

AMENDMENT IN THE CHHATTISGARH STATE MUNICIPAL (EXECUTIVEENGINEERINGHEALTH) SERVICES, RECRUITMENT AND CONDITIONS OF SERVI

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1. Short title, commencement and extent.—(1) These rules may be called the Chhattisgarh State Municipal (Executive/ Engineering/ Health) Services, Recruitment and Conditions of Servlce Rules, 2017. (2) These rules shall come into force from the date of its publication in the Official Gazette. (3) These rules shall apply to all the Municipalities and Nagar Panchayats in the State, 2, Definitions.—(1) In these rules, unless the context requires otherwise,— (a) (b) (d) (t) (g) (h) 0) "Act" means the Chhattisgarh Municipalities Act, 1961 (No.37 of 1961); "Appointing Authority" means the Government of Chhattisgarh; "Commission" shall mean the Chhattisgarh Public Service Commission; "Committee" means Departmental Promotion Committee as specified in Schedule- "Examination" means the competitive exam conducted in terms of Rule 11 of these rules; "Government" means the Government of Chhattisgarh; "Other Backward Classes" means the Other Backward Classes of citizens as specified by the State Government vide Notification No. F-8-5-XXV-4-84, dated 26th December, 1984, as amended from time to time; "Schedule" means the Schedule appended to these rules; "Scheduled Castes" means the Scheduled Castes as specified in relation to this State under Article 341 of the Constitution of India; "Scheduled Tribes" means the Scheduled Tribes as specified in relation to this State under Article 342 of the Constitution of India; 892 (24) (k) (2) 10 "Service" means the Chhattisgarh State Municipal (Executive/ Engineering/ Health) Services; "State" means the State of Chhattisgarh. Words and expression used herein but not defined shall have the same meaning as respectively assigned to them in the Chhattisgarh Municipalities Act, 1961 (No.37 of 1961). 3. 5

6. Applicability.—Without prejudice to the generality of the Chhattisgarh Civil Services (General Conditions of Services) Rules, 1961, these rules shall apply to every member of the Service. Constitution of Service.—The following persons shall be included in the service, namely:- (1) Persons, who at the commencement of these rules are holding substantively or in an officiating capacity the posts specified in Schedule-I; (2) Persons, recruited to the service before the commencement of these rules; and (3) Persons, recruited to the service in accordance with the provisions of these rules. Classification, scale of pay, etc.- The classification of the service, the number of posts included in the service and the scale of pay attached thereto shall be in accordance with the provisions contained in Schedule-I: Provided that the Government may, from time to time, add to or reduce the number of posts and pay scale included in the service, either on a permanent or temporary basis. Method of recruitment. - (1) Recruitment to the service, after the commencement of these rules, shall be made by the following methods, namely: (a) (b) by direct recruitment, selection through competitive examination on the basis of merit; by promotion of members of the service; or by transfer/ deputation of persons, who hold in a substantive capacity such post in such services, as may be specified in this behalf. (2) The number of the persons recruited under clause (a), (b) or (c) of sub-rule (1) shall not at any time exceed the percentage shown in Schedule-II of the number of duty

posts as specified in Schedule-I. (3) Subject to the provisions of these rules, the method or methods of recruitment to be adopted for the purpose of filling any particular vacancy or vacancies in the service, as may be required to be filled during any particular period of recruitment, and the number 7. 8. 892 (25) of persons to be recruited by each method shall be determined on each occasion by the Government in consultation with the Commission. (4) Notwithstanding anything contained in sub-rule (1), if in the opinion of the Appointing Authority, the exigencies of the service so require, then he may adopt such methods of recruitment to the service other than those specified in the said sub-rule, as it may, by order issued in this behalf, prescribe. (5) At the time of recruitment to the service, the provisions of the Chhattisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994, (No. 21 of 1994) and instructions (as amended) issued from time to time by the General Administration Department of the Government shall apply. Appointment in service.- All appointments to the service, after the commencement of these rules, shall be made by the Appointing Authority and no such appointment shall be made except after selection by one of the methods of recruitment specified in rule 6. Conditions of eligibility for direct recruitment.- In order to be eligible for direct recruitment/ selection, a candidate must satisfy the following conditions, namely:- (I) Age — (a) The candidate must have attained the age as specified in column (3) of Schedule-III and must not have attained the age as specified in column (4) of the said Schedule on the first day of January of the year in which the advertisement for the post is published. (b) The upper age limit shall be relaxable upto maximum of 5 years, if a candidate belongs to Scheduled Castes, Scheduled Tribes or Other Backward Classes (Non- creamy-layer). (c) The upper age limit shall also be relaxable upto a maximum of 10 years for a women candidate in accordance with the provisions of the Chhattisgarh Civil Services (Special Provision for Appointment of Women) Rules, 1997. (d) The upper age limit shall also be relaxable in respect of candidates who are or have been employees of the Government of Chhattisgarh, to the extent and subject to the conditions specified below:- (i) A candidate, who is a permanent or temporary Government servant should not be more than 38 years of age; (ii) A candidate, holding a post temporarily (permanently and applying for another post should not be more than 38 years of age. This concession shall also be admissible to the contingency paid employees, work charged employees and employees working in the Project Implementing Committee; (iii) A candidate who is a "retrenched Government servant" shall be allowed to deduct from his age the period of all temporary service previously rendered by him up to a maximum limit of 7 years even if it represents more than 892 (26) (f) one spell provided that the resultant age does not exceed the upper age limit by more than three years, Explanation- The term "retrenched Government servant" denotes a person who was in temporary Government service of this State or of any of the constituent units, for a continuous period of not less than six months and who was discharged because of reduction in establishment not before three years from the date of his registration at the employment exchange or application made otherwise for employment in Government service. A candidate who is an ex-serviceman shall be allowed to deduct from his age the period of all defense service previously rendered by him, provided that the resultant age does not exceed the upper age limit by more than three years. Explanation -The term "Ex-serviceman" denotes a person who belongs to any of the following categories and who was employed under the Government of India for a continuous period of not less than 6 months and who was retrenched or declared surplus as a result of the recommendation of the Economy Unit or due to normal reduction in establishment not more than three years before the date of his registration at any employment exchange or application made otherwise for employment in Government service, namely :- (i) Ex-servicemen released under mustering out concessions; (ii) Ex-servicemen enrolled for the second time and discharged on- (a) Completion of short term engagement; (b) Fulfilling the conditions of the enrolment; (iii) Ex-personnel of Madras Civil Unit; (iv) Ex-servicemen (Military and Civil) who are discharged on completion of their contract (including Short-Service Regular Commissioned Officers); (v) Ex-servicemen discharged after working for more than six months continuously against leave vacancies; (vi) Ex-Servicemen invalidated out of service; (vii) Ex-servicemen discharged on the ground that they are unlikely to become efficient soldiers; (viii) Ex-servicemen who are medically boarded out on account of gun- shot, wounds, etc. The upper age limit shall be relaxable upto 5 years in respect of awarded superior caste partner of a couple under Inter-Caste Marriage Promotional Scheme under the Untouchability Eradication Rules, 1984. 2017 892 (27) (g) (h) 0 (k) The upper age limit shall also be relaxable upto 5 years in respect of Shaheed Rajiv Pandey Award, Gundadthur Award, Maharaja

