

GOVERNMENT OF RAJASTHAN
DEPARTMENT OF PERSONNEL (A-Gr.2)
NOTIFICATION

No.F(3)DOP/A-II/08

Jaipur, dated 17.03.08

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 recruitment to posts in, and the conditions of service of persons appointed to the Rajasthan Rural Ayurvedic, Unani, Homeopathy and Naturopathy subordinate service, namely:-

**THE RAJASTHAN RURAL AYURVEDIC, UNANI, HOMOEOPATHY AND
NATUROPATHY SUBORDINATE SERVICE RULES, 2008**

Part-I – General

Short title and Commencement.- (i) these rules may be called the Rajasthan Rural Ayurvedic, Unani, Homoeopathy and Naturopathy Subordinate Service Rules, 2008.

(ii) They shall come into force at once.

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

- (a) “Appointing Authority” means the Director, Ayurved Department, Rajasthan, and includes any other persons to whom such powers in that behalf may be delegated by a special or general order of Government.
- (b) “Commission” means the Rajasthan Public Service Commission;
- (c) “Committee” means the Departmental promotion Committee;
- (d) “Director” means the Director of Ayurved Department Rajasthan;
- (e) “Direct recruitment” means recruitment made according to the procedure laid down in part IV of these rules;
- (f) “Government” means the Government of Rajasthan;

- (g) "Member of the Service" means a person appointed to a post in the service on the basis of regular selection under the provisions of these rules or orders superseded by these rules;
- (h) "Rural" means Ayurvedic, Unani, Homoeopathy and Naturopathy dispensary which is located in the area other than district head quarter;
- (i) "Service" means the Rajasthan Rural Ayurvedic, Unani, Homeopathy and Naturopathy Subordinate Service;
- (j) "Schedule" means a schedule appended to these rules;
- (k) "State" means the State of Rajasthan;
- (l) "Substantive Appointment" means an appointment made under the provisions of these rules to a substantive vacancy after due selection by any of the methods of recruitment prescribed under these rules and includes an appointment on probation or as a probationer followed by confirmation on the completion of the probationary period;

Note- Due selection by any method of recruitment prescribed under these rules will include recruitment either on initial constitution of service or in accordance with the provision of any rules promulgated under proviso to Article 309 of the Constitution of India, except an urgent temporary appointment.

- (m) "Service" or "Experience" wherever prescribed in these rules as a conditions for promotion from one service to another or within the Service from one category to another or to senior posts, in the case of a person holding a lower post eligible for promotion to higher post shall include the period for which the person has continuously worked on such lower post after regular selection in with rules promulgated under proviso to Article 309 of the constitution of India;

Note- Absence during service e.g training, leave and deputation etc. which are treated as "duty" under the Rajasthan Service Rules, 1951 shall also be counted as service for computing experience or service required for promotion; and)

- (n) "Year" means financial year.

3. **Interpretation-** Unless the context otherwise requires, the Rajasthan General Clauses Act, 1955 (Rajasthan Act No. 8 of 1955), shall apply for the interpretation of these rules applies for the interpretation of a Rajasthan Act.

Part II- Cadre

4. **Composition and strength of the service-**(1) The nature of post included in the service shall be as specified in column 2 of the Schedule.

(2) The strength of posts shall be such, may be determined by the Government, from time to time.

Provided that the Government may-

(a) create any post , permanent or temporary, from time to time as may be found necessary, and

(b) leave unfilled or hold in abeyance or abolish any post, permanent or temporary, for time to time , without thereby entitling any person to any compensation or creating any compulsion to recruit against any post.

5. **Initial Constitution of Service.-** The service shall consist of-

(a) Persons who were regularly recruited to the post specified in schedule under the Rajasthan Ayurvedic, Unani, Homoeopathy and Naturopathy Subordinate Service Rules, 1966 and opt for this service within three months of commencement of these rules and whose option is accepted by the Government;

(b) Persons recruited to the service in accordance with the provisions of these rules.

PART III- Recruitment

6. **Method of Recruitment.-**(1) Recruitment to the service after the commencement of these rules shall be made by the following methods-

(a) By direct recruitment in accordance with Part- IV of these rules,

(b) By promotion in accordance with Part-V of these rules.

