

DEFENCE SERVICES WELFARE DEPARTMENT
Notification
The 4th February, 1993

No. 520/AD/PESCO/67 - In exercise of the powers conferred by section 31 of the Punjab Ex-servicemen Corporation Act, 1978 (Punjab Act No. 33 of 1978), and in suppression of the Punjab Ex-Servicemen (Service) Regulations, 1979 as amended from time to time, the Punjab Ex-Servicemen Corporation hereby makes the following Regulations with the prior approval of the State Government, namely :-

THE PUNJAB EX-SERVICEMEN CORPORATION (SERVICE) REGULATIONS, 1993

CHAPTER I

PRELIMINARY

1.1 Short title and commencement :-

- (i) These Regulations may be called the Punjab Ex-Servicemen Corporation (Service) Regulations, 1993.
- (ii) They shall come into force with immediate effect.

1.2 These Regulations shall apply to -.

- (a) Either whole time officers or employees of the Corporation appointed on regular basis,
- (b) Either officers or employees employed on contract basis subject to the terms of the said contract.

2. Definitions.- In these Regulations, unless there is anything repugnant to the subject or context :-

- (a) 'Act' means the Punjab Ex-Servicemen Corporation Act, 1978 (Punjab Act No. 33 of 1978);
- (b) 'allowance' includes dearness allowance, travelling allowance, daily allowance, interim relief, conveyance allowance, sumptuary allowance, over-time allowance, city compensatory allowance, house rent allowance, medical allowance or any other kind of allowance;
- (c) 'appointing authority' in relation to any officer or employee or class of officers or employees means the Board or the authority to whom the Board has delegated its powers;
- (d) 'award' means a fixed amount awarded in recognition of meritorious work;
- (e) 'Board' means the Board of Directors of the Corporation and includes a Committee constituted by the Board to exercise any of its powers;
- (f) 'Corporation' means the Punjab Ex-Servicemen Corporation established under Section 3(1) of the Act;
- (g) 'Dependent' means spouse and all the minor and unmarried children wholly dependent on the officer or employee, and the parent(s) whose income is less than Rs. 3000/- (Rs. Three thousands) per month who are ordinarily residing with the officer or employee;
- (h) 'Direct appointment' means an appointment made otherwise than by promotion or transfer of a person already in service of Corporation, or by an appointment of a person on deputation from the Government of India or any State Government or any other Corporation or organisation;
- (i) 'Government' means the Government of the State of Punjab in the Department of Defence Services Welfare;
- (j) 'honorarium' means the non-recurring payment granted for special work of an occasional or intermittent character;
- (k) 'Managing Director' means the Managing Director of the Corporation;
- (l) 'pay' means the pay drawn in a time scale and includes 'personal', 'special', 'dearness' and 'deputation' pay but does not include any allowance;
- (m) 'Personal pay' means an additional pay granted as a personal measure to any officer or employee :-

- (i) to save him from loss due to revision of pay scales or reduction therein, otherwise than as a disciplinary measure ; or
- (ii) in exceptional circumstances ;
- (n) 'probationer' means an officer or employee during the period of probation as per the terms of employment ;
- (o) 'Rules' means the Rules framed under Section 32 of the Act ;
- (p) 'Special pay' means additional pay granted in consideration of :-
 - (i) the specially arduous nature of duties ; or
 - (ii) a specific addition to the work or responsibility.

CHAPTER II

3. Recruitment and Selection :-

3.1 The Board may, consistent with these Regulations, appoint such officers and employee as it may consider necessary, possessing the qualifications and experience prescribed for each, against the post carrying the pay scales listed in the revised Appendix 'A'.

3.2 The Board may also, consistent with these Regulations, appoint such other officers and employees, as it may consider necessary, for an indefinite or a definite period of time;

Provided that the prior approval of Government shall be obtained for the remuneration payable to such officers and employees, the period of their appointment, and the qualifications and experience necessary in each case.

