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**RURAL DEVELOPMENT DEPARTMENT**

**Maharashtra Zilla Parishads**

**District Services Rules,**

**1968**

## MAHARASHTRA ZILLA PARISHADS DISTRICT SERVICES RULES

G. N., R.D.D., No. DSR-4865-V, dated 16th February 1968 as amended by—

- (i) G. N., R. D. D., No. DSR-4871/6901-A-III, dated 4th September 1971.
- (ii) G. N., R. D. D., No. DSR-4871/39780-A-III, dated 5th November 1971.
- (iii) G. N. R. D. D., No. DSR-4868/45164-A-III, dated 10th November 1971.
- (iv) G. N., R. D. D., No. DSR-4871/37688-A-III, dated 15th December 1971.
- (v) G. N., R. D. D., No. DSR-4870/9845-A-III, dated 2nd September 1972.
- (vi) G. N., R. D. D., No. DSR-4871/2531 (CR-863)-XI, dated 13th October 1976.
- (vii) G. N., R. D. D., No. DSR-4872/11333-A-III, dated 1st July 1978.
- (viii) G. N., R. D. D., No. DSR-4879/1750-CR-1684-XI, dated 4th December 1978.
- (ix) G. N., R. D. D., No. DSR-4879/2119/CR-2186-XI, dated 31st December 1979.
- (x) G. N., R. D. D. No. DSR-4882/2632-CR-4465/18, dated 4th May 1984.

1. *Short title, commencement and application.*—(1) These rules may be called the Maharashtra Zilla Parishads District Services Rules, 1968.

(2) They apply to all Parishads employees.

(3) They shall be deemed to have come into force on the 1st day of May 1962.

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

(a) “Act” means the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961;

(b) “Section” means a section of the Act;

(c) “Allocated employee” means any person who, as from the appointed day, becomes an officer or servant of a Zilla Parishad by operation of the provisions of section 241 or any member of the services of the State Government <sup>1</sup>[who from the date of transfer is finally allotted to a District Service under section 242 or section 253-C];

(d) “Appointed day” means the 1st day of May 1962;

<sup>2</sup>[(da) “Date of transfer” means in relation to an allocated employee who becomes an officer or servant of a Zilla Parishad by operation of the provisions of section 241, the appointed day, and in the case of an allocated employee who is finally allotted to a District Service under section 242 or 253-C, the date on which he is so finally allotted to a District Service;]

(e) “District Service” means a District Technical Service (Class III), District Service (Class III), or a District Service (Class IV) of a Zilla Parishad constituted under clause (b) of section 239 of the Act;

(f) “Parishad employee” means a person appointed to a post in any District Service and includes an allocated employee;

(g) “Maharashtra Civil Services Rules” means the <sup>5</sup>Maharashtra Civil Services Rules, 1981 <sup>3</sup>[as amended from time to time and for the time being in force in this State] <sup>4</sup>[and includes all Government orders and instructions relating to the matter provided in the said rules];

(h) Words or expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act and the <sup>5</sup>Maharashtra Civil Services Rules.

3. *Terms and conditions of service.*—Subject to provisions of the Maharashtra Zilla Parishads (Appointment, Seniority, Pay and Allowances) Rules, 1962 and rules 9 and 10 to these rules, the terms and conditions of service of a Parishad employee relating to leave, retirement, pension (including gratuity and family pension) and other matters shall be regulated as provided in these rules.

1. Subs. by G. N. of 4-9-1971.

2. Ins. *ibid.*

3. Subs. by G. N. of 10-11-1971.

4. Ins. by G. N. of 31-12-1979.

5. Subs. by G. N. of 4-5-1984.

4. *Leave.*—The provisions of the Revised Leave Rules, 1935 (as contained in Appendix XLIV-A in Volume II to the Maharashtra Civil Services Rules), shall *mutatis mutandis* apply in relation to leave and matters connected therewith of Parishad employees as they apply in relation to members of the services of the State Government.

[ 4-A. *Provisions for encashment of earned leave.*—(1) Subject to the provisions of this rule, and of the orders of the State Government made from time to time in relation to the scheme of encashment of earned leave, a Parishad employee (other than an employee who is on leave preparatory to retirement or on refused leave granted under rule 6 of the Maharashtra Civil Services Leave Rules), who takes earned leave for a period of not less than thirty days may, on application, be permitted to surrender the balance of earned leave to his credit on the date of commencement of leave, subject to a maximum of thirty days.

