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LA GAZETTE DE L'ETAT DE PONDICHERRY

THE GAZETTE OF PONDICHERRY

சிறப்பு வெளியீடு EXTRAORDINAIRE EXTRAORDINARY

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GOVERNMENT OF PONDICHERRY
HEALTH, ELECTRICITY AND WORKS DEPARTMENT

(G. O. Ms. No. 241, dated 14th December 1978.)

NOTIFICATION

In pursuance of the provisions contained under section 16(2) of the Pondicherry Town and Country Planning Act, 1969 rules defining the terms and conditions of service of the officers and employees of the Planning Authorities have been framed and published for general information.

(By Order of the Lieutenant-Governor)

N. PAJANISSAMY,

Under Secretary to Government.
(File No. 16472/75-UD)

Rules defining the terms and conditions of service of the officers and employees of the Planning Authorities under sub-section (2) of section 16 of the Pondicherry Town and Country Planning Act, 1969 (No. 13 of 1970).

CHAPTER—I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) These rules may be called the Pondicherry Planning Authority Services Rules, 1978.

(2) They shall extend to the whole of the Union territory of Pondicherry with respect to the Planning Authorities constituted under section 11 of the Pondicherry Town and Country Planning Act, 1969 (No. 13 of 1970).

(3) They shall come into force at once.

2. *Definitions.*—(a) "Chairman" means the Chairman appointed under section 11 of the Pondicherry Town and Country Planning Act, 1969 (No. 13 of 1970) as amended by the provisions of section 132 of the Pondicherry Housing Board Act, 1973 (No. 7 of 1974);

(b) "Planning Authority Servant or Employees" includes an officer or servant holding a post under a Planning Authority but not a part-time employee or staff or person paid from contingencies;

(c) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

(d) "Rules" means the Planning Authority Service Rules;

(e) "Act" means the Pondicherry Town and Country Planning Act, 1969 (No. 13 of 1970);

(f) "Member of the family in relation to an employee" includes—

(i) the wife or child or step-child of such employee whether residing with him or not and in relation to an employee who is a woman, the husband or child residing with her and dependent on her;

(ii) any other persons related, whether by blood or by marriage to the employees or to such employee's wife or husband and mainly dependent on such employee but does not include a wife or husband legally separated from the employee, or child or step-child who is no longer in any way dependent upon him or her or of whose custody, the employee has been deprived by law.

3. *Categories of officers/employees of the Planning Authorities to whom the rule shall apply.*—(a) Save as otherwise provided by or under these rules, these rules shall apply to every employee appointed to Planning Authority services and posts in connection with the discharge of functions assigned to Planning Authorities under the Act.

Exception (1): Government servants, whether of the Union or State Government whose services are placed at the disposal of the Planning Authorities on foreign service shall be governed by the terms and conditions which are applicable to such of those employees in their parent Government/Department but for their deputation to the Planning Authorities.

Exception (2): (i) The Government may at their discretion waive or modify the operation of any of these rules in respect of any employee or any category of employees of the Planning Authorities;

(ii) No new rules or alteration in the existing rules shall have force until the same is duly approved by the Government.

(a) Persons in whole time employment ;

(b) Persons paid out of contingencies;

(c) Persons paid otherwise than on a monthly basis including those paid only on a piece-rate basis;

(d) Persons employed on contract basis where the contract provides otherwise;

(e) Persons re-employed after retirement.

4. *Enforcement of rules.*—At the instance of any doubt about the meaning or context or application of any of the provisions of these rules, the decision of the Government shall be final and binding.

5. *General.*—Every employee shall at all times maintain absolute integrity and devotion of duty.

CHAPTER—II

GENERAL CONDITIONS

6. *Method of recruitment.*—Appointment for all posts in all categories shall be made in accordance with the recruitment rules framed and approved for the posts in Town and Country Planning Department by the Planning Authority through Employment Exchange. If, however, no suitable candidates are available through Employment Exchange, recruitment shall be done through other sources such as by advertisement in dailies, etc.

Reservation for scheduled castes/scheduled tribes shall also be made while filling up the posts, in accordance with the orders of the Government in force from time to time.

7. *Medical examinations.*—No person may be appointed to the service of the Planning Authorities unless he/she has been certified by the competent medical authority to be of sound constitution and as medically fit.

8. *Conduct.*—Every employee is a whole time servant of the Planning Authority and may be employed in any manner without any claim for extra remunerations. Every employee shall be liable to serve the Planning Authorities in such capacity and at such places as he/she may be directed from time to time. An employee shall serve the Planning Authorities loyally and faithfully and shall maintain the strictest secrecy regarding the affairs of the Planning Authorities and their constituents.