Note :- 'remuneration' shall have the meaning specified in the Rules.

3.3. Selection for appointment will be made by a Committee or Committees constituted by the Board, or by the Managing Director if authorized specifically in this behalf by the Board.

3.4 Day-to-day control and supervision of all officers and employees shall be done by the Managing Director or officer or the officers to whom the Managing Director has delegated this power.

3.5 Recruitment to various posts under the Corporation shall be made by the following methods :-

- (i) by direct appointment ; or
- (ii) by deputation from the Government of India or a State Government or another Corporation or organisation ; or
- (ii) by promotion or transfer, of a person already in the service of the Corporation.

3.6 The age at the time of recruitment for direct appointment shall be as applicable to corresponding category of employees of the Government.

3.7 No person who has been dismissed from any previous employment shall be employed in the Corporation.

3.8 On first appointment, every person shall produce a medical certificate of fitness from a doctor in a Government or Municipal Hospital.

3.9 All appointments of officers and employees under Regulation 3.1 shall be on probation in the first instance. The period of probation in case of direct appointment shall be two years which can be extended for a period not exceeding one year; and in case of appointment by promotion or transfer, the period of probation shall be one year. In the case of officers and employees appointed under Regulation 3.2, the period of probation shall be as specified in the letter of appointment.

3.10 If, in the opinion of the appointing authority on the following grounds on the completion of the period of probation :-

- (i) the work and conduct of the probationer is found to be satisfactory, the appointing authority may confirm him from the date of his appointment;

(ii) the work or conduct of the probationer is not found to be satisfactory, the appointing authority may ;

- (a) If such person has been recruited by direct appointment dispense with his services, and
- (b) If such person has been recruited otherwise, revert him to his former post or deal with him in such other manner as the terms and conditions of his appointment permit.

4. **Termination of Service.** - The services of an officer or employee of the Corporation may be terminated by the appointing authority on the following grounds :-

- (a) in the case of an officer or an employee who has been confirmed, by giving three months' notice on either side, or pay in lieu thereof, for the period the notice falls short of three months ;
- (b) in the case of an officer or an employee who has not been confirmed by giving one month's notice on either side, or pay in lieu thereof, for the period the notice falls short of one month; and
- (c) in the case of an officer or employee on deputation by reverting him to the Government or other Corporation or organization from which he was taken on deputation.

5. **Record of Service .-** The following record of service of every employee shall be maintained :

- (a) Personal file,
- (b) Service book, and
- (c) Confidential report file.

Note. - The file at (c) shall remain in the personal custody of the Managing Director or any other officer authorized by him.

6. **Seniority.-** The inter-seniority of persons appointed to posts carrying the same scale of pay shall be determined by the date of their appointment to such posts provided that if two or more persons are substantively appointed to such posts on the same date, their seniority shall be determined as under :-

- (i) a person recruited by promotion from the service of the Corporation shall be junior to a person recruited by direct appointment, and shall be senior to a person recruited otherwise;
- (ii) in the case of two persons recruited by direct recruitment, the older in age shall rank senior to the younger; and
- (iii) in any other case, the scale of pay or salary in the previous appointment shall be the deciding factor, and the person drawing pay in a higher scale shall be senior to a person drawing pay in a lower scale, and where the scales of pay are identical, the person drawing higher salary shall rank senior.

7. **Promotion.** All promotions shall be on the basis of merit-cum-seniority and no person shall have a right to be promoted to any post on the basis of seniority alone.

CHAPTER III

8. **Pay and allowances :-**

8.1 An officer or employee shall be eligible to the minimum of the scale of pay of the post to which he is appointed ;

Provided that the appointing authority may, in consideration of his special knowledge, training or expertise allow a higher initial start.

8.2 An officer or employee on deputation to the Corporation may either :

- (i) accept the pay scale of the post under the Corporation subject to the fixation of his pay in such pay scales by the appointing authority ; or
- (ii) continue to enjoy the pay scale in his parent service plus deputation pay and other allowances as admissible to them as approved by the lending Organisation.

