

## (LOCAL GOVERNMENT- 2 BRANCH)

**No. 4/24/2010-1LG2/599679/1.-** In exercise of the powers conferred by sub-section (2) of section 17 and section 73 of the Punjab Town Improvement Act, 1922 (Punjab Act No. 4 of 1922), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules to regulate the recruitment and the conditions of service of the members of the Trust Services, constituted under sub-section (1) of section 17 of the aforesaid Act, namely:-

**RULES**

**"1. Short title, commencement and application.** - (1) These rules may be called the **Punjab Trust Services (Recruitment and Conditions of Service) Rules, 2015.**

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

(3) They shall apply to all the posts in the Trust Services specified in Appendix 'A'.

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

(a) 'Act' means the Punjab Town Improvement Act, 1922;

(b) 'Appendix' means an appendix appended to these rules;

(c) 'appointing authority' means the authority indicated as the appointing authority against each class of posts in a Service in Appendix 'C';

(d) 'average pay' means the average monthly pay earned during the ten complete months immediately preceding the month for which the average pay is to be calculated;

(e) 'Director' means the Director, Local Government, Punjab;

(f) 'direct recruitment' means an appointment made by selection and otherwise than by promotion or by transfer of an official already in the service of Trust;

(g) 'duty' includes the service as probationer or apprentice, provided such service is followed by confirmation without any break and also includes joining time;

(h) 'earned leave' means leave earned in respect of the period spent on duty;

(i) 'family' means family as defined in rule 2.17 of the Punjab Civil Services Rules, Volume I, Part I :

Provided that provident fund or gratuity shall mean as defined in the Punjab Town Improvement Trusts Provident Fund Rules, 1945, as amended from time to time;

(j) "Government" means the Government of the State of Punjab in the Department of Local Government;

(k) 'leave' means earned leave, maternity leave, leave not due, leave on half pay, medical leave, commuted leave and extraordinary leave but does not include casual leave;

(l) 'member' means a member of any of the Services mentioned in Appendix 'A';

(m) 'pay' means the amount drawn monthly by a member of a Service as pay which has been sanctioned for the post held by him substantively or in an officiating capacity and includes special pay or personal pay, if any, or any emoluments which may be specially classed as pay by the Government but save as otherwise provided, does not include any kind of allowance;

'recognized university or institution' means, -

- (i) any university or institution incorporated by law in any of the States of India; or
- (ii) any other university or institution which is declared by the Government to be a recognized university or institution, as the case may be, for the purpose of these rules;
- (o) 'section' means a section of the Act;
- (p) 'Service' means a Trust Service constituted by the Government under sub-section (1) of section 17; and
- (q) 'vacancy' means a vacancy in a Service for a period of two months or more whether on account of transfer, leave, suspension or any other reason.

**3. Nationality, domicile and character of persons to be appointed to a Service.-**

Section 17

(1) No person shall be appointed to a Service, unless he is, -

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

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

(2) A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview conducted by the recruiting authority and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government of India.

(3) No person shall be recruited to a Service unless his character and antecedents have been verified before hand :

Provided that in the case of recruitment to a temporary vacancy required to be made urgently, a person may be appointed in accordance with general directions issued by the Government regarding appointments in anticipation of verification of character and antecedents.

**4. Qualification.** - The qualifications necessary for direct recruitment and for promotion to the posts in a Service, shall be as specified in Appendix 'B' against each such post.

Section 17

**5. Method of recruitment.** - (1) Recruitment to various categories of posts in a Service at the time of its initial constitution shall be made by the appointing authority by absorption of persons already holding corresponding posts in the service of a Trust, provided they are found fit by an authority appointed by the Government in this behalf for becoming member of the Service after taking into consideration their qualifications and service record.

