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**PUNJAB GOVERNMENT
HEALTH AND FAMILY PLANNING DEPARTMENT**

Notification

The 13th June, 1977

No. G.S.R. 66/Const./Art 309/77.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the President of India is pleased to make the following rules regulating the recruitment and conditions of service of persons appointed to the Punjab Dental Education Service (Class I), namely :—

PART I

1. (1) These rules may be called the Punjab Dental Education Service (Class I) Rules, 1977. **Short title and commencement.**

(2) These shall come into force at once.

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

Definitions.

(a) "Appendix" means an appendix to these rules ;

(b) "Commission" means the Punjab Public Service Commission ;

(c) "direct appointment" means an appointment made otherwise than by promotion or by transfer of an official already in the service of the Government of India or of a State Government ;

(d) "Government" means the Government of the State of Punjab in the Health and Family Planning Department ;

(e) "Service" means the Punjab Dental Education Service (Class I) ;

(f) "recognised university" means :—

(i) any university incorporated by law in any of the States of India ; or

(ii) the Punjab, Sind or Dacca University in the case of Degree, Diploma or Certificate obtained as a result of examination held by these universities before the 15th August, 1947 ; or

(iii) any other university which is declared by the Government to be a recognised university for the purpose of these rules.

3. A service to be known as the "Punjab Dental Education Service Constitution (Class I)" comprising the posts specified in Appendix 'A' is hereby constituted ; of Service.

Provided that the persons holding the posts specified in Appendix 'A' immediately before commencement of these rules shall be deemed to be appointed to the Services in accordance with the provisions of these rules.

PART II

Appointment

Number
and character
of posts.

4. The service shall comprise the posts shown in Appendix 'A' to these rules :

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

Appointing
authority.

5. Appointments to the post in the Service shall be made by the Government.

Nationality,
domicile
and character
of candidates
appointed to
Service.

6. No candidate shall be appointed to the Service unless he is —

- (a) a citizen of India ; or
- (b) a subject of Nepal ; or
- (c) a subject of Bhutan ; or
- (d) a Tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India ; or
- (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka (formerly Ceylon) and East African countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India :

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been given by the Government of India and if he belongs to category (e) the certificate of eligibility will be issued for a period of one year, after which such a candidate will be retained in service subject to his having acquired Indian Citizenship.

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

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

Age.

7. No person shall be recruited to the Service by direct appointment if he is more than—

- (i) forty years of age in the case of Assistant Professor, and
- (ii) fifty years of age in the case of Professors, on the last date of receipt of application by the Commission :

Provided that—

- (a) The Government may, for reasons to be recorded in writing, relax the upper age limit, and
- (b) in case of members of Scheduled Castes, Scheduled Tribes and Backward Classes, the upper age limit shall be such as may be fixed by Government from time to time.

8. (1) No person shall be appointed to the Service unless he possesses the Educational qualification and experience as shown in Appendix 'B'.
Educational qualifications and experience.

(2) A person recruited by direct appointment, unless he has already passed an Examination in Punjabi Language up to Matric Standard, shall within a period of six months from the date of his joining the Service, shall have to pass the aforesaid examination or a test in Punjabi to be held by the Punjab Languages Department. In case he fails to pass the aforesaid examination or test as the case may be within the stipulated period, his services shall be dispensed with.

9. No person—

Disqualification.

- (a) who has entered into or contracted a marriage with a person having a spouse living ; or
- (b) who, having a spouse living, has entered into or contracted a marriage with any person ;

shall be eligible for appointment to the Service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

10. (1) Recruitment to the posts in the Service shall be made in the following manner :—
Method of recruitment.

(a) In the case of Assistant Professors—

- (i) 75 per cent of vacancies by promotion from amongst the Senior Lecturers governed by the Punjab Dental Education Service (Class II) Rules, 1977 ;
- (ii) 25 per cent of vacancies by direct appointment.

(b) In the case of Professors—

- (i) 75 per cent of vacancies by promotion from amongst the Assistant Professors.
- (ii) 25 per cent of vacancies by direct appointment.

(c) A person from amongst the professors may be selected to act as a principal and the person so required to act as a Principal shall be allowed special pay of Rupees one hundred per mensem in addition to his pay and other allowances admissible to him as a Professor.

(d) The Government may fill any vacancy by transfer or deputation of any official already in the service of Government of India or of a State Government and the person so recruited shall be adjusted in the quota of direct recruits.

(2) In case no suitable person possessing the qualifications and experience, as prescribed in Appendix 'B' is available for appointment to a post by promotion, that post may be filled in by direct appointment.

(3) All appointments to the posts in the Service by promotion shall be made on the basis of seniority-cum-merit and no person shall have any right of promotion merely on the basis of seniority.

PART III

Conditions of Service

Probation
of persons
appointed
to the
Service.

11. (1) Persons appointed to a post in the Service shall remain on probation for a period of two years, if recruited by direct appointment, and one year if appointed otherwise :

Provided that—

- (a) any period, after such appointment, spent on deputation on a corresponding, or a higher post shall count towards the period of probation;
- (b) in the case of an appointment by transfer, any period of work in equivalent or higher rank, prior to appointment to the Service may, in the discretion of the appointing authority, be allowed to count towards the period of probation ; and
- (c) any period of officiating appointment to a post in the Service shall be reckoned as period spent on probation for that post but no person who has so officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy.

(2) If, in the opinion of the appointing authority, the work and conduct of a person during the period of probation is not satisfactory, it may—

- (a) if such person is recruited by direct appointment, dispense with his service, and
- (b) if such person is appointed otherwise—
 - (i) revert him to his former post ; or
 - (ii) deal with him in such other manner as the terms and conditions of his previous appointment permit.

