



GOVERNMENT OF MAHARASHTRA
FINANCE DEPARTMENT

MAHARASHTRA CIVIL SERVICES
(GENERAL CONDITIONS OF SERVICES)
RULES, 1981

FINANCIAL PUBLICATION OF THE
GOVERNMENT OF MAHARASHTRA No. III

SECOND EDITION (Re-print)



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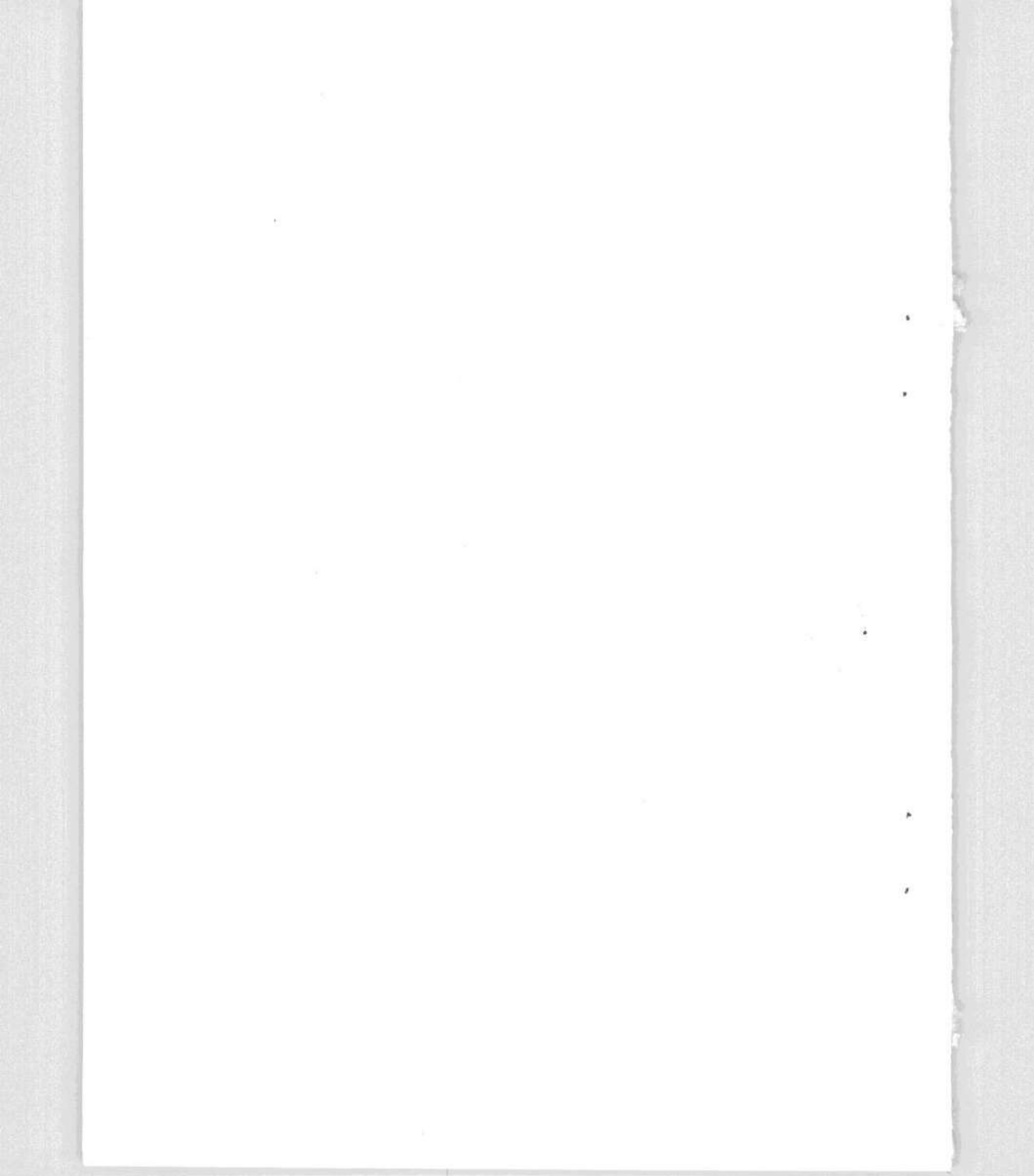
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PREFACE

The First Edition of the Bombay Civil Services Rules, 1959, in Volumes I and II, was printed in 1959 after the reorganisation of States in 1956. Various developments have taken place since then i.e., the Reorganisation of the Bilingual Bombay State into the two States of Maharashtra and Gujarat as also changes have been made in the Rules through numerous amendments issued from time to time, during the last several years. As a result, a good deal of difficulty was being experienced in practice in understanding and applying these rules properly. The need to have revised and simplified Service Rules was being acutely felt. Government, therefore, has decided to publish the following self-contained subjectwise sets of Services Rules :—

- (1) Maharashtra Civil Services (General Conditions of Services) Rules.
- (2) Maharashtra Civil Services (Pay) Rules.
- (3) Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules.
- (4) Maharashtra Civil Services (Leave) Rules.
- (5) Maharashtra Civil Services (Pension) Rules.
- (6) Maharashtra Civil Services (Honoraria, Fees, Compensatory Local and House Rent Allowances) Rules.
- (7) Maharashtra Civil Services (Occupation of Government Residences) Rules.
- (8) Maharashtra Civil Services (Travelling Allowances) Rules.

These sets of rules seek to codify the provisions of existing rules in the Bombay Civil Services Rules subjectwise and the various orders issued by Government with such rewording as have become necessary to put them in the form of statutory rules.

2. The first four sets of rules [S. Nos. (1) to (4)] have been framed by the Governor of Maharashtra under proviso to article 309 of the Constitution of India. These rules which have been issued under Government Notification, Finance Department, No. MSC 1081/1/MCSR-Cell, dated the 23rd July 1981, come into force with effect

from the 15th August 1981. The remaining sets of rules will be issued later on.

3. To make each set of rules as self-contained as possible, the relevant delegation of powers, Appendices and the relevant forms pertaining to a particular subject, have also been included therein.

4. This set of rules pertains to General Conditions of Services of employees of the Maharashtra Government. The Marathi version will be published separately.

5. For facility of reference a comparative table has been appended to this set of rules at the end indicating the numbers of these rules and the corresponding provisions of the Bombay Civil Services Rules, 1959. The table also indicates the provisions of the Bombay Civil Services Rules, 1959, which have been deleted from this set of rules.

6. Omissions or inaccuracies, if any, in this set of rules, may please be brought to the notice of the Finance Department.

Dated 23rd July 1981.
Finance Department,
Mantralaya, Bombay 400 032.

V. PRABHAKAR
Special Secretary to Government,
Finance Department.

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GOVERNMENT OF MAHARASHTRA
FINANCE DEPARTMENT

Mantralaya, Bombay 400 032, dated 23rd July 1981

NOTIFICATION

CONSTITUTION OF INDIA

No. MSC 1081/1/MCSR-Cell.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following Rules, namely:—

CHAPTER I—GENERAL

1. Short title and commencement

(1) These Rules may be called the Maharashtra Civil Services (General Conditions of Services) Rules, 1981.

(2) They shall come into force on the 15th day of August 1981.

2. Extent of application

Except where it is otherwise expressed or implied, these rules apply to all members of services and holders of posts whose conditions of service the Government of Maharashtra are competent to prescribe. They shall also apply to—

(a) any person for whose appointment and conditions of employment special provision is made by or under any law for the time being in force,

(b) any person in respect of whose service, pay and allowances and pension or any of them special provision has been made by an agreement made with him, in respect of any matter not covered by the provisions of such law or agreement, and

(c) Government servants paid from Local Funds administered by Government, except rules relating to the foreign service.

Note 1.—As regards the amount of leave and pension, Government servants of the former States of Saurashtra, Kutch, Madhya Pradesh and Hyderabad, allocated to the State of Bombay, who have opted to be governed by the rules of the former States applicable to them before the 1st day of November 1956, in accordance with Government Resolution, Finance Department, No. INT 1056-S-8, dated the 7th January 1957, as modified from time to time will be governed by those rules. Option once exercised is final.

Note 2.—By virtue of rule 3 of All India Services (Compensatory Allowances) Rules, 1954, and Rule 3 of All India Services (Travelling Allowances) Rules, 1954, the Compensatory and Travelling Allowances of the All India Services Officers, serving in connection with the affairs of the Government of Maharashtra, are regulated by the relevant provisions of the Maharashtra Civil Services Rules pertaining to Compensatory Allowances and Travelling Allowances.

Note 3.—Persons transferred to Government service from a Local Fund which is not administered by Government will be treated as joining a first post under Government and their previous service shall not count as service performed under Government. Government may, however, allow previous service in such cases to count as service performed on such terms as it thinks fit.

3. Right to interpret

Government reserve to themselves the right of interpreting these rules.

4. Power of relaxation

Where Government is satisfied that the operation of any of these rules causes or is likely to cause undue hardship in the case of any Government servant or class of Government servants, it may, by an order in writing, exempt any such Government servant or class of Government servants from any provisions of these rules or may direct that such provisions shall apply to such Government servants or class of Government servants with such modifications not affecting the substance thereof as may be specified in such order.

5. Validity of terms of contract

The terms of a specific contract enforceable at law necessarily override the provisions of these rules.

6. Regulation of claims to pay, allowances, leave and pension

A Government servant's claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned; to leave by the rules in force at the time the leave is applied for and granted; and to pension by the rules in force at the time when the Government servant retires or is discharged from the service of Government:

Provided that, if during his service, changes disadvantageous to him are introduced in the rules, to which he became subject on entry into the service of Government, his pension shall not be less than that which would have been admissible but for the introduction of such changes.

7. Exercise and delegation of powers under these rules

No powers may be exercised or delegated under these rules except after consultation with the Finance Department. It shall be open to that Department to prescribe, by general or special order, cases in which its consent may be presumed to have been given.

Note.—For powers delegated under these rules, see Appendix I.

8. Reasons for concessions to be communicated to Audit Officer

When a competent authority, other than Government, communicates to the Audit Officer an order granting any concessions under these rules to any Government servant in cases in which it is prescribed that the reasons therefor should be recorded, he should at the same time forward to him a copy of his reasons.

CHAPTER II—DEFINITIONS

9. Unless the context otherwise requires, the terms defined in this Chapter are used in the various sets of the Maharashtra Civil Services Rules, in the sense here explained :—

(1) **Actual travelling expenses** means the actual cost of transporting a Government servant with his domestic servants and personal luggage, including charges for ferry and other tolls, if paid, and for carriage of camp equipment, if such is necessary. It does not include charges for accommodation in hotels and travellers' bungalows, or for refreshments, or for the carriage of stores or conveyances or for presents to drivers and the like; or any allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture, and the employment of additional domestic servants.

(2) **Allotment** means grant of a licence to a Government servant to occupy a house owned, leased or requisitioned by Government or a portion thereof for his use as residence.

(3) **Apprentice** means a person deputed for training in a trade or business with a view to employment in Government service, who is paid at monthly rates by Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(4) **Audit Officer** means an Audit Officer, appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.

(5) **Cadre** means the strength of a service or a part of a service sanctioned as a separate unit.

(6) **Camp equipage** means the apparatus for moving a camp. This term excludes camp equipments and means only moving apparatus or carriage which includes baggage—camels, pack bullocks, carts, drivers of the bullocks, etc. coolies who carry camp equipments and servants employed as tent-pitchers. Any private or extra servants are not included in this term.

(7) **Camp equipment** means tents and the requisites for pitching and furnishing them, or, where tents are not carried, such articles of camp furniture as it may be necessary in the interests of public service for a Government servant to take with him on tour.

(8) **Compensatory allowance** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes different types of travelling allowances.

(9) **Competent authority**, in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.

(10) **Consolidated Fund of India or the State**. All revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of India". Similarly all revenues received by the Government of a State, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of the State".

(11) **Constitution** means the Constitution of India.

(12) **Date of first appointment** means the date the Government servant assumes the duties of his first post in Government service, or, if this be earlier, the date of his assumption of any duty which is treated, as service counting for pension.

(13) **Day** means the period beginning from one midnight and ending with the next midnight.

(14) **Duty**.—Duty includes—

(a) service as a probationer;

(b) joining time;

(c) a course of instructions or training authorised by or under the orders of Government;

(d) a course of instruction or training authorised by—

(i) Director of Social Welfare in the case of the members of the staff of the Social Welfare Officer deputed to undergo a course of training in making estimates and plan drawing before their confirmation,

(ii) Director of Education in the case of teachers of the educational staff who undergo a course of training or instructions at training colleges or schools, and

(iii) Director of Agriculture in respect of staff who undergo a course in agriculture or any other training preparatory to appearing for the Sub-service Department Examination.

Note 1.—The time reasonably required for the journeys between the place of training and the station from which a Government servant proceeds in order to undergo training, is part of the period of training.

Note 2.—The period spent by candidates (other than candidates not already in Government service admitted after the 15th August, 1939) at the Central Police Training College, Nashik, for training and the interval between the satisfactory completion of the course and their assumption of duty should be regarded as duty for the purpose of this rule.

In the case of Military Officers and other ranks, who join the Police Force as Sub-Inspectors and whose period of probation is treated as Vocational Training under section 40 of Army Vocational Training (India), 1933, their services in the Police shall count from the dates they formally leave the Army, since, until that date, the time spent on vocational training is included in the period of their military service and they are borne on the military establishment.

Note 3.—The period spent by candidates (other than candidates not already in Government service admitted on or after the 22nd April 1962) in the Prohibition and Excise Department for training and interval between the completion of the course and their assumption of duty, should be regarded as duty for the purpose of this rule.

Note 4.—The period spent by the Sales Tax Inspectors in the Sales Tax Department for the training and the interval between the completion of training and their assumption of duty as Sales Tax Inspector in the regular time scale of pay should be regarded as duty for the purpose of this rule.

Note 5.—When one or more holidays follow the period of training, the training period may be deemed to have been extended to cover such holidays.