Section 17(6)

(2) After filling up the vacancies under sub-rule (1), the remaining vacancy or vacancies

which may occur thereafter shall be filled up in the following manner, namely :-

- (i) fifty per cent of the vacancies by direct recruitment; and
- (ii) fifty per cent of the vacancies by promotion through selection :

Provided that if no suitable candidate is available by direct recruitment or by promotion, the vacancies may be filled up by transfer or on deputation from amongst the persons already in service and holding equivalent posts:

Provided further that if no qualifications have been laid down in Appendix 'B' for any post to be filled up by promotion, that post shall be filled up by direct appointment.

(3) Notwithstanding anything contained in sub-rule (2),-

- (i) the posts in the Punjab Service of Trust Joint Deputy Directors, Punjab Service of Trust Superintendents Grade II, Punjab Service of Trust Chief Engineers, Punjab Service of Trust Superintending Engineers and Punjab Service of Trust Engineers, specified at serial Nos. 1, 3, 6, 7 and 8 in Appendix A, shall be filled up hundred per cent by promotion in accordance with the provisions made in Appendix B;
- (ii) the posts in the Punjab Service of Trust Executive Officers specified at serial No. 2 in Appendix A, shall be filled up twenty five per cent by direct recruitment and seventy five per cent by promotion in accordance with the provisions made in Appendix B; and
- (iii) the posts in the Punjab Service of Accountants Grade I, specified at serial No. 18 in Appendix A, shall be filled up twenty per cent by direct recruitment and eighty per cent by promotion in accordance with the provisions made in Appendix B.

(4) The recruitment under clause (i) of sub-rule (2) shall be made by the appointing authority on the recommendation of a Selection Committee constituted under sub-rule (5).

(5) The Government may, from time to time, by notification, constitute a Selection Committee, consisting of at least three officers of the Government and two non-officials who have sufficient experience in the functioning of urban local bodies and different Selection Committees may be constituted for different categories of Services :

Provided that at least one of the members of the Selection Committee shall belong to the Scheduled Castes.

(6) The Selection Committee referred to in sub-rule (5) may associate not more than two persons who are specialists or are experienced in the line keeping in view the nature and duties of the post required to be filled. The person to be associated shall not be less than the rank of a Superintending Engineer in the case of selection of an Engineer and not below the rank of a Joint Director of Health Services in the case of selection of medical staff.

(7) While making recruitment under sub-rule (2), the policy of the Government regarding reservation of appointments or posts for members of the Scheduled Castes, backward classes and other backward classes and for any other category in relation to the services under it shall be followed.

**6. Age on entry and physical fitness.** - (1) Except in the case of a person recruited under sub-rule (1) of rule 5, no person shall be appointed to a post in a Service by direct recruitment if he is less than eighteen years or more than forty years of age on the last day



receipt of applications for the posts:

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

(2) A person appointed to the Service by direct recruitment shall be required to produce certificate of physical fitness from the Civil Surgeon of the district concerned before joining the Service. Such a person shall, before being examined, make and sign a declaration in Form I appended to these rules and the Medical Officer shall examine him and furnish a certificate in Form II appended to these rules:

Provided that the aforesaid condition shall not apply while filling up a temporary vacancy of less than six months duration.

7. **Cadres and the scales of pay.** - (1) The number of posts created from time to time in a Service by the Government or by an authority empowered by it under sub-section (5) of section 17 shall be deemed to be the cadre of that Service, which shall be subject to variation by the authorities referred to in the aforesaid sub-section. Section 17(4)

(2) The scales of pay of the posts in the various Services, at present, in force are specified against each Service in Appendix 'A':

Provided that the scales of pay of the posts in various Services in future shall be such as may be sanctioned by the Government by issuing an order from time to time.

(3) A member of a Service recruited under sub-rule (1) of rule 5 may, within a period of thirty days of the date of such recruitment, by notice, in writing, given to the Government, indicate his intention of retaining the scale of pay which he was drawing immediately before becoming member of the Service.

(4) The appointing authority may, for reasons to be recorded, in writing, sanction a higher start of pay than the minimum of the scale to any person.

