

MADHYA PRADESH MADHYASTHAM ADHIKARAN NIYAM, 1984

CONTENTS

1. Short title.
2. Definitions.
3. Salary of Chairman and member.
4. Continuance as Chairman or member after his retirement from the parent post.
5. Perquisites.
6. Conditions of service.
7. Reference.
8. Notice.
9. Conditions for Inspection.
10. Fees.

THE MADHYA PRADESH MADHYASTHAM ADHIKARAN NIYAM, 1984

[Notfn. No. F. 16-1-84-XXI-B, dated 27-2-1985; Published in M.P. Rajpatra (Asadharan), d. 28-2-1985, p. 504]

As amended by the following Notifications:—

1. No. F-16-3-85-XXI-B, d. 28-1-1986; Published in M.P. Rajpatra (Asadharan), d. 1-2-1986, p. 162-63;

2. No. F-16-4-86-XXI-B, d. 25-5-1987; Published in M.P. Rajpatra (Asadharan), d. 26-5-1987, p. 1240; w.e.f. 1-3-1985;

3. No. F-16-4-1987-XXI-B, d. 27-10-1987; Published in M.P. Rajpatra (Asadharan) d. 28-10-1987, p. 1918, w.e.f. 1-3-1985;

4. No. F. 16-7-95-XXI-B(II), dated 5-1-1996; Published in M.P. Rajpatra (Asadharan), dated 5-1-1996, p. 18; and

5. No. F. 16-4-97-XXI-B(II), dated 3-11-1997; Published in M.P. Rajpatra (Asadharan), dated 4-11-1997, p. 1158.

Note.—In the footnotes, appearing hereinafter, the amending notifications are referred to by serial No. as given to them above.

In exercise of the powers conferred by section 29 of the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983 (No. 29 of 1983), the State Government hereby makes the following rules, namely:—

1. Short title.—These rules may be called the Madhya Pradesh Madhyastham Adhikaran Niyam, 1984.

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

(a) 'Act' means the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983 (No. 29 of 1983);

(b) 'Form' means a form appended to these rules;

(c) 'Schedule' means a Schedule appended to these rules;

(d) 'Section' means section of the Act.

3. Salary of Chairman and member.-(1) When Chairman of member of the tribunal, at the time of his appointment as such, is a Judge of the High Court, District Judge, Commissioner or Chief Engineer, he shall be entitled to the same pay and allowances as admissible to him as a judge of the High Court, District Judge, Commissioner, or Chief Engineer in their respective scales of pay and allowances, as the case may be:

¹[Provided that the District Judge, Commissioner or Chief Engineer, shall be entitled to get pay not less than the pay in the sanctioned pay scale of a member.]

²[(2) When Chairman of the Tribunal at the time of his appointment as such, is a retired Judge of the High Court and is in receipt of or has become entitled to receive any retirement benefits by way of pension, gratuity or otherwise, he shall be entitled to such monthly pay (including dearness allowance) as was admissible to him at the time of retirement as Judge of the High Court and all such other allowances as are admissible from time to time to a sitting Judge of the High Court, minus pension (including any portion of pension which may have been commuted) and the pension equivalent of other retirement benefits, if any, as his pay and allowances.]

³[(3) When Member of the Tribunal at the time of his appointment as such, is a retired District Judge, Commissioner or Chief Engineer and is in receipt of or has become entitled to receive any retirement benefits by way of pension, gratuity or otherwise, he shall be entitled to the last pay drawn and dearness pay and dearness allowance, interim relief and such other benefits appropriate to the last pay at the rates admissible from time to time to a District Judge, Commissioner or Chief-Engineer respectively, minus pension (including any portion of pension which may have been commuted) and the pension equivalent of other retirement benefits if any as his pay and allowances]:

⁴[Provided that such amount shall not be less than the pay admissible in the sanctioned pay scale applicable to a member minus pension.]

4. Continuance as Chairman or member after his retirement from the parent post.-When, Chairman or member of the tribunal, at the time of his appointment as such was a judge of the High Court, District Judge, Commissioner or Chief Engineer and during his tenure of Chairman or member, he retires from the post of a Judge of the High

¹ Proviso ins. by No. 5, dated 4-11-1997.

² Sub-rules (2) and (3), subs. for sub-rule (2) by No. 1, d. 28-1-1986, again subs. by No. 2, d. 25-5-1987 and sub-rule (2) again Subs. by No. 3, d. 27-10-1987.

³ Sub-rules (2) and (3), subs. for sub-rule (2) by No. 1, d. 28-1-1986, again subs. by No. 2, d. 25-5-1987 and sub-rule (2) again Subs. by No. 3, d. 27-10-1987.

