Category 2	Pay-scale 3
		Rs.
	the scale of pay applicable to the Junior College Teachers subject to the condition that they should acquire the professional qualification of B.Ed. or a Diploma or Certificate in teaching approved by Government, on or before the 13th day of March 1985, failing which they shall not be entitled to future increments in the scale applicable to Junior College Teachers.	
4	Teachers with B.Com. at least in second class and who are also Chartered Accountants.	500-20-700-25-900.
5	Teachers with B.Sc. at least in second class and B.Tech. appointed to teach the Junior College Classes subject to the condition that they should acquire professional qualification of B.Ed. or Diploma or Certificate in teaching approved by Government, on or before the 13th day of March 1985, failing which they shall not be entitled to future increments in the scale applicable to Junior College Teachers.	500-20-700-25-900.
6	Teachers in whose favour the Director has relaxed qualifications including teachers teaching work experience subject.	The pay-scale admissible to a secondary school teacher according to the qualifications mentioned in Parts III and IV plus a special pay of Rs. 50 per month.
7	Teachers teaching physical education referred to in sub-clause (a) of clause (7) of item III of Schedule 'B'.	500-20-700-25-900.

Note.—College teachers who have not completed two years of service on the 7th February 1975 and who are determined as surplus to the requirements of the colleges and who are absorbed in the Junior Colleges for teaching Junior College Classes to be attached to the colleges shall be held eligible for the above scale of Rs. 500—20—700—25—900 or their old collegiate scale of Rs. 300—600 or Rs. 400—800 as the case may be, as per the option exercised by the teachers concerned. Such teachers shall be required to obtain a degree of Bachelor of Education or Diploma or Certificate in teaching approved by Government, on or before the 13th day of March 1985, failing which they shall not be entitled to future increments in the respective pay-scale.

PART VII

Scales of pay of Head-Masters in Night Secondary Schools, part-time Teachers and part-time non-teaching staff in Secondary Schools including Night Schools and part-time teaching staff in Junior Colleges

(1) *Head Masters in Night Schools—*

Serial No.	Category	Pay-scale
1	2	3
		Rs.
1	Head Masters of Night Schools having an enrolment of students 500 and below	300-15-375-20-475
2	Head Masters of Night Schools having an enrolment of students above 500.	375-20-575

(2) *Part-time teaching staff.*—No separate scales of pay have been laid down. Their pay is regulated as follows, namely :—

Serial No.	Category	Pay
		3
		Rs.
1	Trained graduate teacher working for less than 3 clock hours, per week.	25 per month.
2	Untrained graduate teacher working for less than 3 clock hours, per week.	20 per month.
3	Trained undergraduate teacher working for less than 3 clock hours, per week	18 per month.
4	Untrained undergraduate teacher working for less than 3 clock hours, per week	15 per month.
5	All other teachers—	
	(a) working for more than 3 clock hours, per week, in addition to working as full-time teachers elsewhere	Pay in proportion to the number of teaching hours prescribed for a full-time teacher and the pay actually drawn as a full-time teacher.

Serial No. 1	Category 2	Pay-scale 3
(b) Working for more than 3 clock hours, per week, purely as part-time teachers.		Pay in proportion to the number of teaching hours prescribed for a full-time teacher and the pay they would have drawn on the basis of their qualifications had they been working as full-time teachers.

(3) *Part-time non-teaching staff.*—No separate scales of pay have been laid down. Their pay is regulated as follows, namely :—

(a) If the employee is working as part-time employee in addition to working as a full-time employee in the same school or elsewhere. Pay in proportion to the number of working hours prescribed for a full-time employee and the pay actually drawn as a full-time employee.

(b) If the employee is working purely as a part-time employee. Pay in proportion to the working hours prescribed for the full-time employee and the pay that he would have drawn had he been working as full-time employee.

(4) *Part-time teaching staff in Junior Colleges.*—No separate scales of pay have been laid down. Their pay is regulated as follows, namely :—

Part-time teachers with the same qualifications as prescribed for full-time teachers. Rs. 10 per clock hour of actual teaching work including tutorials.

Note 1.—Qualified part-time teachers may be appointed when either full-time teachers are not available or when there may not be adequate work-load to justify appointment of full-time teacher for teaching a particular subject.

Note 2.—Remuneration payable to part-time teachers during vacation shall be equal to their average weekly earnings provided they actually do the work of assessment of exercise books, answer books of periodical, terminal or annual examinations in addition to their teaching work.

Note 3.—Qualified part-time teachers from nearby places may be appointed with the prior approval of the Deputy Director and such teachers shall be held eligible for lump sum monthly payment to cover expenditure on travelling as may be determined by the Deputy Director.

Note 4.—No part-time teacher shall be employed or no extra payment shall be admissible to a teacher if he is entrusted an additional class in casual absence of a regular teacher.

Note 5.—Whereafter assigning the full-time work-load in a particular subject to a teacher there remains an extra work-load in that subject and no part-time teacher is available and such extra work-load is assigned to another teacher in the same shift, the teacher to whom such extra work is assigned shall be paid additional remuneration at the rate of Rs. 10 per clock hour so, however that such remuneration shall not exceed 20 per cent. of such teacher's basic pay during the month.

PART VIII

Scales of pay for non-teaching staff in Schools

Serial No.	Category	Pay-scales
1	2	3
1	Clerks—	Rs.
	(i) Junior Clerk	260—10—390—15—420— Extn.—15—495.
	(ii) Senior Clerk	335—15—500—20—580— Extn.—20—680.
	(iii) Head Clerk	395—15—500—20—700— Extn.—20—800.
	(iv) Superintendent	500—20—700—25—900.
2	Laboratory Assistant—those who have passed Matric or S.S.C. with Physics and Chemistry or General Science subjects.	260—10—390—15—420— Extn.—15—495.
3	Librarian—	
	(i) Matric or S.S.C. with Certificate in Library Training awarded by the Directorate of Libraries.	290—10—390—15—465— Extn.—15—540.
	(ii) Graduate with the Diploma or Degree in Library Science appointed before 27-12-1979 (including persons who are graduate with the Certificate in Library Training and are appointed on or before 21-8-1978).	365—15—500—20—660— Extn.—20—760.

Serial No.	Category	Pay-scale
4	Lower Grade Staff—	Rs.
	(i) Laboratory Attendants—	
	(a) Those who have studied upto Pre-S.S.C. Class with Physics-Chemistry or General Science subjects.	250—7—285—10—385—Extn. —10—435.
	(b) Others	200—3—230—5—255—Extn. —5—280.
	(ii) Naik	} 205—5—250—7—285—10— 305—Extn.—10—355.
	(iii) Mali	
	(iv) Oilman/Machine Attendant	
	(v) Peon/Watchman or Night Watchman or Chowkidar/Sweeper/Call-Woman/Kamathi/Attendant/Laboratory Hamal or Hamal or any other members of lower grade staff.	200—3—230—5—255—Extn. —5—280.

SCHEDULE 'D'

[See rule 9 (5)]

Order Of Appointment

From _____ No. _____ date _____

To
Shri/Smt. _____

With reference to your application dated _____, I have the pleasure to inform you that you are hereby appointed as _____ on Rs. _____ per month in the scale of Rs. _____ with effect from _____ or the date you report for duty. You will be entitled to allowances such as compensatory local allowance, house rent allowance and dearness allowance as specifically sanctioned by Government from time to time.

2. *Your appointment is purely temporary for a period of _____ months/years from _____ to _____ in the *leave/deputation vacancy. After expiry of the above period, your services shall stand terminated without any notice.

OR

*Your appointment is on probation for a period of two years.

3. The terms of your employment and conditions of service shall be as laid down in the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and the Rules made thereunder.

4. You shall have to undergo a medical examination by Dr..... † within three months from the date of joining the post. Your appointment shall be conditional pending the receipt of physical fitness certificate from the doctor whose name is mentioned above.

5. You are requested to acknowledge receipt of this order of appointment and communicate the acceptance of the appointment within days from the date of receipt of the same.

6. If no reply accepting the appointment is received within the period mentioned in paragraph 5 the order shall be treated as cancelled.

Yours faithfully,



*Head Master and Secretary of the School Committee (in the case of appointment order of teaching and non-teaching staff of the school excluding the Head Master/ Assistant Head Master).

*Chief Executive officer (in the case of order of appointment of Head Master/Assistant Head Master).

* Strike off which is not applicable.

† To be named by the Management.

SCHEDULE ' E '

[See rule 11]

Form of Service Book

- (1) Name ..
- (2) Caste with sub-caste (only in case of persons belonging to Backward Classes)
- (3) Residence ..

- (4) Father's name and residence
- (5) Date of Birth by the Christian Era as nearly as can be ascertained.
(Correctness to be verified from Birth Registration Certificate/or School Leaving Certificate)
- (6) Date of medical examination after appointment and result of such examination
- (7) Exact height by measurement
- (8) Personal marks for identification
- (9) Educational Qualifications
(To be verified from original certificates)
- (10) Signature of employee (to be dated)
- (11) Signature and designation of the Head Master or Chief Executive Officer or President of the Management (to be dated).

Note.—The entries in the page except entries (10) and (11) shall be renewed or re-attested at least every five years.

NOTE

To avoid trouble about Pension, take great care in the following circumstances, that the Service Book clearly answers the following question :—

Circumstance	Question
When service commences as—	
(1) ' officiating '	.. What is the nature of vacancy ? Is there full-time vacancy or does any other employee count the same for pension in the same appointment.
(2) ' on probation '	.. Is it in a probationer's appointment specially allotted, or is it only ' officiating ' as referred to in item (1) ?
(3) ' officiating ' in a temporary appointment	.. Is the temporary appointment eventually made permanent ?

- (4) Upon reinstatement after suspension; if applicable. Is the period ordered to count for leave and pension ?

Each Head Master or the Chief Executive Officer should scrutinize entries taken in Service Books in his custody and certify accordingly.

Certificate by the Head Master or the Chief Executive Officer.

Certified that all the entries on the first page of the Service Book have been duly reattested by me and found to be correct * except that
Dated 19

Signature of the Head Master
or the Chief Executive Officer.

*These words should be scored out when there is no exception.

G.P. Fund Account No.

Name of appointment	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment and (ii) nature of the original vacancy in which he officiates	Pay in substantive appointment	Additional pay for officiating
1	2	3	4	5
			Rs. P.	Rs. P.

Other emoluments falling under the term ' Pay '	Date of appointment	Signature of employee	Signature and designation of the Head Master or Chief Executive Officer or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment
6	7	8	9	10
Rs. P.				

Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the Head or Chief Executive Officer or other Attesting Officer	Nature and duration of leave taken	Signature of the Head or Chief Executive Officer or other Attesting Officer	Reference to any recorded punishment or censure or reward or praise of the employee
11	12	13	14	15

(including commuted leave,)

Commuted leave on Medical certificate on full pay			Commuted leave converted into half pay leave (twice of Col. 20)
From	To	No. of days	
18	19	20	21

Total half pay leave taken (Cols. 17+21)	Balance on return from leave (Cols. 14-22)	Remarks
22	23	24

Note 1.—Period of extraordinary leave taken should be noted in red ink in column 24 for remarks.

Note 2.—The entries in columns 10 and 11 should indicate only the beginning and end of completed years of Service at the time the half pay leave commences. In cases where an employee completes an year of service while on half pay leave the extra credit should be shown in columns 10 and 14 by making suitable additional entries and this should be taken into account when completing column 23.

Note 3.—Whenever the rate of earning leave changes, the fraction in the earned leave accumulated at an earlier rate should be rounded off to the nearest day i.e. fraction below half should be ignored and that of half or more should be reckoned as a day.

RECORD OF VERIFICATION OF SERVICE—Service verified from pay bills, acquittance rolls (and similar records specified below) :—

From	To	Other record, if any, from which the service is verified	Signature and designation of the Head or Chief Executive Officer
------	----	--	--

SCHEDULE 'F'

[See rule 12]

1. Guidelines for fixation of seniority of teachers in the primary schools :—

The seniority of primary school teachers in Primary Schools shall be based on the date of joining service and continuous officiation.

2. Guidelines for fixation of seniority of teachers in the secondary schools, Junior Colleges of Education and Junior College classes attached to secondary schools and Senior Colleges :—

For the purpose of fixation of seniority of teachers in the secondary schools, Junior Colleges of Education and Junior College classes attached to Secondary Schools the teachers should be categorised as follows:—

Category A: Heads of secondary schools having an enrolment of students above 500 and Principals of Junior Colleges of Education having more than four Divisions on the basis of the dates of their appointments to the respective posts.

Category B: Heads of secondary schools having an enrolment of students of 500 and below, Principals of Junior Colleges of Education having four or less Divisions and Assistant Heads of Secondary schools having more than 20 classes on the basis of the dates of their appointments to the respective posts.

Category C: Holders of—

M.A./M.Sc./M.Com., B.T./B.Ed., or its equivalent; or
 B.A./B.Sc./B.Com., B.T./B.Ed., or its equivalent; or
 B.A./B.Sc./B.Com., Dip. T. (old two years course); or
 B.A./B.Sc./B.Com., S.T.C./Dip. Ed./Dip. T. (one year course) with 10 years post-S.T.C. etc. service.

Category D: Holders of—

B.A./B.Sc./B.Com., S.T.C./Dip. Ed. (one year course) or its equivalent.

Category E: Holders of—

S.S.C., S.T.C./Dip. Ed./Dip. T. (one year course) or its equivalent.

Category F: Untrained Graduates or holders of equivalent qualification.**Category G: Untrained Matriculates or holders of equivalent qualification.****Category H: All teachers other than those mentioned in categories A to G.**

Note 1.—For the purpose of categories C, D and E teachers with S.T.C., T.D., Jr. P. T.C., Dip. T., Dip. Ed. (post-S.S.C. one year course) qualifications appointed on or after 1st October 1970 shall be considered as untrained and their seniority shall be fixed in the 'F' or 'G' category of untrained teachers, as the case may be.

Note 2.—The following training qualifications which can be secured two years after S.S.C. Examination shall be considered as training qualification for the purpose of seniority even after 1st October 1970:—

- (1) D.Ed. (2 years),
- (2) T.D. (Bombay University),
- (3) Dip. Ed. (Nagpur University).

Note 3.—In the case of teachers whose date of continuous appointment in one and the same category is common, the teacher who is senior by agee will be treated as senior.

Note 4.—The categories mentioned above represent the ladder of seniority and have been mentioned in descending order.

Note 5.—Where a Management runs more than one school and where Junior College classes are or are not attached to any one or more of such schools, the seniority list for a particular cadre shall be a combined seniority list of all persons in that cadre working in all the schools (excluding night school, if any), or Junior College classes attached to schools of the Management. The total continuous service rendered by the persons in a particular cadre in any school or Junior College class shall be taken into consideration for the purpose of seniority and for the purpose of promotion.

Note 6.—The seniority of the teaching staff in night school shall be maintained separately.

Note 7.—Where one of the schools is a Girls' school and where the Management desires to maintain a separate seniority list of teachers in that school, the Management shall resolve accordingly and forward a copy of the resolution to the Education Officer or, as the case may be, the Deputy Director of Education. Such a decision shall not, however, be revocable at any time in future. Further, where the Management decides to do so the candidates to be appointed to the teaching posts shall be given a clear understanding to the effect that they shall not have any claim on the promotional posts in other schools run by the same Management. The services of the members of the teaching staff in such a school shall not be permanently transferable to any other school and *vice versa*. The temporary transfer of services of the members of the teaching staff in such a school shall also be with the prior permission of the Education Officer or, as the case may be, the Deputy Director of Education.

Note 8.—Where a Management runs one or more secondary schools and a Junior College of Education, then notwithstanding the fact that trained graduate teachers in Junior College of Education are in a higher scale of pay, a combined seniority list of all teachers in both the types of Institutions shall be maintained in such schools and Junior College of Education in accordance with the guidelines laid down in paragraph 2 of this schedule. This seniority list shall form the basis for purpose of promotion to the posts of Head Masters and Assistant Head Masters in secondary school(s) and Principal(s) of Junior College of Education.

Note 9.—In the case of permanent teachers having a break or breaks in service (physical or otherwise i.e. owing to part-time service interposed between two spans of full-time service under the same management) after being made permanent but prior to the 1st July 1970 and who may not have changed the cadre after the period of break, the Management shall condone the break(s) for period(s) not exceeding three years for the purpose of seniority by commencing retrospectively the period of absence. If the period exceeds three years and if the teachers had worked on part-time basis, the Management shall also give credit for period(s) of part-time service to the extent of half the total period, for the purpose of seniority only. Each type of such breaks shall not exceed three in number during the career of a teacher and seniority so gained shall not entitle the teacher for retrospective promotion.

Note 10.—The seniority of secondary school teachers in Vidarbha Region who were permanent on the 31st December 1965 and whose seniority was determined as per the provisions contained in the Madhya Pradesh Secondary Education Act, 1951 and the rules made thereunder shall not be disturbed. If any teacher among such teachers, improves his qualifications and thereby switches over to higher category, these guidelines of seniority shall apply so far as the determination of his seniority in the higher category is concerned.

3. *Guidelines for fixation of seniority of non-teaching staff :—*

Clerks.—The clerical and supervisory posts in the channel of promotion comprise Junior Clerk, Senior Clerk, Head Clerk and Superintendent. Seniority of Junior Clerks in a School or Schools shall be determined on the basis of the date of appointment of the persons concerned. The post of Senior Clerk shall be filled in by promotion of seniormost Junior Clerk. The posts of Head Clerk and Superintendent shall be filled in respectively by promotion of seniormost Senior Clerk and seniormost Head Clerk, respectively.

Librarian.—In the case where the Management runs only one School a seniority list of Librarian need not be maintained as the post is an isolated one. In case where the Management runs more than one School a seniority list of Librarians shall be maintained on the basis of the date of appointment. The Librarians shall not be held eligible for promotion to any other post.

Laboratory Assistants.—A seniority list of Laboratory Assistants shall be maintained on the basis of the date of appointment. The incumbents of the posts shall not be held eligible for promotion to any other post.

Lower Grade Staff.—A common seniority list of Laboratory Attendant, Naik, Oilman, Machine Attendant, Peon, Watchman, Chowkidar, Sweeper, Call-Woman, Kamathi, Attendant, Laboratory Hamal, Liftman and such other lower grade staff, if any, shall be maintained on the basis of the dates of their appointment. If any of the lower grade staff improves his qualifications as prescribed either for the post of Laboratory Assistant or Clerk, such employee should be given preference while filling in the said post according to his place in seniority.

Note 1.—Where a Management runs more than one School the seniority list for a particular cadre shall be a combined seniority list of all persons in that cadre working in all the

Schools of the Management. The total service rendered by the persons in a particular cadre in any of these Schools shall be taken into consideration for the purpose of seniority. The various promotions shall be effected on the basis of such common seniority list.

Note 2.—If the date of appointment of two or more persons in the same cadre happens to be the same the person who is senior by age shall be considered as senior.

Note 3.—For the purpose of promotion the vacancies occurring in all the Schools run by the same Management shall be pooled together.

SCHEDULE 'G'

[See rule 14 (2) and rule 15 (1)]

Form of Confidential Report for teaching staff

PART I

Self-Assessment Form

1. Name
2. Post held
3. Length of Service in the present or similar post.
4. Give a brief description of your duties indicating the objectives given to you during the year.
5. How would you assess your own performance during the past year against the targets set for you.
6. Can you mention any specific item(s) of good work done by you.

Signature, name and designation of the person.

Remarks of the Reporting Officer

1. Please state whether you agree with the assessment and if not, the reasons therefor.
2. What according to you are the faults and responsibilities of the teacher for the shortfall, if any.
3. Please give your general assessment regarding the teacher's integrity and relations with the public.

Signature, name and designation of the Reporting Authority.

PART II

Form of confidential report for Head or teacher of a school

For the period from

Name of the teacher in full

Qualifications

Designation

Status (Permanent or temporary)

Length of service in the institution on 1st June

Scale of pay Pay on 1st June

Next increment on

Special pay or allowances

Subjects taught

I have formed the following opinion about the teacher's ability, work etc

For the period from to

(1) *Class work*.—N. B. assessment in respect of class work shall be made by using the rating scale given below (excellent, very good, good, satisfactory or poor).

(a) Knowledge and preparation of subject.

(b) Knowledge of—

(i) Medium of instruction.

(ii) Hindi.

(iii) English.

(c) Power of exposition, illustration, questioning etc.

(d) Ability and desire to create interest among pupils.

(e) Class control and discipline.

(f) Influence over pupils, parents and colleagues.

(g) General remarks on the class work.

(2) *Extra Class activities*.—

(a) Interest taken in sports, physical education, scouting etc.

(b) Sincerity, loyalty etc.

(c) Inclination to co-operate with the colleagues.

(d) Fidelity in carrying out the instructions issued by the Head of the school.

(e) Integrity and Character.

(f) Special aptitude.

- (g) Obedience.
 - (h) Punctuality.
 - (i) Penalties or Awards, if any.
 - (j) Fitness to continue in the present post.
 - (k) Fitness for promotion.
- (3) General remarks, if any,

Place:

Date:

Signature of Headmaster.
Chief Executive Officer.
President.

PART III

Remarks of the Reviewing Authority

1. Length of Service under Reviewing Authority.
2. Do you agree with the Reporting Authority or do you wish to modify or add to his assessment?

Place:

Date:

Signature, Name and Designation of
the Reviewing Authority.

Form of confidential report for non-teaching employees

PART I

Self-Assessment form

1. Name
2. Post
3. Length of service in the present or similar post.
4. Give a brief description of your duties indicating the objectives given to you during the year.

5. How would you assess your own performance during the past year against the target set for you.
6. Can you mention any specific item(s) of good work done by you.

Signature, Name and Designation
of the person.

Remarks of the Reporting Officer

1. Please state whether you agree with the assessment and if not, the reasons therefor.
2. What according to you are the faults and responsibilities of the employee for the short-fall, if any.
3. Please give your general assessment regarding the employee's integrity and relations with the public.

Place :
Date :

Signature, Name and Designation
of the Reporting Authority.

PART II

Estimates of General Ability and Character

- | | | | |
|---|----|----|--|
| Name | .. | .. | |
| Period of Report | .. | .. | |
| Post or posts held | .. | .. | |
| 1. Performance Factors | .. | .. | |
| (1) Industry and application | .. | .. | |
| (2) Capacity to get work done by subordinates. | | | |
| (3) Relations with colleagues and the public. | | | |
| 2. Intellectual Factors. | | | |
| (1) General intelligence | .. | .. | |
| (2) Technical ability (where relevant). | | | |
| (3) Special aptitude | .. | .. | |
| 3. Administrative ability including judgment, initiative and drive. | | | |
| 4. Integrity and character. | | | |
| 5. Fitness to continue in the present post. | | | |

6. Fitness for promotion.
7. General assessment.

Place :

Date :

Signature, Name and Designation
of the Reporting Authority.

PART III

Remarks of the Reviewing Authority

1. Length of Service under Reviewing Authority.
2. Do you agree with the Reporting Authority or do you wish to modify or add to his assessment ?

Place :

Date :

Signature, Name and Designation
of the Reviewing Authority.

Form of Confidential Report for employee of the lower grade staff Estimates of General Ability and Character

Name	..	..
Period of Report	..	..
Post or posts held	..	..
1. Physical fitness	..	..
2. General intelligence	..	..
3. Technical ability (where relevant)	..	..
4. Integrity and character	..	..
5. Special aptitude	..	..
6. Obedience	..	..
7. Punctuality	..	..
8. Penalties/Awards, if any	..	..
9. Fitness for promotion	..	..
10. General assessment	..	..

