

GOVERNMENT OF RAJASTHAN
DEPARTMENT OF PERSONNEL
(A-Gr.II)

No.F.8(7)DOP/A-II/2008

Jaipur, dated : 29-01-2014

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Rajasthan hereby makes the following rules to establish the Rajasthan Subordinate and Ministerial Services Selection Board, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Subordinate and Ministerial Services Selection Board Rules, 2014.

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

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

- (a) "Board" means the Rajasthan Subordinate and Ministerial Service Selection Board;
- (b) "Chairman" means a Chairman of the Board and includes an acting Chairman appointed by the Government;
- (c) "Government" means the Government of Rajasthan;
- (d) "Member" means a member of the Board and includes the Chairman thereof; and
- (e) "State" means the State of Rajasthan.

3. Composition of the Board.- (1) The Board shall consist of the Chairman and such number of other members not less than two and not exceeding four appointed by the Government:

Provided that as nearly as may be one half of the members of the Board shall be persons who at the dates of their respective appointments have held office for at least ten years either under the Government of India or under the Government.

(2) If the office of the Chairman of the Board becomes vacant or if Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall, until some person appointed as Chairman to the vacant office has entered on the duties thereof or, as the case may be, until the Chairman has resumed his duties, be performed by such one of the other members of the Board as the Government may appoint for the purpose.

4. Term of Office.- The Chairman and the Member of the Board shall hold office for the term of six years from the date on which he enters upon his office or until he attains the age of 65 years in case of the Chairman and 62 years in case of Member, whichever is earlier:

Provided that-

- (a) the Chairman and the Member of the Board may, by writing under his hand, addressed to the Government, resign his office.
- (b) a person who holds office as a Chairman or Member of the Board shall on the expiration of his term of office, be ineligible for re-appointment to that office.
- (c) the Chairman of the Board shall be ineligible for further employment under the Government.
- (d) a Member of the Board shall be eligible for appointment as Chairman of the Board but not for any other employment under the Government.

5. Removal of Chairman and Member of the Board.- (1) The Chairman or any other Member of the Board shall only be removed from his office by order of the State Government on ground of misbehaviour after providing the opportunity of hearing to the said Chairman / Member in this behalf.

(2) Notwithstanding anything contained in sub-rule (1) above, the Government may by order remove from office the Chairman or any Member of the Board if the Chairman or such other Member, as the case may be -

- (a) is adjudged an insolvent; or
- (b) engages during his term of office in any paid employment outside the duties of his office; or
- (c) is, in the opinion of the Government, unfit to continue in the office by reason of infirmity of mind or body.

(3) If the Chairman or any other Member of the Board is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the State Government or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a Member and in common with the other members of an incorporated company, he shall, for the purposes of sub-rule (1) above, be deemed to be guilty of misbehaviour.

6. Duties and Responsibilities of Chairman.- (1) The Chairman, as administrative head of the Board, shall be responsible for,-

- (i) ascertaining from the departments, the number of posts for which recruitment is to be made, from time to time;
- (ii) inviting applications by means of advertisements;
- (iii) scrutinizing applications received in response to the advertisements;
- (iv) selection of candidates either by competitive examination or interview of candidates or by both;
- (v) submission to the departments concerned names of the selected candidates;

- (vi) taking steps to ensure that in making recommendations, the departments will be able to discharge their obligations in respect of the reservation in recruitments;
- (vii) maintaining records of selections made by the Board;
- (viii) submitting an annual report of the activities of the Board to the State Government;
- (ix) any other duty or duties, entrusted by the Government from time to time.

(2) The Chairman of the Board shall exercise the administrative and financial power of the head of the department.

7. Duties and Responsibilities of Members.- The Member shall,-

- (i) assist the Chairman in conducting examinations and interviews of candidates as and when necessary. He will sit in the interviews held by the Board as a Member, Expert or Chairman.
- (ii) perform any other duty or duties to be assigned by the Chairman who can delegate any administrative or financial powers to be exercised by him.

8. Functions of the Board.- Notwithstanding anything contained in any rules governing the direct recruitment, the recruitment to the post of subordinate and ministerial services as may be specified by the Government, from time to time, shall be made by the Board. The Board shall among other things, conduct examinations and/or hold interviews, whenever required in the selection process according to the relevant recruitment rules.

