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**THE RAJASTHAN EXCISE SUBORDINATE
SERVICE (GENERAL BRANCH) RULES, 1974**

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DEPARTMENT OF PERSONNEL (A-Gr.-II)

NOTIFICATION

Jaipur, May 30, 1974.

G.S.R. 42. exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Rajasthan makes the following Rules regulating the recruitment to posts in, and the conditions of service of persons appointed to the Rajasthan Excise Subordinate Service (General Branch), namely :-

THE RAJASTHAN EXCISE SUBORDINATE SERVICE
(GENERAL BRANCH) RULES, 1974.

PART-I - General

1. Short title and commencement - (1) These Rules may be called the Rajasthan Excise Subordinate service (General Branch) Rules, 1974.
(2) They shall come into force at once.
2. Definitions - In these rules, unless the context otherwise requires :-
 - (a) "Appointing Authority" (i) means the Government in respect of Assistant Public Prosecutors and (ii) the Commissioner of Excise Department, Rajasthan in respect of other posts and includes, such other Officer or Authority who may, with the approval of the Government, be specially empowered by the Commissioner, to exercise the powers and functions of the Appointing Authority;
 - (b) "Commission" means the Rajasthan Public Service Commission;
 - (c) "Commissioner" means the Commissioner, Excise Department, Rajasthan;
 - (d) "Committee" means the Committee referred to in rule 24;

- (e) "Direct recruitment" means recruitment made according to the procedure prescribed in Part IV of these rules.
- (f) "Member of the service" means a person appointed in a substantive capacity to a post in the Service under the provisions of these rules or under rules or orders repealed by rule 37 and includes a probationer;
- (g) "Schedule" means a Schedule appended to these rules;
- (h) "Substantive Appointments" means an appointment made under the provisions of these rules to a substantive vacancy after due selection by any of the method of recruitment prescribed under these rules and includes an appointment on probation or as probationer followed by confirmation on the completion of the probationary period;
- (i) "Government" means the Government of Rajasthan;
- (j) "Service" means the Rajasthan Excise Subordinate Service (General Branch).
- (jj) "State" means the state of Rajasthan.
- (k) "Service" or "Experience" 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 accordance with Rules promulgated under proviso to Article 309 of the Constitution of India.
- Note :** Absence during service e.g., training, leave and deputation which are treated as "duty" under the Rajasthan Service Rules, 1951 shall also be counted as service for computing minimum experience or service required for promotion."
- (L) "Year" means financial year.

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3. Interpretation - Unless the context otherwise requires the Rajasthan General Clauses Act, 1955 (Rajasthan) Act 8 of 1955) shall apply for the interpretation of these rules as it applies for the interpretation of a Rajasthan Act.

PART-II CADRE

4. Composition and strength of the Service - (a) The nature of posts in the Service shall be as specified in column 2 the schedule.

(b) The strength of posts in the service shall be such as may be determined by the Government from time to time :

Provided that --

(i) the Government may create any post, permanent or temporary from time to time, as may be found necessary and may abolish any such post in the like manner without thereby entitling any person to any compensation;

(ii) the Appointing Authority may leave unfilled or hold in abeyance or allow to lapse any post, permanent or temporary from time to time, without thereby entitling any person to any compensations.

5. Constitution of the Service -- The service shall consist of :-

(a) all persons holding substantively the posts specified in the Schedule;

(b) all persons recruited to the Service before the commencement of these Rules; and

(c) all persons recruited to the Service in accordance with the provisions of these rules.

PART-III . RECRUITMENT

6. Methods of Recruitment :- (1) Recruitment to the service after the commencement of these rules shall be made by the following methods in the proportion indicated in column 3 of the Schedule :-

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(a) direct recruitment in accordance with Part IV of these rules. Provided that 12.5% of the posts of Inspector Grade II to be filled in by direct recruitment shall be reserved for being filled in from amongst the Ministerial Staff holding a post in the cadre substantively, subject to their being found otherwise eligible for such recruitment under these rules. The reservation shall be carried forward only to the next succeeding year.

Provided that the post of excise Guards shall be filled 100% by direct recruitment from amongst the Class-IV Employees holding the post substantively in the Excise Department.

(b) Promotion in accordance with Part V of these rules :

Provided that :-

(i) If the Appointing Authority is satisfied, in consultation with the Commission where necessary, that suitable persons are not available for appointment by the method of recruitment in a particular year, appointment by the other method in relaxations of the prescribed proportion, may be made in the same manner as specified in these rules;

(ii) nothing in these rules shall preclude the Appointing Authority from appointing officers who were immediately before 1-11-1956 in the employment of pre-reorganisation State of Ajmer, Bombay and Madhya Bharat to suitable posts in the Schedule in accordance with the directions governing the integration of their services;

(iii) the persons who were appointed to the posts included in the Schedule in ad hoc/officiating/temporary basis before 1-1-1972 and were working as such on the date these rules come into force shall be screened and recommended by a Committee referred to in rule 24 for adjusting their suitability on the posts held provided that they possess the academic qualifications prescribed in these rules either for direct recruitment or promotion or the prescribed qualifications on the basis of which the persons were selected for ad hoc/Officiating/temporary appointment :

(5)

Provided that a person appointed on ad hoc basis shall not be entitled to screening for a post higher than to which he was initially appointed, if a person senior to him on lower post who fulfilled qualifications prescribed for the post was either not given such ad hoc appointment or is not entitled to screening under this rule,

Note :- Seniority for the purpose shall be determined according to length of continuous service to a post.

Provided further that the committee appointed under these rules for adjudging suitability by screening either as an exception of general methods of recruitment or as initial constitution of service, may ex-gratia recommend, if any of the employees with more than three years of service on a post for which he is to be screened is not adjudged suitable and if thereafter has no right to be appointed on a lower post, for such lower post being offered to him by absorption and there upon such an employee shall be treated as surplus employee under the provisions of the Rajasthan Civil Service (Absorption of surplus personnel) Rules, 1969 and such employee may be absorbed on the lower post on the recommendations of the committee subject to such conditions as may be laid down by it.

