

GOVERNMENT OF MADHYA PRADESH

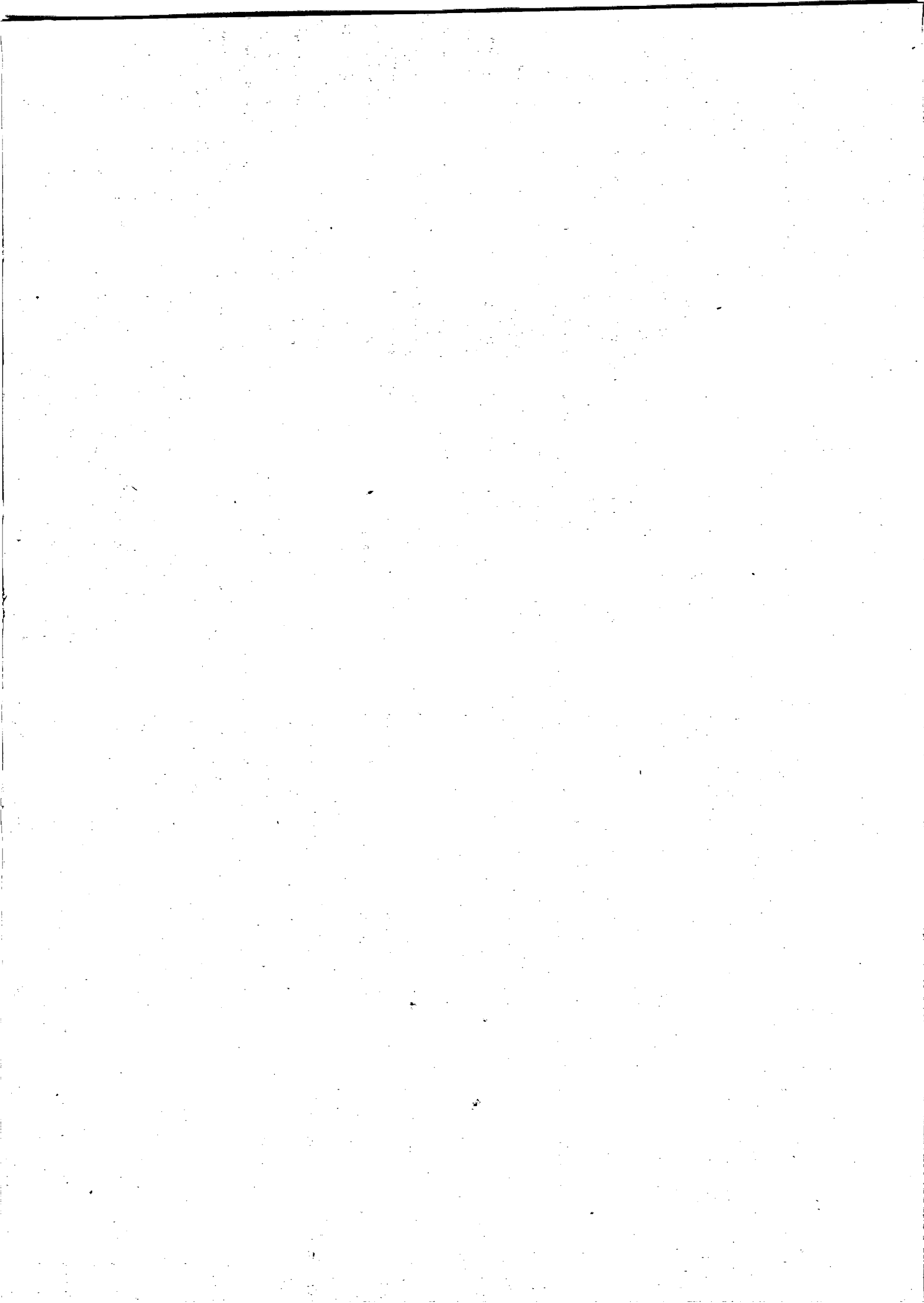


PUBLIC SERVICE COMMISSION
(LIMITATION OF FUNCTIONS)

REGULATIONS, 1957

(As corrected up to 31-12-2005)

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MADHYA PRADESH PUBLIC SERVICE COMMISSION

(Limitation of Functions) Regulations, 1957

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In exercise of the powers conferred by the proviso to clause (3) of Article 320 of the Constitution of India and in supersession of the Madhya Pradesh Public Service Commission (Limitation of Functions) Regulations, 1953 and the Madhya Bharat Public Service Commission (Limitation of Functions) Regulations, 1953, the Governor of Madhya Pradesh is pleased to make the following Regulations, namely :—

1. These regulations may be called the Madhya Pradesh Public Service Commission (Limitation of Functions) Regulations, 1957.

