

NOTIFICATION

Panchayats, Rural Housing and Rural Development Department,

Sachivalaya, Gandhinagar.

Dated the 19th July, 2021.

2021-22

GUJARAT
PANCHAYATS
ACT, 1993.

No. KP/18/2021/PSR/1294/579/KH:- In exercise of the powers conferred by sub-section (6) of section 235 read with sub-section (5) of section 227 and section 274 of the Gujarat Panchayats Act, 1993 (Guj.18 of 1993), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Panchayat Services Selection Board (Consultation) Rules, 1998, namely:-

1. These rules may be called the Gujarat Panchayat Services Selection Board (Consultation) (Amendment) Rules, 2021.
2. In the Gujarat Panchayat Service Selection Board (Consultation) Rules, 1998 (hereinafter referred to as "the said Rules"), in rule 2, sub-rule (viii) relating to the definition of the "Selection Committee" shall be deleted.
3. In the said rules, in rule 3, the words "or the Selection Committee" shall be deleted.
4. In the said rules, in rule 4, after the words "or by nomination", the words "or appointment by promotion" shall be inserted.
5. In the said rules, after rule 4, the following rules shall be inserted, namely:-
" 5. *Conditions of Services* .- Except as otherwise provided in rule 7, the Board shall be consulted by the concerned Panchayats in respect of all matters relating to the conditions of services of the personnel belonging to the Panchayat Services mentioned in the Schedule.
6. *Disciplinary matters* .- (1) Except as otherwise provided in rule 7, the advice of the Board shall be obtained by the Disciplinary Authority before imposing on any member of the Panchayat Services holding any post specified in the Schedule as to any of the following penalties, namely:-
 - (a) Reduction in rank including reduction to a lower post of time-scale or to a lower stage in a time scale;
 - (b) Compulsory retirement;
 - (c) Removal from Service which shall not disqualify for future employment;

- (d) Dismissal from service which shall ordinarily be a disqualification for future employment;
- (e) Reduction in pension.

(2) In the case of an appeal or application for revision against any order imposing any of the said penalties on any of the Panchayat Service as aforesaid, the advice of the Board shall be obtained by the appellate or, as the case may be, revisional authority in cases where such authority comes to a decision which is different from the advice which might have already been tendered by the Board to the Disciplinary Authority earlier and which is available on record of the case.

(3) When the advice of the Board is sought in the question of passing an order against a person, the Board shall be furnished with the record of the case by the concerned Disciplinary authority, or as the case may be, appellate authority or Revisional Authority and the opinion of the Board will be kept as a part of the record.

Explanation – The expressions “ Disciplinary Authority”, “ Appellate Authority ” and “Revisional Authority” in this rule shall have the same meaning as have respectively been assigned to them under the Gujarat Panchayat Service (Discipline and Appeal) Rules, 1997.

7. Matters in which advice of the Board not necessary—It shall not be necessary for a panchayat to obtain advice of the Board in respect of any of the following matters, namely:-

- (1) An appeal from or a memorial against, an order of suspension pending inquiry into the charge against the person so suspended;
- (2) Rejection of a memorial or petition made in a disciplinary matter, if the memorialist or the petitioner has or had a right of appeal against the order in respect of which such memorial or petition is made;
- (3) The termination of the services of an officer on probation, if the termination is on the ground for want of a vacancy or for failure to acquire the

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prescribed specific qualifications or to satisfy any other specific qualifications or to pass the prescribed test or to satisfy any other specific condition laid down by the appointing authority;

- (4) The termination of the employment of an officer in accordance with the terms of his contract of employment except where the employment is terminated for misconduct;
- (5) The discharge or reversion of an officer otherwise than as penalty;
- (6) The imposition of any penalty laid down in any rule or order for failure to pass any test or examination within the specified time;
- (7) Any matter in which the Board has at any previous stage given advice as to the order to be passed and no fresh point has thereafter arisen for the determination of the matter;
- (8) In the case of second appeal where the appellate authority is State Government.

By order and in the name of the Governor of Gujarat,


(Jaydeep Dwivedi)


Additional Secretary to Government.

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No. PSR/1294/579/KH
Panchayats, Rural Housing and Rural
Development Department
Sachivalaya, Gandhinagar.
Dated the 19th July, 2021

Copy for information and necessary action to :-

- 1 The P.S. to Hon.'ble Minister of state for Panchayats, Rural Housing and Rural Development Department, Swarnim Sankul-2, Sachivalaya, Gandhinagar.
- 2 The Development Commissioner, Block no. 16, Dr. Jivaraj Mehta bhavan, Gandhinagar.
- 3 ✓ The Secretary, Gujarat Panchayat Service Selection Board, Block No. 2, 5th Floor, Karmyogi Bhavan, Sector-10 A, Gandhinagar.
- 4 All District Development Officer.

- 5 The Manager, Government Central Press, Sector-30, Gandhinagar with request to publish the order in part – I- A of Gujarat Government Extra Ordinary Gazette.
- 6 The Assistant Draftsman Legi. & Parliamentary Department – With a request to translate the Notification in Gujarati and to instruct the Manager, Government Central Press, Gandhinagar to publish the same in part – I- A of Gujarat Government Extra Ordinary Gazette.
- 7 Dy. S.O. Select file.
- 8 Select file



(Ashutosh Devada)

Section Officer

**Panchayats, Rural Housing and
Rural Development Department.**