(iv) That the persons who have been continuously holding the post of Excise Inspector Grade-II in an adhoc or urgent temporary basis for a period of not less than 5 years on 31.3.88 and are still holding the post on the date this amendment comes into force, shall be screened by a committee consisting of the Excise commissioner, Dy. Secretary to Govt. finance (Excise), Dy. Secretary to Govt Department of personnel and Additional commissioner Excise (Admn.) for adjudging their suitability for the post held by them and shall be appointed to the said post on regular basis in the service, if they possess qualifications and experience prescribed in these rules for direct recruitment. The inter-se-seniority of persons adjudged suitable shall be determined by the committee according to the length of continuous service on the post of Excise Inspector Grade-II.

(2) Recruitment to the service by the aforesaid method shall be made in such a manner that the persons appointed to the service by each method do not at any time exceed the

percentage laid down in the Rules/Schedule of the total cadre strength as sanctioned for each category from time to time.

7. **Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes-**(1) Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes shall be in accordance with the orders of the Government for such reservation in force at the time of recruitment i.e. by direct recruitment and by promotion.

(2) The vacancies so reserved for promotion shall be filled in by seniority cum merit and merit.

(3) In filling the vacancies so reserved the eligible candidates who are members of the Scheduled Castes and the Scheduled Tribes shall be considered for appointment in the order in which their names appear in the list prepared for direct recruitment by the Commission, for posts falling in its purview, and by the Appointing Authority in other cases, and the Committee or the Appointing Authority, as the case may be, in the case of promotees, irrespective of their relative rank as compared with other candidates.

(4) Appointment shall be made strictly in accordance with the rosters prescribed separately for direct recruitment and promotion. In the event of non-availability of the eligible and suitable candidates amongst Scheduled Castes and the Scheduled Tribes as the case may be, in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure and an equivalent number of additional vacancies shall be reserved in the subsequent year. Such of the vacancies which remain so unfilled shall be carried forward to the subsequent three recruitment years in total, and thereafter such reservation would lapse :

Provided that there shall be no carry forward of the vacancies in posts or class / category / group of post in any cadre of service to which promotions are made on the basis of merit alone under the rules.

7A. **Reservation of vacancies for Other Backward Classes:-** Reservation of vacancies for Other Backward Classes shall be in accordance with the orders of the Govt. for such reservation in force at the time of direct recruitment. In the event of non-availability of eligible and suitable

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candidates amongst Other Backward Class in a particular year, the vacancies so reserved for them shall be filled accordance with the normal procedure.

7B. Reservation of vacancies for woman candidates :-
Reservation of vacancies for woman candidates shall be 20% categorywise, in direct recruitment. In the event of non-availability of eligible and suitable woman candidates in a particular year, the vacancies shall not be carried forward to the subsequent year and the reservation i.e. the reservation of woman candidates shall be adjusted proportionately in the respective category to which the woman candidates belong.

8. Nationality - A candidate for appointment to the Service must be :

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

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

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

8A. Conditions of eligibility of migrated from other Countries to India : Notwithstanding anything contained in these Rules, provisions regarding eligibility for recruitment to the Service with regard to Nationality, age-limit and fee or other concessions to a person who may migrate from other

Counties in India with the intention of permanently settling in India shall be regulated by such orders or instructions as may be issued by the State Government from time to time and the same shall be regulated *mutatis mutandis* according to the instructions issued on the subject by the Government of India.

9. Determination of vacancies (1) (a) Subject to the provisions of the Rules, the Appointing Authority shall determine on 1st April every year, the actual number of vacancies occurring during the financial year.

(b) Where a post is to be filled in by a single method as prescribed in the rule or Schedule, the vacancies so determined shall be filled in by that method.

(c) Where a post is to be filled in by more than one method as prescribed in the rules or Schedule, the apportionment of vacancies, determined under clause (a) above, to each such method shall be done maintaining the prescribed proportion for the over all number of posts already filled in. If any fraction of vacancies is left over, after apportionment of the vacancies in the manner prescribed above, the same shall be apportioned to the quota of various methods prescribed in a continuous cyclic order giving precedence to the promotion quota.

(2) The Appointing Authority shall also determine the vacancies of earlier years, 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.

10. Age:- A candidate for direct recruitment to the post enumerated in the Schedule must have attained the age of 21 Years and must not have attained the age of 33 years on the first day of January next following the last date fixed for receipt of applications:

Provided :-

(i) that the upper age-limit mentioned above, shall be relaxed by 5 years in the case of women candidates and candidates belonging to Scheduled Castes or Scheduled Tribes;

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(ii) that the upper age-limit mentioned above shall not apply to an ex-Prisoner who had served under the Government on a substantive basis on any post before his conviction and was eligible for appointment under the rules;

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(iii) that the upper age-limit mentioned above shall be relaxed by a period equal to the term of imprisonment served in the case of an ex-Prisoner who was not over age before his conviction and was eligible for appointment under the rules;

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(iv) that the persons appointed temporarily to a post in the service shall be deemed to be within the age limit, had they been within the age limit when they were initially appointed even though they have crossed the age limit, when they appear finally before the Commission or the Appointing Authority as the case may be and shall be allowed up to two chances had they been eligible as such at the time of their initial appointment;

(v) that the Cadet instructors shall be allowed to deduct, from their actual age, the period of service rendered by them in the N.C.C. and if the resultant age does not exceed the maximum age limit prescribed above by more than three years, they shall be deemed to be within the prescribed age limit;

(vi) that the upper age limit in the case of ministerial staff of the Department for category of posts reserved for them under rule 6 (a) shall be 40 years.

(vii) that the upper age limit mentioned above shall be relaxed upto 45 years for the persons repatriated from Burma and Ceylon on or after 1.3.1963 and East African countries of Kenya, Tanganyika, Uganda and Zangibar with a further relaxation upto 5 years in the case of persons belonging to the schedule castes or the schedule tribes.