Place :

Date :

Signature, Name and Designation
of the Reporting Authority.

Remarks of the Reviewing Authority

1. Length of service under Reviewing Authority.
2. Do you agree with the Reporting Authority or do you wish to modify or add to his assessment ?

Place :

Date :

Signature, Name and Designation
of the Reviewing Authority.

SCHEDULE 'H'

[See rule 18(1)]

Form of Discharge Certificate

1. Name and address of the school issuing the certificate.
2. Full name of the employee ..
3. Qualifications—
 - Degree/Diploma
 - Class obtained in degree/diploma ..
 - Year
 - University
4. Whether temporary/permanent ..
5. Service rendered .. (inclusive) from .. to ..
6. Pay last drawn in the scale of Rs.
 - Allowances, if any .. (a)
 - .. (b)
- Date of next increment
7. Whether due notice by either party was given or not. In the case of termination it should be stated whether regular enquiry was held into the charges framed against him.
8. (a) Whether subscribing to the Contributory/General Provident Fund, if so, account number, amount of monthly subscription, amount of loan and its instalments outstanding, if any.
- (b) Postal Saving Bank Account No.
9. Whether he has returned all school money and books, etc.
10. Remarks ..

Place:

Date:

Signature and Seal of the Head
of the School.

Signature and Seal of the Chief Executive
Officer in the case of Head Master.

SCHEDULE 'I'

[See rule 22 (1)]

Duties of employees

1. Duties of the Head—(1) Duties in relation to Educational matters.—In addition to his duties as a teacher in respect of the class or classes taught by him personally, a Head of a school, subject to such instructions as may from time to time be issued by the Government shall—

(a) be generally responsible for the efficient and effective education including physical education of all pupils in his school.

(b) attend the school punctually, be present in the school during the appointed school hours, devote his whole attention to the school work and shall not do any private work during the school hours.

(c) be responsible to regulate and control the quantum of teachers' work and be responsible to ensure quality of education in his school.

(d) be responsible to provide broad guidelines for planning and evaluation.

(e) be responsible for the arrangements of pupils in his class or classes and for their promotions to higher standards according to their progress during the year and the result of the periodical and term end examinations.

(f) prescribe text books, hand books, work books etc. in consultation with the school Committee.

(g) undergo and successfully complete orientation Courses,

(h) be accountable for persistent low academic performance in the S.S.C. and H.S.C. examination.

(2) Duties with regard to general administrative matters.—The Head shall—

(a) be responsible to the Management for the smooth and efficient functioning of the School,

(b) make all possible efforts to improve attendance in his school by—

(i) inducing the parents to require their children to attend the school regularly;

(ii) establishing contact with the help of his assistants with parents of non-attending children, enquiring into the causes of their absence or irregular attendance and inducing them to cause their children to attend the school regularly,

(c) grant leaving certificates or extracts from the general register to the pupil or his parent on application and on the payment of prescribed fees, if any,

(d) determine the number of working days and holidays within the framework of a schedule prescribed by the Education Officer and prepare the time table of the school every year.

(e) be responsible for the proper maintenance of all school registers and records,

(f) be responsible for the general organisation of the school including games and sports, for holding periodical examinations and for arranging co-curricular activities,

(g) inculcate among pupils of his school, habits of cleanliness and neatness and be responsible for their conduct and discipline,

(h) supervise, control and co-ordinate the work of his assistants, be responsible for their efficiency and discipline and report forthwith to the Chief Executive officer of the Management, cases, if any, which may come to his notice of misconduct or breach of discipline among his assistants,

(i) maintain the log-book of the work of his assistants,

(j) observe at least two lessons per week of the Supervisor or teachers or of both and to maintain a record thereof and periodically inspect the log-books maintained by the Assistant Head or Supervisor or by both,

(k) promote communal harmony and good will among pupils in his school and ensure that no discrimination of any kind is imposed on any pupil on the ground of his caste or community.

(l) work as the Conductor or Deputy Conductor or Supervisor at any examination conducted by Government and the Secondary School Certificate or Higher Secondary School Certificate examinations on being appointed by the Maharashtra State Board or a Divisional Board of Secondary and Higher Secondary Education ; and be responsible for the efficiency and discipline as per rules prescribed by the Government and Boards for respective examinations,

(m) work as Examiner or Assistant Examiner or Moderator or Chief Moderator or Paper Setter or Expert at any examination conducted by Government and the Secondary School Certificate and Higher Secondary School Certificate examinations and also do such other work as may be entrusted by Government and the Maharashtra State Board or a Divisional Board of Secondary and Higher Secondary Education ; and be responsible for the efficiency and discipline as per rules prescribed in that respect by Government and the Boards,

(n) grant casual leave to the employee of his school,

(o) be responsible for the legitimate use of his school premises as per the directive of the Department and render all assistance for the smooth conduct of various examinations as per need of the Management in general and of the Department in particular,

(p) arrange to convene meetings of the School Committee and the Academic Council,

(q) supply punctually all information as may be called from time to time by the Department and the State or Divisional Board,

(r) be responsible for ensuring that the school property of every description is properly cared for and for keeping the school premises clean and tidy. Any damage done to such property shall be reported by him to the appropriate authority,

(s) be responsible for the maintenance of service books, and periodical attestation in the service books of the employees in his school.

(t) assist the Management in the preparation and maintenance of the seniority list of the employees in his school,

(u) be responsible for the maintenance of the confidential reports of the employees and for communicating adverse remarks to the employees,

(v) pay personal attention and be responsible for the timely preparation and submission of pension papers of the employees to the concerned authorities,

(w) bring to the notice of the School Committee the adequacy or otherwise of the school staff as required under the rules and make efforts to remove deficiency, if any, as early as possible,

(x) perform such other duties and conform to such instructions relating to the education as may be required of or issued to him by the State Government, Director, Deputy Director or Education Officer, as the case may be,

(y) undergo and successfully complete orientation courses.

(3) *Duties with regard to the financial matters.*—The Head shall be responsible for—

(a) subject to the instructions issued by the management, granting free studentships to the poor and deserving pupils,

(b) preparing monthly or quarterly bills as the case may be in respect of pupils who have been awarded middle school and high school scholarships and submit them to the Education Officer,

(c) disbursing promptly the middle school and high school scholarship amount to the concerned pupils,

(d) collecting the fees from the fee paying students every month and crediting the same to the Bank account of the co-operative Bank before such date as may be prescribed by the Department,

(e) accepting the examination fees and scrutinising application forms for the Secondary School Certificate and Higher Secondary School Certificate examination, submitting the fees and the application forms on or before the dates as may be laid down by the Secretary of the Maharashtra State Board or a Divisional Board of Secondary and Higher Secondary Education and maintain the accounts of the examination fees and the accounts of the examination centre and sending report of the final account to the Board within the time limit specified,

(f) drawing annual increments of the employees on due dates, if otherwise not withheld for valid reasons,

(g) preparing the monthly pay bills of the school and submitting them duly verified and signed, to the Education Officer before such date as may be specified by the Education officer in this behalf,

(h) prepar supplementary claims of employees in his school and submitting them duly verified and signed, to the Education Officer before such date as may be specified by the Education Officer in this behalf,

(i) prompt disbursement of recoveries from the salaries of the employees on receipt of invoice or pay bill or supplementary bill from the Education Officer,

(j) maintaining the cash book of the school, bringing it upto date daily and attesting the same.

(k) maintain the accounts of the term fee, and other non-Government account and bringing them upto date regularly,

(l) giving prompt replies to the Audit notes of the Department as well as of the Audit Department,

(m) undergoing and successfully completing Orientation Courses.

2. *Duties of the Assistant Head.*—In addition to his duties as a teacher in respect of the class or classes taught by him personally and subject to such instructions as may, from time to time, be issued by the Head, the Assistant Head shall—

(1) assist the Head in the performance of the Head Master's duties so far as he is in charge of the class or classes,

(2) maintain the Log Book in respect of teachers in his charge, observe at least one lesson of a Supervisor or Teacher per week and maintain a record thereof and also periodically inspect the log book maintained by the Supervisors.

(3) subject to such instructions of the Head, supervise the work done by the teachers placed in his charge and be responsible for their conduct, discipline and efficient work,

(4) work as a Conductor or Deputy Conductor or Supervisor at any examination conducted by Government and the Secondary School Certificate or Higher Secondary School Certificate Examination on being appointed by the Maharashtra State Board or a Divisional Board of Secondary and Higher Secondary Education; and be responsible for the efficiency and discipline as per rules prescribed by Government and the Boards for the respective examinations,

(5) work as Examiner or Assistant Examiner or Moderator or Chief Moderator or Paper Setter or Expert at any examination conducted by Government and the Secondary School Certificate or Higher Secondary School Certificate Examination and also do such other work as may be entrusted by Government and the Maharashtra State Board or a Divisional Board of Secondary and Higher Secondary Education, and be responsible for the efficiency and discipline as per rules prescribed in this respect by Government and the Boards,

(6) perform such other duties and conform to such instructions relating to the education as may be required of or issued to him by the Head,

(7) be responsible for one of the shifts as per the directions of the Head,

(8) undergo and successfully complete Orientation Courses,

(9) perform such other duties and conform to such instructions relating to the education and administration of the school as may be required of or issued to him by the Head from time to time.

3. *Duties of the Supervisor.*—In addition to his duties as a teacher in respect of the class or classes taught by him personally, and subject to such instructions

as may from time to time be issued by the Head or Assistant Head, the Supervisor shall—

(1) assist the Head or Assistant Head in the performance of his duties so far as he is in charge of the class or classes,

(2) maintain the log book in respect of teachers in his charge,

(3) observe at least one lesson of a teacher per week and maintain a record thereof;

(4) subject to such instructions of the Head or Assistant Head supervise the work done by the teachers placed in his charge and be responsible for their conduct, discipline and efficient work,

(5) perform such other duties and conform to such instructions relating to the education as may be required of or issued to him by the Head or Assistant Head,

(6) undergo and successfully complete Orientation Courses.

4. *Duties of a teacher.*—Subject to such instructions as may be issued by the Head or Assistant Head or Supervisor, a teacher shall—

(1) be primarily responsible for the efficient and effective education of the pupils in his charge,

(2) attend the school punctually and be present in the school during the prescribed school hours and devote his whole attention to teaching or class work and on the last day of the month not more than three hours may be devoted to completing the registers for the month ended and writing out the registers for the ensuing month and preparing other monthly registers and reports as may be required by the Heads,

(3) take roll call and maintain the record of the attendance of the pupils,

(4) make all possible efforts to maintain and improve the attendance in his school,

(5) collect fees, if any, from the pupils in his charge and hand over the amount of such fee collections to the Head as directed by him,

(6) be responsible for keeping accurately and neatly the necessary registers and other records as required by the Head,

(7) assist the Head as required by him in the general organisation of the school activities holding periodical and terminal examinations, in arranging co-curricular activities,

(8) be responsible for inculcating in pupils the habits of cleanliness and neatness and respect for orderly behaviour and participate in activities organised for the purpose,

(9) promote communal harmony and good will among his pupils and see that no discrimination of any kind is imposed on any pupils on the ground of his religion, caste or community,

(10) prepare the annual unit plan, subject-wise and class-wise in the very beginning of the academic year preferably within a week of commencing the academic year,

(11) prepare his teaching work and maintain a very brief record thereof as indicated below :—

(a) (i) date, (ii) class, (iii) subject,

(b) unit to be taught (portion to be covered) during the teaching period,

(c) salient points to be emphasised such as words, phrases, idioms, concepts, principles, formula, events depending upon the nature of the subject for study,

(d) teaching aids or demonstration, if any,

(e) nature of home assignment such as written work, recitation, salient reading,

(12) make use of the teaching/learning material available in the School while presenting the unit especially in subjects like Geography, History, Science, Mathematics, Art, etc. The Science teacher shall demonstrate all experiments and get the practical work done by the pupils strictly in accordance with the syllabus,

(13) keep pace with the actual plan of work drawn and shall record the reasons for the short falls, if any, in the monthly register of the respective classes at the end of every month and undertake the measures to make up the short falls and deficiencies, if any, in consultation with the Head or Assistant Head or Supervisor concerned,

(14) set a weekly assignment to the pupils, so that each pupil may be able to complete thirty weekly assignments per subject in an entire year but where a teacher is assigned a part of the subject, such as, only History, or Geography from Social Studies or Physics or Chemistry in Physical Science etc. the number of assignments in that particular part may stand reduced proportionately,

(15) ordinarily assess every alternate weekly written home assignment of the pupils critically. If the class contains more than 50 pupils the teacher may assess 12 assignments, instead of 15 during the entire year,

(16) set and hold objective type tests one in each term and return the answer sheets duly assessed to the pupils within a fortnight,

(17) set question papers for term and other examinations in the subject assigned to him as per plan that is prepared by the Head and assess answer papers judiciously,

(18) work as the Conductor or Deputy Conductor or Supervisor at any examination conducted by Government and the Secondary School Certificate or Higher Secondary Certificate Examinations on being appointed by Government and the Maharashtra State Board or a Divisional Board of Secondary and Higher Secondary Education; and be responsible for the efficiency and discipline as per rules prescribed by Government and the Boards for the respective examinations,

(19) work as Examiner or Assistant Examiner or Moderator or Chief Moderator or Paper-Setter or Expert at any examination conducted by Government and the Secondary School Certificate or Higher Secondary School Certificate Examination and also do such other work as may be entrusted by Government and the Maharashtra State Board or a Divisional Board of Secondary and Higher Secondary Education; and be responsible for the efficiency and discipline as per rules prescribed in this respect by Government and the Boards,

(20) undergo and successfully complete Orientation Courses,

(21) perform such other duties and conform to such other instructions relating to education as may be required of or be issued to him by the Head or Assistant Head or Supervisor, within the prescribed hours of work and attendance.

5. *Duties of clerical staff.*—(1) Duties pertaining to financial matters.—

(a) to maintain accounts of school transactions,

(b) to maintain accounts of collection of term fees,

(c) to maintain accounts of Development Fund,

(d) to maintain separate accounts of collection and transactions of Higher Education Wing,

(e) to collect fees, to take entries in register, to issue receipts and to maintain its accounts,

(f) to deposit amounts in Bank, to withdraw amounts from Bank and to make necessary payment of bills,

(g) to prepare Budget estimates and to execute them,

(h) to maintain dead-stock register,

(i) to maintain inventory of materials of science laboratory,

(j) to prepare pay bills, supplementary bills and to submit them to the authority concerned,

(k) to attend to work in connection with Income-tax, C.D.S., C.T.D. transaction etc.,

(l) to credit amounts collected in connection with Professional Tax,

(m) to get accounts audited,

(n) to submit statements of accounts to the Department,

(o) to make preparation for getting accounts inspected and to get them inspected,

(p) to deposit fees in Banks,

(q) to pay subscription of magazines,

(r) to carry out items of work so far as the senior Auditor is concerned,

(s) to look after matters pertaining to non-salary grants,

(t) to make purchases of materials required by the school on receipt of instructions to that effect from the superiors,

(u) to do work connected with fixation of pay of all members.

(2) *Duties in regard to teaching staff.*—

(a) to furnish information regarding teaching staff to the Department,

(b) to maintain their service books, leave accounts,

(c) to prepare their pay bills and obtain their signatures counter signatures,

(d) to make entries in service book from time to time and obtain their signatures against the entries,

(e) to maintain accounts of their Provident Fund,

(f) to submit their applications for grant of advance/loan from provident fund.

(g) to prepare their pension papers,

(h) to draft their appointment letters,

(i) to prepare their relieving memos,

- (j) to prepare their annual income certificates.
- (k) to make payment of amounts deducted from their pay on account of Income tax Professional tax, C.T.D., L.I.C., etc..
- (l) to do work connected with fixation of their pay,
- (m) to maintain files in respect of service matters of teachers.

(3) Other duties in regard to office.—

- (a) to draft correspondence to be made with Government, the S.S.C. Board, the Management and other Bodies,
- (b) to maintain inward and outward registers,
- (c) to carry out instructions issued by Government and the S.S.C. Board from time to time and bring them to the notice of teaching and non-teaching staff, parents and pupils in the school, wherever necessary,
- (d) to prepare draft letters, pay bills and statements and to do typing work.
- (e) to furnish requisite information to the parents/guardians,
- (f) to prepare muster rolls, and to do work in connection with claims on items of non-salary grant.
- (g) to maintain subject-wise select files, record, tuition fees and school general registers,
- (h) to get the forms of letters, statements etc., required in connection with school work, cyclostyled.
- (i) to attend to the work pertaining to school examinations and examinations conducted by Government and the S.S.C. Board, examinations in Hindi, English, Drawing etc.,
- (j) to assist the Head in verification of catalogues,
- (k) to perform such other official duties as may be assigned to him.
- (l) undergo and successfully complete orientation courses and Departmental Examinations organised by the Department.

(4) Duties in regard to students.—(a) General duties:—

- (i) to prepare school leaving certificates and other certificates and to attend to work in connection with true copies,
- (ii) to furnish information relating to State Transport or Railway concessions and other concessions,
- (iii) to check the forms received and certificates received,
- (iv) to make correspondence in connection with sports, competitions and other various activities such as dramas etc.,
- (v) to perform such other duties as may be assigned to him.

(b) Duties relating to concessions in fees/scholarships to students:—

- (i) to distribute forms relating to concessions in fees, to collect the said forms and check them, to submit the forms in a proper proforma and get the sanction from the Zilla Parishad, wherever necessary. Thereafter to prepare and submit bills and distribute the amounts of bills under proper acquittance,
- (ii) to write to the students whose attendance is less than the minimum required,

(iii) to perform duties including correspondence, preparation of bills and disbursement of amounts etc. in connection with High School and the Middle School Scholarships (information regarding their attendance to be communicated to the Department), and in connection with the concessions admissible to the Backward Class students, Wards of School Teachers/employees, holder of War concessions, freedom fighters, handicapped students etc.

(c) *Duties relating to Examinations conducted by Government and Secondary School Certificate Examination:—*

(i) to check the forms of the regular students and to fill in the relevant information,

(ii) to send the forms and the fees to Government or to the Maharashtra State Board or a Divisional Board of Secondary and Higher Secondary Education, as the case may be, within the time limit,

(iii) to keep the accounts of the examination fees,

(iv) to prepare the office copy of the application form,

(v) to distribute the mark lists at the time of declaration of results,

(vi) to distribute certificates awarded by Government, the S.S.C./H.S.C. Examination Certificates received from the Divisional Board of Secondary and Higher Secondary Education,

(vii) to make correspondence about the arrangements in respect of examinations,

(viii) to give information to the students about the examination,

(ix) to distribute the admission cards,

(x) to distribute the certificates to the successful students,

(xi) to scrutinise the applications received for rechecking of papers and send them to the Board,

(xii) to make entries of the examination results in the general register,

(xiii) to assist the Head in giving duplicate certificates,

(xiv) to assist the Head in furnishing relevant information as and when called for by the Board,

(xv) to fill in the forms of private students, send them to the Board and make correspondence in that connection,

(xvi) to make correspondence relating to the National Scholarships,

(xvii) to assist the Head in the conduct of various examinations and be responsible for efficiency and discipline as per rules prescribed for such examinations.

Note.—In the case of Schools having more than one clerical posts the seniormost person shall assist the Head in supervision, control and co-ordination of the work of all non-teaching employees, and the duties shall be suitably distributed amongst the clerks by the Heads.

By order and in the name of the Governor of Maharashtra.

B. K. CHUGULE,
Secretary to Government

Sub. National Systems Unit,
National Institute of Educational
Planning and Administration
17-B, SriAurbindo Marg NewDelhi-110016
DOC. No... D-694.....
Date..... 26/3/83.....

NIEPA DC



000694



GOVERNMENT OF MAHARASHTRA
FINANCE DEPARTMENT

MAHARASHTRA CIVIL SERVICES
(GENERAL CONDITIONS OF SERVICES)
RULES, 1981

FINANCIAL PUBLICATION OF THE
GOVERNMENT OF MAHARASHTRA No. III

SECOND EDITION (Re-print)



PRINTED AT THE GOVERNMENT CENTRAL PRESS, MUMBAI

2010

[Price : Rs. 45.00]



GOVERNMENT OF MAHARASHTRA

FINANCE DEPARTMENT

MAHARASHTRA CIVIL SERVICES

(GENERAL CONDITIONS OF SERVICE)

RULES 1981

FINANCIAL PUBLICATION OF THE
GOVERNMENT OF MAHARASHTRA No. 11

SECOND EDITION (Re-print)



PRINTED AND PUBLISHED BY THE GOVERNMENT OF MAHARASHTRA

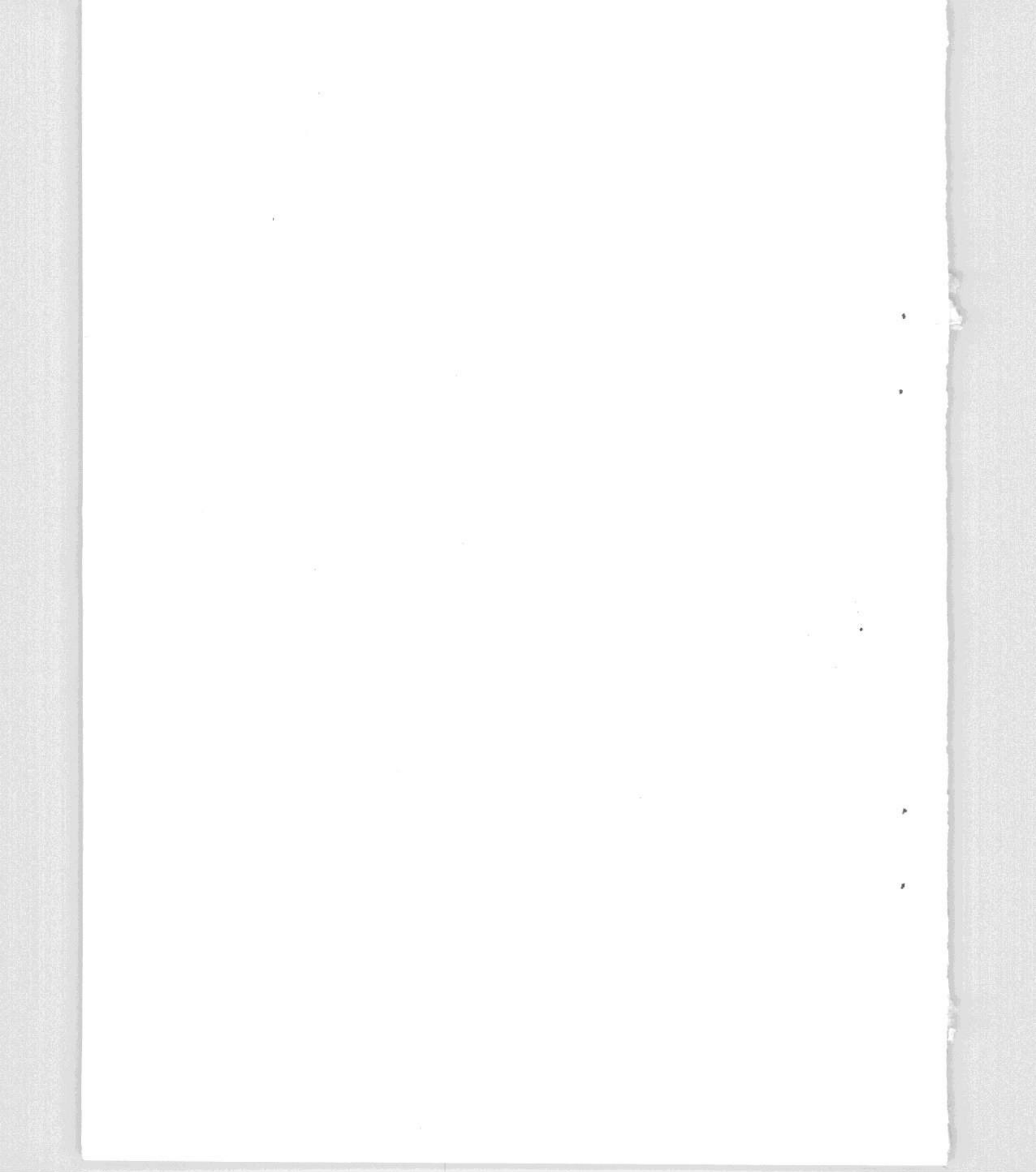
2010

[Price: Rs. 40.00]

MAHARASHTRA CIVIL SERVICES
(GENERAL CONDITIONS OF SERVICES)
RULES, 1981

FINANCIAL PUBLICATION OF THE
GOVERNMENT OF MAHARASHTRA No. III

SECOND EDITION (Re-print)



PREFACE

The First Edition of the Bombay Civil Services Rules, 1959, in Volumes I and II, was printed in 1959 after the reorganisation of States in 1956. Various developments have taken place since then i.e., the Reorganisation of the Bilingual Bombay State into the two States of Maharashtra and Gujarat as also changes have been made in the Rules through numerous amendments issued from time to time, during the last several years. As a result, a good deal of difficulty was being experienced in practice in understanding and applying these rules properly. The need to have revised and simplified Service Rules was being acutely felt. Government, therefore, has decided to publish the following self-contained subjectwise sets of Services Rules :—

- (1) Maharashtra Civil Services (General Conditions of Services) Rules.
- (2) Maharashtra Civil Services (Pay) Rules.
- (3) Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules.
- (4) Maharashtra Civil Services (Leave) Rules.
- (5) Maharashtra Civil Services (Pension) Rules.
- (6) Maharashtra Civil Services (Honoraria, Fees, Compensatory Local and House Rent Allowances) Rules.
- (7) Maharashtra Civil Services (Occupation of Government Residences) Rules.
- (8) Maharashtra Civil Services (Travelling Allowances) Rules.