2. In these regulations—

- (a) “the Commission” means the Public Service Commission, Madhya Pradesh;
- (b) “the Constitution” means the Constitution of India.

3. It shall not be necessary for the Commission to be consulted in regard to—

- (a) the appointment by direct recruitment or by promotion or by transfer, to any of the posts or classes of posts or to any of the services to the extent specified in the Appendix of these Regulations;
- (b) the re-employment within three years of a retired or retrenched Government Servant in a post which he was holding at the time of his retirement or retrenchment, or for duties which he had performed previously in the course of his service of his retirement or retrenchment;
- (*) (c) the appointment by promotion to any of the post or classes of posts or of any of the services other than that specified in the Appendix to these Regulations or the confirmation on such post to be made on the recommendations of a Departmental promotion Committee or a Departmental Committee set up for consideration of confirmation of officers on the aforesaid post as the case may be where such committee is presided over by the Chairman or member of the Commission.

4. It shall not be necessary for the Commission to be consulted on any of the following matters, namely :—

- (i) the creation and organisation of services and posts and their designation;
- (ii) the classification of services and posts;
- (iii) the general methods of recruitment to a service or post, that is, whether the recruitment should be made by examination, selection or promotion or transfer, or partly by one of these methods and partly by another, and in the latter case, the proportion in which recruitment to any particular service or grade should be made by each method and the relative seniority of candidates recruited by different methods;
- (iv) the determination of the number of vacancies to be filled in a service in any particular year;
- (v) the determination of the cadre of the various services;
- (vi) question whether recruitment for particular posts should be confined to nationals of India or not;
- (vii) the determination of the salary of Government servants on their first appointment and of officiating incumbents of posts;

- (viii) the determination of the initial salary of Government servants recruited by promotion;
- (ix) transfer of Government Servants to Foreign Service; and
- (x) the probation and training of Government servants and the conditions of their confirmation in service.

5. (1) It shall not be necessary for the Commission to be consulted on the suitability of a person for appointment, promotion or transfer to a post the period of which does not exceed six months.

(2) In order cases where appointment, promotion or transfer to a service or post would otherwise require consultation with the Commission, it shall not be necessary to consult the Commission, if owing to an emergency the Commission cannot be consulted without detriment to public service :

Provided that—

- (i) intimation of such appointment promotion or transfer shall be sent to the Commission at the same time, and
- (ii) action to fill up the post in the normal way or to obtain the concurrence of the Commission, as the case may be, shall be initiated as early as possible.

6. (1) It shall not be necessary to consult the Commission in regard to the making of any order in any disciplinary case other than—

- (a) an original order by the State Government imposing any of the penalties specified in rule 10 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 (hereinafter referred to as the said Rules);
- (b) an order by the Governor on an appeal against an order imposing any of the penalties specified in the said rules made by a subordinate authority;
- (c) an order by the Governor over-ruling or modifying after consideration of any petition or memorial or otherwise, an order imposing any of the penalties specified in the said rules, made by the Governor or by a subordinate authority;
- (d) an order by the Governor imposing any of the penalties specified in the said rules, in exercise of his powers of review and in modification if an order under which none of the penalties specified in the said rules has been imposed;

(2) It shall not be necessary to consult the Commission—

- (a) where, after completion of the departmental enquiry the Government servant is to be exonerated or no penalty is proposed to be imposed and it is decided to close the case after issuing a simple warning to the Government Servant.
- (b) when the order to be passed is—
 - (i) an order relating to the discharge or reversion of an officer other wise than as a penalty;
 - (ii) an order for the imposition of any paenalty prescribed in any rule or order for failure to pass any test or examination within a specified time;
 - (iii) an order terminating the employment of an officer in accordance with the terms of his contract or employment;
 - (iv) an order relating to the continuation or termination or probation or the discharge of an official serving on probation;

- (v) an order for the compulsory retirement of government servant under the Madhya Pradesh Civil Service (safeguarding of National Security) Rules, 1961;
- (vi) an order for dismissal or removal of Government servant issued in exercise of the powers conferred by proviso (c) to clause (2) of Article 311 of the constitution.