Praveerchand Bhanjdeo Awards holder candidates and National Youth Award holder young candidates, The upper age limit shall be relaxed up to 38 years of age in respect of candidates who are the employees of the Chhattisgarh State Corporations/ Boards. The upper age limit, shall be relaxed in case of voluntary Home Guards and Non-Commissioned Officers of Home Guards for the period of Home Guard service previously rendered so by them subject to the limit of 8 years but in no case their age should exceed 38 years. Candidates obtaining the benefit of relaxation in maximum age limit on the basis of their category (Scheduled Castes/ Scheduled Tribes/ Women/ Widow/ Divorcee, etc.) shall be given additional relaxation available in maximum age limit as usual, but in any case the maximum age shall not exceed 45 years irrespective of age relaxation under one or more than one category mentioned above. Apart from above in respect of age limit, the directions issued by the General Administration Department of the Government, from time to time, shall also be applicable

9. Note- (I) The candidates who are admitted to the examination/ selection under the age concessions mentioned in para (i) and (ii) of sub-clause (d) of clause (I) of rule 8 above shall not be eligible for appointment if after submitting the application, they resign from service either before or after taking the examination/ selection. They shall, however, continue to be eligible if they are retrenched from the service or post after submitting the application. (2) In no other case these age limits shall be relaxed. The departmental candidates must obtain previous permission of the Appointing Authority to appear for the examination/ selection. (11) Educational qualifications - The candidate must possess the educational qualifications as prescribed for the service as shown in Schedule-III. (III) Fees: - The candidate must pay the fees as prescribed by the Commission. Disqualification.- (1) Any attempt on the part of a candidate to obtain support for his candidature by any means, directly or indirectly, shall be held by the Commission to be a disqualification for appearing in the examination/ selection. (2) Any male candidate who is having more than one living wife and any female candidate who has married a man, who is already having a living wife, shall not be eligible for appointment in any service or post 892 (28) 2017 Provided that if the Government is satisfied that there were specific reasons for doing so, then the Government may give relaxation in the enforcement of this rule to such candidates, (3) Any candidate shall not be appointed to any service or post until he/ she is declared mentally• or physically fit and free from any mental or physical disability which can hinder the fulfillment of duty of any service or post in such medical examination as may be prescribed: Provided that in exceptional cases a candidate may be given temporary appointment on any service or post before his medical examination under a condition that if he is found medically unfit, then his services may be terminated immediately. (4) Any candidate shall not be eligible on such condition to any service or post, if the Appointing Authority is satisfied that, after due enquiry, which is considered necessary, he/she is not fit for such service or post. (5) Any candidate who is convicted for any offence relating to moral turpitude shall not be eligible for any service or post: Provided that if such matter is pending in a court against the candidate, then matter of his appointment shall be kept in abeyance till the criminal matter is finally determined by the court. (6) Any candidate, who is married, before the minimum age fixed for marriage shall not be eligible for any service or post. (7) Any candidate who is having more than two living offspring, out Of which one is born on 26th January, 2001 or thereafter, shall not be eligible for any service Or post: Provided that any candidate who is already having one living offspring and next delivery takes place on 26th January, 2001 or thereafter in which two or more children are born shall not be disqualified for any service or post. IO. Appointing Authority's decision about the eligibility of candidates shall be final. — (1) The decision of the Commission as to the eligibility or otherwise of a candidate for examination/ selection shall be final and candidate to whom a certificate of admission has not been issued by the Commission shall not be allowed to appear in the examination. (2) At any time of selection process or even after submission of selection list to the Government, if it comes to the notice of the Commission that a candidate has given wrong information or any misinformation is found in the documents submitted by him, then he will be disqualified and his selection/ appointment shall be terminated by the Commission. 2017 11. Direct Recruitment by Competitive Examination / Selection / Interview.- 892 (29) (1) Selection for appointment in service shall be conducted at such intervals as the commission may prescribe, from time to time, in consultation with the Government. (2) The Commission shall conduct competitive examinations on the basis of curriculum, as may be declared by the State Government from time to time in consultation with the Commission. (3) The selection of candidates for the service shall be done in such a manner as may be determined by the

