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GENERAL ADMINISTRATION DEPARTMENT  
Sachivalaya, Bombay 400 032, 16th November 1974

CONSTITUTION OF INDIA

No. RTA-1074/3130-XVI-A-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 for fixation of pay and seniority of released defence services personnel in the State Services, namely: -

1. (1) These rules may be called the Maharashtra Released Defence Services Personnel (Fixation of Pay and Seniority) Rules, 1974.

(2) They should be deemed to have come into force on the 16th November 1974.

2. In these rules, unless the context otherwise requires

(a) "Emergency Commissioned Officer/Short Service Regular Commissioned Officer" means a person commissioned, Gazetted or in pay as an officer in the defence forces during the proclamation of the National Emergency, for the period commencing on the 26th October 1962 and ending on the 10th January 1968;

(b) "released defence services personnel" means Emergency Commissioned Officers/Short Service Regular Commissioned Officers and other ranks who have been released by the defence services after completing fixed tenure;

(c) "Reserved Posts" means fifty percent of the permanent post reserved by the Government of Maharashtra for being filled in by the Government from the released defence services personnel.

3. (1) For the purpose of fixation of pay and seniority -

(a) an officer of the rank of an Emergency Commissioned Officer appointed to a reserved post, after selection at the first attempt, shall be treated as a candidate belonging to the year in which being eligible for that post he could have been appointed to a vacancy in that post after the date of joining the defence service or training, had he not joined the defence forces.

(b) an Emergency Commissioned Officer appointed to such post after selection at the second or third attempt, shall be treated as belonging to the corresponding succeeding years in which appointments to the unreserved vacancies were made by nomination.

(2) No officer shall, on his pay being fixed on the basis of his seniority as aforesaid, be eligible for any arrears or pay for the period commencing on the date of his appointment in the defence service and the date of his appointment to the reserved post, on the basis of his pay fixed as aforesaid.

#### ILLUSTRATIONS

Illustration-I "A" had three chances to compete for the competitive exam. for the posts of Deputy Collectors, in 1963, 1964, and 1965. He would have been treated as a candidate belonging to the year 1963, if he had passed the exam. at the first attempt and been appointed in that year; to the year 1964, if he had passed the exam. at the second attempt and been appointed in that year; and to the year 1965, if he had passed it at the third attempt and been appointed in that year. "A" joined defence service and was not able to avail himself of any of these chances until his release from the defence service in 1967. On his release, if he passes the exam. at the first attempt in 1968 and is appointed, he will be treated as a candidate belonging to the year 1963 (the year in which he could have appeared for the exam. and been appointed had he not joined the defence service). If he passes the exam. at the second attempt in 1969 and is appointed, he will be treated as a candidate belonging to the year 1964, & if he passes it at the third attempt in 1970 and is appointed, he will be treated as a candidate belonging to the year 1965. Illustration II.-B.A. degree was prescribed as an educational qualification for a reserved post and certain minimum and maximum age limits were also prescribed for that post. 'A' was studying in the first year of the two-year B.A. course in 1963 but discontinued his studies for joining the defence service or training in that year. He would have ordinarily obtained the B.A. degree in 1965 had he not joined the defence service or training. In such case, 'A' shall be deemed to have been qualified for appointment to the reserved post in 1965 provided in 1965 he fulfilled the requirements as respects the age limits.

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"3A. Notwithstanding anything contained in rule 3, no Emergency Commissioned Officer shall be promoted by reverting to a lower post any other officer who was senior to him immediately before the commencement of the Maharashtra Released Defence Services Personnel (Fixation of Pay and Seniority) (Amendment) Rules, 1983".

4. The drawal of pay as determined according to the principles mentioned in the last preceding rule shall be subject to the provisions of the Bombay Civil Services Rules, 1959. Where an officer appointed on probation is required to remain on fixed pay during the period of his probation, the pay determined according to the foregoing principles shall be fixed for such period, and his future increments shall be regulated accordingly.

5. Seniority interse of the Emergency Commissioned Officers belonging to a particular year shall be determined, in the case of those appointed to posts within the purview of the Maharashtra Public Service Commission, by the order of merit or preference in which they are recommended by the Commission and, in the case of those appointed to posts outside the purview of the Commission, by the order of merit determined by the State Govt. according to the academic and service records of the officers.

6. All Emergency Commissioned Officers belonging to a particular year shall rank below all candidates appointed to unreserved posts by nomination in that year.

7. The specific date on which an Emergency Commissioned Officers shall be deemed to have been appointed to the reserved posts shall be decided by the State Government.

8. The seniority of Emergency Commissioned Officers who would not be entitled for higher seniority under rule 5 shall be fixed from the dates of their actual appointment.

"8A. Notwithstanding anything contained in rule 8, no Emergency Commissioned Officer shall be promoted by reverting to a lower post any other officer who was senior to him immediately before the commencement of the Maharashtra Released Defence Services Personnel (Fixation of Pay and Seniority) (Amendment) Rules, 1983".

9. (1) For the purpose of pension, the break in service between the military service and civil service -

(a) shall be condoned if the period of such break does not exceed one year;

(b) may be condoned under special orders of the State Government if the period of such break exceeds one year but does not exceeds three years.

(2) For the purpose of grant of notional increments the break between the military service and civil service, if any, shall not be condoned.

10. The provisions of these rules shall also apply to the released defence services personnel belonging to all other ranks (including released Short Service Regular Commissioned Officers) on their appointment to the reserved vacancies in the services and posts under the State Government.

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

Sd/-  
Secretary to Government.

\* Amended added vide G.N., G.A.D.No. RTA-1079/900/XVI-A, dated the 20th October 1982.

@ Amended/added vide G.N., G.A.D.No. RTA-1080/1374/CR-154/XVI-A, dated 16th April 1983.