

GOVERNMENT OF RAJASTHAN
DEPARTMENT OF PERSONNEL
(A. Gr.-II)

No. F. 17(4)DOP/A-2/2014

Jaipur, dated: 11.01.2022

NOTIFICATION

Whereas the State Government in public interest undertakes departmental Schemes/ Projects/ Central Sponsored Schemes/ Projects for social and economic development as a welfare State. For implementation of most of these projects/schemes requires the subject matter specialists, experts and manpower and posts for which do not exist in any other Service Rules in the government for regulating appointments and conditions of service of such posts. By their very nature the development schemes/projects undertaken by the Government are usually required for short term or medium term. Therefore, State Government needs to allow such posts to be filled in by way of hiring persons on contract basis in the State Government.

Now, therefore, in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Rajasthan hereby makes the following rules, regulating the hiring of subject matter specialists, experts and manpower on contract, and the conditions of the services of persons hired to the Rajasthan Contractual Hiring to Civil Posts Rules, 2022, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Contractual Hiring to Civil Posts Rules, 2022.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.- In these rules, unless the context otherwise requires, -

- (i) "Appointing Authority" means the Head of Department and includes any other authority or officer to whom such powers in that behalf may be delegated by a general or special order of the State Government;
- (ii) "Administrative Department" means the department in the State Government in which contractual posts are created;
- (iii) "Commission" means the Rajasthan Public Service Commission;
- (iv) "State" means the State of Rajasthan; and
- (v) "State Government" means the Government of Rajasthan.

3. Scope and application.- These rules shall apply to posts created by the Administrative Department with the concurrence of the Finance Department for



implementation of any project or scheme and to person appointed on such posts in accordance with the provisions of these rules or person working on the post so created on contract basis on the date of commencement of these rules provided his/her selection was made after inviting applications through public advertisement.

4. Posts and strength of posts.- (1) The nature of posts created for implementation of the schemes/projects shall be such as may be notified by the Administrative Department with the concurrence of the Finance Department.

(2) The strength of the posts created under sub-rule (1) shall be such as may be determined by the Government, from time to time:

Provided that the Government may,-

- (a) create any contractual post, from time to time, as may be considered necessary and may abolish any such post in the like manner without thereby entitling any person to any compensation, and
- (b) leave unfilled or hold in abeyance, abolish or allow to laps any posts, from time to time, without thereby entitling any person to any compensation.

5. Method of hiring.- For hiring on contract under these rules on the posts created under sub-rule (1) of rule 4 shall be made by inviting of applications through public advertisement. The selection procedure shall be determined by the concerned Administrative Department, with the concurrence of Department of Personnel.

6. Age.- A candidate for hiring on contract under these rules must have attained the age of 21 years on the 1st day of January next following the last date fixed for receipt of applications. The upper age limit for the appointment under these rules shall be 40 years:

Provided that the upper age limit mentioned above shall be relaxed by,-

- (i) 5 years in case of male candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes, More Backward Classes and Economically Weaker Sections.
- (ii) 5 years in case of women candidates belonging to General category; and
- (iii) 10 years in case of woman candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes, More Backward Classes and Economically Weaker Sections.

7. Qualifications and eligibility criteria for appointment.- The academic qualification, experience, duties, responsibilities of the post created under these rules shall be decided by the Administrative Department with the concurrence of the Department of Personnel and Finance Department.

8. Production of Medical Certificate and Character Certificate.- (1) Personnel hired under these rules shall produce the medical certificate of fitness as may be specified by the Appointing Authority before joining the assignment.

(2) Personnel hired under these rules shall have to produce a character certificate written not more than six months prior to the date of joining.

9. Other conditions.- (1) A person shall be eligible to be hired for any contractual post in the Government ,-

(a) he/she is of sound mind and good health;

(b) he/she has not been disqualified for appointment in public service or removed from public service on disciplinary grounds;

(c) he/she has not been convicted of any offence involving moral turpitude.

(2) No person shall be eligible for appointment under these rules who has more than two children on or after 01-06-2002:

Provided that,-

(i) the candidate having more than two children shall not be deemed to be disqualified for the appointment so long as the number of children he/she had on 1st June, 2002, does not increase

(ii) where a candidate has only one child from earlier delivery but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children.

(iii) while counting the total number of children of a candidate, the child born from earlier delivery and having disability shall not be counted.

(iv) any candidate who performed remarriage which is not against any law and before such remarriage he is not disqualified for appointment under this sub-rule, he shall not be disqualified if any child is born out of single delivery from such remarriage.

10. Reservation.- For appointment on the posts created for contractual appointment under these rules, the provisions and rules/instructions issued by the Government, from time to time, for reservation for the Scheduled Castes, Scheduled Tribes, Backward Classes, More Backward Classes, Economically Weaker Sections, Women and Person with Benchmark Disability etc. shall be apply.