9. *Age.*—The age of person at the time of his first entry into the service of Planning Authorities shall not be less than 18 years and not more than 30 years. The age limits are not applicable for persons who are appointed to the Planning Authorities on deputation from Government. Relaxations of age limits are allowed in respect of certain categories of persons such as Scheduled Castes and Scheduled Tribes, etc. as applicable to appointment under Government as per rules in force now and then.

10. *Probation.*—An employee directly recruited to the Planning Authorities shall be required to be on probation for a period of two years from the date of appointment :

Provided that the appointing authority may at its discretion waive, in special cases, the period of probation, of any individual employee directly recruited to Planning Authority Services.

The period of probation of an employee may be extended at the discretion of the authority competent to appoint but in no case shall the period of probation, exceed 3 years.

If any employee takes leave other than casual/restricted holiday the period of probation will be extended to the period of leave so availed of by the employee.

11. *Termination of service and resignation.*—In the event of the Planning Authorities not having any further need of any employee's services, the appointing authority may dispense with the services of the employee on giving one month's notice or by payment of one month's pay *in lieu* of such notice. An employee may also resign from the Planning Authority Service by giving similar notice or by

paying one month's pay *in lieu* thereof as the case may be. The appointing authority may for special reasons waive the conditions of period of notice or any portion thereof for the employees.

12. *Determination of seniority.*—Seniority of an employee in a grade will be determined according to the length of continuous service in that particular grade in the Planning Authorities. In cases where appointment is made on the basis of merit list prepared by the selection committee, the seniority of such employees will be determined according to their position on the panel, irrespective of their date of joining the Planning Authorities.

13. *Confirmation.*—The general principles laid down by Government from time to time for confirmation of persons shall be applicable to the employees directly recruited by the Planning Authorities.

14. *Promotion.*—Promotion from one post to another shall be made in accordance with the recruitment rules and instructions issued in this behalf by the Government from time to time.

15. *Classification of posts for promotion.*—(i) *Selection posts.*—Promotions in respect of these posts will be made by selection on the basis of merit ;

(ii) *Non-selection posts.*—Promotions will be made by the seniority subject to the rejection of the unfit. For this purpose a qualifying test may be held when so prescribed.

16. *Record of service.*—Service books shall be opened in respect of each staff except "Contingency paid staff". The maintenance of service books shall be done as is being followed in Government departments.

17. *Retirement.*—(i) Every employee shall automatically retire on attaining the age of 55 years. The Planning Authorities may, however, for special reasons to be recorded in writing, extend from year to year the period of service of an employee beyond the age of 55 years provided he/she continues to remain fit, both mentally and physically. No employee shall, however, be retained in service after the age of 58 years in all cases of posts except in very special circumstances.

(ii) Notwithstanding anything contained in this rule, the Planning Authorities shall, if in their opinion it is in the public interest to do so, have the right with the approval of the Government to retire any employee by giving him notice of not less than three months in writing or by paying three months pay and allowances *in lieu* of such notice after he has attained the age of fifty years in all categories of posts.

18. *Absence from duty.*— An employee shall not absent himself from duty without the prior permission of the authority competent to sanction the leave, nor shall he/she absent himself/herself from duty in case of sickness or disability without production of report duly supported by a Medical Certificate issued by a Registered Medical Practitioner. No employee shall leave the station where he/she is posted without obtaining prior permission from the authority competent to sanction the leave.

CHAPTER—III

ADMISSIBILITY OF PAY AND OTHER ALLOWANCES

19. *Pay.*— (i) The pay of the person appointed to a post of the Planning Authorities shall be fixed with reference to the minimum of the sanctioned time scale of pay of the post.

(ii) Grant of increment and counting of duty period, etc., shall be governed by the rules as applicable to the employees of the Government from time to time.

(iii) The pay of the person appointed to a post of the Planning Authorities may be fixed by the Chairman of the Planning Authorities at a higher stage than the minimum of the sanctioned time scale of pay of the post under special circumstances with the approval of the Government.

20. *Dearness allowance, house-rent allowance and other compensatory allowances.*—Dearness allowance, house rent allowance and other compensatory allowances shall be admissible to the staff of the Planning Authorities as admissible from time to time to the Government servants of this Administration and shall be governed by the Government rules in force as amended from time to time.

21. *Travelling allowances.*— Travelling allowances of the employees of Planning Authorities shall be governed by the rules as applicable to the employees of the Government from time to time.

22. *Medical facilities.*—Medical expenses incurred towards cost of medicines by employees of the Planning Authorities shall be reimbursed to them. The list of inadmissible medicines will be the same as adopted by the Government of Pondicherry from time to time.

