

NOTIFICATION**FINANCE DEPARTMENT****Sachivalaya, Gandhinagar, Dated the, 15-11-2002*****Constitution of India***

No. : GN-38-GCS/102001/1195/CH-In exercise of the powers conferred by the proviso to Article-309 of the Constitution of India, the Governor of Gujarat hereby makes the following rules, namely :-

CHAPTER - I – GENERAL

- 1. Short Title and Commencement :** (1) These rules may be called the “**Gujarat Civil Services (General Conditions of Services) Rules” 2002.**
 - (2) They shall come into force on and from the date of their publication in the Official Gazette.
- 2. Extent of application :** Except where it is otherwise expressly or impliedly provided, these rules shall apply to -
 - (a) all members of services and holders of posts whose conditions of service; the Government of Gujarat is competent to prescribe, **and**
 - (b) the person in respect of whose service conditions, pay and allowances and pension or any of them, special provision has been made under an agreement, in respect of any matter not covered by the provisions of such agreement.
- 3. Right to Interpret :** If any question relating to the interpretation of these rules arises, it shall be referred to the State Government in Finance Department whose decision thereon shall be final.
- 4. Power to Relax :** Where the Government is of opinion that the operation of any of these rules may cause undue hardship to any person or class of persons, it may, by written order, for reasons to be recorded in writing, relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner :
Provided that no such order shall be made except with the prior concurrence of the Finance Department.
- 5. Validity of terms of contract :** The terms and conditions of a specific contract enforceable at law entered into by the Government with any person relating to service shall prevail over the provisions of these rules.
- 6. Regulation of claims to pay, allowances, leave :** A Government employee’s claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned and claim to leave shall be regulated by the rules in force at the time the leave is applied for and granted, and which would have been admissible but for the introduction of such changes.
- 7. Exercise and delegation of powers :** (1) The nature of powers specified in column 3 of **Appendix-I**, annexed to these rules shall be exercised by the authority specified in Column-4 to the extent specified in column 5 thereof.
 - (2) Subject to the provision of sub-rule (1), the powers under these rules shall not be exercised or delegated except in consultation with the Finance Department.
Provided that the Finance Department may, by general or special order, specify

the cases or class of cases in which it shall not be necessary to consult it.

8. **Reasons for concessions to be communicated to Audit Officer :** When a competent authority, to whom the powers are delegated under **Appendix-I** other than the Government, communicates to the Audit Officer an order granting concessions under these rules to any Government employee in cases in which it is directed that the reasons therefore should be recorded, it shall at the same time forward to audit officer a copy of reasons.

CHAPTER - II

DEFINITIONS

9. Unless the context otherwise requires -

- (1) **“Actual travelling expenses”** means the actual cost of transporting a Government employee with his domestic employees and personal luggage, including charges for ferry and other tolls, if paid, and for carriage of camp equipment, if necessary and does not include charges for accommodation in hotels and traveller's bungalows, or for refreshments, or for the carriage of stores or conveyances or for presents to drivers and like or any allowance for incidental losses or expenses such as the breakage of crockery, wear and tear of furniture, and the employment of additional domestic employees.
- (2) **“Allotment”** means grant of licence to a Government employee to occupy a residential accommodation owned, leased or requisitioned by Government or a portion thereof for his use as residence.
- (3) **“Annexure”** means annexure appended to these rules.
- (4) **“Appendix”** means appendix appended to these rules.
- (5) **“Appointing Authority”** means the authority which is competent to make appointment to the service or post from which the Government employee seeks retirement.
- (6) **“Apprentice”** means a person deputed for training in a trade or business with a view to employment in Government service, who is paid at monthly rates by Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.
- (7) **“Audit Officer”** means an Accounts Officer or Audit Officer appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.
- (8) **“Cadre”** means the strength of a service or a part of a service sanctioned as a separate unit.
- (9) **“Camp Equipage”** means an apparatus for moving a camp.
Note : This definition distinctly shows that nothing is meant except moving apparatus or "carriage" which can only include baggage-camels, pack bullocks, carts, (together with the coolies who carry camp equipment and necessary bullocks, or horses etc.) drivers of the bullocks etc., coolies who carry camp equipments, and possibly employees employed as tent pitchers, but does not include private or extra employees.
- (10) **“Camp Equipment”** means an apparatus for moving a camp and includes tents and the requisites for pitching and furnishing them, or, where tents are not carried, such articles of camp furniture as it may be necessary in the interests of public service for a Government employee to take with him on tour.
- (11) **“Class-IV service”** means service performed by a Government employee on a post

classified as Class-IV services and such other unclassified Non-gazetted posts the maximum of the scale of which does not exceed Rs. 4000/-.

Note : This service has been defined as 'Inferior Service' under Clause (ii) of rule-2 of Gujarat Civil Services Classification and Recruitment (General) Rules, 1967.

- (12) **“Compensatory Allowance”** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed and includes travelling allowance.
- (13) **“Competent Authority”** means in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.
- (14) **“Consolidated Fund of India or the State or the Union Territory”** All revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of India” and all revenues received by the Government of a State/ Union Territory, all loans raised by that Government/Union Territory by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government/Union Territory in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of the State/Consolidated Fund of the Union Territory”.
- (15) **“Constitution”** means the Constitution of India.
- (16) **“Conveyance Allowance”** means an allowance granted to a Government employee, whose pay has not been fixed with special reference to the expenditure likely to be incurred upon touring in the performance of his duties and whose duties involve an extraordinary amount of travelling within a limited area.
- (17) **“Date of first appointment”** means the date on which the Government employee assumes the duties of his first post in Government service, or, if this be earlier, the date of his assumption of any duty which is treated as service counting for pension.
- (18) **“Daily Allowance”** means an allowance granted to a Government employee for each day of his absence from headquarters, which is intended to cover the ordinary daily expenses incurred by a Government employee in consequence of such absence.
- (19) **“Day”** means the period beginning from a midnight and ending with the next midnight.
- (20) **“Death-cum-Retirement Gratuity”** means the gratuity payable under rule-81 of Gujarat Civil Services (Pension) Rules, 2002.
- (21) **“Director of Pension and Provident Fund”** means the Director of Pension and Provident Fund or any other officer for the time being authorised to discharge the duties and functions of or on his behalf and it includes District Assistant Examiner in respect of the sanction of the retirement benefits to Class-IV employees.
- (22) **“Disbursing Authority for Pension”** means (i) branch of a Nationalised Bank or (ii) treasury including sub-treasury, and pension payment office from where the retired Government employee is receiving pension authorised under the Gujarat Civil Services (Pension) Rules, 2002.
- (23) **“Duty”** Duty includes -
- (a) service as a probationer;
 - (b) joining time;
 - (c) a course of instructions or training authorised by or under the orders of Government;

Note 1 : The time reasonably required for the journeys between the place of

training and the station from which a Government employee proceeds in order to undergo training, is part of the period of training.

Note 2 : The period spent by candidates at the Police Training College or School, for training and the interval between the satisfactory completion of the course and their assumption of duty should be regarded as duty for the purpose of this rule.

Note 3 : The period spent by candidates in the Prohibition and Excise Department for training and interval between the completion of the course and their assumption of duty, should be regarded as duty for the purpose of this rule.

Note 4 : When one or more holidays follow the period of training, the training period may be deemed to have been extended to cover such holidays.

(d) the period occupied -

- (i) in appearing for a language examination prescribed by Government at which a Government employee has been granted permission to appear,
- (ii) in attending an obligatory departmental examination,
- (iii) in attending an examination which a Government employee must pass to become eligible for a higher post in any branch of the Public Service, including the time reasonably necessary for going to and from the place of examination.

This concession should not be allowed more than twice for each obligatory examination.

Note : If an examination is taken immediately before leave, the leave shall be held to have commenced from the date following that of the completion of the examination. In cases where an examination is taken in interruption of leave or immediately after leave, the time occupied in appearing for the examination, including the time necessary for going to and from the place of examination, shall be treated not as duty but as leave.

(e) The period for which a Government employee is required to wait compulsorily until receipt of his posting orders in the cases mentioned below :-

- (i) whose orders of transfer are held in abeyance, cancelled or modified while in transit, or
- (ii) who, on return from leave or deputation or on abolition of the post held by him, has to await receipt of posting orders, or
- (iii) who, on arrival at the headquarters of the post to which he is posted is not in a position to take charge of the post from the Government employee to be relieved.

The period availed of to resume duties after the receipt of posting orders shall not exceed the joining time admissible under the rules and shall be treated as continuation of the period of compulsory waiting.

(f) the period intervening between the date on which a Government employee is engaged temporarily for special or other duty and the date on which he takes over charge, provided the period does not exceed the joining time that would be permissible to a Government employee entitled to joining time.

(g) the period spent by Government employee on training mentioned below :-

- (i) annual training courses of instruction or military service in accordance

with the regulations framed under Territorial Army Act, 1948.

- (ii) On Home Guard training or Home Guard duties with permission of the Head of office.
- (iii) in training or in the camp in accordance with the rules of the National Cadet Corps and also such period of the vacations as are spent by National Cadet Corps Officers (Senior Division) who are Government employees holding officiating charge of units during the absence of regular Commanding Officers.
- (iv) training at a Boy Scouts' camp;

Note : No travelling or halting allowance shall be admissible in respect of this duty.

- (h) the period spent by a Government employee where he is summoned by Court of Law whether criminal or civil or by a court of martial or by a authority constituted under any law, to give evidence regarding facts which came to his knowledge in the discharge of his public duties or to produce official documents in a civil suit.
- (i) the period spent by a Government employee in connection with work on the various University bodies in the Gujarat State -
 - (a) as representatives of Government or ex-officio,
 - (b) by virtue of his official position such as Principal of a College, and
 - (c) for attending the meeting of a Board of Studies.

(24) **“Emoluments”** means -

- (i) Pay,
- (ii) payments from the Consolidated Fund of India or of the State or of the Union Territory and only that portion of the fees received by a Government employee which he is allowed to retain under the rules, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowance as part of the authorised remuneration of a post.
- (iii) compensatory allowances other than travelling allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery whether drawn from the Consolidated Fund of India or of the State, or of the Union Territory.
- (iv) Pension and pension equivalent of death-cum-retirement gratuity except the following :-
 - (a) wound or injury pension and Family Pensions drawn under the provisions of Gujarat Civil Services (Pension) Rules, 2002.
 - (b) compensation received under the Workmen's Compensation Act, 1923.
- (v) in the case of a Government employee under suspension and in receipt of a subsistence allowance, the amount of the subsistence allowance

Provided that, if such Government employee is subsequently allowed to draw pay for a period of suspension, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of the emoluments ultimately drawn shall be recovered from him:

Provided further that if such Government employee is subsequently reinstated

and the period of suspension is treated as leave, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of emoluments defined in Note-2 below shall be recovered from him.

Note 1 : Allowances attached to the President's Police and Fire Services Medal, the Police Medal, or the Indian Order of Merit, Param Vir Chakra, Maha Vir Chakra, Vir Chakra are not included in the emoluments.