(2) The Parishad employee shall, in lieu of such surrender, receive the leave salary, dearness allowance, compensatory local allowance and non-practising allowance, if any, for the period of leave so surrendered.

(3) The leave salary and allowances admissible for the period of surrendered leave shall be payable not earlier than six days before the commencement of the leave at the rates admissible for the first thirty days of leave enjoyed, without deduction on account of house rent, provident fund subscription or repayment of any advances or dues to Government or to any other authority. The leave sanctioning authority shall insert a clause in the sanctioning order itself to the effect that in case the leave had to be cancelled by the competent authority before the date from which the Parishad employee was to proceed on leave, the amount of leave salary and allowances for the surrendered leave will have to be refunded forthwith to the Zilla Parishad by the Parishad employee in one instalment or adjusted in full in the first monthly pay/leave salary bills of the Parishad employee.

(4) The concession of such encashment shall be admissible to a Parishad employee not more than once in a block of two years, the first block commencing on the 1st day of April 1970, irrespective of the fact whether he is serving under the Zilla Parishad or is, for the time being, on foreign service with any authority :

Provided that, the total earned leave actually availed of and that surrendered shall not exceed the maximum leave admissible to a Parishad employee at the commencement of the leave :

Provided further that, in the case of a Parishad employee, who is on the verge of retirement, the period of leave surrendered shall not exceed the period of duty between the date of expiry of the earned leave actually availed of and the date of compulsory retirement:

Provided also that, where a Parishad employee who is permitted to surrender his leave is recalled to resume duty before expiry of the thirty days of earned leave, he may be allowed to enjoy the balance of his earned leave as soon as his services can be spared.]

5. *Retirement.*—(1) Except as provided in sub-rule (2) the provisions of Maharashtra Civil Services Rules in relation to compulsory retirement and matters connected therewith shall *mutatis mutandis* apply in relation to compulsory retirement and matters connected therewith of Parishad employees as they apply in relation to members of the services of the State Government.

(2) The age of compulsory retirement of a Parishad employee in District Technical Service (Class III) and District Service (Class III) shall be raised to

1. Ins. by G. N. of 2-9-1972.

2. Subs. by G. N. of 4-5-1984.

58 years with effect from the 11th day of February 1963 subject to the following conditions, namely :—

(i) A Parishad employee who is on leave preparatory to retirement on the 11th February 1963 or who retired on or after the 11th day of February 1963 but before the 28th day of March 1963 shall not be entitled to the benefit of the increased age of compulsory retirement, unless he is permitted to resume duty after the appointing authority is satisfied that he is efficient and physically fit;

*Explanation.*—A Parishad employee who retired before the 11th day of February 1963 or who is on refused leave on that date beyond the date on which he attained the age of 55 years shall not be entitled to resume duty;

(ii) A Parishad employee who is on extension of service on the 11th day of February 1963 may be allowed to continue in service upto date on which he attains the age of 58 years;

(iii) A Parishad employee who attains the age of 55 years may retire voluntarily from the service of the Zilla Parishad after giving three months' notice to that effect to the appointing authority;

(iv) A Parishad employee may be required by the authority competent to appoint him to retire from the service of the Zilla Parishad after he attains the age of 55 years, on three months' notice in that behalf without assigning any reason.

6. *Pension.*—(1) Except as provided in [sub-rules (2) and (3)], the provisions of the <sup>4</sup>Maharashtra Civil Services (Pension) Rules, 1982 shall *mutatis mutandis* apply in relation to pension and matters connected therewith to Parishad employees as they apply in relation to members of the services of the State Government.

<sup>2</sup>[(2) The State Government may, from time to time, by order direct that such portion of the dearness allowance admissible to such classes of Parishad servants and in such ranges of basic pay as may be specified in the order, shall be treated as part of the basic pay for the purpose of computing pension.]

<sup>3</sup>[(3) A Zilla Parishad may, from time to time, pay temporary increase in the pension drawn by a Parishad employee who retired on or after the 1st day of May 1962 at a rate not exceeding the rate sanctioned by Government to retired Government servants from time to time.]

7. *Travelling Allowance.*—The provision of the Maharashtra Civil Services Rules shall *mutatis mutandis* apply to the payment of travelling allowance and all matters connected therewith of Parishad employees as they apply in relation to members of the services of the State Government.

