



PART III
DEPARTMENT OF TRANSPORT

(Transport I Branch)

Notification

The 31st July, 1985

No. G.S.R. 58/Const/Art. 309/85.—In exercise of the powers conferred by the proviso to articles 309 of the Constitution of India, and all other powers enabling him in this behalf, the President of India is pleased to make the following rules regulating the recruitment and conditions of service of persons appointed to the Punjab Transport Department (Non-Commercial Wing) Class II Service, namely :—

1. *Short title, commencement and application.*—(1) These rules may be called the Punjab Transport Department (Non-Commercial Wing) Class II Service Rules, 1985.

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

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

2. 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 a State Government or of the Union of India ;

(c) "Government" means the Government of the State of Punjab in the Department of Transport ;

(d) "recognised university" or 'Institution' means :—

(i) any university or institution incorporated by law in any of the States of India ; or

(ii) the Punjab, Sind or Dacca University in the case of degrees or diplomas obtained as a result of examinations held by these universities before the 15th day of August, 1947; or

(iii) any other university or institution, which is recognised by the Government for the purposes of these rules;

(e) "State Transport Commissioner, Punjab" means the officer appointed as such by the Government ; and

(f) "Service" means the Punjab Transport Department (Non-Commercial Wing) Class II Service.

3. *Number and character of posts.*—The Service shall comprise the posts shown 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.*—(1) No person 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 first January, 1962, with the intention of permanently settling in India; or
- (e) a person of Indian origin, who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire, Ethiopia and Vietnam with the intention of permanently settling in India :

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

(2) A person 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 of the Government and he may also provisionally be appointed to the Service subject to the necessary certificate being given to him by the Government of India.

(3) No person shall be recruited to the Service by direct appointment, unless he produces—

(i) 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; and

(ii) an affidavit to the effect that he was never convicted for any criminal offence involving moral turpitude and that he was never dismissed or removed from service of any State Government or the Government of India or any Public Sector Undertaking.

5. *Disqualification.*—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 is permissible under the personal law applicable to such person and 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 eighteen years of age or is more than thirty years of age on the first day of January immediately preceding the last date fixed for submission of applications to the Commission, or unless he is within such range of minimum and maximum age limits as may be specifically fixed by the Government from time to time :

Provided that the condition of upper age limit may be relaxed up to forty-five years in the case of a person already in the service of the Punjab Government, other State Government or the Government of India :

Provided further that in the case of candidates belonging to Scheduled Castes and other Backward Classes, the upper age limit shall be as such as may be fixed by Punjab Government from the time to time :

Provided further that the appointing authority may for reasons to be recorded in writing, and in the public interest relax the upper age limit for a class or category of persons.

Note.—For age limits in case of recruitment of Ex-Servicemen the provisions of rule 6 of the Punjab Recruitment of Ex-Servicemen Rules, 1982, apply.

7. *Appointing Authority.*—All appointments to the Service shall be made by the Government.

8. *Method of recruitment and qualifications.*—(1) Recruitment to the Service shall be made by promotion :

Provided that if no suitable candidate is available for promotion to a post in the Service by promotion then recruitment to such a post shall be made by direct appointment:

Provided further that if in the case of Extra Assistant Transport Controller (Statistics and Commercial), no suitable candidate is available for recruitment by promotion or by direct appointment, as the case may be, then such a post shall be filled in by transfer of a person having qualifications and experience specified for recruitment by direct appointment.

(2) No person shall be appointed to any post in the Service unless he possesses qualifications and experience specified against that post in Appendix 'B' to these rules.

(3) All appointments to the Service by promotion shall be made by selection on seniority-cum-merit basis and no person shall be entitled to claim promotion on the basis of seniority alone.

(4) No person shall be recruited to any post in the Service by direct appointment unless he possesses knowledge of Punjabi language of matriculation standard or its equivalent or passes test in Punjabi language of matriculation standard to be held by such authority as may be specified by the Government in this behalf from time to time.

9. *Probation of persons appointed to Service.*—(1) 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 or higher post shall count towards the period of probation ;
- (b) in the case of appointment by transfer, any period of work in equivalent or higher rank, prior to appointment to the Service may, in the discretion of the appointing authority, be allowed to count towards the period of probation ; and
- (c) any period of 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 the appointing authority, the work or conduct of a person during the period of probation is not satisfactory or if he has failed to pass the prescribed departmental examination within a period of two and half years from the date of appointment, it may,—

- (a) if such a person is recruited by direct appointment dispense with his services, or revert him to a post on which he held lien prior to his appointment to the Service by direct appointment ; and
- (b) if such person is 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 and 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 a temporary vacancy ; or
 - (iii) declare that he has completed his probation satisfactorily if there is no permanent vacancy ; or

(b) if his work or conduct has not been, in its opinion satisfactory or he has failed to pass the prescribed departmental examination,

(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 could have passed on the expiry of the period of probation specified in sub-rule (1):

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

10. *Seniority of members of Service.*— The seniority *inter se* of the members of the Service in each cadre shall be determined by the length of continuous service on a post in that cadre of 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, 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, as the case may be, his seniority shall be determined from the date he joins the Service:

Provided further that in case any candidate 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 within 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 otherwise;

(b) a member appointed by promotion shall be senior to a member appointed by transfer;

(c) in the case of members appointed by promotion or transfer seniority shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred; and

(d) in the case of members appointed 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 of service in those appointments; and if the length of service is also the same, an older member shall be senior to younger member.