9. Pay.- The Chairman shall receive pay of Rs. 75,000/- (Fixed) per month and each of the other members shall receive pay of Rs. 70,000/- (Fixed) per month:

Provided that –

- (i) an officer of All India Service appointed to the Board shall be entitled to have his pay fixed at the same stage from the date of such appointment as was admissible in All India Service;
- (ii) the pay of an officer who was already drawing pay of Rs. 70,000/- per month or more shall be fixed on his appointment to the Board at Rs. 70,000/- (fixed) and he shall be allowed to draw pension or pension equivalent to other forms of retirement benefits subject to the aggregate of such pay, pension and pension equivalent to other forms of retirement benefits not exceeding the amount he had drawn as pay immediately before his retirement or Rs. 75,000/- whichever is less.
- (iii) the pay of an officer, who has retired from a Board, Corporation, University, a local body or any other body wholly or substantially owned or controlled by any State Government or Central Government on his appointment to the Board shall also be fixed in accordance with the provisions contained in proviso (ii) above.
- (iv) the Member appointed to perform the duties of the Chairman shall receive for the period that he performs such duties the salary to which he is entitled as a Member of the Board plus Rs. 200/- per month as additional remuneration provided that such additional remuneration shall not be admissible if the period is less than 30 days and it shall be admissible only for a maximum period of four months.

10. Dearness Allowance.- The Chairman and Member shall receive Dearness Allowance at the rates applicable, from time to time, to the officers of the Government of Rajasthan of the equivalent rank.

11. Retirement from parent service on appointment as Member.- A Member, who, on the date of his appointment to the Board, was in the service of the Central or a State Government, Corporation, University, a local body or any other body wholly or substantially owned or controlled by any State Government or Central Government, on his appointment to the Board shall be deemed to have

retired from such service with effect from the date he takes over as Member of the Board.

12. Leave admissible to a Member and cash payment in lieu of unutilised earned leave.- (1) A Member of the Board who at the time of appointment to the Board was in the service of Central or State Government shall be entitled to leave under the rules applicable to him immediately before his appointment and his service as Member shall count for such leave.

(2) A Member of the Board shall also be paid cash payment in lieu of unutilised leave at his credit at the time of his retirement on superannuation from Government service during his tenure as a Member in accordance with the rules applicable to him as a Government servant in this behalf.

(3) A Member of the Board irrespective of whether he was in the service of Central or State Government at the time of his appointment in the Board or not shall also be paid cash equivalent of leave salary in respect of the unutilised earned leave at his credit up to a maximum of 300 days at the time he vacates his office.

13. Leave admissible to a Member who was not in the service of the Central or a State Government.- A Member who at the time of his appointment to the Board was not in the service of the Central or a State Government shall be entitled to leave as follows,-

- (a) Earned leave at the rate of one eleventh of the period spent on duty, on leave salary equivalent to full pay subject to a maximum of 120 days at any one time.
- (b) Leave on medical certificate or on private affairs on leave salary at the rate of 20 days in respect of each completed year of service on leave salary equivalent to half pay:

Provided that commuted leave on full pay not exceeding half the amount of half-pay leave due, may be granted, if the leave is taken on medical certificate and the authority competent to sanction leave has reason to believe that the Member will return to duty on its expiry.

- (c) Extraordinary leave without allowances, when no other leave is by rule admissible or when other leave is admissible, but the Member concerned applies in writing for the grant of extraordinary leave.

Note: All or any two of the above kinds of leave may be granted in combination on any occasions.

14. Pension payable to members who were in the service of the Central or State Government.- (1) A Member who at the time of his appointment as such, was in the service of the Central or a State Government, shall, at his option to be exercised within a period of six months from the date of his appointment, be entitled to draw his pension and other retirement benefits under the rules applicable to the service to which he belonged with effect from the date of his appointment as Member:

Provided that in such an event, his pay as Member shall be reduced by an amount equivalent to the gross pension (including any portion of the pension which may have been commuted) and the pension equivalent of other retirement benefits and he shall be entitled to draw his pension and other retirement benefits separately.

(2) Notwithstanding anything contained in rule 11, a Member, who at the time of his appointment as such, was in the service of the Central or State Government, if he does not exercise the option mentioned in sub-rule (1) above, shall count his service as Member for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment.

15. Pension payable to members who were not in the Service of the Central or State Government, etc.-(1) Subject to the provisions of these rules, a Member, who on the date of his appointment, was not in the service of the Central or a State Government, a local body, or any other body wholly or substantially owned or controlled by the Government, shall on his ceasing to hold office as a Member, be paid a pension:

Provided that no such pension shall be payable to a Member-

(a) unless he has completed not less than three years of service as a Member; or

(b) if he has been removed from office as a Member.