⁴ Proviso ins. by No. 5, dated 4-11-1997.

Court, District Judge, Commissioner or Chief Engineer as the case may be in accordance with the terms and conditions applicable to him prior to his appointment as Chairman or member, he shall continue as such till the completion of his tenure, and from the date of retirement his pay ¹[and allowances] shall be governed in accordance with the provisions of these rules as if he is appointed as Chairman or member after his retirement from the post of a Judge of the High Court, District Judge, Commissioner or Chief Engineer, as the case may be, in accordance with rule 3 above.

²[**5. Perquisites.**-³[(1)] The Chairman shall be entitled to such perquisites as are admissible to a Judge of the High Court:

Provided that he shall not be entitled to any perquisite, if any other facility in lieu thereof is provided to him by the State Government,

⁴[(2) Members shall be paid such other perquisites as may be determined by the State Government.]

6. Conditions of service.-Chairman and members shall be governed by the same condition of service as are applicable to the prior of their appointment as such.

7. Reference.-(1) Reference shall be made by a petition in form A.

(2) The person making the petition shall be called the petitioner and any person served with notice thereof shall be called the respondent.

(3) Every petition shall be divided in to paragraphs numbered consecutively and shall contain brief contents of the contract, differences and nature thereof, relief asked for, valuation of the petition and shall clearly specify the persons liable to be affected thereby, with a list of reliance of documents on which he seeks to base his claim.

8. Notice.-Notice under sub-section (4) of Section 8 shall be issued to the respondent (Opposite Party) in form 'B'.

9. Conditions for Inspection.-The records and documents forming part of the record of the case shall be open to inspection of all parties or their agents or legal practitioners during office hours of the tribunal subject to the Condition that—

(i) the inspection may be made at such place and under the supervision of such officer as may be determined by the Chairman;

(ii) every person seeking inspection shall prior to taking inspection, enter the necessary particulars in the inspection book kept for the purpose, including the time taken in inspection;

(iii) the pen and ink should not be used. Pencil and paper may be used but no marks shall be made on any record or paper inspected. Any person infringing this condition may be

¹ Subs. by No. 1, d. 28-1-1986.

² Subs. by No. 1, d. 28-1-1986.

³ Renumbered by No. 2, d. 25-5-87.

⁴ Ins. by No. 2, d. 25-5-1987.

deprived by order of the tribunal of the right of such inspection for such period as it may direct.

- (iv) the applicant only shall be permitted to inspect record or to take notes or extract.
- (v) the inspection must be completed and the record returned within the office hours of the day on which the record was taken out for inspection.
- (vi) failure to make inspection by the applicant within one week from the date on which inspection was ordered, the order shall lapse and no further inspection shall be allowed without a fresh application.

10. Fees.—Fees for,—

- (i) inspection of records and documents;
- (ii) reference (Petition), affidavits, vakalatnama, documents and other applications.
- ¹(iii) application for preparation of certified copies of award, interim award, order, opinion, certificate, and record of proceedings before the tribunal or bench thereof;
- (iv) supply of copies of award, interim award and other documents; and
- (v) process;

shall be as specified in the schedule]

²(2) All fees, except fees for reference petition, shall be levied by means of court fees stamps.

(3) Fees for reference petition shall be paid by crediting the amount in Government Treasury, Vindhyachal, Bhopal under Head No. "0030-Stamps and Registration, 01-Stamps-Judicial, 101-Court fees realised in stamps", and the original challan with four photo copies thereof shall be annexed to the Reference petition.]

FORM-A

(See Rule 7)

FORM OF PETITION

Before the Arbitration Tribunal, Madhya Pradesh

Petition No.....19.....

In the matter of arbitration between.....S/o
Shri..... age..... profession.....
resident of..... Tahsil..... Dis-
trict..... Petitioner,
and

¹ Subs. by No. 1. d. 28-1-1986.

² Sub-rules (2) & (3) substituted by No. 4 d. 5-1-1996.

.....S/o Shri.....
age..... profession..... resident
of..... Tahsil..... District..... Respondent.

1. The petitioner aforesaid entered into contract with the Respondent above named on.....

2. The contract provided that,—

- (1) |
(2) | (brief contents of the contract)
(3) |

3. The following difference/s has/have arisen between the parties.

- (1) |
(2) | (State the differences and nature thereof)
(3) |

4. The following documents are relied upon/attached.

- (1)
(2)
(3)

5. The valuation for the purposes of court fees Rs...and the amount of court fees affixed.

6. The petitioner hereby prays that—

- (1) The difference arising between the parties be settled and an award in favour of the petitioner may be issued.
- (2) any other relief which the tribunal considers fit and necessary may be granted; and
- (3) the cost of the petition may be allowed.