7. **Reservation of Vacancies for the Scheduled Castes and the Scheduled Tribes** -(1) Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes shall be in accordance with orders of the Government for such reservation in force at the time of recruitment i.e. by direct recruitment and by promotion;

(2) In filling the vacancies so reserved the eligible candidates who are members of the Scheduled Castes and the Scheduled Tribes shall be

considered for appointment in the order in which their names appear in the list prepared for direct recruitment by the commission or Appointing Authority as the case may be and the Departmental Promotion Committee or the Appointing Authority as the case may be, in the case of promotee irrespective of their relative rank as compared with other candidate;

(3) Appointment shall be made strictly in accordance with the rosters prescribed separately for direct recruitment and promotion. In the event of non-availability of the eligible and suitable candidates amongst Scheduled Castes and Scheduled Tribes, as the case may be, in a particular year, the vacancy so reserved for them shall be carried forward until the suitable Schedule Castes and the Scheduled Tribes candidates, as the case may be are available. In any circumstance(s); no vacancy reserved for Scheduled casts and the scheduled tribes candidates shall be filled by promotion as well as recruitment from General Category candidates. However, In exceptional case where in the public interest the Appointing Authority feels that it is necessary to fill up the vacant reserved post(s) by promotion from the General category candidate on urgent temporary basis, The Appointing Authority may make a reference to the Department of personnel and after obtaining prior approval of the Department of Personnel, they may fill up such post(s) by promoting the General category candidate(s) on urgent temporary basis clearly stating in the promotion order that the general candidate(s) who are being promoted on urgent temporary basis against the vacant post reserved for Scheduled Castes or the Scheduled Tribes candidates, as the case may be, shall have to vacate the post as and when the candidate(s) of that category become available.

8. **Reservation of vacancies for the other Backward Classes.-** Reservation of vacancies for other Backward classes shall be in accordance with the orders of the Government for such reservation in force at the time of direct recruitment. In the event of non-availability of eligible and suitable candidate amongst other Backward Classes in a particular year, the vacancy so reserved for them shall be filled in accordance with the normal procedure
9. **Reservation of vacancies for woman candidates.-** Reservation of vacancies for woman candidates shall be 30% category- wise. In direct recruitment out of which 5% shall be for widow candidates. In the event

of non- availability of eligible and suitable widow candidates. In a particular year, the vacancies so reserved for widow candidates shall be filled up by other woman candidates and in the event of non-availability of eligible and suitable woman candidates, the vacancies so reserved for them shall be filled up by male candidates and such vacancies shall not be carried forward to the subsequent year and the reservation shall be treated as horizontal reservation i.e. the reservation of woman candidates shall be adjusted proportionately in the respective category to which the woman candidates belong.

10. **Reservation of vacancies for outstanding sports persons.-** Reservation of vacancies for outstanding sportspersons shall be 2% of total vacancies outside the purview of the commission in that year earmarked for direct recruitment. In the event of non- availability the eligible. And suitable sportspersons in particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure and such vacancies shall not be carried forward to the subsequent year. The reservation for sport persons shall be treated as horizontal reservation and it shall be adjusted in the respective category to which the sportspersons belong.

Explanation: "outstanding sportspersons" shall mean and include the sports persons belonging to the state who have participated individually or in team in the Sports & Games recognized by the International Olympic Committee and Indian Olympic Association or in International Championships in Badminton, Tennis, Chess and Cricket recognized by their respective National Level Association, Federation or Board, with the following descriptions for each class of the civil Services.

| S.No. | Class of Service | Description |
|-------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Subordinate | Has represented India in Asian Games, Asian Championships, common wealth Games, World Championships, World University Games, World School Games, SAARC Games or Olympic Games where he (in an individual item) or his team(in a team event) has obtained 1 st , 2 nd or 3 rd position. |

11. Nationality.- A candidate for appointment to the service must be

- (a) A citizen of India, or
- (b) A subject of Nepal or
- (c) A subject of Bhutan, or
- (d) A Tibetan refugee who came over to India before the 1st January 1962 with the intention of permanently settling in India, or
- (e) A person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka and East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India

Provided that a candidate belonging to categories (b) (c) (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government in the Department of Home Affairs and Justice after proper verification.

12. Conditions of eligibility of persons migrated from other countries to

India.- Notwithstanding anything contained in these rules provisions regarding eligibility for recruitment to the Service with regard to nationality, age limit and fee or other concessions to a person, who may migrate from other countries to India with the intention of permanently settling in India, shall be regulated by such orders or instructions as may be issued by the State Government from time to time and the same shall be regulated *mutatis mutandis* according to the instructions issued on the subject by the Government of India.

13. Determination of Vacancies.- (1) subject to the provisions of these rules, the Appointing Authority shall determine on 1st April every year, the actual number of vacancies occurring during the financial year;

(2) The vacancies so determined shall be filled in by the method prescribed in the rules

(3) The Appointing Authority shall also determine the vacancies of earlier years year-wise which were required to be filled in by promotion, if such vacancies were not determined and filled earlier in the year in which they were required to be filled in.