(e) the period occupied—

(i) in appearing for a language examination prescribed by Government at which a Government servant has been granted permission to appear,

(ii) in attending an obligatory departmental examination,

(iii) in attending an examination which a Government servant must pass to become eligible for a higher post in any branch of the Public Service,

including the time reasonably necessary for going to and from the place of examination.

This concession should not be allowed more than twice for each obligatory examination.

Note 1.—If an examination is taken immediately before leave, the leave shall be held to have commenced from the date following that of the completion of the examination. In cases where an examination is taken in interruption of leave or immediately after leave, the time occupied in appearing for the examination, including the time necessary for going to and from the place of examination, shall be treated not as duty but as leave.

Note 2.—The period occupied in appearing for the Maharashtra Accounts Clerks' Examination including the time reasonably necessary for going to and from the place of examination on voluntary basis should be treated as duty. This concession should not be allowed more than twice.

(f) the period for which a Government servant is required to wait compulsorily until receipt of his posting orders in the cases mentioned below:—

(i) whose orders of transfer are held in abeyance, cancelled or modified while in transit, or

(ii) who, on return from leave or deputation or on abolition of the post held by him, has to await receipt of posting orders, or

(iii) who, on arrival at the headquarters of the post to which he is posted is not in a position to take charge of the post from the Government servant to be relieved.

The period availed of to resume duties after the receipt of posting orders shall not exceed the joining time admissible under the rules and shall be treated as a continuation of the period of compulsory waiting.

(g) the period intervening between the date on which a Government servant is engaged temporarily for special or other duty and the date on which he takes over charge, provided the period does not exceed the joining time that would be permissible to a Government servant entitled to joining time;

(h) the period spent by Government servant on training mentioned below:—

(i) training in accordance with the Regulations of the Army in India Reserve of Officers,

Note.—In the case of civil officers granted Commissions in the Army in India Reserve of Officers the period of training will not include the time spent in journey to and from the station at which the training is carried out. The time spent by these officers in journeying to and from the place of training should be treated as duty and acting arrangements may be made during that time.

(ii) training in the Indian Naval Fleet Reserve and on the journey to and from the place of training,

(iii) annual training courses of instruction or military service in accordance with the Regulations for the Territorial Army, 1948.

(iv) on Home Guard training or Home Guard duties with the permission of the Head of his office,

(v) in training or in the camp in accordance with the rules of the National Cadet Corps and also such period of the vacations as are spent by National Cadet Corps Officers (Senior Division) who are Government servants holding officiating charge of units during the absence of regular Commanding Officers,

(vi) training and active service in the Army and Air Force Reserves and the Indian Fleet Reserve/Air Defence Reserve and/ on journey to and from the place of training, in case leave in respect of their civil appointment is not availed of during training and transit period,

(vii) training at a Boy Scouts' Camp,

Note.—No travelling or halting allowance is admissible in respect of this duty.

(i) additional leave on full pay not exceeding three weeks granted to a Government servant undergoing anti-rabic treatment, admissible under Appendix 15 of Bombay Financial Rules, 1959;

(j) the period spent by a Government servant in connection with work on the various University bodies in the Maharashtra State—

(a) as representatives of Government or *ex-officio*.

(b) by virtue of his Official position such as Principal of a College,
and

(c) for attending the meeting of a Board of Studies.

(15) **Emoluments** for the purpose of rules in the Maharashtra Civil Services (Occupation of Government Residences) Rules mean—

(i) pay,

(ii) payments from the Consolidated Fund of India or of the State and only that portion of the fees received by a Government servant which he is allowed to retain under the rules, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorised remuneration of a post,

(iii) compensatory allowances other than travelling allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery whether drawn from the Consolidated Fund of India or of the State or from a Local Fund,

(iv) pension and pension equivalent of death-cum-retirement gratuity except in the following:—

(a) Wound or Injury Pension and Family Pensions drawn under the provisions of Maharashtra Civil Services (Pension) Rules,

(b) Compensation received under the Workmen's Compensation Act, 1923, as subsequently amended,

(v) in the case of a Government servant under suspension and in receipt of a subsistence allowance, the amount of the subsistence allowance :

Provided that, if such Government servant is subsequently allowed to draw pay for period of suspension, the difference between the licence fee recovered on the basis of the subsistence allowance and the licence fee due on the basis of the emoluments ultimately drawn shall be recovered from him :

Provided further that if such Government servant is subsequently reinstated and the period of suspension is treated as leave, the difference between the licence fee recovered on the basis of the subsistence allowance and the licence fee due on the basis of emoluments defined in Note I below shall be recovered from him.

Allowances attached to the President's Police and Fire Services Medal, the Police Medal, or the Indian Order of Merit, Param Vir Chakra, Maha Vir Chakra, Vir Chakra are not included in the emoluments.

Note 1.—The emoluments of a Government servant on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

Note 2.—The word "Pension" occurring in clause (iv) above means the full sanctioned pension prior to commutation.

(16) **Family** means a Government servant's wife or husband, as the case may be, residing with the Government servant and legitimate children and step-children residing with and wholly dependent upon the Government servant. It includes, in addition, parents, sisters and minor brothers if residing with and wholly dependent upon the Government servant.

Note 1.—Not more than one wife is included in the term "family" for the purpose of these rules.

Note 2.—An adopted child shall be considered to be a legitimate child if, under the personal law of the Government servant, adoption is legally recognised as conferring on it the status of a natural child.

(17) **Fee** means a recurring or non-recurring payment to a Government servant from a source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory, whether made directly to the Government servant or indirectly through the intermediary of Government, but does not include—

(i) unearned income such as income from property, dividends, and interest on securities; and

(ii) income from literary, cultural, or artistic, scientific or technological efforts if such efforts are not aided by the knowledge acquired by the Government servant in the course of his service.

Note.—The above definition is not applicable to the fees payable from the Consolidated Fund under the Law Officers (Conditions of Service) Rules.

(18) **First appointment** means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.

(19) **Foreign service** means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a State, or of a Union Territory.

(20) A **Gazetted Government servant** is one who is a member of an All India or State Service or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are gazetted by Heads of Departments are Non-gazetted Government servants. Notifications investing Government servants with powers under different Acts, in order that the Courts may take judicial cognizance of them, do not constitute the persons invested with such powers as Gazetted Government servants within the meaning of this sub-rule.

Exception.—Officers whose appointments to Class II services or posts are made by the Heads of Departments or Heads of Offices subordinate to them and are not published in the Gazette should be treated as Gazetted Government servants.

(21) **Government**, unless there is anything repugnant in the subject or context, as respects anything done or to be done after the commencement of the Constitution, shall mean the Governor of Maharashtra.

(22) **Heads of Departments**. This term includes the officers mentioned in Appendix II and any others whom Government may from time to time declare to be Heads of Departments.

(23) **Holiday means—**

(a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881; and

(b) in relation to any particular office, a day on which such office is ordered by Government, or by a duly constituted authority, by notification in the Gazette or otherwise, to be closed for the transaction of Government business without reserve or qualification.

(24) **Honorarium** means a recurring or non-recurring payment granted to a Government servant from the Consolidated Fund of India or the Consolidated Fund of the State or of a Union Territory as remuneration for special work of an occasional character.

(25) **House-rent allowance** is an allowance granted—

(a) towards defraying house-rent in localities where such rents are high, or

(b) in lieu of free quarters.

(26) **Class IV service** means service performed by a Government servant in a post specifically classified as Class IV and such other unclassified Non-gazetted posts the maximum of the scale of which is equal to or less than Rs. 435.

(27) **Joining time** means the time allowed to a Government servant to join a new post or to travel to or from a station to which he is posted.

(28) **Leave** means permission to remain absent from duty granted by a competent authority under the Maharashtra Civil Services (Leave) Rules, 1981.

(29) **Leave-salary** means the monthly amount paid by Government to a Government servant on leave.

(30) **Lien** means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(31) **Local allowance** is an allowance granted on account of the expensiveness or unhealthiness of an area. It is admissible to Government servants who have their headquarters within the area for which it is sanctioned, and not to Government servants merely travelling in that area.

(32) **Local Fund** means—

(a) revenues administered by bodies, which by law or rule having the force of law come under the control of Government whether in regard to proceedings generally or to specified matters, such as the sanctioning of the budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension, or similar rules; and

(b) the revenues of any body which may be specially notified by Government as such.

(33) **Ministerial servant** means a Government servant of a Class III services, whose duties are entirely clerical, and any other class of servants specially defined as such by Government.

(34) **Month** means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

Instruction.—Calculations of period expressed in terms of months and days should be made as under :—

(a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted :—

			Y.	m.	d.
25th January to 31st January	..	..	..	0	0 7
February to April	..	..	..	0	3 0
1st May to 13th May	..	..	..	0	0 13
				0	3 20

(b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days, as indicated below :—

			Y.	m.	d.
30th January to 31st January	..	..	..	0	0 2
February	..	..	..	0	1 0
1st March to 2nd March	..	..	..	0	0 2
				0	1 4

(35) **Officiate.**—A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority, may if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

(36) **Pay** means the amount drawn monthly by a Government servant as—

(i) the pay (including special dearness pay) which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre; and

(ii) personal pay, and special pay; and

(iii) any other emoluments which may be specially classed as pay by Government.

(37) **Pension** includes a gratuity.

(38) **Pensionable Pay** means the average pay earned by a Government servant during the last ten months' service.

Note 1.—The officiating pay/special pay/deputation (duty) allowance drawn from the Consolidated Fund of India by State Government employees on deputation to the Government of India, shall be taken into account for calculating pensionable pay.

Note 2.—The pay drawn by a Government servant while on foreign service shall not count for pension. In such a case the pay which the Government servant would have drawn under the Government had he not been sent on foreign service, will alone be taken into account while calculating pensionable pay.

(39) **Pensionable service** means service which qualifies the Government servant performing it to receive a pension from the Consolidated Fund.

(40) **Permanent post** means a post carrying a definite rate of pay sanctioned without limit of time.

(41) **Personal pay** means additional pay granted to a Government servant—

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations

(42) **Presumptive pay** of a post, when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the said post and were performing its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility, in consideration of which special pay was sanctioned.

(43) **Probationer** means a Government servant employed on probation in or against a substantive or temporary vacancy in the cadre of a department.

Note 1.—No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examination.

Note 2.—A Government servant (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be treated for all purposes as a temporary Government servant.

Note 3.—The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

(44) **Public Account of India or the State** means all other public moneys excluding those referred to in sub-rule (10) received by or on behalf of the Government of India or the Government of a State.

(45) **Public conveyance** means a train, steamer, aircraft or other conveyance which plies regularly, though not necessarily at fixed intervals, a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of the passengers.

(46) **Registered medical practitioner** means a medical practitioner registered under the Maharashtra Medical Council Act, LXVI of 1965, or the Maharashtra Medical Practitioners Act, XXVIII of 1961, or a practitioner registered under Part A or Part B of the Register maintained under the Maharashtra Homoeopathic and Biochemic Practitioners Act, XII of 1960, or any other law corresponding thereto and in force in the State of Maharashtra, or the respective Medical Registration Acts of the several State Governments.

(47) **Selection grade** means a scale of pay which has been sanctioned specifically as a selection grade by an order of Government.

(48) **Special pay** means an addition, of the nature of pay, to the emoluments of a post or of a Government servant granted in consideration of—

- (a) the specially arduous nature of the duties;
- (b) a specific addition to the work or responsibility.

(49) **Sphere of duty** means the area to which the duties of a Government servant are confined.

(50) **Subsistence allowance** means a monthly grant made to a Government servant who is not in receipt of pay or leave-salary.

(51) **Substantive pay** means the pay other than special pay, personal pay or emoluments classed as pay by Government under sub-rule 36(iii) to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.

(52) **Superior service** means any kind of service which is not class IV.

(53) **Temporary post** means a post carrying a definite rate of pay sanctioned for a limited time.

Note.—Substantive appointments to temporary posts should be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of three years. In all other cases, appointments in temporary posts should be made in an officiating capacity only.

Instruction.—The benefit of substantive appointments to temporary posts contemplated in the above note should not be allowed to be enjoyed by more than one person simultaneously. Therefore, where a Government servant has already been appointed substantively to a temporary post and there is a temporary interruption in his tenure of the post, it would not be proper to appoint another Government servant substantively to the post during such temporary interruption. For this purpose, interruptions which are likely to last for less than 3 years may be treated as temporary. It follows, therefore, that where a Government servant is already appointed substantively to a temporary post, a second Government servant should not be appointed substantively to it unless the previous holder of the post has been transferred from it permanently or unless he has been transferred temporarily and there is reason to believe that he will remain absent from the post for a period of not less than three years.

(54) **Tenure post** means a permanent post which an individual Government servant may not hold, for more than a limited period without reappointment.

Note.—The following posts in State and Class I services have been declared by Government to be tenure posts:—

	Period of tenure (Years)
(1) Under Secretary to Government (when held by persons other than those promoted from the Subordinate Secretariat Service).	3
(2) Deputy Secretary (Criminal Law) in the Law and Judiciary Department.	5
(3) Solicitor (Mofussil Litigation)	5
(4) Three posts of Assistant Directors of Social Welfare	3

(55) (a) **Time-scale pay** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.

(b) Time-scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

(c) A post is said to be on the same time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(56) **Transfer** means the movement of a Government servant from one headquarter station in which he is employed to another such station, either—

(a) to take up the duties of a new post; or

(b) in consequence of a change of his headquarters.

(57) **Transit time** means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel.

(58) **Travelling allowance** means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interest of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

CHAPTER III—GENERAL CONDITIONS OF SERVICES

10. Age limit for recruitment to pensionable service

Except as provided in the Maharashtra Civil Services Classification and Recruitment Rules, a person whose age exceeds 28 years may not be appointed to a post in pensionable service.

Note.—This rule does not apply to employment in civil capacities of reservists and pensioners of the Armed Forces of India.

11. Certificate of physical fitness a prerequisite for substantive appointment or continuance in service

(1) Every Government servant shall produce a medical certificate of health either before he is appointed substantively to a permanent post or before he completes six months' service from the date of appointment, whichever is earlier.