Date.....

Petitioner.

Verification

I,..... S/o..... resident of..... hereby
verify that the contents of paras..... to..... are true to the
best of my knowledge and belief.

Date.....

Petitioner.

FORM-B

(See Rule 8)

FORM OF NOTICE

In the matter of Arbitration between

Shri..... S/o Shri..... age.....
profession..... resident of..... Tehsil..... Dis-
trict..... Petitioner.

and

Shri..... S/o Shri..... age.....
profession..... resident of..... Tahsil..... Dis-

trict..... Respondent.

To,

Shri.....

.....

(Address)

Whereas the petitioner above named has on the..... day of.....19..... presented the petition which has been numbered and registered as petition No.....Of 19.....for deciding the matter of differences arising between you and the petitioner with the contract entered on the.....day of.....19...between him and yourself and issuing an award accordingly.

You are hereby required to appear before the tribunal in person or through your duly instructed agent or advocate on.....day of.....19...atO'clock in the...noon to answer the differences and you are directed to file reply to the said petition and to produce all the documents upon which you intend to rely in support of your defence on or before the said date.

Take notice that, in default of your appearance on the day before mentioned, the petition will be heard and determined in your absence.

Given under my hand and the seal of the Tribunal, this..... day of.....19.....

Registrar

SCHEDULE

(See Rule 10)

TABLE OF FEE

S. No.	Description	Fees
1.	Petition (Reference)	Fifty percent of the Ad-volorem as mentioned in the table to Article 1-A of Schedule I of the Court Fees Act, 1870 (No. VII of 1870) in its application to the State of Madhya Pradesh.
2.	Affidavit	Same as prescribed by the High Court in petition etc. before it.
3.	Vakalatnama	do
4.	Documents	do
5.	Other applications	do
6.	Inspection of records and documents	do
7.	Application for preparation of certified copies of award, interim award, order, opinion, certificate and record of proceedings before the tribunal or	do

Bench thereof.

8. Supply of certified copies of award
interim award and other documents do
- ¹[9.Process do]

MADHYA PRADESH MADHYASTHAM ADHIKARAN REGULATIONS, 1985

CONTENTS

1. Short title and commencement.
2. Definitions.
3. Reference to tribunal.
4. Procedure on receipt of reference.
- 5 to 13.
14. Substituted service.
15. Discovery, inspection and admission of documents.
16. Issues.
17. Summoning and Attendance of Witnesses.
18. Summons how served.
19. Summons given to a party for service.
20. Production of witnesses without summons.
21. Appearance of parties and consequence of non-appearance.
22. Adjournments.
23. Hearing of the case.
24. Final hearing.
25. Party to appear before other witness.
26. Memorandum of evidence.
27. Sequence of evidence.
28. Power to order any point to be proved by affidavit.
29. Power to order attendance of deponent for cross examination.
30. Power to inspect.
31. Award.
32. Commission, Issue of Commission.
33. Proceedings and Report to be evidence.
34. Holidays.
35. Working hours.

MADHYA PRADESH MADHYASTHAM ADHIKARAN OFFICERS AND SERVANTS SERVICES (RECRUITMENT AND OTHER CONDITIONS OF SERVICE) RULES, 2002

CONTENTS

1. Short title and commencement.
2. Definition.
3. Scope and application.
4. Constitution of Service.
5. Classification, Scale of Pay etc.
6. Method of recruitment.
7. Appointment to the Post in the service.
8. Conditions of eligibility of direct recruits.
9. Disqualifications.
10. Appointing authority's decision about the eligibility of candidates shall be final.
11. Direct recruitment by competitive examination (except selection from the Service of Clerical Class.
12. List of candidates recommended by the Selection Committee.
13. Probation.
14. Appointment by promotion.
15. Conditions relating to eligibility for promotion/transfer.
16. Preparation of list of suitable persons.
17. Select list.
18. Appointment to the service from the select list.
19. Trial period.
20. Pay and Allowances of the officers & servants.
21. The other conditions of service.
22. Interpretation.
23. Relaxation.
24. Repeal & saving.

