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GOVERNMENT OF JHARKHAND

**PERSONNEL AND ADMINISTRATIVE REFORMS
AND RAJBHASA DEPARTMENT**

Notification

The 16th January, 2001
(As amended upto 27.1.2014)

No.-6/लो० से० आ०-102/2000 का० - 118 In exercise of the powers conferred by the proviso to clause (3) of Article 320 of the Constitution of India, Government of Jharkhand is pleased to make the following regulations,

Namely:-

These Regulations may be called the Jharkhand Public Service Commission (Limitation of Functions) Regulations, 2000.

2. In these Regulations, unless there is anything repugnant in the subject or context -
 - a) "the Constitution" means the Constitution of India;
 - b) "the Commission" means the Public Service Commission for Jharkhand;
 - c) "Government" means the State Government of Jharkhand and
 - d) "High Court" means the Jharkhand High Court of Judicature at Ranchi.
3. It shall not be necessary to consult the Commission on

any of the matters specified in sub-clauses (a) and (b) of clause (3) of Article 320 of the Constitution concerning services and posts to which appointments are made by authorities subordinate to Government, or by the Chief Justice of the High Court;

Provided that Government may by a Resolution lay that as regards direct appointment to any of such posts and services the Commission shall be consulted.

4. It shall not be necessary to consult the Commission on any of the matters mentioned in sub-clauses (a), (b) and (c) of clause (3) of Article 320 of the Constitution in regard to the following services and posts, namely:-
 - 1) Posts in the Governor's Secretariat and the personal staff of the Governor;
 - 2) Advocates for the State in the High Court, whether designated as Advocate General, Government Advocate, Standing Counsel, Government Pleader or otherwise;
 - 3) Public Prosecutors and Government Pleaders and Assistant Public Prosecutors and Assistant Government Pleaders;
 - 4) Law Reporters and Assistant Law Reporters;
 - 5) Personal Assistant or Private Secretary or Stenographer to a Minister, if on a temporary basis;
 - 6) Personal Assistant, Private Secretary or Stenographer to the Speaker of the Jharkhand Legislative Assembly, if on a temporary basis.
5. It shall not be necessary to consult the Commission in regard to any claim of the nature specified in sub-clause (d) of clause (3) of Article 320 of the Constitution, if the claim is made by the persons concerned before the termination of the legal proceedings to which it is relates and Government, on the matter being first brought to its notice, decides to pay the cost of his defence.

6. In regard to services and posts to which appointments are made directly by Government it shall not be necessary to consult the Commission on any of the following matters, namely:-
- 1) the creation and organization of services and posts and their designations;
 - 2) the classification of services and posts;
 - 3) the general methods of recruitment to a service or post including the question whether recruitment should be made solely by (i) examination or (ii) selection or (iii) promotion or transfer, or partly by one of these methods and partly by another; and in the latter case, the proportion in which recruitment to any particular service should be made by each method and the relative seniority in the service of candidates recruited by different methods.
 - 4) The determination of the number of vacancies to be filled in a service in any particular year;
 - 5) The determination of the strength of the cadres of different services;
 - 6) The question whether recruitment of candidates for particular posts should be made in India or from abroad;
 - 7) The determination of the salary of Government servants on their first appointment and of officiating incumbents of posts;
 - 8) The determination of the initial salary of officers recruited by promotion;
 - 9) Transfer of Government servants to foreign service;
 - 10) The probation and training of Government servants and the conditions of their confirmation in service;
 - 11) Appointment to posts where it has been decided by the State Government that recruitment shall be made from abroad;

12) The re-employment or retired Government servants to posts borne on the cadre of the same service to which they belonged before their retirement; or to posts in other Departments.

7. When appointment to a service, or a post is made by promotion or transfer from another service, it shall not be necessary to consult the Commission unless it is proposed, by such promotion or transfer, to fill -

- a) a permanent post substantively, or
- b) a permanent post or a temporary post on an officiating or temporary basis for a period exceeding six months:

Provided that, if an appointment is made for a period not exceeding six months and it is subsequently proposed to extend the period so that it will exceed six months in all, the Commission shall be consulted.

- c) it shall not be necessary to consult the Public Service Commission in the case of appointment/promotion to posts in different scales of pay of the State Services/ Cadres except in the following cases:-

- i) In the cases of appointment/promotion to posts in the basic grade of the State Service/Cadres,

- * ii)

- * iii)

- * iv)

8. When appointment to a service or a post is made otherwise than by promotion or transfer from another service, it shall not be necessary to consult the Commission if the appointment is not expected to continue for more than six months and cannot be delayed without detriment to the public interest;

9. Provided that, if it is proposed to retain the person so appointed in the same post for period exceeding six months or to appoint him to another post in the service of Government, the Commission shall be consulted.

