

PUNJAB GOVT GAZ., JUNE 20, 1986 (JYST, 30, 1908 SAKA 163

**GOVERNMENT OF PUNAJB  
DEPARTMENT OF DEFENCE SERVICES WELFARE  
(DEFENCE WELFARE BRANCH)**

**Notification**

The 30th April, 1986

No. G.S.R. 30/Const/Art/309/86:- In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf the Governor of Punjab is pleased to make the following rules for regulating the recruitment and conditions of service of the persons appointed to **The Punjab Defence Services Welfare (Group A)**.

1. Short title and commencement:- (1) These rules may be called the Punjab Defence Services Welfare Officers (Group A) Rules, 1986.

(2) They shall come into force at once.

(3) They shall apply to all the posts specified in appendix 'A' to these rules.

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

(a) Commission means the Punjab Public Service Commission.

(b) Direct appointment means an appointment made otherwise than by promotion or by transfer of a person already in the service of Government of India or of a State Government.

(c) Government means the Government of State of Punjab in the Department of Defence Services Welfare.

(d) Service means the Punjab Defence Services Welfare Officers (Group A)

3. Number and character of posts:- The Service shall comprise the posts specified in appendix 'A' to these rules"-

Provided that nothing in these rules shall affect the inherent right of the Government to add to or reduce the number of such posts or to create new posts with different designations and scales of pay whether permanently or temporarily.

4. Nationality, domicile and character of candidates appointed to the Service:-

(1) No candidates shall be appointed to the 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 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 Zangibar, Zambia, Malawi, Zaire, Ethiopia and Vietnam with the intention of permanently settling in India.

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

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

(3) No person shall be recruited to the Service by direct appointment unless he produces a certificate of character from the Principal academic officer of the

University, college, school or institution last attended if any and similar certificates from two responsible persons not being his relatives who are well acquainted with him in his private life and are unconnected with his university, college, school or institution.

5. Disqualifications: - No person-

- (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 the Service.

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

6. **Age:** - No person shall be recruited to the Service by direct appointment if he is less than twenty five years or more than fifty five years of age on the first January than preceding the date fixed the receipt of applications or unless he is within such range of minimum and maximum age as may be specifically fixed by Government from time to time.

Provided that the condition of upper age limit may be relaxed up to fifty six years in the case of those Ex-Indian Commissioned Officers, who are recipients of gallantry awards of Vir Chakra series that is Param Vir Chakra, Maha Vir Chakra or Vir Chakra.

7. **Appointing authority:** - All appointments to the Service shall be made by the Government.

8. **Method of appointment and Qualifications** :- (1) Appointment to the Service shall be made: -

(i) by direct appointment or

(ii) by transfer of an officer already in the Service of the Government of India or of a State Government.

(2) Whenever any vacancy arises, the appointing authority shall determine the method by which the same is to be filled in.

(3) No person shall be appointed to the Service unless he, :-

(a) is an Ex-Indian Commissioned Officer of the rank of Colonel or Lieutenant Colonel or equivalent rank of the Indian Navy or Indian Air Force.

Provided that the Government may in exceptional circumstances and for reasons to recorded in writing, relax this condition.

Provided further that in case no suitable person as specified in this clause is available, an Ex-emergency Commissioned Officer of any of the ranks mentioned therein, shall be eligible for appointment to the Services.

(b) Produces release order and Pension Payment Order issued by the concerned authorities, and

(c) is a Matriculate of a recognized university or possesses equivalent qualifications.

**Explanation:** -Indian Army, Air Force or Navy Special Certificate of Education will be treated as equivalent to Matriculation Certificate.

(4) In the case of appointment to the post of Director, Sainik Welfare, the Government shall make appointment for this post on tenure basis, on the recommendation of the Selection Committee to be constituted and notified by the Government which will be chaired by the Chief Secretary to Government of Punjab and shall have the director General, Resettlement, Government of India, Ministry of Defence or an officer nominated by him as one of the Members of the Selection Committee.

(5) The Selection Committee shall consider the names of those officers included in the panel drawn in consultation with the Director General, Resettlement, who shall be retired Brigadiers or of equivalent ranks of Navy and Air force for appointment to the post of Director.

(6) The Director Sainik Welfare shall be appointed for a term of two years which will be extended for a period of two years at a time subject to the condition that the officer has a satisfactory record of Service.

Provided that an officer shall not be granted extension, if he attains the age of sixty years or if he avails extension for two terms, whichever is earlier.

(7) The deputy Director or District Sainik Welfare Officer shall be appointed for a term of ten years or till he attains the age of fifty eight years, whichever is earlier.

9. **Probation of persons appointed to Service**:- Persons appointed to the Service shall remain on probation for a period of two years, if recruited by direct appointment and one year, if recruited otherwise:-

Provided that-

(a) any period after such appointment spent on deputation on a corresponding to a higher post shall count towards the period of probation.