(2) Pension under these rules shall be payable to a Member for whole life:

Provided that no such pension shall be payable during any period for which such member after his retirement holds office as a Member of the Union Public Service Commission or Member of a Public Service Commission of any State, or any Board constituted by the Central or any State Government for recruitment to the Public Services.

(3) Pension under this rule shall be paid at the following rates, namely:-

(i) in the case of the Chairman, Rs. 2000/- per month, if has completed six years of service; and

(ii) in the case of a Member, Rs. 1800/- per month., if he has completed six years of service:

Provided that where the service rendered by a Member is for a period of three years or more but less than six years, the amount of the pension shall be determined in accordance with the following formula, namely :-

Completed years of service for pension shall be multiplied by the amount of the maximum pension admissible under clause (i) or clause (ii) above, as the case may be, and shall be divided by six.

Explanation I : Where a member, who has completed not less than three years of service for pension, resigns from his post and such resignation is accepted by the Government, pension shall be payable to such member in accordance with these rules.

Explanation II: When the total service for pension is rendered by a person partly as Member and partly as Chairman, the

pension admissible to such person in each such term shall be calculated separately subject to the condition that the aggregate pension shall not exceed the pension admissible to the Chairman.

Explanation III: The duration of service of a person as Member shall be computed in terms of completed years, but if the service rendered is six months or more, additional benefit of half year's pension may be allowed.

16. Pension when not payable.- (1) No pension shall be payable under these rules to a Member-

- (i) who on the date of his appointment as such, was in the service of a local body or any other body wholly or substantially owned or controlled by the Government; or
- (ii) who on the date of his appointment as such had retired from service under the Central or a State Government, a local body or any other body wholly or substantially owned or controlled by the Government, if he is in receipt of, had received or has become entitled to receive, any retirement benefit by way of pension, gratuity, payment from any Contributory Provident Fund or otherwise, but such person may, at his option, come under the pension scheme under these rules, if the amount of the pension or the pension equivalent or the retirement benefits or both admissible to him in accordance with the rules and orders of the service to which he belonged falls short of the amount of the pension admissible to him under these rules.

(2) A Member holding office as such shall communicate option referred to in sub-rule (1) in writing to the Government during his tenure as such Member, the option once exercised shall be final.

(3) If a Member exercising his option under this rule has received any gratuity on retirement from the service under the Central or a State Government, a local body or any other body wholly or substantially owned or controlled by the Government, he shall refund-

- (i) the amount of the gratuity so received in lump sum;
- (ii) the pension, if any, drawn by him; and
- (iii) where the pension has been commuted, the value of the amount of pension, so commuted.

(4) If a member exercising his option under this rule received any benefits of Contributory Provident Fund on retirement from the service under the Central or a State Government, a local body or other body wholly or substantially owned or controlled by the Government, he shall not become eligible for pension under these rules unless he refunds in lump sum the Government's or employer's contribution, as the case may be, with interest thereon together with other retirement benefits, if any, received by him.

17. Provisions for provident fund in respect of a Member who was in the service of the Central or a State Government.- A Member who on the date of his appointment to the Board was in the Service of the Central or a State Government and who has been admitted to the benefits of a Contributory Provident Fund, may continue to subscribe to that fund until the date on which he must compulsorily retire according to the rules applicable to him in his service. The employer's contributions payable to the Fund, shall as from the date of the member's appointment to the Board, be payable by the Government on the basis of the emoluments which he would have drawn in the post which he held immediately before such appointment:

Provided that if the pension equivalent of Government contribution to the Contributory Provident Fund together with interest thereon falls short of the amount of the pension admissible to a Member in respect of the service rendered by him as such, such Member may, at his option, come under the pension scheme under rule 15.

Explanation I: A Member exercising his option under the above proviso shall communicate his option in writing to the State Government during his tenure as such Member, the option once exercised shall be final.

Explanation II: If a Member exercising his option has received any benefits of Contributory Provident Fund on retirement from service under the Central or a State Government, he shall not become eligible for pension under these rules unless he refunds in lump sum the Government contribution to that Provident Fund with interest thereon together with other retirement benefits, if any.