Note 2 : The emoluments of a Government employee on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

(25) **“Executive Engineer”** means an officer appointed as such and incharge of the different types of Government residential accommodation and includes any other officer to whom the powers are delegated by the Government in respect of Gujarat Civil Services (Occupation of Residential Accommodation) Rules, 2002.

(26) **“Family”** means a Government employee's wife or husband, as the case may be, residing with the Government employee and legitimate children and step-children residing with and wholly dependent upon the Government employee. It includes, in addition, parents, sisters and minor brothers if residing with and wholly dependent upon the Government employee.

Note 1 : Not more than one wife is included in the term “family” for the purpose of these rules.

Note 2 : An adopted child shall be considered to be legitimate child if, under the personal law of the Government employee, adoption is legally recognised as conferring on it the status of a natural child.

Note 3 : A legitimate child or step child/parent/sister/minor brother who resides with the Government employee and whose income from all sources including pension (inclusive of temporary increase in pension) does not exceed Rs. 500 p.m. may be deemed to be "wholly dependent" upon the Government employee.

(27) **“Fee”** means a recurring or non-recurring payment to a Government employee from a source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory, whether made directly to the Government employee or indirectly through the intermediary of Government, but does not include-

- (i) unearned income such as income from property, dividends, and interest on securities; and
- (ii) income from literary, cultural, or artistic, scientific or technological efforts if such efforts are not aided by the knowledge acquired by the Government employee in the course of his service.

Note 1 : The above definition is not applicable to the fees payable from the Consolidated Fund under the Gujarat Law Officers (Appointment and Condition of Services) Rules, 1965.

Note 2 : When a Government Department undertakes the work for a non-Government organisation and, in its turn, assign the work to its official, suited for the purpose, the payment therefore is made to the Department in the first instance and forms a part of the revenue of Government. The subsequent payments to the official concerned are, therefore, payments from the Consoli-

dated Funds of Government and should accordingly be classed as honorarium.

- (28) **“First Appointment”** means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.
- (29) **“Flat Rate Rent”** means a monthly rate of flat rate rent to be recovered from a Government employee for the authorised occupation of Government residential accommodation. The rates for the same shall be as laid down in rule-18 the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rules, 2002 as amended from time to time.
- (30) **“Foreign Service”** means service in which a Government employee receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a State, or of a Union Territory.
- (31) **“Form”** means a form appended to these rules.
- (32) **“Gazetted Government employee”** is one who is a member of an All India Service or State Service or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are Gazetted by Heads of Departments and who are Non- gazetted Government employees. Notifications investing Government employees with powers under different Acts, in order that the Courts may take judicial cognisance of them, do not constitute the persons invested with such powers as Gazetted Government employees within the meaning of this sub rule.
Provided that in respect of any category of Government employees in whose case the conditions of this clause have not been fulfilled, Government may by order treat them as Gazetted Government employees for the purposes stated in the said order.
Exception : Officers whose appointments to Class II services or posts are made by the Heads of Departments or Heads of Offices subordinate to them and are not published in the Gazette should be treated as Gazetted Government employees.
- (33) **“Government”** unless the context otherwise requires in respect of anything done or to be done after the commencement of the Constitution, shall mean the Government of Gujarat.
- (34) **“Head of Department”** this term includes officers from Appendix-II who have been declared as such or any other officers whom Government may from time to time declare to be Heads of Department.
- (35) **“Head of Office”** means a Gazetted officer declared as such by Government and includes such other authority or person whom the competent authority may by order, specify as Head of Office.
- (36) **“Head-Quarters”** means the station which has been or may be declared to be the headquarters of a Government employee by the appointing authority or a competent authority, or in the absence of such declaration the station where the records of his office are generally kept.
- (37) **“Holiday”** means -
(a) a holiday declared or notified under Negotiable Instruments Act, 1881; **and**
(b) in relation to any particular office, a day on which such office is ordered by Government, or by a duly constituted authority, by notification in the Gazette or otherwise, to be closed for the transaction of Government business without reserve or qualification.

- (38) **“Honorarium”** means a recurring or non-recurring payment sanctioned to a Government employee from the Consolidated Fund of India or the Consolidated Fund of the State or of a Union Territory as remuneration for special work of an occasional character.
- (39) **“House Rent Allowance”** means a monthly allowance towards defraying house rent granted to a Government employee in locations where such rents are high or granted in lieu of free residential accommodation.
- (40) **“Joining Time”** means the time allowed to a Government employee to join a new post or to travel to or from a station to which he is posted.
- (41) **“Leave”** means permission to remain absent from duty granted by a competent authority under the Gujarat Civil Services (Leave) Rules, 2002.
- (42) **“Leave Salary”** means the monthly amount paid by Government to a Government employee on leave.
- (43) **“Lien”** means the title of a Government employee to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.
- (44) **“Local Allowance”** is an allowance granted on account of the expensiveness or unhealthiness of an area. It is admissible to Government employees who have their headquarters within the area for which it is sanctioned and not to Government employees merely travelling in that area.
- (45) **“Medical Authority”** means Civil Surgeon/Superintendent of Civil Hospital or as the case may be the Medical Board.
- (46) **“Medical Board”** means a board constituted under Rule 13 of Gujarat Civil Services (General Condition of Services) Rules, 2002.
- (47) **“Mileage Allowance”** means an allowance calculated on the distance travelled and given to a Government employee to meet the cost of a particular journey. It can be drawn in the form of rail fare, bus or road mileage of the journey performed by road.
- (48) **“Ministerial employee”** means a Government employee of Class III services, whose duties are entirely clerical and any other class of employees specially declared as such by Government.
- (49) **“Minor”** means a person who has not completed the age of eighteen years.
- (50) **“Month”** means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and thereafter the odd number of days should be calculated subsequently.

Instruction : Calculations of period expressed in terms of months and days shall be made as under :-

- (a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted :-

	Y.	M.	D.
25th January to 31st January	0	0	07
February to April	0	3	00
1st May to 13th May	0	0	13
Total	0	3	20

- (b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days as indicated below :-

	Y.	M.	D.
30th January to 31 January	0	0	2
February	0	1	0
1st March to 2nd March	0	0	2
Total	0	1	4

- (51) **“Non-Official Member”** means any person other than a Government employee who is required to attend a meeting or conference of a Commission of Inquiry or of a Board or of a Corporation or Committee or is required to perform any public duties in an honorary capacity.
- (52) **“Officiate”** means Government employee who officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority, may if it thinks fit, appoint a Government employee to officiate in a vacant post on which no other Government employee holds a lien.
- (53) **“Pay”** means the basic pay in the revised scales of pay prescribed under the Gujarat Civil Services (Revision of Pay) Rules, 1998 and includes stagnation increments.
- (54) **“Permanent Travelling Allowance”** means a monthly travelling allowance granted by Government to a Government employee whose duties require him to travel extensively. Such an allowances is granted in lieu of all other forms of travelling allowance for journeys within the Government employee's sphere of duty and is drawn all the year round whether the Government employee is absent from his headquarters or not.
- (55) **“Pension”** means any class of service pension including compensation pension referred to in rule 44 of Gujarat Civil Services (Pension) Rules, 2002 and gratuity but does not include temporary increase/dearness relief, granted by Government to a pensioner as compensation for higher cost of living.
- (56) **“Pensionable Pay”** means the average pay earned by a Government employee during the last ten months service as per provisions contained in rule 43 of the Gujarat Civil Service (Pension) Rules, 2002.
- (57) **“Pensioner”** means a retired Government employee who has been granted pension.
- (58) **“Pension Payment Office”** means an office declared as such for making payment to the pensioners and includes treasury and sub-treasuries.
- (59) **“Pension Payment Order”** means an order in a form approved by Government for sanctioning the payment of pension, to be issued by the Director of Pension and Provident Fund.
- (60) **“Pension Sanctioning Authority”** means a competent authority of the Government to whom the powers to sanction pension have been delegated.
- (61) **“Permanent Post”** means a post carrying a definite rate of pay sanctioned without limit of time.
- (62) **“Pay and Accounts Officer”** means the officer entrusted with pay and accounts functions of State transactions arising in Ahmedabad and Gandhinagar.
- (63) **“Personal Pay”** means additional pay granted to a Government employee -

- (a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to any reduction of such substantive pay otherwise than as a disciplinary measure; or
- (b) in exceptional circumstances, on other personal considerations.
- (64) **“Presumptive Pay”** of a post, when used with reference to any particular Government employee, means the pay to which he would be entitled if he held the post substantively and was performing its duties; but it does not include special pay unless the Government employee performs or discharges the work or responsibility, in consideration of which special pay was sanctioned.
- (65) **“Probationer”** means a Government employee on probation in or against a substantive or temporary vacancy in the cadre of a department.
- Note 1 :** No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment.
- Note 2 :** A Government employee (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be treated for all purposes as a temporary Government employee.
- Note 3 :** The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.
- (66) **“Public Account of India or the State”** means all other public moneys excluding those referred to in sub-rule (14) received by or on behalf of the Government of India or the Government of a State.
- (67) **“Public Conveyance”** means a train, steamer, aircraft or other conveyance which plies regularly, though not necessarily at fixed intervals, a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of the passengers.
- (68) **“Qualifying Service”** means service rendered while on duty or otherwise which may be taken in account for the purpose of pension and gratuity admissible under Gujarat Civil Services (Pension) Rules.
- (69) **“Registered Medical Practitioner”** means a medical practitioner registered under the Gujarat Medical Council Act, 1967 or the Gujarat Medical Practitioner Act, 1963 or a practitioner registered and entered in the Register maintained under the Gujarat Homeopathic Act, 1963 (Guj.XXXVI of 1963) or any other law corresponding thereto and in force in the State of Gujarat, or the respective Medical Registration Acts, of the several State Governments.
- (70) **“Rent”** means a monthly rate of compensation made by Government employee or a person not in Government service to Government for the use and possession of residential accommodation allotted or leased to him.
- (71) **“Residential Accommodation”** means building, bungalow, quarter or flat owned by Government and allotted for residential purpose. It also includes building, bungalow, quarter or flat hired, requisitioned or leased by the Government for the said purpose.
- Note :** Requisitioned means requisitioned under the provisions of Requisition and Acquisition of Immovable Property Act, 1952.
- (72) **“Selection Grade”** means a scale of pay which has been sanctioned specifically as a selection grade by an order of Government.

- (73) **“Service Book”** means service book and includes service roll, if any.
- (74) **“Special Pay”** means an addition, of the nature of pay, to the emoluments of a post or of a Government employee granted in consideration of -
- (a) the specially arduous nature of duties,
- (b) a specific addition to the work or responsibility.
- (75) **“Sphere of duty”** means the area to which the duties of a Government employee are confined.
- (76) **“Standard Rent”** means a monthly rate of standard rent for different types of residential accommodation as laid down in rule-18 of the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rule, 2002.
- (77) **“Subsistence Allowance”** means a monthly allowance granted to a Government employee who is not in receipt of pay or leave salary.
- (78) **“Substantive Pay”** means the pay other than special pay, personal pay which a Government employee is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.
- (79) **“Superintending Engineer”** means an officer appointed as such and to whom the powers are delegated by Government under the relevant rules.
- (80) **“Superior Service”** means any kind of service not being Class IV service.
- (81) **“Table”** means a table appended to these rules.
- (82) **“Temporary Post”** means a post carrying a definite rate of pay sanctioned for a limited time.

