

**GOVERNMENT OF PUNJAB
DEPARTMENT OF LABOUR AND EMPLOYMENT**

Notification

The 15th January, 1982.

No.GSR5/Const./Art.309/82.- In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules regulating the recruitment, and the conditions of service of persons appointed to the Punjab Labour (Class II) Service, namely:-

1. Short title, commencement and application.- (1) The rule may be called the Punjab Labour (Class II) Service Rules, 1982.
 - (2) They shall come into force at once.
 - (3) They shall apply to all the posts specified in Appendix "A" to these rules.
2. **Definitions.-** In these rules unless the context otherwise require,-
 - (a) "Commission" means the Punjab Public Service Commission;
 - (b) "direct appointment" means an appointment made otherwise than by promotion or by transfer of a person already in the service of Government of India or of a State Government;
 - (c) "Government" means the Government of the State of Punjab in the Department of Labour and Employment;
 - (d) "Service" means the Punjab Labour (Class II) Service;
 - (e) "recognized university" means,-
 - (i) any university incorporated by law in any of the State of India; or
 - (ii) The Punjab, Sind or Dacca University in the Case of degrees or diplomas obtained as a result of examinations held before the 15th August, 1947; or
 - (ii) Any other university which is recognized by the Government for the purposes of these rules.
3. **Number and character of posts.-** The Service shall comprise the posts specified in Appendix "A" to these rules:

Provided that nothing in these rules shall affect the inherent right of Government to add to or reduce the number of such posts or to create new posts with different designations and scales of pay whether permanently or temporarily.

4. **Nationality, domicile and character of candidates appointed to Service.-**

(1) No candidate shall be appointed to the Service unless he is-

- (a) a citizen of India; or
- (b) a citizen of Nepal; or
- (c) a subject of Bhutan; or
- (d) a Tibetan refugee who came over to India before 1st January, 1962 for 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 Aanzibar) Aamibia, Malawi, Zaire, Ethopia and Vietnam 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 given by the Government of India.

(2) A candidate in whose case, a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or other recruiting authority of the Government and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government of India.

(3) No person shall be recruited to the service by direct appointment unless he produces a certificate of character from the principal academic officer of the university, college, school or institution last attended, if any, and similar certificate from two responsible persons, not being his relatives who are well acquainted with him in his private life and are unconnected with his university, college, school or institution

5. **Disqualifications.-No person-**

- (a) who has entered into or contracted a marriage with a person having a spouse living, or
- (b) who having a spouse living, has entered into or contracted a marriage with any other person, shall be eligible for appointment to the Service”.

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to any person and the

other party to the marriage and that there are other grounds for so doing, exempt such person from the operation of this rule.

6. **Age.-** (I) No person shall be recruited to the Service by direct appointment if he is less than twenty-one years or is more than twenty seven years of age on the 1st day of January immediately preceding the last date fixed for submission of applications to the Commission or unless he is within such range to minimum and maximum age as may be specifically fixed by Government from time to time;

Provided that the condition or upper age limit may be relaxed upto forty five years in the case of a person already in employment of the Punjab Government, any other State Government, or the Government of India;

Provided further that in the case of candidates belonging to Scheduled Castes and other Backward Classes, the upper age limit shall be such as may be fixed by the Government from time to time.

(2) In the case of Demobilized Armed Force Personnel, his age at the time of joining military service or training prior to the commission as the case may be, shall be the determining factor for the purpose of this rule and if at that time he was within the age limits prescribed in this rule he shall be considered to be within the age limits for recruitment to the Service.

7. **Method of appointment and qualification.-** (1) Appointment to the Service shall be made in the manner as specified in Appendix "B" to these rules.

(2) No person shall be appointed to any post in the Service unless he possesses the qualifications and experience specified against that post in Appendix "B" to these rules.

(3) All appointments to the service by promotion shall be made by selection based on seniority-cum-merit and no person shall be entitled to claim promotion on the basis of seniority alone.

(4) No person shall be appointed to any post in the Service by direct appointment unless he possesses knowledge of Punjabi Language of Matriculation standard or its equivalent or passes test in Punjabi language of Matriculation standard to be held by such authority as may be specified by Government in this behalf from time to time.