8. **Disqualifications.** - No person, - Section 17

- (a) who has entered into or contracted a marriage with a person having a spouse living; or
- (b) who having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to a Service :

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

9. **Probation.**- (1) A person appointed to any post in the Service shall remain on probation for a period of two years, if recruited by direct appointment and one year, if appointed otherwise: Section 17

Provided that.-

- (a) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation;
- (b) in any case of an appointment by transfer, any period of work on an equivalent or higher rank, prior to appointment to the Service, may, in the discretion of the appointing authority, be allowed to counted towards the period of probation;

- (c) any period of officiating appointment to the Service at the end of period of probation, shall be counted towards the period of probation.
- (2) If, in the opinion of the appointing authority, the work or conduct of a person during the period of probation is not satisfactory or he has failed to pass the departmental examination, if any, prescribed in Service Rules within a period not exceeding two and a half years from the date of appointment, it may,-
- (a) if such person is recruited by direct recruitment dispense with his service, or revert him to a post on which he held lien prior to his appointment to the Service by direct recruitment; and
  - (b) if such person is appointed otherwise-
    - (i) revert him to his former post; or
    - (ii) deal with him in such other manner as the terms and conditions of the previous appointment permit.
- (3) On the completion of the period of probation of a person, the appointing authority may,-
- (a) if his work and conduct has in its opinion been satisfactory, -
    - (i) confirm such person, from the date of his appointment or from the date he completes his period of probation satisfactorily, if he is not already confirmed; or
    - (ii) declare that he has completed his probation satisfactorily, if he is already confirmed; or
  - (b) if his work or conduct has not been in its opinion, satisfactory or if he has failed to pass the departmental examination, if any, specified in the Service Rules, -
    - (i) dispense with his services, if appointed by direct recruitment or if appointed otherwise revert him to his former post, or deal with him in such other manner as the terms and conditions of his previous appointment may permit;
    - (ii) extend his period of probation and thereafter pass such order as it could have passed on the expiry of the period of probation as specified in sub-rule (1):

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

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

Provided that in the case of persons recruited by direct recruitment who join within the period specified in the order of appointment or within such period as may be extended from time to time by the appointing authority subject to a maximum of four months from the date of order of appointment the order of merit determined by the Selection Committee shall not be disturbed:

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

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

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

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

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

**11. Punishment and appeal.** – (1) The Punjab Civil Services (Punishment and Appeal) Rules, 1970, as amended from time to time, so far as they are not inconsistent with the provisions of the Act, shall apply to the members of the Service. Section 17

(2) The authority empowered to impose penalties and the appellate authority in respect of a category of posts in each Service shall be such as specified against that category in Appendix 'C'.

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

**12. Resignation from service.** - If a member of a Service wishes to resign from service, he shall give one month's notice in writing to the appointing authority. If the member fails to give such a notice, or gives a shorter notice, the appointing authority shall be entitled to recover one month's salary with usual allowances, or salary and allowances for the period by which notice falls short of one month, as the case may be, from such member in lieu of notice. Section 17(6)

**13. Retirement from service.** – (1) Members of each Service shall retire on the afternoon of the last day of the month in which they attain the age of fifty eight years : Section 17

Provided that the Government may re-employ any member of a Service after he attains the age of superannuation upto the age of sixty years. if considered necessary in public interest.

(2) The appointing authority shall, if it is of opinion that it is in public interest to do so,

have the absolute right, by giving a member of a Service prior notice in writing, to retire that member on the date on which he completes twenty-five years of service or attains fifty years of age or on any date thereafter, to be specified in the notice:

Provided that where at least three months' notice is not given or notice for a period of less than three months is given, the member shall be entitled to claim a sum equivalent to the amount of his pay and allowances, at the same rate at which he was drawing them immediately before the date of retirement, for a period of three months or as the case may be, for the period by which such notice falls short of three months.

(3) Any member of a Service may, after giving at least three months' previous notice in writing to the appointing authority, retire from service on the date on which he completes twenty years of service or attains fifty years of age or on any date thereafter, to be specified in the notice :

Provided that no member under suspension shall retire from service except with the specific approval of the appointing authority.