Note : Substantive appointments to temporary posts should be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of, three years. In all other cases, appointments on temporary posts should be made in an officiating capacity only.

- (83) **“Temporary Transfer”** means a transfer to duty in another station which is expressed to be for a period not exceeding one hundred twenty days. For the purpose of these rules it includes deputation. Subject to the limit of four months, the title to compensatory allowance, if the temporary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of the extension.
- (84) **“Tenure Post”** means a permanent post which an individual Government employee may not hold, for more than a limited period without re-appointment.

Note : The following posts have been declared by Government to be tenure posts :-

		Period of Tenure	
		(Years)	
(1)	Chief Engineer in the Gujarat Service of Engineers (Class-I)	-	5
(2)	Three posts of Assistant Directors of Social Welfare	-	3
(3)	All technical posts of Under Secretaries and Deputy Secretaries in the Public Works Department.	-	5
(4)	The following posts in the Legal Department :		
(i)	Deputy Secretaries (Three posts)	-	3

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|-------|--|-----|
| (ii) | Solicitor and Ex-officio Deputy Secretary to Government Ex-Officer (one post) | - 3 |
| (iii) | Special Officer and Ex-officio Under Secretary to Government (one post) | - 3 |
| (5) | Nineteen cadre posts of Deputy Secretaries in the Secretariat Department excluding posts of Deputy Secretaries in the Legal Department and technical posts in the Public Works Department. | - 5 |
| (6) | Eight posts of Under Secretaries out of the total number of temporary and permanent posts on the Secretariat cadre excluding post of Under Secretaries on the Legal side of the Legal Department and Technical posts in the Public Works Department. | - 5 |

Provided that where a tenure post of an Under Secretary or a Deputy Secretary is held by a Secretariat Officer, such post shall, so long it is held by such officer, cease to be a tenure post.

- (85) **“Time-Scale Pay”** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.

Note-1 : Time scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

Note-2 : A post is said to be on the same time-scale as another post on a time scale if the two time-scales are identical and the posts fall within a cadre or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

- (86) **“Transfer”** means the movement of a Government employee from one headquarter station in which he is employed to another such station, either -

- (a) to take up the duties of a new post; or
- (b) in consequence of a change of his headquarters.

- (87) **“Transit Time”** means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel.

- (88) **“Travelling Allowance”** means an allowance granted to a Government employee to cover the expenses which he incurs in travelling in the interest of the public service. It includes allowance granted for the maintenance of conveyance.

- (89) **“Treasury”** means the treasury established at the headquarters of a district and includes a sub-treasury / Pay and Accounts office.

CHAPTER - III

PAY

10. **Pay on first appointment to Government service :** On first appointment to Government service, a person shall draw the minimum of the time-scale attached to the post to which he

is appointed, unless a higher starting pay is sanctioned by the authority.

Note : A competent authority shall have powers to appoint a person on a fixed pay basis.

- 11. Fixation of pay on appointment to another post involving assumption, duties or responsibilities of greater importance :** (1) Where a Government employee holding a post in a substantive, temporary or officiating capacity, is promoted or appointed in a substantive, temporary or officiating capacity to higher post **in normal course** and the appointment to such post involves assumption of duties or responsibilities of greater importance than those attached to the post originally held by him, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued, and, in the case of a Government employee drawing pay at the maximum of the pay-scale, by an amount equivalent to the last increment.

Note : "Pay" in respect of lower post referred to in the above sub-rule shall mean the officiating or substantive pay whichever is higher.

- (2) Where a Government employee holding a post in a substantive, temporary or officiating capacity, is promoted or appointed in a substantive, temporary or officiating capacity to another ex-cadre higher post, his pay shall be fixed as per provisions contained in sub-rule (1).
- (3) Where a Government employee holding a post in a substantive, temporary or officiating capacity, is promoted or appointed in a substantive, temporary or officiating capacity to another post **as a stop gap** arrangement and the appointment to such post involves assumption of duties or responsibilities of greater importance than those attached to the post originally held by him, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay in respect of the lower post. If the stop gap promotion is subsequently treated as normal promotion, the pay of the employee shall be re-fixed under sub-rule (1) with effect from his stop gap appointment.

Note : Promotion to the higher post which is not made in consistent with recruitment rules or seniority should be treated as stop gap promotion. The appointing authority shall invariably mention in the body of the order of promotion whether the appointment by promotion is a stop gap promotion or a promotion in normal course."

- 12. Option for fixation of pay under rule-11 :** (1) Where a Government employee who is promoted before drawing increment due in the lower post, shall be given an option to be exercised within one month of the date of promotion to have -

- (a) his initial pay fixed in the higher post on the basis of the provision of sub-rule (1) of rule-11, without any further review on accrual of increment in the pay scale of the lower post;

OR

- (b) his pay fixed in the higher post initially in the manner as provided under sub-rule (3) of rule-11 which may be revived and fixed as per provisions of sub-rule (1) of rule-11 on the date of accrual of next increment in the scale of pay of the lower post.

- (2) When the pay is fixed under clause (b) of sub-rule (1), the next date of increment shall fall due on completion of twelve months' qualifying service from the date the pay is

fixed on the second occasion.

- (3) The option shall be allowed in cases where the initial fixation of pay in the scale of the higher post in the manner provided under sub-rule (3) of rule-11 and the one under sub-rule (1) of rule-11, both happen to be the same.
- (4) The option shall be available to the employee only in cases of promotion to higher posts in normal course and not otherwise.

Provided that in case where such stop gap promotion is followed by regular appointment to the higher post without any break in stop gap promotion and the regular appointment, the option may be allowed from the date of initial appointment to the higher post to be furnished within one month from the date of such regular appointment.

- (5) Option once exercise shall be final.

13. Fixation of pay on appointment to another post not involving assumption of duties or responsibilities of greater importance : Where a Government employee holding a post in a substantive, temporary or officiating capacity, is appointed in a substantive, temporary or officiating capacity to another post including an ex-cadre post and the appointment to the new post does not involve assumption of duties or responsibilities of greater importance than those attached to the old post, his initial pay shall be fixed as under :-

- (a) if there is a stage in the time-scale of the new post which is equal to his pay in the pay scale of the old post, he shall draw pay at that stage;
- (b) if there is no such stage, he shall draw pay at the stage next below his pay in the pay scale of the old post plus personal pay equal to the amount of difference;
- (c) in either of these two cases, he shall continue to draw that pay until such time as he would have received an increment in the time-scale of the old post or till he would earn an increment in the time scale of the new post, whichever is earlier;
- (d) if the minimum of the time-scale of the new post is higher than his pay in the old post, he shall draw that minimum as initial pay.

14. Fixation of pay on appointment to the same post on senior pay scale : Where different pay scales based on the qualifications of the holder of the post are prescribed for a post, and a Government employee holding such post in officiating, temporary or substantive capacity is appointed on the senior pay scale of the same post in officiating, temporary or substantive capacity, his pay in the senior scale of the same post shall be fixed as per rule-13.

15. Fixation of pay on reversion from higher to lower post : The provisions of rule-13 do not apply in the case of a Government employee appointed from a higher post to a lower post due to reduction of establishment or reverting to a lower post on termination of his officiating promotion to a higher post. Where a Government employee is reverted to a lower post after a spell of promotion in a higher post, his pay in the lower post shall be fixed at the stage in the time scale of the lower post at which he would have drawn pay but for his appointment to the higher post as admissible under rule-39.

16. Fixation of pay of a Government employee who had held the same post or another post on the same or identical pay scale : Notwithstanding anything contained in rules-11 and 13, if a Government employee had previously held the same post or another post on the same or identical time-scale than save as provided in sub-rule (2) of rule-23, his initial pay shall not be less than the pay other than the special pay, personal pay, or emoluments classed as pay by Government under rule-9 (53) which he drew, on the last such occasion, and the period

during which he drew that pay on such last and any previous occasion shall be counted for increments in the stage of the time-scale equivalent to that pay;

Note 1 : Where a Government employee has held a post in the cadre or class prior to the introduction of a new scale, and has drawn during the period pay equal to a stage or intermediate between two stages, in the new scale, then such period may be counted for increment in the same stage, or if the pay was intermediate between two stages, in the lower stage of that scale.

Note 2 : For the purpose of this rule and rule-24 a temporary post on a certain rate of pay (fixed or time-scale) which is converted into a permanent post on different rate of pay is not the "same post", even though the duties remain the same. In other words, in view of rule-9 (82), the temporary post is to be regarded as having ceased to exist and to have been replaced by the permanent post. The incumbent of the temporary post is thus entitled only to the pay of the permanent post if it is on a fixed rate of pay or to a minimum of the time-scale of the permanent post if it is on a time-scale unless his case is covered by this rule.

- 17. Fixation of pay of a Government employee repatriating from an ex-cadre post to a post in the parent cadre :** The initial pay of a Government employee on repatriation to the cadre post which he held prior to his appointment to an ex-cadre higher post, shall be fixed in the pay scale of the cadre post at a stage not lower than the pay to which he would have been entitled to draw on the date of repatriation had he not been appointed to the ex-cadre post.

Provided that in the event of reversion from an ex-cadre higher post, a Government employee is appointed to another higher post in the direct line of promotion as compared to the ex-cadre higher post which he held prior to his such appointment, his initial pay shall be fixed on the basis of the pay admissible in the lower cadre post held by him but for his appointment to the ex-cadre higher post.

- 18. Fixation of pay of a Government employee appointed from ex-cadre post to another ex-cadre post :** Where a Government employee is appointed or transferred from one ex-cadre post to another ex-cadre post, his pay shall be first fixed in the pay scale of his parent cadre post considering that had he not been appointed to the ex-cadre post and would have drawn his pay and then taking into account the stage of pay so arrived, his fixation of pay shall be made in the pay scale of such ex-cadre post on which he is appointed or transferred, as the case may be.

If the pay so fixed is less than the pay drawn by him while holding the earlier ex-cadre post in the lower pay scale, the amount of difference shall be treated as personal pay to be absorbed in future increase of pay in the pay scale of ex-cadre post holding at present.

- 19. Fixation of pay of a Government employee appointed to a new post at his own request :** Where appointment of a Government employee is made to a new post on a different cadre -

(a) on his own request under rule-27 (1) of Gujarat Civil Services (General Conditions of Services) Rules, 2002; **or**

(b) on account of discharge of a Government employee owing to the abolition of his permanent post or owing to change in the nature of the duties of that post and if he opts for acceptance of another appointment or transfer to another establishment even on a lower pay, if offered; and if the maximum of the time-scale of that post to which he is appointed is less than his substantive pay, in the pay scale of the old post,

- he shall be entitled to draw that maximum as initial pay.