14. Age.- A candidate for direct recruitment to a post enumerated in the Schedule must have attained the age of 18 years and must not have attained the age of 35 years on the first day of January following the last date fixed for receipt of applications;

Provided-

- (i) That the upper age limit mentioned above , shall be relaxed by 5 year in the case of male candidates belonging to the Scheduled Castes and the Scheduled Tribes
- (ii) That the upper age limit mentioned above shall be relaxed by 5 years in case of woman candidates belonging to General Category.
- (iii) That the upper age limit mentioned above shall be relaxed by 10 years in the case of women candidates belonging to Scheduled Castes. Scheduled Tribes and other Backward Classes.
- (iv) That the upper age limit mentioned above shall be relaxed by 5 years in the case of male candidates belonging to Other Backward Classes
- (v) That the upper age limit mentioned above shall be 50 years in case of Ex-Service personnel and the reservists, namely the Defense Service Personnel who were transferred to the reserve;
- (vi) That the upper age limit mentioned above shall not apply in the case of Ex-prisoners who had served under the Government on a substantive basis on any post before conviction and was eligible for appointment under these rules.
- (vii) That the upper age limit mentioned above shall be relaxed by a period equal to the term of imprisonment served in the case of ex-prisoner who was not overage before his conviction and was eligible for appointment under these rules.
- (viii) That the persons appointed temporarily to a post in the Service shall be deemed to be within the age limit, had they been within the age limit when they were initially appointed even though they have crossed the age limit when they appear finally before the Appointing Authority or commission and shall be allowed up to two chance had they been eligible as such at the time of their initial appointment.
- (ix) That the upper age limit mentioned above shall be relaxable by a period equal to the service rendered in the NCC in the case of cadet instructors and if the resultant age does not exceed the prescribed

maximum age limit by more three years, they shall be deemed to be within the prescribed age limit.

- (x) That the upper age limit mentioned above shall be relaxed upto 45 years for the persons repatriated from Burma and Ceylon on or after 01-03-1963 and East African countries of Kenya , Tanganyika , Uganda and Zanzibar with a further relaxation up to 5 years in the case of persons belonging to the Scheduled Castes or the Scheduled Tribes.
- (xi) That there shall be no age limit in the case of persons repatriated from East African countries of Kenya, Tanganyika, Uganda and Zanzibar.
- (xii) Not with standing anything contained contrary in these rules in the case of persons serving in connecting , with the affairs of the State in Substantive capacity , the upper age limit shall be 45 years for direct recruitment to posts filled in by competitive examinations or in case of posts filled in through the Commission by interview.
- (xiii) that the Released Emergency Commissioned officers and short service commissioned officers after release from the Army shall be deemed to be within the age limit even though they have crossed the age limit when they appear before the Appointing Authority or commission , as the case may be , had they been eligible as such at the time of their joining the commission in the Army.
- (xiv) that there shall be no age limit in the case of persons repatriated from Pakistan during the 1971 Indo- Pak war.
- (xv) That there shall be no as limit in the case of widows and divorced women

Explanation.- that in the case of widow , she will have to furnish a certificate of death of her husband from the competent Authority and in case of divorcee, she will have to furnish the proof of divorce.

15. Academic and Technical qualifications and experience- A candidate from recruitment to the posts specified in the Schedule shall , in addition to working knowledge of Hindi written in Devnagri Script and Knowledge of Rajasthan culture , possess qualifications prescribed in the schedule.

16. **Character-** The character of a candidate for direct recruitment to the service must be such as qualify him for employment in the service. He must produce a certificate of good character from the Principal/Academic officer of the University or College in which he was last educated and two such certificate written not more than six months prior to the date of application from two responsible persons not connected with the college or University and not related to him.

Note- (1) A conviction by a court of law need not of itself involve the refusal of a certificate of good character. The circumstances of the conviction should be taken into account and if they involve no moral turpitude or association with crimes of violence or with a movement which has as its object the overthrow by violent means of the government as by law established, the mere conviction need not be regarded as a disqualification.

(2) Ex- Prisoners, who by their disciplined life while in prison and by their subsequent good conduct have proved to be completely reformed, should not be discriminated against on ground of their previous conviction for purposes of employment in service. Those, who are convicted of offences not involving moral turpitude or violence, shall be deemed to have been completely reformed on the production of a report to that effect from the superintendent, after care home or if there are no such Homes in a particular district, from the superintendent of Police of that district.

(3) Those convicted of offences involving moral turpitude or violence shall be required to produce a certificate from the superintendent, After Care Home endorsed by the Inspector General of Prisons, to the effect that they are suitable for employment as they have proved to be completely reformed by their disciplined life while in prison and by their subsequent good conduct in an After Care Home.

17. **Physical Fitness.-** A candidate for direct recruitment to the Service, must be in good mental or bodily health and free from any mental or physical defect likely to interfere with the efficient performance of his duties as a member of service and if selected must produce a certificate to that effect from a medical Authority notified by the Government for the purpose. The Appointing Authority may dispense with production of such certificate in the case of candidate promoted in the regular line of promotion, or who is already serving in connection with the affairs of the

state if he has already been medically examined for the previous appointment and the essential standards of medical examination of the two posts held by him are to be comparable for efficient performance of duties of the new post and his age has not reduced his efficiency for the purpose.