11. Period of contractual appointment.- (1) On the posts created under these rules, first contractual appointment shall be made for a period not exceeding five years or upto the expiry of the period of scheme/project whichever is earlier, however, if the period of scheme/project is further extended, the State Government may take decision for renewal of contractual appointment by extending the period of contractual

appointment for 3 years at a time depending on the necessity of the contractual employees and after assessing suitability of person appointed on contract, The contractual appointment shall not be extended beyond the date on which contractual appointee attains the age of 60 years.

(2) Work assessment of the person hired on contract shall be recorded so that his work may be assessed in case he is to be considered for appointment on contract for the next year.

(3) Contract appointment shall stand terminated automatically on expiry of the period of the contract and there shall be no need to issue separate order for terminating the service.

12. Appointment order.- The person selected for appointment under these rules may be appointed on contract by the Appointing Authority. The contract appointment order shall be issued in the prescribed Form appended to these rules.

13. Remuneration and other facilities. - (1) A person appointed on the posts created under these rules shall be entitled for such lump-sum remuneration as may be fixed by the Administrative Department with the concurrence of the Finance Department. On completion of satisfactory service of every one year, the monthly lump-sum remuneration shall be increased by 5% rounded off to next hundred rupees.

(2) The contractual employee shall also be entitled to,-

- (i) re-imbusement of Medi-claim Policy premium not more than Rs. 1500/- per year;
- (ii) re-imbusement of Accidental Insurance Policy premium not more than Rs. 500/- per year;
- (iii) Government contribution in New Pension Scheme (NPS) equal to 50% of the contribution deposited by him/her subject to maximum of 10% of the monthly lump-sum contract remuneration.

(3) No ad-hoc bonus shall be payable to contractual employee.

(4) TDS on income, if due, shall be deducted from contractual remuneration.

14. Applicability of leave.- (1) The Person hired on contract shall be entitled for 12 days casual leave in each calendar year, and in case of appointment in the middle of the year, or on termination of his service, calculation of eligibility for casual leave shall be made on proportional basis for full completed months. However, controlling authority can permit use of leave to accrue during a calendar year only in advance for deserving reasons. Un-availed leave shall stand lapsed at the end of calendar year.

Explanation: Incomplete day shall be adjusted/rounded off with the next full day for computation.

(2) The person hired on contract shall be entitled to half pay leave of 20 days in respect of each completed year of contract service. This leave may be granted on medical certificate only. Unutilized half pay leave may be accumulated maximum up to 200 days.

(3) Maternity leave up to 180 days would be admissible to the female contractual employee who have less than two surviving children. If there is no surviving child after availing it twice, maternity leave may be granted on one more occasion. Payment of leave shall be made as per the rate of contractual remuneration amount paid on the day before leaves commence.

(4) Contractual employee shall not leave headquarter without prior permission of competent officer.

15. Travelling allowance.- The person hired on contract shall be entitled to Travelling and Daily Allowance for journey performed by them in connection with the affairs of the State as per the Rajasthan Travelling Allowance Rules, 1971. For the purpose of Travelling Allowance the category shall be determined as per monthly lump-sum contract remuneration.

16. General conditions, ethics and observance.- The person hired on contract shall,-

- (i) observe general satisfactory conduct and ethics at the level expected under orders / rules and instructions issued by higher authorities;
- (ii) not be transferred from one place to any other place;
- (iii) not accept any full time / part time employment or engage in any other work, business occupation or pursue any study course without prior approval of the Government;
- (iv) comply the instructions regarding uniform/ livery, if issued, for which an amount fixed by the Administrative Department with the concurrence of the Finance Department shall be paid.

17. Compensation.- If the service of a personnel hired under these rules is terminated, before completion of his/her contract tenure, he/she shall be entitled for payment of compensation at the following rate:-

SWH

Unexpired agreed period remained	Amount of compensation
upto one year	1 month emoluments
upto two years	2 months emoluments
upto three years	3 months emoluments
upto four years	4 months emoluments
above four years	5 months emoluments

If the service of the contract employee is terminated on the ground of misconduct then no compensation shall be payable to such contract employee.