Commission. (4) At the time of recruitment to the service the provision of the Chhattisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994) and the directions issued under the said Act by the General Administration Department of the Government, from time to time, shall be applicable. (5) In filling the vacancies so reserved, candidates who are members of the Scheduled Castes, Scheduled Tribes, Other Backward Classes and women, persons with disability and ex- servicemen shall be considered for appointment in the order in which their names appear in the list referred to in rule 12 irrespective of their relative rank as compared with other candidates. (6) There shall be 30% posts reserved for women candidates, in accordance with the provision of the Chhattisgarh Civil Services (Special Provision for Appointment of Women) Rules, 1997. (7) In addition to the above, posts for persons with disability and ex-servicemen shall be reserved in accordance with the directions issued by the General Administration Department of the Government, from time to time. (8) In such cases, where experience of certain period has been prescribed as an essential condition for the posts to be filled in by direct recruitment and it is found in the opinion of the Competent Authority that there is a possibility of candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes (Non-creamy-layer) may not be available in sufficient number, the Competent Authority may relax the condition of experience for the candidates of Scheduled Castes, Scheduled Tribes and Other Backward Classes (Non- creamy-layer). (1) The Commission shall prepare 12. List of candidates recommended by the Committee.— and forward a list to Government, arranged in order of merit of the candidates who have qualified by such standards as may be determined by the Selection Committee and a list of candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes (Non-creamy-layer), who, though not qualified by such standard but declared by the Commission to be suitable for appointment to the service with due regard to the maintenance of efficiency in the administration. Lists so prepared shall also be published for information to the general public. 892 (30) 10 2017 (2) Subject to the provisions of these rules and the Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961, candidates shall be considered for appointment to the available vacancies in the order in which their names appear in the list. (3) The inclusion of a candidate's name in the list confers no right to appointment unless the Government is satisfied, after such enquiry as may be considered necessary, that the candidate is suitable in all respects for appointment to the Service. (4) A select list for each category shall be prepared by the Commission for filling the vacant posts, for such categories a waiting list shall also be prepared in which minimum one name and maximum names upto 25% of the vacant posts shall be included. The validity of the list shall be for one and half year from the date of issue of such select list. Explanation- While calculating 25% vacant posts in each category, to make it an integer, decimal number shall be extended to the next integral number. (5) Commission shall forward the selection list prepared under sub-rule (1) to the Government for further action regarding appointment. (6) Any candidate, whose name is included in the selection list, do not join the duty within the valid period or resigns or for any reason he is found unfit or the selected candidate dies during the valid period, the name of candidate from the waiting list can be recommended by the Commission for appointment. (7) If a request is being received from the Government asking to send names of the candidates from waiting list, then the Commission, as per the above provisions, shall recommend the names from the waiting list and send it to the Government. (8) The Commission after receiving the proposal from the Government, can extend the validity period of selection list for a maximum period of 6 months by stating valid reason to the Government. (9) On extending the validity period of select list for 6 months, the validity period of waiting list shall automatically deem to be extended for 6 months. (10) The validity of selection list, prepared under sub-rule (8) and (9), shall not be extended by the Commission unless the Government makes any recommendation stating valid reason for extension

13. Probation.— (1) Every person recruited directly to the service shall be appointed on probation for a period of 2 years. (2) If the work is found unsatisfactory, then the period of probation can be extended by the Appointing Authority for a period upto a maximum of 1 year. 892 (31) (3) During the period of probation or extended period of probation or at the end of probation period, if the Appointing Authority is of the opinion that any particular candidate is not fit to be an employee/officer, then the services of such probationer shall be terminated

14. Appointment by Promotion.— (1) There shall be constituted a Committee consisting of the members mentioned in Schedule-IV, for making preliminary selection for promotion of eligible candidates:

