

RAJASTHAN LEGISLATIVE ASSEMBLY SECRETARIAT (RECRUITMENT AND CONDITIONS OF SERVICE) RULES, 1992

Regd. No. RJ. 2539 RAJASTHAN GAZETTE Extraordinary Published by Authority 15; 4, 1992 Magha 15, Tuesday, saka 1913—February 4. 1992 PARLIAMENTARY AFFAIRS DEPARTMENT NOTIFICATION Jaipur, February 4, 1992 —In exercise of the powers conferred by clause (3) of G. S. R

46. Article 187 of the Constitution of India, the Governor of the State of Rajasthan, after consultation with the Speaker of the Rajasthan Legislative Assembly, is pleased to make the following rules regulating the recruitment and conditions of service of persons appointed to the Secretariat staff of the Rajasthan Legislative Assembly, namely THE RAJASTHAN LEGISLATIVE ASSEMBLY SECRETARIAT (RECRUITMENT AND CONDITIONS OF SERVICE) RULES, 1992.

I. Short title and c These Rules may be called the Rajasthan Legislative Assembly Secretariat (Recruitment and Conditions of Service) Rules, 1992. (2) These Rules shall come into force from the date of publication in the Rajasthan Rajpatra. (3) They shall apply to all employees of the Rajasthan Vidhan Sabha Secretariat and to all persons employed by it holding posts or lien on posts specified in the Schedule annexed to these Rules, except to:— (i) Secretary and Special Secretary to the Rajasthan Legislative Assembly on transfer or deputation from Judicial Service Cadre. (ii) Persons employed in the Rajasthan Legislative Assembly Secretariat on deputation from the Central Government or State Government or any Local Authority or any other Corporation or Institution on special terms and conditions or contract. (iii) Employees engaged on casual or daily basis. 139 (2) rt7-qq, 4, 1992 (iv) Employees engaged on consolidated pay during session. 2. 'Definitions. In these Rules, unless the context otherwise requires:— (a) 'Appointing Authority' means the Speaker or any officer authorised by him in that behalf under Rule 7; (b) 'Assembly' means the Rajasthan Legislative Assembly (c) 'Competitive examination' means an examination or test, departmental or otherwise, prescribed for direct recruitment; (d) 'Constitution' means the Constitution of India (e) 'Deputation' means the temporary loan of the services of an Officer in the Secretariat to any office outside the Secretariat or vice versa (f) 'Direct recruitment' means recruitment other than (i) by promotion, or (ii) by deputation or transfer from other Services of the State; (g) 'Experience' or 'service' wherever prescribed in these rules as a condition for promotion from one service to another or within the Service from one category to another or to senior posts, in the case of a person holding a lower post eligible for promotion to higher post shall include the period for which the person has continuously worked on such lower post after regular selection in accordance with these Rules. Note: Absence during service e.g. training leave and deputation etc. which are treated as 'duty' under the Rajasthan Service Rules, 1951 shall also be counted as service for computing experience or service required for promotion. (h) 'Finance Department' means the Finance Department of the Government of Rajasthan (i) 'Government' means the Government of Rajasthan and the State of Rajasthan. (j) 'Governor' means the Governor of Rajasthan (k) 'Member of the Service' means a person appointed substantively under these Rules or under the Rule or Order in force prior to these Rules, to any post in any cadre or the Service and continuing to hold such post 'Qualifying examination' means any examination or test, 4, 1992 139 (B) departmental or otherwise, prescribed for purpose of probation or promotion (m) 'Schedule' means the Schedule annexed to these Rules, (n) 'Secretariat' means the Assembly Secretariat (o) 'Secretary' means the Secretary to the Assembly and includes Special Secretary or any person authorised to discharge the duties of the Secretary for the time being (p) 'Service' shall include the Rajasthan Vidhan Sabha Secretariat Service, Rajasthan Vidhan Sabha Secretariat Subordinate Service, Rajasthan Vidhan Sabha Secretariat Ministerial Service and Rajasthan Vidhan Sabha Secretariat Class IV Service (q) 'Session' means the period from the time the Assembly meets at the summons of the Governor to the time when it is prorogued by the Governor, (r) 'Sessional Staff' means the staff employed during the period two weeks prior to the Session and terminated one week after the prorogation of the House and getting consolidated pay as determined by the Speaker from time to time after consultation with the Finance Department (s) 'Speaker' means the Speaker of the Rajasthan Legislative Assembly, (t) 'Special Board' means the Board consisting of Chief Minister, Rajasthan, Speaker of Rajasthan Legislative Assembly, Finance Minister, Rajasthan, Minister for Parliamentary Affairs Department and Deputy