These sets of rules seek to codify the provisions of existing rules in the Bombay Civil Services Rules subjectwise and the various orders issued by Government with such rewording as have become necessary to put them in the form of statutory rules.

2. The first four sets of rules [S. Nos. (1) to (4)] have been framed by the Governor of Maharashtra under proviso to article 309 of the Constitution of India. These rules which have been issued under Government Notification, Finance Department, No. MSC 1081/1/MCSR-Cell, dated the 23rd July 1981, come into force with effect

from the 15th August 1981. The remaining sets of rules will be issued later on.

3. To make each set of rules as self-contained as possible, the relevant delegation of powers, Appendices and the relevant forms pertaining to a particular subject, have also been included therein.

4. This set of rules pertains to General Conditions of Services of employees of the Maharashtra Government. The Marathi version will be published separately.

5. For facility of reference a comparative table has been appended to this set of rules at the end indicating the numbers of these rules and the corresponding provisions of the Bombay Civil Services Rules, 1959. The table also indicates the provisions of the Bombay Civil Services Rules, 1959, which have been deleted from this set of rules.

6. Omissions or inaccuracies, if any, in this set of rules, may please be brought to the notice of the Finance Department.

Dated 23rd July 1981.
Finance Department,
Mantralaya, Bombay 400 032.

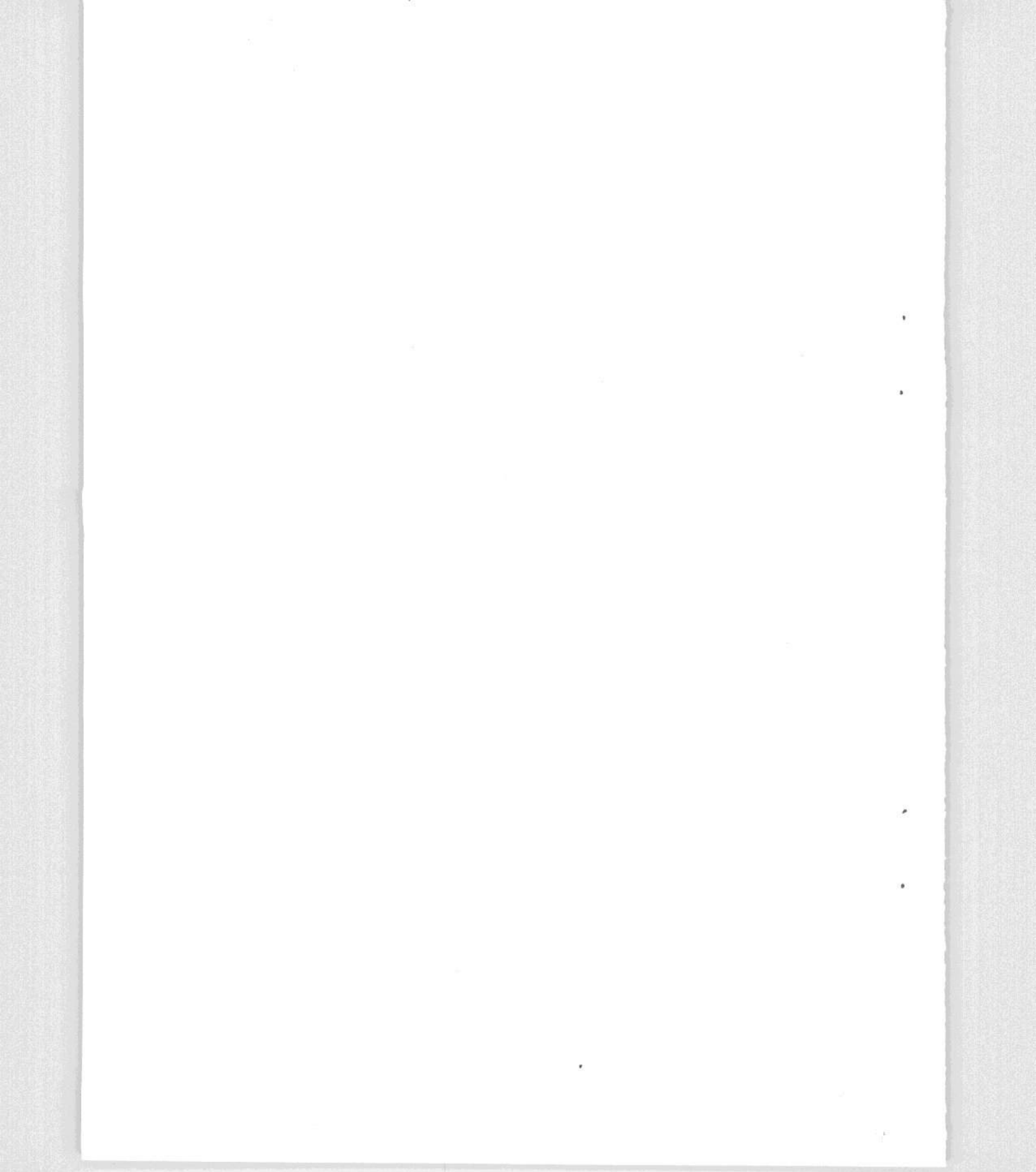
V. PRABHAKAR
Special Secretary to Government,
Finance Department.

CONTENTS

Rule No.	Title	Page No.
CHAPTER I		
General		
1	Short title and commencement	1
2	Extent of application	1
3	Right to interpret	2
4	Power of relaxation	2
5	Validity of terms of contract	2
6	Regulation of claims to pay, allowances, leave and pension	2
7	Exercise and delegation of powers under these rules	2
8	Reasons for concessions to be communicated to Audit Officer	2
CHAPTER II		
Definitions		
9	Definitions	3
CHAPTER III		
General Conditions of Services		
10	Age limit for recruitment to pensionable service	15
11	Certificate of physical fitness a prerequisite for substantive appointment or continuance in service.	15
12	Form of medical certificate	16
13	Who should sign a medical certificate	16
14	A Government servant with a defect transferred to another office	16
15	Production of medical certificate within six months in temporary employ.	17
16	Entry in service book about medical examination	18
17	Invalid pensioner must produce certificate from a Medical Committee before re-employment.	18
18	Re-employment immediately after retirement	18
19	Condonation of disabilities when permitted and by whom	18
20	Acquiring and ceasing of a lien	18
21	Restrictions over holding of lien on posts by Government servant at same time.	18
22	Retention of a lien	19
23	Suspension of a lien	19
24	Suspension of the lien retrospectively and consequential promotion	20
25	When a lien or a suspended lien cannot be terminated	20
26	Transfer of the lien to another post	21
27	When transfer to a post carrying less pay is permissible	21
28	Date from which pay and allowances take effect	21
29	Relieving Government servant to intimate probable date of joining to the Government servant to be relieved.	22

Rule No.	Title	Page No.
CHAPTER III—contd.		
30	How the date of handing over charge is determined	22
31	Charge must be handed over at the headquarters, both relieved and relieving Government servants to be present.	22
32	How the date of promotion is determined	23
33	Provident and other funds	23
34	Whole time of a Government servant to be at the disposal of Government.	23
CHAPTER IV		
Maintenance of Record of Service		
35	Maintenance of service record of Gazetted Government servant ..	24
36	Maintenance of service record of Non-gazetted Government servant	24
37	Maintenance of service rolls	25
38	Procedure for writing the events and recording the date of birth in the service book.	25
39	Reasons for reduction, removal etc. to be stated in the service book.	27
40	Personal certificates of character not to be entered in the service book	28
41	Service books to be shown to Government servants by Head of Office.	28
42	Completion and movement of service book on transfer	28
43	Events in foreign service to be entered in the service book of Non-gazetted Government servant by Audit Officer.	28
44	Service book of a Non-gazetted Government servant officiating in a Gazetted post is to be maintained by the Head of Office in which he is working as a Gazetted Officer.	29
45	Annual verification of service books and service rolls	29
46	Maintenance of service rolls in respect of policemen	29
47	Inspection of service books and service rolls	30
48	Service book not to be returned to Government servant on cessation of service.	30
49	Extract to be given to insurance companies from service records ..	30
CHAPTER V		
Patents to Government Servants engaged in Scientific and Technical Research		
50	Restriction for obtaining the patent for an invention made by Government servant.	31
51	Decision of Government is final on the application of rule 50 ..	31
CHAPTER VI		
Repeal and Saving		
52	Repeal and Saving	32

Appendix No.	Title	Page No.
APPENDICES		
I	Authorities to whom powers under Maharashtra Civil Services (General Conditions of Services) Rules, 1981, have been delegated by Government. (See rule 7)	34
II	List of Officers who are to be deemed as " Heads of Departments " for the purpose of various sets of the Maharashtra Civil Services Rules. [See rule 9 (22)]	39
III	Rules for the examination of candidates as to their physical fitness. (See rule 11)	47
IV	A form of service book (See rule 36)	59
V	Certificate of Service (See rule 38)	61
VI	Instructions for regulating the Patenting of Inventions made by Government servants under rule 50. (See rule 50)	63
COMPARATIVE TABLE		
	Comparative Table showing the rules from the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 and corresponding rules in the Bombay Civil Services Rules, 1959.	69



GOVERNMENT OF MAHARASHTRA
FINANCE DEPARTMENT

Mantralaya, Bombay 400 032, dated 23rd July 1981

NOTIFICATION

CONSTITUTION OF INDIA

No. MSC 1081/1/MCSR-Cell.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following Rules, namely:—

CHAPTER I—GENERAL

1. Short title and commencement

(1) These Rules may be called the Maharashtra Civil Services (General Conditions of Services) Rules, 1981.

(2) They shall come into force on the 15th day of August 1981.

2. Extent of application

Except where it is otherwise expressed or implied, these rules apply to all members of services and holders of posts whose conditions of service the Government of Maharashtra are competent to prescribe. They shall also apply to—

(a) any person for whose appointment and conditions of employment special provision is made by or under any law for the time being in force,

(b) any person in respect of whose service, pay and allowances and pension or any of them special provision has been made by an agreement made with him, in respect of any matter not covered by the provisions of such law or agreement, and

(c) Government servants paid from Local Funds administered by Government, except rules relating to the foreign service.

Note 1.—As regards the amount of leave and pension, Government servants of the former States of Saurashtra, Kutch, Madhya Pradesh and Hyderabad, allocated to the State of Bombay, who have opted to be governed by the rules of the former States applicable to them before the 1st day of November 1956, in accordance with Government Resolution, Finance Department, No. INT 1056-S-8, dated the 7th January 1957, as modified from time to time will be governed by those rules. Option once exercised is final.

Note 2.—By virtue of rule 3 of All India Services (Compensatory Allowances) Rules, 1954, and Rule 3 of All India Services (Travelling Allowances) Rules, 1954, the Compensatory and Travelling Allowances of the All India Services Officers, serving in connection with the affairs of the Government of Maharashtra, are regulated by the relevant provisions of the Maharashtra Civil Services Rules pertaining to Compensatory Allowances and Travelling Allowances.

Note 3.—Persons transferred to Government service from a Local Fund which is not administered by Government will be treated as joining a first post under Government and their previous service shall not count as service performed under Government. Government may, however, allow previous service in such cases to count as service performed on such terms as it thinks fit.

3. Right to interpret

Government reserve to themselves the right of interpreting these rules.

4. Power of relaxation

Where Government is satisfied that the operation of any of these rules causes or is likely to cause undue hardship in the case of any Government servant or class of Government servants, it may, by an order in writing, exempt any such Government servant or class of Government servants from any provisions of these rules or may direct that such provisions shall apply to such Government servants or class of Government servants with such modifications not affecting the substance thereof as may be specified in such order.

5. Validity of terms of contract

The terms of a specific contract enforceable at law necessarily override the provisions of these rules.

6. Regulation of claims to pay, allowances, leave and pension

A Government servant's claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned; to leave by the rules in force at the time the leave is applied for and granted; and to pension by the rules in force at the time when the Government servant retires or is discharged from the service of Government:

Provided that, if during his service, changes disadvantageous to him are introduced in the rules, to which he became subject on entry into the service of Government, his pension shall not be less than that which would have been admissible but for the introduction of such changes.

7. Exercise and delegation of powers under these rules

No powers may be exercised or delegated under these rules except after consultation with the Finance Department. It shall be open to that Department to prescribe, by general or special order, cases in which its consent may be presumed to have been given.

Note.—For powers delegated under these rules, see Appendix I.

8. Reasons for concessions to be communicated to Audit Officer

When a competent authority, other than Government, communicates to the Audit Officer an order granting any concessions under these rules to any Government servant in cases in which it is prescribed that the reasons therefor should be recorded, he should at the same time forward to him a copy of his reasons.

CHAPTER II—DEFINITIONS

9. Unless the context otherwise requires, the terms defined in this Chapter are used in the various sets of the Maharashtra Civil Services Rules, in the sense here explained :—

(1) **Actual travelling expenses** means the actual cost of transporting a Government servant with his domestic servants and personal luggage, including charges for ferry and other tolls, if paid, and for carriage of camp equipment, if such is necessary. It does not include charges for accommodation in hotels and travellers' bungalows, or for refreshments, or for the carriage of stores or conveyances or for presents to drivers and the like; or any allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture, and the employment of additional domestic servants.

(2) **Allotment** means grant of a licence to a Government servant to occupy a house owned, leased or requisitioned by Government or a portion thereof for his use as residence.

(3) **Apprentice** means a person deputed for training in a trade or business with a view to employment in Government service, who is paid at monthly rates by Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(4) **Audit Officer** means an Audit Officer, appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.

(5) **Cadre** means the strength of a service or a part of a service sanctioned as a separate unit.

(6) **Camp equipage** means the apparatus for moving a camp. This term excludes camp equipments and means only moving apparatus or carriage which includes baggage—camels, pack bullocks, carts, drivers of the bullocks, etc. coolies who carry camp equipments and servants employed as tent-pitchers. Any private or extra servants are not included in this term.

(7) **Camp equipment** means tents and the requisites for pitching and furnishing them, or, where tents are not carried, such articles of camp furniture as it may be necessary in the interests of public service for a Government servant to take with him on tour.

(8) **Compensatory allowance** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes different types of travelling allowances.

(9) **Competent authority**, in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.

(10) **Consolidated Fund of India or the State**. All revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of India". Similarly all revenues received by the Government of a State, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of the State".

(11) **Constitution** means the Constitution of India.

(12) **Date of first appointment** means the date the Government servant assumes the duties of his first post in Government service, or, if this be earlier, the date of his assumption of any duty which is treated, as service counting for pension.

(13) **Day** means the period beginning from one midnight and ending with the next midnight.

(14) **Duty**.—Duty includes—

(a) service as a probationer;

(b) joining time;

(c) a course of instructions or training authorised by or under the orders of Government;

(d) a course of instruction or training authorised by—

(i) Director of Social Welfare in the case of the members of the staff of the Social Welfare Officer deputed to undergo a course of training in making estimates and plan drawing before their confirmation,

(ii) Director of Education in the case of teachers of the educational staff who undergo a course of training or instructions at training colleges or schools, and

(iii) Director of Agriculture in respect of staff who undergo a course in agriculture or any other training preparatory to appearing for the Sub-service Department Examination.

Note 1.—The time reasonably required for the journeys between the place of training and the station from which a Government servant proceeds in order to undergo training, is part of the period of training.

Note 2.—The period spent by candidates (other than candidates not already in Government service admitted after the 15th August, 1939) at the Central Police Training College, Nashik, for training and the interval between the satisfactory completion of the course and their assumption of duty should be regarded as duty for the purpose of this rule.

In the case of Military Officers and other ranks, who join the Police Force as Sub-Inspectors and whose period of probation is treated as Vocational Training under section 40 of Army Vocational Training (India), 1933, their services in the Police shall count from the dates they formally leave the Army, since, until that date, the time spent on vocational training is included in the period of their military service and they are borne on the military establishment.

Note 3.—The period spent by candidates (other than candidates not already in Government service admitted on or after the 22nd April 1962) in the Prohibition and Excise Department for training and interval between the completion of the course and their assumption of duty, should be regarded as duty for the purpose of this rule.

Note 4.—The period spent by the Sales Tax Inspectors in the Sales Tax Department for the training and the interval between the completion of training and their assumption of duty as Sales Tax Inspector in the regular time scale of pay should be regarded as duty for the purpose of this rule.

Note 5.—When one or more holidays follow the period of training, the training period may be deemed to have been extended to cover such holidays.

(e) the period occupied—

(i) in appearing for a language examination prescribed by Government at which a Government servant has been granted permission to appear,

(ii) in attending an obligatory departmental examination,

(iii) in attending an examination which a Government servant must pass to become eligible for a higher post in any branch of the Public Service,

including the time reasonably necessary for going to and from the place of examination.

This concession should not be allowed more than twice for each obligatory examination.

Note 1.—If an examination is taken immediately before leave, the leave shall be held to have commenced from the date following that of the completion of the examination. In cases where an examination is taken in interruption of leave or immediately after leave, the time occupied in appearing for the examination, including the time necessary for going to and from the place of examination, shall be treated not as duty but as leave.

Note 2.—The period occupied in appearing for the Maharashtra Accounts Clerks' Examination including the time reasonably necessary for going to and from the place of examination on voluntary basis should be treated as duty. This concession should not be allowed more than twice.

(f) the period for which a Government servant is required to wait compulsorily until receipt of his posting orders in the cases mentioned below:—

(i) whose orders of transfer are held in abeyance, cancelled or modified while in transit, or

(ii) who, on return from leave or deputation or on abolition of the post held by him, has to await receipt of posting orders, or

(iii) who, on arrival at the headquarters of the post to which he is posted is not in a position to take charge of the post from the Government servant to be relieved.

The period availed of to resume duties after the receipt of posting orders shall not exceed the joining time admissible under the rules and shall be treated as a continuation of the period of compulsory waiting.

(g) the period intervening between the date on which a Government servant is engaged temporarily for special or other duty and the date on which he takes over charge, provided the period does not exceed the joining time that would be permissible to a Government servant entitled to joining time;

(h) the period spent by Government servant on training mentioned below:—

(i) training in accordance with the Regulations of the Army in India Reserve of Officers,

Note.—In the case of civil officers granted Commissions in the Army in India Reserve of Officers the period of training will not include the time spent in journey to and from the station at which the training is carried out. The time spent by these officers in journeying to and from the place of training should be treated as duty and acting arrangements may be made during that time.

(ii) training in the Indian Naval Fleet Reserve and on the journey to and from the place of training,

(iii) annual training courses of instruction or military service in accordance with the Regulations for the Territorial Army, 1948,

(iv) on Home Guard training or Home Guard duties with the permission of the Head of his office,

(v) in training or in the camp in accordance with the rules of the National Cadet Corps and also such period of the vacations as are spent by National Cadet Corps Officers (Senior Division) who are Government servants holding officiating charge of units during the absence of regular Commanding Officers,

(vi) training and active service in the Army and Air Force Reserves and the Indian Fleet Reserve/Air Defence Reserve and/ on journey to and from the place of training, in case leave in respect of their civil appointment is not availed of during training and transit period,

(vii) training at a Boy Scouts' Camp,

Note.—No travelling or halting allowance is admissible in respect of this duty.

(i) additional leave on full pay not exceeding three weeks granted to a Government servant undergoing anti-rabic treatment, admissible under Appendix 15 of Bombay Financial Rules, 1959;

(j) the period spent by a Government servant in connection with work on the various University bodies in the Maharashtra State—

(a) as representatives of Government or *ex-officio*.

(b) by virtue of his Official position such as Principal of a College,

and

(c) for attending the meeting of a Board of Studies.

(15) **Emoluments** for the purpose of rules in the Maharashtra Civil Services (Occupation of Government Residences) Rules mean—

(i) pay,

(ii) payments from the Consolidated Fund of India or of the State and only that portion of the fees received by a Government servant which he is allowed to retain under the rules, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorised remuneration of a post,

(iii) compensatory allowances other than travelling allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery whether drawn from the Consolidated Fund of India or of the State or from a Local Fund,

(iv) pension and pension equivalent of death-cum-retirement gratuity except in the following:—

(a) Wound or Injury Pension and Family Pensions drawn under the provisions of Maharashtra Civil Services (Pension) Rules,

(b) Compensation received under the Workmen's Compensation Act, 1923, as subsequently amended,

(v) in the case of a Government servant under suspension and in receipt of a subsistence allowance, the amount of the subsistence allowance :

Provided that, if such Government servant is subsequently allowed to draw pay for period of suspension, the difference between the licence fee recovered on the basis of the subsistence allowance and the licence fee due on the basis of the emoluments ultimately drawn shall be recovered from him :

Provided further that if such Government servant is subsequently reinstated and the period of suspension is treated as leave, the difference between the licence fee recovered on the basis of the subsistence allowance and the licence fee due on the basis of emoluments defined in Note I below shall be recovered from him.

Allowances attached to the President's Police and Fire Services Medal, the Police Medal, or the Indian Order of Merit, Param Vir Chakra, Maha Vir Chakra, Vir Chakra are not included in the emoluments.

Note 1.—The emoluments of a Government servant on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

Note 2.—The word "Pension" occurring in clause (iv) above means the full sanctioned pension prior to commutation.