18. Employment of irregular or improper means.- A Candidate who is or has been declared by the Appointing Authority or Commission as the case may be guilty of impersonation or of submitting fabricated documents which have been tampered with or of making statements which are incorrect or false or of suppressing material information or of using or attempting to use unfair means in the examination or interview or otherwise resorting to any other irregular or improper means for obtaining admission to the examination or appearing at any interview may, in addition to rendering himself liable to criminal prosecution, be debarred either permanently or for specified period-

(a) By the Appointing Authority or Commission as the case may be from admission to any examination or appearance at any interview held by the Government or Commission for selection of candidates, and

(b) By the Government from employment under the Government.

19. Canvassing.- No recommendation for direct recruitment either written or oral, other than that required under the rules, shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his/her candidature by any means, may disqualify him/her for recruitment

20. Disqualifications for appointment – (1) No male candidate who has more than one wife living. Shall be eligible for appointment to the service unless the Government after being satisfied that there are special grounds for doing so exempt any candidate from the operation of this rule.

(2) No female candidate, who is married to a person having already a wife living, shall be eligible for appointment to the service unless the Government after being satisfied that there are special grounds for doing so, exempt any female candidate from the operation of this rule.

(3) No married candidate shall be eligible for appointment to the service if he/she had at the time of his/her marriage accepted any dowry.

Explanation- For the purpose of this rule, 'dowry' has the same meaning as in the Dowry Prohibition Act'1961 (Central Act 28 of 1961)

(4) No candidate shall be eligible for appointment to the service who has more than two children born on or after 01-06-2002.

Provided that the candidate having more than two children shall not be deemed to be disqualified for appointment so long as the number of children He/ She has on 1-06-2002 does not increase.

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

Provided also that the provisions of this sub-rule shall not be applicable to the appointment of a widow to be made under the Rajasthan Compassionate Appointment of Deceased Government servant Rules 1996

PART IV- Procedure for Direct Recruitment

21. Inviting of applications.- Applications for direct recruitment to posts in the Service shall be invited by the Appointing Authority by advertising the vacancies to be filled, in the official Gazette or in such other manner as may be deemed fit. The advertisement shall contain a clause that a candidate who accepts the assignment on the post being offered to him/her shall be paid monthly fixed remuneration at the rate fixed by the State Government time to time during the period of probation and the scale of the pay as shown else-where in the Advertisement shall be allowed only from the date of successful completion of the period of probation mentioned in these rules;

Provided that while selecting candidates for the vacancies so advertised, the Appointing Authority, may also select suitable persons to meet additional requirement upto 50% of the advertised vacancies.

22. Form of Application.- The application shall be made in the form prescribe by the Appointing Authority and obtainable from of the Appointing Authority on payment of such fee if any, as the Appointing Authority may from time to time fix.

23. Application fee.- A candidate for direct recruitment to a post in the Service, shall pay fee to the Appointing Authority in such manner as may be indicated by them.

24. Scrutiny of application.- The Appointing Authority shall scrutinize the applications received by them and require as many candidates qualified for appointment under these rules as seem to them desirable to appear before them for interview

Provided that the decision of the Appointing Authority , as to the eligibility or otherwise of a candidate shall be final.

25. Recommendations of the Appointing Authority.- The appointing Authority shall prepare a list of the candidates whom, they consider suitable for appointment to the posts concerned, arranged in the order of merit and forward the same to the Appointing Authority.

Provided that the Appointing Authority may, to the extent to 50% of the advertised vacancies. Keep names of suitable candidates on the reserve list, The names of such candidates may, on requisition, be recommended in the order of merit to the Appointing Authority within 6 months from the date on which the original list is forwarded to the Appointing Authority.

26. Selection by the Appointing Authority.- Subject to the provisions of rule 7,8,9 and 10 the Appointing Authority shall select candidates who stand highest in the order of merit in the list prepared under rule 25;

Provided that inclusion of a candidate's name in the list confers no right to appointment unless the Appointing Authority is satisfied after such inquiry as may be considered necessary, that such candidates are suitable in all other respects for appointment to the posts concerned.

PART V – Procedure for Recruitment by Promotion

27. Eligibility and Criteria for selection.- The persons enumerated in column 5 of the Schedule, shall be eligible , on the basis of seniority-cum-merit for promotion to posts specified in column 2 subject to their possessing minimum qualifications and experience on the first day of the month of April of the year of Selection specified in column 6

28. Constitution of the Promotion Committee.- Recruitment by promotion under these rules shall be made by the promotion committee consisting the following , namely:-

- (a) For the posts falling within purview of the commission, a promotion committee consisting of the chairman of Rajasthan Public Commission or his nominee, the Director, the Deputy Secretary to Government in the Department of Personnel and the Deputy Secretary to Government in the Ayurved Department and for the posts falling within the purview of the Appointing Authority , a promotion committee consisting of the Director, the Deputy Secretary to Government in the Department of Personnel and the Deputy Secretary to Government in the Ayurved Department.
- (b) The Chairman of the commission or his nominee or the Deputy Secretary to the Government in the Department of Ayurved as the case may be shall preside over all meetings of the promotion committee at which he is present.