(viii) that there shall be no age-limit in the case of persons repatriated from East African Countries of Kenya, Tanganyika, Uganda and Zanzibar;

(ix) Notwithstanding anything contained contrary in these rules in the case of persons serving in connection with the

affairs of the state in substantive capacity, the upper age limit shall be 40 years for direct recruitment to post filled in by competitive examination or in case of posts filled in through the commission by interview. This relaxation shall not apply to urgent temporary appointments.

(x) that the released emergency Commissioned Officers and Short Service Commissioned Officers after release from the Army shall be deemed to be within the age limit even though they have crossed the age limit when they appear before the Commission had they been eligible as such at the time of their joining the Commission in the Army.

(xi) that there shall be no age limit in case of persons repatriated from Pakistan during the 1971 Indo-Pak war.

(xii) that there shall be no age limit in the case of widows and divorce women.

Explanation :- That in the case of widow, she will have to furnish a certificate of death of her husband from the Competent Authority and in case of divorce, she will have to furnish the proof of divorce;

(xiii) That where the upper age limit to post/posts is prescribed as 33 years or less in the Rules or Schedule, as the case may be, it shall be relaxed by 2 years in the case of candidates belonging to the other Backward classes.

11. Academic and Technical qualification and experience - A candidate for direct recruitment to the posts enumerated in the Schedule shall in addition to such experience as is required, possess:-

(i) the qualifications given in columns 4 of the schedule, and

(ii) working knowledge of Hindi written in Devnagri script knowledge Rajasthani Culture.

12. Character :- (1) The character of a candidate for direct recruitment to the Service, must be such as will qualify him for employment in the service. He must produce a certificate of good character from the Principal Academic Officer of the University or College or School in which he was last educated

and two such certificates written not more than six months prior to the date of application, from two responsible persons not connected with his College or University or School and not related to him.

Explanation :- In the case of conviction of a candidate for an offence by a court of law, the circumstances of the conviction shall be taken into account and,

(a) if they involve no moral turpitude and produce a report from the Superintendent, After Care Home or if there is no such Home in a particular district from the Superintendent of Police of that district to the effect that while in prison and by his subsequent conduct, he has proved to be completely reformed; and

(b) if they involve moral turpitude, he produces a certificate from the Superintendent, After Care Home endorsed by the Inspector General of Prisons to the effect that he has proved to be completely reformed by disciplined life while in Prison and by his subsequent good conduct in an After Care Home and is suitable for employment, the mere conviction shall not be regarded as disqualification.

(2) If a candidate was convicted for a criminal offence by a Court of law and if the circumstances of the conviction reveal association of such candidate with crimes of violence or with a movement which had as its object to over-throw by violent means the Government as by law established, the conviction shall operate as disqualification for recruitment.

13. **Physical fitness:-** A candidate for direct recruitment to the service, must be in good mental and bodily health and free from any mental or physical defect likely to interfere with the efficient performance of his duties as a member of the service and if selected, must produce a certificate to that effect from a medical authority notified by the Government for the purpose.

14. **Employment of irregular or improper means -** A candidate who is or has been declared by the Commission, Appointing

Authority, as the case may be guilty of impersonation or of submitting fabricated document or documents which have been tempered with or of making statements which are incorrect or false or of suppressing material information or of using or attempting to use unfair means in the interview or otherwise resorting to any other irregular or improper means for obtaining admission to the interview, may, in addition to rendering himself liable to criminal prosecution, be debarred either permanently or for a specified period:

- (a) by the Commission or the Appointing Authority, as the case may be, from admission to any examination or appearance at any interview held by the Appointing Authority for selection of candidate;
- (b) by the Government for employment under the Government.

15. **Canvassing:-** No recommendation for recruitment either written or oral other than that required under the rules, shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature by any means may, disqualify him for recruitment.

PART IV- PROCEDURE FOR DIRECT RECRUITMENT.

16. **Inviting of Application.-** Applications for direct recruitment to the posts in the service shall be invited by the Commission/Appointing authority by advertising the vacancies to be filled in on the Official Gazette or in such other manner, as may be deemed fit;

Provided that while selecting candidates for the vacancies so advertised, the Commission/Appointing authority may, if suitable persons are available, keep on the reserve list the names of more candidates whose number shall not exceed 50% of the advertised vacancies. The Appointing Authority may appoint candidates in the order of merit, if required, within six months from the date of declaration of original list.

17. **Form of Application :-** The application shall be made in the form approved by the Commission/Appointing authority and obtainable from the Office of the Commission/Appointing

authority on payment of such fee as the Commission/Appointing authority may, from time to time, fix.

Provided that the persons repatriated from Burma and Ceylon on or after 1-3-1963 and from East African countries of Kenya, Tan-ganyika, Uganda, and Zanzibar shall be exempted from payment of cost of Application Form prescribed by the Commission or the Appointing Authority, as the case may be, subject to the condition that the Commission or the Appointing Authority, as the case may be is satisfied that such persons are not in a position to pay such fee.

18. Application fee:- A candidate for direct recruitment to a post in the Service must pay the fees fixed by the Commission/Appointing authority in such manner as may be indicated by them.

Provided that the persons repatriated from Burma and Ceylon on or after 1-3-1963 and from East African Countries of Kenya, Tan-ganyika, Uganda and Zanzibar shall be exempted from payment of the application fee, examination fee as prescribed by the Commission or the Appointing Authority, as the case may be, subject to the condition that the Commission or the Appointing Authority, as the case may be, is satisfied that such persons are not in a position to pay such fee.

19. Scrutiny of Application.- The Commission/Appointing authority shall scrutinise the applications received by it and require as many candidates qualified for appointment under these rules as seem to them desirable to appear before them for interview:

Provided that the decision of the Commission/Appointing authority regarding the eligibility or otherwise of a candidate shall be final.

20. Recommendations of the Commission/Appointing authority- The Commission/Appointing authority shall prepare a list of candidates when they consider suitable for appointment to the posts concerned, arrange in the order of merit.