(16) **Family** means a Government servant's wife or husband, as the case may be, residing with the Government servant and legitimate children and step-children residing with and wholly dependent upon the Government servant. It includes, in addition, parents, sisters and minor brothers if residing with and wholly dependent upon the Government servant.

Note 1.—Not more than one wife is included in the term "family" for the purpose of these rules.

Note 2.—An adopted child shall be considered to be a legitimate child if, under the personal law of the Government servant, adoption is legally recognised as conferring on it the status of a natural child.

(17) **Fee** means a recurring or non-recurring payment to a Government servant from a source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory, whether made directly to the Government servant or indirectly through the intermediary of Government, but does not include—

(i) unearned income such as income from property, dividends, and interest on securities; and

(ii) income from literary, cultural, or artistic, scientific or technological efforts if such efforts are not aided by the knowledge acquired by the Government servant in the course of his service.

Note.—The above definition is not applicable to the fees payable from the Consolidated Fund under the Law Officers (Conditions of Service) Rules.

(18) **First appointment** means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.

(19) **Foreign service** means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a State, or of a Union Territory.

(20) A **Gazetted Government servant** is one who is a member of an All India or State Service or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are gazetted by Heads of Departments are Non-gazetted Government servants. Notifications investing Government servants with powers under different Acts, in order that the Courts may take judicial cognizance of them, do not constitute the persons invested with such powers as Gazetted Government servants within the meaning of this sub-rule.

Exception.—Officers whose appointments to Class II services or posts are made by the Heads of Departments or Heads of Offices subordinate to them and are not published in the Gazette should be treated as Gazetted Government servants.

(21) **Government**, unless there is anything repugnant in the subject or context, as respects anything done or to be done after the commencement of the Constitution, shall mean the Governor of Maharashtra.

(22) **Heads of Departments.** This term includes the officers mentioned in Appendix II and any others whom Government may from time to time declare to be Heads of Departments.

(23) **Holiday** means—

(a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881; and

(b) in relation to any particular office, a day on which such office is ordered by Government, or by a duly constituted authority, by notification in the Gazette or otherwise, to be closed for the transaction of Government business without reserve or qualification.

(24) **Honorarium** means a recurring or non-recurring payment granted to a Government servant from the Consolidated Fund of India or the Consolidated Fund of the State or of a Union Territory as remuneration for special work of an occasional character.

(25) **House-rent allowance** is an allowance granted—

(a) towards defraying house-rent in localities where such rents are high, or

(b) in lieu of free quarters.

(26) **Class IV service** means service performed by a Government servant in a post specifically classified as Class IV and such other unclassified Non-gazetted posts the maximum of the scale of which is equal to or less than Rs. 435.

(27) **Joining time** means the time allowed to a Government servant to join a new post or to travel to or from a station to which he is posted.

(28) **Leave** means permission to remain absent from duty granted by a competent authority under the Maharashtra Civil Services (Leave) Rules, 1981.

(29) **Leave-salary** means the monthly amount paid by Government to a Government servant on leave.

(30) **Lien** means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(31) **Local allowance** is an allowance granted on account of the expensiveness or unhealthiness of an area. It is admissible to Government servants who have their headquarters within the area for which it is sanctioned, and not to Government servants merely travelling in that area.

(32) **Local Fund** means—

(a) revenues administered by bodies, which by law or rule having the force of law come under the control of Government whether in regard to proceedings generally or to specified matters, such as the sanctioning of the budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension, or similar rules; and

(b) the revenues of any body which may be specially notified by Government as such.

(33) **Ministerial servant** means a Government servant of a Class III services, whose duties are entirely clerical, and any other class of servants specially defined as such by Government.

(34) **Month** means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

Instruction.—Calculations of period expressed in terms of months and days should be made as under :—

(a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted :—

	Y.	m.	d.
25th January to 31st January	0	7
February to April	0	3
1st May to 13th May	0	13
		<hr/>	<hr/>
		0	3 20

(b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days, as indicated below :—

	Y.	m.	d.
30th January to 31st January	0	2
February	0	1
1st March to 2nd March	0	2
		<hr/>	<hr/>
		0	1 4

(35) **Officiate.**—A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority, may if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

(36) **Pay** means the amount drawn monthly by a Government servant as—

(i) the pay (including special dearness pay) which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre; and

(ii) personal pay, and special pay; and

(iii) any other emoluments which may be specially classed as pay by Government.

(37) **Pension** includes a gratuity.

(38) **Pensionable Pay** means the average pay earned by a Government servant during the last ten months' service.

Note 1.—The officiating pay/special pay/deputation (duty) allowance drawn from the Consolidated Fund of India by State Government employees on deputation to the Government of India, shall be taken into account for calculating pensionable pay.

Note 2.—The pay drawn by a Government servant while on foreign service shall not count for pension. In such a case the pay which the Government servant would have drawn under the Government had he not been sent on foreign service, will alone be taken into account while calculating pensionable pay.

(39) **Pensionable service** means service which qualifies the Government servant performing it to receive a pension from the Consolidated Fund.

(40) **Permanent post** means a post carrying a definite rate of pay sanctioned without limit of time.

(41) **Personal pay** means additional pay granted to a Government servant—

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations

(42) **Presumptive pay** of a post, when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the said post and were performing its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility, in consideration of which special pay was sanctioned.

(43) **Probationer** means a Government servant employed on probation in or against a substantive or temporary vacancy in the cadre of a department.

Note 1.—No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examination.

Note 2.—A Government servant (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be treated for all purposes as a temporary Government servant.

Note 3.—The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

(44) **Public Account of India or the State** means all other public moneys excluding those referred to in sub-rule (10) received by or on behalf of the Government of India or the Government of a State.

(45) **Public conveyance** means a train, steamer, aircraft or other conveyance which plies regularly, though not necessarily at fixed intervals, a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of the passengers.

(46) **Registered medical practitioner** means a medical practitioner registered under the Maharashtra Medical Council Act, LXVI of 1965, or the Maharashtra Medical Practitioners Act, XXVIII of 1961, or a practitioner registered under Part A or Part B of the Register maintained under the Maharashtra Homoeopathic and Biochemic Practitioners Act, XII of 1960, or any other law corresponding thereto and in force in the State of Maharashtra, or the respective Medical Registration Acts of the several State Governments.

(47) **Selection grade** means a scale of pay which has been sanctioned specifically as a selection grade by an order of Government.

(48) **Special pay** means an addition, of the nature of pay, to the emoluments of a post or of a Government servant granted in consideration of—

- (a) the specially arduous nature of the duties;
- (b) a specific addition to the work or responsibility.

(49) **Sphere of duty** means the area to which the duties of a Government servant are confined.

(50) **Subsistence allowance** means a monthly grant made to a Government servant who is not in receipt of pay or leave-salary.

(51) **Substantive pay** means the pay other than special pay, personal pay or emoluments classed as pay by Government under sub-rule 36(iii) to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.

(52) **Superior service** means any kind of service which is not class IV.

(53) **Temporary post** means a post carrying a definite rate of pay sanctioned for a limited time.

Note.—Substantive appointments to temporary posts should be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of three years. In all other cases, appointments in temporary posts should be made in an officiating capacity only.

Instruction.—The benefit of substantive appointments to temporary posts contemplated in the above note should not be allowed to be enjoyed by more than one person simultaneously. Therefore, where a Government servant has already been appointed substantively to a temporary post and there is a temporary interruption in his tenure of the post, it would not be proper to appoint another Government servant substantively to the post during such temporary interruption. For this purpose, interruptions which are likely to last for less than 3 years may be treated as temporary. It follows, therefore, that where a Government servant is already appointed substantively to a temporary post, a second Government servant should not be appointed substantively to it unless the previous holder of the post has been transferred from it permanently or unless he has been transferred temporarily and there is reason to believe that he will remain absent from the post for a period of not less than three years.

(54) **Tenure post** means a permanent post which an individual Government servant may not hold, for more than a limited period without reappointment.

Note.—The following posts in State and Class I services have been declared by Government to be tenure posts:—

	Period of tenure (Years)
(1) Under Secretary to Government (when held by persons other than those promoted from the Subordinate Secretariat Service).	3
(2) Deputy Secretary (Criminal Law) in the Law and Judiciary Department.	5
(3) Solicitor (Mofussil Litigation)	5
(4) Three posts of Assistant Directors of Social Welfare	3

(55) (a) **Time-scale pay** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.

(b) Time-scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

(c) A post is said to be on the same time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(56) **Transfer** means the movement of a Government servant from one headquarter station in which he is employed to another such station, either—

- (a) to take up the duties of a new post; or
- (b) in consequence of a change of his headquarters.

(57) **Transit time** means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel.

(58) **Travelling allowance** means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interest of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

CHAPTER III—GENERAL CONDITIONS OF SERVICES

10. Age limit for recruitment to pensionable service

Except as provided in the Maharashtra Civil Services Classification and Recruitment Rules, a person whose age exceeds 28 years may not be appointed to a post in pensionable service.

Note.—This rule does not apply to employment in civil capacities of reservists and pensioners of the Armed Forces of India.

11. Certificate of physical fitness a prerequisite for substantive appointment or continuance in service

(1) Every Government servant shall produce a medical certificate of health either before he is appointed substantively to a permanent post or before he completes six months' service from the date of appointment, whichever is earlier.

(2) The limit of six months prescribed in sub-rule (1) above is the maximum one and the Head of Office should, in the case of Government servants who, on their appointment, are expected to continue in Government service for more than six months, require them to produce medical certificates of fitness for Government service within two months from the dates of joining service. These time limits for producing the medical certificate are also applicable from the date of appointment to the higher post in cases where fresh medical examination is necessary under sub-rule (4) of rule 15.

Note 1.—Rules for the examination of the candidates as to their physical fitness for Government service have been embodied in Appendix III.

Note 2.—Part-time Government servants should be required to produce medical certificates of fitness in the same manner and under the same condition as full-time Government servants.

Note 3.—Normally a person for an appointment under Government should be medically examined before his appointment. In cases, however, where a person is required to join immediately for work or for training, appointment may be made without first obtaining the medical certificate but the appointment should be subject to his being declared medically fit by an appropriate Medical Authority. In all such cases, if a Government servant is declared unfit for service on medical examination and he prefers an appeal under rule 18 in Appendix III, he should be retained in service till the appeal is finally decided. Efforts should be made to obtain the decision early. If the candidate is found responsible for causing delay, his services should be terminated forthwith.

Note 4.—In the case of a Government servant whose appointment is made on temporary basis without a medical certificate, it is necessary to get a certificate of fitness from the appropriate Medical Authority as required by rule 15(1) and rule 11 in Appendix III. If a Government servant is found unfit for retention in service at all by the appropriate Medical Authority and if an appeal for a second medical examination from him is accepted, he should be allowed to continue in service till the verdict of appropriate Medical Authority is known. In case it is decided not to accede to his request for second medical examination or, if he is found to be responsible for causing delay in obtaining the verdict of the appropriate Medical Authority on his appeal, his services should be terminated forthwith.

Note 5.—(i) For a proper observance of the procedure in the Notes 3 and 4 above, it is necessary that intimation regarding unfitness should immediately on receipt, be communicated to the person concerned with a note that appeal, if any, must be made by the Government servant concerned, within one month of the communication of the findings of the Medical Officer and that if any medical certificate issued by the Registered Medical Practitioner is produced as piece of evidence about the possibility of an error of judgement in the decision of the Medical Officer who examined him in the first instance, the certificate must contain a note by the medical practitioner concerned to the effect that it has been given in full knowledge of the fact that the candidate has already been rejected as unfit for Government service by the Medical Officer.

(ii) In case no appeal is preferred by the Government servant within one month of the date of communication to him of the findings of the Medical Officer, his services should be terminated forthwith on expiry of the period of one month and no appeal should be allowed after expiry of that period.

12. Form of medical certificate

A medical certificate of fitness for Government service shall be in the following form:—

1. Name of candidate.....
2. The post to which appointed.....
3. Department in which appointed.....
4. The age according to candidate's own statement.....
5. Age as by appearance to the Medical Officer.....
6. Whether vaccinated or not.....
7. Left hand thumb impression of the candidate.....
8. Marks of identification.....

I certify that I have examined the abovementioned candidate and cannot discover that he/she has any disease (communicable or otherwise), constitutional weakness or bodily infirmity, exceptI do not consider this a disqualification for employment in the office of as.....

13. Who should sign a medical certificate

Such a certificate shall be signed by the Medical Officer prescribed in rule 1 of Appendix III and in the case of females, shall be regarded as confidential.

14. A Government servant with a defect transferred to another office

When a Government servant, in whom a defect has been noticed by the examining officer, is transferred from one office to another, the duties of which are different in character, the authority competent to sign a medical certificate of physical fitness for Government service should report whether the defect will materially interfere with the discharge of his new duties by the Government servant transferred.

15. Production of medical certificate within six months in temporary employ

(1) No person, who has already completed six months' temporary (including officiating) service in the employment of Government, or who having been discharged before completing six months, is re-engaged in such service and completes six months from the date of re-engagement, shall be continued in employment without production of a medical certificate in the form given in rule 12.

(2) No person, who after completing six months' temporary service (including officiating service) in the employment of Government is discharged before the production of the medical certificate mentioned in sub-rule (1) above, shall be re-engaged without the production of such a medical certificate.

It is the responsibility of the Head of Office to see that no person under him is continued in employment after completing relevant period of service (six months or two months as the case may be) unless that person produces the required medical certificate. To meet the requirement of Audit, a certificate to the effect, that the medical certificate in the prescribed form required under sub-rules (1) and (2) above has been obtained in respect of the Government servant and that he has been declared fit, should be furnished to the Audit. Such certificate should accompany the first bill in which the pay of the Government servant is drawn after the date on which the medical certificate becomes due, or, if this cannot be done for good and sufficient reasons, to the next such bill. The procedure for furnishing this certificate in respect of Gazetted and Non-gazetted officers shall be as under:—

(a) In respect of Gazetted Government servant, certificate by the competent authority to whom the medical certificate has been submitted, should be attached to the first pay bill;

(b) In respect of Non-gazetted Government servant, the Drawing and Disbursing Officer should furnish such certificate along with the first pay bill of the Government servant concerned.

(3) When a person who has produced the medical certificate required under rule 11 is discharged from Government service and is re-engaged, a fresh medical certificate need not be produced by him if the re-engagement takes place within the period of six months from the date of the medical certificate already produced. In such a case, the period between the date of discharge and the date of re-engagement will not be treated as a break for the purposes of rule 11.

(4) If a Government servant is subsequently appointed to any higher post, fresh medical examination, by appropriate medical authority and in accordance with standard prescribed for the post, shall be necessary except in cases where the medical examination

already undergone at the time of initial appointment was of the same standard and by the same medical authority as prescribed for the new appointment or where the new appointment is by way of promotion in the same line of promotion and against promotion quota of vacancies.

Exception.—In the case of Government servants in Class III Secretariat service, in reckoning the period of six months, broken periods of service of less than six months should be counted.

16. Entry in service book about medical examination

The fact that a Government servant is medically examined and found fit should be recorded in his service book as soon as a certificate is produced and the medical certificate of fitness should be kept in safe custody along with the other documents connected with his service career.

17. Invalid pensioner must produce certificate from a Medical Committee before re-employment

No person invalidated from Government service should be re-employed except on the strength of a certificate from a Medical Committee. The Committee should invariably include a Specialist of the disease for which the person was invalidated.

18. Re-employment immediately after retirement

A retired Government servant re-employed within six months from the date of retirement may be exempted from producing a medical certificate of health. In cases other than those referred to in rule 17, where the re-employment does not take place within six months from the date of retirement, the appointing authority will decide whether a medical certificate should be produced.

19. Condonation of disabilities when permitted and by whom

When a candidate for Government service is rejected by the Medical Officer examining him on account of any disability, except eye defects, the Director of Health Services may, upon the request of the Head of the Office, at his discretion, condone such disabilities as are not likely to interfere with the efficiency of the candidate.

20. Acquiring and ceasing of a lien

Unless in any case it be otherwise provided in these rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

21. Restrictions over holding of lien on posts by Government servant at same time

(1) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(2) A Government servant cannot be appointed substantively to two or more separate and permanent posts at the same time.

(3) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

22. Retention of a lien

Unless his lien is suspended under rule 23 or transferred under rule 26, a Government servant holding substantively a permanent post retains a lien on that post—

(a) while performing the duties of that post;

(b) while on foreign service or holding a temporary post, or officiating in another post, or holding a post the pay of which is charged to works or contingencies;

(c) during joining time on transfer to another post, unless he is transferred substantively to a post on lower pay, in which case lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) while on leave other than refused leave granted after the date of retirement;

(e) while under suspension.

Note.—A Government servant confirmed in a permanent post, which is subsequently held in abeyance (because it is not required for active duty) continues to hold a lien on that post during the period the post is held in abeyance.

23. Suspension of a lien

(1) A competent authority shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity—

(a) to a tenure post, or

(b) provisionally, to a post on which another Government servant would hold lien had his lien not been suspended under this sub-rule.

(2) A competent authority may, at its option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service or in circumstances not covered by sub-rule (1) of this rule is transferred, whether in a substantive or in an officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

Note.—When it is known that a Government servant on transfer to a post outside his cadre is due to retire on superannuation within three years of his transfer, his lien on his cadre post cannot be suspended.

(3) Notwithstanding anything contained in sub-rule (1) or (2) of this rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(4) If a Government servant's lien on the post is suspended under sub-rule (1) or (2) of this rule, the post may be filled substantively, and the Government servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

Note 1.—This sub-rule also applies if the post concerned is a post in a selection grade of a cadre.

Note 2.—When a post is filled substantively under this sub-rule, the appointment will be termed a provisional appointment, the Government servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under sub-rule (1) but not under sub-rule (2) of this rule.

(5) A Government servant's lien which has been suspended under sub-rule (1) of this rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-rule (1) (b).

(6) A Government servant's lien which has been suspended under sub-rule (2) of this rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in clause (a), or (b) of sub-rule (1).

Instruction.—Under the existing provisions of this rule, it is possible for more than one person to be appointed in a provisional substantive capacity against a single post. The operation of this rule should, however, be restricted so as to permit only one provisional substantive appointment against one post. Accordingly, the lien acquired by a Government servant on his appointment in a provisionally substantive capacity under sub-rule (4) of this rule, should not be suspended if he is deputed out of India or is transferred to a post of the nature specified in sub-rule (2) of this rule.

24. Suspension of the lien retrospectively and consequential promotion

When suspension of the lien of a Government servant is sanctioned under sub-rule (2) of rule 23, it is permissible retrospectively from the date he is deputed out of India or transferred to foreign service, or is transferred in an officiating capacity to a post either permanent or temporary in another cadre or from any subsequent date; but whether provisional substantive promotions should be given from that date or from any subsequent date is a matter which is entirely at the discretion of the authority whose duty is to fill up the post if permanently vacant.

25. When a lien or a suspended lien cannot be terminated

(1) Except as provided in sub-rule (2) below, a Government servant's lien on a post may in no circumstances be terminated even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(2) A Government servant's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or State Government) outside the cadre in which he is borne.

26. Transfer of the lien to another post

Subject to the provisions of the rule 27, a competent authority may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

27. When transfer to a post carrying less pay is permissible

(1) A Government servant may be transferred from one post to another, provided that, except—

- (a) on account of inefficiency or misbehaviour, or
- (b) on his written request, or
- (c) in anticipation of the abolition of the post on which he holds a lien, or
- (d) where the medical certificate granted under Maharashtra Civil Services (Pension) Rules, certifies the person to be fit for service of a less laborious character than that which he has been performing.

a Government servant shall not be transferred substantively to, or, except in a case covered by rule 56 of Maharashtra Civil Services (Pay) Rules, 1981 appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien, had his lien not been suspended under rule 23.

(2) Nothing contained in sub-rule (1) of this rule or in sub-rule (30) of rule 9 shall operate to prevent the re-transfer of a Government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provision of sub-rule (1) of rule 23.

28. Date from which pay and allowances take effect

Subject to any exceptions specifically made in these rules, a Government servant commences or ceases to be entitled to the pay and allowances of a post with effect from the date on which he assumes or relinquishes charge of the duties of that post, if he assumes or relinquishes charge of those duties in the forenoon of that day; otherwise from the following day.

Exception.—For a period of not more than three days spent by a direct recruit to the post of a Deputy Engineer in taking over charge of his post on first appointment, he should be granted his grade pay excluding any special pay or allowance (but including dearness allowance) to which he would be entitled on assumption of complete charge.

29. Relieving Government servant to intimate probable date of joining to the Government servant to be relieved

Every relieving Government servant is responsible for informing the Government servant to be relieved, at the earliest possible moment, of the date when he will be in a position to receive charge, and it is the duty of the Government servant to be relieved to be in readiness to deliver charge on that date.

30. How the date of handing over charge is determined

When more than one day is occupied in making over charge, the last day should be entered in the report, and an explanation should be submitted.

31. Charge must be handed over at the headquarters, both relieved and relieving Government servants to be present

Except as otherwise provided below, the charge of a post must be made over at the headquarters, both the relieving and relieved Government servants being present—

(a) Permission may be granted to a Government servant serving in Vacation Department to make over charge of a post elsewhere than at its headquarters, excepting to a Head of an Institution under the Education Department. In such cases the amount of travelling allowance claimed by Government servant concerned shall not exceed the amount admissible to him while on transfer.

(b) For special reasons which must be expressed on the face of the order and be of a public nature, a competent authority may permit the charge to be made over elsewhere.

(c) In exceptional circumstances, which should be recorded, a competent authority may permit the charge of a post to be made over in the absence of the relieved Government servant by letter or by telegram at or outside the headquarters of the post.

(d) In case of persons who are permitted to combine vacation with leave, the following procedure may be followed:—

Before proceeding on leave to which he has been allowed to prefix vacation, a Government servant should sign a charge report making over charge with effect from the date on which his leave commences and hand over the report to a responsible member of his office staff with instructions to deliver it for signature to his successor on the latter's arrival to take over the duties of the post. Similarly, when a Government servant is permitted to affix vacation with leave the Government servant, who was officiating during the leave, should at the commencement of the vacation, sign a charge report making over the charge from the beginning of the vacation and hand over the report to a responsible member of his office staff for delivery to

his successor on the latter's return at the close of the vacation. In both cases, the report when completed, should be forwarded at once to the Audit. The term "vacation" in this exception includes holidays.

Instruction.—It shall be permissible for a Government servant to take over charge on a public holiday provided the procedure laid down in this rule is followed and the charge is handed over by the relieved officer in person; provided further that taking over of charge does not involve handing over and taking over cash and securities.

Note.—See rule 48 of Maharashtra Civil Services (Pay) Rules, 1981.

32. How the date of promotion is determined

The promotion of a Government servant from a lower to a higher post, his duties remaining the same, takes effect from the date on which the vacancy occurs, unless it is otherwise ordered. But when the promotion involves the assumption of a new post with enlarged responsibilities, the higher pay is admissible only from the date on which the duties of the new post are taken.

33. Provident and other funds

A Government servant may be required to subscribe to a Provident Fund or other similar fund, in accordance with such rules as Government may by order prescribe.

34. Whole time of a Government servant to be at the disposal of Government

Unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of Government and he may be employed in any manner required by the proper authority, without a claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from the Consolidated Fund of India or of a State or from the revenues of local fund, or from the funds of a body incorporated or not, which is wholly or substantially owned or controlled by the Government.