Provided that under this sub-rule, for constitution of the Committee, provisions of Section 8 of the Chhattisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994) shall also be applicable. (2) The Committee shall ordinarily meet at intervals ordinarily not exceeding one year. (3) The promotion shall be made in accordance with the Chhattisgarh Public Service (Promotion) Rules, 2003. (4) The procedure for making promotion in the reserved vacancies shall be made in accordance with sub-rule (3) and the instructions issued by the General Administration Department of the Government, from time to time. (5) Certification by the Appointing Authority - Appointing Authority shall endorse on the promotion order to be issued by him a certificate to the effect that he had complied with the provisions of the Chhattisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994) and the Chhattisgarh Public Service (Promotion) Rules, 2003 and the instructions issued in the light of the provisions of the said Act and the rules by the State Government and that he has taken full cognizance of the provisions of sub-section (1) of Section 6 of the said Act. (1) subject to the provisions of sub-rule (2) the 15. Conditions of eligibility for promotion.— Committee shall consider the cases of all persons who on first day of January of that year had completed such number of years of service (whether officiating or substantive) in the posts, from which promotion is to be made or in any other post or posts declared equivalent thereto by the Government, as specified in column (3) of Schedule-IV and are within the zone of consideration in accordance with the provisions of sub-rule (2) , Explanation.— The method of computation for eligibility for promotion— The calculation of period of qualifying service on 1st January of the relevant year in which Departmental Promotion Committee is convened, shall be counted from the calendar year in which the public servant has joined the feeder cadre/ part of the service/ pay scale of the post and not from the date of joining of the cadre/ part of the service/ pay scale of the post. (2) (i) In such cases where promotion is to be given on seniority cum fitness basis or on seniority basis leaving unsuitable candidate, there will be no grounds for consideration for all categories. Proposals of such number of public servants shall only be considered as per seniority that shall 892 (32) 10 2017 be sufficient for filling the existing posts in each category and number of expected vacant post due to retirement/ promotion during 1 year. (ii) In such cases where promotion is to, be made on merit cum seniority basis, the area for consideration shall be four more than two times of the total vacant posts. If the sufficient number of Government servants in Scheduled Castes and Scheduled Tribes are not available for promotion then the area of consideration may extend upto 7 times of the total vacant posts and filling up of reserved post may be made from the persons belonging to reserved category from the above mentioned area of consideration. Committee shall consider to fill the vacancies existing under each category in said area of consideration and the anticipated vacancies on account of retirement and promotion during the course of 1 year. (3) To fill up the unexpected vacancies during the said duration in addition to the expected vacancies under sub-rule (2), two public servant or upto 25% of number of public servant included in the select list, which ever IS more, shall consider the name of public servant with requisite number for each cadre for the purpose of inclusion of his name. (4) Promotion shall be made as per Reservation Roster prescribed by the Government. (5) Other provisions of the Chhattisgarh Public Service (Promotion) Rules, 2003 and the order issued by the General Administration Department of the Government, from time to time, shall be applicable for promotion. — (1) The committee shall prepare a list of such 16. Preparation of list of suitable candidate. persons as to satisfy the conditions prescribed in rule 15 above and as are held by the Committee to be suitable for promotion to the services The list shall be sufficient to cover anticipated vacancies on account of retirement and promotion during the course of period of one year from the date of preparation of the list. (2) The list of suitable officers shall be prepared according to the provision of the Chhattisgarh Public Service (Promotion) Rules, 2003. (3) The name of employees included in the list shall be arranged in order of their seniority in the service or post as specified in column (2) of Schedule-IV at the time of preparation of select list as per the Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961. Explanation- The person whose name is included in a select list but who is not promoted during the validity of the list shall have no claim to seniority over those persons considered in a subsequent selection merely by the fact of his earlier selection. (4) If in the process of selection, review or revision it is proposed to supersede any member of the service, as the case may be, then the committee shall record its reasons for the proposed supersession. The list prepared in accordance with rule 16 17. Consultation with the Commission - (1) shall be sent to the Commission by the Government along with following documents

. (ii) (iii) the record of all the persons included in the list. the records of all such persons mentioned in column (2) of Schedule-I V, who are proposed for supersession as recommended in the list. the recorded reasons of the committee for the proposed supersession of any person of the service as mentioned in column (2) of Schedule-TV. 10 2017 (iv) the remarks of the Government on the recommendations of the Committee. 892 (33) (2) If the Chairman of the Commission or any member who is nominated by the Chairman/ Commission is present in the promotion committee and if all members of the committee including Chairman have signed on the proceeding of the meeting then the above action under sub-rule (1) is not required and it shall be deemed to be compliance of the requirement of the consultation with the Commission under sub-clause (b) of clause (3) of Article 320 of the Constitution and a separate consultation with the Commission shall not be necessary

18. Select List.- (1) The Commission shall consider over the list along with the documents received from the Government, prepared by the Committee, if it feels that there is no need of making any changes then it shall approve the list. (2) If the Commission considers it necessary to make any changes in the list received from the Government, the Commission shall inform the Government of the changes proposed and if the Government expresses any opinion after considering it, along with such modifications, if any, In its opinion that is just and proper, will approve the list. (3) The select list finally approved by the Commission shall be approved select list for promotion of the members of the civil services as mentioned in column (4) of Schedule-IV from the posts mentioned in column (2) of Schedule-IV. (4) The select list shall be ordinarily valid upto 31st December from the date of its preparation: Provided that in event of a grave lapse in the conduct or performance of the duties on the part of any person included in the select list, a special review of the select list may be made at the instance of the Government and the Commission, if it thinks fit, may remove the name of such person from the select list

19. Appointment to the service from the select list.— (1) Appointment of the employee included in the select list to the posts borne on the cadre of the service shall follow the order in which the name of such employees appear in the select list. (2) It shall not ordinarily be necessary to consult the Commission before appointment of a person whose name is included in the select list to the service unless during the period intervening between the inclusion of his name in the select list and the date of proposed appointment, there occurs any deterioration in his work. which, in the opinion of the Government is such as to render him unsuitable for appointment to the service, 20. Appointments.—(1) Subject to the provisions contained in the Act and these rules, the State Government shall make appointments to all posts in all grades of the service. (2) If a candidate fails to join duty without valid reasons within a period of one month from the date of receipt of an order, his claim to the appointment shall stand forfeited. The State Government may, if it deems fit, extend the time for joining

21. A person appointed against post of municipal service in the State shall declare immediately before joining service, details of immovable property in his ownership and in the ownership of the dependent members in his family.He shall, in a manner as may be required, 892 (34) also affirm his faith in the Constitution of India, and declare that he is aware of the terms and conditions governing him as a member of the municipal service in the State. (2) Every member of the State Municipal Service shall submit a statement of declaration regarding the following, namely:- (a) his relationship with any councilor or office bearer or person employed in municipal services; (b) details of amounts borrowed by him from any person; and (c) movable and immovable property in his ownership or acquired by him or by any member of his family dependent on him. (3) The State Government may prescribe by order the format in which the declarations shall be made and may pass order regarding the person who shall hold in custody such declaration

22. Medical Certificatee—Subject to the provisions contained in these rules, a person recruited to service shall be required to obtain and submit a medical fitness certificate in the prescribed form from the medical board constituted by the State Government, to establish that his mental and physical health is good and that he is physically free from defects that could hamper him from discharging his official duties

23. Confirmation.—A person under probation shall be confirmed after the period of probation, if,- (a) he has completed the prescribed training and cleared a departmental examination, if any; and (b) the Director certifies that nothing to the contrary has come to his knowledge regarding the integrity of the probationer