Provided that in case any Member or Member Secretary, as the case may be constituting the promotion committee has not been appointed to the post concerned, the officer holding charge of the post for the time being shall be the Member or Member Secretary , as the case may be , of the promotion committee.

29. Criteria, Eligibility and Procedure for Promotion:- (1) As soon as the Appointing Authority determines the number of vacancies under rule regarding determination of vacancies of these rules and decides that a certain number of posts are required to be filled in by the promotion it shall subject to provisions of sub rule (6), prepare a correct & complete list of the senior most persons who are eligible and qualified under these rules for promotion on the basis of seniority –cum-merit.

(2) The persons enumerated in the relevant column regarding post from which promotion is to be made of the relevant Schedule shall be eligible for promotion to posts specified against them in column 2 thereof to the extent indicated in column 3 subject to their possessing minimum qualifications & experience on the first day of the month of April of the year of selection as specified in the relevant column regarding minimum qualification and experience for promotion.

(3) No person shall be considered for first promotion in the service unless he is regularly selected on the post from which promotion is to be made in accordance with one of the methods of recruitment prescribed under the provisions of these rules.

Explanation:- In case direct recruitment to a post has been made earlier than regular selection by promotion in a particular year, such of the persons who are or were eligible for appointment to that post by both the methods of recruitment and have been appointed by direct recruitment first, shall also be considered for promotion.

(4) No person shall be considered for promotion for five recruitment year from the date on which his promotion becomes due, if he/she has more than two children on or after 1st June 2002;

Provided that-

- (i) The persons having more than two children shall not be deemed to be disqualified for promotion so long as the number of children he/she has on 1st June 2002 does not increase.
- (ii) Where a Government servant has only one child from the 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.

(5) Selection for promotion on the post included in the service shall be made on the basis of seniority-cum-merit.

(6) The zone of consideration of persons eligible for promotion shall be as under:

| (i) | Number of vacancies | Number of eligible persons to be considered |
|-----|----------------------------|----------------------------------------------------|
| (a) | For one vacancy | Five eligible persons |
| (b) | For two vacancy | Eight eligible persons |
| (c) | For three vacancy | Ten eligible persons |
| (d) | For four or more vacancy | Three times the number of vacancies |

(ii) Where the Number of eligible persons for promotion to higher post is less than the number specified above, all the persons so eligible shall be considered.

(iii) Where, adequate number of the candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, are not available within the zone of consideration specified above, the zone of consideration may be extended up-to seven times the number of vacancies and the candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be (and not any other) coming within the extended zone of consideration shall also be considered against the vacancies reserved for them.

(7) Except as otherwise expressly provided in this rule, the conditions of eligibility for promotion, constitution of the Promotion committee and procedure for selection shall be the same as prescribed elsewhere in these rules.

(8) The Promotion Committee shall consider the cases of all the senior most persons who are eligible and qualified for promotion to the class of post(s) concerned under these rules and shall prepare a list containing names of the persons found suitable for promotion equal to the number of vacancies determined under these rules. The list so prepared shall be arranged in the order of seniority on the category of post(s) from which selection is made.

(9) The Promotion Committee may also prepare a list on the basis of seniority –cum – merit containing names of persons not exceeding the number of persons selected in the list prepared under sub-rule(8) above to fill temporary or permanent vacancies, which may occur subsequently. The list so prepared shall be arranged in the order of the seniority in the category of posts from which selection shall be made. Such a list shall be reviewed and revised by the Promotion Committee that meets in the subsequent year and that such list shall remain in force till the end of the last day of the year for which the meeting of the Promotion Committee is held.

(10) Lists prepared under sub – rule (8) and (9) shall be sent to the Appointing Authority together with Annual Confidential Reports /Annual Performance Appraisal Reports and other Service Records of all the candidates included in the lists as also of those not selected, if any.

(11) If in any subsequent year, after promulgation of these rules, vacancies relation to any earlier year are determined under these rules which were required to be filled in by promotion, the Promotion Committee shall consider the cases of all such persons who would have been eligible in the

year to which the vacancies relate irrespective of the year in which the meeting of the Promotion Committee is held and such promotions shall be governed by the criteria and procedure for promotion as was applicable in the particular year to which the vacancies relate, and the Service /Experience of an incumbent who has been so promoted , for promotion to higher post for any period during which he has not actually performed the duties of the post to , which he would have been promoted , shall be counted. The pay of a person who has been so promoted shall be re-fixed at the pay which he would have derived at the time of his promotion, but no arrears of pay shall be allowed to him.