* Regulation. 7 (c) ii), iii) and iv) have been omitted vide Personnel, Administrative Reforms and Rajbhasha Department, Govt. of Jharkhand Notification No.-11/लो०से०आ०-०१-०३/२००३ का ७८९ dated २७.१.२०१४ (copy enclosed as Appendix-क)

It shall not be necessary to consult the Commission in any case relating to :-

- a) the reversion to his permanent post of an officer officiating in a higher post, or
 - b) the termination of the employment of any officer in accordance with the terms of a contract of employment.
10. 1) It shall not be necessary for any authority subordinate to Government or for the Chief Justice of the High Court to consult the Commission before passing any order in disciplinary cases.
- 2) In cases where an appeal lies to Government against an order in disciplinary cases it shall not be necessary for Government to consult the Commission, unless either:-
- a) the order against which the appeal lies is one of reduction in rank, removal or dismissal, or
 - b) Government on a consideration of the case, proposes to substitute an order of reduction in rank, removal or dismissal for a less severe penalty.
- 3) When exercising revisionary functions in disciplinary cases in which no regular appeals lies to Government it shall not be necessary for Government to consult the Commission unless Government proposes either -
- a) to set aside or modify an order of reduction in rank, removal or dismissal, or
 - b) to substitute an order of reduction in rank, removal or dismissal for a less severe penalty.
- 4) Nothing in clauses (2) or (3) shall apply to disciplinary cases coming up before Government either by way of appeal or revision, where such disciplinary cases relate to Government servants who are members of the inferior service within the meaning of rule 24 of Jharkhand Service Code.

11. In disciplinary cases it shall not be necessary to consult the Commission before passing any order :-
- a) Drawing up or directing the drawing up of proceedings against any Government servant with a view to disciplinary action,
 - b) Of censure or suspension when a Government servant is to be suspended pending the investigation of charges against him; or
 - c) Withholding increments or promotion, including stoppage at an efficiency bar.
12. In disciplinary cases where consultation with the Commission is required, it shall not be necessary to consult the Commission at any stage of the proceedings until the case is ready for final decision.
13. It shall not be necessary to consult the Commission in any case in which the Commission has at any previous stage given advice as to orders to be passed and no fresh question has there after arisen for determination.
14. It shall not be necessary to consult the Commission in any case falling under proviso (c) to clause (2) of Article 311 of the Constitution.

By order of the Governor of Jharkhand,

Sd./-
(M.P. MISHRA)
Joint Secretary to Government.

Appendix--"क"

झारखण्ड सरकार,

कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग ।

अ धि सू च ना

राँची , दिनांक 27 जनवरी, 2014

संख्या-11/लो0से0आ0-1-03/2000 का0 789 भारत के संविधान के अनुच्छेद 320(3) के परन्तु द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखण्ड राज्यपाल, झारखण्ड लोक सेवा आयोग (कार्य-सीमन) विनियम, 2000 के नियम 7(ग) के उपबंध (ii), (iii) एवं (iv) जो निम्न प्रकार पठित है, को विलोपित करते हैं :

- "7 (ग) (ii) विभाग प्रमुख के पद पर नियुक्ति/प्रोन्नति के मामलों में, परन्तु यह अखिल भारतीय सेवा के मामलों में लागू नहीं होगा।
- (iii) सचिवालय एवं संलग्न/सम्मिलित कार्यालयों के सहायकों के संयुक्त संवर्ग के सदस्यों से अवर सचिव एवं अन्य समतुल्य पदों पर नियुक्ति/प्रोन्नति मामलों में,
- (iv) सचिवालय के निजी सहायक संवर्ग के सचिव के पदों पर नियुक्ति एवं प्रोन्नति के मामलों में।"

झारखण्ड राज्यपाल के आदेश से,

ह0/-

(सुमन कुमार)

सरकार के संयुक्त सचिव।

ज्ञापांक 11/लो0से0आ0-01-03/2013-789 राँची, दिनांक 27 जनवरी, 2014

प्रतिलिपि - अधीक्षक, राजकीय मुद्रणालय, डोरंडा, राँची को झारखण्ड राजपत्र में प्रकाशनार्थ प्रेषित।

उनसे अनुरोध है कि उक्त राजपत्र की 200 प्रतियाँ इस विभाग को उपलब्ध कराने की कृपा की जाय।

ह0/-

सरकार के संयुक्त सचिव।

ज्ञापांक 11/लो0से0आ0-01-03/2013-789 राँची, दिनांक 27 जनवरी, 2014

प्रतिलिपि - सचिव, झारखण्ड लोक सेवा आयोग, राँची/ सदस्य, राजस्व पर्वद, झारखण्ड, राँची/राज्यपाल के प्रधान सचिव/मुख्यमंत्री के प्रधान सचिव/मुख्य सचिव के सचिव/विकास आयुक्त, झारखण्ड राँची/प्रधान सचिव/सचिव सभी विभाग को सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह0/-

सरकार के संयुक्त सचिव।