Consultation/injection should be administered only by the doctors of the Government of Pondicherry and the consultation fees/injection fees shall be reimbursed to them as is being done for the employees of the Government of Pondicherry as per the rules applicable to them.

CHAPTER—IV
LEAVE

23. *Casual leave and restricted holidays.*—Casual leave is limited to a maximum of 12 days for all staff in a calendar year. In addition, restricted holidays and special casual leave are also admissible as time to time.

24. *Other leave.*—The following kinds of leave shall be admissible as admissible to the Government servants of this Administration under the Central Civil Services (Leave) Rules, 1972 as amended from time to time and subject to the conditions laid down therein:

- i) Special casual leave
- (ii) Earned leave including terminal leave
- (iii) Half pay leave
- (iv) Commuted leave
- (v) Extraordinary leave (on loss of pay)
- (vi) Maternity leave

CHAPTER—V
MISCELLANEOUS

25. *Applicability of Central Civil Services (Conduct) Rules, 1964 and Central Civil Services (Classification, Control and Appeal) Rules, 1965.*—Every staff of the Planning Authorities shall, in respect of conduct and disciplinary matters be governed by the Central Civil Services (Conduct) Rules, 1964 as amended from time to time and applicable to the employees of the Government of Pondicherry. The Central Civil Services (Classification, Control and Appeal) Rules, 1965 and orders as are for the time being applicable to the corresponding category or classification of Government servants of this Administration shall be applicable to the employees of Planning Authorities.

26. *Head of Office and Head of Department.*—The powers exercisable by the Head of Department and Head of Office under all Government rules as are applicable for the purpose of these rules shall be exercised by the Chairman and Senior Town Planner or any Gazetted Officer of the Planning Authorities so declared by the Chairman as Head of Office with the approval of the Government.

27. *Appointing, disciplinary and appellate authorities.*—For the purpose of these rules, the appointing, disciplinary and appellate authorities under the Central Civil Services (Classification, Control and Appeal) Rules, 1965 shall be as shown in the schedule below:

SCHEDULE

Sl. No.	Category of staff	Appointing authority	Disciplinary authority	Appellate authority
(1)	(2)	(3)	(4)	(5)
1	Group A and B	Chairman	Senior Town Planner	Chairman
	Group C and D	Senior Town Planner	Senior Town Planner or Head of Office (declared under rule 26)	Chairman

28. *Recruitment (Selection) Committee and Departmental Promotion Committee.*—These committees shall be constituted by the Chairman of the respective Planning Authority from time to time with the Senior Town Planner as one of the Members.

29. *Part-time appointments.*—Notwithstanding anything contained in these rules, the Chairman, Planning Authorities may make appointments in 'Group D' on part-time basis on such terms and conditions, and on daily rate basis as applicable in the Government of Pondicherry from time to time; but in no case shall the terms and conditions so prescribed be more favourable than those laid down in these rules for a permanent appointment carrying equivalent status or responsibility.

30. *Leave travel concession and reimbursement of tuition fees.*—These concession and reimbursement shall be admissible to the employees of the Authorities as admissible under the relevant rules to the Government employees of this Administration from time to time.

31. *Supply of liveries.*—The Group-D employees of the Planning Authorities who have completed one year of service shall be supplied with liveries in the prescribed scale and ceiling and washing allowance shall be granted as admissible to the Group-D Government employee of this Administration from time to time.

32. *Advances of travelling allowances and pay.*—(i) Advance of travelling allowance to an employee who is ordered to proceed on tour shall be paid at 3/4th of the admissible amount.

(ii) Advance of pay for one month, i.e., net salary after deduction of the compulsory deductions such as General Provident Fund, etc. shall be paid to an employee when he/she proceeds on leave for more than 30 days.

(iii) The advance so granted above shall be adjusted in full in the travelling allowance and leave salary bills respectively.

33. *Overtime allowance.*—The employees of the Planning Authorities, except technical staff shall be paid overtime allowance for the extra work performed by them after the prescribed office hours of the Authorities at the rates and rules as admissible to the various categories of Government employees of this Administration from time to time.

34. *Festival advance.*—Festival advance may also be granted to these staff whose pay does not exceed Rs. 600 per mensem on the eve of festivals as admissible to the Government servants of this Administration under the rules in force subject to the availability of funds of the Authorities. The festival advance shall be granted by the Senior Town Planner or Head of Office declared under rule 26. The advance so granted shall be recovered in five equal monthly instalments commencing from the pay of the succeeding month of drawal of advance.

35. *Applicability of other orders/decisions/instructions, etc.*—The orders, decisions and instructions issued by the Government from time to time in respect of service matters after the commencement of these rules, shall *mutatis mutandis* be applicable to the employees of the Authorities.