(12) The Government or the Appointing Authority may order for the review of the proceedings of the Promotion Committee held earlier on account of some mistake or error apparent on the face of record, or on account of a factual error substantially affecting the decision of the Promotion Committee or for any other sufficient reasons e.g. change in seniority, wrong determination of vacancies , judgment /direction of any court or tribunal, or where adverse entries in the confidential reports of an individual are expunged or toned down or a punishment inflicted on him is set aside or reduced, The concurrence of the Department of Personnel shall always be obtained before holding the meeting of the review Promotion Committee.

(13) The list prepared by the Promotion committee shall be forwarded to the Government by the Appointing Authority along with the personal files and Annual Confidential rolls/Annual Performance Appraisal Reports of all the persons whose names have been considered by the committee.

(14) The Government shall consider the list prepared by the Promotion committee along with other relevant documents received from the Appointing Authority and, unless any change is considered necessary, shall approve the lists. In case the Government considered it necessary to make any change in the lists received from the Appointing Authority , it shall inform the Appointing Authority of the changes proposed by it after taking into account the comments of the Government, if any , the Appointing Authority may approve the lists finally with such modifications, as may , in its opinion, be just and proper and when the Appointing Authority is an authority subordinate to the Government, the lists approved by the Government shall be disturbed only with approval of the Government .

(15) Appointments shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule (14) in the order in which they have been placed in the list, till such lists are exhausted or reviewed and revised or remained in force as the case may be.

(16) The Government may issue instructions for provisionally dealing with promotions, appointments or other ancillary matters in an equitable and fair manner or persons who may be under suspension, or against whom departmental proceeding is under progress, at the time promotions are considered to a post to which they are eligible or would have been eligible but for such suspension or pendency of such enquiry or proceedings.

(17) The provisions of this rule shall have effect notwithstanding anything to the contrary contained in any provisions of these rules.

(18) In case a person on his appointment by promotion to the next higher post either on the basis of urgent temporary appointment or on regular basis on the recommendations of the Departmental Promotion Committee, forgoes such an appointment through his written request, and if the concerned Department/Office accepts his/her request, the person concerned shall be debarred for consideration for promotion (both on the basis of urgent temporary appointment or on regular basis) for subsequent two recruitment years for which the Departmental Promotion Committee is held and the name of such person who foregoes promotion shall not be included in the seniority –cum-eligibility list to be placed before the Departmental Promotion Committee for subsequent two recruitment years.

(19) Notwithstanding anything contained in these rules , a person belonging to the Scheduled caste or the Scheduled Tribe promoted to higher post in the Service may be posted by the Appointing Authority in a District or Zone or Range or Division, other than his Home District or Zone or Range or Division.

Provided that-

- (i) For purpose of promotion to higher post, for the persons belonging to Scheduled Castes/Scheduled Tribes, subject to provisions contained in rule relating to 'Seniority' the inter-se-seniority on lower post shall be determined at State Level;

- (ii) In case a person belonging to Scheduled Castes/Scheduled Tribes is promoted on higher post and posted by the Appointing Authority against a vacancy available in District or Zone or Range or Division, other than the Home District or Zone or Range or Division, only when he has served for a period of not less than five years in the District Zone or Range Division , in which he has been posted on promotion to higher post;
- (iii) In case a person belonging to Scheduled Castes/Scheduled Tribes, does not want his promotion in another District or Zone or Range or Division, in that event a chance shall be extended for promotion to higher post by the Appointing Authority to the next junior persons;
- (iv) In case if in a District or Zone or Range or Division , the persons belonging to the Scheduled Castes /Scheduled Tribes, are not available for promotion to higher post against reserved vacancies, in that event such reserved vacancies shall be filled in from amongst the persons belonging to the Scheduled Castes or the Scheduled Tribes, available in another District or Zone Range or Division.

PART VI- Appointment to senior post

30. Appointment to senior post.- Appointment to senior posts shall be made by Government from amongst the members of the service on the basis of seniority cum merit in accordance with rule 29;

Provided that if the Government is satisfied in consultation with the Commission where necessary on the advice of the Departmental Promotion Committee that no suitable person is available in the service for promotion to any senior post , the Government may appoint any person by transfer from the Rajasthan Ayurvedic, Unani, Homeopathy and Naturopathy Subordinate Service or deputation from the Government of India or any other State Governments.

31. Urgent Temporary Appointment- (1) A vacancy in the Service which cannot be filled in immediately by direct recruitment or by promotion under the rules may be promotion under the rules may be filled by filled the authority competent to make appointment, by appointment to the post by promotion or by appointing temporarily thereto a person eligible for direct recruitment to the Service, where such direct recruitment has been provided under the provisions of these rules;

Provided that such an appointment will not be continued beyond a period of one year without referring the case to the Commission for concurrence, where such concurrence is necessary, and shall be terminated immediately on its refusal to concur;

Provided further that in respect of a post in Service for which both the above methods of recruitment have been prescribed, the Authority competent to make appointment, shall not, save with the specific permission of the Government in the Administrative Department fill the temporary vacancy against the direct recruitment quota by a whole – time appointment for a period exceeding three months, other- wise than out of a person eligible for direct recruitment and after a short – term advertisement.