24. Post-wise List.—A post-wise list shall be prepared for persons in the service in which their names will be listed in the order of seniority: Provided that separate post-wise list shall be prepared for every branch or posts

25. Seniority.—The seniority among members of the service shall be determined according to the following principles, namely:- Persons Directly Recruited — (i) the seniority of a member directly recruited to the service shall be determined according to the date of his appointment during the period of probation: Provided that, if more than one person is simultaneously appointed on probation, then the seniority among them will be determined according to the order of merit in which the Committee had listed them with recommendation for appomtment. (b) (c) 892 (35) (ii) upon their confirmation, the order of seniority among persons so directly recruited shall remain the same if the confirmation order is granted on the normal completion of the period of probatione However if the period of probation of any person has been extended then the State Government shall determine whether the same order of seniority should be granted, which he would have got if he would have been confirmed after completing general probation period without any extension, or he should be granted a lower order of seniority. Promoted Municipal Officers — The seniority of a promoted municipal officer shall be counted from the date of regular posting in the category to which he is promoted: Provided that, when two or more promoted municipal officers are confirmed on the same day, the State Government shall determine their seniority taking into consideration the order in which their names appear in the list, if any, recommending promotion from the lower category: Provided further that seniority of promoted municipal officers and directly recruited candidates shall be determined according to the date of their promotion or appointment respectively. Officiating Municipal Officer — (i) when a permanent municipal officer is demoted to a lower grade or post, then in the lower grade he shall have precedence over all other subsequent persons in the seniority list, unless the authority issuing the order assigns in the demotion order a different position of seniority. (ii) when an officiating municipal officer is returned to his original service or post, which he had occupied before being moved to another service or post, he shall also be returned to his position of seniority in the relevant list. (iii) Notwithstanding anything contained above, the seniority of persons appointed under Rule 1 1 shall be counted from the date of regular posting in equivalent post of the State Municipal Services

26. Superannuation.—Every member of the service shall retire on the date he attains the age of superannuation similar to that of Class-II Government servants

27. Retirement in certain cases.—Notwithstanding anything contained in rule 26, any member of the service may retire with permission of the State Government on completion of twenty-five years of service or attaining fifty-five years of age. The State Government may, suo moto, and without having to assign any reason compulsprily retire a person after he has completed twenty- five years of service or attained fifty-five years of age, irrespective of whether he has attained age of superannuation or not. In all such cases where the State Government retires a member under this rule, it shall give him notice of three months or pay salary for three months immediately after retirement. 892 (36) 10 2017 28. Penalties.—The following penalties may be imposed on members of the service on proper and sufficient grounds, namely:— (ii) (iii) (iv) censure; stoppage of increment or promotion; recovery from salary in full or in part any financial loss caused to the Council due to violation or neglect of an order; demotion to lower post or time-scale or to lower position in time-scale; removal from service with causing ineligibility for employment in future: Explanation.--The following shall not amount to a penalty within the meaning of this rule, namely (one) 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 appointed until further orders on the ground that his services are no longer required; or (c) of a Government servant, employed under an agreement, in accordance with the terms of such agreement. (two) termination from service of a probationer for a specific fault or on ground of his unsuitability for service, during the period of his probation or at the end of it shall not be construed as removal under this rule. (three) 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; (four) 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; (five) the returning back of a member of the service, who is officiating at a higher post, to his original post for reasons like the regular incumbent returning from training or deputation or a more suitable person being

available shall not be construed as demotion. 10 2017 892 (37) 29. Authority which may impose Penalties.—(1) The Appointing Authority may impose on any member of the service, penalties described in clauses (i) to (iii) in Rule 28. (2) Subject to provisions contained in the Act and these rules, penalties described in clauses (iv) and (v) of Rule 28 may only be imposed by the Appointing Authority after consultation with the Commission

30. Procedure for imposition of certain penalties.—Without prejudice to the provisions contained in the Public Servants (Inquiries) Act, 1850 (No. 37 of 1850), penalties under clauses (iv) and (v) of Rule 28 shall not be imposed on any member of the service until he has been informed in writing about the grounds on which action is proposed and a fair opportunity has been granted to him to defend himself. (2) The grounds on which action is proposed shall be presented in the form of specific charges, a copy of which shall be delivered/communicated to the member of service along with a list of documents and circumstances on the basis of which each charge is based and which is proposed to be relied upon while delivering the order. (3) The member of service will be required to submit, within such time as the Appointing Authority may prescribe, a statement in writing of his defense and a statement whether he would like to be heard in person and would desire to present any witnesses. (4) To prepare his written statement in writing, the accused member of the service may request for any document of the municipality but the Appointing Authority may, after recording reasons for doing so, refuse such permission, if in his opinion such documents have no relevance to the case or if it is not desirable to make such documents available or it is against the public interest or security of the State. (5) On receipt of the statement in writing from the member of the service, or if within the prescribed time period no such written reply is received, the Appointing Authority may, if he considers it necessary, appoint an inquiry officer to investigate, in accordance with the provisions contained in sub-rule (6), the charges leveled against the member of service. (6) If the member of service desires to be heard in person, the same shall be done. If he desires oral inquiry or if the Appointing Authority orders for such an inquiry, the inquiry officer shall inquire accordingly. In such an inquiry, witnesses shall be heard only in respect of statements not accepted, and the accused member of service shall be free to get such witnesses summoned and to cross-examine them: Provided that the inquiry officer may refuse to summon a witness if, for reasons to be recorded in writing, in his opinion the evidence of such witness is not relevant or consequential. (7) On completion of the inquiry, the inquiry officer shall submit an inquiry report, recording his conclusion with reasons thereof in respect of every charge, and if the inquiry proceedings establish charges other than the original charges, he shall also provide his conclusions regarding such charges: 892 (38) 10 Provided that no conclusion on such charges shall be recorded in respect of which the accused member has not accepted the grounds or in respect of which he has not been given an opportunity to defend himself. (8) The inquiry records must include the following, namely:- (a) the charges framed against the member of the service and description of charges served to him under sub-rule (2); (b) written statement of his defense, if any; (c) evidence recorded in the course of inquiry; (d) orders issued by the State Government, if any, and investigation report relating to the inquiry; (e) report containing conclusion and reasons thereof in respect of each charge. (9) The Appointing Authority shall consider the inquiry records and decide on those conclusions of the inquiry officer that are to be accepted by him (10) If the Appointing Authority takes a provisional decision regarding imposing any one of the penalty mentioned in clause (iv) to (v) of Rule 28 in the light of any written or accepted charges, then he shall, — (a) serve on the member of the service his decision along with a copy of the inquiry report; and (b) serve a show cause notice to be replied to within a specified time, as to why an order should not be passed regarding the proposed action. (11) After considering the recordings or conclusions approved by him, and the counter- arguments, if any, submitted by the member of the service under sub-rule (10), the Appointing Authority shall decide which penalty, if any, should be imposed on the member of the service, and subject to the provisions contained in rule 31, pass appropriate orders in the case and the orders so passed shall be served on the member of the service

