

Rajasthan Service Rules

DISMISSAL, REMOVAL AND SUSPENSION

बर्खास्तगी, निष्कासन एवं निलम्बन



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REFERENCE:

Background: Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958, **Rule 13**

Rajasthan Service Rules, 1951, Vol. I Part III, Chapter VIII

Rules from 52 to 55A

Rajasthan Civil Services (Pensions) Rules, 1996, Chapter-I Qualifying Service, **Rule 22-24**

RULE 52: Stoppage of Pay and Allowances from the Date of dismissal

- **The Pay and allowances ceases from the date of dismissal or removal of a Government Servant.**
- **Procedure is followed as per rule 164 of GF&AR.**

RULE 53: Subsistence Grant

- A Government Servant under suspension is entitled to the *subsistence allowance* at an amount equal to the leave salary, i.e. half pay and in addition dearness allowance based on such leave salary as per Rule 53(1)(a) *up to 6 months.*

निर्वाह अनुदान क्या है ?

- 6 माह की अवधि हेतु राज्य कर्मचारी को निलम्बन पर अर्द्ध वेतन अवकाश के समान वेतन एवं उस पर देय मंहगाई भत्ता निर्वाह अनुदान कहलाता है ।

RULE 53: Variance

- Where the period of suspension exceeds (6 months) the authority shall be competent to vary the amount of subsistence allowance for any period *subsequent to the period of the first 6 months*:

RULE 53(1)(a)(i): Increase

- Amount may be *increased* by a suitable amount, not exceeding *50% of the subsistence allowance admissible during the first 6 months*, if the period of suspension has been prolonged for *reasons to be recorded in writing not directly attributable to the Government Servant.*

निर्वाह भत्ते में वृद्धि

- 6 माह से अधिक अवधि हेतु प्रथम 6 माह में देय अर्द्ध वेतन का 50% (निलम्बन से पूर्व प्राप्त कर रहे वेतन का 75%) तक निर्वाह अनुदान में वृद्धि की जा सकती है बशर्ते कि निलम्बन अवधि में वृद्धि के लिये कर्मचारी दोषी न हो।

RULE 53(1)(a)(ii): decrease

- Amount may be reduced by a suitable amount, not exceeding 50% of the subsistence allowance admissible during the first 6 months, if the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the Government Servant.

निर्वाह भत्ते में कमी

- यदि सक्षम प्राधिकारी के विचार में निलम्बन की अवधि प्रत्यक्ष रूप से कर्मचारी के कारण बढ़ायी गयी हो तो प्रथम 6 माह में दिये जा रहे निर्वाह अनुदान को 50% तक कम किया जा सकता है।

RULE 53(1)(a)(iii): DA

- **The rate of DA will be based on the increased or decreased amount of subsistence allowance admissible under 53(1)(a)(i) and (ii) above.**

RULE 53(1)(b): Other Compensatory Allowances

- **Other Compensatory Allowance** admissible from time to time on the basis of pay which the Government Servant was in receipt on the date of suspension subject to the fulfilment of other conditions laid down for the drawal of such allowance.

RULE 53(1): Conditions

- No payment under 53(1) shall be made unless the Government Servant furnishes a *certificate*, that he is *not engaged in any other employment, business, profession or vocation*.
- Suspending authority has *no discretion* to stop payment of subsistence allowance.

निर्वाह भत्ते का भुगतान

- निर्वाह अनुदान की राशि का भुगतान राज्य कर्मचारी को तब तक नहीं किया जा सकेगा जब तक वह यह प्रमाण पत्र न दे दे कि “वह किसी अन्य नियोजन, व्यापार, व्यवसाय या धन्धे में लगा हुआ नहीं है।”

RULE 54(1): Re-instatement

- **Competent authority shall consider and make a *specific order* of re-instatement:**
 - **54(1)(a)-** Pay and allowance to be paid to the Government Servant for the period of his absence from duty or for the period of suspension ending with the date of his retirement on superannuation, as the case may be.
 - **54(1)(b)-** Whether or not the said period shall be treated as a period spent on duty.

RULE 54(2): Full payment

- Where such authority holds that the Government servant has been fully exonerated or period of suspension was wholly unjustified, the Government servant shall be given full pay and DA to which he is entitled.
- The period of absence from duty shall be treated as a period spent on duty for all purposes. **Rule 54(4)**

पूर्ण भुगतान

- निलम्बन से बहाली करने पर यदि आदेशों में कर्मचारी को पूर्णतया दोषमुक्त कर दिया गया है तो निलम्बन अवधि के वेतन आदि भत्ते उसी प्रकार देय होंगे, जो वह सेवा में निलम्बित नहीं किया जाता तो प्राप्त करता।

RULE 54(3)(4): Payment

- In other cases, the Government Servant shall be given such proportion of such pay and dearness allowance as such competent authority may prescribe.
- The period of absence from duty shall not be treated as a period on duty unless such authority specifically directs that it shall be so treated for any specified purpose. **Rule 54(5)**

RULE 54(5): Proviso

- **If the Government so desires, such authority may direct that the period of absence from duty shall be converted into leave of any kind due and admissible to the Government Servant.**
- **The order of the competent authority regarding the treatment of the period of absence from duty passed under this proviso is absolute and does not require higher sanction.**

RULE 54: Punishment Order

- If cases where punishment order does not indicate as to whether the suspension period is to be counted for the purpose of pension or not, the period of suspension shall be counted for the purpose of pension.
- In all other cases, action shall be taken as per punishment order.

RULE 54: Revising/Appellate Authority Order

- There is no bar to the conversion of any portion of a period of suspension into extra-ordinary leave.
- Revising/Appellate authority is competent to convert the period spent under suspension into one of leave and direct the payment of the appropriate leave salary.

RULE 55: Grant of Leave

- Leave *cannot be granted* to a Government servant under suspension. However, in the event of illness of a family member etc., permission to leave headquarters can be given by the competent authority.
- A suspended Government servant should regularly attend the office unless it is not so desired by the competent authority.

RULE 55(A): No Leave

- Leave *shall not be granted* to a Government servant whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from Government service.

कटौतियां

- निलम्बन अवधि में निलम्बित व्यक्ति के निर्वाह अनुदान से राज्य बीमा प्रिमियम निर्धारित दर से वसूल किया जायेगा।
- यदि निलम्बन काल में प्रीमियम की वसूली नहीं की जाती है तो प्रीमियम देय होने की तारीख से जमा कराने की तारीख तक 8.5% वार्षिक ब्याज वसूल किया जावेगा।

राजस्थान सरकारी कर्मचारी बीमा नियम, 1998 का नियम 27

कटौतियां

- निलम्बन अवधि में सामान्य प्रावधायी निधि (जीपीएफ) के अंशदान की कटौती नहीं की जायेगी। राजस्थान राज्य कर्मचारी सामान्य प्रावधायी निधि नियम, 1997 का नियम 11

Thanks

The word "Thanks" is rendered in a bold, bubbly, purple font with a thick black outline. The letter 'h' is replaced by a tan-colored hand with fingers curled, pointing upwards. Three bright green, jagged shapes resembling sparks or lightning bolts emanate from the top of the hand. The text is set against a light blue, trapezoidal background that is slightly tilted.