(b) in case of an appointment by transfer, any period of work in equivalent or higher rank prior to appointment to the Service may at the discretion of the appointing authority be allowed to count towards the period of probation and

(c) any period of an officiating appointment to the Service shall be reckoned as period spent on probation but no person who has so officiated shall on the completion of the prescribed period of probation, be entitled to be confirmed unless he is appointed against a permanent vacancy.

(2) If in the opinion of appointing authority the work or conduct of a person appointed to the Service during the period of probation if not satisfactory, it may;

(a) If such person is recruited by direct appointment dispense with his services or revert him to post on which he held lien prior to his appointment to the Service by direct appointment, and

(b) If recruited otherwise-

(i) revert him to his former post or

(ii) deal with him in such other manner as the terms and conditions of his previous appointment permit.

(3) On the completion of the period of probation of a person the appointing authority may-

(a) if his work or conduct has in its opinion been satisfactory-

(i) confirm such person from the date of his appointment if appointed against a permanent vacancy or

(ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against temporary vacancy, or

(iii) Declare that he has completed his probation satisfactory, if there is no permanent vacancy or

(b) If his work or conduct has not been in its opinion satisfactory-

(i) dispense with his services if appointed by direct appointment 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 or

(ii) extend his period of probation and thereafter pass such orders as it would have passed on the expiry of the original period of probation as specified in sub-rule (2)

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

10. **Seniority of Members of Services**: - The seniority inter-se of members of the Service shall be determined by the length of continuous appointment in the Service.

Provided that in the case of members recruited by direct appointment who join within the period specified in the order of appointment or within such period as may from time to time be extended 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 Commission or other recruiting authority of the Government as the case may be shall not be disturbed.

Provided further that in case a candidate is permitted to join the Service after the expiry of the said period of four months in consultation with the Commission or other recruiting authority of the Government as the case may be his seniority shall be determined from the date he joins the Service.

Provided further that in cases any candidates of the next selection has joined the Service before the candidate referred to in the preceding proviso joins the candidate so referred shall be placed below all the candidates of the next selection who join with in the time specified in the first proviso.

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

(a) a member recruited by direct appointment shall be senior to a member recruited by transfer.

(b) in the case of members recruited by transfer, seniority shall be determined according to the seniority of such members in the appointments from which they were transferred, and

(c) in the case of members recruited by transfer from different cadres their seniority shall be determined according to pay, preference being given to a member who was drawing a higher rate of pay in his previous appointment and if the rates of pay drawn are also the same then by their length or service in those appointments and if the length of service is also the same an older man shall be senior to the younger members.

**Note**- Seniority of members appointed on purely provisional basis shall be determined as and when they are regularly appointed keeping in view the date of such regular appointment.

11. **Liability of members of Service to transfer**: - A member of the Service may be transferred by the government to any post whether included in any other service or not on the same terms and conditions as are specified in rule 3.17 of the Punjab Civil Services Rules, Volume I, Part I.

12. **Liability to serve**: - A member of the service shall be liable to serve at any place, whether within or out of the state of Punjab on being ordered to do so by the appointing authority.

13. **Pay, Leave, Pension and other matters**: - In respect of pay, leave, pension and all other matters not expressly provided for in these rules, the members of the Service shall be governed by such law, rules, and regulations as may have been or may hereafter be adopted or made by the competent authority under the constitution of India.

14. **Discipline penalties and a appeals**: - (1) In the matter of discipline punishment and appeals, members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeals) Rules, 1970, as amendment from time to time.

(2) The authority empowered to impose penalties specified in rule 5 of Punjab Civil Services (Punishment and appeals) Rules, 1970, in respect of the members of the Services shall be the Government.

(3) The authority competent to pass an order of the nature specified in rule 15 of the Punjab Civil Services (Punishment and appeals) Rules, 1970 other than an order imposing any of the penalties mentioned in rule 5 of the aforesaid rules shall also be the Government.

15. **Liability for vaccination and re-vaccination**: - Every member of the Service shall get himself vaccinated or re-vaccinated when Government so directs by a special or general order.

16. **Oath of allegiance**: - Every member of the 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 law established.

17. **Power to relax**:- Where the Government is of opinion 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 with respect to any class or category of persons.

Provided that the provisions relating to qualifications and experience, unless it is otherwise provided in these rules, shall not be relaxed.

18. **Interpretation**:- If any question arises as to the interpretation of these rules, the Government shall decide the same.

19. **Repeal and Saving**:- The Punjab District Soldiers sailors and Air men's boards (State Service Class II) Rules, 1968 are hereby repealed.

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

#### APPENDIX 'A'

[ See rules, 1(3) and 3 ]

S.N.	Designation of the Posts	Number and Character of Posts			Scale of Pay (in Rupees)
		Temporary	Permanent	Total	
1.	1	2	3	4	5
	Director Sainik Welfare	-	1	1	13500-16800
	Deputy Director Sainik Welfare	1	1	2	7880-11600
	District Sainik Welfare	5	12	17	7880-11600

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