31. Procedure for imposing certain penalties.—(1) No order shall be passed to impose any penalty under clause (i) to (iii) on a member of the service until:- (a) (b) the member of the service has been duly informed regarding the proposed action against him along with a copy of the documents based on which such action has been proposed, and an opportunity has been provided to him to counter if he so desires; and The Appointing Authority or an officer so authorized has considered the counter reply, if any, and the order has been conveyed to the member of the service. 10 ZEFF? 2017 892 (39) 32. 33. 34. (2) In such

cases, the documents of proceedings shall include the following, namely:- (i) a Copy of the memorandum of punishment proposed against the member of the service; (ii) a copy of the description of statement served upon him; (iii) his counter-reply, if any; (iv) order passed in the case including the reasons for it. Special provisions in certain cases.—When a penalty is imposed on a member of the service on the ground of a conduct which has led to his conviction on a criminal charge, then the provisions of rule 30 and 31 shall not apply and the authority awarding punishment shall after considering the matter and after consultation with the Commission, where such consultation is necessary, may pass such order as he may deems fit. Suspension pending disciplinary proceedings.—(1) In view of the nature and circumstances of the charges, if the Appointing Authority and the Disciplinary Authority concurs that it is necessary or desirable that the member of service against whom the disciplinary proceedings are pending should be suspended, then, subject to the provisions contained in sub-section (2) of Section 86 of the Act, the Appointing Authority or Director, may pass an order of suspension. (2) If, for a criminal or any other charge, a member of the service is in police custody for a continuous period of forty-eight hours or more, then he shall be deemed to be suspended from the date of such custody. (3) If a criminal proceedings on a criminal charge is pending against the member of the Service and the charge relates to his actions as an employee of the municipality, or if it could lead to a disturbance in his discharge of official duties in the municipality, or if it involves moral turpitude, the Appointing Authority may, at his discretion, suspend him till the proceedings are over. Subsistence allowance during the period of suspension.—A member of the service, who is suspended shall be entitled to the following allowances, namely:- (a) (b) in the first year of suspension, under leave rules subsistence allowance at the rate of half of the amount of average leave salary, and for subsequent period three-by-eight part of such salary. in addition to the above, allowances subject to such extent and on such conditions as the authority suspending him may order,- (i) Dearness Allowance in proportion to the subsistence allowance, from time to time, which if he had been on leave, would not exceed the amount of leave salary; and (ii) Other compensatory allowances (excluding house rent allowance approved in lieu of leased accommodation) as he was drawing on the date of suspension may be sanctioned. 892 (40) 10 35. 36. 37

38. Salary and allowances and treatment of service on reinstatement* 1) If a member of service, who has been removed or dismissed or suspended is reinstated, then the authority ordering reinstatement shall consider and pass order in respect of,—(a) the salary and allowances payable during the period of absence; and (b) whether the above period shall be treated as on duty or not. (2) When the opinion of the authority described in sub-rule (1), is that the member of service has been totally absolved of all charges or that his suspension was not entirely just, then he shall be paid full salary and allowances which he would have drawn had he not been, as the case may be, removed or dismissed or suspended. (3) In other circumstances, a member of the service shall be paid such salary and allowances as the Competent Authority may determine: Provided that the allowances payable under sub-rule (2) and (3) shall be subject to all the conditions governing such allowances: Provided further that the proportion of such salary and allowances shall not be lower than the allowances payable under rule 34 and other allowances. Appellate Authority.—(1) Except in cases of censure under clauses (i) to (iii) of rule 28, a member of the service may, within thirty days of receipt of order, appeal before the State Government against a penalty imposed on him by the Director. (2) The State Government may, after lapse of the period specified in sub-rule (1), entertain any appeal for reasons to be recorded in writing. Form for appeal, its content and submission.—(1) Every person preferring an appeal shall do so in his own name. (2) Every appeal preferred under these rules shall be addressed to the Secretary, Department of Urban Administration and Development, and, — (b) shall include an attested copy of the order imposing the penalty and all relevant statements and arguments on which the appellant relies; shall not contain any disrespectful and improper language; and shall be self-contained. Procedure for disposal of appeal.—(1) An appeal may be summarily dismissed if,— (a) (b) it has not been presented according to rule 37; the appeal is not admissible under these rules; 10 2017 892 (41) (d) it has not been preferred within the time specified, and no reasons have been provided for the delay; if it is a repetition of an earlier appeal which has already been disposed off and no facts or circumstances have been given for reconsideration of the matter: Provided that in every case where the appeal is rejected, the appellant shall be given facts and reasons for doing so. (2) If the State Government has admitted an appeal for hearing, then it may call for report and records from the Authority, against whose order the appeal is preferred, and shall consider whether, (a) (b) (c) the facts submitted are

sufficient to warrant action; the facts on which the order is based have been proved; the penalty is adequate, inadequate or excessive; And after such consideration, it may refer any case for further inquiry or consideration or pass any other order that it may deem just and fair: Provided that the State Government shall not increase the penalty until the Appellant has been provided an opportunity to show cause against the proposed increase. (3) the State Government, in matter of increase of penalty, may permit any Councilor of the Municipal Council, nominated by the Chairman to be present and to argue to protect the interest of the CounCil. (4) In special cases the State Government may permit the Municipal Council and/or its employee to plead through an advocate

