

LOK SABHA SECRETARIAT
(RECRUITMENT AND CONDITIONS OF SERVICE)
RULES, 1955



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THE LOK SABHA SECRETARIAT (RECRUITMENT
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Notification Dated 30th September, 1955.

THE LOK SABHA SECRETARIAT (RECRUITMENT AND CONDITIONS OF SERVICE) RULES, 1955

In exercise of the powers conferred by clause (3) of Article 98 of the Constitution of India, the President, after consultation with the Speaker of the Lok Sabha, hereby makes the following rules regulating the recruitment and conditions of service of persons appointed to the secretarial staff of the Lok Sabha, namely:

1. *Short title and commencement.*—(1) These rules may be called the Lok Sabha secretariat (Recruitment and Conditions of Service) Rules, 1955.

(2) These rules shall come into force with effect from the 1st October, 1955.

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

(a) "Constitution" means the Constitution of India;

(b) "Deputation" means the temporary loan of the services of an officer in the Secretariat to any office outside the Secretariat or vice versa;

(c) "Ministry of Finance" means the Ministry of Finance of the Government of India;

(d) "Officer" means a person appointed to, or borne on the cadre of, the secretarial staff of the Lok Sabha;

(e) "Post" means a post in the Secretariat and a post shall be deemed to be a post in Group A, Group B, Group C or Group D, according as such post is specified as Group A, Group B, Group C or Group D, as the case may be, in the Second Schedule;

(f) "Schedule" means the Schedule to these rules;

(g) "Speaker" means the Speaker of the Lok Sabha;

(h) "Secretary" means the Secretary of the Lok Sabha;

(i) "Secretariat" means the Lok Sabha Secretariat; and

(j) "an officer in Group A, Group B, Group C or Group D" means an officer holding a post in Group A, Group B, Group C or Group D as specified in the Second Schedule.

3. *Strength and Composition of the Secretariat.*—(1) There shall be in the Secretariat:

(a) such number of permanent posts as are specified in the First Schedule; and

(b) such number of temporary posts of the categories specified in the Second Schedule as the Speaker may by order from time to time sanction:

Provided that no order sanctioning the creation of a temporary post in Group A carrying pay scales exceeding Rs. 2,750/- p.m. shall be issued by the Speaker except after consultation with the Ministry of Finance.

(2) The Speaker may, from time to time, amend the First Schedule by increasing or reducing the number of posts specified therein or by adding thereto any new category of post or posts:

Provided that when such amendment relates to a post in Group 'A' carrying pay scales exceeding Rs. 2000/- p.m., no order sanctioning the amendment shall be made by the Speaker except after consultation with the Ministry of Finance.

4. *Method of Recruitment.*—(1) Recruitment to a post or class of posts may be made by any one of the following methods, namely:—

- (a) by promotion of a person employed in the Secretariat;
- (b) by permanent transfer or deputation of a person serving outside the Secretariat in connection with the affairs of the Union or of a State;
- (c) by direct recruitment;

(2) The Speaker may, by order, from time to time:

- (a) specify the method or methods by which a post or class of posts may be filled;
- (b) determine the proportion of vacancies to be filled by each method; and
- (c) in case of recruitment by promotion, specify the class of officers who, and the conditions subject to which they, shall be eligible for such promotion.

5. *Qualifications for recruitment.*—The qualifications for recruitment to any post or class of posts shall be such as the Speaker may, from time to time, by general or special order specify.

6. *Appointing authority.*—All appointments to posts shall be made by the Speaker:

Provided that the Speaker may, by general or special order, delegate to the Secretary or any other officer of the Secretariat his power to make appointments to any post or class of posts specified in such order, being posts other than posts in Group A.

7. *Probation.*—Every person appointed to a permanent post by direct recruitment with a view to his eventual substantive appointment to that post, shall be on probation, for a period of two years:

Provided that the Speaker or Secretary or any other officer to whom power is delegated under rule 6 may, by order, extend or reduce the period of probation in the case of any person appointed to any post specified in such order.

8. *Pay, Leave, Pension and Age of Compulsory Retirement.*—Subject to the provisions of Rule 11—

- (a) the pay or scale of pay attached to each of the posts in the Secretariat shall be as set out against it in the Second Schedule;
- (b) the rules relating to the grant of leave and pension to officers and the age at which they shall be compulsorily retired from service shall be as set out in the Third and Fourth Schedules;

Provided that the holder of the post of Secretary at the commencement of these rules shall be governed in the matter of pay, leave, pension and age of retirement by the provisions specified in the Fifth Schedule.