20. Fixation of pay of a Probationer on completion of probation : Where the appointment of a person is on probation and probation period is of one year or less and the probationary terms so provide, the probationer shall be granted only the minimum of the time-scale or any fixed pay during the probation period. Where the probation period is of more than one year duration, the probationer on his appointment or confirmation in the service or cadre after satisfactory completion of probation period, shall be entitled to the fixation of pay in the time-scale counting the total period of probation as duty for the purpose of increment and also the arrears in this regard.

Note : The provisions contained in this rule are not applicable to cases where the probation period as prescribed initially, is subsequently extended due to non-satisfactory performance of the probationer during the probation.

21. Stepping up of a pay of a Government employee on the basis of the pay of his junior :

(1) Where on regulating initial pay of a Government employee under above rules-11, 13, 15 to 17 & 19 or on his appointment to a higher post if his pay is fixed at a lower rate of pay in that cadre than another Government employee junior to him in the lower grade but promoted or appointed subsequently in such another identical cadre; the pay of the senior Government employee on the higher post shall be stepped up to the figure equal to the pay as fixed for the junior Government employee in that higher post with effect from the date of promotion of the junior Government employee and it shall be subject to the following conditions viz :-

- (i) both, the junior and the senior Government employees belong to one and the same cadre and the posts to which they have been promoted or appointed, shall be identical and in the same cadre and in the same line of promotion;
 - (ii) the time-scales of pay of the lower posts held by the senior and the junior Government employees shall be identical;
 - (iii) the time scales of the higher posts to which the Government employees are promoted or appointed shall be identical;
 - (iv) the senior Government employee had he not been appointed to the higher post earlier than his junior, he would have been eligible to draw pay at a stage not lower than that admissible to his junior in the lower post immediately prior to the appointment of the junior Government employee to the higher post;
 - (v) the anomaly so caused must be the direct result of the application of this rule. For example, if even in the lower post the junior Government employee draws from time to time a higher rate of pay than the senior by virtue of fixation of pay under the normal rules or by grant of advance increment(s) for any reason, these provisions shall not be applicable to step up the pay of the senior Government employee.
 - (vi) the pay of the senior Government employee so increased due to stepping up of pay shall not be reduced on reversion of the junior Government employee nor shall it be increased again with reference to the pay of the same officer.
- (2) After the re-fixation of pay of the senior Government employee with reference to the pay of his junior, the next increment shall occur to him only after he has rendered the qualifying service which is necessary for drawing such increment from the stage at which his pay had been refixed."

22. Benefit of "Next below Rule" and its scope : Where the Government employee who is appointed to another post outside his cadre and who is prevented in public interest, from accepting such appointment to a higher post which is not a tenure post or a special post or

a selection post in the regular line of promotion in his original cadre shall, unless otherwise directed by Government on merits, be entitled, with effect on and from the date of promotion of a Government employee who is junior to him in his cadre to such higher post, to the benefits which would have accrued to him if he had not been so prevented but had been appointed to such higher post:

Provided that :-

- (i) the appointment of such Government employee to a post outside his cadre is made in public interest and not at the instance or request of the Government employee concerned;
- (ii) the Government employee who is on the tenure post or such other special post shall not be eligible for the benefit of this rule;
- (iii) the benefits as aforesaid shall be allowed in order of seniority to not more than such number of the Government employees, who may have been posted outside their cadre, as is equal to the number of the Government employees junior to them who may have been promoted.

Illustration : *If A, B and C in order of seniority are appointed outside the department and D who is immediately junior to C is given promotion only "A" can get the benefit of the rule.*

Explanation 1 : *The word "benefits" in this rule means pay and dearness allowance and allowances of the nature of emoluments, that is to say, house rent allowance, compensatory local allowance, but shall not include special pay or other compensatory allowances attached to such higher post.*

Explanation 2 : *The intention underlying this rule being that the Government employee out of his regular line should not suffer by forfeiting acting promotion which he would otherwise have received had he remained in his regular line. It follows that the fortuitous acting promotion of some one junior to an employee who are out of the regular line does not, in itself give rise to claim under the "Next Below Rule". Before such a claim is established it shall be necessary that all the employees senior to the employee who is out of the regular line have been given acting promotion and also the employee, next below him, unless in any case the acting promotion is not given because of inefficiency, unsuitability or leave. In the event of one of these three bars being applicable to the officer immediately below the employee outside his regular line, then some other employee even more junior shall have received acting promotion and the employees, if any, in between should have been passed over for one of these reasons.*

Explanation 3 : *The rule provides for grant of the benefits to the Government employee on the basis of one for one principle. In applying this principle, the senior most Government employee who is not debarred by the provisos prescribed for the application of the rule shall be allowed to get the benefit under this rule. (See illustration given under the rule.)*

Explanation 4 : *If the Government has approved in any department, a list of Government employees in order of merit for promotion to a higher post that order will prevail as the order of seniority of the Government employees in the ordinary gradation list of their cadre.*

23. **Pay on new appointment :** (1) Where the Government employee is selected for appointment to a service or cadre or post under the Government through the Gujarat Public Service

Commission, Centralised Recruitment Scheme or any other method approved by the Government and if the service rendered prior to and after such selection is continuous and the appointment is on a higher post as compared to the pay scale of the post on which the employee was working prior to his appointment before selection; his pay shall be fixed as per rule-13.

Explanation : *For this purpose the service shall be treated as continuous one even if there is a physical break not exceeding twenty four hours.*

Note 1 : *If the new appointment is in the same station, for the purpose of computing "physical break" (of more than twenty four hours), Sunday and/or a Public Holiday declared by the State Government shall be excluded.*

Note 2 : *If the new appointment involves movement from one station to another, for the purpose of computing "physical break" (of more than twenty four hours) the maximum period to cover actual journey inclusive of Sunday and/or a Public Holiday declared by the State Government shall be excluded.*

- (2) The provisions of sub-rule (1) shall not apply in the case of a Government employee who is so appointed after a physical break exceeding twenty four hours following resignation, removal, dismissal or discharge on reduction of establishment or after invalidation out of service. Such an appointment amounts to a fresh appointment.

24. **Fixation of pay when the pay scale is changed :** The holder of a post, the pay scale of which is changed shall be treated as if he were transferred to a post in the new pay scale and his pay shall be fixed in the new pay scale at a stage next above his existing pay.

Provided that except in a case where the pay scale of the post has been changed as a result of change in the duties or responsibilities, he may at his option, retain his old pay until the date on which he earns his next or any subsequent increment, in the old pay scale or until he vacates his post or ceases to draw pay in that time scale. The option once exercised shall be final.

Note 1 : *The option to retain the old pay under this rule shall also available to the Government employee not actually holding the post at the time of change of the pay scale;*

Provided that -

- (i) *he holds a lien or suspended lien on that post, or*
 (ii) *it is certified by the authority competent to make his appointment to the lower post that he would have held that post but for holding a higher post.*

Note 2 : *The option exercised under this rule shall be an option opting for a clear alternative so that the option so exercised can be held null and void from the beginning, if necessary in the event of the alternatives are not clear or the alternative with reference to which option was exercised are subsequently altered by orders with retrospective effect or otherwise the option becomes vitiated.*

Note 3 : *The Government employee under suspension shall be allowed to exercise the option under the above rule when the pay-scale attached to his post is changed, even while he is under suspension. The result of such option shall be that when the new scale of pay takes effect from a date prior to the date of suspension, he shall be entitled to the benefit of the increase in pay, if any, in respect of the duty period before suspension, and also in the subsistence allowance for the period of suspension. If, however, the new pay scale takes effect from the date falling within the period of suspension, the benefit of option shall accrue to him in respect of the period of*

suspension only after his reinstatement, depending on the fact whether the period of suspension is treated as duty or not.

Note 4 : *The option referred to in the above rule shall be exercised and communicated to the Head of Office or Department within a period of two months from the date of issue of orders sanctioning the new pay scale. Failure to do so shall mean that the incumbent has automatically opted for the new pay scale from the date from which it takes effect.*

25. **Pay on reversion to lower post as a penalty :** The authority which imposes penalty of reversion upon the Government employee reverting him from a higher to a lower grade or post, may allow him to draw pay, not exceeding the maximum of the lower grade or post :

Provided that the pay allowed to be drawn by a Government employee under this rule shall not exceed the pay which he would have drawn by the operation of rules-15 and 16 read with sub-rule (1) or (2) as the case may be, of rule-39.

26. **Reduction of pay as a measure of penalty :** (1) Where the pay of a Government employee is reduced as a measure of penalty to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be and whether, on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent.

(2) Where the Government employee is reduced as a measure of penalty to a lower service, grade or post or to a lower time-scale, the authority ordering such reduction may or may not specify the period for which the reduction shall be operative; but where the period of reduction is specified, that authority shall also order whether, on restoration, the period of reduction shall operate to postpone future increments and, if so to what extent.

Note 1 : *The authority ordering the reduction shall expressly state in the order that the period of reduction shall be exclusive of any span of period spent on leave before the period of reduction is completed.*

Note 2 : *The exact interpretation of sub-rule (1) is clarified as follows :-*

- (a) *Every order passed by a competent authority imposing on a Government employee the penalty of reduction to a lower stage in a time-scale should indicate :-*

- (i) *the date from which it shall take effect and the period (in terms of years and months) for which the penalty shall be operative;*
(ii) *the stage of pay in the time-scale (in terms of rupees) to which the Government employee is reduced, and;*
(iii) *the extent (in terms of years and months) if any, to which the period referred to at (i) above shall operate to postpone future increments.*

It should be noted that such reduction to a lower stage in a time-scale is not permissible either for an unspecified period or as a permanent measure under the rules. Also when a Government employee is reduced to a particular stage of pay in a time scale, his pay shall remain constant at that stage for the entire period of reduction. The period to be specified under (iii) should in no case exceed the period specified in (i).

- (b) *The question as to what should be the pay of a Government employee on the expiry of the period of reduction shall be decided as follows :-*

(i) *If the order of imposing a penalty of reduction lays down that the period of reduction shall not operate to postpone future increments, the Government employee shall be allowed to draw the pay which he would have drawn in the normal course but for his reduction.*

(ii) *If the order specifies that the period of reduction was to operate to postpone future increments for any specified period, the pay of the Government employee shall be fixed in accordance with (i) above but the period for which the increment were to be postponed shall not be counted as incremental period for the purpose of releasing future increments.*

(c) *With a view to achieving the object underlying in sub rule (1) of not allowing increments during the period of reduction it should be ensured that every order passed by a competent authority imposing on a Government employee the penalty of reduction to a lower stage in a time-scale invariably specifies that stages in terms of rupees to which the Government employee is reduced as in the following form :-*

The _____ has decided that Shri _____ should be reduced to a pay of Rs. _____ in the times scale of Rs. _____ (for a period of _____ with effect from _____.