3. On the completion of the period of probation of a person, the appointing authority may,—

(a) if his work and conduct have, in its opinion been satisfactory :—

(i) confirm such person from the date of his appointment, if appointed against a permanent vacancy, or

(ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy, or

(iii) declare that he has completed his probation satisfactorily if there is no permanent vacancy ; or

(b) if his work or conduct has not been, in its opinion satisfactory :—

(i) dispense with his services, if appointed by direct appointment and if appointed otherwise revert him to his former post, or deal with him in such other manner as the terms and conditions of his previous appointment permit ; or

(ii) extend his period of probation and thereafter pass such order as it could have passed on the expiry of the first period of probation ;

Provided that the total period of probation including extension, if any, shall not exceed three years in the case of direct recruitment and two years in the case of promotees.

12. The seniority *inter se* of the members of the Service holding the same class of posts shall be determined by the length of their continuous service on those posts in the Service : Seniority of members of the Service.

Provided that the seniority of the members of the Service determined immediately before the commencement of these rules shall not be disturbed :

Provided further that in the case of members recruited by direct appointment, the order of merit determined by the Commission shall not be disturbed and persons appointed as a result of an earlier selection shall be senior to those appointed as a result of subsequent selection :

Provided further that in case two or more members are appointed on the same date, their seniority shall be determined as follows :—

(a) A member recruited by direct appointment shall be senior to a member recruited otherwise ;

(b) A member recruited by promotion shall be senior to a member recruited by transfer ;

(c) In the case of member appointed by promotion or transfer, seniority shall be determined according to the seniority of such members in the appointment from which they were promoted or transferred, and

- (d) in the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member who was drawing a higher rate of pay in his previous appointment and if the rates of pay drawn are also the same, an older member shall be senior to a younger member.

Note.—In the case of members whose period of probation is extended under rule 10, the date of appointment for the purpose of this rule shall be deemed to have been deferred to the extent the period of probation is extended.

Pay of members of Service.

13. Members of the Service shall be entitled to such scales of pay including special pay, if any, as may be authorised by the Government from time to time. The scales of pay at present in force in respect of specified posts are given in Appendix 'B'.

Private Practice.

14. (1) The Government may by general or special order permit any member of the Service, to engage in private practice if such practice does not, in its opinion, in any way, interfere with the discharge of his official duties, on such terms and conditions, and subject to such restrictions and limitations, as may be specified in the order.

(2) Nothing herein contained shall be construed to limit or abridge the power of the Government at any time to withdraw such permission or to modify the terms on which it is granted without assigning any cause and without payment of compensation.

Discipline penalties and appeals.

15. In matters relating to discipline, penalties and appeals, members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970 as amended from time to time :

Provided that the authority empowered to impose penalties shall be the Government.

Liability of members of the Service to transfer.

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

Liability to Service.

17. A member of the Service shall be liable to serve at any place, whether within or outside the State of Punjab, on being ordered so to do by the appointing authority.

Leave, pension and other matters.

18. In respect of pay, leave, pension and all other matters, not expressly provided for in these rules, the members of the service shall be governed by such rules and regulations as may have been or may hereafter, be adopted or made by the competent authority under the Constitution of India or under any law for the time being in force made by the State Legislature and the rules made thereunder.

Liability to serve in Defence Forces.

19. Every person appointed to the Service shall, if so required, be liable to serve in any Defence Service or post connected with the Defence of India for a period of not less than four years including the period spent on training, if any :

Provided that such officer:—

- (a) shall not be required to serve as aforesaid after the expiry of 10 years from the date of his appointment to the Service ;
- (b) shall not ordinarily be required to serve as aforesaid after attaining the age of 45 years.

20. Every member of the Service, unless he has already done so, shall be required to take oath of allegiance to India and to the Constitution of India as by law established. Oath of allegiance.

21. Where the Government is of the opinion that it is necessary or expedient so to do, it may by order for reasons to be recorded in writing, relax, any of the provisions of these rules excepting those relating to qualification and experience in respect of any class or category of persons. Power of relaxation.

22. Every member of the Service shall get himself vaccinated or re-vaccinated when Government so directs by a special or general order. Liability for vaccination and re-vaccination.

23. If any question arises as to the interpretation of these rules, the same shall be referred to the Chief Secretary to Government, Punjab, who shall decide the same.

APPENDIX 'A'

(See rule 3)

Statement showing the posts of various categories at the Punjab Government Dental College and Hospital, Amritsar and Dental Wing, Medical College, Patiala

Serial No.	Category of post	Posts sanctioned			Station
		Perma- nent	Tempo- rary	Total	
1	Professors	4	3	7	Amritsar
		3	..	3	Patiala
2	Assistant Professors	2	..	2	Amritsar
		..	3	3	Patiala

One of the persons amongst the professors shall be selected to act as Principal at Amritsar and shall get Rs 100 a month as special pay and rent-free accommodation.

APPENDIX 'B'

(See Rules 10 and 13)

Serial No.	Designation of the post	Scale of pay	Qualification and experience
1	Professor ..	Rs 1,300—50—1,800 Professor who acts as Principal will get Rs 100 a month as special pay and rent-free accommodation	(i) A recognised B.D.S. degree of a recognised University or an equivalent qualification. (ii) Post-graduate qualification viz. M.D.S. (iii) Teaching experience as Assistant Professor for a minimum period of five years in a Dental College after requisite Post-graduate qualifications (Dentistry).
2	Assistant Professor	Rs 800—50—1,000/ 50—1,200	(i) A recognised B.D.S. degree of a recognised University or an equivalent qualification. (ii) Post-graduate qualification viz. M.D.S. (iii) At least three years' teaching experience as Senior Lecturer after Post-graduation (Dentistry).

(Sd.) . . . ,

Secretary to Government, Punjab,
Health and Family Planning Department.