Schedules

MADHYA PRADESH MADHYASTHAM ADHIKARAN OFFICERS AND SERVANTS SERVICES (RECRUITMENT AND OTHER CONDITIONS OF SERVICE) RULES, 2002

Noti. No. 5722-XXI-B(II), dated 6-8-2002, Pub. in M.P. Rajpatra, Pt. IV (Ga), dated 23-8-2002, p. 101, as amended by Notification dated 28-1-2005, pub. in M.P. Gaz., Pt. IV(ga) dated 11-2-2005, page 21.-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India read with clause (d) of sub-section (2) of Section 29 of the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983

(No. 29 of 1983), the State Government hereby makes the following rules for regulating the recruitment and conditions of service of the members of the service of the Madhya Pradesh Madhyastham Adhikaran, namely:-

1. Short title and commencement.-(1) These rules may be called the Madhya Pradesh Madhyastham Adhikaran Officers and Servants Services (Recruitment and Other Conditions of Service) Rules, 2002.

(2) They shall come into force with effect from the date of their publication in the Madhya Pradesh Gazette.

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

(a) "Act" means the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983 (No. 29 of 1983);

(b) "Appointing Authority" means the authority empowered to appoint under the proviso to sub-section (1) of Section 21 of the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983;

(c) "Adhikaran" means the Madhya Pradesh Madhyastham Adhikaran;

(d) "Committee" means a Departmental Promotion Committee constituted by the Appointing Authority from time to time;

(e) "Examination" means a competitive examination to be held for recruitment of any post in the service under Rule 11;

(f) "Government" means the Government of Madhya Pradesh;

(g) "Governor" means the Governor of Madhya Pradesh;

(h) "Other Backward Classes" means other backward classes of citizens as specified by the State Government vide Notification No. F-8-5-XXV-4-84, dated the 26th December, 1984 as amended from time to time;

(i) "Scheduled Castes" means any caste, race or tribe or part of or group within a caste, race or tribe specified as Scheduled castes with respect to the State of Madhya Pradesh under Art. 341 of the Constitution of India;

(j) "Scheduled Tribes" means any tribe or tribal community or part of or group within a tribe or tribal community, specified as Scheduled Tribes with respect to the State of Madhya Pradesh under Art. 342 of the Constitution of India;

(k) "Service" means the Madhya Pradesh Madhyastham Adhikaran Service as described for the posts shown in column (2) of Schedule-II;

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

(m) "State" means the State of Madhya Pradesh.

3. Scope and application.-Without prejudice to the generality of the provisions contained in the Madhya Pradesh Civil Services (General Conditions of Service), Rules, 1961, these rules shall apply to every member of the service.

4. Constitution of Service.-The service shall consist of the following persons namely:-

(1) Persons who on the commencement of these rules are holding substantively or in 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.

5. Classification, Scale of Pay etc.-The classification of the service, the scale of pay attached thereto and the number of posts included in the service 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 included in the service either on a permanent or temporary basis.

6. Method of recruitment.-(1) Recruitment to the service after the commencement of these rules, shall be made by the following methods, namely:-

(a) by direct recruitment, by competitive examination or by selection;

(b) by promotion of members of the service as specified in column (2) of Schedule-IV;

(c) by transfer/deputation of persons.

(2) The number of persons recruited under clause (a) or clause (b) of sub-rule (1), shall not at any time, exceed the percentage as shown in Schedule-II of the number of 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 of persons to be recruited by each method shall be determined on each occasion by the appointing authority with consultation of the Government.

(4) Notwithstanding anything contained in sub-rule (1), if in the opinion of the Government/appointing authority, the exigencies of the service so require the Government/appointing authority, may, with the approval of the General Administration Department adopt such method of recruitment to the service other than those rules specified in the said sub-rule, as it may, by order issued in this behalf.

7. Appointment to the Post in the service.-All appointments to the posts in the service shall be made by the Government/appointing authority and no such appointment shall be made except after selection by one of the methods as specified in Rule 6.

8. Conditions of eligibility of direct recruits.-In order to be eligible to compete at the examination/selection a candidate must

satisfy the following conditions, namely:-

(1) Age:-

(a) He must have attained the age as prescribed in column (3) of Schedule-III and not attained the age as specified in column (4) of said Schedule on the first day of January next following the date of commencement of the examination.

(b) The upper age limit shall be relaxable upto a maximum of five years, if the candidate is a member of Scheduled Castes/ Scheduled Tribes and Other Backward Classes.

(c) The upper age limit shall also be relaxable in respect of candidates who are/have been employees of the Madhya Pradesh Government to the extent and subject to the conditions specified below:-

(i) A candidate who is a permanent or temporary Government servant whether regular employee/work charged or contingency paid employees under the State Government shall not be more than 38 years of age;

(ii) A candidate who is a retrenched Government servant, will be allowed to deduct from age the period of temporary service previously rendered by him upto a maximum of seven years, if it represents more than one spell:

Provided that the resultant age does not exceed upper age limit by more than three years.