CHAPTER IV—MAINTENANCE OF RECORD OF SERVICE

35. Maintenance of service record of Gazetted Government servant

A record of the services of each Gazetted Government servant except the Gazetted Government servants whose pay and allowances are drawn by the Heads of Offices on establishment bills, shall be maintained by the Audit Officer who usually audits his pay or who accounts for the contribution recovered from the foreign employer in the case of a Government servant lent to foreign service.

36. Maintenance of service record of Non-gazetted Government servant

A service book in the prescribed Form in Appendix IV should be opened in duplicate for every Non-gazetted Government servant free of charge on his being appointed substantively or in an officiating capacity to a permanent post or appointed to hold a temporary post in Government service for the first time with the following exceptions :—

(a) Government servants, the particulars of whose service are recorded in a history of services or a service register maintained by an Audit Officer;

(b) Government servants officiating in posts or holding temporary posts, who are recruited for purely temporary or officiating vacancies not likely to last for more than one year and are not eligible for permanent appointment;

(c) Housemen, Registrars, Clinical Assistants, Resident Pathologists and Resident Trainee Anaesthetists in the Medical Department;

(d) Policemen of rank not higher than that of Head Constable;

(e) Prohibition and Excise constabulary staff;

(f) Forest Guards;

(g) Class IV servants of all sorts.

One copy should be kept in the custody of the Head of the Office in which the Government servant is serving, and transferred with him from office to office; the other copy should be given to the Government servant concerned. In the case of the copy kept in the custody of Head of the Office, it is his duty to see that all entries are duly made and attested.

Instruction.—While handing over the duplicate copy of the service book to the Government servant it should be impressed on him that he should verify that the entries made therein are correct and attested by the Head of the Office and he should also ensure that all subsequent entries are made in the duplicate service book which should be attested by the officer competent to do so. For this purpose he should submit his copy of the service book when an occasion arises for making a fresh entry and he should carefully see that entries in both the books tally and are up to date.

The Head of Office shall also obtain a declaration each year from each Government servant for whom a service book is maintained, to the effect that he has carefully gone through the entries made in his duplicate service book and has satisfied himself that all the relevant entries are made therein and that they are upto date. A certificate to the effect that he has obtained declarations as above should be submitted by the Head of Office to his next superior officer by the end of every September.

37. Maintenance of service rolls

A service roll, free of charge, as described in rule 46, must be maintained for every other class of permanent, temporary or officiating Non-gazetted Government servants, for whom no service book is necessary except the Government servants mentioned in exceptions (a) and (b) under rule 36. One copy should be kept in the custody of the head of the office in which the Government servant is serving, and transferred with him from office to office, the other copy should be given to the Government servant concerned. In the case of the copy kept in the custody of the head of office, it is his duty to see that all entries are duly made and attested.

Instruction.—The instruction below rule 36 should be followed in respect of service rolls also.

38. Procedure for writing the events and recording the date of birth in the service book

(1) In the service book every step in a Government servant's official life, including temporary and officiating promotions of all kinds, increments and transfers and leave availed of should be regularly and concurrently recorded, each entry being duly verified with reference to departmental orders, pay bills and leave account and attested by the Head of the Office. If the Government servant is himself the Head of an Office, the attestation should be made by his immediate superior.

(2) While recording the date of birth, the following procedure should be followed:—

(a) The date of birth should be verified with reference to documentary evidence and a certificate recorded to that effect stating the nature of the document relied on;

(b) In the case of a Government servant the year of whose birth is known but not the date, the 1st July should be treated as the date of birth;

(c) When both the year and the month of birth are known, but not the exact date, the 16th of the month should be treated as the date of birth;

(d) In the case of a Government servant who is only able to state his approximate age and who appears to the attesting authority to be of that age, the date of birth should be assumed to be the corresponding date after deducting the number of years representing his age from his date of appointment;

(e) When the date, month and year of birth of a Government servant are not known, and he is unable to state his approximate age, the age by appearance as stated in the medical certificate of fitness, in the form prescribed in rule 12 should be taken as correct, he being assumed to have completed that age on the date the certificate is given, and his date of birth deduced accordingly;

(f) When once an entry of age or date of birth has been made in a service book no alteration of the entry should afterwards be allowed, unless it is known, that the entry was due to want of care on the part of some person other than the individual in question or is an obvious clerical error;

Instruction.—(1) Normally, no application for alteration of the entry regarding date of birth as recorded in the service book or service roll of a Government servant should be entertained after a period of five years commencing from the date of his entry in Government service.

(2) Subject to (1) above, the correct date of birth of a Government servant may be determined, if he furnishes a proof of age in any of the following forms:—

(a) His own statement or that of a parent, guardian, friend or relative;

(b) School Leaving Certificate, Secondary School Certificate Examination/Matriculation Certificate or University Certificate;

(c) Extract from a birth or baptismal register;

(d) Horoscope;

(e) Entry in family records or accounts books.

The proof at (a) above should not be accepted as sole proof of Government servant's age; also (b), (d) and (e) separately cannot always be depended on as reliable proof of age, while (c) cannot also furnish absolute proof unless the name of the child is registered.

(i) To ensure, as far as possible, that convincing and conclusive proof of age is forthcoming, a Government servant should be asked to produce both an extract from a birth or baptismal register and a School Leaving Certificate or Secondary School Certificate Examination/Matriculation Certificate or University Certificate giving the date of birth. An extract or certificate of birth (such as a baptismal certificate) where his name has been entered in the original birth register at the time of birth, should, however, be accepted as a sufficient proof.

(ii) If a Government servant is unable to produce any of the documents referred to in (i) above, a full explanation should be obtained from him and unless he can adduce satisfactory reasons for not producing them, other evidence such as horoscope, family records, accounts books, etc., should not be admitted.

(iii) Oral or written statements or affidavits of a Government servant or his relatives should not be accepted without the production of supporting evidence save in exceptional cases where the certifying authority is satisfied that for some good reason as direct evidence is available and that the person concerned is trustworthy and there is no reason to disbelieve him.

(3) All cases relating to alterations of dates of birth of Gazetted Government servants and such of the requests of Non-gazetted Government servants as are proposed to be entertained on merits in relaxation of instruction No. (1) above, should invariably be referred to the General Administration Department and the Finance Department through the Administrative Department concerned.

(3) Officers of a rank not lower than the Principal District Officer in the Department concerned may correct errors in the service book which are obviously clerical. Cases in which the correctness of the original entry is questioned on other grounds should be referred to a competent authority.

(4) Finger-prints of a Government servant who is not literate enough to sign his name in English, Hindi or Marathi should be recorded in the column headed "Personal marks of identification" in the service book itself. The impressions should not be taken on separate slips of paper and pasted to the service book.

Exemptions.—When a military employee is transferred to a civil department and assumes a civilian status or when a military employee discharged from the army without earning a pension is employed in a post in a civil department in which his military service counts towards pension, the date of birth to be entered in his service book or roll shall be either that entered by the Military Authorities in his form of attestation when he first joined the army or, if at the time of attestation he stated only his approximate age, the date arrived at by deducting the number of years representing his age from his date of appointment.

Note 1.—The latest discharge certificate (printed as Appendix V) issued to military employees on release of discharge does not provide for the age on the date of attestation or enrolment. It does, however, provide *inter alia* for (i) age at the time of completion of the certificate and (ii) date of enrolment. In such cases the age at the time of enrolment (attestation) should be worked out as indicated below:—

- (a) Calculate the difference between (i) the date of Commanding Officer's signature (*vide* space provided below serial No. 8 in the certificate) and (ii) the date of enrolment;
- (b) Deduct the period calculated as per (a) above from the age at the time of completion of the certificate (the date of the completion of the certificate *vide* serial No. 2 in the certificate).

Once the age at the time of enrolment is calculated the date of birth should be calculated as per the exemptions above.

Note 2.—Cases in which the date of birth has been deduced by any other method, from the age at appointment or attestation, or cases in which Government have passed specific orders accepting a particular date of birth, need not be re-opened.

39. Reasons for reduction, removal etc. to be stated in the service book

When a Government servant is reduced to a lower post, removed, or dismissed from service or suspended from employment, the reason for the reduction, removal, dismissal or suspension, as the

case may be, should always be briefly stated thus "Reduced for inefficiency", "Reduced owing to revision of establishment", etc. The Head of the Office should make efficient arrangement for these entries being made with regularity. This duty should not be left to the Non-gazetted Government servant concerned.

40. Personal certificates of character not to be entered in the service book

Personal certificates of character should not, unless the Head of the Department so directs, be entered in a service book.

41. Service books to be shown to Government servants by Head of Office

It shall be the duty of every Head of Office to initiate action to show the service books to Government servants under his administrative control every year and to obtain their signature therein in token of their having inspected the service books. A certificate to the effect that he has done so in respect of the preceding financial year should be submitted by him to his next superior officer by the end of every September. The Government servants shall *inter alia*, ensure before affixing their signature that their services have been duly verified and certified as such. In the case of a Government servant on foreign service, his signature shall be obtained in his service book after the Audit Officer has made therein necessary entries connected with his foreign service.

42. Completion and movement of service book on transfer

When a Non-gazetted Government servant is transferred, from one office to another, the necessary entry of the nature and reason of the transfer should be made in his service book in the office from which the Government servant is transferred and the service book after being duly verified to date and attested by the Head of the Office, should be forwarded to the Head of the Office to which the Government servant has been transferred. The service book will thereafter be maintained in that office. If he finds any error or omission in the book on receipt, he should return it to the forwarding officer for the purpose of having the error rectified or the omission supplied before the service book is taken over by him. The service book should not be made over to the Non-gazetted Government servant who has been transferred.

43. Events in foreign service to be entered in the service book of Non-gazetted Government servant by Audit Officer

When a Non-gazetted Government servant is transferred to foreign service, the Head of the Office or Department should send his service book to the Audit Officer. The Audit Officer will return it after noting therein over his signature the orders sanctioning the transfer and such particulars regarding the effect of the transfer in regard to leave admissible during foreign service as he may consider to be

necessary. On the Government servant's proceeding on leave from foreign service or on his retransfer to Government service his service book should again be sent to the Audit Officer who will then note in it over his signature, all necessary particulars connected with the leave or retransfer to Government service, including the fact of recovery of leave and pensionary contributions. No entry relating to the time spent in foreign service may be attested by any authority other than the Audit Officer.

44. Service book of a Non-gazetted Government servant officiating in a Gazetted post is to be maintained by the Head of Office in which he is working as a Gazetted Officer

When a Non-Gazetted Government servant is officiating in a Gazetted post, his service book should be maintained and kept by the Head of the Office in which he is working as a Gazetted Officer. The dates of promotion to and reversion from the Gazetted post, the changes in pay from time to time in the Non-gazetted post should be entered in the service book after ascertaining the same from the parent office, on the establishment of which he holds a lien on a Non-gazetted post. On his confirmation in the Gazetted post, the service book duly completed upto the date of confirmation should be forwarded to the Audit Officer who maintains the record of his service under rule 35.

45. Annual verification of service books and service rolls

The service books and service rolls (except in the case of police head constables and constables) in each office should be taken up for verification in May of every year by the Head of the Office. After satisfying himself that the services of the Government servant concerned are correctly recorded in his service book and service roll in conformity with these rules, he would record therein a certificate over his signature to the effect that the services have been verified up to the end of the preceding financial year from pay bills, acquittance rolls and similar records to be specified. If there is any portion of service that cannot be verified from office records distinctly the Head of the Office should state that for the excepted periods, which should be specified, a statement in writing by the Government servant as well as a record of the evidence of his contemporary employees is attached to the book.

Note.—At the time of forwarding service book to Government to which a person is transferred, it should be certified in the service book what service counts for pension in the light of the facts known then.

46. Maintenance of service rolls in respect of policemen

In the case of policemen of rank not higher than that of head constable, there must be maintained for each district by the Superintendent of Police, a service roll in which the following particulars should be recorded for each man in the constabulary holding substantively a permanent post and for each man in constabulary

officiating in a post or holding a temporary post, who is not recruited for a purely temporary or officiating vacancy for a short period and who is eligible for permanent appointment:—

- (a) The date of his enrolment.
- (b) His religion and in the case of Scheduled Castes, Scheduled Tribes or Other Backward Classes, the Tribe or Caste.
- (c) (i) His village,
(ii) Age,
(iii) Height, and
(iv) Marks of identification when enrolled.
- (d) The rank which he, from time to time holds, his promotions and his reductions or other punishments.
- (e) His absence from duty with or without leave.
- (f) Interruptions in his service.
- (g) Every other incident in his service which may affect the amount of his pension.

The service roll must be checked with the roll maintained under rule 473 of the Maharashtra Police Manual, Vol. I, in the principal language of the district and order book and the punishment register and every entry in it must be signed by the District Superintendent.

From this roll the necessary statement of service of every applicant for pension shall be prepared, additional proofs being collected in respect of any service rendered before enrolment in the constabulary which the applicant may be entitled to count.

47. Inspection of service books and service rolls

It is the duty of officers inspecting subordinate offices to inspect the service books and service rolls maintained there. They should see that they are maintained up-to-date, that entries are properly made and attested, that verification has been properly carried out, that the necessary statements and evidence secured and verification certificates have been properly recorded by the Heads of the Offices.

48. Service book not to be returned to Government servant on cessation of service

The service book or service roll should not be returned to the Government servant on retirement, resignation or discharge from service.

49. Extract to be given to insurance companies from service records

Heads of Departments may at their discretion furnish to Life Insurance Corporation, on request, extracts from service records of a Government servant relating to his date of birth, name, father's name, place of residence, race, place and designation of employment, date of appointment and personal marks of identification.

**CHAPTER V—PATENTS TO GOVERNMENT SERVANTS
ENGAGED IN SCIENTIFIC AND TECHNICAL
RESEARCH**

**50. Restriction for obtaining the patent for an invention made
by Government servant**

A Government servant whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention made by such Government servant save with the permission of Government and in accordance with such conditions as Government may impose.

Note.—The general instructions issued in this connection are contained in Appendix VI.

51. Decision of Government is final on the application of rule 50

If a question arises whether rule 50 applies to a Government servant, the decision of Government shall be final.

CHAPTER VI—REPEAL AND SAVING**52. Repeal and Saving**

The corresponding rules in the Bombay Civil Services Rules, 1959, as in force in the State of Maharashtra immediately before the commencement of these rules are hereby repealed in so far as they provide for any of the matters contained in these rules:

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

APPENDICES

APPENDIX I
(See rule 7)
Authorities to whom powers under Maharashtra Civil Services (General Conditions of Services) Rules, 1981, have been delegated by Government

Serial No.	No. of rule	Nature of power	Authority to whom the power is delegated	Scope	Remarks
1	2	3	4	5	6
1	9 (14) (f)	Power to regularise the period of Compulsory waiting as 'duty'.	Administrative Departments of Mantralaya.	Upto a period of fifteen days.	
2	9 (35)	Power to appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.	(i) Any authority which has power to make substantive appointment to the post. (ii) Regional Deputy Directors of Technical Education.	Full powers.	
3	9 (35)	Power to— (a) make officiating appointments for four months of Class II Officers and General State Service Officers of equivalent rank; and (b) to transfer officers of the above category. (c) power to notify such orders in the <i>Maharashtra Government Gazette</i> .	All Heads of Departments excluding Regional Heads of Departments.	Full powers.	Subject to the observance of following conditions:— (i) appointments are made in accordance with the Select List approved by Government, (ii) transfers and appointments are intimated to Government within a <i>fortnight</i> of the issue of the orders, (iii) the transfers and appointments are approved by Government within a period of six months from the date of issue of orders,

(iv) if the appointments ordered by the Heads of Departments are not approved by Government within a period of *six months* from the date of issue of the orders, they would be automatically rendered invalid. The transfers would, however, continue to be effective, pending receipt of Government's approval,

(v) except in cases where the transfers do not involve change of headquarters, an officer who has put in less than two years service at the same station should not be transferred without obtaining the prior approval of Government giving special reasons for such transfer,

(vi) the appointments, transfers are duly notified in the *Maharashtra Government Gazette* by the Heads of Departments.

1	2	3	4	5	6
4	9 (35)	Power to promote permanent Junior Engineers/ Supervisors as Officiating Deputy Engineers.	<p>(i) Chief Engineer, Koyna. (ii) Chief Engineer (Electrical), Koyna. (iii) Superintending Engineers, Koyna. (iv) Electrical Engineers to Government. (v) Chief Ports Officer, Maharashtra State. (vi) Director, Maharashtra Engineering Research Institute. (vii) Director of Minor Irrigation.</p>	For a period not exceeding <i>three</i> months.	
5	13 [Rule 1(i) in Appendix III].	Power to dispense with a certificate or accept a certificate signed by any female medical practitioner in the case of a female candidate for Government service.	Heads of Departments ..	Posts under their control the pay of which does not exceed Rs. 280 per mensem.	
6	13 [Rule 1(ii) in Appendix III].	Power to accept a certificate signed by any medical officer irrespective of his rank, in the case of a candidate, for appointment to a post on pay not exceeding Rs. 280 per mensem.	Officers of rank not lower than the Collector or District Judge, including the Commissioner of Police, Bombay, the Chief Metropolitan Magistrate, Bombay, the Chief Judge of the Court of Small Causes, Bombay, and the Director of Social Welfare.	All such posts to which appointments can be made by them.	

- 7 23 Power to suspend a lien : (i) All Heads of Departments. Full powers in respect of Government servants whom they can appoint. They may redelegate this power to their subordinate Gazetted officers in charge of administration in their own offices subject to the fulfilment of requirements and/or orders in this regard.
- (ii) The Regional Deputy Directors of Technical Education. Full powers in respect of Government servants whom they can appoint. They may redelegate this power to their subordinate Gazetted officers in charge of administration in their own offices subject to the fulfilment of requirements and/or orders in this regard.
- (iii) Director, Government Printing and Stationery, Bombay. Non-gazetted staff including supervisory posts.
- (iv) Managers of Government Presses. Non-gazetted staff excluding supervisory posts.
- 8 26 Power to transfer a lien from one post to another. Authorities competent to fill the posts substantively when they fall vacant. Full powers in respect of Government servants whom they can appoint.
- 9 31 Power to permit charge being made over elsewhere than at headquarters. In respect of Government servants subordinate to them whose transfer has been ordered by an authority not higher than that of Government.

1	2	3	4	5	6
			(ii) Assistant/Deputy Collectors.	In respect of Non-gazetted Government servants transferred from or to the office of an itinerating officer.	
			(iii) Deputy Inspector General of Police, C.I.D. and Superintendent of Police.	In respect of Police officers of and below the rank of Inspector, provided the place where the charge is actually transferred is also within their jurisdiction.	
10	38 (2) (f)	Power to make corrections in dates of birth, in respect of Non-gazetted Government servants, originally entered in the service books.	Heads of Departments. . .	Full powers . . .	In respect of Government servants whom they or their subordinates can appoint, if the request is made within five years from the date of their appointment in Government Service.

APPENDIX II

[See rule 9(22)]

List of Officers who are to be deemed as " Heads of Departments " for the purpose of various sets of the Maharashtra Civil Services Rules

Serial No. 1	Heads of the Departments 2	Remarks 3
Agriculture and Co-operation Department		
1	Commissioner for Co-operation and Registrar of Co-operative Societies, Pune.	
2	Dairy Development Commissioner, Bombay.	
3	Director of Agriculture, Pune	
4	Director of Fisheries, Bombay	
5	Director of Marketing, Maharashtra State, Pune.	
6	Director of Animal Husbandry, Pune.	
7	Director of Sugar, Maharashtra State, Pune.	
8	Director of Handlooms, Powerlooms and Co-operative Textiles, Maharashtra State, Nagpur.	
9	Regional Deputy Directors of Animal Husbandry, Pune/ Bombay/Nagpur/Aurangabad.	Deemed as Heads of Departments for the purpose of Maharashtra Civil Services Rules excepting rules relating to suspension of lien, acceptance of Fees and Honoraria, Honoraria or fees for professional attendance and allowing to attend journey for Scientific Conferences or Congresses, etc.
10	Secretary to Government.	
Education and Employment Department		
1	Director of Education, Maharashtra State, Pune.	
2	Director of Technical Education, Bombay,	

1	2	3
3	Dean, Sir J. J. School of Art, Bombay.	
4	Director of Art, Bombay	
5	Director of Archaeology, Bombay	
6	Director of Employment, Bombay	
7	Director of Libraries, Bombay.	
8	Director of Sports and Youth Services, Pune.	
9	Secretary to Government.	
Finance Department		
1	Additional Commissioners of Sales Tax, Bombay, Pune and Nagpur.	
2	Commissioner of Sales Tax, Bombay.	
3	Deputy Commissioners of Sales Tax.	
4	Director of Accounts and Treasuries, Bombay.	
5	Director of Small Savings and State Lotteries, Bombay.	
6	Director of Insurance, Bombay.	
7	Secretary to Government.	
Food and Civil Supplies Department		
1	Controller of Rationing, Bombay.	
2	Financial Adviser and Deputy Secretary to Government, Food and Civil Supplies Department, Bombay.	For purposes of Maharashtra Civil Services Rules in respect of the staff directly under his control.
3	Secretary to Government.	
4	Supply Commissioner, Bombay.	Supply Commissioner, Bombay, will continue to be Head of Department till Secretary to Government, Food and Civil Supplies Department is also the Supply Commissioner, Bombay.
General Administration Department		
1	Chief Electoral Officer, Maharashtra State, Bombay.	
2	Chief Director General of Information and Public Relations, Bombay.	

1	2	3
3	Director of Administrative Staff College, Bombay.	
4	Director, Maharashtra Rajya Sainik Board, Pune.	
5	Director of Archives and Historical Monuments, Bombay.	
6	Director of Languages, Bombay.	
7	Director, Rural Broadcasting, Bombay.	
8	Executive Editor and Secretary, Maharashtra District Gazetteers (Revision) Editorial Board, Bombay.	
9	Registrar, in the Office of the Lokayukta and Upa-Lokayukta, Bombay.	
10	Secretary of the State Board for Literature and Culture, Bombay.	
11	Secretary, Maharashtra Public Service Commission, Bombay.	
12	Special Commissioner to Government of Maharashtra, New Delhi.	
13	Secretary to Government.	
14	Secretary to the Governor.	

Home Department

- 1 Chief Ports Officer, Maharashtra State, Bombay.
- 2 Commissioner of Police, Greater Bombay.
- 3 Commissioner of Prohibition and Excise, State of Maharashtra, Bombay.
- 4 Coastal Engineer.
- 5 Director of Aviation, Bombay.

1	2	3
6	Director, Vigilance, Anti-Corruption and Prohibition-Intelligence Bureau and Special Inspector-General of Police, Maharashtra State, Bombay.	
7	Director, Forensic Science Laboratories and Chemical Analyser to Government, Maharashtra State, Bombay.	
8	Director of Civil Defence and Commandant General, Home Guards, Maharashtra State, Bombay,	
9	Director of Public Prosecutions, Maharashtra State, Bombay.	For the purposes of use of conveyance for the performance of duties in the interest of public service.
10	Director Inland Water Transport.	
11	Hydrographer, Bombay.	
12	Inspector-General of Police, State of Maharashtra, Bombay.	
13	Inspector-General of Prisons, and Director of Correctional Services, Maharashtra State, Pune.	
14	Secretary to Government.	
15	Transport Commissioner, Maharashtra State, Bombay and Secretary, State Transport Authority.	
Housing and Special Assistance Department		
1	Secretary to Government.	
Industries, Energy and Labour Department		
1	Chief Engineer (Electrical), Hydro Project, Bombay.	
2	Commissioner of Labour, Maharashtra State, Bombay.	
3	Director, Government Printing and Stationery, Bombay.	
4	Director, Geology and Mining, Nagpur.	

