

No. 437-J-1955/3559. In supersession of Punjab Government Home Department (Judicial) notification No. 2964-J-39/20730 dated 13th June 1939, and in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other enabling powers in this behalf the Governor of Punjab is pleased to make the following rules for regulating the appointment to and conditions of service in the Punjab Advocate-General Office, State Service Class III.

PART I - GENERAL.

- Short Title** 1. (i) These rules may be called the Punjab Advocate General's Office, Class III Service Rules, 1955.
- (ii) They shall come into force at once.

- Definitions** 2. In these rules, unless there is anything repugnant in the subject or the context-
- (a) 'Government' means the Government of the State of Punjab.
- (b) 'Advocate-General' means the Advocate-General, Punjab for the time being.
- (c) 'Service' means the Punjab Advocate-General's Office, Class III Service.
- (d) 'Recognized University' means any University incorporated by Law in the Union of India or any other University which is declared by Government to be recognized University for the purposes of these rules and in the case of degrees or diplomas obtained as a result of examination held before 14th August, 1947, the Punjab, Sind or Dacca University.
- (e) 'Direct Appointment' means an appointment made otherwise than by promotion of a member of the service or by transfer of a person already in the service of the State in another department.

PART II-APPOINTMENTS.

- Appointing Authority** 3. All appointments to posts in the service shall be made by the Advocate-General.
- Nationality, age and certain other qualifications of candidates.** 4. (i) No person shall be appointed to the service unless he is domiciled in the Punjab or the Delhi State, and is -
- (a) a citizen of India; or
- (b) a person who has migrated from Pakistan with the intention of permanently settling in India and who has become citizen of India under the constitution;
- or
- () a subject of Nepal or of Sikkim or of a Portuguese or French Possession in India;

and if he comes under category (b) or (c) must be a person in whose favour a certificate of eligibility has been given by the Government of India or the Government of Punjab. A candidate in whose case such a certificate is necessary may, however, be admitted to be an examination or interview conducted by the Punjab Public Service Commission or other recruiting authority on his furnishing proof that he has applied for the certificate, and he may also be provisionally appointed, subject to the necessary certificate being eventually given to him by the Government.

Note.— A declaration of eligibility will be given by Government after considering each individual case on merits.

(ii) No person who is not already in Government employ shall be appointed to the Service unless he —

(a) produces certificates of character from the Principal academic officer of his University, College or School or School last attended, if any, and also from two responsible persons, not being his relatives, who are well acquainted with him in private life and unconnected with his University, College or School, if any, and the medical certificate of fitness required by Rule 3.1 of the Punjab Civil Service Rules, Volume I, Part I and

(b) is not less than 18 and not more than 25 years of age on the date of appointment provided that the Advocate-General may in special circumstances to be recorded in writing and with the previous approval of the Government of the State of Punjab, appoint a person, exceeding 25 years in age.

Note.— (1) A candidate belonging to the Scheduled Castes/Tribes or back ward classes or a War service candidate will be entitled to deduct from his age such period as may from time to time be allowed by Government in respect of his entry into service under the State.

(2) For purposes of recruitment up to the 31st December, 1955 the maximum age limit shall be 27 years instead of 25 years.

Educational qualifications of candidate. 5. No person shall be appointed to any post in the service, unless he possesses the qualifications shown against such posts in Appendix A, provided that the Advocate-General may, in special circumstances, with the previous approval of the Government appoint to any post in the service any person who does not possess the qualifications prescribed by this rule.

Method of recruitment 6. Posts to the service shall be filled in any of the following ways at the discretion of the Advocate-General: -

(a) by direct appointment;

(b) by transfer of an official already in the service of Government;

(c) by promotion of a member of the service, provided that the person to be appointed possesses the requisite qualification; provided further that appointment to any post by promotion or by transfer of an official employed in any of the Government Departments shall be made strictly by selection and no official shall have any claim to appointment as of right.

Note.— In the case of direct recruitment, other things being equal, preference will be given to a candidate who has himself worked for the cause of national independence or has rendered some outstanding social or public service.

General Condition 7. In all matters not expressly provided for in these rules, the members of the service shall be governed by such general rules as may have been or may hereafter be framed by Government and by the provisions of the Constitution of India.

Part III— Conditions of service.

Number and character of posts 8. The service shall comprise the posts shown in Appendix A, provided that nothing in this rule shall affect the inherent right of Government to make additions to or reductions in the number of such posts either permanently or temporarily as may be considered

Probation of members of the service 9. necessary for the efficient working of the office.

(1) Members of the service who are appointed against permanent vacancies shall, on appointment to any post specified in Appendix A, remain on probation for a period of two years in the case of those recruited by direct appointment and for one year, if recruited otherwise.

Explanation.— Officiating service shall be reckoned as period spent on probation, but no member who has officiated in any appointment, shall on the completion of one year or two years in the service, as the case may be, be entitled to be confirmed until he is appointed against a permanent vacancy.

(2) If the work or conduct of any member during his period of probation is in the opinion of the Advocate-General not satisfactory, the Advocate-General may dispense with his services in the case of a direct appointment, or revert him to his former post, if he has been recruited otherwise than by direct appointment.