8. *Regulation of all other terms and conditions of service.*—(1) Subject to the rules made under clause (a) of section 248 if any, and sub-rule (2) of this rule, the provision of the <sup>4</sup>Maharashtra Civil Services Rules relating to the terms and conditions of service in respect of matters (other than those hereinbefore provided and payment of other allowances, if any) shall *mutatis mutandis* apply in relation to such matters of Parishad employees as they apply in relation to members of the services of the State Government.

(2) For the purpose of fixation of pay under these rules on appointment to a post carrying a Parishad scale, of a Parishad employee drawing pay in a pay-scale (not being a Parishad scale or a Government Revised Scale) the pay drawn

1. Subs. by G. N. of 5-11-1971.
2. Subs. by G. N. of 15-12-1971.
3. Ins. by G. N. of 5-11-1971.
4. Subs. by G. N. of 4-5-1984.

by him shall be the amount equal to the present emoluments reduced by the amounts mentioned in column 2 of the Table hereto in the different ranges, specified in column 1 of the Table.

TABLE

Present Emoluments 1	Amount to be reduced from the present emoluments 2
(1) Below Rs. 165	.. (1) Rs. 15
(2) Rs. 165 and above but below Rs. 180.	(2) Amount sufficient to bring the present emoluments down to Rs. 150.
(3) Rs. 180 and above but below Rs. 581.	(3) Rs. 30
(4) Rs. 581 and above	.. (4) Rs. 20

<sup>1</sup>Explanation.—For the purpose of this sub-rule,—

(i) “Present emoluments” means the basic pay drawn by a Parishad employee in the pay-scale not being a Parishad scale or a Government Revised Scale and dearness allowance appropriate to the basic pay on the 1st January 1986.

<sup>2</sup>[(ii) “Parishad scale”, in relation to the period commencing on the 1st day of May 1962 and ending on the 31st day of March 1966, means the scale of pay, indicated in column 5 of Schedule ‘A’ to the Maharashtra Zilla Parishads (Pay Scale and Dearness Allowance) Rules, 1962, and in relation to the period commencing on the 1st day of April 1966, means the scale of pay indicated in column 6 of that Schedule; but in either case the said expression shall not include the pay-scale prescribed for any of the posts of teachers in primary, middle and secondary schools under Zilla Parishads;

(iii) “Government Revised Scale” in relation to the period commencing on the 1st day of January 1986 and ending on the 31st day of December 1986, means the revised scale of pay prescribed under the Maharashtra Civil Services (Revised Pay) Rules, 1988, and in relation to the period commencing on the 1st day of January 1986 means the revised scale of pay prescribed under the Maharashtra Civil Services (Revision of Pay) Rules, 1988.]

<sup>3</sup>[(3) (a) Where a Government Servant on deputation to a Zilla Parishad under section 253B of the Act is appointed by nomination to a post in a District Service of any Zilla Parishad (hereinafter called the latter Zilla Parishad); or

(b) Where a Parishad employee of one Zilla Parishad (hereinafter called the former Zilla Parishad), is appointed by nomination to a post in a District Service of another Zilla Parishad (hereinafter called the latter Zilla Parishad).

Then such person shall not be entitled to revert to the service under State Government, or as the case may be, the former Zilla Parishad, and his service under that Government, or as the case may be, the former Zilla Parishad shall, subject to the provisions of sub-rules (4) and (5), be treated as service under the latter Zilla Parishad for the purpose of leave and pension.

(4) Notwithstanding anything contained in the foregoing provisions of these rules,—

(a) the pension payable to a person referred to in clause (a) of sub-rule (3) shall be paid by the latter Zilla Parishad and the proportionate share of the

1. Subs. by G. N. of 15-12-1971.

2. Added *ibid*.

3. Ins. by G. N. of 13-10-1976.

State Government or of the former Zilla Parishad shall be paid by the State Government, or as the case may be, by the former Zilla Parishad to the latter Zilla Parishad, after the pension is finally sanctioned by the latter Zilla Parishad; and

(b) the liability for the pension payable to a person referred to in clause (b) of sub-rule (3) shall be distributed between the former Zilla Parishad and the latter Zilla Parishad, as the case may be, in proportion to the length of service rendered under the former Zilla Parishad or the latter Zilla Parishad.

For the purpose of determining the share of the State Government and the latter Zilla Parishad or by the former Zilla Parishad and the latter Zilla Parishad in respect of the liability for pension, the service of the pensioner under either of them shall be expressed in terms of months (fifteen days or more being regarded as a month). Where the share of pension so debitable is less than a rupee, it shall be disregarded. The share of the State Government or of the former Zilla Parishad in respect of the liability for pension under this rule shall be adjusted by the latter Zilla Parishad annually by raising a debit against the State Government, or as the case may be, former Zilla Parishad, at the end of each financial year.

