

GOVERNMENT OF PUNJAB
DEPARTMENT OF ELECTIONS

Notification

The 13th January, 1984

No. GSR 14/Const./Art. 309/84.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the President of India is pleased to make the following rules regulating the recruitment and the conditions of service of persons appointed to the Punjab Department of Elections (State Services, Class III), namely:—

1. Short title, commencement and application.—(1) These rules may be called the Punjab Department of Elections (State Service, Class III) Rules, 1984.

(2) They shall come into force at once.

(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) 'Board' means the Punjab Subordinate Services Selection Board, or any other authority appointed to perform its functions;

(b) '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;

(c) 'Government' means the Government of State of Punjab in the Department of Elections;

(d) 'recognised University' means:—

(i) any university incorporated by law in any of the States of India,

(ii) The Punjab, Sind or Dacca University in the case of degrees or diplomas obtained as a result of examinations held by these universities before the 15th day of August, 1947; or

(iii) any other university which is recognised by the Government for the purposes of these rules;

(e) 'service' means the Punjab Department of Elections (State Service Class III).

3. Number and character of posts.—The Service shall comprise the posts specified in Appendix 'A' to these rules:

Provided that nothing in these rules shall effect the inherent right of 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. Nationality, domicile and character of candidates appointed to the Service.—(1) No candidate 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 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, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia and Vietnam with the intention of permanently settling in India :

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

- (2) A candidate in whose case, a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Board, and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government of India.
- (3) No person shall be recruited to any post in the Service by direct appointment, unless he produces a certificate of character from the principal academic officer of the university, college, school or institution last attended, if any, and similar 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.

5. Disqualifications.—No person—

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

shall be eligible for appointment to the Service :

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

6. 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, on the first day of January, immediately preceding the last date fixed for submission of applications to the Board or unless he is within such range of minimum and maximum age as may be specifically fixed by Government from time to time :

Provided that the condition of upper age limit may be relaxed upto forty five years in the case of a person already in employment of Punjab Government, other State Government or the Government of India :

Provided further that the appointing authority may for reasons to be recorded in writing relax the upper age limit for a category or class of persons :

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 be fixed by Government from time to time.

- (2) In the case of Demobilised, Armed Forces personnel, his age at the time of joining military service, or training prior to the Commission, as the case may be, shall be the determining factor for the purposes of this rule and if at that time he was within the age limits prescribed in this rule he shall be considered to be within the age limits, for recruitment to the service.

7. Appointing authority.—Appointments to the Service shall be made by the Joint Chief Electoral Officer, Punjab, except in the case of Superintendent Grade-I, in whose case the appointment shall be made by the Chief Electoral Officer or the Commissioner, Gurdwaras, Ejections, Punjab, as the case may be.

8. Method of recruitment and qualifications.—(1) Recruitment to the Service shall be made in the manner specified in Appendix 'B' to these rules :

Provided that if no suitable candidate is available for appointment to a post in the Service by direct appointment or by promotion, as the case may be, such a post shall be filled in by transfer.

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

(3) All appointments to the Service by promotion shall be made by selection on seniority-cum-merit basis and no person shall be entitled to claim promotion on the basis of seniority alone.

(4) When any vacancy occurs or is likely to occur in the Service the appointing authority shall decide in what manner such a vacancy shall be filled in.

(5) No person shall be recruited to any post in the Service by direct appointment unless he possesses knowledge of Punjabi language of Matriculation or its equivalent standard or passes test in Punjabi language of Matriculation standard to be held by such authority as may be specified by Government in this behalf from time to time :

Provided that in respect of the posts for which the minimum educational qualifications are less than Matriculation examination, the standard of knowledge of Punjabi shall be lowered accordingly.

9. Probation of members of Service.—(1) Persons appointed to a post in the Service shall remain on probation for a period of two years, if recruited by direct appointment and one year if recruited 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 an appointment by transfer, any period of work in 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; and
- (c) any period of officiating appointment to the Service shall be reckoned as period spent on probation, but no person, who has so officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy.

(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 prescribed departmental examination within a period not exceeding 2½ 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 recruited otherwise,—
 - (i) revert him to his former post; or
 - (ii) deal with him in such other manner as the terms and conditions of his previous appointment permit.