(c) the Speaker may, from time to time, by general or special order, after consultation with the Ministry of Finance, amend any provision in the Second, Third and Fourth Schedules.

9. *Other conditions of service.*—In respect of all other matters regulating the conditions of service of officers for which no provision or insufficient provision has been made in these rules, officers shall be governed by such rules as are applicable to the officers of the corresponding rank in the Central Secretariat, subject to such modifications, variations or exceptions, if any, in such rules, as the Speaker may, after consultation with the Ministry of Finance, by order, from time to time specify.

Explanation.— For the purposes of this rule, the Speaker may, after consultation with the Ministry of Finance, by order, specify the posts in the Central Secretariat which shall correspond to the posts in the Secretariat.

10. *Relaxation in exceptional cases.*—Where the Speaker is satisfied that the operation of any rule or provision in the matter of the conditions of service of an officer causes undue hardship in any particular case, the Speaker may, after consultation with the Ministry of Finance, by order dispense with, or relax the requirements of, that rule or provision to such extent and subject to such conditions as may be considered necessary for dealing with the case in a just and equitable manner.

11. *Conditions of Service of Officers on deputation to the Secretariat.*—Subject to such conditions and to such extent as may be determined by the Speaker, after consultation with the Ministry of Finance, an officer while on deputation to the Secretariat may be permitted to retain any terms and conditions of service to which he may be entitled immediately before his deputation to the Secretariat.

12. *Control and Discipline.*—All officers in the Secretariat shall be subject to the superintendence and control of the Speaker.

13. *Penalties.*—The following penalties may, for good and sufficient reasons, be imposed on an officer, namely:-

- (i) Censure;
- (ii) withholding of increments or promotion;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Union by negligence or breach of orders.
- (iv) reduction to a lower grade or post or to a lower time-scale or to a lower stage in a time scale.
- (v) compulsory retirement;
- (vi) removal from service in the Secretariat which shall not be a disqualification for future employment under the Government;
- (vii) dismissal from service in the Secretariat which shall ordinarily be a disqualification for future employment under the Government.

Explanation.—The following shall not amount to a penalty within the meaning of this rule.—

- (i) withholding of increments of an officer for failure to pass a departmental examination in accordance with the rules or orders governing the post or the terms of his appointment.
- (ii) stoppage of an officer at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;
- (iii) non-promotion whether in a substantive or officiating capacity of an officer, after consideration of his case, to a grade or post for promotion to which he is eligible;
- (iv) reversion to a lower grade or post of an officer officiating in a higher grade or post on the ground that he is considered, after trial, to be unsuitable for such higher grades or post or on administrative grounds unconnected with his conduct;
- (v) reversion to his permanent grade or post of an officer appointed on probation to another grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation;
- (vi) replacement of the services of an officer whose services have been borrowed from a Ministry or Department of the Central Government or a State Government or any other authority at the disposal of the authority which had lent his services;
- (vii) compulsory retirement of an officer in accordance with the provisions relating to his superannuation or retirement;
- (viii) termination of the services—
 - (a) of an officer appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment or the rules and order governing probation; or
 - (b) of a temporary officer in accordance with rule 5 of the Lok Sabha Secretariat (Temporary Service) Rules; or
 - (c) of an officer employed under an agreement in accordance with the terms of such agreement.

14. *Punishing Authority*—Subject to the provisions of article 311 of the Constitution, the Speaker shall have the power to impose any of the penalties specified in rule 13 on any officer;

Provided that the Speaker may, by general or special order, delegate to the Secretary or any other officer the power to impose any of the said penalties on any officer other than an officer of Group A.

15. *Procedure before Punishment*—Without prejudice to the provisions of the Public Servants (Inquiries) Act, 1850 (XXXVII of 1850), no order imposing on *an officer* any of the penalties specified in clauses (iv) to (vii) of rule 13 shall be passed except after an inquiry held, as far as may be, in the manner specified in the Sixth Schedule.

15-A. *Joint Inquiry*—(1) Where two or more officers are concerned in any case, the Speaker or the Secretary or any other officer authorised under the proviso to rule 14 to impose the penalty of dismissal from service on all

such officers, may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

(2) Any such order shall specify—

- (i) the authority which may function as the Punishing Authority for the purposes of such common proceeding;
- (ii) the penalties specified in rule 13 which such Punishing Authority shall be competent to impose; and
- (iii) whether the procedure prescribed in rule 15 and the sixth Schedule may be followed in the proceeding.