Explanation.-The term "retrenched Government servant" denotes a person who was in the temporary service of Government or of any of the constituent units of Madhya Pradesh for a contingency period of not less than six months and who was discharged because of reduction in establishment not more than three years prior to the date of his registration at the Employment Exchange or of application made otherwise for employment in Government service.

(iv) A candidate who is an ex-serviceman will be allowed to deduct from his age the period of all defence 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 belonged to any of the following categories and who was employed under the Government of India for a continuous period of not less than six months and 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 of application made otherwise for employment in

Government service:-

- (1) Ex-serviceman released under mustering out concessions;
 - (2) Ex-serviceman enrolled for the second time and discharged:-
 - (a) On completion of short term engagement.
 - (b) On fulfilling the conditions of employment.
 - (3) Ex-personnel of Madras Civil Unit;
 - (4) Officers (Military & Civil) discharged on completion of their contract (including Short Service Regular Commissioned Officers);
 - (5) Officers discharged after working for more than six months continuously against leave vacancies;
 - (6) Ex-serviceman invalidates out of service;
 - (7) Ex-serviceman discharged on the ground that they are unlikely to become efficient soldiers;
 - (8) Ex-serviceman who is medically boarded out on account of gun shot, wounds etc.
- (d) The general upper age limit shall be relaxable upto five years in respect of widow, destitute or divorced women candidates;
 - (e) The upper age limit be relaxable upto two years in respect of green card holder candidates under the Family Welfare Programme;
 - (f) The general upper age limit shall be relaxable upto five years in respect of awarded superior caste partner of a couple under the Inter-caste Marriage Incentive Programme of the Tribal, Scheduled Castes, Scheduled Tribes and Other Backward Classes Welfare Department;
 - (g) The upper age limit shall be relaxable upto five years in respect of the "Vikram Award" holder candidates;
 - (h) The upper age limit shall be relaxable upto a maximum of 38 years of age in respect of candidates who are employees of Madhya Pradesh State Corporation/Board;
 - (i) The upper age limit shall be relaxable in the case of voluntary Home Guards and Non-commissioned Officers of Home Guards for the period of service rendered so by them subject to the limit of 8 years, but in no case their age should exceed 38 years;
 - (j) There shall be age relaxations for women candidates for direct recruitment in accordance with the provisions of Madhya Pradesh Civil Services (Special Provisions for Appointment of Women) Rules, 1997.

Note.-(1) The candidates who are found eligible for selection under the age concessions mentioned in sub-clause (i) & (ii)

of sub-clause (c) of clause 8(1) and sub-clause (H) of clause 8(1) above shall not be eligible for appointment, if after submitting the application they resign from service either before or after the selection. They will however continue to be eligible if they are retrenched from the service or post after submitting the application.

- (2) Departmental candidate must obtain previous permission of the appointment authority to appear for the selection.

(2) Educational qualifications.-The candidate must possess the educational qualifications prescribed for the service as shown in Schedule-III, provided that-

- (a) In exceptional cases on recommendation of the appointing authority may treat as qualified any candidate who though not possessing any of the qualifications prescribed in this clause has passed examination conducted by other institutions by a standard which in the opinion of the appointing authority justifies the consideration of the candidate for selection, and
- (b) Candidates who are otherwise qualified but had taken degrees from foreign universities being university not specifically recognised by the Government may also be considered for appearing in the examination/selection at the discretion of the appointing authority.

(3) Fees.-The Candidates must pay the fees prescribed by the appointing authority.

9. Disqualifications.-Any attempt on the part of a candidate to obtain support for his candidature by any means may be held by the appointing authority to disqualify him for selection.

10. Appointing authority's decision about the eligibility of candidates shall be final.-The decision of the appointing authority as to the eligibility or otherwise of a candidate for selection shall be final and no candidate to whom a certificate of admission has not been issued by the appointing authority shall be admitted to the examination.

11. Direct recruitment by competitive examination (except selection from the Service of Clerical Class.)-(1) A competitive examination for recruitment to the service shall be made at such intervals as the appointing authority may from time to time determine.

(2) The examination shall be conducted in accordance with such orders as the Government from time to time determine.

(3) The posts of the available vacancies for direct recruitment shall be reserved for the candidates who are the members of Scheduled Castes, Scheduled Tribes and Other Backward Classes in accordance with the provisions contained in the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994) and such orders as the Government from time to time issue.

(4) In filling the vacancies so reserved for candidates who are members of Scheduled Castes, Scheduled Tribes and Other Backward Classes 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.

(5) Candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes selected by the committee with due regard to the maintenance of efficiency of administration may be appointed to the vacancies reserved for candidates of the Scheduled Castes, Scheduled Tribes and Other Backward Classes, as the case may be, under sub-rule (3).

