

GOVERNMENT OF PUNJAB

**DEPARTMENT OF HOME AFFAIRS AND JUSTICE
(HOME VI BRANCH)**

Notification

The 3rd January, 2002

No. G.S.R. 4/Const./Art.309/2002.--In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules regulating the recruitment, and conditions of service of the persons appointed to the Punjab Prosecution and Litigation (Group 'A') Service, namely :--

RULES

1. Short title, commencement and application.--

(1) These rules may be called the Punjab Prosecution and Litigation (Group 'A') Service Rules, 2002.

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

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

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

(a) 'Appendix' means an Appendix appended to these rules ;

(2) 'Director' means the Director, Prosecution and Litigation, Punjab ;

(c) 'Government' means the Government of the State of Punjab in the Department of Home Affairs and Justice ; and

(d) 'Service' means the Punjab Prosecution and Litigation (Group 'A') Service.

(2) The expressions used in these rules, but not defined in these rules shall have the respective meanings assigned to these expressions in the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.

3. Number of Character of Posts.--The Service shall comprise the posts specified in Appendix 'A'.

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

4. Appointing authority.--All appointments to the Service shall be made by the Government.

5. Method of appointment and qualifications.--
(1) All appointments to the Service shall be made in the manner specified in Appendix 'B'.

(2) No person shall be appointed to a post in Service unless he possesses the qualifications and experience specified against the post in Appendix 'B'.

(3) Appointment to the Service by promotion shall be made on seniority-cum-merit basis, but no person shall have any right to claim promotion on the basis of seniority alone.

6. Discipline, punishment and appeals.--(1) In the matter of discipline, punishment and appeals, the members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970, as amended from time to time.

(2) The authority empowered to unpose penalties as specified in rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 in respect of the members of the Service, shall be the Government.

7. Application of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.--(1) In respect of the matters, which are not specifically provided in these rules, the members of the Service shall be governed by the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 as amended from time to time.

(2) The Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 at present in force are contained in Appendix 'C'.

8. Repeal and Savings.--The Punjab District Attorneys Service Rules, 1960 in so far as these

relate to the posts included in the Service are hereby repealed :

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

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

APPENDIX 'A'
(See rule 3)

| Sr. No. | Designation of Post | Number of posts | | Total | Scale of pay (In rupees) |
|---------|---------------------------------------------------------------------------------------|-----------------|-----------|-------|-----------------------------|
| | | Permanent | Temporary | | |
| 1. | Director Prosecution and Litigation and Additional Secretary to Government of Punjab. | 1 | -- | 1 | 18600--22100 |
| 2. | Additional Director Prosecution and Joint Secretary to Government of Punjab. | 1 | -- | 1 | 14300--18600 |
| 3. | Joint Director Prosecution and Litigation | 5 | 2 | 7 | 13500--16800 |
| 4. | Assistant Legal Remembrancer and Under Secretary to Government of Punjab. | 1 | -- | 1 | 10025--15100 |
| 5. | District Attorney | 20 | 7 | 27 | 10025--15100 |
| 6. | Deputy District Attorney | 79 | 20 | 99 | 7800--11660 |

APPENDIX 'B'
(See rule 5)

| Sr. No. | Designation of post | Percentage for appointment by | | Method of appointment, Direct appointment | |
|---------|------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| | | Promo- tion | Direct appoint- ment | experience for appointment by | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | Director Prosecu- tion and Litiga- tion and Addi- tional Secretary to Government of Punjab. | Hundred per cent | -- | By promotion of Addi- tional Director, Prosecu- tion and Litigation and Joint Secretary to Government of Punjab who have an ex- perience of working as such for a minimum period of one year. | |
| 2. | Additional Director Prosecution and Litigation and Joint Secretary to Government of Punjab | Hundred per cent | -- | From amongst the Joint Directors, Prosecution and Litigation who have an experience of working as such for a minimum period of one year. | |

PUNJAB GOVT GAZ., JAN. 18, 2002
(PAUSA 28, 1923 SAKA)

| 1 | 2 | 3 | 4 | 5 | 6 |
|----|------------------------------------------------------------------------------------------|--------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| 3. | Joint Director, Prosecution and Litigation, Punjab. | Hundred per cent | -- | From amongst the District Attorneys who have an experience of working as such for a minimum period of three years. | |
| 4. | Assistant Legal Remembrancer and Under Secretary to Government of Punjab. | Hundred per cent | -- | From amongst the District Attorneys | |
| 5. | District Attorneys | Hundred per cent | -- | (1) From amongst the Deputy District Attorneys who have an experience of working as such for a minimum period of three years. | From amongst the lawyers having 7 years experience at the Bar. |
| 6. | Deputy District Attorneys | Seventy-five per cent | Twenty-five per cent | (1) From amongst the Assistant District Attorneys of the Punjab Prosecu- tion and Litiga- tion (Group 'B') Service who have an experience of working as such for a minimum period of five years. | |