27. Relation of officiating pay to substantive pay : Except in the cases covered by rule-19, if the pay of the Government employee, officiating in a post is at any time, less than his substantive pay, he shall be entitled to draw his substantive pay.

Note : The provisions contained in this rule shall not be applicable in the following cases :-

- (a) *the Government employee whose increment in the officiating post is ordered to be withheld for the reason of failure to pass, within the prescribed period, a regional language examination or the Hindi examination or other prescribed departmental examination as prescribed;*
- (b) *the Government employee whose increment is withheld with or without permanent effect, as a measure of punishment;*

28. Pay when promotion or appointment is found to be erroneous : (1) Notwithstanding the provisions contained in these rules, the pay of a Government employee whose promotion or appointment to a post is found to be or to have been erroneous on the basis of facts, e.g. incorrect seniority, failure to apply any relevant rules or orders correctly, shall be regulated in accordance with the general or special orders issued by the Government in this behalf.

(2) When any rule or order regulating pay is made with retrospective effect, the pay of a Government employee affected by such order or rule, shall be fixed notionally as if the rule or order were applicable in his case but the Government employee concerned shall not be called upon to refund the resultant amount of overpayment on account of pay and allowances;

Provided that in the case where the erroneous promotion or appointment was given on the basis of false information furnished by the concerned Government employee; departmental action shall be taken against him and the resultant amount of overpayment on account of pay and allowances shall also be recovered from him.

29. **Officiating pay in a post the pay of which is fixed at a rate personal to another Government employee :** When the Government employee officiates in a post the pay of which has been fixed at a rate personal to another Government employee, Government may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.
30. **Power to fix officiating pay at a lower rate :** The competent authority may fix the pay of an officiating Government employee at an amount less than that admissible under these rules.
- Note 1 :* When the pay of the Government employee who is appointed to officiate in a post on a time-scale of pay is fixed below the minimum of the time scale under this rule, he shall not be treated as having effectually officiated in that post within the meaning of rules-11, 13, 15 to 17 & 19 or having rendered duty in it within the meaning of rule-39.
- Note 2 :* In a case in which a vacancy is expected to last for less than ten days excluding Sundays, weekly off and public holidays, if any, the Government employee may be placed in charge of the current duties of the post but no formal appointment to officiate shall be made unless a formal appointment is essential in order to provide for the exercise of statutory powers.
- Instruction :* Reading this rule with the rules substantively regulating the rate of officiating pay, and in particular with rule-27, it is clear that the power conferred by this instruction below rule is not exercisable save by a specific special order passed in an individual case and on the consideration of the facts of that case. A general order purporting to oust universally the operation of rule-27 shall be ultra vires this rule. Although the practice of obtaining special orders on every individual case would not be ultra vires this rule, it would cause the greatest possible fraud thereon.
31. **Personal pay to decrease in proportion to increase in basic pay :** Except when the authority sanctioning personal pay orders otherwise, personal pay shall be reduced by an amount equal to the amount of pay of the Government employee is increased and shall cease altogether as soon as his pay is increased by an amount equal to his personal pay.
32. **Pay during course of instruction or training :** Where for the period for which a Government employee is deputed to attend a course of instruction or training or to appear for an examination which is treated as duty under rule-9 (23), the competent authority may allow the Government employee to draw pay equal to the amount drawn before joining the course of instruction or training or appearing for the examination provided that he has reason to believe that the Government employee is likely to continue to hold the post from which he is deputed during such period and records a certificate to that effect.
- Note :* This rule is not applicable to Government employee covered by rule-34 and cases of training outside India.
33. **Pay during the period of compulsory waiting on return from leave or special duty :** Where a Government employee who is treated as on duty under sub-clause (ii) of clause (e) or clause (f) of rule-9 (23), shall draw the pay of the post or service to which he is appointed.
34. **Training School Allowance only admissible during training in the Police Training College :** The Government employees serving in any department other than the police department but including members of the clerical establishment of the Police Department sent to the Police Training College, shall receive the Training School Allowance only and not their substantive pay during such training.

35. **Officiating promotions in places of the Government employees undergoing training :** No officiating appointments shall be made in places of the Government employees who are treated as on duty while undergoing training. A competent authority may, however, allow officiating promotions or allow additional pay or special pay under rule-45 in the places of the Government employees undergoing training in cases in which it has been authorised by the Government to do so.

36. **Pay and allowances not admissible without proper authority for time spent beyond sphere of duties :** (1) No Government employee (other than a Police Officer acting within his legal powers or an Excise Officer acting under the orders of Commissioner of Prohibition and Excise) is entitled to pay or allowances for any period which he may have spent beyond his sphere of duties allotted without proper authority. However, with the sanction of a competent authority the Government employee may proceed on duty to any part of India, whether within or beyond the limits of the State of Gujarat and may draw pay and allowances for such duty.

(2) The Government may accord a general sanction allowing the Government employee to proceed to a station beyond his sphere of duty in cases where his duties require him to proceed to that station frequently, the controlling officer's signature on the travelling allowance bill being taken as proof that his journeys to the place were necessary for the purpose of official requirements.

Note : The Speaker is the Competent Authority for the purpose of this rule in respect of the staff of Gujarat Legislature Secretariat.

37. **Authorised absence of Government employee from jurisdiction while accompanying the Governor or a Minister :** In respect of the Government employee instructed by the department for accompanying the Governor or Minister for any period during which he is absent from their jurisdiction, the signature of the Deputy Secretary or Under Secretary of the Department concerned or of the Controlling Officer shall be considered sufficient to pass his pay and travelling allowance bills.

38. **Increments to be drawn as a matter of course :** (1) An increment shall ordinarily be drawn as a matter of course unless it is withheld as a penalty under the relevant provisions of the Gujarat Civil Service (Discipline and Appeals) Rules, 1971. In ordering the withholding of increment the withholding authority shall state -

- (i) the specific period for which it is withheld, **and**
- (ii) whether such withholding of increment shall have the effect of postponing future increments.

Explanation : The period for which an increment may have been withheld shall be inclusive of the period of leave, if any, which would otherwise have been counted towards increments under rule-39.

(2) If the Government employee is appointed to officiate in a higher post before the expiry of the period for which his increment may have been withheld without having effect of postponing future increments his pay in such higher post during the period for which his increment may have been withheld in the lower post, shall be regulated as follows :-

- (i) the withholding of increment shall in the first instance be ignored and his pay (notional) in the lower post shall be arrived at on this basis;
- (ii) then the notional pay in the higher post shall be fixed accordingly; **and**
- (iii) the pay so fixed shall be reduced by an amount equal to the increment withheld.

This process shall be applicable throughout the period during which increments may have been withheld.

- (3) Where the increment is withheld so as to have effect of postponing future increments, his pay on promotion to the higher post shall during the period for which the increment is withheld be regulated in accordance with sub-rule (2) and on expiry of that period, he shall be allowed to draw the same pay in the higher post as is drawn on such expiry if that is the stage in the pay scale of the higher post and where there is no such stage in the pay scale of the higher post, he shall draw pay at a next lower stage plus personal pay equal to the amount of difference to be absorbed in future increments, provided that where such pay is less than the minimum of the pay in the pay scale of the higher post, he may be allowed to draw the minimum pay from that date. The next increment shall be granted after completion of the full incremental period.

Explanation : *This rule is also applicable in a case where the Government employee is promoted earlier than the date where increment in the pay scale of lower post is withheld. In such a case, his pay in the higher scale shall be fixed subject to re-fixation from the date when the increment in the pay scale of the lower post is withheld.*

39. Service which counts for increment : The following provisions prescribe the conditions subject to which service counts for increments in a time-scale :-

- (1) Subject to the provisions of rules-11, 13, 15, 16, 19, 23, 30 & 44 all periods of duty discharged in a post on a time-scale shall count for increments in that time-scale.

For the purpose of arriving at the date of next increment in that time-scale, the total of all such periods as do not count for increment in that time-scale shall be added to the normal dates of increment.

Provided that the increment shall be admissible from the 1st of the month in which it accrues.

Exception 1 :

(a) *The above proviso shall not apply to Government employee appointed directly to a post on a probation. He shall be granted during the period of probation only minimum of the time-scale or any fixed pay as per the terms of probation. But on appointment or confirmation in the service or cadre after satisfactory completion of probation period, the pay shall be fixed in the time scale counting the total period of probation as duty for the purpose of increments.*

(b) *The expression "A Government employee appointed directly to a post" appearing in sub-clause (a) above includes.*

(i) *the Government employee who, while holding substantively, a permanent post in the cadre, is appointed by selection in open competition to another post on probation, and*

(ii) *the Government employee who is so appointed but is granted higher starting pay in time-scale attached to the post.*

Exception 2 : *In the case of eight monthly peons employed in the Land Records Department, the period during which the establishment is not employed shall be treated as duty for the purpose of counting for increments in the time-scale of pay sanctioned for such establishment only if the peon is actually on duty immediately prior to and immediately subsequent to such periods, viz :-*

(i) *On the date on which the establishment is discharged, and*

(ii) *On the date on which it is re-employed.*

(2) The following periods shall count for increment in the time scale applicable to the post on which the Government employee holds a lien as well as in the time scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended.

- (i) all leave except extraordinary leave.
- (ii) extraordinary leave on medical ground not exceeding six months at a time when no other leave is due. However, the aggregate of such period of leave during the entire service of the Government employee does not exceed one year.
- (iii) deputation within or outside India or temporary transfer to another department.
- (iv) period spent on training or instruction.
- (v) service in another post other than a post carrying less pay referred to in sub-rule (1) of rule 27 of Gujarat Civil Services (General Conditions of Services) Rules, 2002 whether in a substantive or officiating capacity.

(3) The following periods shall count for increment in the time-scale applicable to a post in which a Government employee is officiating :-

- (i) all leave, except extraordinary leave;
- (ii) extraordinary leave on medical grounds not exceeding six months at a time when no other leave is due. However, the aggregate of such periods of leave during the entire service of the government employee doe not exceed one year;
- (iii) deputation within or outside India or temporary transfer to another department;
- (iv) Period spent on training or instruction.

The period to be counted for increment is restricted to that during which he would have continued to officiate in that or in a higher post in the parent Department, but for such interruption :

Provided that Government may, in any case in which they are satisfied that the extraordinary leave was taken in the circumstances beyond the Government employee's control or for making higher scientific and/or technical studies, direct that the period of extraordinary leave so availed of shall be counted for increments under clause (2) or (3), subject to such conditions as it may impose.

Note : When the Government employee holding a post in an officiating capacity proceeds on leave other than extraordinary leave and resumes duty in the same post or cadre in which he was officiating immediately before proceeding on leave, it shall be assumed that Government employee would have continued to officiate in that post but for the leave, unless there be a specific intention to the contrary expressed in the orders sanctioning leave or in a separate communication.

(4) If the Government employee, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post or is appointed or re-appointed to a post on the same time scale of pay, count for increments in the time scale applicable to such post. The period of officiating service in the higher post which counts for increments in the lower post is, however, subject to the condition that the competent authority shall certify to the

effect that such Government employee would have officiated in the lower post but for his appointment to the higher post.