(6) The posts shall be reserved for women candidates in accordance with the provisions of Madhya Pradesh Civil Services (Special Provisions for Appointment of Women) Rules, 1997.

(7) The posts shall be reserved for handicapped candidates as per the instructions of the General Administration Department.

(8) In such cases, where experience of some 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 committee or competent authority/ appointing authority that there is a possibility that the candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes, may not be available in sufficient number, the competent authority may relax the condition of experience to the candidates of the Scheduled Castes, Scheduled Tribes and Other Backward Classes.

12. List of candidates recommended by the Selection Committee.-(1) The Selection Committee shall forward a list of candidates arranged in order of merit, who have qualified by such standards as the committee determine and also of the candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes, who though not qualified by that standard but declared by the committee to be suitable for appointment for the service with due regard to maintenance of efficiency of the administration. The list shall also be published for general information.

(2) Subject to the provisions of these rules and to the Madhya Pradesh Civil Services (General Conditions of Service), Rules, 1961, candidate will be considered for appointment to the available vacancies in the order in which their names appear in the list.

(3) Inclusion of a candidate's name in the list confers no right to appointment unless the appointing authority is satisfied after such enquiry as may be considered necessary, that the candidate is otherwise suitable in all respects for appointment to the service.

(4) The list issued by the committee shall be in force one year from the date of issue.

13. Probation.-Every person recruited in service shall be appointed on probation for a period of two years.

14. Appointment by promotion.-(1) There shall be constituted a committee consisting of the members mentioned in Schedule-IV for making a preliminary selection for probation of eligible candidates. But if the nominated members other than the member presiding the screening/promotion committee in respect of the posts to be filled up by promotion do not represent the category of Scheduled Castes or Scheduled Tribes, then one officer of the said category of the same status shall be included in the promotion committee and number of members of promotion committee shall be extended to that limit.

(2) The committee shall meet ordinarily not exceeding one year.

(3) The reservation in promotion shall be made in accordance with the provisions contained in Madhya Pradesh Civil Services (Reservation in Promotion and Limits on the Extent of Zone of Consideration) Rules, 1997.

(4) Twenty five percent of posts of Assistant Grade III shall be filled in from amongst the members of the Class IV service who have passed Higher Secondary School Examination from a School situated in Madhya Pradesh and have put in atleast five years service on the basis of seniority tempered by merit.

15. Conditions relating to eligibility for promotion/transfer.-

(1) Subject to the provisions of sub-rule (2) the committee shall consider the cases of all persons who on the first day of January of that year had completed not less than such number of years of service whether officiating or substantive as specified in column (4) of Schedule-IV the post or posts declared equivalent thereto from which the promotion is to be made and or within the zone of consideration in accordance with the provisions of sub-rule (2).

(2) The provisions of Madhya Pradesh Civil Services (Reservation in Promotion and Limits on the Extent of Zone of Consideration) Rules, 1997 shall apply for zone of consideration for promotions.

16. Preparation of list of suitable persons.-(1) The Departmental Promotion Committee according to Madhya Pradesh Civil Services (Reservation in Promotion and Limits on the Extent of Zone of Consideration) Rules, 1997 shall prepare a list of such persons as satisfy the conditions prescribed in Rule 15 and as are held by the committee to be suitable for promotion.

(2) The list so prepared shall be ordinarily reviewed and revised every year.

(3) Separate list shall be prepared for each Cadre of the service.

(4) If in the process of selection, review or revision it is proposed to supersede any member of the service, the committee shall record its reasons for the proposed supersession.

Explanation.-A 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 considered in a subsequent selection merely by the fact of his earlier selection.

17. Select list.-(1) The list as finally approved by the appointing authority shall form the select list for promotion of the members of service from the posts mentioned in column (2) of Schedule-IV to the posts mentioned in column (3) of such schedule.

(2) The validity of select list shall be in force till 31st of December of such calendar year, in which calendar year the select list shall be prepared for promotion:

Provided that, in the event of a grave lapse in the conduct of performance of 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 appointing authority and the committee may, if it thinks fit, remove the name of such person from the select list.

18. Appointment to the service from the select list.-(1) Appointment of the employees included in the select list to the post borne on the cadre of the service shall follow the order in which the names of such employees appearing in a select list:

Provided that where the administrative exigencies so require a person whose name is not included in the select list or who is not next in order in the select list may be appointed to the service, if the Government is satisfied that the vacancy is not likely to last for more than three months.