8. **Probation of persons appointed to Service.-**(1) Person appointed to the Service shall remain on probation for a period of two years, if recruited by direct appointment and one year if recruited otherwise:

Provided that –

(a) any period after such appointment, spent on deputation on a corresponding or a higher post shall count towards, the period of probation;

- (b) in the case of an appointment by transfer period of work in equivalent or higher rank, prior to appointment to the Service may be in the discretion of the appointing authority, be allowed to count towards the period of probation, and
 - (c) any period of officiating appointment to the Service shall be reckoned as period spent on probation but no one who has so officiated shall, on the completion of the prescribed period of probation,- be entitled to be confirmed, unless he is appointed against a permanent vacancy.
- (2) If in the opinion of the appointing authority the worker conduct of a person during the period of probation is not satisfactory it may,-
- (a) if such person is recruited by direct appointment, dispense with his services or revert him to a post on which he held lien prior to his appointment to the Service by direct appointment; and
 - (b) if such person is recruited otherwise,-
 - (i) revert him to his former post, or
 - (ii) deal with him in such other manner as terms and conditions of his previous appointment permit.,
- (3) On the completion of the period of probation of a person, the appointing authority may -
- (a) if his work or conduct has in its opinion been satisfactory,-
 - (i) Confirm such person from the date of his appointment, if appointed against a permanent vacancy; or
 - (ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy;
 - (iii) declare that he has completed his probation period satisfactorily, if there is no permanent vacancy;
 - (b) if his work or conduct has not been in its opinion satisfactory,-
 - (i) disense with his service, if appointed by direct appointment or if appointed other wise revert him to his former post, or deal with him in such manner as the terms and conditions of his previous appointment may permit; or
 - (ii) extend his period of probation and there after pass such orders as it could have passed on the expiry of the period of probation specified in sub-rule (I):

Provided that the total period of probation including extension, if any shall not exceed three years.

9. **Departmental Examination.-** (I) Before becoming eligible for confirmation or promotion to the next higher post the Labour-cum-Conciliation Officer shall have to pass the Departmental examination in such papers comprising such syllabi and of such standard as may be specified by the Government from time to time.

(2) The Labour-cum-Conciliation Officer shall undergo and qualify in the Intensive Course of Social work from Calcutta University or from any other recognized university as and when deputed by the Government for that purpose.

10. **Seniority of members of Service.-**(a) The seniority inter se of members of the Service in each cadre shall be determined by the length of continuous service on a post in that cadre of the Service:

Provided that in the case of members recruited by direct appointment who join within the period specified in the order of appointment within such period as may from time to time be extended by the appointing authority subject to a maximum of four months from the date of order of appointment, the order of merit determined by the Commission or other recruiting authority of the Government, as the case may, shall not be disturbed.

Provided further that in case a candidate is permitted to join the service after the expiry of the said period of four months in consultation with the Commission or other recruiting authority of the Government, as the case may be, his seniority shall be determined from the date he joins the Service:

Provided further that in case any candidate of the next selection has joined the Service before the candidate referred to in the proceeding proviso joins, the candidate so referred shall be placed below all the candidates of the next selection who join within the time specified in the first proviso:

Provided further that in the case of two members appointed on the same date, their seniority shall be determined as follows:-

- (a) a member recruited by direct appointment shall be senior to a member recruited otherwise;
- (b) a member appointed by promotion shall be senior to a member appointed by transfer;
- (c) in the case of members appointed by promotion or transfer, seniority shall be determined according to the seniority of such members in the appointment from which they were promoted or transferred; and
- (d) in the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being

given to a member who was drawing a higher rate of pay in his previous appointment and if the rates of pay drawn are also the same, then by their length of service in those appointments and if the length of such service is also the same an older member shall be senior to a younger member.

Note.-Seniority of members appointed on purely provisional basis shall be determined as and when they are regularly appointed keeping in view the date of such regular appointment.

11. **Liability of members of Service to transfer.**- A member of the service may be transferred by the Government to any post, whether included in any other Service or not on the same terms and conditions as are specified in rule 3.17 of the Punjab Civil Services Rules, Volume-I, Part-I.

12. **Liability to Serve.**- A member of the Service shall be liable to serve at any place, within or out of the State of Punjab, on being ordered to do so by the appointing authority.

13. **Leave, Pension and other matters.**- In respect of pay, leave, pension and other matters not expressly provided for in these rules, the members of the Service shall be governed by such law, rules and regulations as may have been or may hereafter be adopted or made by the competent authority.

14. **Discipline, Penalties and Appeals.**- (1) In the matter of discipline, punishment and appeals, members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970, as amended from time to time.

(2) The authority empowered to impose penalties as specified in rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 in respect of the members of the Service shall be the Government.

(3) The authority competent to hear an appeal against an order as specified in rule 15 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 other than an order imposing any of the penalties referred to in sub-rules (2), in respect of the members of the Service shall be the Government.

15. **Liability for Vaccination and re-vaccination.**- Every member of the Service shall get himself vaccinated or revaccinated when Government so direct by special or general order.

16. **Oath of allegiance.**- Every member of the Service unless he has already done so, shall be required to take oath of allegiance constitution of India as by law established.

17. **Power to Relax.**- Where the Government is of the opinion that it is necessary or expedient to do so, it may by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons;

Provided that the provisions relating to qualifications and experience shall not be relaxed.