Speaker' Rajasthan Legislative Assembly; (u) Any other term or expression here in used and defined in any Rules made by the Government in relation to its Services has the meaning assigned to it in the said Rules

3. Strength and composition of the Secretariat.— (1) There shall be a separate Secretariat of the Assembly under the superintendence and control of the Speaker. (2) There shall be in the Secretariat such number of permanent and temporary posts in different categories as may be determined by the Speaker from time to time in consultation with the Finance Department

4. Method of recruitment.— (1) Recruitment to a post or class of posts may be made by any of the following methods, namely:— (a) by promotion of a person employed in the Secretariat as per 139 (O 4, 1992 conditions mentioned in the Schedule (b) by transfer or deputation of a person serving outside the Secretariat in connection with the affairs of the Union or of a State or Statutory body (c) by direct recruitment. (2) The Speaker may, by order, from time to time, add, amend or alter the schedule by specifying the class of officers who, and the conditions subject to which they shall be eligible for such recruitment and promotion Provided that such addition, alteration or amendment shall not reduce the minimum basic qualifications embodied in the Schedule for recruitment or promotion to a post

5. Qualifications, experience and other conditions for appointment— Direct recruitment to the service shall be made in accordance with the procedure prescribed in the Schedule.(2) Selection for promotion to the posts shall be made as per merit and/or seniority as shown in the Schedule : Provided that in the event of non-availability of meritorious persons for the post of Deputy Secretary, Assistant Secretary, Section Officer, Assistant Research and Reference Officer, the condition relating to the prescribed period of service and experience of working in the Assembly Secretariat may be relaxed by the Speaker, but such relaxation shall extend to only half the prescribed period of experience. and if they fulfil the qualifications and other conditions for promotion, such person may be appointed/promoted on the basis of merit : Provided further that in the event of non-availability of suitable persons under the first proviso, the said posts may be filled by direct recruitment or by transfer or deputation of suitable persons serving outside the Secretariat in connection with the affairs of the Union or a State or statutory body. Explanation Merit will be determined (a) by holding written departmental examination as per syllabus prescribed for different posts by the Speaker from time to time and/or interview by a Selection Board constituted by the Speaker (b) by educational qualifications, suitability for the job, experience and record of work during the preceding five years and interest taken in activities besides the responsibilities of one's own etc. 6. Discontinuation of Vacancies.— (1) Subject to the provisions of these Rules, the appointing authority shall determine every year, on 1st of April, the number of existing vacancies and those anticipated during 1992-93 (5) the financial year and the number of persons likely to be appointed to the Service by each method. (2) The appointing authority shall also determine the corresponding vacancies of earlier years, if any, yearwise, which were required to be filled in by promotion, if such vacancies were not determined and filled earlier in the year in which they were required to be filled in accordance with sub-rule (1)

7. Appointing Authority.— (1) Appointments to the posts of Secretary and Special Secretary shall be made by the Speaker with the approval of the Governor. (2) All appointments to posts other than those of Secretary and Special Secretary shall be made by the Speaker Provided that the Speaker may, by general or order, delegate to the Secretary or any other officer of the Secretariat his power to make appointments to any post or class of posts specified in such order, being posts other than gazetted posts

8. Probation.— (1) Every person appointed to a permanent post by direct recruitment with a view to his eventual substantive appointment to that post, shall be on probation for a period of two years : Provided that the Speaker or the Secretary may, by order, extend the period of probation for not more than one year in the case of any person appointed by him to any post. (2) In the event of probationer work being not found satisfactory during the probation period or extended probation period, his services shall be terminated