(2) The limit of six months prescribed in sub-rule (1) above is the maximum one and the Head of Office should, in the case of Government servants who, on their appointment, are expected to continue in Government service for more than six months, require them to produce medical certificates of fitness for Government service within two months from the dates of joining service. These time limits for producing the medical certificate are also applicable from the date of appointment to the higher post in cases where fresh medical examination is necessary under sub-rule (4) of rule 15.

Note 1.—Rules for the examination of the candidates as to their physical fitness for Government service have been embodied in Appendix III.

Note 2.—Part-time Government servants should be required to produce medical certificates of fitness in the same manner and under the same condition as full-time Government servants.

Note 3.—Normally a person for an appointment under Government should be medically examined before his appointment. In cases, however, where a person is required to join immediately for work or for training, appointment may be made without first obtaining the medical certificate but the appointment should be subject to his being declared medically fit by an appropriate Medical Authority. In all such cases, if a Government servant is declared unfit for service on medical examination and he prefers an appeal under rule 18 in Appendix III, he should be retained in service till the appeal is finally decided. Efforts should be made to obtain the decision early. If the candidate is found responsible for causing delay, his services should be terminated forthwith.

Note 4.—In the case of a Government servant whose appointment is made on temporary basis without a medical certificate, it is necessary to get a certificate of fitness from the appropriate Medical Authority as required by rule 15(1) and rule 11 in Appendix III. If a Government servant is found unfit for retention in service at all by the appropriate Medical Authority and if an appeal for a second medical examination from him is accepted, he should be allowed to continue in service till the verdict of appropriate Medical Authority is known. In case it is decided not to accede to his request for second medical examination or, if he is found to be responsible for causing delay in obtaining the verdict of the appropriate Medical Authority on his appeal, his services should be terminated forthwith.

Note 5.—(i) For a proper observance of the procedure in the Notes 3 and 4 above, it is necessary that intimation regarding unfitness should immediately on receipt, be communicated to the person concerned with a note that appeal, if any, must be made by the Government servant concerned, within one month of the communication of the findings of the Medical Officer and that if any medical certificate issued by the Registered Medical Practitioner is produced as piece of evidence about the possibility of an error of judgement in the decision of the Medical Officer who examined him in the first instance, the certificate must contain a note by the medical practitioner concerned to the effect that it has been given in full knowledge of the fact that the candidate has already been rejected as unfit for Government service by the Medical Officer.

(ii) In case no appeal is preferred by the Government servant within one month of the date of communication to him of the findings of the Medical Officer, his services should be terminated forthwith on expiry of the period of one month and no appeal should be allowed after expiry of that period.

12. Form of medical certificate

A medical certificate of fitness for Government service shall be in the following form:—

1. Name of candidate.....
2. The post to which appointed.....
3. Department in which appointed.....
4. The age according to candidate's own statement.....
5. Age as by appearance to the Medical Officer.....
6. Whether vaccinated or not.....
7. Left hand thumb impression of the candidate.....
8. Marks of identification.....

I certify that I have examined the abovementioned candidate and cannot discover that he/she has any disease (communicable or otherwise), constitutional weakness or bodily infirmity, exceptI do not consider this a disqualification for employment in the office of as.....

13. Who should sign a medical certificate

Such a certificate shall be signed by the Medical Officer prescribed in rule 1 of Appendix III and in the case of females, shall be regarded as confidential.

14. A Government servant with a defect transferred to another office

When a Government servant, in whom a defect has been noticed by the examining officer, is transferred from one office to another, the duties of which are different in character, the authority competent to sign a medical certificate of physical fitness for Government service should report whether the defect will materially interfere with the discharge of his new duties by the Government servant transferred.

15. Production of medical certificate within six months in temporary employ

(1) No person, who has already completed six months' temporary (including officiating) service in the employment of Government, or who having been discharged before completing six months, is re-engaged in such service and completes six months from the date of re-engagement, shall be continued in employment without production of a medical certificate in the form given in rule 12.

(2) No person, who after completing six months' temporary service (including officiating service) in the employment of Government is discharged before the production of the medical certificate mentioned in sub-rule (1) above, shall be re-engaged without the production of such a medical certificate.

It is the responsibility of the Head of Office to see that no person under him is continued in employment after completing relevant period of service (six months or two months as the case may be) unless that person produces the required medical certificate. To meet the requirement of Audit, a certificate to the effect, that the medical certificate in the prescribed form required under sub-rules (1) and (2) above has been obtained in respect of the Government servant and that he has been declared fit, should be furnished to the Audit. Such certificate should accompany the first bill in which the pay of the Government servant is drawn after the date on which the medical certificate becomes due, or, if this cannot be done for good and sufficient reasons, to the next such bill. The procedure for furnishing this certificate in respect of Gazetted and Non-gazetted officers shall be as under:—

(a) In respect of Gazetted Government servant, certificate by the competent authority to whom the medical certificate has been submitted, should be attached to the first pay bill;

(b) In respect of Non-gazetted Government servant, the Drawing and Disbursing Officer should furnish such certificate along with the first pay bill of the Government servant concerned.

(3) When a person who has produced the medical certificate required under rule 11 is discharged from Government service and is re-engaged, a fresh medical certificate need not be produced by him if the re-engagement takes place within the period of six months from the date of the medical certificate already produced. In such a case, the period between the date of discharge and the date of re-engagement will not be treated as a break for the purposes of rule 11.

(4) If a Government servant is subsequently appointed to any higher post, fresh medical examination, by appropriate medical authority and in accordance with standard prescribed for the post, shall be necessary except in cases where the medical examination

already undergone at the time of initial appointment was of the same standard and by the same medical authority as prescribed for the new appointment or where the new appointment is by way of promotion in the same line of promotion and against promotion quota of vacancies.

Exception.—In the case of Government servants in Class III Secretariat service, in reckoning the period of six months, broken periods of service of less than six months should be counted.

16. Entry in service book about medical examination

The fact that a Government servant is medically examined and found fit should be recorded in his service book as soon as a certificate is produced and the medical certificate of fitness should be kept in safe custody along with the other documents connected with his service career.

17. Invalid pensioner must produce certificate from a Medical Committee before re-employment

No person invalidated from Government service should be re-employed except on the strength of a certificate from a Medical Committee. The Committee should invariably include a Specialist of the disease for which the person was invalidated.

18. Re-employment immediately after retirement

A retired Government servant re-employed within six months from the date of retirement may be exempted from producing a medical certificate of health. In cases other than those referred to in rule 17, where the re-employment does not take place within six months from the date of retirement, the appointing authority will decide whether a medical certificate should be produced.

19. Condonation of disabilities when permitted and by whom

When a candidate for Government service is rejected by the Medical Officer examining him on account of any disability, except eye defects, the Director of Health Services may, upon the request of the Head of the Office, at his discretion, condone such disabilities as are not likely to interfere with the efficiency of the candidate.

20. Acquiring and ceasing of a lien

Unless in any case it be otherwise provided in these rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

21. Restrictions over holding of lien on posts by Government servant at same time

(1) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(2) A Government servant cannot be appointed substantively to two or more separate and permanent posts at the same time.

(3) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

22. Retention of a lien

Unless his lien is suspended under rule 23 or transferred under rule 26, a Government servant holding substantively a permanent post retains a lien on that post—

(a) while performing the duties of that post;

(b) while on foreign service or holding a temporary post, or officiating in another post, or holding a post the pay of which is charged to works or contingencies;

(c) during joining time on transfer to another post, unless he is transferred substantively to a post on lower pay, in which case lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) while on leave other than refused leave granted after the date of retirement;

(e) while under suspension.

Note.—A Government servant confirmed in a permanent post, which is subsequently held in abeyance (because it is not required for active duty) continues to hold a lien on that post during the period the post is held in abeyance.

23. Suspension of a lien

(1) A competent authority shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity—

(a) to a tenure post, or

(b) provisionally, to a post on which another Government servant would hold lien had his lien not been suspended under this sub-rule.

(2) A competent authority may, at its option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service or in circumstances not covered by sub-rule (1) of this rule is transferred, whether in a substantive or in an officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

Note.—When it is known that a Government servant on transfer to a post outside his cadre is due to retire on superannuation within three years of his transfer, his lien on his cadre post cannot be suspended.

(3) Notwithstanding anything contained in sub-rule (1) or (2) of this rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(4) If a Government servant's lien on the post is suspended under sub-rule (1) or (2) of this rule, the post may be filled substantively, and the Government servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

Note 1.—This sub-rule also applies if the post concerned is a post in a selection grade of a cadre.

Note 2.—When a post is filled substantively under this sub-rule, the appointment will be termed a provisional appointment, the Government servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under sub-rule (1) but not under sub-rule (2) of this rule.

(5) A Government servant's lien which has been suspended under sub-rule (1) of this rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-rule (1) (b).

(6) A Government servant's lien which has been suspended under sub-rule (2) of this rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in clause (a), or (b) of sub-rule (1).

Instruction.—Under the existing provisions of this rule, it is possible for more than one person to be appointed in a provisional substantive capacity against a single post. The operation of this rule should, however, be restricted so as to permit only one provisional substantive appointment against one post. Accordingly, the lien acquired by a Government servant on his appointment in a provisionally substantive capacity under sub-rule (4) of this rule, should not be suspended if he is deputed out of India or is transferred to a post of the nature specified in sub-rule (2) of this rule.

24. Suspension of the lien retrospectively and consequential promotion

When suspension of the lien of a Government servant is sanctioned under sub-rule (2) of rule 23, it is permissible retrospectively from the date he is deputed out of India or transferred to foreign service, or is transferred in an officiating capacity to a post either permanent or temporary in another cadre or from any subsequent date; but whether provisional substantive promotions should be given from that date or from any subsequent date is a matter which is entirely at the discretion of the authority whose duty is to fill up the post if permanently vacant.

25. When a lien or a suspended lien cannot be terminated

(1) Except as provided in sub-rule (2) below, a Government servant's lien on a post may in no circumstances be terminated even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(2) A Government servant's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or State Government) outside the cadre in which he is borne.

26. Transfer of the lien to another post

Subject to the provisions of the rule 27, a competent authority may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

27. When transfer to a post carrying less pay is permissible

(1) A Government servant may be transferred from one post to another, provided that, except—

- (a) on account of inefficiency or misbehaviour, or
- (b) on his written request, or
- (c) in anticipation of the abolition of the post on which he holds a lien, or
- (d) where the medical certificate granted under Maharashtra Civil Services (Pension) Rules, certifies the person to be fit for service of a less laborious character than that which he has been performing.

a Government servant shall not be transferred substantively to, or, except in a case covered by rule 56 of Maharashtra Civil Services (Pay) Rules, 1981 appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien, had his lien not been suspended under rule 23.

(2) Nothing contained in sub-rule (1) of this rule or in sub-rule (30) of rule 9 shall operate to prevent the re-transfer of a Government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provision of sub-rule (1) of rule 23.

28. Date from which pay and allowances take effect

Subject to any exceptions specifically made in these rules, a Government servant commences or ceases to be entitled to the pay and allowances of a post with effect from the date on which he assumes or relinquishes charge of the duties of that post, if he assumes or relinquishes charge of those duties in the forenoon of that day; otherwise from the following day.

Exception.—For a period of not more than three days spent by a direct recruit to the post of a Deputy Engineer in taking over charge of his post on first appointment, he should be granted his grade pay excluding any special pay or allowance (but including dearness allowance) to which he would be entitled on assumption of complete charge.

29. Relieving Government servant to intimate probable date of joining to the Government servant to be relieved

Every relieving Government servant is responsible for informing the Government servant to be relieved, at the earliest possible moment, of the date when he will be in a position to receive charge, and it is the duty of the Government servant to be relieved to be in readiness to deliver charge on that date.

30. How the date of handing over charge is determined

When more than one day is occupied in making over charge, the last day should be entered in the report, and an explanation should be submitted.

31. Charge must be handed over at the headquarters, both relieved and relieving Government servants to be present

Except as otherwise provided below, the charge of a post must be made over at the headquarters, both the relieving and relieved Government servants being present—

(a) Permission may be granted to a Government servant serving in Vacation Department to make over charge of a post elsewhere than at its headquarters, excepting to a Head of an Institution under the Education Department. In such cases the amount of travelling allowance claimed by Government servant concerned shall not exceed the amount admissible to him while on transfer.

(b) For special reasons which must be expressed on the face of the order and be of a public nature, a competent authority may permit the charge to be made over elsewhere.

(c) In exceptional circumstances, which should be recorded, a competent authority may permit the charge of a post to be made over in the absence of the relieved Government servant by letter or by telegram at or outside the headquarters of the post.

(d) In case of persons who are permitted to combine vacation with leave, the following procedure may be followed:—

Before proceeding on leave to which he has been allowed to prefix vacation, a Government servant should sign a charge report making over charge with effect from the date on which his leave commences and hand over the report to a responsible member of his office staff with instructions to deliver it for signature to his successor on the latter's arrival to take over the duties of the post. Similarly, when a Government servant is permitted to affix vacation with leave the Government servant, who was officiating during the leave, should at the commencement of the vacation, sign a charge report making over the charge from the beginning of the vacation and hand over the report to a responsible member of his office staff for delivery to

his successor on the latter's return at the close of the vacation. In both cases, the report when completed, should be forwarded at once to the Audit. The term "vacation" in this exception includes holidays.

Instruction.—It shall be permissible for a Government servant to take over charge on a public holiday provided the procedure laid down in this rule is followed and the charge is handed over by the relieved officer in person; provided further that taking over of charge does not involve handing over and taking over cash and securities.

Note.—See rule 48 of Maharashtra Civil Services (Pay) Rules, 1981.

32. How the date of promotion is determined

The promotion of a Government servant from a lower to a higher post, his duties remaining the same, takes effect from the date on which the vacancy occurs, unless it is otherwise ordered. But when the promotion involves the assumption of a new post with enlarged responsibilities, the higher pay is admissible only from the date on which the duties of the new post are taken.