1	2	3
---	---	---

- 5 Director, Maharashtra Institute of Labour Studies, Bombay.
- 6 Industries Commissioner and Director of Industries, Bombay.
- 7 President, Industrial Court, Bombay.
- 8 Secretary to Government.

Law and Judiciary Department

- 1 Administrator General and Official Trustee, Bombay.
- 2 Advocate General, Maharashtra, Bombay.
- 3 Charity Commissioner, Bombay.
- 4 Chief Judge of the Court of Small Causes, Bombay.
- 5 Chief Metropolitan Magistrate, Bombay.
- 6 District and Sessions Judges.
- 7 Principal Judge, Bombay City Civil and Sessions Court, Bombay.
- 8 Remembrancer of Legal Affairs and Secretary to Government.

Legislative Affairs Department

- 1 Secretary to Government.

Maharashtra Legislature Secretariat

- 1 Secretary, Maharashtra Legislature Secretariat.

Public Works Department and Irrigation Department

- 1 Architect to Government, Bombay.
- 2 Administrators of Command Area Development Authorities.
- 3 Chief Engineers.
- 4 Chief Engineer (Electrical), Hydro Projects, Bombay.

1	2	3
5	Commissioner, Command Area Development Authority and Secretary to Government.	
6	Chief Engineer (Electrical), Bombay.	
7	Director, Maharashtra Engineering Research Institute, Nashik.	
8	Director, Irrigation, Research and Development, Pune.	
9	Director, Engineering Staff College, Nashik.	
10	Secretary to Government.	
11	Superintending Engineers of Circles.	
12	Superintending Engineer, Designs (Roads and Buildings).	
13	Superintending Engineer, Central Design Organisation, Nashik.	
14	Superintending Engineers (Hydro).	

Planning Department

- 1 Director, Economics and Statistics, Bombay.
- 2 Secretary to Government.

Revenue and Forests Department

- 1 Chief Conservator of Forests, Pune.
- 2 Collectors.
- 3 Conservators of Forests.
- 4 Commissioners of Bombay/Pune/Nagpur/Aurangabad/Nashik/Amaravati Divisions.
- 5 Chairman, Sugarcane Price fixation Board.
- 6 Inspector-General of Registration, Maharashtra State, Pune.
- 7 President, Maharashtra Revenue Tribunal, Bombay.

1	2	3
	8	Secretary to Government.
	9	Settlement Commissioner and Director of Land Records.
	10	Superintendent of Stamps, Bombay.
Rural Development Department		
	1	Director, Groundwater Surveys and Development Agency, Maharashtra State, Pune.
	2	Secretary to Government.
Social Welfare, Cultural Affairs, Sports and Tourism Department		
	1	Additional Commissioner, Tribal Sub-Plan, Nashik.
	2	Additional Commissioner, Tribal Sub-Plan, Nagpur.
	3	Director of Tourism, Maharashtra State, Bombay.
	4	Director of Sports and Youth Services, Maharashtra State, Pune.
	5	Director of Social Welfare, Pune.
	6	Director of Tribal Welfare, Pune.
	7	Director of Tribal Research and Training Institute, Pune.
	8	Secretary to Government.
	9	Tribal Commissioner and Secretary to Government.
Urban Development and Public Health Department		
	1	Commissioner of Food and Drugs Administration, Bombay.
	2	Director of Medical Education and Research, Bombay.
	3	Director of Health Services, Bombay.
	4	Director of Employees' State Insurance Scheme, Bombay.
	5	Director, Town Planning and Valuation, Pune.

1	2	3
6	Director of Municipal Administration, Bombay.	
7	Director of Ayurved, Bombay.	
8	Fire Adviser to Government of Maharashtra, Bombay.	
9	Joint Director of Health Services, Bombay.	
10	Joint Director of Health Services, Pune.	
11	Joint Director of Health Services, Family Planning, Maternity, Child Health and School Health, Pune.	
12	Secretary to Government.	

APPENDIX III

(See rule 11)

Rules for the examination of candidates as to their physical fitness

1. Candidates will be examined and certified in Bombay City by the Superintendents of Government Hospitals and in the mofussil by the Civil Surgeon of the district or Superintendent, Sassoon General Hospital, Pune, as the case may be, in which they are employed or reside for the time being or by a Medical Officer duly appointed for the purpose (*vide* Schedule 'A' below) :

Provided that—

(i) In the case of a female candidate, a competent authority may either dispense with a certificate or accept a certificate signed by any female medical practitioner.

Note.—Once a female Government servant is asked to produce a medical certificate of fitness for entry into Government service whether in permanent or temporary capacity, and has actually been examined and declared unfit, it is not open to the authorities exercising the powers to use their discretion to ignore the certificate that has been produced.

(ii) In the case of a candidate who is appointed on pay not exceeding Rs. 280 per mensem, a competent authority may accept a certificate signed by any Medical Officer irrespective of his rank.

The certificate should be in the form prescribed by rule 12 in Chapter III.

(iii) Maharashtra Medical and Health Service Class II Resident Medical Officers should issue physical fitness certificates of class III and class IV Government servants of this State.

2. In the case of female candidates, the examination will be confined to the general condition of health and constitution only.

3. Medical Officers in-charge of civil stations should, when required to do so, examine successful candidates as to their physical fitness both before admission into the Training Colleges and before they are appointed to Government service.

Students of the Training Colleges for men and women at Pune should on admission be examined by the Maharashtra Medical Service Officer in medical charge of these institutions instead of by the Superintendent, Sassoon General Hospital, Pune, and on leaving the Colleges they should be examined as to their physical fitness by the Civil Surgeons of the districts or the Superintendent, Sassoon General Hospital, Pune, as the case may be, to which they are appointed.

4. Heads of Offices will furnish the candidate with a letter of cognizance stating the department and the appointment to which the candidate will be appointed and also briefly summarising the nature of the work he or she will have to perform, and making

mention of any special hardships of climate, whether fatigue and the like which the candidate will have to endure. The declaration mentioned in rule 5 should be attached to the letter of cognizance, which is printed as Schedule 'C' below. In cases of examination by a Medical Board, the authority furnishing the letter of cognizance may be the Head of Department, if it is not possible to get the letter signed by a Head of Office.

5. The utmost care should be exercised in furnishing certificates of physical fitness to candidates for public services, and applicants will be required by the appointing authority to declare in writing, when possible, whether they have at any time been pronounced unfit for Government employment by a duly constituted medical authority.

6. (1) The examination as to the physical fitness of candidates, except in the case of those seeking admission to departments for which special standards of physical fitness are laid down, will comprise routine examination into the health and bodily condition of candidates for the public service, with special reference to the points noted below:—

- (i) General conformation.
- (ii) The presence or otherwise of haemorrhoids or fistula.
- (iii) The presence or otherwise of hernia or weakness of the inguinal rings and canals.
- (iv) The presence of varicocele, hydrocele, or other affections of the testicle.
- (v) The presence of pyorrhoea alveolaris.
- (vi) Any evidence of venereal disease.
- (vii) The presence of Trachoma.
- (viii) Any inveterate skin disease.
- (ix) Any Tubercular disease.
- (x) A neurotic temperament.

(2) Every candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the Note below.

- (i) State your name in full (in block letters).
- (ii) State your age and place of birth
- (iii) (a) Have you ever had small-pox, intermittent,
or any other fever, enlargement or suppuration
of glands, spitting of blood, asthma, heart
disease, lung disease, fainting attacks, rheuma-
tism, appendicitis;
O.
- (b) Any other disease or accident requiring,
confinement to bed and medical or surgical
treatment?

- (iv) When were you last vaccinated?
- (v) Have you or any of your near relations been.....
affected with consumption, scrofula, gout,
asthma, fits epilepsy or insanity?
- (vi) Have you suffered from any form of nervous-.....
ness due to overwork or any other cause?
- (vii) Have you been examined and declared unfit.....
for Government service by a Medical Officer/
Medical Board, within the last three years?
- (viii) Furnish the following particulars concerning your family :—

Father's age, if living and state of health	Father's age at death and cause of death	No. of brothers living, their ages and state of health	No. of brothers dead, their ages at death and cause of death
1	2	3	4

Mother's age, if living and state of health	Mother's age at death and cause of death	No. of sisters living, their ages and state of health	No. of sisters dead, their ages at death and cause of death
5	6	7	8

I declare all the above answers to be, to the best of my belief, true and correct.

I also solemnly affirm that I have not received a disability certificate/pension on account of any disease or other condition.

Candidate's signature

Signed in my presence

Signature of Medical Officer

Note.—The candidate shall be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and if appointed, of forfeiting all claim to superannuation pension or gratuity.

7. Candidates will be required to pass the visual test laid down in the regulations as to the standards of vision, *vide* Schedule 'B' below. A candidate whose standard of vision does not come up to the requirement of services specified in Annexure 'A' to Schedule 'B' shall be referred to the Board of Referees for assessment of their visual standard in relation to the nature of work the candidate is

expected to do. The candidates declared unfit by the Board of Referees will not be eligible for appointment in Government service.

8. Medical Officer should note in the certificate of physical fitness the fact of vaccination having or not having been performed and should also take the left-hand-thumb impression of the candidate thereon in the case of a non-gazetted Government servant. The examining Medical Officers are responsible for this.

9. Candidates of inferior physique for admission into the Maharashtra Veterinary College with a view to ultimate employment in Government service will not be admitted.

The following standard for height and chest measurements of these candidates is prescribed for guidance :—

Age	Height centimetres	Chest centimetres
18	162·56	76·20
19	162·56	78·74
20	162·56	78·74
21	162·56	81·28
22	162·56	83·82

For every additional 2·54 cm. in height there should be an increase of 1·270 cm. in chest measurement at the respective ages. Strict conformity with the standard is not required.

10. Candidates for the Central Police Training School must be certified by the Civil Surgeon or Superintendent, Sassoon General Hospital, Pune, as the case may be, to be thoroughly fit for out-door employment and free of any disease likely to interfere with their efficiency as Police Officers. They must be vaccinated or if they have already been vaccinated, must be revaccinated before joining the school.

11. Candidates for the State Services should be sent for medical examination by a Medical Board, only after they are selected for appointment.

Note.—In case of medical examination of female candidates for gazetted appointments under Government, one of the members of the Medical Board examining such candidates should be a lady Medical Officer, possessing medical qualifications included in the Schedule to the Indian Medical Council Act, 1956.

12. Selected candidates for the posts of Maharashtra Forest Service and Maharashtra Forest Engineering Service should be examined by the Medical Board in Bombay City in accordance with the following rules :—

(i) The examination as to the physical fitness of these candidates shall be such as would be required by a reputable life assurance company if the candidates wish to insure at normal rates for the full terms of their lives.

(ii) It will comprise the routine examination into the health and bodily condition of candidates for the public service as laid down in rule 6 above. (A table below is for the guidance of the medical examiners showing the minimum relative heights, weights and chest measurements, which should, as a general rule, be regarded as sufficient.)

Table showing the lowest relative heights, weights and chest measurements

	Height	Weight	Chest measurement		Height	Weight	Chest measurement
	Cm.	Kg.	Cm.		Cm.	Kg.	Cm.
(1)	152.40	44.45	81.28	(9)	172.72	56.24	87.63
(2)	154.94	45.36	81.28	(10)	175.26	58.97	88.90
(3)	157.48	46.27	82.55	(11)	177.80	61.69	90.17
(4)	160.02	47.17	83.82	(12)	180.34	63.50	91.44
(5)	162.56	48.99	83.82	(13)	182.88	67.13	93.98
(6)	165.10	50.80	85.09	(14)	185.42	69.85	96.52
(7)	167.64	52.62	86.36	(15)	187.96	73.94	101.60
(8)	170.18	54.43	86.36	(16)	190.50	79.38	101.60

Note.—The Medical Board should certify in cases of candidates for the Maharashtra Forest Service and Maharashtra Forest Engineering Service that they are fit for rough out-door work in the Forest Department.

(iii) Candidates with any deformity or defects which will incapacitate them in any degree or may hereafter tend to incapacity, or those suffering from any of the ailments abovementioned (rule 6) should be rejected.

(iv) Candidates who are abnormally spare or light, and those who are distinctly of an obese, flabby or full-blooded habit of body, should be rejected.

(v) The existence of any of the following conditions will also disqualify, viz. :—

(a) Any tubercular disease.

(b) A neurotic temperament.

(c) The loss of an eye.

(d) Any chronic affection of the eyes or ears, or any acute affection of these organs until it be cured.

(e) Considerable varicosity of the veins of the either legs.

(f) Venereal disease.

(vi) Candidates must pass the visual test prescribed in Schedule 'B' to these rules.

(vii) Cases of candidates rejected for defects or ailments, which are possibly remediable, will be reported to Government, who will decide whether re-examination shall be permitted and the date thereof.

13. Candidates for appointments to the Upper Subordinate Forest Service or ranger class will be required to produce a health certificate in the following form signed by a Commissioned Medical Officer or by a Medical Officer in charge of a civil station :—

Examination free.

Dated 19

I hereby certify that I have examined a candidate for the forest ranger's course, and cannot discover that he has any disease, constitutional affection, or bodily infirmity. He has sound constitution, good vision and hearing, and in my opinion he is physically fit for a rough out-door life in the Forest Department.

His age is according to his own statementyears, and by appearance about years. He has been vaccinated (or protected from small-pox).

Civil Surgeon/
Superintendent, Sassoon General
Hospital, Pune.

Note 1.—The medical examination of a candidate for selection to the Forest Service will be conducted free of charge, if he is armed with a letter from a forest officer not lower in rank than Divisional Forest Officer. Care should be taken by that officer that letters are given only to likely applicants.

Note 2.—Any candidate is liable to further medical examination, if the Chief Conservator so directs.

14. Candidates for all Government scholarships tenable in England or on the Continent are required to submit with their application a certificate of physical capacity to undergo the course of life and study, which they will have to follow in England, signed or countersigned by the Superintendent of one of the Government Hospitals in Bombay or a Civil Surgeon of a district or Superintendent, Sassoon General Hospital, Pune as the case may be. Such candidates should, therefore, be subject to a careful medical examination by the Superintendent of a Government Hospital, Bombay, or the Civil Surgeon or Superintendent, Sassoon General Hospital, Pune as the case may be, and special attention should be paid to the probability of their being able to stand the English climate. A candidate for a Government scholarship should pay the usual fee for a certificate unless he is provided with a letter of authority requesting the Civil Surgeon or Superintendent, Sassoon General Hospital, Pune as the case may be, to examine him.

15. Candidates for any special department of Government service, having special standards of physical fitness, must be provided

with, and present a copy of any such special standards to the examining officer.

16. Medical Officers who are in doubt about the fitness of a candidate should refer the whole case to the Director of Health Services, Bombay, who will decide whether the candidate should be examined by another Medical Officer or by a Medical Board.

17. If in the opinion of the Medical Officer/Medical Board, a candidate is unfit he/they shall issue to such candidate a certificate in the following form :—

“I/We consider (name of the candidate) to be temporarily/permanently unfit for employment as on account of....

*In my/our opinion, the candidate should be fit to appear for re-examination by (date) and he should appear with a fresh letter of cognizance for re-examination.”

Note.—Under no circumstances shall a candidate be entitled to a copy of the report or the detailed findings of a Medical Board.

18. Candidates pronounced unfit, except on grounds of visual test, shall with the permission of the Head of the Office concerned, be entitled to appeal to the Director of Health Services, Bombay, together with medical certificate, if any, produced as a piece of evidence as provided in note 5 of rule 11 of Maharashtra Civil Services (General Conditions of Services) Rules, 1981, within one month from the date of issue of the communication in which the findings of the Medical Officer are communicated to them.

19. The examining Medical Officer is held responsible for the measurements of height, weight, chest and abdomen in cases where these are specifically laid down. He is also responsible for noting on the certificate the marks of identification.

20. Detailed accounts of the examinations held in India by individual medical examiners, or by Medical Boards, of candidates, who may subsequently have to present themselves for final examination before the Medical Board of the office of the High Commissioner for India should be forwarded to the Medical Board of the office of the High Commissioner for India for record. It is of great importance that the Board should have before it, when proceeding to the final examination of such candidates, full particulars of the information obtained and the conclusions reached by the examiners by whom the candidate was first passed as physically fit for Government service.

* To be added in case of temporary unfitness.

SCHEDULE 'A'

(See rule 1)

The following Medical Officers are appointed to examine candidates stated against their names:—

- | | | |
|---|----|--|
| (i) Police Surgeon, Bombay | .. | City and Railway Police Forces stationed in Bombay. |
| (ii) Maharashtra Medical Service, Class II Officer, incharge Subsidiary Police Hospital, Naigaum. | | Recruits for the posts of constables in the City Police Force stationed in Bombay. |
| (iii) Medical Officers of prisons and jails. | | Prison and jail establishments. |
| (iv) Superintendents of Mental Hospitals. | | Mental Hospital establishments. |
| (v) Superintendents, Cama and Albless Hospitals, Bombay. | | Female candidates in Bombay. |

SCHEDULE 'B'

Regulation as to the standard of vision

[See rules 7 and 12 (vi)]

1. When a candidate for admission into the Civil Services of Government, appears before the medical authority for visual test, the medical authority shall be guided by the different minimum standards as prescribed in Annexure 'A' to this schedule. This is the "Sorting Out" stage, where the obviously suited are certified fit without further trouble.

2. The doubtful and unsuitable cases shall be referred to a "Board of Referees", comprising of at least three ophthalmologists who shall get the cases examined on the following points:—

- (i) Previous record of glasses worn.
- (ii) Determination of refractive error under homatropine.
- (iii) Fundus changes, particularly in the anterior part of chorioretina.
- (iv) Vitreous changes.
- (v) Absolute visual acuity.
- (vi) Radius of curvature of cornea.
- (vii) Ascertainment of the nature of his work, particularly in relation to subjective and objective hazards.

And shall assess the visual capacity against the visual task expected in which they shall be guided by certain classic standards according to the work to be assigned to the candidate.

3. The Board shall have the right to order the re-examination of a candidate annually for three years to determine the stability or instability of a refractive error before he is finally confirmed.

4. The "Board of Referees" decision shall be final and irrevocable.

5. When a candidate is referred to a Medical Board, the Board shall be guided by the standards laid down in Annexure 'A' (Preliminary standards) and those who fall short of the standard shall be referred to the "Board of Referees".

ANNEXURE 'A'

(See rule 7)

Preliminary Visual Standard for all Services

Group 'A'

For posts requiring very high degree of visual acuity with unaided eye—

Visual acuity—unaided vision is not less than 6/6 in one eye and not less than 6/9 in the other.

Posts for which such a high standard is required—
Armed and unarmed Police, etc.....

Group 'B'

For post requiring a very high degree of vision acuity with glasses and moderate degree without glasses—

Visual acuity—

6/24 each eye without glasses.

6/6 each eye with ± 2.5 D after correction.

Normal colour vision as tested with the Ishihara test. No evident signs of infective condition of the external eye e.g. Trachoma.

No squint.

Posts for which such a high standard is required—

All Class I and certain Class II posts, viz. Medical and Engineering Services; Class II, Superintendents and Sub-Inspectors of Police.

Group ' C '

For posts requiring a high degree of visual acuity with visual aids (glasses)—

Visual acuity—

6/6 each eye with $\pm 4.0D$ after correction.

No infective condition of the external eye.

No Squint.

Posts for which such a high standard with glasses is required—

1. Class II posts.
2. Certain Class III posts, viz. MMS, Class III compounders.
3. Skilled workmen and artificers and machine workers.
4. Bus conductors in Transport Service.

Group ' D '

For posts which can do with a moderate degree of visual acuity

Visual acuity—

Better eye 6/6 with $\pm 4.0D$ worse eye 6/24 with glasses.

No infective condition of the external eye.

Posts that can do with such a moderate degree of visual acuity.

Class III posts and all types of desk-work, e.g. clerks, accountants, organising officers, store-keepers.

Group ' E '

For posts which do not require acute central visual acuity—

Visual acuity—

Better eye 6/12 with correction.

Worse eye 6/24 with correction.

No infective condition of the external eye.

Posts that can do with such visual acuity.

Ward boys in hospitals, menials, sweepers, peons, messengers, and all those belonging to Class IV in whom a moderate visual acuity is enough to enable them to perform their duties.

Note.—All those who fall short of the above standard are not necessarily failed but shall be referred to the " Board of Referees " for expert opinion.

ANNEXURE ' B '

Rules for the guidance of the Board of Referees

1. *Visual acuity.*—An eye that cannot be brought to 6/6 after correction calls for a detailed examination.
2. *Pupil reaction.*—A sluggishly reacting pupil is an eye for detailed examination.

3. *Fundus changes in Myopia*.—A general rarified appearance of the fundus, particularly in the centrocoecal and anterior parts: a temporal crescent with its points almost meeting to form an annual ring round the disc and pigment degeneration are signs of grave import and ground for failing a candidate.

In a high degree of myopia a narrow temporal crescent in itself must not be a criterion for failing a candidate.

Fundus diseases.—In other fundus diseases all lesions of a progressive nature are grounds for failing.

4. *Refractive error*.—But for posts under Group 'A' under the preliminary visual standards, the standards may be considerably relaxed. More attention is to be paid to the type of refractive error than the degree. In this measurement of the radius of curvature of the cornea and its refractive power and the condition of the eye-grounds and vitreous will determine a physiological or a pathological error. Thus a myopia of 10D with a corneal refraction of 45D or 46D (normal 44D) and healthy eye-grounds and no vitreous opacities is no risk myopia whereas a myopia of 4D with a corneal refractive power of 44D or less with a rarified anterior choroid is a full-risk myopia and may be disqualified. Thus no limit is set for the degree of myopia for the board of expert referees.

5. *Amblyopia*.—If one eye vision is defective from whatever cause (Squint, opacity, macular trouble) it matters little then whether the eye has vision finger counting at 6 metres or 6/12. That eye is useless for central vision, in the presence of the better eye. The only concern there is: (a) whether the eye has good peripheral vision, (b) does the condition in that eye constitute a danger by itself? If the eye has good peripheral vision, the person can do any duty that does not require binocular vision. All causes giving rise to defective vision in one eye from an opacity, fundus disease or squint, paralytic or non-paralytic or external disease should be investigated in every case and the capacity of that person to fit for the duty he is expected to do, is assessed by the expert Board. In that direction special attention should be given to whether such an eye condition suggests a possibility of similar condition developing in the other eye.

6. In the event of any doubts as to the progressibility or otherwise of any case the Board reserves the right of examining the case once in every year and to defer its final decision until three years have passed.

SCHEDULE C

(See rule 4)

Letter of cognizance to be taken by a candidate undergoing physical fitness examination

No. 19
Place
Date

From
The

To
The Civil Surgeon/Superintendent, Sassoon General Hospital,
Pune.

Subject.—Medical Examination for physical fitness for Government service.

Sir,

I am directed to request that the bearer, a candidate for employment in the post of in the cadre of Department, may kindly be examined by you/a Medical Board and this Office/Department furnished with your opinion/opinion of the Board regarding his health, and age in the prescribed form as recommended by rule 12 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981. Particulars of this candidate are given below :—

- (1) Height.
- (2) Figure.
- (3) Personal marks—
 - (1)
 - (2)
 - (3)

This candidate is expected to do.....[rule 4, Appendix III, Maharashtra Civil Services (General Conditions of Services) Rules, 1981].