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 out of the State of Punjab on being ordered to do so by the appointing authority.

13. *Pay of members of Service.*—The members of the Service shall be entitled to such scales of pay, as may be authorised by the Government from time to time. The scales of pay, at present in force in respect of the members of Service are given in Appendix 'A' to these rules.

14. *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.

15. *Discipline, penalties and appeals.*—(1) In the matter of discipline, punishment and appeals, the members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970, as amended from time to time.

(2) The authority empowered to impose penalties under the Punjab Civil Service (Punishment and Appeal) Rules, 1970, and the appellate authority thereunder in respect of the members of the Service shall be as specified in Appendix 'C' to these rules.

16. *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.

17. *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.

18. *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 educational qualifications and experience shall not be relaxed.

19. *Interpretation.*—If any question arises as to the interpretation of these rules, the Government shall decide the same.

20. *Repeal and Saving.*—The Punjab Transport Department (State Service. Class II) Rules, 1963, published with Punjab Government notification No. GSR-199/Const/Art. 309/63, dated the 14th August, 1963, in as far as they are applicable to the members of the Service, 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), 3 and 13]

Serial No.	Description of post	No. of Posts		Scale of Pay
		Permanent	Temporary	
1.	Extra Assistant Transport Controller (Statistics and Commercial)	1	..	Rs. 825—25—850—30—1,000/40—1,200/50/1,400 00—60—1,580 plus Rs. 50 Special Pay
2.	Extra Assistant, Transport Controller (Technical)	1	..	Rs. 825—25—850—30—1,000/40—1,200/50—1,400—60—1,580 plus Rs. 50 Special Pay
3.	Superintendent, Grade-I	1	..	Rs. 825—25—850—30—1,000/10—1,200/50—1,400—60—1,580

APPENDIX 'B'
(See Rule 8)

Serial No.	Designation of Post	Qualifications and experience for recruitment by	
		Promotion	Direct appointment or by transfer
1	2	3	4
1.	Extra Assistant Transport Controller (Statistics and Commercial)	From amongst Superintendents Grade-I, who are matriculates and have an experience of working as such for a minimum period of three years	(i) He should be a graduate of a recognised University ; and (ii) should have an experience of working in Motor Road Transport in a supervisory capacity in a Government Transport Undertaking for a minimum period of five years
2.	Extra Assistant Transport Controller (Technical)	From amongst Motor Vehicles Inspectors working under the control of the State Transport Controller, Punjab who are matriculates and have an experience of working as such for a minimum period of eight years	(i) He should hold three years diploma in Automobile Engineering recognised by the Government ; and (ii) Should have an experience of working in Motor Road Transport in a supervisory capacity in a Government Transport Undertaking for a minimum period of five years
3.	Superintendent Grade-I	From amongst Superintendents Grade-III and Investigation Officers working under the control of the State Transport Controller, Punjab who are matriculates and have an experience of working as such for a minimum period of five years	(i) He should be a matriculate ; and (ii) should have an experience of working on the post of Superintendent Grade-III or Investigation Officer under the control of the State Transport Controller, Punjab for a minimum period of five years

APPENDIX 'C'

(See Rule 15)

Serial No.	Name of the post	Nature of Penalty	Punishing authority	Appellate authority
1	2	3	4	5
		Minor penalties :		
1.	Extra Assistant Transport Controller (Statistical and Commercial)	(i) Censure ; (ii) with-holding of his promotions ;	State Transport Commissioner, Punjab	Government
2.	Extra Assistant Transport Controller (Technical)	(iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;		
3.	Superintendent Grade-I	(iv) withholding of increments of pay.		
		Major penalties :		
		(v) reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the Government employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, reduction will or will not have the effect of postponing the future increments of his pay ;		Government
		(vi) reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the Government employee to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the Government employee was reduced and his seniority and pay on such restoration to that grade, post or Service ;		

1

2

3

4

5

3—Superintendent
Grade I—concl

(vii) Compulsory retirement ;

(viii) removal from service
which shall not be a
disqualification for
future employment under
the Government ;

(ix) dismissal from service
which shall ordinarily be
a disqualification for
future employment under
the Government.

Y. S. RATRA,

Secretary to Government, Punjab,
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