7. It shall not be necessary for the Commission to be consulted :—

- (a) an any claim for payment of costs for defending legal proceedings, referred to in sub-clause (d) of clause (3) of Article 320 of the Constitution, where the claim is admitted in full.
- (b) on any claim for award of an injury pension, or on any question as to the amount of any such award, referred to in sub-clause (e) of clause (3) of Article 320 of the Constitution, where the aforesaid claim or question is in respect of a person appointed by an authority subordinate to the State Government.

8. It shall not be necessary for the Commission to be consulted on any matter relatın to a commissioned officer in any of the Armed Forces, holding a civil post in connection with the affairs of the State.

9. Notwithstanding anything contained in these rugulation, the Governor may direct that the commission shall be consulted in any particular case.

APPENDIX

1. Public Prosecutor and Government Pleader.
2. Official Receiver under Section 57(1) of the Provisional Insolvency Act, 1920 (V of 1920).
3. Secretary, Additional, Joint or Deputy or Under Secretaries to Government.
4. Heads of Departments.
5. Officer on Special Duty, Deputy Director of Civil Defence.
6. Any post created on, or in connection with, any tribunal, commission or committee, including State Vigilance Commission and Divisional Vigilance Board.
7. Members and Secretary of the Board of Revenue.
8. Secretary, Dy. Secretary and Under Secretary to the Madhya Pradesh Legislative Assembly.
8. (a) Selection Grade Deputy Collectors/Select Grade Dy. S.P.
- (*) (b) Selection Grade Assistant Conservator of Forest and Selection Grade M.P. Accounts Service.
9. Administrator General and Official Trustee.
10. Registrar, O and M Establishment Officer and Accounts Officer; M.P. Secretariat.
10. (a) Section Officers/Select Grade Stenographers.
- (**) (b) Lecturers, Higher Secondary Schools.
11. All posts in Governor's establishment.

(*) Amendment vide Notification No. A 6-20/79/I(i), dated 18-11-83 (8).

(**) Amendment vide G.A.D. Notification No. A 6-64/85/I(i), dated 9-10-85.

12. Private Secretary to the Chief Minister and to other Ministers.
13. All posts in the Home Guards Organisation.
14. Class III Services (Ministerial).
15. Class IV Services.
16. All Class III (Executive) posts. Except the classes of posts specified below :—
- (i) Posts recruitment to which is required to be made by the Public Service Commission on the result of a competitive examination held by them as per rules or orders governing recruitment thereto.
- (ii) Tahsildars.
- (iii) Superintendent, Land Records.
- “17. The following posts in relation to the departments mentioned against them to the extent they are filled by adhoc appointments before 31st March, 1986 :—
- | | | |
|--------|---|---|
| (i) | Assistant Professor :— | Higher education. |
| (ii) | Assistant Engineer (Civil) | (i) Major and Medium Irrigation
(ii) Minor Irrigation
(iii) Narmada Valley Development. |
| (iii) | Public Analyst | Public Health and Family Welfare
(Controller Food and Drug Administration). |
| (iv) | Assistant Public Analyst | —do— |
| (v) | Senior Chemist | —do— |
| (vi) | Lecturer, Ayurvedic Colleges | Public Health and Family Welfare
(Geneous Systems of Medicine) |
| (vii) | Demonstrator, Ayurvedic Colleges | —do— |
| (viii) | Ayurvedic Chikitsa Adhikari | Public Health and Family Welfare
(Director Indigeneous Systems of Medicine). |
| (ix) | Unani Chikitsa Adhikari | —do— |
| (x) | Demonostrator, Medical College | Public Health and Family Welfare
(Directorate of Medical Education). |
| (xi) | Lecturer, Medical Colleges | —do— |
| (xii) | Caasualty Medical Officer
(Lecturer Grade) | Public Health and Family Welfare
(Directorate of Medical Education). |
| (xiii) | Assistant Surgeon | Public Health and Family Welfare
(Directorate of Medical Services). |
| (xiv) | Dental Surgeon | —do— |
| (xv) | Biologist | —do— |

(xvi)	Assitant Entomologist	Public Health and Family Welfare (Directorate of Medical Services).
(xvii)	Insurance Medical Officer Assistant Surgeon	Labour (Director Karmachari Rajya Bima Sevayen).
(xviii)	Lecturer (Engineering College)	Manpower Planning and Development
(xix)	Lecturer (Polytechnic)	—do—
(xx)	Assistant Engineer	Public Work

2. The appendix shall on and from the 1st July, 1987 be read and constructed as if the aforesaid amendment was not made therein at any time.