APPENDIX 'C'

(See rule 8)

GOVERNMENT OF PUNJAB

DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE
REFORMS

(PERSONNEL POLICIES I BRANCH)

Notification

The 4th May, 1994

No. G.S.R.33/Const./Art.309/94.--In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all other powers enabling in this behalf, the Government of Punjab is pleased to make the following rules regulating the recruitment and general and common conditions of service of persons appointed to Class I, Class II and Class III services in connection with the affairs of the State of Punjab, namely :--

1. Short title, commencement and application.--

(1) These rules may be called the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.

(2) They shall come into force at once.

(3) They shall apply to all the posts in Class I, Class II and Class III services in connection with the affairs of the State of Punjab.

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

(a) "appointing authority" means an appointing authority specified as such in the Service Rules made under Article 309 of the Constitution of India in respect of any service or post in connection with the affairs of the State of Punjab;

(b) "Board" means the Subordinate Services Selection Board, Punjab or any other authority constituted to perform its functions;

(c) "Commission" means the Punjab Public Service Commission;

-
- (d) "direct appointment" means an appointment made otherwise than by promotion or by transfer of a person already in the service of Government of India or of a State Government;
- (e) "Government" means the Government of the State of Punjab in the Department of Personnel and Administrative Reforms;
- (f) "recognised university or institution" means,--
- (i) any university or institution incorporated by law in any of the States of India; or
 - (ii) any other university or institution which is declared by the Government to be a recognised university or institution for the purposes of these rules;
- (g) "Service" means any Class I service, or Class II service constituted in connection with the affairs of the State of Punjab;
- (h) "Service Rules" means the service rules made under Article 309 of the Constitution of India regulating the recruitment and conditions of service other than the general and common conditions of service of persons appointed to any service or post in connection with the affairs of the State of Punjab; and
- (i) "War hero" means a defence services personnel, or a para-military forces personnel, who is a *bona fide* resident of Punjab State and is killed, or discharged from the above service on account of disability suffered by him while fighting for defending the border of the country in Kargil sector of the State of Jammu and Kashmir or fighting for the country in any other sector or similar operation on or after the first day of January, 1999 which may be notified by the State Government as undertaken for preserving

the unity and integrity of the motherland. However, in exceptional cases, the cases of those war heroes can also be covered under this definition who, though, not *bona fide* residents of Punjab State, but are yet closely connected to the State of Punjab. In such exceptional cases, the express approval of the Department of Personnel will be mandatory.

3. **Nationality, domicile and character of persons appointed to the Service.**--(1) No person shall be appointed to the Service unless he is,--

- (a) a Citizen of India; or
- (b) a Citizen of Nepal; or
- (c) a Subject of Bhutan; or
- (d) a Tibetan refugee who came over to India before the 1st day of January, 1962 with the intention of permanently settling in India; or
- (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka and East African Countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia, Malawi, Zaire, Ethiopia and Vietnam with the intention of permanently settling in India :

Provided that a person belonging to any of the categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been given by the Government of Punjab in the Department of Home Affairs and Justice.

(2) A person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or the Board, as the case may be, on his furnishing proof that he has applied for the certificate but he shall not be appointed to the service unless the necessary certificate is given to him by the Government of Punjab in the Department of Home Affairs and Justice.

(3) No person shall be recruited to the Service by direct appointment, unless he produces,--

- (a) a certificate of character from the principal academic officer of the

university, college, school or institution last attended, if any, and similar certificates from two responsible persons not being his relatives, who are well acquainted with him in his private life and are unconnected with his university, college, school or institution; and

- (b) An affidavit to the effect that he was never convicted for any criminal offence involving moral turpitude and that he was never dismissed or removed from service of any State Government or of Government of India or of any Public Sector Undertaking.

4. Disqualifications.--No person,—

- (a) who has entered into or contracted a marriage with a person having a spouse living; or
- (b) who, having a spouse living has entered into or contracted a marriage with any person,

shall be eligible for appointment to the Service :

Provided that the Government, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Age.--(1) No person shall be recruited to the Service by direct appointment if he is less than eighteen years or is more than thirty years of age in the case of non-technical posts and thirty three years in the case of technical posts on the 1st day of January of the year immediately preceding the last date fixed for submission of applications by the Commission or the Board, as the case may be, or unless he is within such range of minimum and maximum age limits as may be specifically fixed by the Government from time to time :

Provided that where different lower and upper age limits have been specifically prescribed for

posts in the Service Rules, these limits shall be made applicable for appointment to such posts :

Provided further that the upper age limit may be relaxed up to forty-five years in the case of persons already in the employment of the Punjab Government, other State Government, or the Government of India :

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

(2) In the case of ex-servicemen, the upper age limit shall be such as has been prescribed in the Punjab Recruitment of Ex-servicemen Rules, 1982, as amended from time to time.