33. Provident and other funds

A Government servant may be required to subscribe to a Provident Fund or other similar fund, in accordance with such rules as Government may by order prescribe.

34. Whole time of a Government servant to be at the disposal of Government

Unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of Government and he may be employed in any manner required by the proper authority, without a claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from the Consolidated Fund of India or of a State or from the revenues of local fund, or from the funds of a body incorporated or not, which is wholly or substantially owned or controlled by the Government.

CHAPTER IV—MAINTENANCE OF RECORD OF SERVICE

35. Maintenance of service record of Gazetted Government servant

A record of the services of each Gazetted Government servant except the Gazetted Government servants whose pay and allowances are drawn by the Heads of Offices on establishment bills, shall be maintained by the Audit Officer who usually audits his pay or who accounts for the contribution recovered from the foreign employer in the case of a Government servant lent to foreign service.

36. Maintenance of service record of Non-gazetted Government servant

A service book in the prescribed Form in Appendix IV should be opened in duplicate for every Non-gazetted Government servant free of charge on his being appointed substantively or in an officiating capacity to a permanent post or appointed to hold a temporary post in Government service for the first time with the following exceptions :—

(a) Government servants, the particulars of whose service are recorded in a history of services or a service register maintained by an Audit Officer;

(b) Government servants officiating in posts or holding temporary posts, who are recruited for purely temporary or officiating vacancies not likely to last for more than one year and are not eligible for permanent appointment;

(c) Housemen, Registrars, Clinical Assistants, Resident Pathologists and Resident Trainee Anaesthetists in the Medical Department;

(d) Policemen of rank not higher than that of Head Constable;

(e) Prohibition and Excise constabulary staff;

(f) Forest Guards;

(g) Class IV servants of all sorts.

One copy should be kept in the custody of the Head of the Office in which the Government servant is serving, and transferred with him from office to office; the other copy should be given to the Government servant concerned. In the case of the copy kept in the custody of Head of the Office, it is his duty to see that all entries are duly made and attested.

Instruction.—While handing over the duplicate copy of the service book to the Government servant it should be impressed on him that he should verify that the entries made therein are correct and attested by the Head of the Office and he should also ensure that all subsequent entries are made in the duplicate service book which should be attested by the officer competent to do so. For this purpose he should submit his copy of the service book when an occasion arises for making a fresh entry and he should carefully see that entries in both the books tally and are up to date.

The Head of Office shall also obtain a declaration each year from each Government servant for whom a service book is maintained, to the effect that he has carefully gone through the entries made in his duplicate service book and has satisfied himself that all the relevant entries are made therein and that they are upto date. A certificate to the effect that he has obtained declarations as above should be submitted by the Head of Office to his next superior officer by the end of every September.

37. Maintenance of service rolls

A service roll, free of charge, as described in rule 46, must be maintained for every other class of permanent, temporary or officiating Non-gazetted Government servants, for whom no service book is necessary except the Government servants mentioned in exceptions (a) and (b) under rule 36. One copy should be kept in the custody of the head of the office in which the Government servant is serving, and transferred with him from office to office, the other copy should be given to the Government servant concerned. In the case of the copy kept in the custody of the head of office, it is his duty to see that all entries are duly made and attested.

Instruction.—The instruction below rule 36 should be followed in respect of service rolls also.

38. Procedure for writing the events and recording the date of birth in the service book

(1) In the service book every step in a Government servant's official life, including temporary and officiating promotions of all kinds, increments and transfers and leave availed of should be regularly and concurrently recorded, each entry being duly verified with reference to departmental orders, pay bills and leave account and attested by the Head of the Office. If the Government servant is himself the Head of an Office, the attestation should be made by his immediate superior.

(2) While recording the date of birth, the following procedure should be followed:—

(a) The date of birth should be verified with reference to documentary evidence and a certificate recorded to that effect stating the nature of the document relied on;

(b) In the case of a Government servant the year of whose birth is known but not the date, the 1st July should be treated as the date of birth;

(c) When both the year and the month of birth are known, but not the exact date, the 16th of the month should be treated as the date of birth;

(d) In the case of a Government servant who is only able to state his approximate age and who appears to the attesting authority to be of that age, the date of birth should be assumed to be the corresponding date after deducting the number of years representing his age from his date of appointment;

(e) When the date, month and year of birth of a Government servant are not known, and he is unable to state his approximate age, the age by appearance as stated in the medical certificate of fitness, in the form prescribed in rule 12 should be taken as correct, he being assumed to have completed that age on the date the certificate is given, and his date of birth deduced accordingly;

(f) When once an entry of age or date of birth has been made in a service book no alteration of the entry should afterwards be allowed, unless it is known, that the entry was due to want of care on the part of some person other than the individual in question or is an obvious clerical error;

Instruction.—(1) Normally, no application for alteration of the entry regarding date of birth as recorded in the service book or service roll of a Government servant should be entertained after a period of five years commencing from the date of his entry in Government service.

(2) Subject to (1) above, the correct date of birth of a Government servant may be determined, if he furnishes a proof of age in any of the following forms:—

- (a) His own statement or that of a parent, guardian, friend or relative;
- (b) School Leaving Certificate, Secondary School Certificate Examination/Matriculation Certificate or University Certificate;
- (c) Extract from a birth or baptismal register;
- (d) Horoscope;
- (e) Entry in family records or accounts books.

The proof at (a) above should not be accepted as sole proof of Government servant's age; also (b), (d) and (e) separately cannot always be depended on as reliable proof of age, while (c) cannot also furnish absolute proof unless the name of the child is registered.

(i) To ensure, as far as possible, that convincing and conclusive proof of age is forthcoming, a Government servant should be asked to produce both an extract from a birth or baptismal register and a School Leaving Certificate or Secondary School Certificate Examination/Matriculation Certificate or University Certificate giving the date of birth. An extract or certificate of birth (such as a baptismal certificate) where his name has been entered in the original birth register at the time of birth, should, however, be accepted as a sufficient proof.

(ii) If a Government servant is unable to produce any of the documents referred to in (i) above, a full explanation should be obtained from him and unless he can adduce satisfactory reasons for not producing them, other evidence such as horoscope, family records, accounts books, etc., should not be admitted.

(iii) Oral or written statements or affidavits of a Government servant or his relatives should not be accepted without the production of supporting evidence save in exceptional cases where the certifying authority is satisfied that for some good reason as direct evidence is available and that the person concerned is trustworthy and there is no reason to disbelieve him.

(3) All cases relating to alterations of dates of birth of Gazetted Government servants and such of the requests of Non-gazetted Government servants as are proposed to be entertained on merits in relaxation of instruction No. (1) above, should invariably be referred to the General Administration Department and the Finance Department through the Administrative Department concerned.

(3) Officers of a rank not lower than the Principal District Officer in the Department concerned may correct errors in the service book which are obviously clerical. Cases in which the correctness of the original entry is questioned on other grounds should be referred to a competent authority.

(4) Finger-prints of a Government servant who is not literate enough to sign his name in English, Hindi or Marathi should be recorded in the column headed "Personal marks of identification" in the service book itself. The impressions should not be taken on separate slips of paper and pasted to the service book.

Exemptions.—When a military employee is transferred to a civil department and assumes a civilian status or when a military employee discharged from the army without earning a pension is employed in a post in a civil department in which his military service counts towards pension, the date of birth to be entered in his service book or roll shall be either that entered by the Military Authorities in his form of attestation when he first joined the army or, if at the time of attestation he stated only his approximate age, the date arrived at by deducting the number of years representing his age from his date of appointment.

Note 1.—The latest discharge certificate (printed as Appendix V) issued to military employees on release of discharge does not provide for the age on the date of attestation or enrolment. It does, however, provide *inter alia* for (i) age at the time of completion of the certificate and (ii) date of enrolment. In such cases the age at the time of enrolment (attestation) should be worked out as indicated below:—

- (a) Calculate the difference between (i) the date of Commanding Officer's signature (*vide* space provided below serial No. 8 in the certificate) and (ii) the date of enrolment;
- (b) Deduct the period calculated as per (a) above from the age at the time of completion of the certificate (the date of the completion of the certificate *vide* serial No. 2 in the certificate).

Once the age at the time of enrolment is calculated the date of birth should be calculated as per the exemptions above.

Note 2.—Cases in which the date of birth has been deduced by any other method, from the age at appointment or attestation, or cases in which Government have passed specific orders accepting a particular date of birth, need not be re-opened.

39. Reasons for reduction, removal etc. to be stated in the service book

When a Government servant is reduced to a lower post, removed, or dismissed from service or suspended from employment, the reason for the reduction, removal, dismissal or suspension, as the

case may be, should always be briefly stated thus "Reduced for inefficiency", "Reduced owing to revision of establishment", etc. The Head of the Office should make efficient arrangement for these entries being made with regularity. This duty should not be left to the Non-gazetted Government servant concerned.

40. Personal certificates of character not to be entered in the service book

Personal certificates of character should not, unless the Head of the Department so directs, be entered in a service book.

41. Service books to be shown to Government servants by Head of Office

It shall be the duty of every Head of Office to initiate action to show the service books to Government servants under his administrative control every year and to obtain their signature therein in token of their having inspected the service books. A certificate to the effect that he has done so in respect of the preceding financial year should be submitted by him to his next superior officer by the end of every September. The Government servants shall *inter alia*, ensure before affixing their signature that their services have been duly verified and certified as such. In the case of a Government servant on foreign service, his signature shall be obtained in his service book after the Audit Officer has made therein necessary entries connected with his foreign service.

42. Completion and movement of service book on transfer

When a Non-gazetted Government servant is transferred, from one office to another, the necessary entry of the nature and reason of the transfer should be made in his service book in the office from which the Government servant is transferred and the service book after being duly verified to date and attested by the Head of the Office, should be forwarded to the Head of the Office to which the Government servant has been transferred. The service book will thereafter be maintained in that office. If he finds any error or omission in the book on receipt, he should return it to the forwarding officer for the purpose of having the error rectified or the omission supplied before the service book is taken over by him. The service book should not be made over to the Non-gazetted Government servant who has been transferred.

43. Events in foreign service to be entered in the service book of Non-gazetted Government servant by Audit Officer

When a Non-gazetted Government servant is transferred to foreign service, the Head of the Office or Department should send his service book to the Audit Officer. The Audit Officer will return it after noting therein over his signature the orders sanctioning the transfer and such particulars regarding the effect of the transfer in regard to leave admissible during foreign service as he may consider to be

necessary. On the Government servant's proceeding on leave from foreign service or on his retransfer to Government service his service book should again be sent to the Audit Officer who will then note in it over his signature, all necessary particulars connected with the leave or retransfer to Government service, including the fact of recovery of leave and pensionary contributions. No entry relating to the time spent in foreign service may be attested by any authority other than the Audit Officer.

44. Service book of a Non-gazetted Government servant officiating in a Gazetted post is to be maintained by the Head of Office in which he is working as a Gazetted Officer

When a Non-Gazetted Government servant is officiating in a Gazetted post, his service book should be maintained and kept by the Head of the Office in which he is working as a Gazetted Officer. The dates of promotion to and reversion from the Gazetted post, the changes in pay from time to time in the Non-gazetted post should be entered in the service book after ascertaining the same from the parent office, on the establishment of which he holds a lien on a Non-gazetted post. On his confirmation in the Gazetted post, the service book duly completed upto the date of confirmation should be forwarded to the Audit Officer who maintains the record of his service under rule 35.

45. Annual verification of service books and service rolls

The service books and service rolls (except in the case of police head constables and constables) in each office should be taken up for verification in May of every year by the Head of the Office. After satisfying himself that the services of the Government servant concerned are correctly recorded in his service book and service roll in conformity with these rules, he would record therein a certificate over his signature to the effect that the services have been verified up to the end of the preceding financial year from pay bills, acquittance rolls and similar records to be specified. If there is any portion of service that cannot be verified from office records distinctly the Head of the Office should state that for the excepted periods, which should be specified, a statement in writing by the Government servant as well as a record of the evidence of his contemporary employees is attached to the book.

Note.—At the time of forwarding service book to Government to which a person is transferred, it should be certified in the service book what service counts for pension in the light of the facts known then.

46. Maintenance of service rolls in respect of policemen

In the case of policemen of rank not higher than that of head constable, there must be maintained for each district by the Superintendent of Police, a service roll in which the following particulars should be recorded for each man in the constabulary holding substantively a permanent post and for each man in constabulary

officiating in a post or holding a temporary post, who is not recruited for a purely temporary or officiating vacancy for a short period and who is eligible for permanent appointment:—

- (a) The date of his enrolment.
- (b) His religion and in the case of Scheduled Castes, Scheduled Tribes or Other Backward Classes, the Tribe or Caste.
- (c) (i) His village,
(ii) Age,
(iii) Height, and
(iv) Marks of identification when enrolled.
- (d) The rank which he, from time to time holds, his promotions and his reductions or other punishments.
- (e) His absence from duty with or without leave.
- (f) Interruptions in his service.
- (g) Every other incident in his service which may affect the amount of his pension.

The service roll must be checked with the roll maintained under rule 473 of the Maharashtra Police Manual, Vol. I, in the principal language of the district and order book and the punishment register and every entry in it must be signed by the District Superintendent.

From this roll the necessary statement of service of every applicant for pension shall be prepared, additional proofs being collected in respect of any service rendered before enrolment in the constabulary which the applicant may be entitled to count.

47. Inspection of service books and service rolls

It is the duty of officers inspecting subordinate offices to inspect the service books and service rolls maintained there. They should see that they are maintained up-to-date, that entries are properly made and attested, that verification has been properly carried out, that the necessary statements and evidence secured and verification certificates have been properly recorded by the Heads of the Offices.

48. Service book not to be returned to Government servant on cessation of service

The service book or service roll should not be returned to the Government servant on retirement, resignation or discharge from service.

49. Extract to be given to insurance companies from service records

Heads of Departments may at their discretion furnish to Life Insurance Corporation, on request, extracts from service records of a Government servant relating to his date of birth, name, father's name, place of residence, race, place and designation of employment, date of appointment and personal marks of identification.