9. Pay and Allowances and other conditions of service.— (1) The Secretary, Special Secretary appointed by direct recruitment, and other gazetted officers and members of the subordinate, Ministerial and Class IV establishment shall draw such pay and allowances as the Speaker may, from time to time, determine after consultation with the Finance Department. (2) Other conditions of their service, such as age of recruitment, age of superannuation, leave, gratuity, pension and the like shall be those applicable to persons holding corresponding appointments in the Government Secretariat, subject to such modification,

variation or exception, if any, in such rules, as the Speaker may, after consultation with the Finance Department, by order from time to time, specify. (3) In the event of any proposal involving financial implications being not acceptable to the Finance Department, the matter shall be submitted by the Secretary to the Special Board along with the note received from the Finance Department, and the decision taken by the Special Board shall immediately be complied with by the Government and the Assembly Secretariat. (4) Notwithstanding anything contained in these Rules or Rajasthan Service Rules, any employee of the Assembly Secretariat may be retained in service after the date of his retirement on attaining the age of superannuation with the sanction of the Speaker on grounds which must be recorded in writing, but he shall not be kept in service after his attaining the age of 62 years in the case of Class IV employee and 60 years in other cases. IO. Relaxation in exceptional cases —Where the Speaker is satisfied that the operation of any rule or provision in the matter of conditions of service of an employee causes undue hardship in any particular case, the Speaker may, after consultation with the Finance Department, by order dispense with or relax the requirements of that rule or provision to such extent and subject to such conditions as may be considered necessary for dealing with the case in a just and equitable manner.

11. Conditions of service of officers on deputation to the secretariat. subject to such conditions and to such extent as may be determined by the speaker, after consultation with the Finance Department, an officer, while on deputation to the Secretariat, may be permitted to retain any terms and conditions of service to which he may be entitled immediately before his deputation to the Secretariat, provided he was holding corresponding and equivalent post before coming on deputation.

12. Disciplinary control and punishing authority .— (1) Subject to overall control and supervision of the Speaker, the disciplinary control and punishment power shall vest: (a) in the Speaker in respect of Secretary, special Secretary and other members of service included in Schedule to these Rules under the caption 'Rajasthan Vidhan Sabha Secretariat Service', (b) in the Secretary in respect of members of subordinate, ministerial and class IV establishment. (2) Except for the matters, for which provision has already been made in these Rules, the Rajasthan Civil Services (Classification, Control and Appeal) Rules, as amended from time to time, shall apply mutatis mutandis, to persons employed in the Assembly Secretariat: Provided that the consultation of Rajasthan Public Service Commission is not required to follow the procedure contained in the aforesaid rules. (3) Any of the penalties prescribed in rule 14 of the aforesaid rules may be imposed (a) on members of service included in Schedule to these Rules under 4, 1992 139 (7b) the caption 'Rajasthan Vidhan Sabha Secretariat Service' by the Speaker, and (b) on any member of the subordinate, ministerial or class IV establishment by the Secretary. 13. Disciplinary action against an officer on deputation to the Secretariat. If, in the case of an officer on deputation to the Secretariat, and without prejudice to the provisions of the foregoing rule, the Speaker or the Secretary or any other officer, as the case may be, is of the opinion that any of the penalties referred to in rule 14 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules should be imposed upon the said officer, his services shall be replaced at the disposal of the lending authority and the relevant papers connected with the inquiry, if any held, shall be sent to that authority. Final orders in the disciplinary matter shall be passed by the lending authority, which shall forward a copy thereof to the Assembly Secretariat.