39. Period.—The period under this Chapter shall be counted, to the extent feasible, in terms of the provisions contained in the Indian Limitation Act, 1908 (No. 9 of 1908)

40. Enforcement of the order of the Appellate Authority.—The Authority, against whose order an appeal is preferred under these rules, shall enforce the order of the Appellate Authority

41. Service Books.—(1) A Service Book shall be maintained for every member of the service, in which the service of the member shall be recoided and every entry shall be authenticated by the regional Joint Director. (2) A Service Book shall be provided to every member of the service on his first appointment at his own expense. The Service Book shall be in the custody of the Regional Joint Director and on his transfer, the Service Book shall be transferred from one Regional Joint Director to another or it shall be submitted to another office in case of deputation. The Regional Joint Director shall ensure that all entries in the Service Book are regularly filled in and 892 (42) authenticated. It should not contain any deletion or over-writing. All entries should be legible and duly authenticated. (3) The Regional Joint Director shall ensure that the Service Book of every member of the service is maintained properly. (4) When an old Service Book gets filled up entirely, it will be replaced by a new Service Book, and the old book shall not continue to be used by inserting new pages into it or by pasting pages on to it

42. Confidential Report.—(1) Confidential Reports for all members of the service shall be prepared and maintained in the prescribed format. (2) These reports shall be written in the month of April for the previous year. (3) Confidential Reports for the Chief Municipal Officer shall be written by the Sub-Divisional Officer (Revenue) of the urban area and its review will be done by the Jurisdictional Joint Director, the Collector of the District and then the Director, Urban Administration and Development, Chhattisgarh, who shall enter his opinion and forward it to the State Government. The Confidential Report of the Executive Engineer, Assistant Engineer and Health Officer shall be written by the Chief Municipal Officer and its review will be done by the Jurisdictional Joint Director, the Collector of the district and the Director, Urban Administration and Development, Chhattisgarh, who shall enter his opinion and forward it to the State Government. The Confidential Report of every member of the service shall be in the custody of the State. Government. (4) The Confidential Report shall, at all times, be treated as confidential and the adverse comments contained therein shall be conveyed by the State Government to the concerned member of the service. There shall be no bar on a member of the service against whom adverse comments have been made to rePpresent to the State Government for deletion of such comments. All Confidential Reports shall be preserved in the Urban Administration and Development Department

43. Personal Files.—(1) The personal files of every member of the service shall be preserved in the Secretariat of the State Government as also in the office of the concerned Municipal Council. (2) The personal file maintained in the Secretariat of the State Government shall contain the original orders relating to appointment, promotion, punishment and suspension, and such documents relating to the official career of the member of the service, that shed light on his work, character, conduct, etc.; whereas •the personal file maintained in the office of the Council shall contain copies of the papers specified in this rule. (3) Pay fixation.—The pay fixation orders of the State Municipal Service Officers shall be issued by the regional office concerned and these shall be verified by the local fund audit and final endorsement shall be done by the Directorate: Provided that in respect of officers posted in the Directorate/ Technical Cell in the Directorate, the pay fixation shall be done by the Directorate after verification by the local fund audit. 892 (43) 44. Regulation of Pay', Joining Time, Leave, Provident Fund, Loan, Security and Travel Allowance.—(1) Except as provided in the Act and these rules, (a) (b) (c) the fundamental rules of pay and joining time regulations governing the employees of the State Government shall apply to the members of the service; the fundamental rules of leave regulations governing the employees of the State Government

shall apply to the members of the service with the modification that the Appointing Authority may delegate the powers to sanction leave to any subordinate; the salary and other entitlements of the members of the service which includes travel allowance and all other allowances shall be charged to the fund of that municipal council where he is serving, from time to time. (2) The rules applying to Class-II Government employees, in respect of provident fund, security for loan, travel allowance and conduct shall apply to members of the service. (3) Sanction of Leave- except for casual / optional leave, all other forms of leave shall be sanctioned as follows — S.No. (1) (1) Sanctioning Authority (2) Joint Director, Urban Administration and Development Head of the Department Sanctioning Limit (3) 30 days 1 to 90 days Members whose leave will be • sanctioned (4) Chief Municipal Officer Executive Engineer / Assistant Engineer / Health Officer posted in the regional office Executive Engineer / Assistant Engineer / Health Officer posted in the Municipal Office Chief Engineer / Superintendent Engineer/ Executive Engineer / Assistant Engineer / Health Officer posted in the Directorate / Regional Office 892 (44) 1 (2.2) (3) 10 2017 2 Head of the Department State Government 3 31 to 90 days More than 90 days • 45. Relaxation.— Except as provided in the Act and in these rules, 4 Chief Municipal Officer Executive Engineer / Assistant Engineer / Health Officer posted in the municipal office All officers included in the State Municipal Service. the State Government may relax the provisions contained herein in Individual cases in a manner that seems just and fair: Provided that in no case will the manner of dealing be lower than as provided in these rules