**CHAPTER V—PATENTS TO GOVERNMENT SERVANTS
ENGAGED IN SCIENTIFIC AND TECHNICAL
RESEARCH**

**50. Restriction for obtaining the patent for an invention made
by Government servant**

A Government servant whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention made by such Government servant save with the permission of Government and in accordance with such conditions as Government may impose.

Note.—The general instructions issued in this connection are contained in Appendix VI.

51. Decision of Government is final on the application of rule 50

If a question arises whether rule 50 applies to a Government servant, the decision of Government shall be final.

CHAPTER VI—REPEAL AND SAVING

52. Repeal and Saving

The corresponding rules in the Bombay Civil Services Rules, 1959, as in force in the State of Maharashtra immediately before the commencement of these rules are hereby repealed in so far as they provide for any of the matters contained in these rules:

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.

APPENDICES

APPENDIX I

(See rule 7)

Authorities to whom powers under Maharashtra Civil Services (General Conditions of Services) Rules, 1981, have been delegated by Government

Serial No. 1	No. of rule 2	Nature of power 3	Authority to whom the power is delegated 4	Scope 5	Remarks 6
1	9 (14) (f)	Power to regularise the period of Compulsory waiting as 'duty'	Administrative Departments of Mantralaya.	Upto a period of fifteen days.	
2	9 (35)	Power to appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.	(i) Any authority which has power to make substantive appointment to the post. (ii) Regional Deputy Directors of Technical Education.	Full powers.	
3	9 (35)	Power to— (a) make officiating appointments for four months of Class II Officers and General State Service Officers of equivalent rank; and (b) to transfer officers of the above category. (c) power to notify such orders in the <i>Maharashtra Government Gazette</i> .	All Heads of Departments excluding Regional Heads of Departments.	Full powers.	Subject to the observance of following conditions:— (i) appointments are made in accordance with the Select List approved by Government, (ii) transfers and appointments are intimated to Government within a fortnight of the issue of the orders, (iii) the transfers and appointments are approved by Government within a period of six months from the date of issue of orders,

(iv) if the appointments ordered by the Heads of Departments are not approved by Government within a period of *six months* from the date of issue of the orders, they would be automatically rendered invalid. The transfers would, however, continue to be effective, pending receipt of Government's approval,

(v) except in cases where the transfers do not involve change of headquarters, an officer who has put in less than two years service at the same station should not be transferred without obtaining the prior approval of Government giving special reasons for such transfer,

(vi) the appointments, transfers are duly notified in the *Maharashtra Government Gazette* by the Heads of Departments.

1	2	3	4	5	6
4	9 (35)	Power to promote permanent Junior Engineers/Supervisors as Officiating Deputy Engineers.	(i) Chief Engineer, Koyana. (ii) Chief Engineer (Electrical), Koyana. (iii) Superintending Engineers, Koyana. (iv) Electrical Engineers to Government. (v) Chief Ports Officer, Maharashtra State. (vi) Director, Maharashtra Engineering Research Institute. (vii) Director of Minor Irrigation.	For a period not exceeding <i>three</i> months.	
5	13 [Rule 1(i) in Appendix III].	Power to dispense with a certificate or accept a certificate signed by any female medical practitioner in the case of a female candidate for Government service.	Heads of Departments ..	Posts under their control the pay of which does not exceed Rs. 280 per mensem.	
6	13 [Rule 1(ii) in Appendix III].	Power to accept a certificate signed by any medical officer irrespective of his rank, in the case of a candidate, for appointment to a post on pay not exceeding Rs. 280 per mensem.	Officers of rank not lower than the Collector or District Judge, including the Commissioner of Police, Bombay, the Chief Metropolitan Magistrate, Bombay, the Chief Judge of the Court of Small Causes, Bombay, and the Director of Social Welfare.	All such posts to which appointments can be made by them.	

7	23	Power to suspend a lien ..	(i) All Heads of Departments.	Full powers in respect of Government servants whom they can appoint.	They may redelegate this power to their subordinate Gazetted officers in charge of administration in their own offices subject to the fulfilment of requirements and/or orders in this regard.
			(ii) The Regional Deputy Directors of Technical Education.	Full powers in respect of Government servants whom they can appoint.	They may redelegate this power to their subordinate Gazetted officers in charge of administration in their own offices subject to the fulfilment of requirements and/or orders in this regard.
			(iii) Director, Government Printing and Stationery, Bombay.	Non-gazetted staff including supervisory posts.	
			(iv) Managers of Government Presses.	Non-gazetted staff excluding supervisory posts.	
8	26	Power to transfer a lien from one post to another.	Authorities competent to fill the posts substantively when they fall vacant.	Full powers in respect of Government servants whom they can appoint.	
9	31	Power to permit charge being made over elsewhere than at headquarters.	(i) Heads of Departments.	In respect of Government servants subordinate to them whose transfer has been ordered by an authority not higher than that of Government.	

1	2	3	4	5	6
			(ii) Assistant/Deputy Collectors.	In respect of Non-gazetted Government servants transferred from or to the office of an itinerating officer.	
			(iii) Deputy Inspector General of Police, C.I.D. and Superintendent of Police.	In respect of Police officers of and below the rank of Inspector, provided the place where the charge is actually transferred is also within their jurisdiction.	
10	38 (2) (f)	Power to make corrections in dates of birth, in respect of Non-gazetted Government servants, originally entered in the service books.	Heads of Departments.	Full powers	In respect of Government servants whom they or their subordinates can appoint, if the request is made within five years from the date of their appointment in Government Service.

APPENDIX II

[See rule 9(22)]

List of Officers who are to be deemed as " Heads of Departments " for the purpose of various sets of the Maharashtra Civil Services Rules

Serial No.	Heads of the Departments	Remarks
1	2	3
Agriculture and Co-operation Department		
1	Commissioner for Co-operation and Registrar of Co-operative Societies, Pune.	
2	Dairy Development Commissioner, Bombay.	
3	Director of Agriculture, Pune	
4	Director of Fisheries, Bombay	
5	Director of Marketing, Maharashtra State, Pune.	
6	Director of Animal Husbandry, Pune.	
7	Director of Sugar, Maharashtra State, Pune.	
8	Director of Handlooms, Powerlooms and Co-operative Textiles, Maharashtra State, Nagpur.	
9	Regional Deputy Directors of Animal Husbandry, Pune/ Bombay/Nagpur/Aurangabad.	Deemed as Heads of Departments for the purpose of Maharashtra Civil Services Rules excepting rules relating to suspension of lien, acceptance of Fees and Honoraria, Honoraria or fees for professional attendance and allowing to attend journey for Scientific Conferences or Congresses, etc.
10	Secretary to Government.	
Education and Employment Department		
1	Director of Education, Maharashtra State, Pune.	
2	Director of Technical Education, Bombay,	

1	2	3
3	Dean, Sir J. J. School of Art, Bombay.	
4	Director of Art, Bombay	
5	Director of Archaeology, Bombay	
6	Director of Employment, Bombay	
7	Director of Libraries, Bombay.	
8	Director of Sports and Youth Services, Pune.	
9	Secretary to Government.	
Finance Department		
1	Additional Commissioners of Sales Tax, Bombay, Pune and Nagpur.	
2	Commissioner of Sales Tax, Bombay.	
3	Deputy Commissioners of Sales Tax.	
4	Director of Accounts and Treasuries, Bombay.	
5	Director of Small Savings and State Lotteries, Bombay.	
6	Director of Insurance, Bombay.	
7	Secretary to Government.	
Food and Civil Supplies Department		
1	Controller of Rationing, Bombay.	
2	Financial Adviser and Deputy Secretary to Government, Food and Civil Supplies Department, Bombay.	For purposes of Maharashtra Civil Services Rules in respect of the staff directly under his control.
3	Secretary to Government.	
4	Supply Commissioner, Bombay.	Supply Commissioner, Bombay, will continue to be Head of Department till Secretary to Government, Food and Civil Supplies Department is also the Supply Commissioner, Bombay.
General Administration Department		
1	Chief Electoral Officer, Maharashtra State, Bombay.	
2	Chief Director General of Information and Public Relations, Bombay.	

1	2	3
3	Director of Administrative Staff College, Bombay.	
4	Director, Maharashtra Rajya Sainik Board, Pune.	
5	Director of Archives and Historical Monuments, Bombay.	
6	Director of Languages, Bombay.	
7	Director, Rural Broadcasting, Bombay.	
8	Executive Editor and Secretary, Maharashtra District Gazetteers (Revision) Editorial Board, Bombay.	
9	Registrar, in the Office of the Lokayukta and Upa-Lokayukta, Bombay.	
10	Secretary of the State Board for Literature and Culture, Bombay.	
11	Secretary, Maharashtra Public Service Commission, Bombay.	
12	Special Commissioner to Government of Maharashtra, New Delhi.	
13	Secretary to Government.	
14	Secretary to the Governor.	

Home Department

- 1 Chief Ports Officer, Maharashtra State, Bombay.
- 2 Commissioner of Police, Greater Bombay.
- 3 Commissioner of Prohibition and Excise, State of Maharashtra, Bombay.
- 4 Coastal Engineer.
- 5 Director of Aviation, Bombay.

1	2	3
6	Director, Vigilance, Anti-Corruption and Prohibition-Intelligence Bureau and Special Inspector-General of Police, Maharashtra State, Bombay.	
7	Director, Forensic Science Laboratories and Chemical Analyser to Government, Maharashtra State, Bombay.	
8	Director of Civil Defence and Commandant General, Home Guards, Maharashtra State, Bombay.	
9	Director of Public Prosecutions, Maharashtra State, Bombay.	For the purposes of use of conveyance for the performance of duties in the interest of public service.
10	Director Inland Water Transport.	
11	Hydrographer, Bombay.	
12	Inspector-General of Police, State of Maharashtra, Bombay.	
13	Inspector-General of Prisons, and Director of Correctional Services, Maharashtra State, Pune.	
14	Secretary to Government.	
15	Transport Commissioner, Maharashtra State, Bombay and Secretary, State Transport Authority.	
Housing and Special Assistance Department		
1	Secretary to Government.	
Industries, Energy and Labour Department		
1	Chief Engineer (Electrical), Hydro Project, Bombay.	
2	Commissioner of Labour, Maharashtra State, Bombay.	
3	Director, Government Printing and Stationery, Bombay.	
4	Director, Geology and Mining, Nagpur.	

1	2	3
5	Director, Maharashtra Institute of Labour Studies, Bombay.	
6	Industries Commissioner and Director of Industries, Bombay.	
7	President, Industrial Court, Bombay.	
8	Secretary to Government.	
Law and Judiciary Department		
1	Administrator General and Official Trustee, Bombay.	
2	Advocate General, Maharashtra, Bombay.	
3	Charity Commissioner, Bombay.	
4	Chief Judge of the Court of Small Causes, Bombay.	
5	Chief Metropolitan Magistrate, Bombay.	
6	District and Sessions Judges.	
7	Principal Judge, Bombay City Civil and Sessions Court, Bombay.	
8	Remembrancer of Legal Affairs and Secretary to Government.	
Legislative Affairs Department		
1	Secretary to Government.	
Maharashtra Legislature Secretariat		
1	Secretary, Maharashtra Legislature Secretariat.	
Public Works Department and Irrigation Department		
1	Architect to Government, Bombay.	
2	Administrators of Command Area Development Authorities.	
3	Chief Engineers.	
4	Chief Engineer (Electrical), Hydro Projects, Bombay.	

1	2	3
5	Commissioner, Command Area Development Authority and Secretary to Government.	
6	Chief Engineer (Electrical), Bombay.	
7	Director, Maharashtra Engineering Research Institute, Nashik.	
8	Director, Irrigation, Research and Development, Pune.	
9	Director, Engineering Staff College, Nashik.	
10	Secretary to Government.	
11	Superintending Engineers of Circles.	
12	Superintending Engineer, Designs (Roads and Buildings).	
13	Superintending Engineer, Central Design Organisation, Nashik.	
14	Superintending Engineers (Hydro).	

Planning Department

- 1 Director, Economics and Statistics, Bombay.
- 2 Secretary to Government.

Revenue and Forests Department

- 1 Chief Conservator of Forests, Pune.
- 2 Collectors.
- 3 Conservators of Forests.
- 4 Commissioners of Bombay/Pune/Nagpur/Aurangabad/Nashik/Amaravati Divisions.
- 5 Chairman, Sugarcane Price fixation Board.
- 6 Inspector-General of Registration, Maharashtra State, Pune.
- 7 President, Maharashtra Revenue Tribunal, Bombay.

1	2	3
8	Secretary to Government.	
9	Settlement Commissioner and Director of Land Records.	
10	Superintendent of Stamps, Bombay.	
Rural Development Department		
1	Director, Groundwater Surveys and Development Agency, Maharashtra State, Pune.	
2	Secretary to Government.	
Social Welfare, Cultural Affairs, Sports and Tourism Department		
1	Additional Commissioner, Tribal Sub-Plan, Nashik.	
2	Additional Commissioner, Tribal Sub-Plan, Nagpur.	
3	Director of Tourism, Maharashtra State, Bombay.	
4	Director of Sports and Youth Services, Maharashtra State, Pune.	
5	Director of Social Welfare, Pune.	
6	Director of Tribal Welfare, Pune.	
7	Director of Tribal Research and Training Institute, Pune.	
8	Secretary to Government.	
9	Tribal Commissioner and Secre- tary to Government.	
Urban Development and Public Health Department		
1	Commissioner of Food and Drugs Administration, Bombay.	
2	Director of Medical Education and Research, Bombay.	
3	Director of Health Services, Bombay.	
4	Director of Employees' State Insurance Scheme, Bombay.	
5	Director, Town Planning and Valuation, Pune.	

1	2	3
6	Director of Municipal Administration, Bombay.	
7	Director of Ayurved, Bombay.	
8	Fire Adviser to Government of Maharashtra, Bombay.	
9	Joint Director of Health Services, Bombay.	
10	Joint Director of Health Services, Pune.	
11	Joint Director of Health Services, Family Planning, Maternity, Child Health and School Health, Pune.	
12	Secretary to Government.	