(2) In the event of non availability of suitable persons, fulfilling the requirement of eligibility for promotion, Government may, notwithstanding the condition of eligibility for promotion required under sub-rule (1) above, lay down general instructions for grant of permission to fill the vacancies on urgent temporary basis subject to such conditions and restrictions regarding pay and other allowances as it may direct. Such appointments shall however be subject to concurrence of the Commission as required under the said sub-rule.

32. **Seniority.**- Seniority of persons appointed to the post encadred in the service shall be determined from the date of appointment on the post after regular selection in accordance with the provisions of these rules. Appointment on ad-hoc or urgent temporary basis shall not be deemed to be appointment after regular selection;

Provided-

- (1) That the seniority inter se of the persons appointed to the posts in a particular category by direct recruitment on the basis of one and the same selection , except those who do not join service when a vacancy is offered to them, within a period of six weeks from the date of issue of order unless the period is extended by the appointing authority shall follow the order in which they have been placed in the list prepared by the Appointing Authority under rule 25;

(2) That the persons selected and appointed as a result of selection, which is not subject to review and revision, shall rank senior to the persons who are selected and appointed as a result of subsequent selection;

(3) That the further inter se seniority of persons promoted to the post of rural compounder/ nurse senior grade shall be determined, under provision of Rajasthan Ayurvedic, Unani, Homeopathy, and Naturopathy Subordinate Service, Rules, 1966

33. Period of probation.- (1) A person entering the service by direct recruitment against a clear vacancy shall be placed as Probationer – trainee for a period of 2 year:

Provided that any period after such appointment during which a person has been on deputation on a corresponding or higher post shall count towards the period of probation.

(2) During the period of probation specified in sub – rule (1), each probationer trainee may be required to pass such Departmental Examination and to undergo such trainee as the Government may, from time to time , specify.

34. **Confirmation in certain cases.**-(1) Notwithstanding anything to the contrary contained in the preceding rule a person appointed to a post in the Service temporarily or on officiating basis, who after regular recruitment by anyone of the methods of recruitment prescribed under these rules has not been confirmed, within a period of six months on completion of a period of two years service in case he is appointed by direct recruitment or within a period of one year's service in case he is appointed by promotion, shall be entitled to be treated as confirmed in accordance with his seniority if:-

- (i) he has worked on the post or higher post under the same Appointing Authority or would have so worked but for his deputation or training;
- (ii) he fulfills conditions as are prescribed under rule relating to confirmation subject to the quota prescribed under these rules ;and
- (iii) Permanent vacancy is available in the department.

(2) If an employee referred to in sub-rule (1) above fails to fulfill the conditions mentioned in the said sub-rule; the period mentioned in sub – rule(1) above , may be extended as prescribed for a probationer or under

the Rajasthan Civil Services (Departmental Examinations) Rules , 1959 and any other rules or by one year whichever is longer If the employee still fails to fulfill the conditions mentioned in sub-rule (1) , above , he will be liable to be discharged or terminated from such post in the same manner as a probationer or reverted to his substantive or lower post , if any, to which he may be entitled.

(3) The employee referred to in sub-rule (1) above , shall not be debarred from confirmation after the said period of service if no reasons to the contrary about the satisfactory performance of his work are communicated to him within the said period of service.

(4) The reasons for not confirming of any employee referred to in sub-rule (1) above shall be recorded by the Appointing Authority in his Service Book , and Annual Performance Appraisal Report.

Explanation:- (i) Regular recruitment for the purpose of this rule shall mean-

- (a) Appointment by either method of recruitment for on initial constitution of service in accordance with the rules made under the proviso to Article 309 of the Constitution of India;
- (b) Appointment to the posts for which no Service rules exists if the posts are within the purview of the Commission, recruitment in consultation with them ;
- (c) Appointment by transfer after regular recruitment where the Service Rules specifically permit;
- (d) Persons who have been made eligible for substantive appointment to a post under the rules shall be treated as having been regularly recruited:

Provided that it shall not include urgent temporary appointment or officiating promotion which is subject to review and revision.

(ii) Persons who hold lien on another cadre shall be eligible to be confirmed under this rule and they will be eligible to exercise an option whether they do not elect to be confirmed on the expiry of two year of their temporary appointment under this rule. In the absence of any option to the contrary, they shall be deemed to have exercised option in favor of

confirmation under this rule and their lien on the previous post shall cease.