(xxi)	Assistant Registrar (Firms and Societies)	Commerce and Industries
(xxii)	Assistant Engineer and Assistant Electrical Inspector.	Energy (Inspectorate of Electricity)
(xxiii)	Specialist (Class-I)	Labour (Director Karmachari Rajya Bima Sevayen).
(xxiv)	Dental Surgeon	—do—
(xxv)	Ayurvedic Chikitsak	—do—
(xxvi)	Visualiser (Class-I)	Publicity
(xxvii)	Botanist	Forest
(xxviii)	Assistant Director, Publicity	—do—
(xxix)	Programmer	—do—
(xxx)	Curator	Culture (Directorate of Archeology and Museums).
(xxxi)	Assistant Director	(Directorate of Gazetters)
(xxxii)	Veterinary Assistant Surgeon	Animal Husbandary and Veterinary Services
(xxxiii)	Lecturer	Public Health and Family Welfare (College of Dentistry).
(xxxiv)	Demonstrator	Public Health and Family Welfare (College of Dentistry).
(xxxv)	Assistant Engineer	Panchayat and Rural Development
(xxxvi)	Sports Officer	Higher Education
(xxxvii)	Librarian	Higher Education
(xxxviii)	Registrar	Higher Education
(*) (xxxix)	Assistant Geologist	Mineral Resources
(xxxx)	Assistant Physicist	Mineral Resources.

(**) In the said Regulation, in appendix, after serial number 17 and entry relating thereto, the following serial number and entries shall be added, namely :—

"18. Assistant Secretary, Madhya Pradesh Junior Service Selection Board".

(***) In the said Regulation, in appendix, after serial number 18 and entry relating thereto, the following serial number and entries shall be added, namely :—

"19. ASSISTANT SURGEON IN TRIBAL AREA".

2. The appendix shall "on and from the 1st April, 1988" be read and construed as if the aforesaid amendment was not made therein at any time.

(****) In the said Regulations, in appendix, after serial number 19 and entry relating thereto, the following serial number and entries shall be added, namely :—

"20. The following posts as relation to the departments mentioned against them to the extent they are filled by adhoc and Emergency appointment order issued up to 31st March, 1986 :—

(i)	Asstt. Professor	Higher Education
(ii)	Asstt. Enegineer	Irrigation
(iii)	Asstt. Engineer	Panchayat and Rural Development

2. The appendix shall "on and from the 1st July 1980" be read construed as if the aforesaid amendments was not made therein at any time.

(*) In the said Regulation, in appendix after serial number 20 and entry relating thereto, the following serial number and entries shall be added, namely :—

"21. Seven posts of Presiding Officers of Labour Courts".

2. The appendix shall "on and from the 26th February, 1993" be read and construed as if the aforesaid ammendment was not made therein at any time.

(**) In the said Regulations, in appendix after serial number 21 and entry relating thereto, the following serial number and entries shall be added, namely :—

"22. One post of Under Secretary of Madhya Pradesh Junior Service Selection Board".

(***) In the said Regulations, in appendix after serial number 22 and entry relating thereto, the following serial number and entries shall be added, namely :—

"23. One post of Nasha Bandi Pracharak".

2. The appendix shall "on and from the 7th December, 1994" be read and construed as if the aforesaid amendments was not made therein at any time.

(**) Amended P.A.R.T. vide Notification No. A 6-78/85/49/I(i), dated 20-11-87.

(***) Amended P.A.R.T. vide Notification No. A 6-13/88/49/I(i), dated 12-2-88.

(****) Amended vide G.A.D. Notification No. 150-1-6/16/90/49/I, dated 23-1-90.

(*) Amended vide G.A.D. Notification No. F A-6-54-90/I(i), dated 9-3-92.

(**) Amended vide G.A.D. Notification No. F A-6-34-92/I(i), dated 26-8-92.

(***) Amended vide G.A.D. Notification No. F A-6-55-91/I(i), dated 24-9-91.

(****) Amended vide G.A.D. Notification No. F A-6-31-94/I(i), dated 25-10-94.

(****) Amended vide G.A.D. Notification No. F A-6-45-94/I(i), dated 17-3-95.