This candidate had made a declaration before me to the effect that he was not declared unfit for Government service previously by any duly constituted medical authority [rule 5, Appendix III, Maharashtra Civil Services (General Conditions of Services) Rules, 1981]. This declaration is attached.

Yours faithfully,

(Head of Office/Department)

APPENDIX IV

(See rule 36)

A form of service book

Space should be provided on the reverse of the title page of the service book to record thumb and finger impressions of (Non-gazetted) Government servants under the following headings:—

Thumb and finger impressions of (Non-gazetted) Government servant who is not literate enough to sign his name in English, Hindi or Marathi. The opening page of the service book should contain the following entries:—

- (1) Name
- (2) Race
- (3) Residence
- (4) Father's name and residence
- (5) Date of birth by the Christian era as nearly as can be ascertained.
- (6) Exact height by measurement.
- (7) Personal marks for identification
- (8) Educational Qualifications
- (9) Signature of (Non-gazetted) Government servant.
- (10) Signature and designation of the head of the office or other attesting officer.

Note.—The entries in this page should be renewed or re-attested at least every five years, and the signature in lines (9) and (10) should be dated. Finger prints need not be taken afresh every five years under this rule.

The remaining folios of the service book should be divided into fifteen columns, viz.:—

- (1) Name of appointment.
- (2) Whether substantive or officiating and whether permanent or temporary,
- (3) If officiating, state substantive appointment,
- (4) Pay in substantive appointment,
- (5) Additional pay for officiating,

- (6) Other emoluments falling under the term " Pay ",
- (7) Date of appointment,
- (8) Signature of Non-gazetted Government servant,
- (9) Signature and designation of the Head of the Office or other attesting officer in attestation of columns 1-8,
- (10) Date of termination of appointment,
- (11) Reasons of termination (such as promotion, transfer, dismissal, etc.),
- (12) Signature of the Head of Office or other attesting officer,
- (13) Nature and duration of leave taken,
- (14) Signature of the Head of the Office or other attesting officer,
- (15) Reference to any recorded punishment or censure, or reward or praise of the Government servant.

APPENDIX V

(See rule 38)

Certificate of Service

1. No. Rank
- Name
- Unit
- Father's Name
- Class Sub-Class
- Village P.O.
- Tahsil Thana
- Tel. Office Rly. Station
- District
- Date of enrolment
- Date of transfer to the Reserve
- Date of discharge
- Non-qualifying service
2. Description at the time of completion of this form:
- Age
- Distinctive mark
3. * Transfer to the Reserve on
- * Discharge by order of
- Dismissed
- In consequence of
- Under Item/Section I.A.A. Rule 13/I.A.A.
- After serving years months
- days with
- the colours and years months
- days in the Reserve.
- (Non-qualifying service to be included)
4. Character is assessed, *vide* R. A. I. Instruction No. 203
-
5. (a) Medals, decorations or mentions in despatches
-

* Stricke out item not applicable.

† Insert the condition from which a person discharged on medical ground is suffering, as entered in the proceedings of the Medical Board I.A.F.

- (b) War Services, showing theatres of operations with dates
.....
- (c) Wounds (Details of disability).....
6. Certificates—
- (a) Highest military educational certificate (R. U.).....
.....
Highest military educational certificate (Eng.).....
.....
Highest education (Civil)
Degree of proficiency in reading and/or writing (i) English,
(ii) Roman Urdu.
- (b) Any other language.....
Any other qualification such as Mathematics
- (c) Employment before enlistment.....
- (d) Army trade and qualifications
7. The holder of this certificate must understand that, if he wishes to submit a petition, he must do so to the officer i/c Records * or to the Deputy Commissioner/Collector
- Application for assistance in finding employment should be made to Sub-Regional Employment Exchange at †.....
.....
His nearest D. S. S. A. B. is at †.....
8. The contents of paragraph 7 above have been fully explained to me.

Date.....

.....
(Signature of Soldier)

Station.....

.....
Signature and Rank

Date.....

Commanding.....

Note.—The signature of the soldier will not be affixed to this page until all entries are completed and will then be regarded as a certificate that he understands the use of the form and accepts the correctness of the entries therein.

* Enter training centre, depot, unit, etc.

† Enter station.

APPENDIX VI

(See rule 50)

Instructions for regulating the Patenting of Inventions made by Government Servants under rule 50

1. (1) In these Instructions—

(a) "Committee" means the Patents Advisory Committee.

(b) "Inventor" means any Government servant whose duties involve carrying out of Scientific or Technical Research.

(c) "Department" means Department of Government in charge of any Research Organisation.

(d) "Research Organisation" means any technical or scientific establishment under Government where research work is carried out, and includes also an establishment where research work is carried out in addition to any other routine work.

(e) "Secretary" means Secretary of the Patents Advisory Committee.

(2) The Patent Advisory Committee will consist of the officials mentioned below :—

Chairman

Industries Commissioner, Bombay.

Members

The Director of Technical Education, Bombay.

The Director of Agriculture, Pune.

The Director, Haffkine Institute, Bombay.

The Director, Department of Chemical Technology,
University of Bombay, Bombay*Member-Secretary*The Joint Director of Industries (Technical Development-II),
Bombay.

The said Committee will have powers to accept not more than two members.

2. An inventor should not, without the previous permission of Government, employ a Patent Agent or disclose the invention to any person otherwise than as provided in instruction 4 or publish or join any person not connected with the invention in his application for a patent, or file a Complete Specification, or make any application for a patent in any other country.

Until the Patents Advisory Committee makes a decision under instruction 19, the particulars about any invention disclosed by an

inventor should be treated as confidential and deemed to belong to and held in trust for the Government.

3. Every inventor should, if so ordered, do everything necessary for obtaining a patent whether in India, or any other country under such conditions as may be prescribed by the Government.

4. Every inventor who evolves an invention should promptly disclose it to the Head of the Research Organisation where he is working.

5. Where an inventor discloses his invention to the Head of his Research Organisation with or without a request for permission to file an application for a patent accompanied by a Provisional Specification, the Head of the Research Organisation should, through a secret communication, forward the information to the Department concerned together with his remarks on—

(i) the connection, if any, between the invention and the inventor's official duties;

(ii) the extent to which the inventor has used the facilities provided at Government expense;

(iii) whether the results are of such a nature that they should be published instead of being patented;

(iv) patenting the invention in foreign countries;

(v) the estimated needs of the Department concerned and the Government as a whole;

(vi) the probable contribution to public welfare; and

(vii) his recommendations, if any, as to further action deemed appropriate.

6. An inventor may file an application for a patent accompanied by a Provisional Specification after obtaining the permission of the Head of the Research Organisation where he is working :

Provided that, in case the inventor is himself the Head of a Research Organisation, he may file such application without obtaining previous permission of Government.

7. Government hereby authorises the Head of every Research Organisation to grant, in his discretion, to any inventor working under him, permission under rule 50 to file an application for a patent accompanied by a Provisional Specification :

Provided that, where the Head of a Research Organisation does not deem it fit to grant the permission for instance, where the invention is likely to have utility for Defence purposes or for the Department concerned, he should forward the papers to the Department concerned, together with his remarks.

8. Where an inventor desires to obtain permission in accordance with instruction 6, his request to the Head of his Organisation should be made on the prescribed form, shown in Annexure 'A' which should be filed in quadruplicate.

9. If the Head of a Research Organisation decides to grant the permission, he should sign all the four copies of the forms, return one copy to the inventor, retain one copy and forward the remaining two copies alongwith copies of the Provisional Specification to the Department concerned.

10. If the request for permission is accompanied by a Complete Specification (which should be in duplicate) the Head of the Research Organisation should, through a secret communication, forward the papers to the Department concerned, together with his remarks on points referred to under sub-paragraphs (i) to (vii) in instruction 5.

11. Upon receipt of a communication of an invention from the Head of the Research Organisation the Department concerned should examine the case. If they consider that the results proposed to be patented are of such a nature that they should be published instead of being patented, they will refuse the inventor's request for permission to take out a patent. The Department may take such steps as they consider expedient for publishing the invention, or for otherwise disposing of the invention. On receipt of intimation of such refusal, the inventor shall abandon his application for patent, if any, filed on the basis of a Provisional Specification. In all other cases the Department concerned should, within 15 days of their receipt of the communication from the Research Organisation, forward the papers to the Secretary with their recommendations. While forwarding the papers to the Secretary the following documents should be supplied through a secret communication :—

(i) If the invention was disclosed unaccompanied by a request for permission to take out a patent, full particulars of the invention so disclosed;

(ii) If an application has been made on the basis of a Provisional Specification, a copy each of the application and the Provisional Specification filed at the Patent Office; and

(iii) If a request for permission has been made to take out a patent on the basis of a Complete Specification, a copy of the Complete Specification.

12. Upon receipt of the foregoing communication from the Department concerned the Secretary will submit the information for the consideration of the Committee who will consider whether the permission asked for (under rule 50) should be granted, with or without conditions.

13. If the Committee is satisfied that the invention has no connection whatsoever with the inventor's official duties, or does not fall

within a technical field or activity of the Department concerned, it will, if the inventor has applied for permission to take out a patent, grant him the permission without any restriction.

14. If the Committee considers that the invention has been made in the course of the inventor's official duties or that the invention has resulted from facilities provided at Government expense, it will decide whether an application for a patent should be made to the Controller of Patents and Designs on the basis of a Complete Specification.

15. If the Committee decides that an application for a patent should be made on the basis of a Complete Specification, the Secretary will, if necessary, obtain from the inventor further particulars required for the drafting of the Complete Specification and take the necessary steps to prepare and file the Complete Specification within 9 months from the date of the Provisional Specification, if any. The application will be made in the name of the inventor, on the understanding that he will hold the patent in trust for the Government and will, in due course, assign his rights to the Government.

16. The Complete Specification and the drawing, if any, required for filing and prosecuting the applications for patents will be prepared by the Research Organisation when facilities exist for such purposes, and in other cases, by the Secretary, or by such agency as may be appointed by the Committee.

17. All fees up to the stage of acceptance, in respect of every application prosecuted by the Secretary, will be borne by the Committee.

18. On filing a Complete Specification the Committee will consider—

(i) whether the invention should be published for free use by the public; or

(ii) whether a patent should be taken out for exploitation by Government; or

(iii) whether the inventor should be allowed to take out a patent for his own benefit.

19. If the Department or the Committee decides that the invention should be published for free use by the public, it will refuse the inventor's request, if any, for permission and the Secretary will not prosecute the application for patent beyond the stage of its acceptance. In all such cases the Committee on the advice of the Department concerned, will determine the *ex-gratia* payment, if any, and will advise the Department concerned accordingly.

20. If the Committee decides to take out a patent for exploitation, the Secretary will proceed with the application, and on obtaining a patent, take the necessary steps to get the inventor's under the patent assigned to the Government.

21. In all cases where the Committee decides to take out patents for exploitation, it will decide also the manner in which the patents should be exploited.

22. Inventions which the Committee considers are of no interest to Government either for commercial exploitation or publication for free use to the public, will be returned to the inventors, if they so desire, and they will be allowed to take out patents for their own benefit subject to—

(i) the reservation of the right of Government to the use of the invention either without payment/or on such terms as the Government may consider reasonable;

(ii) the condition that the inventor will not assign or deal with or grant licence to any person without obtaining the prior permission of the Government.

ANNEXURE 'A'

(See Instruction 8)

SECRET

Request for permission to file an application for a Patent accompanied by a Provisional Specification direct to the Patent Office

(To be filed in quadruplicate)

I/We hereby request permission to file an application for an Indian patent accompanied by a Provisional Specification in request of (here give title of invention). In consideration of grant of such permission I/we agree and declare as follows :

2. I/We declare that this invention has not been evolved in the course of my/our official duties and as a result of the research and facilities provided at Government expense.

3. Four copies of the Provisional Specification which it is proposed to forward to the Controller of Patents and Designs, Calcutta (or an equivalent description of the invention) accompany this request. Immediately after despatching the application, I/we will submit two exact copies of the documents forwarded to the Controller of Patents and Designs.

4. I/We wish to apply for a patent, in my/our name(s) on the understanding that I/we would hold the patent when granted, in trust for the Governor of Maharashtra (hereinafter called Government) and will assign the same to Government, whenever, called upon to do so.

5. I/We will, if so ordered, withdraw my/our application for a patent.

6. I/We will not file the Complete Specification in respect of this invention without the prior permission of the Government or in the manner as may be directed in the matter.

7. I/We will not apply for a patent in any other country in respect of this invention without the prior permission of the Government.

Inventor's Signature

Designation

Date

My/Our address for service in India is.....

Permission granted.

Signature of the Head of the Research Organisation.....

Designation

Date Received one copy.

Signature of the inventor (or inventors).....

Dated

By order and in the name of the Governor of Maharashtra,

V. PRABHAKAR,
Special Secretary to Government.

COMPARATIVE TABLE

Note.—This comparative table has been prepared solely for the purposes of facilitating reference.

Rule No. from Maharashtra Civil Services (General Conditions of Services) Rules, 1981	Corresponding Rule Numbers from Bombay Civil Services Rules, 1959	Remarks	Rule No. from Maharashtra Civil Services (General Conditions of Services) Rules, 1981	Corresponding Rule Numbers from Bombay Civil Services Rules, 1959	Remarks
1	2	3	1	2	3
Chapter I—General			9 (8)	.. 9 (12)	
1 (1) (2)	.. 1		9 (9)	.. 9 (13)	
2 (a), 2 (b)	.. 2 (a), 2 (b)		9 (10)	.. 9 (13-A)	
2 (c)	.. 146		9 (11)	.. 9 (13-B)	
<i>Note 1</i>	.. <i>Note 5</i> below 2		9 (12)	.. 9 (14)	
<i>Note 2</i>	.. <i>Note 2</i> below 2		9 (13)	.. 9 (15)	
<i>Note 3</i>	.. 148		9 (14) (a)	.. 9 (16) (a)	
3	.. 3		9 (14) (b)	.. 9 (16) (b)	
4	.. 3-A		9 (14) (c)	.. 9 (16) (c)-Part	
5	.. 4		9 (14) (d)	.. 9 (16) (c)-Part	
6	.. 5		<i>Note 1</i>	.. <i>Note 2</i>	
7	.. 6		<i>Note 2</i>	.. <i>Note 3</i>	
<i>Note</i>	.. <i>Note</i>		<i>Note 3</i>	.. <i>Note 4</i>	
8	.. 8		<i>Note 4</i>	.. <i>Note 5</i>	
Chapter II—Definitions			<i>Note 5</i>	.. <i>Note 6</i>	
9	.. 9		9 (14) (e)	.. 9 (16) (f)	
9 (1)	.. 9 (2)		<i>Note 1</i>	.. <i>Note 1</i> below 9 (16) (f)	
9 (2)	.. .....	New	<i>Note 2</i>	.. <i>Note 2</i> below 9 (16) (f)	
9 (3)	.. 9 (4)		9 (14) (f)	.. <i>Note</i> below 9 (16) (h)	
9 (4)	.. 9 (5)		9 (14) (g)	.. 9 (16) (i)	
9 (5)	.. 9 (8)		9 (14) (h) (i)	.. 9 (16) (j ¹)	
9 (6)	.. 9 (9) and <i>Note</i> thereunder		<i>Note</i>	.. <i>Note</i>	
9 (7)	.. 9 (10)		9 (14) (h) (ii)	.. 9 (16) (j ²)	

1	2	3	1	2	3
9 (14) (h) (iii)	..	9 (16) (j ³)	9 (28)	..	..... New
9 (14) (h) (iv)	..	9 (16) (j ⁴)	9 (29)	..	9 (30)
9 (14) (h) (v)	..	9 (16) (j ⁵) and (j ⁷)	9 (30)	..	9 (31)
9 (14) (h) (vi)	..	9 (16) (j ⁶)	9 (31)	..	9 (32)
9 (14) (h) (vii)	..	9 (16) (k)	9 (32)	..	9 (33)
Note	..	Note	9 (33)	..	9 (35)
9 (14) (i)	..	9 (16) (l)	9 (34)	..	9 (36)
9 (14) (j)	..	9 (16) (m)	Instruction	..	Instruction
9 (15)	..	9 (17)	9 (35)	..	9 (37)
Note 1	..	Note 2	9 (36)	..	9 (39) (a)
Note 2	..	Note 3	9 (37)	..	9 (40)
9 (16)	..	9 (18)	9 (38)	..	9 (41)
Note 1	..	Note 1	Note 1	..	.. New
Note 2	..	Note 2	Note 2	..	.. New
9 (17)	..	9 (18-A)	9 (39)	..	9 (42)
Note	..	Note 2	9 (40)	..	9 (43)
9 (18)	..	9 (19)	9 (41)	..	9 (44)
9 (19)	..	9 (20)	9 (42)	..	9 (46)
9 (20)	..	9 (21)	9 (43)	..	9 (47)
Exception	..	Exception 2	Note 1	..	Note 2 below 9 (16) (a)
9 (21)	..	9 (22-A)	Note 2	..	Note 2 below 9 (47)
9 (22)	..	9 (23)	Note 3	..	Note 5 below 9 (16) (a)
9 (23)	..	9 (24)	9 (44)	..	9 (47-A)
9 (24)	..	9 (25)	9 (45)	..	9 (48)
9 (25)	..	9 (26)	9 (46)	..	9 (48-A)
9 (26)	..	9 (27)	9 (47)	..	9 (49)
9 (27)	..	9 (28)	9 (48)	..	9 (49-A)

1	2	3	1	2	3
9 (49)	.. 9 (50)		15 (2)	.. 14 (b) and Note below it	
9 (50)	.. 9 (52)		15 (3)	.. 14 (d)	
9 (51)	.. 9 (53)		15 (4)	.. 14 (e)	
9 (52)	.. 9 (54)		<i>Exception</i>	.. <i>Exception below 14 (a)</i>	
9 (53)	.. 9 (56)		16	.. Part of Rule 14 (a)	
<i>Note</i>	.. <i>Note</i>		17	.. 14-A	
<i>Instruction</i>	.. <i>Instruction</i>		18	.. 14-B	
9 (54)	.. 9 (56-A)		19	.. 15	
<i>Note</i>	.. <i>Note</i>		20	.. 18-A	
9 (55)	.. 9 (57)		21 (1)	.. 18 (a)	
9 (56)	.. 9 (58)		21 (2)	.. 18 (b)	
9 (57)	.. 9 (59)		21 (3)	.. 18 (c)	
9 (58)	.. 9 (60)		22	.. 18-B	
Chapter III—General Conditions of Services			<i>Note</i>	.. ..	New
10	.. 32		23 (1)	.. 19 (a)	
<i>Note</i>	.. <i>Note</i>		23 (2)	.. 19 (b)	
11 (1)	.. 10		<i>Note</i>	.. <i>Note</i>	
11 (2)	.. <i>Note 1 below 14 (a)</i>		23 (3)	.. 19 (c)	
<i>Note 1</i>	.. <i>Note 1 below 10</i>		23 (4)	.. 19 (d)	
<i>Note 2</i>	.. <i>Note 5 below 14 (a)</i>		<i>Note 1</i>	.. <i>Note 1</i>	
<i>Note 3</i>	.. <i>Note 2, 14 (a)</i>		<i>Note 2</i>	.. <i>Note 2</i>	
<i>Note 4</i>	.. <i>Note 3, 14 (a)</i>		23 (5)	.. 19 (e)	
<i>Note 5</i>	.. <i>Note 4, 14 (a)</i>		23 (6)	.. 19 (f)	
12	.. 11		<i>Instruction</i>	.. <i>Instruction</i>	
13	.. 12		24	.. 20	
14	.. 13		25 (1)	.. 20-A (a)	
15 (1)	.. 14 (a)		25 (2)	.. 20-A (b)	

1	2	3	1	2	3
26	.. 21		<i>Instruction</i>	.. ..	New
27 (1)	.. 22 (a)	} <i>Note 1</i>	38 (3)	.. 171	
27 (2)	.. 22 (b)		38 (4)	.. 171	
28	.. 24		<i>Exemptions</i>	.. <i>Exemptions</i>	
<i>Exception</i>	.. <i>Exception</i>		<i>Note 1</i>	.. <i>Note 1</i>	
29	.. 27		<i>Note 2</i>	.. <i>Note 2</i>	
30	.. 28		39	.. 170	
31 (a)	.. <i>Exception 2</i> below 29		40	.. 169	
31 (b)	.. 29		41	.. 168	
31 (c)	.. <i>Note</i> below 29		42	.. 172	
31 (d)	.. <i>Exception 1</i> below 29		43	.. 173	
<i>Instruction</i>	.. <i>Instruction</i>		44	.. 174	
<i>Note</i>	.. ..	New	45	.. 177	
32	.. 31		<i>Note</i>	.. <i>Note 2</i>	
33	.. 23		46	.. 175	
34	.. 17		47	.. 178	
Chapter IV—Maintenance of Record of Service			48	.. 179 and <i>Note</i>	
35	.. 166		49	.. 179-A	
36	.. 167		Chapter V—Patents to Government Servants engaged in Scientific and Technical Research		
<i>Instruction</i>	.. <i>Instruction</i>		50	.. 862	
37	.. 176		<i>Note</i>	.. <i>Note</i>	
<i>Instruction</i>	.. <i>Instruction</i>		51	.. 863	
38 (1)	.. 171		Chapter VI—Repeal and Saving		
38 (2)	.. 171		52	.. 864	

II

The following Rules/Notes/Instructions/Exceptions etc. from the Bombay Civil Services Rules, 1959, stand deleted:—

Rule Number	Rule Number
Notes 1, 4 and 6 below Rule 2	9 (34)
9 (1)	Note below Rule 9 (35)
9 (6)	9 (38)
9 (10-A)	9 (39) (b) and Note thereunder.
Notes 1, 3 and 4 below Rule 9 (16) (a)	Note 1 below Rule 9 (47)
Note below Rule 9 (16) (b)	Note below Rule 9 (48)
Note 1 below Rule 9 (16) (c)	9 (51) and Note below it
9 (16) (e) & (g) and Note below it	Note below 9 (53)
9 (16) (h)	9 (55)
Note 1 below Rule 9 (17)	Instruction below Rule 15
Note 1 below Rule 9 (18-A)	Instruction below Rule 22
Exception 1 below Rule 9 (21)	Rule 25 and Note below it
Exceptions 1 and 2 and Notes below Rule 9 (27)	Note 2 below Rule 22 (b)
9 (29)	Notes 1 and 3 below Rule 177.

III

The following Rules/Notes/Instructions etc. from Bombay Civil Services Rules, 1959, stand transferred to other parts of rules as shown below:—

- (1) Note below rules 9 (25) transferred to Maharashtra Civil Services (Honoraria, Fees, Compensatory Local and House Rent Allowances) Rules.
- (2) Rule 9 (41), clauses and all notes thereunder and rule 9 (41-A) and all notes thereunder transferred to appropriate place in the Maharashtra Civil Services (Pension) Rules.
- (3) Rule 33 transferred to Maharashtra Civil Services (Leave) Rules, 1981.

(BS292)

सामान्य प्रशासन विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२

दिनांक १६ जुलै २०१६.

अधिसूचना

भारताचे संविधान.