Provided that for the posts which are to be filled through Combined Competitive Examination under the Rajasthan State and subordinate services (Direct Recruitment by Competitive Examination) Rules, 1962, the Commission/

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Appointing authority may, on requisition, recommend, in the order of merit, further names, in addition to the advertised vacancies against additional vacancies intimated to them by the Government or the Appointing Authority, as the case may be before the final result of the Combined Competitive Examination is declared by the Commission/Appointing authority.

21. Disqualifications for appointment-(1) No male candidate who has more than one wife living shall be eligible for appointment to the Service unless the Government after being satisfied that there are special grounds for doing so exempt any candidate from the operation of this rule.

(2) No female candidate who is married to a person having already a wife living shall be eligible for appointment to the Service unless the Government after being satisfied that there are special grounds for doing so, exempt any female candidate from the operation of this rule.

(3) Deleted.

(4) No married candidate shall be eligible for appointment to the Service if he/she had at the time of his/her marriage accepted any dowry.

Explanation :- For the purpose of this rule, "dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (Central Act, 28 of 1961).

22. Selection by Appointing Authority:- Subject to the provisions of rule 7, 7A & 7B the Appointing Authority shall select candidates who stand highest in order of merit in the list prepared by the Commission/Appointing authority under rule 20:

Provided that 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 such candidate is suitable in all other respects for appointment to the post concerned.

PART V- PROCEDURE FOR RECRUITMENT BY PROMOTION

23. **Eligibility and criteria for Selection.**- Selection for appointment to the posts required to be filled in by promotion as mentioned in the Schedule shall be made appointment to strictly on the basis of merit and on the basis of seniority-cum-merit in proportion of 1:1

Provided that if the Departmental Promotion Committee is satisfied that suitable persons are not available for selection by promotion strictly on the basis of merit in a particular year, promotion on the basis of seniority-cum-merit may be made in the same manner as specified in these rules.

Explanation :- In case direct recruitment to a post has been made earlier than regular selection for Promotion is a particular year, such of the persons, who are or were eligible for appointment to that post by both the methods of recruitment and have been appointed by direct recruitment first, shall also be considered for promotion.

24. **Procedure for appointment by promotion:-** (1) As soon as the Appointing Authority determines the number of vacancies under rule 9 and decides that a certain number of posts are required to be filled by promotion. It shall prepare a correct and complete list containing names upto five times the number of vacancies out of the senior most persons who are qualified under the rules for promotion on the basis of seniority-cum-merit or on the basis of merit and who have passed the qualifying examination wherever necessary for promotion to the class of posts concerned.

(2) Deleted.

(3) A Committee consisting of the Commissioner as Chairman, the Deputy Secretary to the Government, Incharge Finance (Excise), Department, the Deputy Secretary to the Government in the Department of Personnel and Additional Commissioner (Administration), Head quarters, who shall also be Member Secretary shall consider the cases of all persons included in the list referred to in sub-rule (1) interviewing such of them as they may deem necessary and shall prepare separate lists containing names of suitable candidates to be promoted on the basis of seniority-cum-merit and merit

respectively upto one and a half times the number of posts to be filled in on the respective basis.

Provided that in case any Member or Member-Secretary, as the case may be, constituting the Committee has not been appointed to the post concerned, the officer holding charge of the post for the time being shall be the Member or Member-Secretary, as the case may be, of the Committee.:

(4) The names of the candidates selected on the basis of seniority-cum-merit and merit shall be arranged in their respective lists in order of seniority.

(5) If the Committee is satisfied that suitable persons are not available for appointment by promotion strictly on the basis of merit in a particular year, appointment by promotion on the basis of seniority-cum-merit may be made in the same manner as specified in this rule.

(6) The list prepared by the Committee shall be sent by the Appointing Authority to the Commission, where necessary, together with Confidential Rolls and Personal Files of the candidates included in it as also of those superseded, if any.

(7) On receipt of advice of the Commission, the Appointing Authority may approve the list finally with such modifications as may, in its opinion, be just and proper.

(7A) The names of the persons included in the two lists finally approved by the Appointing authority shall be re-arranged in a list in order of seniority.

(8) Appointment shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule in the order in which they have been placed in the list, till such list is exhausted.

(9) For purpose of determining the number vacancies to be filled on either basis, the following cycle shall be followed:-

- The first one by merit;
- The subsequent by seniority-cum-merit;
- The cycle to be repeated.

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24A. Revised Criteria, Eligibility and Procedure for Promotion to Junior, Senior and other posts encadred in the Service:- (1) As soon as the Appointing Authority determines the number of vacancies under rule regarding determination of vacancies of these Rules and decides that a certain number of posts are required to be filled in by promotion, it shall subject to provisions of sub-rule (9), prepare a correct and complete list of the senior-most persons who are eligible and qualified under these Rules for promotion on the basis of seniority cum merit or on the basis of merit to the class of posts concerned.

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(2) The persons enumerated in Column 5 or the relevant Column regarding post from which promotion is to be made, as the case may be, of the relevant schedule shall be eligible for promotion to posts, specified against them in Column 2 thereof to the extent indicated in Column 3 subject to their possessing minimum qualifications and experience on the first day of the month of April of the year of selection as specified in Column 6 or in the relevant Column regarding minimum qualification and experience for promotion, as the case may be.

(3) No person shall be considered for first promotion in the Service unless he is substantively appointed and confirmed on the lowest post in the Service,. After first promotion in the Service, for subsequent promotions to higher posts in the Service, a person shall be eligible if he has been appointed to such post from which promotion is to be made after selection in accordance with one of the methods of recruitment under any Service Rules promulgated under proviso to Article 309 of the Constitution of India.

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Provided that for first promotion in the Service if number of persons substantively appointed and confirmed on the lowest post, equal to the number of vacancies, are not available then persons who have been appointed to the lowest post in the Service after selection in accordance with one of the methods of recruitment prescribed under these rules, shall also be eligible if they fulfill other conditions of eligibility.