Note : An officer or employee on deputation to the Corporation shall be entitled to claim benefits of higher pay scale or fixation of pay at a higher level with or without retrospective effect in the Corporation, if such benefits have accrued to him in his parent service.

8.3 An increment in a time scale may be drawn as a matter of course by an employee of the Corporation unless it is withheld or deferred.

8.4 When a person in a lower scale of pay, is appointed to officiate in a higher scale of pay he will draw the minimum of the higher scale, or if the pay he is already drawing is more than or equal to the minimum of the higher scale, he will draw pay in the higher scale at the stage next above his basic pay in the lower scale.

8.5 Service in a higher scale of pay in an officiating capacity shall count for increment, both in the substantive scale of pay and in the higher scale of pay.

8.6 Special pay at a rate not exceeding 10% of basic pay may be allowed to a person holding charge of an independent post in addition to his own duties, for a period exceeding two months, may be allowed by the Board.

8.7 The Managing Director may, in recognition to exceptionally good services of an officer or employee, grant to him an honorarium or upto five premature increments in the time scale of his pay ;

Provided that the Board shall be apprised of the same in its ensuing meeting.

8.8 The Corporation shall pay to the Government or other lending Organization, leave salary and pension contribution or pay other liability in respect of officers or employees taken on deputation in accordance with the rules of the lending Organization in force for the time being in this behalf.

8.9 Any sum of money or pay allowance due to an employee of the Corporation that may have remained unclaimed for a period of three years from the date on which the payment is normally due, may be treated as lapsed to the Corporation.

8.10 'Special Pay' and 'Personal Pay' shall not be counted for purpose of grant of dearness allowance.

CHAPTER IV

9. **Leave -**

9.1 All employees and officers of the Corporation shall be entitled to all types of leave, and to the encashment, thereof as per the rules of the Government in force at the time.

9.2 Leave cannot be claimed as of right. In the normal course leave applied for, if due, will be granted. However, leave can be refused/cancelled in the interest of the work of the Corporation.

9.3 In all cases where an employee or officer absents himself, or proceeds on leave in anticipation of sanction thereof and whether the same is sanctioned or refused, any official communication sent by ordinary post and also under Certificate of Posting at the last known address, shall be deemed to be properly served.

CHAPTER V

10. **Medical Attendance Rules..**

10.1 The officers and employees of the Corporation are entitled to re-imbursement of the medical facilities/expenses incurred on out-door/in-door treatment of themselves and their dependents in accordance with the rules as in force at that time, applicable the corresponding categories of officers and employees of the Government.

10.2 The Board may empower any authorized medical attendant, other than Government and Municipal doctors, to issue essentially and other certificates.

CHAPTER VI

11. **Retirement.** Every officer and employee shall retire from the service of the Corporation on the attaining the age of 58 years.

Provided that the Board may, in the interest of work, under exceptional circumstances, allow extension for a period not exceeding two years, to an employee who is really competent and physically fit.

CHAPTER VII

12. **Leave Travel Concession.** The officers and employees of the Corporation shall be entitled to LTC facilities as available from time to time to the corresponding categories of officers and employees of the Government.

13. **Contributory Provident Fund.** The officers and employees of the Corporation shall be entitled to membership of the scheme of Contributory Provident Fund in accordance with the relevant law in force.

14. **Gratuity.** The officers and employees of the Corporation, irrespective of the post held and pay drawn, shall be entitled to gratuity under the Payment of Gratuity Act, 1972 as amended from time to time.

15. **Ex-Gratia Grant.** Ex-Gratia grant may be given to the family of a deceased officer or employee as per the rules applicable to the officers and employees of the State Government.