(3) In the case of appointment on compassionate grounds on priority basis, the upper age limit shall be such as may be specifically fixed by the Government from time to time.

(4) In the case of appointment of a War-hero, who has been discharged from defence services or para-military forces on account of disability suffered by him or his widow or dependent member of his family, the upper age limit shall be such as may be specifically fixed by the Government from time to time.

6. Qualifications etc.—Subject to the provisions of these rules, the number and character of posts, method of recruitment and educational qualifications and experience for appointment to a post or posts in a Service and the departmental examination, if any, shall be such as may be specified in the Service Rules made for that Service:

Provided that where appointment of Class-I or Class-II non-technical post is offered to a war-hero, who has been discharged from defence services or para-military forces on account of disability suffered by him or his widow or dependent member of his family, under the instructions issued in this behalf by the Government, the educational qualification to be possessed by such person shall be graduation from a recognised university. Such person who is offered

Class-I or Class-II or Class-III non-technical post, shall not, however, be required to possess experience of technical or non-technical post at the time of his initial appointment.

7. Probation.—(1) A person appointed to any post in the Service shall remain on probation for a period of two years, if recruited by direct appointment and one year if appointed otherwise :

Provided that—

- (a) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation;
- (b) in the case of any appointment by transfer, any period of work on an equivalent or higher rank, prior to appointment to the Service, may in the discretion of the appointing authority, be allowed to count towards the period of probation;
- (c) any period of officiating appointment to the Service shall be reckoned as period spent on probation; and
- (d) any kind of leave not exceeding six months during or at the end of period of probation, shall be counted towards the period of probation.

(2) If, in the opinion of the appointing authority, the work or conduct of a person during the period of probation is not satisfactory or if he has failed to pass the departmental examination, if any prescribed in Service Rules within a period not exceeding two and a half years from the date of appointment, it may,—

- (a) if such person is recruited by direct appointment, dispense with his services, or revert him to a post on which he held lien prior to his appointment to the Service by direct appointment; and
- (b) if such person is appointed otherwise,—
 - (i) revert him to his former post; or

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

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

- (a) if his work and conduct has, in its opinion been satisfactory

- (i) confirm such period, from the date of his appointment or from the date he completes his period of probation satisfactorily if he is not already confirmed; or

- (ii) declare that he has completed his probation satisfactorily, if he is already confirmed; or

- (b) If his work or conduct has not been, in its opinion, satisfactory or if he has failed to pass the Departmental Examination if any, specified in the Service Rules,—

- (i) dispense with his services, if appointed by direct appointment or if appointed otherwise revert him to his former post, or deal with him in such other manner as the terms and conditions of his previous appointment may permit; or

- (ii) extend his period of probation and thereafter pass such order as it could have passed on the expiry of the period of probation as specified in sub-rule (1) :

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

8. Seniority.—The seniority inter se of persons appointed to posts in each cadre of a Service shall be determined by the length of continuous service on such post in that cadre of the Service :

Provided that in the case of persons recruited by direct appointment who join within the period

specified in the order of appointment or within such period as may be extended from time to time by the appointing authority subject to a maximum of four months from the date of order of appointment, the order of merit determined by the Commission or the Board, as the case may be, shall not be disturbed :

Provided further that in case a person is permitted to join the post after the expiry of the said period of four months in consultation with the Commission or the Board, as the case may be, his seniority shall be determined from the date he joins the post :

Provided further that in case a person of the next selection has joined a post in the cadre of the concerned Service before the person referred to in the preceding proviso joins, the person so referred shall be placed below all the persons of the next selection, who join within the time specified in the first proviso :

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

- (a) a person appointed by direct appointment shall be senior to a person appointed otherwise;
- (b) a person appointed by promotion shall be senior to a person appointed by transfer;
- (c) in the case of person appointed by promotion or transfer, the seniority shall be determined according to the seniority of such persons in the appointments from which they were promoted or transferred; and
- (d) in the case of persons appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a person who was drawing a higher rate of pay in the previous appointment; and if the rate of pay drawn are also the same, then by their length of service in these appointments and if the length of service

599

is also the same, an older person shall be senior to a younger person.

Note.—Seniority of persons appointed on purely provisional basis or on *ad hoc* basis shall be determined as and when they are regularly appointed keeping in view the dates of such regular appointment.