Explanation :- In case direct recruitment to a post has been made earlier than regular selection by promotion in a particular year, such of the persons who are or were eligible

for appointment to that post by both the methods of recruitment and have been appointed by direct recruitment first, shall also be considered for promotion.

(4) Selection for promotion in the regular line of promotion from the post/posts not included in Service to the lowest post or category of post in the Service shall be made strictly on the basis of merit and on the basis of seniority-cum-merit in the proportion of 50:50.

Provided that if the Committee is satisfied that suitable persons are not available for selection by promotion strictly on the basis of merit in a particular year, selection by promotion on the basis of seniority-cum-merit may be made in the same manner as specified in these Rules.

(5) Subject to the provisions of Sub-rule(7), selection for promotion from the lowest post or category of post in the State Service to the next higher post or category of post in the State Service and for all posts in the subordinate Services and in the Ministerial Services, shall be made strictly on the basis of seniority-cum-merit from amongst the persons who have passed the qualifying examination, if any, prescribed under these Rules, and have put in at least five years' service, unless a different period is prescribed elsewhere in these Rules, on the first day of the month of April of the year of selection on the post or category of post from which selection is to be made:

Provided that in the event of non-availability of the persons with the requisite period of service of five years, the Committee may consider the persons having less than the prescribed period of service, if they fulfill the qualifications and other conditions for promotion prescribed elsewhere in these Rules, and are found otherwise suitable for promotion on the basis of seniority-cum-merit.

(6) Selection for promotion to all other higher posts or higher categories of posts in the State Service shall be made on the basis of merit and on the basis of seniority-cum-merit in the proportion of 50:50.

Provided that if the Committee is satisfied that suitable persons are not available for selection by promotion strictly on the basis of merit in a particular year,

selection by promotion on the basis of seniority -cum-merit may be made in the same manner as specified in these Rules.

Explanation : - If in a service, in any category of Post available for promotion is an odd number then for purpose of determining the vacancies for selection by promotion on the basis of seniority-cum-merit and merit in the proportion of 50:50, the following cyclic order shall be followed :

The first vacancy be seniority cum merit ;
The subsequent vacancy by merit ;
The cycle to be repeated.

(7) Selection for promotion to the highest or highest categories of post in the State Service shall always be made on the basis of merit alone :

Provided that : -

(a) In a Service or Groups or Sections thereunder, where there are only two scales e.g. Junior scale or senior scale and there is only one promotion then promotion shall be made on the basis of seniority-cum-merit alone :

(b) In a Service or Groups of Sections thereunder, where there are three scales e.g. Junior scale, senior scale and selection scale and there are two promotions shall be as under :-

(i) First promotion on the basis of seniority-cum-merit;

(ii) second promotion on the basis of seniority-cum-merit and merit in the proportion of 50:50

(c) In Service or Groups or Sections thereunder, where there are more than two promotions then first promotion shall be made on the basis of seniority-cum-merit alone and promotions to subsequent higher posts shall be made on the basis of seniority-cum-merit and merit in the proportion of 50:50 except to the highest post.

(8) Deleted.

Explanation :- If any doubt arises about the categorization of the post as the lowest, next higher or highest post in the Services, the matter shall be referred to the Government in the Department of Personnel and Administrative Reforms whose decision thereon shall be final.

(9) The Zone of consideration of persons eligible for promotion shall be as under :-

(i) Number of Vacancies

Number of eligible persons to be considered.

(a) for one vacancy

Five eligible persons.

(b) for two vacancy

Eight eligible persons.

(c) for three vacancies

Ten eligible persons.

(d) for four or more vacancies

Three times the number of vacancies.

(ii) Where, the number of eligible persons for promotion to higher post is less than the number specified above, all the persons so eligible shall be considered.

(iii) Where, adequate number of the candidates belonging to the Scheduled Castes or the Scheduled tribes, as the cases may be, are not available within the Zone of consideration specified above, the zone of consideration may be extended to five times the number of vacancies and the candidates belonging to the Scheduled Castes or the Scheduled tribes, as the case may be (and not any other) coming within the extended zone of consideration shall also be considered against the vacancies reserved for them.

(iv) For the highest post in a State Service:-

(a) if promotion is from one category of post, eligible persons upto five in number shall be considered for promotion:

(b) if promotion is from different categories of the post in the same pay scale, eligible persons upto two in number from each category of posts in the same pay scale shall be considered for promotion.

(c) if promotion is from different categories of posts carrying different pay scales, eligible persons in the higher pay scale shall be considered for promotion first and if no suitable person is available for promotion on the basis of

merit in the higher pay scale then only the eligible persons of other categories of posts in lower pay scales shall be considered for promotion and so on and so forth. The zone of consideration for eligibility in this case shall be limited to five senior most eligible persons in all.

(10) Except as otherwise expressly provided in this rule, the conditions of eligibility for promotion, constitution of the Committee and procedure for selection shall be the same as prescribed elsewhere in these Rules.

(11) (a) The Committee shall consider the cases of all the senior most persons who are eligible and qualified for promotion to the class of posts concerned under these Rules and shall prepare a list containing names of the persons found suitable on the basis of seniority-cum-merit and/or on the basis of merit, as the case may be, as per the criteria for promotion laid down in these Rules, equal to the number of vacancies determined under rule relating to Determination of vacancies of these Rules. The list so prepared on the basis of seniority-cum-merit and/or the basis of merit, as the case may be, shall be arranged in the order of seniority on the category of posts from which selection is made.

(b) The Committee shall also prepare a separate list on the basis of seniority-cum-merit and/or on the basis of merit, as the case may be, as per the criteria for promotion laid down in the rules, containing names of persons equal to the number of persons selected in the list prepared under (a) above to fill temporary or permanent vacancies, which may occur subsequently. The list so prepared on the basis of seniority-cum-merit and/or on the basis of merit shall be arranged in the order of the seniority in the category of posts from which selection shall be made. Such a list shall be reviewed and revised by the Departmental Promotion Committee that meets in the subsequent year and that such list shall remain in force till the end of the last day of the next year or till the Departmental Promotion Committee meets, whichever is earlier.