This sub rule applies also to a Government employee who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated in such lower post or in a post on the same time scale of pay had he not been appointed to the higher post.

Note : The intention of this sub-rule is to allow the concession, irrespective of whether the higher post is within or outside the Department to which the Government employee belongs.

- (5) If the Government employee on repatriation from an ex-cadre post to the parent cadre is appointed to a post on a scale lower than that of the ex-cadre post but not on the time scale as the post held at the time of his transfer to the ex-cadre post, the service rendered on the higher scale in the ex-cadre post shall count for increment in the time scale applicable to the parent cadre post to which he is appointed on such repatriation.
- (6) The period of foreign service counts for increment in the time scale applicable to:
- the post in Government service on which the Government employee concerned holds a lien as well as the post or posts, if any on which he would have held a lien had his lien not been suspended.
 - the post in Government service in which the Government employee concerned was officiating immediately before his transfer to foreign service, for so long as he would have continued to officiate in that post or a post in the same time scale but for his going on foreign service and;
 - any post to which he may receive officiating promotion under rule 62 of Gujarat Civil Services (Joining time, Foreign service, Deputation out of India and payments during suspension, dismissal and removal) Rules, 2002; for the duration of any such promotion.

Note : Service rendered under the Panchayat constituted under the Gujarat Panchayat Act, 1993 by the Government employee in a particular time scale shall be deemed to be service rendered in an identical time scale of pay under the Government for the purpose of increment.

- (7) All joining times granted under the Gujarat Civil Services (Joining time, Foreign Service payment during suspension, deputation out of India, Dismissal and Removal) Rules, 2002, count for increment in the time-scale of the post, the pay of which, the Government employee draws during such joining time of which he has been paid joining time pay and allowances.
- (8) If an employee does not resume his duties on the expiry of sanctioned leave or admissible joining time and if the said period is not regularised by the grant of any kind of leave including extraordinary leave, the said period shall not count towards increment.

40. Stagnation Increment : (1) One stagnation increment shall be allowed to all employees who are in any of the pay scale between the pay scale of Rs. 6500-10500 and of Rs. 18400-22400 inclusively and who stagnate at the maximum of their scales of pay, after every two years. Granting of such stagnation increment shall be governed subject to the following conditions :-

- A maximum of three such increments shall be allowed.

- (ii) The period of two years' stagnation shall count from the date of employee reaches the maximum of the scale after the grant of last increment and shall be computed from the date of reaching the maximum of the scale and includes the period if any, during which the employee officiated in higher post.
 - (iii) The rate of stagnation increment shall be equal to the last increment and shall be treated as personal pay.
 - (iv) The stagnation increment shall be reckoned as pay for the purposes of DA, HRA, CLA, TA, LTC, Pension, DCRG and Family Pension.
- (2) On subsequent promotion of the Government employee getting stagnation increment to the higher post, the pay in the higher post shall be fixed with reference to the basic pay in the lower post excluding stagnation increment. However, if pay plus stagnation increment in the lower post is higher than the pay fixed in the higher post, the difference shall be allowed as personal pay to be absorbed in future increments. However, if the pay fixed in the higher post under the normal rules happens to be less than the pay plus stagnation increment in the lower post, the difference may be allowed as personal pay to be absorbed in future increases in pay.
- (3) Subject to the condition that the appointing authority issues a certificate to the effect that but for employee's promotion to the higher post, he would have continued to officiate on a lower post, the period of officiation in the higher post on stop gap basis shall be taken into account for counting two years' stagnation at the maximum of the scale of lower post and on reversion the employee will be granted the benefit of stagnation increment if the period of stagnation is two years or more. Such certificate is not necessary if the person is holding the lower post in a substantive capacity.

41. Absence from duty on account of strike : (1) Notwithstanding anything contained in rule-28 of the Gujarat Civil Services (General Conditions of Services) Rules, 2002, deductions of the amount of pay and allowances for the period of absence from duty of the Government employee on account of strike shall be made from the pay and allowances payable to him.

- (2) Deductions may be made under sub-rule (1) only on account of such absence of a Government employee from the place or places where, by terms of his employment, he is required to be in charge of the duties of his post held by him, such absence being for the whole or any part of the period during which he is so required to be in charge of the duties.

Explanation : For the purpose of this rule the expression "strike" shall have the same meaning as assigned to it in rule-6 of the Gujarat Civil Services (Conduct) Rules, 1971.

42. Premature Increment : A competent authority may grant a premature increment to the Government employee on a time-scale of pay if it is competent to create a post in the same cadre in the same pay scale.

Note : In the absence of a clear declaration to the effect that the normal date of increment is not to be affected, (that is to say that the next increment after the premature increment is to be given on the usual date of increment regardless of the fact that the Government employee concerned would have been at one stage of the time scale for less than the normal period) an order authorising the grant of a premature increment shall be deemed to imply that the recipient is to remain on the enhanced rate of pay for the

full interval prescribed between successive stages of the time scale before becoming eligible to draw the next increment after the premature increment.

Instruction : *A proposal to grant an increment to the Government employee in a time-scale of pay in advance of the due date shall be scrutinised with special jealousy. Such a grant of advance increment shall not therefore, be recommended or allowed excepting under circumstances which would justify the grant of personal pay to the Government employee that is to say, except on first appointment to Government service, seldom if ever.*

43. When an order of withholding increment or reduction is set aside or modified : Where an order of penalty of withholding of increment of a Government employee or his reduction to a lower service, grade or post, or to a lower time-scale, or to a lower stage in a time-scale, is set aside or modified by a competent authority on appeal or review, the pay of the Government employee shall, notwithstanding anything contained in these rules, be regulated in the following manner :-

- (a) if the said order is set aside, he shall be given for the period for which such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn;
- (b) if the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

Explanation : *If the pay drawn by a Government employee in respect of any period prior to the issue of the orders of the competent authority under this rule is revised, the leave salary and allowances (other than travelling allowance), if any, admissible to him during that period shall be revised on the basis of the revised pay.*

Instruction-1 : *It is clarified that in respect of the cases falling under clause (a) of this rule, service rendered by the Government employee in the lower service, grade or post or lower time-scale or lower stage in the time-scale or at the stage the increment was withheld, the period from the date of imposition of such penalty by the disciplinary authority to the date on which the order of penalty is set aside by the competent appellate or reviewing authority, shall count for increment or for other purposes in the post which he was holding immediately before the imposition of the penalty provided that he would have continued to hold that post but for the order of penalty.*

Instruction-2 : In respect of the cases falling under clause (b) of this rule, such service from the date of imposition of the penalty by the disciplinary authority to the date on which the order is modified by the competent appellate or reviewing authority shall be counted for the purpose of increment or for other purposes in the post which he was holding immediately before the imposition of the penalty or any other post which he would have held but for the orders of penalty, to the extent the modified orders permit such counting.

44. Extent to which past non-continuous officiating or temporary service counts for increments : Where a person who does not hold substantive appointment under the Government, is appointed to officiate in a permanent post or to hold a temporary post in a time scale pay, he shall not be allowed to count such past non-continuous officiating service in such permanent post or non-continuous service in such temporary post, for the purpose of increment in the time-scale except to the extent specified below :-

Period of past non continues service	Number of increments which should be allowed in the time-scale of the post to which he is appointed
Less than 5 years	Nil
5 years and more but less than 7½ years	1 increment
7½ years and more but less than 10 years	2 increments
10 years and more	3 increments

Note 1 : Service shall be deemed non-continuous only if it is interrupted by actual loss of employment.

Note 2 : The principle enunciated in sub-rule (4) of rule-39 shall apply when such a person is appointed to officiate in a higher post, permanent or temporary.

CHAPTER - IV

COMBINATION OF APPOINTMENTS

45. Pay during appointment to two or more posts : The Government employee already holding a post in a substantive or officiating capacity or as a probationer may be appointed by the appointing authority at one time to officiate as a temporary measure in one or more other dependent posts including newly created and ex-cadre posts and he shall be entitled to the pay to which he would be entitled, as if his appointment to one of the posts and in addition additional pay or special pay, as the case may be as admissible under rule-46 for each other post held by him.

Provided that such Government employee who is appointed to officiate as a temporary measure on two posts of which one is subordinate to the other, is not entitled to any additional remuneration save in exceptional circumstances.

46. Holding of additional charge in addition to his own post : (1) Where the Government employee is given additional charge of another post, he shall be entitled to additional pay or special pay, as the case may be, for each other post as under :-

(i) In a case in which the Government employee continues to perform the duties of his own post, and assumes, in addition, technically plenary, responsibility for the duties of one or more independent posts, he shall be sanctioned additional remuneration, to be treated as **additional pay**.

(ii) In a case in which the Government employee, over and above performing his own duties, is required to perform certain duties selected from the sum of duties associated with another post or posts, but the Government employee is not appointed to hold the additional post or posts, he shall be sanctioned additional remuneration, to be treated as **special pay**.

(2) The Government employee who, in addition to his own duties, is required to be in charge of the current duties of a second post may be allowed special pay when his own post is subordinate to the second post but not when the second post is subordinate to his own post.

47. Rates of special pay/additional pay : The rate of special pay or additional pay as the case may be shall be as under :-

(i) 5% of the presumptive pay for holding additional charge of another post of equivalent rank in the same Office or Department or in another Office or Department.

(ii) 10% of the presumptive pay for holding additional charge of another post which is next higher in rank in the same Office or Department or in another Office or Department.

Note-1 : *Presumptive pay for the purposes of item (ii) of this rule shall, according to rule-9 (64) be taken to be what the Government employee, who is placed in additional charge, shall draw as initial pay in the time scale of the additional post under rule-11 or 13, as the case may be, had he been formally transferred to it. In cases, however, in which the maximum pay of the other post is less than the pay of the Government employee in his substantive post, the maximum of the pay of the other post shall be taken as the presumptive pay for the purposes of item (ii) of this rule.*

Note-2 : *When a re-employed Government employee is appointed either to officiate in a second post or to hold charge of the current duties of a second post, his presumptive pay for the purpose of item (ii) shall be equal to the total amount of pay plus pension (inclusive of pension equivalent of death-cum-retirement gratuity) which he would have drawn on re-employment had he been appointed exclusively to the second post.*

48. Admissibility of compensatory allowances : (1) Where the Government employee is appointed to hold substantively as a temporary measure or to officiate in two or more independent posts at one time under rule-45 and if a compensatory allowance is attached to one or more of the posts, he shall draw such compensatory allowance as a competent authority may fix, provided that such allowance shall not exceed the total of the compensatory allowances attached to all the posts.

(2) Where the Government employee is given additional charge of one or more independent posts in addition to his own post under rule-46, he shall not be entitled to receive any compensatory allowance attached to the second post unless it be permanent travelling allowance or conveyance allowance, in which case he may be granted such permanent travelling allowance (or ordinary travelling allowance) or conveyance allowance, as the competent authority may decide.