35. Unsatisfactory progress during probation- (1) If it appears to the Appointing Authority, at any time, during or at the end of the period of probation, that a member of the service has not made sufficient use of his opportunities or that he has failed to give satisfaction, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment, provided he holds a lien thereon or in other cases may discharge or terminate him from service:

Provided that-

- (i) the Appointing Authority may , if it so thinks fit in any case or class of cases, extend the period of probation of any member of service by a specified period not exceeding two years in case of persons appointed to a post in the Service by direct recruitment and one year in the case or persons appointed by promotion.
- (ii) the Appointing Authority may, if it so thinks fit in case of persons belonging to Scheduled Castes or Scheduled Tribes, as the case may be, extend the period of probation by a period not exceeding one year at a time and a total extension not exceeding three years.

(2) Notwithstanding anything contained in the above proviso during the period or probation, if a probationer is placed under suspension, or disciplinary proceeding are contemplated or started against him , the period of his probation may be extended till such period the Appointing Authority thinks fit in the circumstances.

(3) A probationer reverted or discharged from service during or at the end of the period of probation under sub-rule (1) shall not be entitled to any compensation.

36. Confirmation. -(1) A probationer shall be confirmed in his appointment at the end of his period of probation if-

- (a) he has passed the departmental examination, and has successfully undergone such training as Government may from time to time, specify;
- (b) He has passed departmental test of proficiency in Hindi; and
- (c) The Appointing Authority is satisfied that his integrity is unquestionable and that he is otherwise fit for confirmation.

(2) Notwithstanding anything contained in sub-rule (1) a probationer shall be confirmed in his appointment at the end of his period of probation even if the prescribed Departmental Examination/ Training/ proficiency test in Hindi, if any, are not held during the period of probation laid down in the rules, if he is otherwise fit for confirmation.

PART- VII Pay

37. Pay during probation.- A probationer trainee appointed to the service by direct recruitment shall be paid monthly fixed remuneration during the period of probation at such rates as may be fixed by the Government from time to time.

38. Regulations of pay, leave, allowances, Contributory pension etc.- Except as provided in these rules, the pay, allowance, pension, leave and other conditions of service of the member of the Service, shall be regulated by ;

- (1) The Rajasthan Service Rules, 1951 as amended from time to time.
- (2) The Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 as amended time to time.
- (3) The Rajasthan Traveling Allowance Rules 1971, as amended from time to time.
- (4) The Rajasthan Civil Services (Revised pay Scales) Rules, 1998, as amended from time to time.
- (5) The Rajasthan Civil Services (Contributory Pension) Rules, 2005, as amended from time to time.
- (6) The Rajasthan Civil Services (Conduct) Rules, 1971, as amended from time to time.
- (7) Any other rules prescribing general conditions of service made by the appropriate authority under the proviso to Article 309 of the Constitution of India and for the time being in force.

39. Removal of doubt.- If any doubt arises relating to the application and scope of these rules, it shall be referred to the Government in the Department of Personnel whose decision thereon shall be final.

40. Power to relax rules. – In exceptional cases where the Administrative Department of the Government is satisfied that operation of the rules relating to age or regarding requirement of experience for recruitment causes undue hardship in any particular case or where the Government is of the opinion that it is necessary or expedient to relax any of the provisions of these rules with respect to age or experience of any person, it may with the concurrence of the Department of personnel and Administrative Reforms and in consultation with commission where necessary by order dispense with or relax the relevant provision of these rules 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 such relaxation shall not be less favorable than the provisions already contained in these rules Such cases of relaxation shall be referred to the Rajasthan Public Service Commission by the Administrative Department concerned ;

Provided that relaxation in the prescribed period of service or experience under this rule shall only be granted to the extent of 1/3 period of service or experience prescribed for promotion to any post before holding the meeting of the Departmental promotion Committee.

The Rajasthan Rural Ayurved, Unani, Homoeopathy & Naturopathy subordinate Service Rules, 2008

SCHEDULE

| S.No. | Name of post | Method of recruitment with percentage | Minimum Qualification & experience for direct recruitment | Post From which promotion is to be made | Minimum Qualification or experience for promotion | Remarks |
|-------|--------------------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | Rural Compounder /Nurse Senior Grade | 100% by promotion | | Rural Compounder /Nurse Junior Grade | 5 years' experience on the post mentioned in Col No.5 | If no suitable person is available, post shall be filled in by transfer from Rural Compounder/Nurse Senior Grade appointed under the The Rajasthan Ayurvedic, Unani, Homoeopathy and Naturopathy subordinate Service Rules, 1966 |
| 2 | Rural Compounder /Nurse Junior Grade | 100% by direct recruitment | Secondary/Hr. Secondary/Sr.Hr. Secondary from Board of Secondary Education OR its equivalent with 2½ years departmental training in the profession in Ayurved Nursing OR Three years diploma in Ayurved Nursing with internship from University of Rajasthan/Rajasthan Ayurved University. | | | If no suitable person is available, post shall be filled in by transfer from Rural Compounder/Nurse Junior Grade appointed under the The Rajasthan Ayurvedic, Unani, Homoeopathy and Naturopathy subordinate Service Rules, 1966 |