9. Liability of members of Service to transfer.—A member of a Service may be transferred to any post whether included in any other service or not, on the same terms and conditions as are specified in rule 3.17 of the Punjab Civil Service Rules, Volume I, Part I.

10. Liability to serve.—A member of a Service shall be liable to serve at any place, whether within or out of the State of Punjab, on being ordered so to do by the appointing authority.

11. Leave, pension and other matters.—In respect of pay, leave, pension and all other matters not expressly provided for in these rules, a member of a Service shall be governed by such rules and regulations as may have been or may hereafter be adopted or made by the competent authority.

12. Discipline, penalties and appeals.—(1) In the matter of discipline, punishment and appeals, a member of a Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970 as amended from time to time.

(2) The authority empowered to impose penalties specified in rule 5 of the Punjab Civil Service (Punishment and Appeal) Rules, 1970 and the appellate authority thereunder in respect of the Government employee shall be such as may be specified in the Service Rules.

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

14. Oath of allegiance.—Every member of a Service, unless he has already done so, shall be

required to take oath of allegiance to India and to the Constitution of India as by law established.

15. Minimum educational and other qualifications.—(1) No person shall be appointed by direct appointment to the post of Clerk under the Punjab Government unless he is Matriculate in Second Division or has passed Senior Secondary, Part-II, Examination from a recognised university or institution.

(2) The person so appointed as Clerk in terms of sub-rule (1), shall have to qualify a test in Punjabi typewriting to be conducted by the Board or by the appointing authority at the speed of thirty words per minute within a period of one year from the date of his appointment.

(3) In case, the person fails to qualify the said test within the period specified in sub-rule (2) he shall be allowed annual increment only with effect from the date he qualifies such test, but he shall not be paid any arrear for the period, for which he could not qualify the said test:

Provided that where appointment of Class-III non-technical post is offered to a War Hero, who has been discharged from defence services or para-military forces on account of disability suffered by him or his widow or dependent member of his family, under the instructions issued in this behalf by the Government, the educational qualifications to be possessed by such person shall be Matriculate from a recognised university or institution. Such person will, however, be not required to qualify the test in Punjabi typewriting as specified in sub-rule (2).

16. Minimum educational and other qualifications for appointment to the post of Stenotypist, Grade-II, or Junior Scale Stenographer, Grade-II.—No person shall be appointed by direct appointment to a post of a Stenotypist, Grade-II, or a Junior Scale Stenographer, Grade-II under the Punjab Government unless he,—

- (a) is Matriculate in Second Division or has passed Senior Secondary, Part II, examination from a recognised university or institution; and

- (b) qualifies a test in Punjabi Stenography to be held by the Board or by the appointing authority at a speed to be specified by the Government from time to time.

17. Knowledge of Punjabi Language.—No person shall be appointed to any post in any Service by direct appointment unless he has passed Matriculation Examination with Punjabi as one of the compulsory or elective subjects or any other equivalent examination in Punjabi Language, which may be specified by the Government from time to time:

Provided that where a person is appointed on compassionate grounds on priority basis under the instructions issued in this behalf by the Government from time to time, the person so appointed shall have to pass an examination of Punjabi Language equivalent to Matriculation Standard or he shall have to qualify a test conducted by the Language Wing of Department of Education of Punjab Government within a period of six months from the date of his appointment :

Provided further that where educational qualifications for a post in any service are lower than the Matriculation Standard, then the person so appointed shall have to pass an examination of Punjabi Language equivalent to Middle Standard :

Provided further that where a War Hero, who has been discharged from defence services or para-military forces on account of disability suffered by him or his widow or dependent member of his family, is appointed under the instructions issued in this behalf by the Government, the person so appointed will not be required to possess aforesaid knowledge of Punjabi Language :

18. Debarring for consideration for promotion of a Government employee who refuses to accept promotion.—In the event of refusal to accept promotion by a member of a Service, he shall be dobarred by the appointing authority from

consideration for promotion for all the consecutive chances which may occur in future within a period of two years from the date of such refusal to accept promotion :

Provided that in a case where the appointing authority is satisfied that a member of a service has refused to accept promotion under the circumstances beyond his control, it may exempt such a member for reasons to be recorded, therefor, in writing from the operation of this rule.

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

Provided that the provisions relating to educational qualifications and experience, if any, shall not be relaxed.

20. **Overriding effect.**—The provisions of these rules shall have effect notwithstanding anything contrary contained in any rules for the time being in force for regulating the recruitment and conditions of service for appointment to public service and posts in connection with the affairs of the state.

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

A. S. CHATHA,
Chief Secretary to Government, Punjab.

BIKRAMJIT SINGH,
Principal Secretary to Government of
Punjab, Department of Home
Affairs and Justice.