APPENDIX III

(See rule 11)

Rules for the examination of candidates as to their physical fitness

1. Candidates will be examined and certified in Bombay City by the Superintendents of Government Hospitals and in the mofussil by the Civil Surgeon of the district or Superintendent, Sassoon General Hospital, Pune, as the case may be, in which they are employed or reside for the time being or by a Medical Officer duly appointed for the purpose (*vide* Schedule 'A' below) :

Provided that—

(i) In the case of a female candidate, a competent authority may either dispense with a certificate or accept a certificate signed by any female medical practitioner.

Note.—Once a female Government servant is asked to produce a medical certificate of fitness for entry into Government service whether in permanent or temporary capacity, and has actually been examined and declared unfit, it is not open to the authorities exercising the powers to use their discretion to ignore the certificate that has been produced.

(ii) In the case of a candidate who is appointed on pay not exceeding Rs. 280 per mensem, a competent authority may accept a certificate signed by any Medical Officer irrespective of his rank.

The certificate should be in the form prescribed by rule 12 in Chapter III.

(iii) Maharashtra Medical and Health Service Class II Resident Medical Officers should issue physical fitness certificates of class III and class IV Government servants of this State.

2. In the case of female candidates, the examination will be confined to the general condition of health and constitution only.

3. Medical Officers in-charge of civil stations should, when required to do so, examine successful candidates as to their physical fitness both before admission into the Training Colleges and before they are appointed to Government service.

Students of the Training Colleges for men and women at Pune should on admission be examined by the Maharashtra Medical Service Officer in medical charge of these institutions instead of by the Superintendent, Sassoon General Hospital, Pune, and on leaving the Colleges they should be examined as to their physical fitness by the Civil Surgeons of the districts or the Superintendent, Sassoon General Hospital, Pune, as the case may be, to which they are appointed.

4. Heads of Offices will furnish the candidate with a letter of cognizance stating the department and the appointment to which the candidate will be appointed and also briefly summarising the nature of the work he or she will have to perform, and making

mention of any special hardships of climate, whether fatigue and the like which the candidate will have to endure. The declaration mentioned in rule 5 should be attached to the letter of cognizance, which is printed as Schedule 'C' below. In cases of examination by a Medical Board, the authority furnishing the letter of cognizance may be the Head of Department, if it is not possible to get the letter signed by a Head of Office.

5. The utmost care should be exercised in furnishing certificates of physical fitness to candidates for public services, and applicants will be required by the appointing authority to declare in writing, when possible, whether they have at any time been pronounced unfit for Government employment by a duly constituted medical authority.

6. (1) The examination as to the physical fitness of candidates, except in the case of those seeking admission to departments for which special standards of physical fitness are laid down, will comprise routine examination into the health and bodily condition of candidates for the public service, with special reference to the points noted below:—

- (i) General conformation.
- (ii) The presence or otherwise of haemorrhoids or fistula.
- (iii) The presence or otherwise of hernia or weakness of the inguinal rings and canals.
- (iv) The presence of varicocele, hydrocele, or other affections of the testicle.
- (v) The presence of pyorrhoea alveolaris.
- (vi) Any evidence of venereal disease.
- (vii) The presence of Trachoma.
- (viii) Any inveterate skin disease.
- (ix) Any Tubercular disease.
- (x) A neurotic temperament.

(2) Every candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the Note below.

- (i) State your name in full (in block letters).
- (ii) State your age and place of birth
- (iii) (a) Have you ever had small-pox, intermittent,
or any other fever, enlargement or suppuration
of glands, spitting of blood, asthma, heart
disease, lung disease, fainting attacks, rheuma-
tism, appendicitis;
O.
(b) Any other disease or accident requiring
confinement to bed and medical or surgical
treatment?

- (iv) When were you last vaccinated?
- (v) Have you or any of your near relations been.....
affected with consumption, scrofula, gout,
asthma, fits epilepsy or insanity?
- (vi) Have you suffered from any form of nervous-.....
ness due to overwork or any other cause?
- (vii) Have you been examined and declared unfit.....
for Government service by a Medical Officer/
Medical Board, within the last three years?
- (viii) Furnish the following particulars concerning your family :—

Father's age, if living and state of health	Father's age at death and cause of death	No. of brothers living, their ages and state of health	No. of brothers dead, their ages at death and cause of death
1	2	3	4

Mother's age, if living and state of health	Mother's age at death and cause of death	No. of sisters living, their ages and state of health	No. of sisters dead, their ages at death and cause of death
5	6	7	8

I declare all the above answers to be, to the best of my belief,
true and correct.

I also solemnly affirm that I have not received a disability certi-
ficate/pension on account of any disease or other condition.

Candidate's signature

Signed in my presence

Signature of Medical Officer

Note.—The candidate shall be held responsible for the accuracy of the above state-
ment. By wilfully suppressing any information he will incur the risk of losing
the appointment and if appointed, of forfeiting all claim to superannuation
pension or gratuity.

7. Candidates will be required to pass the visual test laid down in
the regulations as to the standards of vision, *vide* Schedule 'B' below.
A candidate whose standard of vision does not come up to the
requirement of services specified in Annexure 'A' to Schedule 'B'
shall be referred to the Board of Referees for assessment of their
visual standard in relation to the nature of work the candidate is

expected to do. The candidates declared unfit by the Board of Referees will not be eligible for appointment in Government service.

8. Medical Officer should note in the certificate of physical fitness the fact of vaccination having or not having been performed and should also take the left-hand-thumb impression of the candidate thereon in the case of a non-gazetted Government servant. The examining Medical Officers are responsible for this.

9. Candidates of inferior physique for admission into the Maharashtra Veterinary College with a view to ultimate employment in Government service will not be admitted.

The following standard for height and chest measurements of these candidates is prescribed for guidance :—

Age		Height centimetres	Chest centimetres
18		162·56	76·20
19		162·56	78·74
20		162·56	78·74
21		162·56	81·28
22		162·56	83·82

For every additional 2·54 cm. in height there should be an increase of 1·270 cm. in chest measurement at the respective ages. Strict conformity with the standard is not required.

10. Candidates for the Central Police Training School must be certified by the Civil Surgeon or Superintendent, Sassoon General Hospital, Pune, as the case may be, to be thoroughly fit for out-door employment and free of any disease likely to interfere with their efficiency as Police Officers. They must be vaccinated or if they have already been vaccinated, must be revaccinated before joining the school.

11. Candidates for the State Services should be sent for medical examination by a Medical Board, only after they are selected for appointment.

Note.—In case of medical examination of female candidates for gazetted appointments under Government, one of the members of the Medical Board examining such candidates should be a lady Medical Officer, possessing medical qualifications included in the Schedule to the Indian Medical Council Act, 1956.

12. Selected candidates for the posts of Maharashtra Forest Service and Maharashtra Forest Engineering Service should be examined by the Medical Board in Bombay City in accordance with the following rules :—

(i) The examination as to the physical fitness of these candidates shall be such as would be required by a reputable life assurance company if the candidates wish to insure at normal rates for the full terms of their lives.

(ii) It will comprise the routine examination into the health and bodily condition of candidates for the public service as laid down in rule 6 above. (A table below is for the guidance of the medical examiners showing the minimum relative heights, weights and chest measurements, which should, as a general rule, be regarded as sufficient.)

Table showing the lowest relative heights, weights and chest measurements

	Height	Weight	Chest measurement		Height	Weight	Chest measurement
	Cm.	Kg.	Cm.		Cm.	Kg.	Cm.
(1)	152.40	44.45	81.28	(9)	172.72	56.24	87.63
(2)	154.94	45.36	81.28	(10)	175.26	58.97	88.90
(3)	157.48	46.27	82.55	(11)	177.80	61.69	90.17
(4)	160.02	47.17	83.82	(12)	180.34	63.50	91.44
(5)	162.56	48.99	83.82	(13)	182.88	67.13	93.98
(6)	165.10	50.80	85.09	(14)	185.42	69.85	96.52
(7)	167.64	52.62	86.36	(15)	187.96	73.94	101.60
(8)	170.18	54.43	86.36	(16)	190.50	79.38	101.60

Note.—The Medical Board should certify in cases of candidates for the Maharashtra Forest Service and Maharashtra Forest Engineering Service that they are fit for rough out-door work in the Forest Department.

(iii) Candidates with any deformity or defects which will incapacitate them in any degree or may hereafter tend to incapacity, or those suffering from any of the ailments abovementioned (rule 6) should be rejected.

(iv) Candidates who are abnormally spare or light, and those who are distinctly of an obese, flabby or full-blooded habit of body, should be rejected.

(v) The existence of any of the following conditions will also disqualify, viz. :—

- (a) Any tubercular disease.
- (b) A neurotic temperament.
- (c) The loss of an eye.
- (d) Any chronic affection of the eyes or ears, or any acute affection of these organs until it be cured.
- (e) Considerable varicosity of the veins of the either legs.
- (f) Venereal disease.

(vi) Candidates must pass the visual test prescribed in Schedule 'B' to these rules.

(vii) Cases of candidates rejected for defects or ailments, which are possibly remediable, will be reported to Government, who will decide whether re-examination shall be permitted and the date thereof.

13. Candidates for appointments to the Upper Subordinate Forest Service or ranger class will be required to produce a health certificate in the following form signed by a Commissioned Medical Officer or by a Medical Officer in charge of a civil station :—

Examination free.

Dated

19

I hereby certify that I have examined a candidate for the forest ranger's course, and cannot discover that he has any disease, constitutional affection, or bodily infirmity. He has sound constitution, good vision and hearing, and in my opinion he is physically fit for a rough out-door life in the Forest Department.

His age is according to his own statement years, and by appearance about years. He has been vaccinated (or protected from small-pox).

Civil Surgeon/
Superintendent, Sassoon General
Hospital, Pune.

Note 1.—The medical examination of a candidate for selection to the Forest Service will be conducted free of charge, if he is armed with a letter from a forest officer not lower in rank than Divisional Forest Officer. Care should be taken by that officer that letters are given only to likely applicants.

Note 2.—Any candidate is liable to further medical examination, if the Chief Conservator so directs.

14. Candidates for all Government scholarships tenable in England or on the Continent are required to submit with their application a certificate of physical capacity to undergo the course of life and study, which they will have to follow in England, signed or countersigned by the Superintendent of one of the Government Hospitals in Bombay or a Civil Surgeon of a district or Superintendent, Sassoon General Hospital, Pune as the case may be. Such candidates should, therefore, be subject to a careful medical examination by the Superintendent of a Government Hospital, Bombay, or the Civil Surgeon or Superintendent, Sassoon General Hospital, Pune as the case may be, and special attention should be paid to the probability of their being able to stand the English climate. A candidate for a Government scholarship should pay the usual fee for a certificate unless he is provided with a letter of authority requesting the Civil Surgeon or Superintendent, Sassoon General Hospital, Pune as the case may be, to examine him.

15. Candidates for any special department of Government service, having special standards of physical fitness, must be provided

with, and present a copy of any such special standards to the examining officer.

16. Medical Officers who are in doubt about the fitness of a candidate should refer the whole case to the Director of Health Services, Bombay, who will decide whether the candidate should be examined by another Medical Officer or by a Medical Board.

17. If in the opinion of the Medical Officer/Medical Board, a candidate is unfit he/they shall issue to such candidate a certificate in the following form :—

“I/We consider (name of the candidate) to be temporarily/permanently unfit for employment as on account of.....

*In my/our opinion, the candidate should be fit to appear for re-examination by (date) and he should appear with a fresh letter of cognizance for re-examination.”

Note.—Under no circumstances shall a candidate be entitled to a copy of the report or the detailed findings of a Medical Board.

18. Candidates pronounced unfit, except on grounds of visual test, shall with the permission of the Head of the Office concerned, be entitled to appeal to the Director of Health Services, Bombay, together with medical certificate, if any, produced as a piece of evidence as provided in note 5 of rule 11 of Maharashtra Civil Services (General Conditions of Services) Rules, 1981, within one month from the date of issue of the communication in which the findings of the Medical Officer are communicated to them.

19. The examining Medical Officer is held responsible for the measurements of height, weight, chest and abdomen in cases where these are specifically laid down. He is also responsible for noting on the certificate the marks of identification.

20. Detailed accounts of the examinations held in India by individual medical examiners, or by Medical Boards, of candidates, who may subsequently have to present themselves for final examination before the Medical Board of the office of the High Commissioner for India should be forwarded to the Medical Board of the office of the High Commissioner for India for record. It is of great importance that the Board should have before it, when proceeding to the final examination of such candidates, full particulars of the information obtained and the conclusions reached by the examiners by whom the candidate was first passed as physically fit for Government service.

* To be added in case of temporary unfitness.

SCHEDULE 'A'

(See rule 1)

The following Medical Officers are appointed to examine candidates stated against their names:—

- (i) Police Surgeon, Bombay ... City and Railway Police Forces stationed in Bombay.
- (ii) Maharashtra Medical Service, Class II Officer, incharge Subsidiary Police Hospital, Naigaum. Recruits for the posts of constables in the City Police Force stationed in Bombay.
- (iii) Medical Officers of prisons and jails. Prison and jail establishments.
- (iv) Superintendents of Mental Hospitals. Mental Hospital establishments.
- (v) Superintendents, Cama and Albless Hospitals, Bombay. Female candidates in Bombay.

SCHEDULE 'B'

Regulation as to the standard of vision

[See rules 7 and 12 (vi)]

1. When a candidate for admission into the Civil Services of Government, appears before the medical authority for visual test, the medical authority shall be guided by the different minimum standards as prescribed in Annexure 'A' to this schedule. This is the "Sorting Out" stage, where the obviously suited are certified fit without further trouble.