18. **Interpretation.**- If any question arises as to the interpretation of any of the provisions of these rules, the Government shall decide the same.

19. **Repeal and Saving.**- The Punjab Labour Service (Class I and II) Rules, 1955, in so far as these are applicable to the members of the Service, are hereby repealed;

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

APPENDIX “A”
[See rule 1(3) and 3]

Sr. No.	Designation of post	Number of posts			Scale of post
		Permanent	Temporary	Total	
1	2	3	4	5	6
1.	Assistant Labour Commissioner	1	-	1	Rs.825-25-85-30-1000/ 40-1200/5-1400-60-1580
2.	Labour-cum-Conciliation Officer	8	15	23	Rs. 825-25-85-30-1000/ 40-1200/5-1400-60-1580
3.	Inspector of Factories	10	12	22	Rs.850-30-1000/40-1200/ 50-1400-60-1700
4.	Medical Inspector of Factories	1	1	2	Rs.940-30-1000-40-1200/ 50-1400/60-1700-75-1850
5.	Satistical Officer (Labour)	1	-	1	Rs. 825-25-85-30-1000/ 40-1200/5—1400-60-1580
6.	Superintendent, Grade-I	1	-	1	Rs. 825-25-85-30-1000/ 40-1200/5—1400-60-1580
7.	Private Secretary	1	-	1	Rs. 825-25-85-30-1000/ 40-1200/5—1400-60-1580

APPENDIX "B"
Rule 7

Sr. No.	Designation of the Post	Mode of appointment by			Qualification for appointment by		
		Direct Appointment	Promotion	Transfer	Direct Appointment	Promotion	Transfer
1	2	3	4	5	6	7	8
1	Assistant Labour Commissioner	Nil	100 percent	Nil	Nil	Labour-cum-Conciliation Officers having atleast three years' Experience as such.	
2.	Labour-Cum-Conciliation Officer	<p>30 percent on the basis of a combined competitive examination conducted by the Commission for recruitment to the Punjab (Executive Branch) (Class I) and allied services</p> <p>Note:1.- Not with standing anything contained in these rules, the provisions of the Punjab Civil Service (Executive Branch), Class-I, Rules, 1976 shall apply in respect of syllabus for examination for recruitment by direct appointment to the posts of Labour-cum-Conciliation Officers.</p> <p>Not-In a block of ten posts of Labour-cum-Conciliation Officers the vacancies shall be filled in the following order:-</p>	<p>70 percent (60 percent from amongst the Labour Inspectors, Grade-I, and 10% from amongst the Scrutiny Inspectors or Field Investigators working in the Department of Labour and Employment)</p>		Graduate of a recognized University	<p>I) Graduate of a recognized university and II) Should have at least five years' experience as labour Inspector, Grade-1, scrutiny Inspector or Field Investigator, As the case may be.</p>	

		<p>1. by direct appointment.</p> <p>2. by promotion of Labour Inspector, Grade-1]</p> <p>3. by promotion of Labour Inspector, Grade-1</p> <p>4. by promotion of Scrutiny Inspector or Field Investigator.</p> <p>5. by direct appointment.</p> <p>6. by promotion of Labour Inspector, Grade-1</p> <p>7. by promotion of Labour Inspector Grade-1</p> <p>8. by direct appointment.</p> <p>9. by promotion of Labour Inspector, Grade-1</p> <p>10. by promotion of Labour Inspector, Grade-1</p>					
3	Inspector of Factories	100%	--	--	<p>a) Degree of a recognized University in Civil, Mechanical Chemical or Electrical Engineering Preferable Qualifications-</p> <p>b) Should have practical experience of at least two years in a work shop or manufacturing concern or Government undertaking in manufacturing process</p>		

4.	Medical Inspector of Factories	--	--	100%	--	--	By Transfer or person already in the service of Government of India or of any State Government who possesses M.B.B.S. Degree or an equivalent qualification from an institution recognized by Medical Council of India
5.	Statistical Officer (Labour)	Yes	Yes	-	M.A. in Social Work or Economics or Statistics or Mathematics with at least three years experience In Labour Statistics	Graduate with Economics or mathematics or Statistics or Social work as one or the subjects with at least eight years experience in Labour Statistics out of which at least (four years Scrutiny Inspector or at least eight years as Field Investigator)	
6.	Suprintendent Grade-1	--	100%	-	-	Experience of working as a Superintendent Grade-II and Grade-II in the Labour Commissioner's office for at least seven years.	
7	Private Sectary	-	100%	100 percent in case the candidate is available for appointment by promotion	--	Having at least five years experience as a Senior Scale Stenographer working in the office of the Labour Commissioner Punjab	Should experience of working as Private Secretary in any Department of the Government.

DARSHAN KUMAR
 Secretary to Government, Punjab,
 Department of Labour and Employment.