(c) Such lists shall be sent to the Appointing Authority together with Annual Confidential Reports/Annual Performance Appraisal Reports and other Service Records of all the candidates included in the lists as also of those not

selected, if any.

Explanation:- For the purpose of selection on the basis of merit, the list of officers graded as 'Outstanding' and 'Very Good' shall be classified in the first category in the order of seniority, the officers graded as 'Good' shall be classified in the Second category in the order of seniority and the officers graded as 'Average' and 'Not Selected' shall be classified in Third category. The officers graded and classified in the second category list shall be placed below the officers graded and classified in the first category only and such officers shall be appointed from this category only if the officers graded and classified in the first category list is exhausted otherwise they shall not be appointed to the Service by promotion. The officers graded and classified in the third category list shall be considered for appointment by promotion.

(11A) If in any subsequent year, after promulgation of these Rules, vacancies relating to any earlier year are determined under sub-rule(2) of rule relating to determination of vacancies which were required to be filled by promotion, the Departmental Promotion Committee shall consider the cases of all such persons who would have been eligible in the year to which the vacancies relate irrespective of the year in which the meeting of the Departmental Promotion Committee is held and such promotions shall be governed by the criteria and procedure for promotion as was applicable in the particular year to which the vacancies relate, and the service/experience of an incumbent who has been so promoted, for promotion to higher post for any period during which he has not actually performed the duties of the post to which he would have been promoted, shall be counted. The pay of a person who has been so promoted shall be re-fixed at the pay which he would have derived at the time of his promotion but no arrears of pay shall be allowed to him.

(11B) The Government or the Appointing Authority may order for the review of the proceedings, of the D.P.C. held earlier on account of some mistake or error apparent on the face of record, or on account of a factual error substantially affecting the decision of the D.P.C. or for any other sufficient reasons e.g. change in seniority, wrong determination of vacancies, judgement/direction of any Court

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or Tribunal, or where adverse entries in the confidential reports of an individual are expunged or toned down or a punishment inflicted on him is set aside or reduced. The concurrence of the Department of Personnel and the Commission (where Commission is associated) shall always be obtained before holding the meeting of the review D.F.C.

(12) Where consultation with the Commission is necessary, the lists prepared by the Committee shall be forwarded to the Commission by the Appointing Authority along with the Personal files and Annual Confidential rolls of all the persons whose names have been considered by the Committee.

(13) The Commission shall consider the lists prepared by the Committee along with other relevant documents received from the Appointing Authority and, unless any change is considered necessary, shall approve the lists. In case the Commission consider it necessary to make any change in the lists received from the Appointing Authority, it shall inform the Appointing Authority of the changes proposed by it. After taking into account the comments of the Commission, if any, the Appointing Authority may approve the lists finally with such modifications, as may in its opinion, be just and proper and when the Appointing Authority is an authority subordinate to the Government, the lists approved by the Commission shall be disturbed only with the approval of the Government.

(14) Appointments shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule (13) in the order in which they have been placed in the lists, till such lists are exhausted or reviewed and revised, as the case may be.

(15) The Government may issue instructions for provisionally dealing with promotions, appointments or other ancillary matters in an equitable and fair manner of persons who may be under suspension, or against whom departmental proceeding is under progress, at the time promotion are considered to a post to which they are eligible or would have been eligible but for such suspension or pendency of such enquiry of proceedings.

(16) The provisions of this rule shall have effect notwithstanding anything to the contrary contained in any provision of these Rules.

24AA. Restriction on promotion of persons foregoing promotions:- In case a person on his appointment by promotion to the next higher post either on the basis of urgent temporary appointment or on regular basis on the recommendations of the Departmental Promotion Committee, foregoes such an appointment, he shall be considered again for appointment by promotion only after a period of one year (both on the basis of urgent temporary appointment or on regular basis, on the recommendations of the Departmental Promotion Committee).

24B. Notwithstanding anything contained in these Rules, a person belonging to the Scheduled Caste or the Scheduled tribe promoted to higher post in the Service may be posted by the Appointing Authority in a District or Zone or range or Division, other than his Home District or Zone or range or Division.

Provided that

(i) for purpose of promotion to higher post, for the persons belonging to Scheduled Caste/Scheduled tribe, subject to provisions contained in rule relating to 'Seniority' the inter-se-seniority on lower post shall be determined at State level;

(ii) in case a person belonging to Scheduled Caste/Scheduled tribe is promoted on higher post and posted by the Appointing Authority against a vacancy available in District or Zone or range or Division, other than the Home District or Zone or range or Division, he shall be eligible for transfer to his Home District or Zone or range or Division, only when he has served for a period of not less than five years in the District or Zone or range or division, in which he has been posted on promotion to higher post;

(iii) in case a person belonging to Scheduled Caste/Scheduled Tribes, does not want his promotion in another district or Zone or range or division, in that event a chance shall be extended for promotion to higher post by the appointing Authority to the next junior persons;

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in a District or Zone or range or division, the persons belonging to the Scheduled Castes/Scheduled tribes, are not available for promotion to high post against reserved vacancies, in that event such reserved vacancies shall be filled in from amongst the persons belonging to the Scheduled Castes or the Scheduled Tribes, available in another District or Zone or range or division.

PART VI- APPOINTMENT, PROBATION AND CONFIRMATION

25. Appointment to the service- Appointments to posts in the Service by direct recruitment or by promotion the case may be, shall be made by the Appointing Authority on occurrence of vacancies from the candidates selected under rule 22 and from the persons selected under sub-rule (3) rule 24 in accordance with these rules.

25A. Appointment of screened persons-Appointment to the post by Appointing Authority from Amongst the Persons adjudged suitable under rule 6 of these rules.