2. The doubtful and unsuitable cases shall be referred to a "Board of Referees", comprising of at least three ophthalmologists who shall get the cases examined on the following points:—

- (i) Previous record of glasses worn.
- (ii) Determination of refractive error under homatropine.
- (iii) Fundus changes, particularly in the anterior part of chorioretina.
- (iv) Vitreous changes.
- (v) Absolute visual acuity.
- (vi) Radius of curvature of cornea.
- (vii) Ascertainment of the nature of his work, particularly in relation to subjective and objective hazards.

And shall assess the visual capacity against the visual task expected in which they shall be guided by certain classic standards according to the work to be assigned to the candidate.

3. The Board shall have the right to order the re-examination of a candidate annually for three years to determine the stability or unstability of a refractive error before he is finally confirmed.

4. The "Board of Referees" decision shall be final and irrevocable.

5. When a candidate is referred to a Medical Board, the Board shall be guided by the standards laid down in Annexure 'A' (Preliminary standards) and those who fall short of the standard shall be referred to the "Board of Referees".

ANNEXURE 'A'

(See rule 7)

Preliminary Visual Standard for all Services

Group 'A'

For posts requiring very high degree of visual acuity with unaided eye—

Visual acuity—unaided vision is not less than 6/6 in one eye and not less than 6/9 in the other.

Posts for which such a high standard is required—

Armed and unarmed Police, etc.....

Group 'B'

For post requiring a very high degree of vision acuity with glasses and moderate degree without glasses—

Visual acuity—

6/24 each eye without glasses.

6/6 each eye with ± 2.5 D after correction.

Normal colour vision as tested with the Ishihara test. No evident signs of infective condition of the external eye e.g. Trachoma.

No squint.

Posts for which such a high standard is required—

All Class I and certain Class II posts, viz. Medical and Engineering Services; Class II, Superintendents and Sub-Inspectors of Police.

Group 'C'

For posts requiring a high degree of visual acuity with visual aids (glasses)—

Visual acuity—

6/6 each eye with $\pm 4.0D$ after correction.

No infective condition of the external eye.

No Squint.

Posts for which such a high standard with glasses is required—

1. Class II posts.
2. Certain Class III posts, viz. MMS, Class III compounders.
3. Skilled workmen and artificers and machine workers.
4. Bus conductors in Transport Service.

Group 'D'

For posts which can do with a moderate degree of visual acuity

Visual acuity—

Better eye 6/6 with $\pm 4.0D$ worse eye 6/24 with glasses.

No infective condition of the external eye.

Posts that can do with such a moderate degree of visual acuity.

Class III posts and all types of desk-work, e.g. clerks, accountants, organising officers, store-keepers.

Group 'E'

For posts which do not require acute central visual acuity—

Visual acuity—

Better eye 6/12 with correction.

Worse eye 6/24 with correction.

No infective condition of the external eye.

Posts that can do with such visual acuity.

Ward boys in hospitals, menials, sweepers, peons, messengers, and all those belonging to Class IV in whom a moderate visual acuity is enough to enable them to perform their duties.

Note.—All those who fall short of the above standard are not necessarily failed but shall be referred to the "Board of Referees" for expert opinion.

ANNEXURE 'B'

Rules for the guidance of the Board of Referees

1. *Visual acuity.*—An eye that cannot be brought to 6/6 after correction calls for a detailed examination.
2. *Pupil reaction.*—A sluggishly reacting pupil is an eye for detailed examination.

3. *Fundus changes in Myopia*.—A general rarified appearance of the fundus, particularly in the centrocoecal and anterior parts: a temporal crescent with its points almost meeting to form an annular ring round the disc and pigment degeneration are signs of grave import and ground for failing a candidate.

In a high degree of myopia a narrow temporal crescent in itself must not be a criterion for failing a candidate.

Fundus diseases.—In other fundus diseases all lesions of a progressive nature are grounds for failing.

4. *Refractive error*.—But for posts under Group 'A' under the preliminary visual standards, the standards may be considerably relaxed. More attention is to be paid to the type of refractive error than the degree. In this measurement of the radius of curvature of the cornea and its refractive power and the condition of the eye-grounds and vitreous will determine a physiological or a pathological error. Thus a myopia of 10D with a corneal refraction of 45D or 46D (normal 44D) and healthy eye-grounds and no vitreous opacities is no risk myopia whereas a myopia of 4D with a corneal refractive power of 44D or less with a rarified anterior choroid is a full-risk myopia and may be disqualified. Thus no limit is set for the degree of myopia for the board of expert referees.

5. *Amblyopia*.—If one eye vision is defective from whatever cause (Squint, opacity, macular trouble) it matters little then whether the eye has vision finger counting at 6 metres or 6/12. That eye is useless for central vision, in the presence of the better eye. The only concern there is : (a) whether the eye has good peripheral vision, (b) does the condition in that eye constitute a danger by itself? If the eye has good peripheral vision, the person can do any duty that does not require binocular vision. All causes giving rise to defective vision in one eye from an opacity, fundus disease or squint, paralytic or non-paralytic or external disease should be investigated in every case and the capacity of that person to fit for the duty he is expected to do, is assessed by the expert Board. In that direction special attention should be given to whether such an eye condition suggests a possibility of similar condition developing in the other eye.

6. In the event of any doubts as to the progressibility or otherwise of any case the Board reserves the right of examining the case once in every year and to defer its final decision until three years have passed.

SCHEDULE 'C

(See rule 4)

Letter of cognizance to be taken by a candidate undergoing
physical fitness examination

No. 19

Place

Date

From

The

To

The Civil Surgeon/Superintendent, Sassoon General Hospital,
Pune.

Subject.—Medical Examination for physical fitness for Govern-
ment service.

Sir,

I am directed to request that the bearer
a candidate for employment in the post of
in the cadre of Department, may kindly be examin-
ed by you/a Medical Board and this Office/Department furnished
with your opinion/opinion of the Board regarding his health, and
age in the prescribed form as recommended by rule 12 of the
Maharashtra Civil Services (General Conditions of Services) Rules,
1981. Particulars of this candidate are given below :—

- (1) Height.
- (2) Figure.
- (3) Personal marks—

- (1)
- (2)
- (3)

This candidate is expected to do [rule 4, Appendix III,
Maharashtra Civil Services (General Conditions of Services) Rules,
1981].

This candidate had made a declaration before me to the effect
that he was not declared unfit for Government service previously
by any duly constituted medical authority [rule 5, Appendix III,
Maharashtra Civil Services (General Conditions of Services) Rules,
1981]. This declaration is attached.

Yours faithfully,

(Head of Office/Department)

APPENDIX IV

(See rule 36)

A form of service book

Space should be provided on the reverse of the title page of the service book to record thumb and finger impressions of (Non-gazetted) Government servants under the following headings:—

Thumb and finger impressions of (Non-gazetted) Government servant who is not literate enough to sign his name in English, Hindi or Marathi. The opening page of the service book should contain the following entries:—

- (1) Name
- (2) Race
- (3) Residence
- (4) Father's name and residence
- (5) Date of birth by the Christian era as nearly as can be ascertained.
- (6) Exact height by measurement.
- (7) Personal marks for identification
- (8) Educational Qualifications
- (9) Signature of (Non-gazetted) Government servant.
- (10) Signature and designation of the head of the office or other attesting officer.

Note.—The entries in this page should be renewed or re-attested at least every five years, and the signature in lines (9) and (10) should be dated. Finger prints need not be taken afresh every five years under this rule.

The remaining folios of the service book should be divided into fifteen columns, viz.:—

- (1) Name of appointment.
- (2) Whether substantive or officiating and whether permanent or temporary.
- (3) If officiating, state substantive appointment.
- (4) Pay in substantive appointment.
- (5) Additional pay for officiating.

- (6) Other emoluments falling under the term " Pay ",
- (7) Date of appointment,
- (8) Signature of Non-gazetted Government servant,
- (9) Signature and designation of the Head of the Office or other attesting officer in attestation of columns 1-8,
- (10) Date of termination of appointment,
- (11) Reasons of termination (such as promotion, transfer, dismissal, etc.),
- (12) Signature of the Head of Office or other attesting officer,
- (13) Nature and duration of leave taken,
- (14) Signature of the Head of the Office or other attesting officer,
- (15) Reference to any recorded punishment or censure, or reward or praise of the Government servant.

APPENDIX V

(See rule 38)

Certificate of Service

1. No. Rank
- Name
- Unit
- Father's Name
- Class Sub-Class
- Village P.O.
- Tahsil Thana
- Tel. Office Rly. Station
- District
- Date of enrolment
- Date of transfer to the Reserve
- Date of discharge
- Non-qualifying service
2. Description at the time of completion of this form:
- Age
- Distinctive mark
3. * Transfer to the Reserve on
- * Discharge by order of
- Dismissed
- In consequence of
- Under Item/Section I.A.A. Rule 13/I.A.A.
- After serving years months
- days with
- the colours and years months
- days in the Reserve.
- (Non-qualifying service to be included)
4. Character is assessed, *vide* R. A. I. Instruction No. 203
-
5. (a) Medals, decorations or mentions in despatches
-

* Stricken out item not applicable.

† Insert the condition from which a person discharged on medical ground is suffering, as entered in the proceedings of the Medical Board I.A.F.

- (b) War Services, showing theatres of operations with dates
- (c) Wounds (Details of disability).....
6. Certificates—
- (a) Highest military educational certificate (R. U.).....
-
- Highest military educational certificate (Eng.).....
-
- Highest education (Civil)
- Degree of proficiency in reading and/or writing (i) English,
- (ii) Roman Urdu.
- (b) Any other language.....
- Any other qualification such as Mathematics
- (c) Employment before enlistment.....
- (d) Army trade and qualifications
7. The holder of this certificate must understand that, if he wishes to submit a petition, he must do so to the officer i/c Records *..... or to the Deputy Commissioner/Collector
- Application for assistance in finding employment should be made to Sub-Regional Employment Exchange at †.....
-
- His nearest D. S. S. A. B. is at †.....
8. The contents of paragraph 7 above have been fully explained to me.

Date.....

.....

(Signature of Soldier)

Station.....

.....

Signature and Rank

Date.....

Commanding.....

Note.—The signature of the soldier will not be affixed to this page until all entries are completed and will then be regarded as a certificate that he understands the use of the form and accepts the correctness of the entries therein.

* Enter training centre, depot, unit, etc.

† Enter station.

APPENDIX VI

(See rule 50)

Instructions for regulating the Patenting of Inventions made by
Government Servants under rule 50

1. (1) In these Instructions—

- (a) "Committee" means the Patents Advisory Committee.
- (b) "Inventor" means any Government servant whose duties involve carrying out of Scientific or Technical Research.
- (c) "Department" means Department of Government in charge of any Research Organisation.
- (d) "Research Organisation" means any technical or scientific establishment under Government where research work is carried out, and includes also an establishment where research work is carried out in addition to any other routine work.
- (e) "Secretary" means Secretary of the Patents Advisory Committee.

(2) The Patent Advisory Committee will consist of the officials mentioned below :—

Chairman

Industries Commissioner, Bombay.

Members

The Director of Technical Education, Bombay.

The Director of Agriculture, Pune.

The Director, Haffkine Institute, Bombay.

The Director, Department of Chemical Technology,
University of Bombay, Bombay

Member-Secretary

The Joint Director of Industries (Technical Development-II),
Bombay.

The said Committee will have powers to accept not more than two members.

2. An inventor should not, without the previous permission of Government, employ a Patent Agent or disclose the invention to any person otherwise than as provided in instruction 4 or publish or join any person not connected with the invention in his application for a patent, or file a Complete Specification, or make any application for a patent in any other country.

Until the Patents Advisory Committee makes a decision under instruction 19, the particulars about any invention disclosed by an

inventor should be treated as confidential and deemed to belong to and held in trust for the Government.

3. Every inventor should, if so ordered, do everything necessary for obtaining a patent whether in India, or any other country under such conditions as may be prescribed by the Government.

4. Every inventor who evolves an invention should promptly disclose it to the Head of the Research Organisation where he is working.

5. Where an inventor discloses his invention to the Head of his Research Organisation with or without a request for permission to file an application for a patent accompanied by a Provisional Specification, the Head of the Research Organisation should, through a secret communication, forward the information to the Department concerned together with his remarks on—

(i) the connection, if any, between the invention and the inventor's official duties;

(ii) the extent to which the inventor has used the facilities provided at Government expense;

(iii) whether the results are of such a nature that they should be published instead of being patented;

(iv) patenting the invention in foreign countries;

(v) the estimated needs of the Department concerned and the Government as a whole;

(vi) the probable contribution to public welfare; and

(vii) his recommendations, if any, as to further action deemed appropriate.

6. An inventor may file an application for a patent accompanied by a Provisional Specification after obtaining the permission of the Head of the Research Organisation where he is working :

Provided that, in case the inventor is himself the Head of a Research Organisation, he may file such application without obtaining previous permission of Government.

7. Government hereby authorises the Head of every Research Organisation to grant, in his discretion, to any inventor working under him, permission under rule 50 to file an application for a patent accompanied by a Provisional Specification :

Provided that, where the Head of a Research Organisation does not deem it fit to grant the permission for instance, where the invention is likely to have utility for Defence purposes or for the Department concerned, he should forward the papers to the Department concerned, together with his remarks.

8. Where an inventor desires to obtain permission in accordance with instruction 6, his request to the Head of his Organisation should be made on the prescribed form, shown in Annexure 'A' which should be filed in quadruplicate.

9. If the Head of a Research Organisation decides to grant the permission, he should sign all the four copies of the forms, return one copy to the inventor, retain one copy and forward the remaining two copies alongwith copies of the Provisional Specification to the Department concerned.

10. If the request for permission is accompanied by a Complete Specification (which should be in duplicate) the Head of the Research Organisation should, through a secret communication, forward the papers to the Department concerned, together with his remarks on points referred to under sub-paragraphs (i) to (vii) in instruction 5.