18. Revoking of appointment order.- Any person appointed under these rules if,-

- (i) disobeys lawful order or instructions of superior officers or defies the superior officers;
- (ii) make any anonymous correspondence with government official;
- (iii) involved in immoral life or in any criminal case;
- (iv) not maintain integrity and devotions to duty;
- (v) not establish usefulness of his/her services at all times; and
- (vi) involve in misappropriation of funds,

his/her appointment may be revoked with immediate effect by the Appointing Authority. For revoking the appointment order, the Appointing Authority shall follow the following procedure, namely:-

- (a) A notice containing details of reasons shall be served to the person appointed under these rules whose appointment order is being revoked.
- (b) Notice may be served by Speed Post /Registered A/D on his/her address/by personal receipt/ by e-mail or any other manner as decided by the Appointing Authority.
- (c) Maximum three weeks time to be given to submit the reply from the date of receipt of notice.
- (d) If reply is submitted by the delinquent within time, the Appointing Authority shall examine the reply received by him.
- (e) Personal hearing may also be given to the contractual employee concerned by the Appointing Authority.
- (f) The Appointing Authority shall consider the facts and circumstances of the matter with due diligence and after satisfaction, if required, the Appointing Authority shall pass a speaking order to revoke the appointment order and recovery, if any, in respect of misappropriation of funds, with immediate effect. The process shall be completed within a period of two months:

Provided that a employee appointed under these rules is convicted by any court of law then his/her appointment order shall be revoked with immediate effect by the Appointing Authority without following the procedure stated above.

19. Termination of appointment.- If the Appointing Authority is not satisfied with the services of contractual employee appointed under these rules or believes that his/her services are no longer required for any reason, the appointing authority may terminate his/her services by giving three months notice or notice period salary. The decision of the Appointing Authority in this regard shall be final.

20. Screening.- If any specific contractual post of the any scheme/project of the Government is converted into regular post and included in any service, the person working on that contractual post and who have completed five years satisfactory service shall be screened for adjudging their suitability on the post by the screening committee consisting of,-

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|--|----------------------|
| (i) Additional Chief Secretary/Principal Secretary/
Secretary of the Administrative Department | Chairman |
| (ii) Additional Chief Secretary / Principal Secretary/
Secretary of the Finance Department or his nominee
not below the rank of Deputy Secretary to the
Government; and | Member |
| (iii) Principal Secretary / Secretary of the Department of
Personnel or his nominee not below the rank of
Deputy Secretary to the Government, and | Member |
| (iv) Head of the Department | Member-
Secretary |

The Appointing Authority shall issue appointment order of the person, who is adjudged suitable for the post by the screening committee. The appointment order shall be effective from the date of issue of such order and the period of contract service under these rules shall not be counted as service for any purpose:

Provided that the concurrence of the Commission shall be obtained before regularisation on the post falling under its purview.

21. Interpretation. Unless the context otherwise requires, the Rajasthan General Clauses Act, 1955 (Act No. VIII of 1955) shall apply for the interpretation of these rules as it applies for the interpretation of a Rajasthan Act.

22. Removal of doubts.- If any doubt arises relating to the application, interpretation and scope of these rules it shall be referred to the Government in the

Department of Personnel whose decision in consultation with the Finance Department thereon shall be final.

Form
(Rule 12)
APPOINTMENT ORDER

With reference to the application for the post of received from Shri/Smt./Kumari son/wife/daughter of Shri resident of Village..... Tehsil....., District....., State..... it is informed that Shri/Smt./Kumari has been selected for the said post under the Rajasthan Contractual Hiring to Civil Posts Rules, 2022. Therefore, he/she is hereby appointed as on contract for a period of years i.e. upto..... (date) on the following terms and conditions:-

1. A contract remuneration of rupees (in figures) (in words) per month.

In addition to above he/she shall also be entitled for the following:-

- (a) Re-imbusement of medi-claim policy premium not more than rupees 1500/- per year.
- (b) Re-imbusement of 50% of the contribution deposited by you in new contributory pension scheme, subject to maximum of 10% of the consolidated basic salary.
- (c) Re-imbusement of Accidental Insurance policy premium not more than rupees 500/- per year.

2. The terms and conditions, and other matters like leave etc., will be governed as per the provisions of the Rajasthan Contractual Hiring to Civil Posts Rules, 2022.

3. For travel on duty, the travelling and daily allowance shall be admissible as applicable to category of employees based on contractual salary under the Rajasthan Travelling Allowance Rules, 1971.

4. The character certificate from two gazetted officers issued within 6 months shall be submitted by him/her before joining.

5. The appointment is subject to the production of certificate of medical fitness issued by the Medical Board / Chief Medical and Health Officer before joining to the post.

6. The original, along with attested copies, certificates in respect of educational qualifications, caste or past experience, as the case may be, shall be submitted along with joining report.

7. He/she shall not take up any other assignment during the period of contractual appointment.

8. This contractual appointment shall stand terminated on..... During the period of employment, he/she may resign by giving a notice of three months. The appointing authority is also competent to terminate his/her appointment by giving a notice of three month or salary thereof.

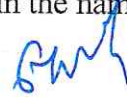
In case, the above terms and conditions are acceptable he/she may report for duty to the undersigned before..... (Not more than fifteen days). After expiry of this period the appointment order shall stand cancelled.

Date:

Place:

Signature Head of the Department

By Order and in the name of Governor,



(Jai Singh)

Joint Secretary to the Government.

4/2022