26. Urgent temporary Appointment.

(1) A vacancy in service which cannot be filled in immediately either direct recruitment or by promotion under the rules may filled in by the Appointing Authority, by appointing in an officiating capacity thereto an officer eligible for appointment temporarily thereto a person eligible for direct recruitment to the Service, where such direct recruitment to the Service has been provided under the provisions of these rules.

Provided that such an appointment will not be continued beyond a period of one year without referring the case to the Commission for concurrence where such concurrence is necessary and shall be terminated immediately on refusal to concur.

(2) In the event of non-availability of suitable persons, fulfilling the requirements of eligibility for promotion, Government may notwithstanding the condition of eligibility for promotion required under sub rule (1) above, laid down general instructions for grant of permission to fill the vacancies on urgent temporary basis subject to such

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conditions and regulations regarding pay and other allowances as it may direct. Such appointments shall, however, be subject to concurrence of the Commission as required, under the said sub-rule.

27. Seniority:- Seniority of persons appointed to the lowest post of the Service or lowest categories of post of service or lowest categories of posts in each of the Group / Sections of the Service, as the case may be shall be determined from the date of confirmation of such persons to the said post but in respect of persons appointed by promotion to other higher posts in the Service or other higher categories of posts in each of the Group / Sections in the Service, as the case may be, shall be determined from the date of their regular selection to such posts.

Provided -

(1) that the seniority inter se of the persons appointed to the Service before the commencement of these rules, and/or in the process of integration of the services of the pre-organisation State of Rajasthan or the services of the New State of Rajasthan or the service of the new State of Rajasthan established by the State Reorganization Act 1956, shall be determined, modified or altered by the Appointing Authority on an ad hoc basis.

(2) that the seniority inter se of the persons adjusted suitable under proviso (3) of Rule (6) shall be determined by the Appointing Authority on the recommendation of the Committee referred to in rule 24.

(3) that the seniority inter se to the person appointed to posts by direct recruitment on the basis of one and the same selection, except those who do not join service when a vacancy is offered to them shall follow the order in which they have been placed in the list prepared under rule 20.

(4) that the person selected and appointed as a result of a selection, which is not subject to review and revision, shall rank senior to the persons, who are selected and appointed as a result of subsequent selection.

Seniority inter-se of persons selected on the basis of seniority cum merit and on the basis of merit in the same

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selection... selection... in the next higher grade.

(5) deleted

(6) that the seniority of the persons screened under proviso(iv) of Rule 6 shall be fixed by placing them below all the persons appointed on regular basis by direct recruitment upto the date this amendment comes into the force.

(7) deleted

(8) That if a candidate belong to the scheduled caste / scheduled tribe is promoted to an immediate post / grade against a reserved vacancy earlier than his senior general / O.B.C. candidate who is promoted later to the said immediate higher post / grade. the general / O.B.C. candidate will regain his seniority over such earlier promoted candidate of the scheduled caste / scheduled tribe in the immediate higher post / grade.

28. Period of Probation.- (1) All persons appointed to the Service by direct recruitment against a substantive vacancy shall be placed on probation for a period of two years and those appointed to the Service promotion/special selection against a substantive vacancy shall be placed on probation for a period of one year."

Provided that :-

(i) such of them as have, previous to their appointment by promotion "special selection" or by direct recruitment against a substantive vacancy, officiated temporarily on the post which is followed by regular selection may be permitted by the Appointing Authority to count such officiating or temporary service towards the period of probation. This shall, however, not amount to involve supersession of any senior person or disturb the order of their preference in respective quota or reservation in recruitment.

(ii) any period after such appointment during which a person has been on deputation on a corresponding or higher post shall count towards the period of probation.

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(2) Duration of probation specified in sub-rule (1) each probationer may be required to pass such Departmental Examination and to undergo such training as the Government may, from time to time, specify.

Explanation : In case of a persons who dies or is due to retire on attaining the age of superannuation the period of probation shall be reduced so as to end one day earlier on the date immediately preceding the date of his death or retirement from Government Service. The condition of passing the Departmental Examination in the rule regarding confirmation shall be deemed to have been waived in case of death or retirement."

29. Confirmation in Certain cases:--(1) Notwithstanding anything to the contrary contained in the preceding in the preceding rule a person appointed to a post in the Service temporarily or on officiating basis who, after regular recruitment by any one of the methods of recruitment prescribed under these Rules, has not been confirmed, within a period of six months on completion of a period of two years' service in case he is appointed by direct recruitment or within a period of one year's service in case he is appointed by promotion, shall be entitled to be treated as confirmed in accordance with his seniority, if:-

(i) he has worked on the post or higher post under the same Appointing Authority or would have so worked out for his deputation or training.

(ii) he fulfills conditions as are prescribed under rule relating to confirmation subject to the quota prescribed under these Rules, and

(iii) permanent vacancy is available in the department.

(2) If an employee referred to in sub-rule (1) above fails to fulfill the conditions mentioned in the said sub-rule, the period mentioned in sub-rule(1) above, may be extended as prescribed for a probationer under the Rajasthan Civil Services (Departmental Examinations) Rules, 1959 and any other rules or by one year, whichever is longer. If the employee still fails to fulfill the conditions mentioned in sub-rule (1) above, he will be liable to be discharged or terminated from such post in the same manner as probationer or reverted to his substantive or lower post, if any, to

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Persons may be entitled.

(3) The employee referred to in sub-rule(1) above, shall not be debarred from confirmation after the said period of Service if no reasons to the contrary about the satisfactory performance of his work are communicated to him within the said period of service.

(4) The reasons for not confirming of any employee referred to in sub-rule (1) above shall be recorded by the Appointing Authority in his Service book and Annual Performance Appraisal Report.

Explanation :- (i) Regular recruitment for the purpose of this rule shall mean:-

(a) appointment by either method of recruitment or on initial constitution of Service in accordance with the Rules made under the proviso to Article 309 of the Constitution of India.

(b) appointment to the posts for which no Service Rules exists, if the posts are within the pervue of the Commission, recruitment in consultation with them;

(c) appointment by transfer after regular recruitment where the Service Rules specifically permit;

(d) persons who have been made eligible for substantive appointment to a post under the rules shall be treated as having been regularly recruited;

Provided that it shall not include urgent temporary appointment or officiating promotion which is subject to review and revision.