14. Appeal.— (1) Every officer shall have a right to appeal to the Speaker against any order passed originally or on appeal by the Secretary, imposing or confirming any penalty specified in rule 14 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, or placing an employee under suspension. Provided that if an employee is placed under suspension under orders of the Speaker, such an employee shall have a right to file representation in writing for re-consideration of the order, with the Speaker: Provided further that where an order is passed originally by any authority subordinate to the Secretary, an appeal against such order shall lie to the Secretary. (2) The orders of the Speaker, whether passed originally or on appeal, shall be final: Provided that the Speaker may, of his own motion or on application, revise or rescind any orders passed by him under this rule. (3) No appeal shall be entertained under this rule unless it is submitted within a period of three months from the date on which the appeal is received. A copy of the order complained against

15. Conditions governing sessional Staff.— Notwithstanding anything contained in rule 1, the strength of sessional staff and its consolidated pay will be such as may be determined by the Speaker after consultation with the Finance Department

15. Seniority.— Seniority of person appointed to the lowest post of the service shall be determined from the date of confirmation of such persons to the said post, but in respect of persons appointed by promotion 139 (8) 4, 1992 to other higher posts in the service, seniority shall be determined from the date of their regular selection to such posts. **li. Reservations.**— Nothing in these Rules shall affect reservations and other concessions required to be provided for scheduled castes and scheduled tribes and Other special categories of persons in accordance with the orders issued from time to time in that regard by the State Government

18. Transaction of business.— The Speaker may, from time to time, by general or special order, provide for the convenient and efficient transaction of business arising out of the administration of these Rules and the procedure to be followed for the purpose: Provided that such order may also specify the matter or class of matters which shall be brought to the personal notice of the Speaker before any orders are issued

19. Residuary powers.— Subject to the provisions of sub-rule (2) of rule 9, all matters not specifically provided for in these Rules, whether incidental or ancillary to the provisions of these Rules or otherwise, shall be regulated in accordance with such orders as the Speaker may, from time to time, make in consultation with the Finance Department

20. Interpretation.— All questions relating to the interpretation of these Rules shall be referred to the Speaker, whose decision thereon shall be final: Provided that all questions relating to interpretation of rules 3, 9, [O, 11, 15, I J) and the Schedule and any orders issued under these Rules after consultation with the Finance Department, shall be decided by the Speaker after consultation with the Finance Department

21. Conferment of Powers of Secretary.— For the purpose of the administration of the the Secretary shall exercise all the powers of a Secretary to the Government, both financial and administrative, that have been or may hereafter be conferred by the State Government, or such powers as may be. delegated to him by the Speaker under these Rules. **22. Repeal and Saving.**— Save as otherwise expressly provided in these Rules, all Rules corresponding to these Rules and in force immediately before the commencement of these Rules, 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. 4, 1992 is"9 (O) 0.2 1 i 39 (10) 4, 1992 äöa .20 g 8 (11) 318 139 (12) ..1992 0 4, 1992 00 0 • o 139(13) 9-4 139 (14) 4, 1992 og.c:•— 9.8 •g 0 4, 1990 139 (15) 8 139 (16) -1992 4, 1992 1992 c-0.2 o ta•o•) 4, 1992 4, 1902 139(21) 8 (1956 (1956M qfufrQR qqT) 1992" qr fq,vr 4, 1992 yr*t fqfrqfr?r R, (q*f vri) FAR, 1992 (gif vrijfrnq,1992 I (3) fqqq, I 13) , fifi_ Ü, Or, RffffrT8f« iSs(2i) .43 (iii) I (iv) I (c) HVT" (q) "ät&ü'it qö4TT" t, (3) "gffiqfrrr" "Üt*" snf?, (b) frFqqT7" 4, 1 992 (q) "fiq" qrå (g) "qsq€' fQT (O) f«ft (2) qsaa, ?qrqvri, vra *tat , grQvr AT fq€r 5. qtrrrt, gif *f8qr t f«T7 srrü äTXT qr frtqrq fi- firr# I xmrX FrqTlQT KITT; . xf?T • f*i'rq qr, qftvrr, fqfrTfr« O, RT7-qz, 4, 1992 139 (25) frit! 1 • 7TQT ü. qfttra•T : • ftfriz NT axr, frqf*TQt FTXtr, qr äT(T qr 62 60 10. 139 (26) TT+qa, 4, 1992 11. ii srrå Trå f*tt ft-q '12. 5TfäTT€t.— (1) 13. 4, 1992 139 (27) qfmr?r, (krff«cr, rfrT OTT I OTT OTT 15. 1 16

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