46. Clarification.—If a clarification is required regarding these rules, the same shall be directed to the State Government, whose ruling shall be final

47. Repeal and Savings.—(1) All rules in force applicable to the members of the State Municipal Service immediately before these rules come into force shall stand repealed by these rules: Provided that any order passed or action taken under the provisions of the rules so repealed shall be deemed to have been passed or taken under these rules. (2) Nothing contained in these rules shall deprive any person from the right to appeal against any order which was available to him under the rules repealed by sub-rule (1). By order and in the name of the Governor of Chhattisgarh, R. E.K.K.A, Deputy. Secretary s. No (1) 1 2. 3. 4. 5. 6. 7. 8

9. Name of posts included in service (2) Chief Municipal Officer "AA" Grade Chief Municipal Officer "A" Grade Chief Municipal Officer "B" Grade Chief Municipal Officer "C" Grade Chief Engineer Superintending Engineer Executive Engineer Assistant Engineer Health Officer Total number posts (3) 04 18 115 88 1 4 16 48 7 of SCHEDULE-I (See rule 5) Classification (4) Class-I Class-I Class-II Class-III Class-I Class-II Class-II 2017 Scale of pay (5) 15600-39100+7600 15600-39100+6600 15600-39100+5400 9300-34800+4300 37400-67000+8700 15600-39100+7600 15600-39100+6600 15600-39100+5400 15600-39100+5400 892 (45) Remarks (6) 892 (46) 2017 SCHEDULE-11 (See rule 6) Percentage of number of posts to be s.No (1) 2. 3. 4. 5. 6. 7. 8

9. Name of post included in service (2) Chief Municipal Officer "AA" Grade Chief Municipal Officer "A" Grade Chief Municipal Officer "B" Grade Chief Municipal Officer "C" Grade Chief Engineer Superintending Engineer Executive Engineer Assistant Engineer Health Officer Number of duty posts (3) 04 18 115 88 01 04 16 48 07 By direct recruitment [See rule (4) 270/0 filled in By promotion [See rule (5) 100% 100% 50% 100% 100% 100% 73% 100% By transfer of person from other services [See rule (6) Remarks (7) 2017 SCHEDULE-III (See rule 8) s.No. (1) 1. 2. 3. Name of posts included in service (2) Chief Municipal Officer "B" Grade Chief Municipal Officer "C" Grade Assistant Engineer Minimum age limit (3) 21 years 21 years 21 years Maximum age limit (4) 30 years 30 years 30 years Prescribed educational qualification (5) Graduate degree from recognized University. Graduate degree from recognized University 892 (47) Remarks (6) any any Graduate Engineer in Civil/ Mechanical/ Electrical from a recognized University or an equivalent qualification as prescribed by the Government. Note: - 1. The upper age limit shall be relaxable, for the candidates who are bonafide resident of State of Chhattisgarh, as per instruction issued by the General Administration Department, from time to time. Government will determine the posts of Civil/ Mechanical/ Electrical Engineers, from 2. time to time. 892 (48) I. 10 2017 SCHEDULE-IV (See rule 14 and 15) s. (1) 2, 3. 4. 5

6. Name of the service or post from which promotion to be made (2) Chief Municipal Officer, Class "A" Chief Municipal Officer, Class "B" and Revenue Officers in Municipal Council / Nagar Panchayat Chief Municipal Officer, Class "C" and Revenue Inspectors "AA/A/B" Office

Superintendent, Revenue Inspector Class "C", Deputy Revenue Inspector, Assistant Grade- 11, Head Clerk, Head Clerk cum Accountant, Accountant Grade-II Superintendent Engineer Executive Engineer Minimum period required to qualifying for promotion to the next higher post (3) 06 years 06 years 06 years Office Superintendent, (1 0 years) Revenue Inspector Class (7 years)i Deputy Revenue Inspector (9 years), Assistant Grade-11, Head Clerk, Head Clerk cum Accountant, Accountant Grade-II (10 years) 5 years 5 years Name of service or post to which promotion is to be made (4) Chief Municipal Officer, Class "AA'S Chief Municipal Officer, Class A Chief Municipal Officer, Class B Chief Engineer Superintendent Engineer Remarks Departmental promotion committee (5) Chairman, Public Service Commission or his nominee: -Chairman (6) 2.Principal Secretary/ Secretary /Special Secretary (Independent Charge), Urban Administration and Development Department - Member 3.Commissioner/ Director, Directorate of Urban Admin and Development Department -Member 4. Representative of Scheduled Caste/Scheduled Tribe -Mem ber 892 (49) 7. 8

9. Assistant Engineer Sub-Engineer Sanitation Inspector 5 years IO years 12 years Executive Engineer Assistant Engineer Health Officer NOTE:-I.For promotion to Chief Municipal Officer Grade "C" post, passing of Higher Secondary examination will be essential

2. Determination of seniority in Clerical Grade posts shall be done on the basis of Assistant Grade-II/Head Clerk cum Accountant / Accountant, but if prior promotion to Head Clerk cum Accountant / Accountant/Office Superintendent was from Assistant Grade-11, then seniority shall be on the basis of Assistant Grade-II

3. If promotion to Revenue Inspector Grade "C" is from Deputy Revenue Inspector, seniority will be on the basis of Deputy Revenue Inspector, but if promotion is to Revenue Inspector Grade "AA" / "A" ["B" then Deputy Revenue Inspector shall not be included for promotion to Chief Municipal Officer Grade "C" 4.Where promotion is proposed from multiple posts, their joint seniority will be determined on the basis of date of joining

5. Such clerical posts whose pay-band is 5200-20200+grade pay or more than this shall also be considered for promotion to Chief Municipal Officer Grade "C"._ 2017