16. *Suspension during Disciplinary Inquiry*—(1) If having regard to the natures of the charges and the circumstances in any case, the Punishing Authority referred to in rule 14, which initiates any disciplinary proceeding, is satisfied that it is necessary or desirable to place under suspension the officer against whom such proceeding is contemplated or is pending the said Authority may—

- (a) If the officer is serving in the Secretariat, pass an order placing him under suspension; or
- (b) If the officer is serving outside the Secretariat, request the borrowing authority to place him under suspension pending the conclusion of the Inquiry and the passing of the final order in the case.

An officer who is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty-eight hours, shall be deemed to have been suspended under this rule with effect from the date of detention, and shall remain under suspension until further orders.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an officer under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed on an officer is set aside or declared or rendered void in consequence of or by a decision of a court of law and the Punishing Authority, on a consideration of the circumstances of the case, decide to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the officer shall be deemed to have been placed under suspension from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) An officer, against whom, a criminal charge is pending may at the discretion of the Punishing Authority referred to in rule 14, be placed under suspension until the termination of the proceedings:

Provided that in the case of an officer on deputation to the Secretariat, the Secretary shall without delay inform the lending authority of the circumstances in which that officer was placed under suspension.

(6) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

17. *Disciplinary action against an officer on deputation to the Secretariat*—If in the case of an officer on deputation to the Secretariat, and without prejudice to the provisions of the foregoing rule, the Speaker, or the Secretary or any other officer, as the case may be, is of opinion that any of the penalties referred to in rule 13 should be imposed upon the said officer, his services shall be replaced at the disposal of the lending authority and the relevant papers connected with the inquiry, if any held, shall also be sent to that authority. Final orders in the disciplinary matter shall be passed by the lending authority which shall forward a copy thereof to the Secretariat.

18. *Appeal*—(1) Every officer shall have a right to appeal to the Speaker against any order passed originally or on appeal by the Secretary imposing or confirming any penalty specified in rule 13 :

Provided that where an order is passed originally by any authority subordinate to the Secretary, an appeal against such order shall lie to the Secretary.

(2) The orders of the Speaker, whether passed originally or on appeal, shall be final :

Provided that the Speaker may, of his own motion or on application, revise or rescind any orders passed by him under this rule.

(3) No appeal shall be entertained under this rule unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against.

18-A. *Appeals against Orders of Suspension*—An Officer may appeal against an order of suspension to the authority to which the authority which made or is deemed to have made the order is immediately subordinate.

18-B *Appeals by whom decided where Authority making the Order becomes Appellate Authority in relation thereto*—Notwithstanding anything contained in rules 18(1) and 18-A, where the officer who made the order appealed against becomes by virtue of his subsequent appointment or otherwise, the appellate authority in respect of the appeal against such order, such officer shall forward the appeal to the authority to which he is immediately subordinate and such authority shall, in relation to that appeal, be deemed to be the appellate authority for the purposes of rules 18(1) and 18-A.

19. *Conduct of officers*—Subject to the provisions of these rules, every officer shall be governed by such rules of conduct, discipline and control, as the Speaker may, from time to time, by general or special order, specify.

20. *Quasi-permanent or temporary service*—The Speaker may after consultation with the Ministry of Finance, from time to time, make such

rules as he considers necessary with respect to quasi-permanent or temporary service in the Secretariat.

21. *Authentication of orders passed by the Speaker*—Any order passed by the Speaker under the provisions of these rules and executed in the name of the Speaker shall be authenticated in such manner as the Speaker may, by general or special order, from time to time specify.

22. *Transaction of business*—The Speaker may, from time to time, by general or special order, provide for the convenient and efficient transaction of business arising out of the administration of these rules and the procedure to be followed for the purpose.

Provided that such order may also specify the matter or class of matters which shall be brought to the personal notice of the Speaker before any orders are issued.

23. *Residuary powers*—Subject to the provisions of Rule 9, all matters not specifically provided for in these rules, whether incidental or ancillary to the provisions of these rules or otherwise, shall be regulated in accordance with such orders as the Speaker may, from time to time, make.

24. *Interpretation*—All questions relating to the interpretation of these rules shall be referred to the Speaker, whose decision thereon shall be final.

Provided that all questions relating to the interpretation of rules 3, 8, 9, 10, 11, 20 and 23, First, Second, Third, Fourth and fifth Schedules and any orders issued under these rules, after consultation with the Ministry of Finance shall be decided by the Speaker after consultation with the Ministry of Finance.

25. *Repeal and Saving*—Save as otherwise expressly provided in these rules, all rules corresponding to these rules and in force immediately before the commencement of these rules, are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

SCHEDULES

**SCHEDULES ARE BEING UPDATED AND
WILL BE UPLOADED AS AND
WHEN THEY ARE READY**