(2) It shall not ordinarily be necessary to consult the committee before the appointment of a person whose name is included in the select list unless during the period intervening between the inclusion of his name in the select list and the date of his proposed appointment there occurs any deterioration in his work which in the opinion of the appointing authority is such as to render him unsuitable for appointment in the service.

19. Trial period.-Every person appointed by promotion in the service shall be appointed on trial for two years. But if the concerned post is also of the direct recruitment then the trial period shall be equal to the probation period prescribed for that post.

20. Pay and Allowances of the officers & servants.-The officers and servants of the Adhikaran in the sanctioned pay scale for the post of their service subject to revision of pay from time to time by the State Government shall receive pay and dearness allowance admissible thereon and such other compensatory allowances as payable to State Government servant from time to time.

21. The other conditions of service.-The other conditions of service of the officers and servants of the Adhikaran in the matter of claims such as leave, provident fund, superannuation age, pension & other retirement benefits, medical reimbursement, travelling allowance, leave travel concession, etc., as well as service conduct and disciplinary proceedings for misconduct, shall be governed by the same rules and procedure as are applicable from time to time to the Government servants holding posts under the State Government.

22. Interpretation.-If any question arises relating to the interpretation of these rules, it shall be referred to the Government, whose decision thereon shall be final.

23. Relaxation.-Nothing in these rules shall be construed to limit or abridge the powers of the Government to deal with the case of any person to whom these rules apply in such manner as may appear to it to be just and equitable.

24. Repeal & saving.-All rules corresponding to these rules in force immediately before their commencement are hereby repealed in respect of matters covered by these rules:

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

¹SCHEDULE - I

(See Rule 4)

S. No.	Name of Post included	Scale of Pay Rs.	No. of Posts	Classification
(1)	(2)	(3)	(4)	(5)
1.	Registrar	12000-375-16500	1	Class-I
2.	Deputy Registrar	10000-325-15200	1	Class-I
3.	Section Officer	6500-200-10500	2	Class-II
4.	Private Secretary	6500-200-10500	1	Class-II (Non Gaz.).
5.	Personal Asstt.	5500-175-9000	4	Class-III
6.	Jr. Accounts Officer	5000-150-8000	1	Class-III
7.	Accountant	4500-125-7000	2	Class-III
8.	Assistant Gr. I	4500-125-7000	4	Class-III
9.	Stenographer	4500-125-7000	2	Class-III
10.	Librarian	4500-125-7000	1	Class-III
11.	Assistant Gr. II (Upper Division Clerk)	4000-100-6000	4	Class-III
12.	Steno-typist	3050-75-3950-80- 4590+125 Spl. Pay	1	Class-III
13.	Assistant Gr. III (Lower Division Clerk)	3050-75-3950-80- 4590	10	Class-III

¹ As amended by Notification dated 28-1-2005

(1)	(2)	(3)	(4)	(5)
14.	Driver	3050-75-3950-80-4590	1	Class-III
15.	Daftary	2610-60-3150-65-3540 +50 Spl. Pay	1	Class-IV
16.	Peon	2550-55-2660-60-3200	21	Class-IV

¹SCHEDULE - II
[See Rule 6(2)]

S. No.	Name of posts included in service (Present Post)	Total No. of Posts
(1)	(2)	(3)
1.	Registrar	1
2.	Deputy Registrar	1
3.	Section Officer	2
4.	Private Secretary	1
5.	Personal Assistant	4
6.	Junior Accounts Officer	1
7.	Accountant	2
8.	Assistant Gr. I	4
9.	Stenographer	2
10.	Librarian	1
11.	Assistant Gr. II	4
12.	Steno-typist	1
13.	Assistant Gr. III	10
14.	Driver	1
15.	Daftary	1
16.	Peon	21

S. No.	Percentage of the number of vacancies to be filled in		Temporary transfer/Deputation from other services	Remarks
	By direct recruitment/ by competitive examination or by selection	By promotion of the member of the service on the establishment of the office of the Madhya Pradesh Madhyastham Adhikaran		
(1)	(4)	(5)	(6)	(7)
1.	-	-	By deputation from the member of Higher Judicial Service.	
2.	-	-	By promotion of Section Officer or by deputation of the member of Lower Judicial Service.	
3.	-	100%		
4.	-	100%		
5.	-	100%		
6.	-	100%	By deputation of suitable person of M.P. Finance & Accounts service/Subordinate Accounts service cadre, but in case of non-availability of services of such officer, the posts may be filled by promotion of Accountant.	
7.	-	100%		
8.	-	100%		
9.	50%	50%	By promotion of departmental stenotypist having prescribed qualifications.	
10.	100%	-		