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

- (a) if his work and conduct has, in its opinion been satisfactory,
 - (i) confirm such person from the date of his appointment if appointed against a permanent vacancy; or
 - (ii) confirm such person from the date from which a permanent vacancy occurs; if appointed against a temporary vacancy; or
 - (iii) declare that he has completed his probation satisfactorily if there is no permanent vacancy; or
- (b) if his work or conduct has not been, in its opinion, satisfactory or he has failed to pass the prescribed departmental examination—
 - (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 orders as it could have passed on the expiry of the period of probation specified in sub-rule (1):

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

10. **Seniority of members of Service.**—The seniority *inter se* of members of the Service in each cadre shall be determined by the length of continuous appointment on a post in that cadre of the Service :

Provided that in the case of members recruited by direct appointment who join within the period specified in the order of appointment or within such period as may from time to time be extended 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 Board, shall not be disturbed :

Provided further that in case a candidate is permitted to join the Service after expiry of the said period of four months in consultation with the Board his seniority shall be determined from the date he join the Service:

Provided further that in case any candidate of the next selection has joined the Service before the candidate referred to in the preceding proviso joins the candidate so referred shall be placed below all the candidates of the next selection who join within the time specified in the first proviso:

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

- (a) a member recruited by direct appointment shall be senior to a member recruited otherwise;
- (b) a member appointed by promotion shall be senior to a member appointed by transfer;
- (c) in the case of member appointed by promotion or transfers, seniority shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred as the case may be; and
- (d) in the case of members appointed by transfer from different cadres their seniority shall be determined according to pay, preference being given to a member who was drawing a higher rate of pay in his previous appointment; and if the rates of pay drawn are also the same, then by their length of service in those appointments, and if the length of such service is also the same an older member shall be senior to a younger member.

Note:—Seniority of members appointed on purely provisional basis, shall be determined as and when they are regularly appointed keeping in view the dates of such regular appointments.

11. **Liability of members of Service to transfer.**—A member of the Service may be transferred by the Government to any post, whether included in any other Service or not on the same terms and conditions, as are specified in rule 3-17 of the Punjab Civil Services Rules, Volume I, Part I.

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

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

14. *Discipline, penalties 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 impose penalties as specified in rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 and the appellate authority thereunder in respect of the members of the Service shall be as specified against that penalty in Appendix 'C' to these rules.

(3) The authority competent to hear an appeal against an order specified in rule 15 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 other than an order imposing any of the penalties mentioned in Appendix 'C' to these rules.

15. *Oath of allegiance.*—Every member of the Service unless he has already done so shall be required to take oath of allegiance to India and to the Constitution of India as by law established.

16. *Power to relax.*—Where the Government is of 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 qualifications and experience shall not be relaxed.

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

18. *Repeal and Saving.*—The Punjab Elections Department (Class III) Subordinate Services Rules, 1963, are hereby repealed :

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

APPENDIX 'A'
[See rules 1(3) and 3]

Sl. No.	Designation of Post	Number of Posts		Total	Scale of Pay
		Perma- nent	Tempo- rary		
1	2	3	4	5	6
					Rs
1	Superintendent, Grade I	1	..	1	825—25—850—30— 1000/40—1200/50— 1400—60—1580
2	Superintendent, Grade III	1	..	1	750—25—850—30— 1000/40—1200/50— 1300
3	Assistants	7	1	8	570—15—600—20— 700/25—850/30— 1000—40—1080
4	Junior Scale Steno- graphers	3	1	4	510—15—600/20— 700/25—850—30— 880
5	Clerks	28	2	30	The cadre of clerks has been bifurcated in Clerks and Senior Clerks in the ratio of 50 : 50 carrying the following scales of pay : (i) Clerks : Rs 400— 10—450/15—525/ 15—600 ; and (ii) Senior Clerks : Rs 510—15—600/ 20—700/25—800
6	Moharrir	1	..	1	400—10—450/15— 525/15—600
7	Restorer	1	..	1	400—10—450/15— 525/15—600
8	Gestetner Operator	1	..	1	400—10—450/15— 525/15—600
9	Driver	1	..	1	400—10—450/15— 525/15—600—20— 660

APPENDIX 'B'

(See rule 8)