क्रमांक वशिअ. १२१३/प्र.क्र. ४३/११.— भारतीय संविधानाच्या अनुच्छेद ३०९ च्या परंतुकाद्वारे प्रदान केलेल्या शक्तीचा वापर करून, महाराष्ट्राचे राज्यपाल याद्वारे, महाराष्ट्र नागरी सेवा (शिस्त व अपील) नियम, १९७९ यामध्ये आणखी सुधारणा करण्यासाठी पुढीलप्रमाणे नियम करीत आहेत :—

१. या नियमांना महाराष्ट्र नागरी सेवा (शिस्त व अपील) (सुधारणा) नियम, २०१६ असे म्हणावे.
२. महाराष्ट्र नागरी सेवा (शिस्त व अपील) नियम, १९७९ (यापुढे “मुख्य नियम” असे निर्देशित करण्यात आले आहे) च्या नियम २ मध्ये,—

(i) खंड (ड) ऐवजी पुढील खंड दाखल करण्यात येईल :—

“ (ड) ‘ विभागप्रमुख ’ याचा अर्थ, महाराष्ट्र नागरी सेवा (सेवेच्या सर्वसाधारण शर्ती) नियम, १९८१ च्या नियम ९ च्या खंड (२२) मध्ये नेमून दिल्याप्रमाणे असेल ; ”

(ii) खंड (आय) ऐवजी पुढील खंड दाखल करण्यात येईल :—

“ (आय) ‘ जबर शिक्षा ’ याचा अर्थ, नियम ५ च्या पोट-नियम (१) च्या बाबी (पाच) ते (नऊ) (दोन्ही धरून) मध्ये विनिर्दिष्ट केलेल्या शिक्षापैकी कोणतीही शिक्षा असा आहे ; ”

(iii) खंड (जे) ऐवजी पुढील खंड दाखल करण्यात येईल :—

“ (जे) ‘ किरकोळ शिक्षा ’ याचा अर्थ, नियम ५ च्या पोट-नियम (१) च्या बाबी (एक) ते (चार) (दोन्ही धरून) मध्ये विनिर्दिष्ट केलेल्या शिक्षापैकी कोणतीही शिक्षा असा आहे ; ”

(iv) खंड (के) ऐवजी पुढील खंड दाखल करण्यात येईल :—

“ (के) ‘ प्रादेशिक विभाग प्रमुख ’ म्हणजे मुंबई वित्तीय नियम, १९५९ आणि शासनाच्या अन्य वित्तीय नियमांच्या प्रयोजनार्थ घोषित केलेला प्रादेशिक प्रमुख/प्रादेशिक कार्यालय प्रमुख होय ; ”

३. मुख्य नियमांच्या नियम ५ मध्ये उप-नियम (१) ऐवजी पुढील उप-नियम दाखल करण्यात येईल :—

“ (१) त्या त्या वेळी अंमलात असणाऱ्या कोणत्याही कायद्याच्या तरतुदींना बाधा न आणता, शासकीय कर्मचाऱ्याला वाजवी व पुरेशा कारणांकरिता आणि यात यानंतर तरतूद केल्याप्रमाणे पुढील शिक्षा करता येतील, त्या शिक्षा अशा :—

किरकोळ स्वरूपाच्या शिक्षा—

(एक) ठपका ठेवणे ;

(दोन) त्याची पदोन्नती रोखून ठेवणे ;

(तीन) कर्मचाऱ्याच्या निष्काळजीपणामुळे किंवा त्याने आदेशांचा भंग केल्यामुळे शासनाला झालेल्या कोणत्याही आर्थिक स्वरूपाच्या हानीची संपूर्ण रक्कम किंवा तिचा भाग त्याच्या वेतनामधून वसूल करणे ;

(चार) वेतनवाढी रोखून ठेवणे ;

जबर शिक्षा—

(पाच) विनिर्दिष्ट कालावधीकरिता वेतन समयश्रेणीतील खालच्या टप्प्यावर आणण्यात येईल आणि अशा पदावनतीच्या काळात शासकीय कर्मचाऱ्याला वेतनवाढी मिळतील किंवा मिळणार नाहीत याबाबत आणि असा कालावधी समाप्त झाल्यानंतर या पदावनतीच्या परिणामी त्याच्या भावी वेतनवाढी पुढे ढकलल्या जातील किंवा नाही याबाबतही निदेश दिले जातील ;

(सहा) शासकीय कर्मचाऱ्यास शिक्षेच्या आदेशात विनिर्दिष्ट केलेल्या कालावधीसाठी तो ज्या वेतन समयश्रेणीमध्ये, श्रेणीमध्ये, पदावर किंवा सेवेमध्ये असेल त्यापेक्षा खालच्या वेतन समयश्रेणीमध्ये, श्रेणीमध्ये, पदावर किंवा सेवेमध्ये आणणे. ज्या वेतन समयश्रेणीतून, श्रेणीमधून, पदावरून किंवा सेवेतून शासकीय कर्मचाऱ्यास असे अवनत करण्यात आले असेल, त्या वेतन समयश्रेणीमधील, श्रेणीमधील, पदावरील किंवा सेवेतील बढतीस अशी अवनती अशा विनिर्दिष्ट कालावधीसाठी रोधक ठरेल. अशा आदेशांमध्ये तो कालावधी समाप्त झाल्यावर शासकीय कर्मचाऱ्यास पूर्वीच्या वेतन समयश्रेणीत, श्रेणीमध्ये, पदावर किंवा सेवेमध्ये परत आणण्यासंबंधीच्या पुढील अटींचा समावेश असावा :—

(अ) पदावनतीच्या विनिर्दिष्ट कालावधीच्या परिणामी भावी काळातील वेतनवाढी पुढे ढकलल्या जातील किंवा कसे व त्या कोणत्या मर्यादेपर्यंत, आणि,

(ब) शासकीय कर्मचाऱ्यास त्याच्या वेतन समयश्रेणीमध्ये, श्रेणीमध्ये, पदावर किंवा सेवेमध्ये मूळ सेवाज्येष्ठता मिळेल किंवा कसे :

(सात) सक्तीची सेवानिवृत्ती ;

(आठ) सेवेतून काढून टाकणे, मात्र भावी काळात शासकीय नोकरी मिळण्याच्या दृष्टीने ही अनर्हता ठरणार नाही ;

(नऊ) सेवेतून बडतर्फ करणे, मात्र भावी काळात शासकीय नोकरी मिळण्याच्या दृष्टीने सर्वसाधारणपणे ही अनर्हता ठरेल.

“ परंतु, कोणतेही शासकीय काम करण्याबद्दल किंवा ते काम करण्यापासून परावृत्त करण्याबद्दल कायदेशीर पारिश्रमिकाव्यतिरिक्त कोणत्याही व्यक्तीकडून लालच किंवा बक्षिस म्हणून कोणतेही इनाम स्वीकारल्याचा आरोप सिद्ध झाला असेल, अशा प्रत्येक प्रकरणात, खंड (आठ) किंवा (नऊ) मध्ये नमूद केलेली शिक्षा देण्यात येईल :

परंतु, आणखी असे की, कोणत्याही अपवादात्मक प्रकरणात आणि लेखी नमूद करण्यात आलेल्या विशेष कारणांसाठी इतर कोणतीही शिक्षा देण्यात येईल.

स्पष्टीकरण.— या नियमांच्या अर्थातर्गत पुढील गोष्टी या शिक्षा ठरणार नाहीत, त्या अशा—

(एक) शासकीय कर्मचारी ज्या सेवेत असेल ती सेवा किंवा तो धारण करीत असलेले पद ज्या नियमांद्वारे किंवा आदेशांद्वारे विनियमित केले जात असेल त्या नियमांनुसार व आदेशांनुसार किंवा त्याच्या नियुक्तीच्या शर्तीनुसार कोणतीही विभागीय परीक्षा किंवा हिंदी आणि मराठी भाषा परीक्षा उत्तीर्ण न झाल्याबद्दल वेतनवाढी रोखून ठेवणे ;

(दोन) शासकीय कर्मचारी दक्षतारोध पार करण्यास अयोग्य असल्याच्या कारणास्तव वेतन समयश्रेणीतील दक्षतारोधावर त्याची वेतनवाढ थांबवणे ;

(तीन) शासकीय कर्मचाऱ्याच्या प्रकरणाचा विचार केल्यानंतर त्यास, तो त्याच्या वर्तणुकीशी संबंधित नसणाऱ्या प्रशासकीय बाबींच्या आधारे ज्या सेवेत, श्रेणीत किंवा पदावर बढती मिळण्यास पात्र ठरला असता त्या सेवेत, श्रेणीत किंवा पदावर मग ती बढती कायम किंवा स्थानापन्न असो, बढती न देणे ;

(चार) उच्च सेवेत, श्रेणीत किंवा पदावर स्थानापन्न या नात्याने काम करणाऱ्या शासकीय कर्मचाऱ्याला, तो अशा उच्च सेवेत, श्रेणीत किंवा पदावर काम करण्यास अयोग्य आहे या कारणावरून किंवा त्याच्या वर्तणुकीशी संबंधित नसणाऱ्या कोणत्याही प्रशासकीय कारणावरून निम्न सेवेत, श्रेणीत किंवा पदावर पदावनत करणे ;

(पाच) अन्य कोणत्याही सेवेत, श्रेणीत किंवा पदावर परिवीक्षाधीन नियुक्त केलेल्या शासकीय कर्मचाऱ्याला त्याच्या नियुक्तीच्या अटींनुसार किंवा अशा परिवीक्षेचे नियंत्रण करणारे नियम व आदेश यानुसार परिवीक्षा काळामध्ये किंवा परिवीक्षा काळाच्या अखेरीस त्याच्या कायम सेवेत, श्रेणीत किंवा पदावर पदावनत करणे ;

(सहा) भारतातील कोणत्याही शासनाकडून किंवा त्याच्या नियंत्रणाखालील कोणत्याही प्राधिकरणाकडून ज्याच्या सेवा उसन्या घेण्यात आल्या होत्या त्या शासनाकडे किंवा प्राधिकरणाकडे त्या शासकीय कर्मचाऱ्याच्या सेवा सुपूर्द करून अन्य कर्मचाऱ्याच्या सेवा उपलब्ध करून घेणे ;

(सात) शासकीय कर्मचाऱ्याच्या नियतसेवावधी किंवा सेवानिवृत्ती या संबंधीच्या तरतुदींनुसार त्याला सक्तीने सेवानिवृत्त करणे ;

(आठ) (अ) परिवीक्षाधीन नियुक्ती केलेल्या शासकीय कर्मचाऱ्याची सेवा, त्याच्या परिवीक्षा काळामध्ये किंवा त्याच्या अखेरीस, त्याच्या नियुक्तीच्या अटींनुसार किंवा अशा परिवीक्षेचे नियंत्रण करणारे नियम व आदेश यांनुसार समाप्त करणे ; किंवा

(ब) अस्थायी शासकीय कर्मचाऱ्याची सेवा, त्याच्या वर्तणुकीशी संबंधित नसलेल्या कारणावरून समाप्त करणे ; किंवा

(क) करारानुसार नियुक्त केलेल्या शासकीय कर्मचाऱ्याची सेवा, अशा कराराच्या अटीनुसार समाप्त करणे ;

(नऊ) महाराष्ट्र नागरी सेवा (वर्तणूक) नियम, १९७९ च्या नियम २२अ च्या अर्थातर्गत लैंगिक छळवणुकीसंदर्भात नियम ८ च्या उप-नियम (२) खालील परंतुकान्वये शासकीय विभागात स्थापन केलेल्या तक्रार निवारण समितीच्या शिफारशीनुसार द्यावयाची कोणतीही भरपाई. ”

४. मुख्य नियमांच्या नियम ६ मध्ये,—

(i) उप-नियम (२) मधील तिसऱ्या परंतुकाऐवजी पुढील परंतुक समाविष्ट करण्यात येईल :—

“ परंतु असेही की, विभाग प्रमुख त्यांच्या प्रशासकीय नियंत्रणाखालील राज्यसेवा गट-अ च्या जे रु. १०,६५०-१५,८५० या असुधारित वेतनश्रेणीमध्ये वेतन घेत होते त्यांना वगळून, ज्या शासकीय कर्मचाऱ्यांचे ग्रेड वेतन रुपये ६,६०० किंवा त्यापेक्षा कमी आहे अशाच शासकीय कर्मचाऱ्यांच्या संबंधात किरकोळ शिक्षा करण्याच्या अधिकारांचा वापर करतील. ”

(ii) उप-नियम ३ ऐवजी पुढील उप-नियम दाखल करण्यात येईल :—

“ उप-नियम (१) च्या तरतुदींना बाधा न आणता सर्व विभागीय आयुक्त, महाराष्ट्र रोजगार हमी अधिनियम, १९७७ (१९७८ चा महाराष्ट्र अधिनियम, वीस) खालील रोजगार हमी योजना अंमलात आणताना, राज्यसेवा गट-अ च्या, जे रु. १०,६५०-१५,८५० या असुधारित वेतनश्रेणीमध्ये वेतन घेत होते त्यांना वगळून, ज्या शासकीय कर्मचाऱ्यांचे ग्रेड वेतन रुपये ६,६०० किंवा त्यापेक्षा कमी आहे अशाच शासकीय कर्मचाऱ्यांच्या आणि राज्यसेवा गट-ब च्या कर्मचाऱ्यांच्या संबंधात केवळ किरकोळ शिक्षा करण्याच्या अधिकारांचा वापर करतील आणि उक्त योजनेखाली काम करणाऱ्या गट-क व गट-ड च्या सदस्यांच्या संबंधात नियम ५ मध्ये विनिर्दिष्ट केलेल्या शिक्षापैकी कोणतीही शिक्षा करण्याच्या अधिकारांचा सुद्धा वापर करतील. ”

५. मुख्य नियमांच्या नियम १०, उप-नियम (२) मधील “ किंवा, नियम ५ च्या पोट-नियम (१) चे खंड (पाच) व (सहा) यांमध्ये विनिर्दिष्ट शिक्षापैकी कोणती शिक्षा द्यावयाची असेल तर, ” हा मजकूर वगळण्यात येईल.

६. मुख्य नियमांच्या नियम १८, उप-नियम (१), खंड (एक) मधील “ (गट-अ किंवा गट-ब च्या सेवेतील व्यक्ती) ” हा मजकूर वगळण्यात येईल.

७. मुख्य नियमांसोबतचे परिशिष्ट वगळण्यात यावे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

र. शि. घाटगे,
शासनाचे अवर सचिव.

प्रति

- (१) राज्यपालांचे सचिव,
- (२) अध्यक्ष, महाराष्ट्र विधानसभा यांचे सचिव,
- (३) सभापती, महाराष्ट्र विधानपरिषद यांचे सचिव,
- (४) मुख्यमंत्र्यांचे प्रधान सचिव,
- (५) विरोधी पक्षनेते, महाराष्ट्र विधानसभा,
- (६) विरोधी पक्षनेते, महाराष्ट्र विधानपरिषद,
- (७) मुख्य सचिव, महाराष्ट्र शासन,
- (८) शासनाचे सर्व अपर मुख्य सचिव/प्रधान सचिव/सचिव,
- (९) सर्व मंत्री/राज्यमंत्री यांचे खाजगी सचिव/स्वीय सहायक,
- (१०) * प्रबंधक, उच्च न्यायालय (मूळ शाखा), मुंबई,
- (११) * प्रबंधक, उच्च न्यायालय (अपील शाखा), मुंबई,
- (१२) * प्रबंधक, महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई,
- (१३) * प्रबंधक, लोक आयुक्त व उप लोक आयुक्त यांचे कार्यालय, मुंबई,
- (१४) * सचिव, महाराष्ट्र विधानसभा सचिवालय, मुंबई,
- (१५) * सचिव, महाराष्ट्र विधानपरिषद सचिवालय, मुंबई,
- (१६) * सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई,
- (१७) * आयुक्त, राज्य निवडणूक आयोग, मुंबई,
- (१८) सर्व मंत्रालयीन विभाग,
- (१९) सर्व मंत्रालयीन विभागाच्या नियंत्रणाखालील सर्व विभाग प्रमुख/कार्यालय प्रमुख,
- (२०) महासंचालक, माहिती व जनसंपर्क महासंचालनालय, मुंबई (५ प्रती),
- (२१) विधीमंडळ ग्रंथालय, विधानभवन, मुंबई (१० प्रती),
- (२२) सर्व विधीमंडळ सदस्य,
- (२३) सामान्य प्रशासन विभागातील सर्व कार्यासने,

निवडनस्ती,

* पत्राने.

—

GENERAL ADMINISTRATION DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 16th July 2016

NOTIFICATION

CONSTITUTION OF INDIA.

No. VASHIA-1213/C.R.43/11- In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following rules further to amend the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, namely :—

1. These rules may be called the Maharashtra Civil Services (Discipline and Appeal) (amendment) Rules, 2016.

2. In the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 (hereinafter referred to as “the Principal Rules”), in rule 2,—

(i) for clause (d), the following clause shall be substituted, namely :—

“(d) “ Head of Department” shall have the same meaning as assigned to it in clause (22) of rule 9 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981;”;

(ii) for clause (i), the following clause shall be substituted, namely :—

“(i) “ major penalty ” means any of the penalties specified in item (v) to (ix) (both inclusive) of sub-rule (1) of rule 5;”;

(iii) for clause (j), the following clause shall be substituted, namely :—

“(j) “ minor penalty ” means any of the penalties specified in item (i) to (iv) (both inclusive) of sub-rule (1) of rule 5;”;

(iv) for clause (k), the following clause shall be substituted, namely :—

“(k) “ Regional Head of Department ” means the authority declared as Regional Head for the purposes of the Bombay Financial Rules, 1959 and other financial rules of Government;”.

3. In rule 5 of the Principal Rules, for sub-rule (1), the following sub-rule shall be substituted, namely :—

“(1) Without prejudice to the provisions of any law for the time being in force, the following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely :—

Minor penalties—

(i) censure;

(ii) withholding of his promotion;

(iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to Government, by negligence or breach of orders;

(iv) withholding of increments of pay;

Major Penalties—

(v) reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant 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 future increments of his pay;

(vi) reduction to lower time-scale of pay, grade, post or service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post or service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period,—

(a) the period of reduction to time-scale of pay, grade, post or service shall operate to future increments of his pay, and if so, to what extent; and,

(b) the Government servant shall regain his original seniority in the higher time-scale of pay, grade, post or service;

(vii) compulsory retirement;

(viii) removal from service which shall not be a disqualification for future employment under Government;

(ix) dismissal from service which shall ordinarily be a disqualification for future employment under Government :

Provided that, in every case in which the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or (ix) shall be imposed :

Provided further that, in any exceptional case and for special reasons to be recorded in writing, any other penalty may be imposed.

Explanation.— The following shall not amount to a penalty within the meaning of this rule, namely :—

(i) withholding of increments of pay of a Government servant for his failure to pass any Departmental examination or the Hindi and Marathi language examination in accordance with the rules or orders governing the service to which he belongs or post which he holds or the terms of his appointment;

(ii) stoppage of a Government servant at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;

(iii) non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible, on administrative ground unconnected with his conduct;

(iv) reversion of a Government servant officiating in a higher service, grade or post to a lower service, grade or post, on the ground that he is considered to be unsuitable for such higher service, grade or post or on any administrative ground unconnected with his conduct;

(v) reversion of a Government servant appointed on probation to any other service, grade or post, to his permanent service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;

(vi) replacement of the services of a Government servant, whose services had been borrowed from any Government in India or any authority under its control, at the disposal of such Government or authority;

(vii) compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;

(viii) termination of the services,—

(a) of a Government servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or

(b) of a temporary Government servant on grounds unconnected with his conduct; or

(c) of a Government servant employed under an agreement, in accordance with the terms of such agreement;

(ix) any compensation awarded on the recommendation of the Complaints Committee referred to in the proviso to sub-rule (2) of rule 8 and established in the Department of the Government for inquiring into any complaint of sexual harassment within the meaning of rule 22A of the Maharashtra Civil Services (Conduct) Rules, 1979.”.

4. In rule 6 of the Principal Rules,—

(i) in sub-rule (2), for the third proviso, the following proviso shall be substituted, namely :—

“Provided also that, the Heads of Departments shall exercise the powers of imposing minor penalties only in relation to Government servants of State service (Group ‘A’) under their administrative control who draw Grade pay of Rs. 6600 or less, excluding those who were sanctioned a pay-scale of Rs 10,650–15,850 in the unrevised pay-scales.”;

(ii) For sub-rule (3), the following sub-rule shall be substituted, namely :—

“(3) Without prejudice to the provisions of sub-rule (1), the Commissioners of Divisions shall, in the course of implementation of the Employment Guarantee Scheme under the Maharashtra Employment Guarantee Act, 1977 (Mah. XX of 1978), exercise the powers of imposing minor penalties only in relation to Government servants of State service (Group ‘A’) who draw Grade pay of Rs.6600 or less, excluding those who were sanctioned a pay-scale of Rs 10,650-15,850 in the unrevised pay-scales and in relation to Government servants of State service (Group ‘B’), and shall also exercise the powers of imposing any of the penalties specified in rule 5 in relation to Government servants of Group ‘C’ and Group ‘D’ services serving in the said scheme.”.

5. In rule 8 of the Principal Rules, in sub-rule (7), for the words “on within such further time” the words “or within such further time” shall be substituted.

6. In rule 9 of the Principal Rules, in sub-rule (2), for the words “favourable or not the said Government servant” the words “favourable or not to the said Government servant” shall be substituted.

7. In rule 10 of the Principal Rules, in sub-rule (2), the words, brackets, letters and figures “or to impose any of the penalties specified in clauses (v) and (vi) of sub-rule (1) of the rule 5,” shall be deleted.

8. In rule 18 of the Principal Rules, in sub-rule (1), in clause (i), the brackets, words and letters “(Group A and Group B service)” shall be deleted.

9. Annexure appended to the principal Rules shall be deleted.

By order and in the name of the Governor of Maharashtra,

R. S. GHATGE,
Under Secretary to Government.

Copy forwarded to :

- (1) The Secretary to the Governor,
- (2) The Secretary to the Chairman, Maharashtra Legislative Assembly,
- (3) The Secretary to the Speaker, Maharashtra Legislative Council,
- (4) The Principal Secretary to the Chief Minister,
- (5) The Leader of Opposition, Maharashtra Legislative Assembly,
- (6) The Leader of Opposition, Maharashtra Legislative Council,
- (7) The Chief Secretary to Government,
- (8) All Additional Chief Secretaries/All Principal Secretaries/All Secretaries to Government,
- (9) All Private Secretaries/Personal Assistants to Ministers and Ministers of State,
- (10) * Registrar, High Court (Original Side), Mumbai,
- (11) * Registrar, High Court (Appellate Side), Mumbai,
- (12) * Registrar, Maharashtra Administrative Tribunal, Mumbai,
- (13) * Registrar, Office of the Lok Ayukta and Upa Lok Ayukta, Mumbai,
- (14) * Secretary, Maharashtra Legislative Assembly Secretariat, Mumbai,
- (15) * Secretary, Maharashtra Legislative Council Secretariat, Mumbai,
- (16) * Secretary, Maharashtra Public Service Commission, Mumbai,
- (17) * Commissioner, State Election Commission, Mumbai,
- (18) All Departments of Mantralaya,
- (19) All Heads of Departments and Heads of Offices under the several Departments of the Mantralaya,
- (20) Director General, Directorate of Information and Public Relation, Mumbai (5 Copies),
- (21) All Members of Legislature,
- (22) Legislature Library, Vidhan Bhavan, Mumbai (10 Copies),
- (23) All desks in the General Administration Department,

Select File

* By Letter