11. Upon receipt of a communication of an invention from the Head of the Research Organisation the Department concerned should examine the case. If they consider that the results proposed to be patented are of such a nature that they should be published instead of being patented, they will refuse the inventor's request for permission to take out a patent. The Department may take such steps as they consider expedient for publishing the invention, or for otherwise disposing of the invention. On receipt of intimation of such refusal, the inventor shall abandon his application for patent, if any, filed on the basis of a Provisional Specification. In all other cases the Department concerned should, within 15 days of their receipt of the communication from the Research Organisation, forward the papers to the Secretary with their recommendations. While forwarding the papers to the Secretary the following documents should be supplied through a secret communication :—

(i) If the invention was disclosed unaccompanied by a request for permission to take out a patent, full particulars of the invention so disclosed;

(ii) If an application has been made on the basis of a Provisional Specification, a copy each of the application and the Provisional Specification filed at the Patent Office; and

(iii) If a request for permission has been made to take out a patent on the basis of a Complete Specification, a copy of the Complete Specification.

12. Upon receipt of the foregoing communication from the Department concerned the Secretary will submit the information for the consideration of the Committee who will consider whether the permission asked for (under rule 50) should be granted, with or without conditions.

13. If the Committee is satisfied that the invention has no connection whatsoever with the inventor's official duties, or does not fall

within a technical field or activity of the Department concerned, it will, if the inventor has applied for permission to take out a patent, grant him the permission without any restriction.

14. If the Committee considers that the invention has been made in the course of the inventor's official duties or that the invention has resulted from facilities provided at Government expense, it will decide whether an application for a patent should be made to the Controller of Patents and Designs on the basis of a Complete Specification.

15. If the Committee decides that an application for a patent should be made on the basis of a Complete Specification, the Secretary will, if necessary, obtain from the inventor further particulars required for the drafting of the Complete Specification and take the necessary steps to prepare and file the Complete Specification within 9 months from the date of the Provisional Specification, if any. The application will be made in the name of the inventor, on the understanding that he will hold the patent in trust for the Government and will, in due course, assign his rights to the Government.

16. The Complete Specification and the drawing, if any, required for filing and prosecuting the applications for patents will be prepared by the Research Organisation when facilities exist for such purposes, and in other cases, by the Secretary, or by such agency as may be appointed by the Committee.

17. All fees up to the stage of acceptance, in respect of every application prosecuted by the Secretary, will be borne by the Committee.

18. On filing a Complete Specification the Committee will consider—

(i) whether the invention should be published for free use by the public; or

(ii) whether a patent should be taken out for exploitation by Government; or

(iii) whether the inventor should be allowed to take out a patent for his own benefit.

19. If the Department or the Committee decides that the invention should be published for free use by the public, it will refuse the inventor's request, if any, for permission and the Secretary will not prosecute the application for patent beyond the stage of its acceptance. In all such cases the Committee on the advice of the Department concerned, will determine the *ex-gratia* payment, if any, and will advise the Department concerned accordingly.

20. If the Committee decides to take out a patent for exploitation, the Secretary will proceed with the application, and on obtaining a patent, take the necessary steps to get the inventor's under the patent assigned to the Government.

21. In all cases where the Committee decides to take out patents for exploitation, it will decide also the manner in which the patents should be exploited.

22. Inventions which the Committee considers are of no interest to Government either for commercial exploitation or publication for free use to the public, will be returned to the inventors, if they so desire, and they will be allowed to take out patents for their own benefit subject to—

(i) the reservation of the right of Government to the use of the invention either without payment/or on such terms as the Government may consider reasonable;

(ii) the condition that the inventor will not assign or deal with or grant licence to any person without obtaining the prior permission of the Government.

ANNEXURE 'A'

(See Instruction 8)

SECRET

Request for permission to file an application for a Patent accompanied by a Provisional Specification direct to the Patent Office

(To be filed in quadruplicate)

I/We hereby request permission to file an application for an Indian patent accompanied by a Provisional Specification in request of (here give title of invention). In consideration of grant of such permission I/we agree and declare as follows :

2. I/We declare that this invention has not been evolved in the course of my/our official duties and as a result of the research and facilities provided at Government expense.

3. Four copies of the Provisional Specification which it is proposed to forward to the Controller of Patents and Designs, Calcutta (or an equivalent description of the invention) accompany this request. Immediately after despatching the application, I/we will submit two exact copies of the documents forwarded to the Controller of Patents and Designs.

4. I/We wish to apply for a patent, in my/our name(s) on the understanding that I/we would hold the patent when granted, in trust for the Governor of Maharashtra (hereinafter called Government) and will assign the same to Government, whenever, called upon to do so.

5. I/We will, if so ordered, withdraw my/our application for a patent.

6. I/We will not file the Complete Specification in respect of this invention without the prior permission of the Government or in the manner as may be directed in the matter.

7. I/We will not apply for a patent in any other country in respect of this invention without the prior permission of the Government.

Inventor's Signature

Designation

Date

My/Our address for service in India is.....

Permission granted.

Signature of the Head of the Research Organisation.....

Designation

Date Received one copy.

Signature of the inventor (or inventors).....

Dated

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

V. PRABHAKAR,
Special Secretary to Government.

COMPARATIVE TABLE

Note.—This comparative table has been prepared solely for the purposes of facilitating reference.

Rule No. from Maharashtra Civil Services (General Conditions of Services) Rules, 1981	Corresponding Rule Numbers from Bombay Civil Services Rules, 1959	Remarks	Rule No. from Maharashtra Civil Services (General Conditions of Services) Rules, 1981	Corresponding Rule Numbers from Bombay Civil Services Rules, 1959	Remarks
1	2	3	1	2	3
Chapter I—General			9 (8)	.. 9 (12)	
1 (1) (2)	.. 1		9 (9)	.. 9 (13)	
2 (a), 2 (b)	.. 2 (a), 2 (b)		9 (10)	.. 9 (13-A)	
2 (c)	.. 146		9 (11)	.. 9 (13-B)	
Note 1	.. Note 5 below 2		9 (12)	.. 9 (14)	
Note 2	.. Note 2 below 2		9 (13)	.. 9 (15)	
Note 3	.. 148		9 (14) (a)	.. 9 (16) (a)	
3	.. 3		9 (14) (b)	.. 9 (16) (b)	
4	.. 3-A		9 (14) (c)	.. 9 (16) (c)-Part	
5	.. 4		9 (14) (d)	.. 9 (16) (c)-Part	
6	.. 5		Note 1	.. Note 2	
7	.. 6		Note 2	.. Note 3	
Note	.. Note		Note 3	.. Note 4	
8	.. 8		Note 4	.. Note 5	
Chapter II—Definitions			Note 5	.. Note 6	
9	.. 9		9 (14) (e)	.. 9 (16) (f)	
9 (1)	.. 9 (2)		Note 1	.. Note 1 below 9 (16) (f)	
9 (2)		New	Note 2	.. Note 2 below 9 (16) (f)	
9 (3)	.. 9 (4)		9 (14) (f)	.. Note below 9 (16) (h)	
9 (4)	.. 9 (5)		9 (14) (g)	.. 9 (16) (i)	
9 (5)	.. 9 (8)		9 (14) (h) (i)	.. 9 (16) (j ¹)	
9 (6)	.. 9 (9) and Note thereunder		Note	.. Note	
9 (7)	.. 9 (10)		9 (14) (h) (ii)	.. 9 (16) (j ²)	

1	2	3	1	2	3
9 (14) (h) (iii)	.. 9 (16) (j ³)		9 (28)		New
9 (14) (h) (iv)	.. 9 (16) (j ⁴)		9 (29)	.. 9 (30)	
9 (14) (h) (v)	.. 9 (16) (j ⁵) and (j ⁷)		9 (30)	.. 9 (31)	
9 (14) (h) (vi)	.. 9 (16) (j ⁶)		9 (31)	.. 9 (32)	
9 (14) (h) (vii)	.. 9 (16) (k)		9 (32)	.. 9 (33)	
Note	.. Note		9 (33)	.. 9 (35)	
9 (14) (i)	.. 9 (16) (l)		9 (34)	.. 9 (36)	
9 (14) (j)	.. 9 (16) (m)		Instruction	.. Instruction	
9 (15)	.. 9 (17)		9 (35)	.. 9 (37)	
Note 1	.. Note 2		9 (36)	.. 9 (39) (a)	
Note 2	.. Note 3		9 (37)	.. 9 (40)	
9 (16)	.. 9 (18)		9 (38)	.. 9 (41)	
Note 1	.. Note 1		Note 1		New
Note 2	.. Note 2		Note 2		New
9 (17)	.. 9 (18-A)		9 (39)	.. 9 (42)	
Note	.. Note 2		9 (40)	.. 9 (43)	
9 (18)	.. 9 (19)		9 (41)	.. 9 (44)	
9 (19)	.. 9 (20)		9 (42)	.. 9 (46)	
9 (20)	.. 9 (21)		9 (43)	.. 9 (47)	
Exception	.. Exception 2		Note 1	.. Note 2 below 9 (16) (a)	
9 (21)	.. 9 (22-A)		Note 2	.. Note 2 below 9 (47)	
9 (22)	.. 9 (23)		Note 3	.. Note 5 below 9 (16) (a)	
9 (23)	.. 9 (24)		9 (44)	.. 9 (47-A)	
9 (24)	.. 9 (25)		9 (45)	.. 9 (48)	
9 (25)	.. 9 (26)		9 (46)	.. 9 (48-A)	
9 (26)	.. 9 (27)		9 (47)	.. 9 (49)	
9 (27)	.. 9 (28)		9 (48)	.. 9 (49-A)	

1	2	3	1	2	3
9 (49)	.. 9 (50)		15 (2)	.. 14 (b) and Note below it	
9 (50)	.. 9 (52)		15 (3)	.. 14 (d)	
9 (51)	.. 9 (53)		15 (4)	.. 14 (e)	
9 (52)	.. 9 (54)		Exception	.. Exception below 14 (a)	
9 (53)	.. 9 (56)		16	.. Part of Rule 14 (a)	
Note	.. Note		17	.. 14-A	
Instruction	.. Instruction		18	.. 14-B	
9 (54)	.. 9 (56-A)		19	.. 15	
Note	.. Note		20	.. 18-A	
9 (55)	.. 9 (57)		21 (1)	.. 18 (a)	
9 (56)	.. 9 (58)		21 (2)	.. 18 (b)	
9 (57)	.. 9 (59)		21 (3)	.. 18 (c)	
9 (58)	.. 9 (60)		22	.. 18-B	
Chapter III—General Conditions of Services			Note		New
10	.. 32		23 (1)	.. 19 (a)	
Note	.. Note		23 (2)	.. 19 (b)	
11 (1)	.. 10		Note	.. Note	
11 (2)	.. Note 1 below 14 (a)		23 (3)	.. 19 (c)	
Note 1	.. Note 1 below 10		23 (4)	.. 19 (d)	
Note 2	.. Note 5 below 14 (a)		Note 1	.. Note 1	
Note 3	.. Note 2, 14 (a)		Note 2	.. Note 2	
Note 4	.. Note 3, 14 (a)		23 (5)	.. 19 (e)	
Note 5	.. Note 4, 14 (a)		23 (6)	.. 19 (f)	
12	.. 11		Instruction	.. Instruction	
13	.. 12		24	.. 20	
14	.. 13		25 (1)	.. 20-A (a)	
15 (1)	.. 14 (a)		25 (2)	.. 20-A (b)	

1	2	3	1	2	3
26	.. 21		<i>Instruction</i>		New
27 (1)	.. 22 (a)	} <i>Note 1</i>	38 (3)	.. 171	
27 (2)	.. 22 (b)		38 (4)	.. 171	
28	.. 24		<i>Exemptions</i>	.. <i>Exemptions</i>	
<i>Exception</i>	.. <i>Exception</i>		<i>Note 1</i>	.. <i>Note 1</i>	
29	.. 27		<i>Note 2</i>	.. <i>Note 2</i>	
30	.. 28		39	.. 170	
31 (a)	.. <i>Exception 2</i> below 29		40	.. 169	
31 (b)	.. 29		41	.. 168	
31 (c)	.. <i>Note</i> below 29		42	.. 172	
31 (d)	.. <i>Exception 1</i> below 29		43	.. 173	
<i>Instruction</i>	.. <i>Instruction</i>		44	.. 174	
<i>Note</i>		New	45	.. 177	
32	.. 31		<i>Note</i>	.. <i>Note 2</i>	
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36	.. 167		Chapter V—Patents to Government Servants engaged in Scientific and Technical Research		
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<i>Instruction</i>	.. <i>Instruction</i>		51	.. 863	
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II

The following Rules/Notes/Instructions/Exceptions etc. from the Bombay Civil Services Rules, 1959, stand deleted:—

Rule Number	Rule Number
Notes 1, 4 and 6 below Rule 2	9 (34)
9 (1)	Note below Rule 9 (35)
9 (6)	9 (38)
9 (10-A)	9 (39) (b) and Note thereunder.
Notes 1, 3 and 4 below Rule 9 (16) (a)	Note 1 below Rule 9 (47)
Note below Rule 9 (16) (b)	Note below Rule 9 (48)
Note 1 below Rule 9 (16) (c)	9 (51) and Note below it
9 (16) (e) & (g) and Note below it	Note below 9 (53)
9 (16) (h)	9 (55)
Note 1 below Rule 9 (17)	Instruction below Rule 15
Note 1 below Rule 9 (18-A)	Instruction below Rule 22
Exception 1 below Rule 9 (21)	Rule 25 and Note below it
Exceptions 1 and 2 and Notes below Rule 9 (27)	Note 2 below Rule 22 (b)
9 (29)	Notes 1 and 3 below Rule 177.

III

The following Rules/Notes/Instructions etc. from Bombay Civil Services Rules, 1959, stand transferred to other parts of rules as shown below:—

- (1) Note below rules 9 (25) transferred to Maharashtra Civil Services (Honoraria, Fees, Compensatory Local and House Rent Allowances) Rules.
- (2) Rule 9 (41), clauses and all notes thereunder and rule 9 (41-A) and all notes thereunder transferred to appropriate place in the Maharashtra Civil Services (Pension) Rules.
- (3) Rule 33 transferred to Maharashtra Civil Services (Leave) Rules, 1981.

(BS292)