Serial No.	Name of Post	Mode of appointment	Minimum educational and other qualifications	Minimum experience	Remarks
1	Superintendent, Grade I	<p>(i) By promotion from amongst Superintendents, Grade III.</p> <p>(ii) By transfer of an official already in the service of the Government of India or of a State Government, if a suitable person for appointment under sub-clause (i) is not available.</p>	<p>Matriculate or Higher Secondary or its equivalent qualifications.</p> <p>Graduate of a recognised University.</p>	<p>At least One year experience as Superintendent, Grade III.</p> <p>At least five years experience as Superintendent, Grade II or Superintendent, Grade III.</p>	
2	Superintendent, Grade III	<p>(i) By promotion from amongst Assistants.</p> <p>(ii) By transfer of an official already in the service of the Government of India or of a State Government, if a suitable person for appointment under sub-clause (i) is not available.</p>	<p>Matriculate or Higher Secondary or its equivalent qualifications.</p> <p>Graduate of a recognised University.</p>	<p>At least seven years experience as an Assistant.</p> <p>At least three years experience as Superintendent, Grade III.</p>	
3	Assistant	<p>(i) Seventy-five per cent of posts by promotion from amongst Clerks, Junior Scale Stenographers and Steno-typists on the basis of common seniority to be determined with reference to the dates of their regular appointments in the Service.</p>			

1	2	3	4	5	6
4	Junior Scale Stenographer	<p>(ii) Twenty-five per cent by direct appointment</p> <p>(iii) By transfer of officials already in the service of the Government of India or of a State Government, if a suitable person for appointment under sub-clause (i) or (ii) above is not available.</p>	<p>Graduate of a recognised University and should have qualified the competitive test held by the Board.</p> <p>Graduate of a recognised University.</p>	<p>At least three years experience as Assistant.</p>	
		<p>(i) By promotion from amongst Steno-typists and Clerks.</p>	<p>(a) Matriculation or Higher Secondary or its equivalent qualifications; and</p> <p>(b) Qualifies a departmental test in stenography to be held by the appointing authority.</p>	<p>At least one year experience on one or more of the post of Steno-typist and Clerk.</p>	
		<p>(ii) By direct appointment if a suitable person for appointment under sub-clause (i) above is not available.</p>	<p>(a) Graduate or Second Division Intermediate from a recognised University or first division Matriculate or its equivalent qualifications; and</p> <p>(b) Qualifies a competitive test in stenography to be held by the Board.</p>	<p>At least one year experience as Junior Scale Stenographer.</p>	
		<p>(iii) By transfer of officials already in the service of the Government of India or of a State Government, if a suitable person for appointment under sub-clause (i) or (ii) above is not available.</p>	<p>Graduate or Second Division Intermediate from a recognised University or first division Matriculate or its equivalent qualifications.</p>	<p>At least one year experience as Junior Scale Stenographer.</p>	

5 Clerks	<p>(i) Ninety per cent by direct appointment.</p> <p>(a) Graduate or Second Division Intermediate from a recognised University or first division Matriculate or its equivalent, qualifications; and</p> <p>(b) Proficiency in English or Punjabi type-writing of a minimum of 30 w.p.m.</p> <p>(c) Qualifies a competitive test to be held by the Board.</p>	<p>(a) Marticulate (with Punjabi) or its equivalent; and</p> <p>(b) Qualifies in a departmental test in Punjabi type-writing of a minimum of 30 w.p.m.</p>	<p>At least five years experience in the case of a Marticulate on any class III or Class IV post or both.</p>
6 Moharrir	<p>(i) Ten per cent by promotion from amongst Class III employees holding a scale of pay lower to that allowed to clerks or class IV employees working under the control of the Chief Electoral Officer, Punjab.</p> <p>(ii) By promotion of a Daftri working under the control of the Chief Electoral Officer, Punjab.</p> <p>(iii) By direct appointment, if no suitable candidate is available, by (i) above.</p>	<p>(a) Matriculate of its equivalent qualifications; and</p> <p>(b) Qualifies a competitive test to be held by the Board.</p>	<p>Matriculate or its equivalent qualifications.</p> <p>At least three years working experience as Daftri.</p>
7 Restorer	<p>(i) By transfer of an official already in the service of the Government of India or of a State Government, if no suitable candidate is available by (i) and (ii) above.</p> <p>(ii) By promotion of a Daftri working under the control of the Chief Electoral Officer, Punjab</p>	<p>Matriculate or its equivalent qualifications.</p> <p>At least three years experience as Moharrir.</p>	<p>Three years working experience as Daftri under the control of the Chief Electoral Officer, Punjab.</p>