(1)	(4)	(5)	(6)	(7)
11.	-	100%		
12.	100%			
13.	75% by direct recruitment and 25% by the members of Class-IV			
14.	100%			
15.	-	100%		
16.	100%			

SCHEDULE - III

(See Rule 8)

S. No. (1)	Name of the posts (2)	Minimum Age (3)
1.	Stenographer	18 years
2.	Librarian	18 years
3.	Steno-typist	18 years
4.	Assistant Gr. III	18 years
5.	Driver	18 years
6.	Peon	18 years

S. No. (1)	Upper Age Limit (4)	Educational & Other qualification (5)
1.	30 years	Passed Higher Secondary (10+2) from any recognised Madhya Pradesh Board and Hindi Shorthand examination passed from Madhya Pradesh Shorthand & Typing examination council and having knowledge of English Typing.
2.	30 years	Degree in library science from Institute recognised by M.P. Govt. preference shall be given to those possessing higher qualifications & experience.
3.	30 years	(i) Higher Secondary examination, and

(1)	(4)	(5)
		(ii) Having passed Hindi Typing examination from the Madhya Pradesh Shorthand & Typewriting Examination Board.
		(iii) Working knowledge of Hindi & English Shorthand ordinarily with a speed of 60 words per minute in Hindi & English Shorthand
4.	30 years	Having passed Higher Secondary Examination from M.P. Board or Board recognised by M.P. Govt. and having passed Hindi Typewriting Examination from the Madhya Pradesh Shorthand and Typewriting Examination Board.
5.	30 years	(i) Should have passed Class-VIII examination from Divisional Board Recognised by Govt. of M.P. (ii) Holding licence of light vehicle driving issued from any regional transport office of M.P. Govt. having efficiency in driving of vehicle available in office.
6.	30 years	Passed 5th Class examination from District Board recognised by the State Govt. of Madhya Pradesh and knowledge of cycling.

¹SCHEDULE - IV

(See Rule 15)

S. No. (1)	Name of the post from which promotion is to be made (2)	Name of the post to which promotion is to be made (3)
1.	Section Officer (Pay scale Rs. 6500-200-10500)	Deputy Registrar (Pay Scale Rs. 10000-325-15200)
2.	Junior Accounts Officer (Pay Scale Rs. 5000-150-8000) and Accountant/ Assistant Grade-I (Pay Scale Rs. 4500-125-7000).	Section Officer (Pay Scale Rs. 6500-200-10500)
3.	Assistant Grade-II (4000-100-6000)	Accountant/Assistant Grade-I (4500-125-7000)

¹ As amended by Notification dated 28-1-2005

(1)	(2)	(3)
4.	Assistant Grade-III (3050- 75-3950-80-4590)	Assistant Grade-II (4000-100-6000)
5.	Personal Assistant (5500-175-9000)	Private Secretary (6500-200-10500)
6.	Stenographer (4500-125-7000)	Personal Assistant (5500-175-9000)
7.	Stenotypist (3050-75-3950-80-4590 +125 Sp. Pay)	Stenographer (4500-125-7000)
8.	Daftari (2610-60-3150-65-3540+50 Spl. Pay)	Assistant Grade-III (3050-75-3950-80-4590)
9.	Peon (2550-55-2660-60-3200)	Daftari (2610-60-3150-65-3540+50 spl. Pay)

S. No.	Period of Qualifying Service for promotion to the post shown in column (3)	Members of Departmental Promotion Committee	Remarks
(1)	(4)	(5)	(6)
1.	5 years	1. Principal Secretary/Secretary Law and Legislative Affairs Department -Chairman. 2. Vice-Chairman or a Member nominated by the Chairman of the Tribunal -Member. 3. Additional Secretary Law and Legislative Affairs Department -Member.	
2.	5 years	1. Principal Secretary/Secretary Law and Legislative Affairs Department -Chairman.	

(1)	(4)	(5)	(6)
		2. Vice-Chairman or a Member nominated by the Chairman of the Tribunal -Member. 3. Additional Secretary Law and Legislative Affairs Department -Member.	
3.	5 years	Member of the committee constituted by Chairman of the Tribunal, from time to time.	There shall be essential to pass the Accounts training examination for promotion on the post of Accountant
4.	5 years	-do-	
5.	5 years	-do-	
6.	5 years	-do-	
7.	5 years	-do-	
8.	5 years	-do-	
9.	5 years	-do-	

CHAPTER IV
Mandir Kosh, Budget, Accounts and Audit

21. Mandir Kosh
22. Budget
23. Accounts
24. Audit

CHAPTER V
Control

25. Power of the State Government/Commissioner to call for information and accounts and to issue directions