(5) The liability, on account of the leave salary payable for the period before such appointment,—

(a) in respect of a person referred to in clause (a) of sub-rule (3) shall be borne by the State Government for the maximum limit of the leave at the credit of such person upto the date immediately preceding the date on which such deputation starts and by the former Zilla Parishad to which he was deputed for the maximum limit of the leave at his credit due to the service rendered by him while on such deputation; and

(b) in respect of a person referred to in clause (b) of sub-rule (3) shall be borne by the Zilla Parishad for the maximum limit of leave at his credit due to service rendered by him while working under the former Zilla Parishad.

The liability on account of the leave salary shall be borne as aforesaid by the State Government, or as the case may be, the former Zilla Parishad, till the entire leave at his credit on the date on which the Government servant on deputation, or as the case may be, the Parishad employee is appointed by nomination to the post in the District Service of the latter Zilla Parishad is exhausted.]

9. *Power of allocated employees to exercise option in respect of terms and conditions relating to leave and Pension.*—(1) Subject to the provisions of this rule, an allocated employee may elect to be governed as respects leave and pension or contributory provident fund either by the provisions of these rules, or by rules, regulations or orders or any instrument pertaining to any such matter applicable to him immediately before the date of transfer.

(2) The election under sub-rule (1) shall be exercised within three months of the date of orders of appointment of the allocated employee under the Maharashtra Zilla Parishads (Appointment, Seniority, Pay Allowances) Rules, 1962 or within three months of the date of publication of these rules whichever is later, and communicated to the Chief Executive Officer of the Zilla Parishad. Election once made shall be final and shall not be rescinded :

Provided that the Chief Executive Officer of the Zilla Parishad may extend, for reasons to be recorded, the period of exercising election, till such date as he may consider necessary either in any individual case or any class of cases.

(3) If the allocated employee fails to make his election within the period prescribed in sub-rule (2) the provisions of rule 3 shall apply.

(4) Where an allocated employee who is a subscriber to a contributory provident fund elects to be governed by these rules as respects pension under sub-rule (1), then the following consequences shall ensue :—

(a) the amount of subscriptions with interest thereon, standing to his credit in the amount of his contributory provident fund on the date of transfer shall be transferred to his credit in a non-contributory provident fund of the Zilla Parishad;

(b) the amount of contributions paid by Government or an existing board as the case may be, together with interest thereon standing to the credit of an allocated employee in the account of his contributory provident fund shall be credited to the Consolidated Fund of the State or as the case may be, to the District Fund of the Zilla Parishad and he shall be entitled to count towards pension such part of his service under Government or the existing board which would have qualified for pension under these rules as if his service under Government or the existing board has been rendered under the Zilla Parishad.

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10. *Authorities under Rules.*—Subject to the provisions of rule 12 the authorities specified in column 2 of the Table hereto shall exercise the same powers and functions under rules 3, 4, 5, 6, 7 and 8 as are exercised in respect of non-gazetted Government servants under Maharashtra Civil Services Rules by the authorities specified in column 3 of that Table against each such authority.

TABLE

Serial No.	Authority competent to exercise powers and functions under rules 3, 4, 5, 6, 7 and 8	Authority competent to exercise powers and functions as prescribed under Maharashtra Civil Services Rules
1	2	3
1	Divisional Commissioner	Government.
2	Chief Executive Officer of a Zilla Parishad.	Concerned Head of the State Government.
3	Head of the Department of Zilla Parishad.	Concerned Head of Office of the State Government.
4	Such Gazetted Officer as may be specified by the Chief Executive Officer.	Any other authority.

11. *Repeal and Saving.*—(1) The provisions of any rules corresponding to these rules in force immediately before the commencement of these rules, [and in particular of rule 13 of the Maharashtra Zilla Parishads (Appointment, Seniority, Pay and Allowances) Rules, 1962] as respect matters contained in these rules, in so far as those provisions apply to persons to whom these rules apply, are hereby repealed :

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

12. *Removal of doubts and power of relaxation.*—Where under any of the foregoing provisions of these rules, there is power conferred on any authority to relax any of these provisions, or where any question arises as respects the interpretation of these rules then, notwithstanding anything contained in these rules, the competent authority to relax the provisions or as the case may be to interpret these rules shall be the State Government.

1. Deleted by G.N of 4-9-1971.

2. Subs. by G.N. of 4-5-1984.