(0) On the completion of the period of probation of any member the Advocate-General may, if a vacancy exists, confirm such member in his appointment or if his work or conduct has, in the opinion of the Advocate-General, not been satisfactory, the Advocate-General may dispense with his services in the case of a direct appointment, or revert him to his former post, if he has been recruited otherwise than by direct appointment, or may extend the period of probation and thereafter pass such orders as could have been passed on the expiry of the first period of probation provided that the total period of probation shall not exceed three years.

Seniority of members of the service 10. The Seniority of members in the various grades of the service shall be determined by the date of confirmation in the post provided that if two or more members are confirmed

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- (a) members recruited by promotion shall be senior to members recruited otherwise;
- (b) members recruited by transfer from other offices of Government shall be senior to members recruited by direct appointment; and
- (c) in the case of members –
- (i) who are recruited by promotion or who are recruited by transfer from other offices of Government, the seniority shall be determined according to the seniority in the appointment from which the members are promoted or transferred, preference being given to a member drawing a higher rate of pay, and if the rate of pay drawn is the same, seniority shall be determined according to length of service, if the length of service be the same, according to age, preference being given to the older member;
- (ii) who are recruited by direct appointment, an older member shall be senior to a younger member.

Provided further that if any member is reverted to his former post or is reduced temporarily and is subsequently reappointed to the post from which he was reverted or reduced temporarily his seniority in that post shall be determined by the appointing authority.

Pay of members of service

11. Members of the service shall be entitled to such pay scales as may be authorized by Government from time to time. The pay scales at present in force are given in Appendix A.

Leave and Pension

12. In respect of leave, pension and other cognate matters not specifically mentioned in these rules, the members of service shall be governed by the Punjab Civil Services Rules and such general rules as may be framed in that regard by the Government.

Discipline, penalties and appeals

13. In matters relating to discipline, penalties and appeals, members of service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1952, or such other rules as may be issued hereafter by the Competent authority in replacement of those rules, provided that the nature of penalties which may be inflicted, the authority empowered to impose such penalties and, subject to the provision of any law or the rules thereunder made under Article 309 of the Constitution of India, the appellate authority shall be as specified in Appendix B.

The authority competent to pass an order under clause (c) or (d) of Rule 10(1) of the said Rules and the appellate authority shall be as specified in Appendix B.

Vaccination 14. Government may at any time by special or general order direct that Government servant or a class of Government servants shall get himself or themselves vaccinated or revaccinated. This rule shall not, however, be applicable to members of the service who were in Government service on the 8th March, 1926, except with their concurrence.

General

15. In any matter not expressly provided for in these rules, the members of service shall be

governed by such general rules as may have been or as may hereinafter be framed by
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Appendix A (Part III, Rules 8 and 11)

Designation of Post	No. of Posts	Rising from	By annual increments of	To	And then by Annual increments if any of	Efficiency Bar	To	Minimum educational qualifications for direct recruitment
1	2	3	4	5	6	7	8	9
Head Clerk ..	1	250	10	350	Degree of a recognised University
Assistant ..	1	116	8	180	10	180	250	Ditto
Stenographer ..	1	100	5	150	5	150	175	Matriculation Examination of a recognised University and also such other test as may be prescribed by the Advocate-General, Punjab.
Senior Clerk ..	1	90	5	120	5	120	175	Degree of a recognised University
Junior Clerk ..	4	50	3	80	4	80	100	Matriculation Examination of a recognised University
Restorer ..	1	42 ¹ / ₂	2	62 ¹ / ₂	Possessing the ability to read and write English to the satisfaction of Advocate-General.

Appendix B (Part III, Rule 13)

Designation of official	Nature of penalty	Punishing Authority	Appellate Authority
(a) Head Clerk ..	(a) Censure, or	Advocate-General, Punjab	Punjab Government
(b) Assistant ..	(b) Withholding of increments or promotion including stoppage at an efficiency bar, or	Ditto	Ditto

(c) Stenographer ..	(c) reduction to a lower post, or time-scale or to a lower stage in a time-scale, or	Ditto	Ditto
(d) Senior Clerk ..	(d) recovery from pay of the whole or part of any pecuniary loss caused to Government negligence or breach of orders, or	Ditto	Ditto
(e) Junior Clerk ..	(e) suspension, or	Ditto	Ditto
() Restorer ..	(f) removal from service which does not disqualify from future employment,	Ditto	Ditto
	(a) dismissal from service which ordinarily disqualified from future employment <i>Other Orders</i>	Ditto	Ditto
		<i>Authority Competent to pass orders</i>	<i>Appellate Authority</i>
	(a) reducing the maximum amount of ordinary pension admissible under the rules governing pensions	Advocate- General, Punjab	Punjab Government
	(b) terminating the appointment of member of the service otherwise than upon his reaching the age of superannuation.	Ditto	Ditto

Note.—Orders under the rules shall be passed only in cases covered by rule 5.32(b) of the Punjab Civil Service Rules.

18 Publish all relevant facts while formulating important policies or announcing the decisions which affect public: N.A

19 Provide reasons for its administrative or quasi-judicial decisions to affected persons : N.A