Section 17 and  
73(1)(x)

**14. Leave, travelling allowance, and other matters.** - In respect of leave, travelling allowance, joining time, suspension, medical facilities, fees, honorarium, house rent allowance, dearness allowance, fixation of pay, grant of increment, crossing of efficiency bar, deputation and other matters not expressly provided for in these rules, the members of all Services shall be governed by the corresponding provisions contained in the rules and instructions applicable to Punjab Government employees. The authority competent to sanction or to decide upon these matters shall be such as may be specified by the Government from time to time:

Provided that a member on transfer shall draw his traveling allowance and joining time benefits from the trust to which he is transferred.

Section 17(6)

**15. Contributory Provident Fund.** - (1) The members of all Services shall be entitled to contribute to the provident fund of the Trust where they are employed for the time being like other subscribers of the Trust and shall be governed by the rules contained in the Punjab Town Improvement Trusts Provident Fund Rules, 1945:

Provided that on transfer of a member of a Service from one Trust to another, the balance of provident fund at his credit alongwith interest accrued thereon up to date shall be transferred to the Trust to which such member has been transferred within fifteen days from the date of his transfer.

(2) A separate account of provident fund shall be maintained for each member of the Service by Trust, where he may be serving for the time being :

Provided that the Government may, if it so decides, make arrangements for centralized accounting of the provident fund of members of Services.

Section 17(6) and  
73(xii)

**16. Gratuity.** - (1) The members shall be entitled to gratuity at such rates as may, from time to time, be notified by the Government or to the amount of gratuity to which they may be entitled under the conditions of service applicable to them immediately before becoming member of a Service, whichever is more beneficial to them :

Provided that the total service of a member under different Trusts, he has served, shall be taken into account for calculating the amount of gratuity due to him :

Provided further that on transfer of a member of a Service from one Trust to

another, the gratuity to which he may be entitled shall be transferred to the Trust to which such a member has been transferred and such member shall be entitled to claim the entire amount of gratuity payable to him from the Trust last served.

(2) The incidence of gratuity on the fund of the concerned Trust shall be in proportion to the length of service in each such Trust.

**17. Departmental examination.** – The Government may, by notification, direct that the person appointed to a Service shall be required to pass a departmental examination, the details and syllabus whereof and the consequences for failure to pass the same shall be such as are provided under these rules and as may be notified by the Government. Section 17

**18. Record of service.** – (1) There shall be a personal file for every member of a Service in which shall be placed all papers, record and other documents, relating to his service. The file shall contain in particular a service book giving history of service from the date of his appointment, particulars of increment, promotion, reward, punishment and all other special events of his career. The service book shall also contain the leave account form showing a complete record of leave, other than casual leave. Section 17

(2) A confidential file shall also be maintained for each member of a Service :

Provided that Government may, if it so decides, make such agreements as it may deem necessary to maintain, in addition, a centralized record of leave, pay and service of members of Services.

**19. Liability for vaccination and re-vaccination.** – Every member of a Service shall get himself vaccinated or re-vaccinated when the appointing authority so directs by special or general order. Section 17

**20. Oath of allegiance.** – Every member of a Service, unless he has already done so, shall be required to take oath of allegiance to India and to the Constitution of India as by the law established. Section 17

**21. Power to relax.** – Where the Government is satisfied that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules, except the educational qualifications and experience, with respect to any class or category of persons. Section 17

**22. Interpretation.** - If any question arises relating to the interpretation of these rules, the Government shall decide the same.

**23. Classification.** – For the purposes of these rules, the classification of Trusts shall be made by the Government from time to time through a notification published in the Official Gazette.

**24. Repeal and savings.**- The Punjab Trust Services (Recruitment and Conditions of Service) Rules, 1978 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:

Provided further that such repeal shall not affect the previous operation of the rules so repealed.