CHAPTER VIII

16. **Imposition of Penalties .-**

16.1 Any officer or employee who commits a breach of any regulations or orders of the Corporation, or is guilty of negligence, inefficiency or indolence in the performance of his duties, or knowingly does any thing detrimental to the interests of the Corporation, or commits a breach of discipline, or is guilty of any other act of misconduct, or is convicted of a criminal offence, shall be liable to the following penalties :-

- (i) censure ;
- (ii) stoppage of increment(s)
- (iii) recovery from pay and allowances of the whole or part of the pecuniary loss caused to the Corporation;
- (iv) reduction to a post in lower scale of pay or to a lower stage in his time scale of pay;
- (v) removal;
- (vi) dismissal; or
- (vii) combination of any of the above.

16.2 The powers to impose a penalty under (iv) to (vii) above shall be exercised only by the appointing authority.

Provided that no penalty under (iv) to (vi) above or a combination thereof, shall be imposed without charge-sheeting him and without giving him an opportunity of being heard :

Provided further that no penalty under (i) to (iii) above or a combination thereof shall be awarded without giving him an opportunity to explain his conduct.

17. **Suspension -**

17.1 An Officer or employee may be placed under suspension pending an inquiry against him instituted under the first proviso regulation 16.2 or if any proceedings have been instituted against him in respect of criminal offence involving moral turpitude.

17.2 The pay and allowances of an officer or employee during the period of suspension shall be regulated by the relevant rules of Government in force at that time.

18. **Appeals.-** An appeal against an Order imposing penalty or suspension shall be made to the Board within one month of the date of serving such Order and the Board's decision on such appeal shall be final. Joint appeals shall not be entertained.

CHAPTER IX

19. **Discipline and Rules of Conduct.** - All officers and employees are bound to serve the Corporation in such capacity and at such place, as may be decided by the Corporation from time to time.

19.2 All officers and employees are bound to serve the Corporation faithfully and to the best of their ability.

19.3 An officer or employee of the Corporation shall not, without the prior permission of the appointing authority :-

- (i) engage, by himself or through any member of his family, in any trade or business; or
- (ii) undertake any other employment while on duty or on leave; or
- (iii) speculate in agricultural produce stocks, shares, securities or any other goods and shall not have connection with the formation or management of a joint stock company; or
- (iv) absent himself without permission from his duty or from the station of his posting; or
- (v) approach or prefer an appeal (except provided herein) or represent to any Director for any matter concerning his services provided that nothing in this sub-regulation shall be deemed to prohibit an officer or employee from making legitimate representation concerning his service to the appointing authority ; or
- (vi) enter into any partnership, accept any fees, endowment or commission whatsoever from any party other than the Corporation except with its previous permission ; or
- (vii) take part in politics or in any political demonstration or stand for election as member of any House of any State Legislature or Parliament or any local authority, or indulge in any activity which may cause embarrassment to the Corporation.

19.4 The whole time of an officer or employee shall be at the disposal of the Corporation. The working hours shall be as fixed by the Board.

19.5 The Corporation shall, in respect of acts done in good faith and in the interest of the Corporation, extend protection to an officer or employee in a Court of Law or elsewhere.

19.6 Any officer or employee appointed to a post involving handling of cash, stocks, stores, valuable articles, or maintenance of accounts shall, if so required by the Managing Director, furnish for the faithful discharge of his duties, such security in cash or otherwise, as he may in his discretion, determine.

CHAPTER X

20. **General -**

20.1 The Managing Director may delegate his power under these Regulations to any other officer of the Corporation.

20.2 The Board shall be the final authority to interpret any provision of these Regulations.

20.3 All employees shall be entitled to allowances at rates admissible to employees of corresponding categories of the Government as amended from time to time unless otherwise determined by the Board.

21. **Repeal.** - The Punjab Ex-Servicemen Corporation (Service) Regulations, 1979 are hereby repealed.

Provided that all appointments against posts listed in Appendix A thereto shall be deemed to be appointments under Regulation 3.1 of these Regulations ;

Provided further that any order issued or action taken under the Regulation repealed shall be deemed to have been issued and taken under the corresponding provisions of these Regulations.