49. Conditions governing the grant of special pay or additional pay : (1) The following conditions shall govern the grant of special pay or additional pay, as the case may be, by the competent authority :-

(i) No additional pay or special pay as the case may be shall, however, be granted if such charge is held for a period of less than ten days excluding Sunday, weekly off and Public holidays or if a regular appointment is made for a like period.

(ii) No formal appointment of the Government employee to officiate in a second post shall be necessary to be made if the vacancy is expected to last for less than ten days excluding Sunday, weekly off and public holidays if any, which may be permitted to be prefixed or suffixed to leave or joining time to be enjoyed by the Government employee holding such second post unless such appointment is essential in order to provide for the exercise of statutory powers.

(iii) The additional pay or as the case may be, charge allowance shall be admissible only where the additional charge is held for a minimum period of 30 days.

Note : The period of 30 days includes Sundays and Holidays. The same shall not include the absence of an employee on account of leave or personal reasons

or on account or on administrative grounds.

- (iv) The additional pay or special pay shall not be treated as pay for the purpose of granting dearness allowance.
- (2) The grant of additional pay or as the case may be, special pay for holding additional charge of the post fallen vacant on account of the incumbent of the post having proceeded on leave shall be subject to following further conditions :-
- (i) The arrangement is restricted to the period of leave sanctioned but not exceeding twelve months in any cases.
- Note :** The limit of twelve months referred to above refers to the period of vacancy of the post and not to the period during which special pay is received by an individual Government employee.
- (ii) Leave sanctioning authorities should ensure that the orders for holding additional charge are issued simultaneously with the issuing of orders regarding grant of leave to the Government employee concerned. Such arrangement should not be sanctioned retrospectively.
- (iii) No special pay shall be sanctioned beyond a period of twelve months and the post shall be treated to have been held in abeyance. However the Secretary of the Administrative Department may sanction the special pay in respect of a post lying vacant for a period of more than twelve months provided the reasons therefor are recorded in the order sanctioning such special pay and the copy of the same should be endorsed to the Finance Department.
- Provided** that no such charge allowance shall be sanctioned in respect of a post which is lying vacant for a period of more than three years and the creation of such post shall stand abolished.
- (3) The grant of additional pay or as the case may be, special pay in cases where a Government employee is asked to hold additional charge of a post fallen vacant due to reasons other than those referred to in sub-rule (2), shall be subject to following further conditions :-
- (i) The arrangement is restricted to the period not exceeding twelve months in any case.
- Note :** The limit of twelve months referred to above refers to the period of vacancy of the post and not to the period during which special pay is received by an individual Government employee.
- (ii) Sanctioning authorities should ensure that the orders for holding additional charge are issued as soon as the vacancy occurs and such arrangement should not be sanctioned retrospectively.
- (iii) No special pay shall be sanctioned beyond a period of twelve months and the post shall be treated to have been held in abeyance. However the Secretary of the Administrative Department may sanction the special pay in respect of a post lying vacant for a period of more than twelve months provided the reasons therefor are recorded in the order sanctioning such special pay and the copy of the same shall be endorsed to the Finance Department.

Provided that no such charge allowance shall be sanctioned in respect of a post which is lying vacant for a period of more than three years and the creation of such post shall stand abolished.

CHAPTER - V

REPEAL AND SAVINGS

50. **Repeal and Savings** : The Bombay Civil Services Rules, 1959 (as adapted by Government of Gujarat) so far as they relate to Pay are hereby repealed:

Provided that anything done or any act on taken under the rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules.

APPENDIX – I**[See Rule - 7 & 8]*****Authorities to whom powers under the Gujarat Civil Services
(Pay) Rules, 2002 have been delegated***

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
1.	9(23)(e)	Powers to regularise the period of compulsory waiting to 'duty'.	Administrative Departments	Upto a period of fifteen days	Upto a period of fifteen days	Upto a period of fifteen days
2.	9(34)	Declaring an officer as Head of Department.	Administrative Departments	Full powers subject to observation of the following conditions: 1. The officer should be the Head of an identifiable organisation 2. The minimum of the pay scale of the officer should not be less than that of the Deputy Secretary to Government. 3. These powers should be exercised only by the Secretary of the Administrative Department.		
3.	9(52)	To make officiating appointment for a period not exceeding two months.	All Gazetted Heads of Offices.	Government employees holding Class III posts under their control.	Appointments should be made from the approved list of candidates if there be any and all appointment should be reported immediately to the appointing authority.	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
4.	9(52)	To make officiating appointments for a period not exceeding twelve months.	All Heads of Departments.	Government employees holding Class II posts under their control.	<p>1. Appointments should be made in accordance with approved recruitment rules.</p> <p>2. Appointments otherwise than by promotion or transfer should be made by means of advertisements.</p> <p>3. Appointment should be reported immediately to the Government.</p> <p>4. Appointments should be made on the minimum of the scale of pay for direct recruitment.</p> <p>5. Appointments by promotion should be made from Government employees in the approved select list if any.</p>	
5.	9(52)	To make officiating appointment for a period not exceeding twelve months.	<p>1. Director of Education</p> <p>2. Director of Technical Education</p> <p>3. Commissioner of Health, Medical Services & Medical Education.</p>	Government employees under their control holding Class I posts and performing duties in connection with teaching.	Same conditions as in the case of item 4 above.	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
6.	9(52)	To make officiating appointment in place of Government employees deputed for training.	Any authority having power to make appointments during leave vacancies.	All Government employees under their control.	Same conditions as in the case of item 4 above.	
7.	9(60)	Powers to sanction pension	(1) Administrative Departments of Sachivalaya (2) All Heads of Departments (3) Appointing Authority	Full powers - do - - do -	In respect of Heads of Department In respect of all class one and two officers excluding Heads of Department In respect of all class three and four Government employees	
8.	30	Power to fix the pay of a Government employee officiating a post at a rate less than that admissible under rule-27.	I. Any authority which has power to make an officiating appointment to the post concerned.	Full powers	Officers making officiating appointment shall in any case where the pay of the post involves an increase of more than 20 per cent over the permanent pay of the Government employee appointed to officiate, consider carefully whether the additional responsibility justifies the grant of the full presumptive pay of the post .If not. If not the officiating pay shall be fixed at such lower figure taking into account the quantum of additional responsibility.	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
			II. Director of Health Medical and Medical Education and Research service.	In the case of Gujarat Medical Service Officers, Class III, appointment to officiate in Gujarat Medical Service, Class II post, if the Director of Health, Medical Services considers that in any individual case (particularly when a Junior Gujarat Medical Service Officer, Class III is appointed to officiate in a Gujarat Medical Service, Class II post) a lower rate of pay than that ordinarily admissible under rules should be granted.	Subject to the condition that the officiating pay thus fixed should not exceed the pay drawn by the officer in the Gujarat Medical Service, Class III Plus Rs. 50.	
9.	32	Issue of a certificate under rule-32 for the period of deputation in respect of Government employees continued officiating appointment.	Authority competent to depute for training or course of instructions.	Full powers	The authorities mentioned in Column 4 may redelegate the power to Gazetted Officers under their administrative control, subject to maintenance of uniformity in the power so re-delegated. They may also re-delegate this power to their subordinate Gazetted Officer in charge of Establishment in their own officers.	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
10.	35	Power to give officiating promotion in place of Government employees undergoing training.	<p>i. Settlement Commissioner and Director of Land Records.</p> <p>ii. Collectors and 'District Judges</p> <p>iii. The Director General and Inspector General of Police, Director Police Wireless, Principal, Police Training School, Range Director of Inspector General, Commssioner of Police, Superintendent of Police and Commandants.</p>	<p>In the case of Government employees appointed to officiate as District Inspectors of Land Records when the later are undergoing training in the use of the odolite and plane table.</p> <p>In the case of Government employees appointed to officiate for Government employee under their control permitted to undergo training at their control permitted to undergo training at the police Training Scheme.</p> <p>In the case of the Government employees appointed to officiate in places of clerks in the police Department in the State deputed for training school for the sub Inspector Course.</p>	<p>The officiating Government employees should received special pay at Rs. 40/- per mensem in add it to ion to their pay.</p> <p>A statement in duplicate showing acting promotions made should be submitted to Government in the Administrative Department within a week after the close of the month in which the promotions are made.</p>	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
			iv. Superintendents of Police.	In the case of the Government employees appointed to officiate in places of Head Constables deputed for training to the Police Training School for the Sub-Inspector's Course.	Subject to the following conditions that (a) Head Constable (Unmared) shall not be eligible for officiating promotions to Grade. (b) Head Constables(Unarmed) (iii) and (iv) Grades shall be eligible for officiating promotion to I & II cadre subject to the restriction that they do not draw higher officiating pay than that of Head Constables II Grade.	
11.	36	Power to allow the Government employee to proceed on duty outside the sphere of duties and draw pay and allowances for such duty.	i. All Departments of Sachivalaya. ii. Heads of Departments. iii. Regional Heads. iv. Controlling Officers.	-----	In respect of Govt. servant subordinate to them. Do - within state.	
12.	38	Power to withhold increments (if the conduct or work of the Government employees have not been satisfactory)	i. All Heads of Department ii. All Heads of offices who are Class I officers	Withholding of increment in pay. Withholding of increments.	unlimited. up to one year with no effect on future increment	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
13.	38	-----	iii. Heads of offices who are Class II officers.	Withholding of increments.	Up to six months with no effect on future increments.	
14.	38	Power to sanction increments.	Drawing officers	Full powers	<p>The increment shall be drawn by the Drawing Officer, except in the following cases. Where increments shall have to be sanctioned specifically by the competent authority</p> <p>a. Increments are withheld specifically.</p> <p>b. Increments are to be released on passing of departmental/ language examination.</p> <p>c. Increments are to be released on satisfactory a completion of probation</p> <p>d. Increments are to be released counting broken periods.</p>	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
15.	39	Issue of certificate under this rule for counting the service in another post other than a post carrying less service on deputation in or out of India for increment.	<p>i. Authority competent to make appointment to the post.</p> <p>ii. Authority competent to sanction leave both to Gazetted and Non-Gazetted servants.</p> <p>iii. Authority competent to sanction deputation of a Government employee to foreign service</p>	<p>Full powers</p> <p>Full powers</p> <p>Full powers</p>	<p>In respect of certificate under sub-rule(2) of rule-48.</p> <p>In respect of certificate under sub-rule (5) of rule 48.</p>	
16.	39	Power to allow extraordinary leave taken for any cause beyond the Government employee's control or for prosecution of higher scientific or for technical studies for counting for increments under rule-39.	Administrative Departments of Full powers. Sachivalaya	Provided the course of training has a direct relationship with the duties associated with the post in the cadre to which the Government employee belongs. This is further subject to the condition that the Government employee has signed a bond as required by General orders of Government.		