18. Option to subscribe to the Central Provident Fund.- Every Member may, at his option, subscribe to the General Provident Fund, in accordance with the Rajasthan Government Servants General Provident Fund Rules, 1997 or orders governing that Fund:

Provided that a Member who on the date of his appointment was in the service of the Central or a State Government and who had been admitted to the benefits of any other Provident Fund, may instead be allowed to continue to subscribe to that fund in accordance with the rules or rules applicable to that Fund, until he reaches the date on which he must compulsorily retire from service in accordance with the rules applicable to him in his service. On that date, his accumulated balance in that Provident Fund, including the Government's contribution, if any, shall, if the Member has exercised his option in favour of subscribing to the General Provident Fund, be transferred to the said Fund.

19. Travelling allowance to members.- (1) A Member who on the date of his appointment was in the service of the Central or a State Government may, on a journey by railway /road to join his post draw travelling allowance at the rates provided for a journey on transfer by the rules applicable to him immediately before his appointment.

(2) A Member who on the date of his appointment was not in the Service of the Central or a State Government, may, on a journey by railway/road to join his post, draw travelling allowance at the rates provided for a journey on transfer as admissible to a Government Servant of Category A under the Rajasthan Travelling Allowance Rules, 1971.

(3) A Member, when travelling on duty, is entitled to such travelling and halting allowances (including incidental charges) at the rate at which these are admissible,

to a Government Servant of Category A under the Rajasthan Travelling Allowance Rules, 1971. Notwithstanding the provisions of the said rules, he shall have the option to undertake journey by road between places connected by Rail.

(4) The Chairman or, as the case may be, a Member shall, on his retirement or completion of tenure of his office, be entitled to travelling allowance, for himself as well as for the members of his family, for the journey undertaken from the last station of his duty to his home town, at the same rates as are admissible to a Government Officer of Category A under the Rajasthan Travelling Allowance Rules, 1971.

20. Facilities for medical treatment.- A Member shall be entitled to such facilities for medical treatment as are provided under the All India Services (Medical Attendance) Rules, 1954, as amended from time to time.

21. Advance for purchase of conveyance.- A Member shall be entitled to the grant of an advance for the purchase of a motor car in accordance with the rules and orders applicable to the officers of the State Government, from time to time:

Provided that after receipt of the loan there is possibility of repayment of principal and interest is not less than twenty equated monthly installments, before the conclusion of the term of appointment:

Provided further that where repayment of principal and interest is not less than twenty equated installments is not possible, Government may, by specific order, grant an advance which shall be repaid with principal and interest is less than twenty equated monthly installments before the completion of the term of appointment.

22. Allotment of accommodation.- In respect of allotment of buildings owned or leased or requisitioned by the Government of Rajasthan, the Chairman and members shall be governed by the rules and orders for the time being applicable to a Secretary to the Government of Rajasthan.

23. Secretary and Officers.- (1) The Secretary of the Board shall be the Member of the All India Services or Higher Supertime Scale of Rajasthan Administrative Service. The Secretary of the Board is also the Controller of

examination conducted by the Board and in carrying out the functions of the Board he also exercises all the administrative and financial powers of the "Head of Office".

(2) Deputy Secretary (Rajasthan Administrative Service Selection Scale Officers), Director and Legal Adviser (Senior Joint Legal Remembrancer) and Senior Legal Officer (Rajasthan Legal Service), Senior Accounts Officer and other supporting staff shall be provided by the Government to the Board in the regular course as per requirement of the Board till regular staff will be recruited as per rules for the Board.

(3) The Assistant Secretary and Section Officers (Rajasthan Secretariat Service) and other Ministerial Staff, Class IVth and Driver etc. shall be provided by the Government until regular staff is recruited as per rules for the Board.

24. Expenditure.- The expenditure in the setting up of the Board and working of the Board will be met entirely by the Government of Rajasthan. The Board however shall be entitled to raise funds for purposes of conduct of the examinations by levying fees for various examinations conducted by Board. The details regarding such fee shall be fixed by the Board in consultation with the Government.

25. Headquarters.- The Headquarters of the Board shall be at Jaipur.

26. Annual Report.- It shall be the duty of the Board to present annually, to the Government a report as to the work done by it.

27. Conditions of Service in residuary matters.- In respect of any matter for which no provision exists in these rules, the Chairman and other members of the Board shall be governed by the rules and orders for the time being applicable to such classes of Government servants until specific provisions are made by the Government.

By order and in the name of the Governor,

(Dinesh Kumar Yadav)

Joint Secretary to the Government

05 /2014