(****) In the said Regulations, in appendix, after serial number 23 and entry relating thereto, the following serial number and entries shall be added, namely :—

"24. One post of Assistant Entomologist".

2. The appendix shall, "on and from the 27th April, 1995" be read and construed as if the aforesaid amendment was not made therein at any time.

In the said Regulations, in appendix, after serial number 24 and entry relating thereto, the following serial number and entries shall be added, namely :—

"25. One post of Assistant Engineer-Chief Technical Examiner (Vigilance) Organisation".

2. The appendix shall, "on and from the 26th September, 1996" be read and construed as if the aforesaid amendment was not made therein at any time.

In the said Regulations, in appendix, after serial number 25 and entry relating thereto, the following serial number and entries shall be added, namely :—

"26. One post of Assistant Professor (Sociology)".

2. The appendix shall, "on and from the 28th September, 1987" be read and construed as if the aforesaid amendment was not made therein at any time.

In the said Regulations, in appendix, after serial number 26 and entry relating thereto, the following serial number and entries shall be added, namely :—

"27. Fifty Nine posts of Assistant Professor under the Higher Education Department".

2. The appendix shall, "on and from the 1st December, 1998" be read and construed as if the aforesaid amendment was not made therein at any time.

In the said Regulations, in appendix, after serial number 27 and entry relating thereto, the following serial number and entries shall be added, namely :—

"28. One post of Assistant Director and one post of Child Development Project Officer under the Women and Child Development Department".

2. The appendix shall, "on and from the 1st May, 1999" be read and construed as if the aforesaid amendments was not made therein at any time.

(**) In the said Regulations, in the appendix, after serial number 28 and entry relating thereto, the following serial number and entries shall be added, namely :—

"29. One post of Assistant Professor (Economics) under the Higher Education Department."

The appendix shall, "on and from the 26th December, 1999" be read and construed as if the aforesaid amendments was not made therein at any time.

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- (*) Amended vide G.A.D. Notification No. F A-6-26-96/1(i), dated 12-3-96
 (**) Amended vide G.A.D. Notification No. F A-6-42-95/1(i), dated 14-3-97.
 (***) Amended vide G.A.D. Notification No. F A-6-23-98/1(i), dated 2-11-98
 (*) Amended vide G.A.D. Notification No. F A-6-28-98/1(i), dated 18-3-99.
 (**) Amended vide G.A.D. Notification No. F A-6-18-98/1(i), dated 26-11-99.

(*) In the said regulations, in the Appendix, after serial number 29 and entry relating thereto, the following serial number and entry shall be added, namely :—

"30. One post of Dental Surgeon under the employees State Insurance Service in the Labour Department".

The appendix shall, on and from the 15th March, 2004 be read and construed as if the aforesaid ammendment was not made therein at any time.

(**) In the said regulations, in the Appendix, after serial number 30 and entry relating thereto, the following serial number and entry shall be added, namely :—

"31. One post of Assistant Professor, Chemistry under the Higher Education Department."

The appendix shall, on and from the 26th December, 2004 be read and construed as if the aforesaid ammendment was not made therein at any time.

(***) In the said regulations, in the Appendix, after serial number 31 and entry relating thereto, the following serial number and entry shall be added, namely :—

"32. One post of Ayurvedik Medical Officer under the Medical Education Department."

The appendix shall, on and from the 28th January, 2005 be read and construed as if the aforesaid ammendment was not made therein at any time.

(****) In the said regulations, in the Appendix, after serial number 32 and entry relating thereto, the following serial number and entry shall be added, namely :—

"33. The following posts under the Autonomous Colleges declared as such by the Technical Education Department :—

- (i) Principal
- (ii) Professor
- (iii) Reader
- (iv) Superintendent of Workshop
- (v) Lecturer, Asstt. Superintendent of Workshop
- (vi) Training and Placement Officer
- (vii) System Analyst
- (viii) Programmer".

2. The appendix shall be read and construed as if the aforesaid ammendment was not made therein at any time.

(*) Amended vide G.A.D. Notification No. F A 6-14/2003/I(i), dated 3-2-2004.

(**) Amended vide G.A.D. Notification No. F A 6-15/2004/I(i), dated 26-10-2004.

(***) Amended vide G.A.D. Notification No. F A 6-12/2004/I(i), dated 28-12-2004.

(****) Amended vide G.A.D. Notification No. F A 6-14/2004/I(i), dated 26-10-2005.