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
17.	48 (1), 48 (2), & 49 (2)	Powers to sanction special pay for holding additional charge of the post falling vacant due to grant of leave to the incumbent of the post.	The following leave sanctioning authorities :- (i) Head of Office (ii) Head of Department (iii) Administrative Department	(i) For a period of vacancy of not more than three months. (ii) For a period of vacancy of more than three months but not more than six months. (iii) For a period of vacancy of more than six months but not more than twelve months.	Subject to conditions laid down in sub-rule (1) & (2) of rule-49. Subject to conditions laid down in sub-rule (1) & (2) of rule-49. Subject to conditions laid down in sub-rule (1) & (2) of rule-49.	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
18.	48 & 49 (3)	Powers to sanction special pay for holding additional charge of the post falling vacant due to reasons other than those referred to at Sr. No. 18 above.	(i) Head of Department (ii) Administrative Department	(i) In respect of their subordinate gazetted and non-gazetted employees for a period of vacancy of not more than six months. (ii) In respect of their subordinate gazetted and non-gazetted employees for a period of vacancy of more than six months but not more than twelve months.	Subject to conditions laid down in sub-rule (1) & (3) of rule-49. Subject to conditions laid down in sub-rule (1) & (3) of rule-49.	

APPENDIX - II**[See Rule - 9 (34)]**

List of Officers who are deemed as Heads of Department for the purpose of various sets of the Gujarat Civil Service Rules, 2002

1.0 AGRICULTURE, CO-OPERATION & RURAL DEVELOPMENT DEPARTMENT :

- 1.1 Secretary to Government.
- 1.2 Director of Agriculture.
- 1.3 Director of Animal Husbandry.
- 1.4 Director of Sugar
- 1.5 Director of Co-operative Societies.
- 1.6 President, Gujarat State Co-operative Tribunal.
- 1.7 Director of Horticulture.

2.0 EDUCATION DEPARTMENT :

- 2.1 Secretary (Education) to Government.
- 2.2 Secretary (Technical and Higher Education)
- 2.3 Commissioner of Higher Education
- 2.4 Commissioner of Mid-day-Meals and Schools)
- 2.5 Director of Primary Education
- 2.6 Director of Technical Education
- 2.7 Director of N.C.C.
- 2.8 Director of State Project Gujarat Primary Education Council
- 2.9 Director of Gujarat Council Education Research & Training
- 2.10 Director of Literacy and Continuing Education
- 2.11 Chairman, Gujarat Secondary Education on Board
- 2.12 Gujarat Primary Education Tribunal, Ahmedabad
- 2.13 Director Gujarat Education Technology Bhavan
- 2.14 Chairman, Gujarat State Examination Board
- 2.15 Director of State Project
- 2.16 Chairman, Technical Examination Board

3.0 ENERGY AND PETROCHEMICAL DEPARTMENT :

- 3.1 Secretary to Government.
- 3.2 Chief Electrical Inspector and Collector of Electricity Duty.
- 3.3 Secretary, Gujarat Electricity Regulatory Commission.
- 3.4 Director of Petroleum.

4.0 FINANCE DEPARTMENT :

- 4.1 Secretary to Government.
- 4.2 Director of Accounts and Treasuries
- 4.3 Commissioner of Sales Tax.
- 4.4 President, Gujarat Sales Tax Tribunal
- 4.5 Director of Insurance.
- 4.6 Director of Pension and Provident Fund.

5.0 FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT :

- 5.1 Secretary to Government.
- 5.2 Director of Civil Supplies.
- 5.3 Director of Food.
- 5.4 Food and Civil Supplies Controller.
- 5.5 The Registrar, Consumer Disputes Redressal Commission.
- 5.6 Controller of Weights & Measures.

6.0 FOREST AND ENVIRONMENT DEPARTMENT :

- 6.1 Secretary to Government.
- 6.2 Principal Chief Conservator of Forests.
- 6.3 Conservator of Forests.

7.0 GENERAL ADMINISTRATION DEPARTMENT :

- 7.1 Secretary to Government.
- 7.2 Secretary to Governor.
- 7.3 Comptroller to the Governor
- 7.4 Commissioner of Inquiries and Member Secretary, Concurrent Vigilance Cell
- 7.5 Director, Directorate of Economics & Statistics
- 7.6 Director of Evaluation
- 7.7 Secretary, Gujarat Public Service Commission
- 7.8 Secretary, Subordinate Staff Selection Board
- 7.9 Chief Editor, Gujarat District Gazetteers
- 7.10 Director of Languages
- 7.11 Commissioner of Training and Director, Sardar Patel Institute of Public Administration
- 7.12 Resident Commissioner, New Delhi
- 7.13 Secretary, Gujarat Civil Services Tribunal
- 7.14 Registrar, Office of Hon'ble Lokayukta
- 7.15 Secretary, State Election Commission

8.0 HEALTH AND FAMILY WELFARE DEPARTMENT :

- 8.1 Secretary to Government.
- 8.2 Commissioner of Health, Medical and Medical Education
- 8.3 Additional Director (Health) Office of the Commissioner of the Health, Medical Services and Medical Education
- 8.4 Additional Director (Medical) Office of the Commissioner of Health, Medical Services and Medical Education
- 8.5 Additional Director (Medical Education) Office of the Commissioner of Health, Medical Services and Medical Education
- 8.6 Director of Medical Services (E.S.I. Scheme)
- 8.7 Director of Indian System of Medicine and Homeopathy
- 8.8 Commissioner of Food & Drugs Control Administration
- 8.9 Director of Stock Holding Central Medical Stores Organization

9.0 HOME DEPARTMENT :

- 9.1 Secretary to Government.

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- 9.2 Director General and Inspector General of Police
 - 9.3 Cammandant General Home Gards
 - 9.4 Additional Inspector General of Police, Police Computer Center
 - 9.5 Inspector General of Prisons.
 - 9.6 Director of Transport
 - 9.7 Secretary, Gujarat Vigilance Commission
 - 9.8 Director of Sainik Welfare
 - 9.9 Director of civil Defence
 - 9.10 Director of Forensic Science Laboratory
 - 9.11 Additional Director General of Police Public Prosecution,
 - 9.12 Commissioner and Additional Director General of Police, Prohibition & Excise
 - 9.13 Director General of Police & Director, Anti-Corruption Bureau
- 10.0 INDUSTRIES AND MINES DEPARTMENT**
- 10.1 Secretary to Government.
 - 10.2 Industries Commissioner
 - 10.3 Commissioner of Cottage Industries
 - 10.4 Commissioner of Geology and Mining
 - 10.5 Director of Government Printing & Stationery
 - 10.6 Commissioner of Tourism
 - 10.7 Commissioner of Payment
 - 10.8 Commissioner of Trade & Commerce
- 11.0 INFORMATION AND BROADCASTING DEPARTMENT**
- 11.1 Secretary to Government
 - 11.2 Director of Information
 - 11.3 Commissioner of Entertainment Tax
- 12.0 NARMADA AND WATER RESOURCES DEPARTMENT :**
- 12.1 Secretary to Government.
 - 12.2 Chief Engineers
 - 12.3 Superintending Engineers of Circles
 - 12.4 Superintendign Engineers of Water Resources Investigation Circles
 - 12.5 Area Development Commissioner
 - 12.6 Additional Collectors (Irrigation)
 - 12.7 Director, Gujarat Engineering Research Institute
 - 12.8 Chief Controller of Accounts (Narmada Project)
- 13.0 LABOUR AND EMPLOYMENT DEPARTMENT :**
- 13.1 Secretary to Government.
 - 13.2 Commissioner of Labour
 - 13.3 Commissioner of Rural Labour
 - 13.4 Director of Employment and Training
 - 13.5 Registrar, Industrial Court and Wage Boards
 - 13.6 Registrar of Labour Court

14.0 LEGAL DEPARTMENT :

- 14.1 Secretary to Government.
- 14.2 Advocate General
- 14.3 Charity Commissioner
- 14.4 Chief Judge of Court of Small Causes
- 14.5 Chief Magistrate for the City of Ahmedabad
- 14.6 District and Session Judges
- 14.7 Official Trustee and Administrator General
- 14.8 Principal Judge, City Civil and Sessions Court
- 14.9 Registrar, Gujarat High Court
- 14.10 Member Secretary, Gujarat State Legal Services Authority.
- 14.11 Principal Judge, Family Courtp
- 14.12 Inspecting Officer (Court Fees) and Ex-Officio Chief Inspector (Court Fees)
- 14.13 Registrar, Gujarat Public Works Contract Disputes Arbitration Tribunal.

15.0 PANCHAYAT RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT :

- 15.1 Secretary to Government.
- 15.2 Development Commissioner
- 15.3 The Gram Vikas Commissioner
- 15.4 The Gujarat Panchayat Service Selection Board
- 15.5 Director of State Institute of Rural Development and Panchayati Raj
- 15.6 Commissioner of Rural Development

16.0 LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT :

- 16.1 Secretary to Government.

17.0 PORTS AND FISHERIES DEPARTMENT :

- 17.1 Secretary to Government.
- 17.2 Commissioner of Fisheries

18.0 REVENUE DEPARTMENT :

- 18.1 Secretary to Government.
- 18.2 District Collectors
- 18.3 Commissioner of Land Reforms
- 18.4 President, Gujarat Revenue Tribunal
- 18.5 Director of Relief
- 18.6 Secretary (Appeals)
- 18.7 Settlement Commissioner and Director of Land Records
- 18.8 Superintendent of Stamps
- 18.9 Inspector General of Registration

19.0 ROADS AND BUILDINGS DEPARTMENT :

- 19.1 Secretary to Government
- 19.2 Chief Engineer
- 19.3 Chief Architectural and Town Planner

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- 19.4 (C.E. & S.P.) Director Staff Training College
- 19.5 Controller of Accommodation
- 19.6 Director of Parks and Gardens
- 19.7 Superintending Engineers of Circles
- 20.0 SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT :**
- 20.1 Secretary to Government.
- 20.2 Director of Social Defence
- 20.3 Director of Scheduled Caste Welfare
- 20.4 Director of Developing Caste welfer
- 20.5 Commissioner of Disability
- 21.0 URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT :**
- 21.1 Secretary to Government.
- 21.2 Chief Town Planner
- 21.3 Director of Municipalities
- 22.0 SPORTS, YOUTH AND CULTURAL ACTIVITIES DEPARTMENT :**
- 22.1 Secretary to Government.
- 22.2 Commissioner of Youth Services and Cultural Activities
- 22.3 Director of Museums
- 22.4 Director of Archaeology
- 22.5 Director of Archieves
- 22.6 Director of Library
- 22.7 Director General, Sports Authority of Gujarat.
- 23.0 WOMEN & CHILD DEVELOPMENT DEPARTMENT :**
- 23.1 Secretary to Government.
- 23.2 Commissioner Women & Child Development
- 24.0 SCIENCE AND TECHNOLOGY DEPARATMENT :**
- 24.1 Secretary to Government.
- 25.0 GUJARAT LEGISLATURE SECRETARIATE :**
- 25.1 Secretary to Gujarat Legislature Secretariat

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NOTIFICATION

**THE GUJARAT CIVIL SERVICES
(PAY) RULES, 2002**