(ii) Persons who hold lien on another cadre shall be eligible to be confirmed under this rule and they will be eligible to exercise an option whether they do not elect to be confirmed on the expiry of two years of their temporary appointment under this rule. In the absence of any option to the contrary they shall be deemed to have exercised option in favour of confirmation under this rule and their lien on the previous post shall cease."

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30. Unsatisfactory progress during probation:- (1) If it appears to the Appointing Authority at any time, during or at the end of the period of probation, that a member of the Service has not made sufficient use of his opportunities or that he has failed to give satisfaction, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment, provided he hold a lien thereon or in other cases may discharge or terminate him from Service;

Provided that the Appointing Authority may, if it so thinks fit in any case or class of cases, extend the period of probation of any member of Service by a specified period not exceeding two years in case of person appointed to a post in the Service by direct recruitment and one year in the case of person appointed by promotion /special selection to such post.

Provided further that the Appointing Authority may, if it so thinks fit in case of persons belonging to Scheduled Castes or Scheduled Tribes, as the case may be, extend the period of probation by a period not exceeding one year at a time and a total extension not exceeding three years.

(2) Notwithstanding anything contained in the above proviso, during the period of probation, if a probationer is placed under suspension, or disciplinary proceedings are contemplated or started against him, the period of his probation may be extended till such period the Appointing Authority thinks fit in the circumstances.

(3) A probationer reverted or discharged from service during or at the end of period of probation under sub-rule(1) shall not be entitled to any compensation.

31 Confirmation : (1) a Probationer shall be confirmed in his appointment at the end of his period of probation if-

(a) he has passed the departmental examination and has successful undergone such training as is referred to in sub-rule (2) of rule 28;

(b) he has passed the departmental test of proficiency in Hindi; and

(c) the Appointing Authority is satisfied that his integrity is unquestionable and that he is otherwise fit for confirmation.

(2) Persons adjudged suitable under proviso (3) of rule 6 shall be confirmed by the Appointing Authority on permanent vacancies as they occur in the order in which their names appear in the list provided that no person shall be confirmed in his appointment before the expiry of two years period from the date of his initial ad-hoc/officiating/temporary appointment.

PART VIII-PAY

32. Scale of Pay :- The scale of monthly Pay of a person appointed to the post in service, shall be such as may be admissible under the rule 35 or as may be sanctioned by Government from time to time.

33. Increments during probation :- A person placed on probation shall draw increments in the scale of pay admissible to him in accordance with the provisions of the Rajasthan Service Rules, 1951.

34. Criteria for crossing of Efficiency Bar- No member of the Service shall be allowed to cross an Efficiency Bar unless in the opinion of the Appointing Authority he has worked satisfactorily and his integrity is unquestionable.

35. Regulations of Pay, Leave, Allowance, Pensions etc.:- Except as provided in these rules the pay allowances, pension, leave and other conditions of service of a member of the Service shall be regulated by :-

1. The Rajasthan Travelling Allowance Rules 1971 as amended from time to time.

2. The Rajasthan Civil Services (Unification of Pay Scales) Rules, 1950 as amended from time to time.

3. The Rajasthan Civil Services (Relationship of Pay Scales) Rules, 1956 as amended from time to time.

4. The Rajasthan Service Rules, 1951 as amended from time to time.

5. The Rajasthan Civil Services (Classification Control and Appeal) Rules, 1958 as amended from time to time.
6. The Rajasthan Civil Services (Revised Pay) Rules 1961 as amended from time to time.
7. The Rajasthan Civil Services (New Pay Scales) Rules 1969 as amended from time to time.
8. Any other rules prescribing general conditions of Service made by the appropriate authority under the proviso to Article 309 of the Constitution of India, and for the time being in force.

36. **Removal of Doubts :** If any doubt arises relating to the application, interpretation and scope of these rules, it shall be referred to Government in the Department of Personnel whose decision thereon shall be final.

37. **Repeal and Saving :-** All rules and orders in relation to matters covered by these rules are hereby repealed :

Provided that any action taken under the rules and orders so superseded shall be deemed to have been taken under the provisions of these rules.

38. **Power to relax rules :-** In exceptional cases where the Administrative Department of the government is satisfied that operation of the rules relating to age or regarding requirement of experience for recruitment causes undue hardship in any particular case or where the Government is of the opinion that it is necessary or expedient to relax any of the provisions of these Rules with respect to age or experience of any persons, it may with the concurrence of the Department of Personnel and Administrative Reforms and in consultation with the Commission by orders dispense with or relax the relevant provisions of these Rules to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner, provided that such relaxation shall not be less favourable than the provisions already contained in these Rules. Such cases of relaxation shall be referred to the Rajasthan Public Service Commission by the Administrative Department concerned".

No.	Name of Post	Method of recruitment	Qualification for direct recruitment.	Post from which promotion is to be made.	Qualification and experience for promotion.
Inspector of Excise Gr.I	100% by promotion.	Graduate in Science, Arts or Commerce from recognised university established by Law in India or a qualification recognised by government as equivalent thereto.	Inspector of Excise Gr.II	5 Years experience as Inspector Excise Gr. II.	
Inspector of Excise Gr.II	100% by direct recruitment.	Graduate in Science, Arts or Commerce from recognised University established by Law in India or a qualification recognised by Government as equivalent thereto.	—	—	
Assistant Public Prosecutor of Excise.	100% by direct recruitment.	Law Graduate from recognised University established by Law in India or a qualification recognised by Government as equivalent thereto.			
Excise Guard	100% by direct Recruitment.	<ol style="list-style-type: none"> 1. The candidate must have passed the 8th Standard. 2. Should hold the post of Class-IV Employee substantively in the Excise deptt. 3. Should be otherwise found suitable by the Selection committee constituted by the Excise Commissioner for this purpose and should be physically fit. 			