

Mulki Rules Act, 1972

79 of 1972

[30 December 1972]

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An Act to provide for certain amendments to the Mulki Rules so as to limit their operation, for the validation of certain appointments and for the repeal, in a phased manner, of the said Rules and for matters connected therewith. BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:--

1. Short Title :-

This Act may be called the Mulki Rules Act, 1972.

2. Definitions :-

In this Act, unless the context otherwise requires,--

- (a) "appointed day" means the 1st day of November, 1956;
- (b) "appointment" includes a permanent, quasi-permanent or temporary appointment, but does not include an appointment of a casual nature;
- (c) "capital area" means the area comprising of the cities of Hyderabad and Secunderabad within the meaning of the Hyderabad Municipal Corporations Act, 1955; (Hyderabad Act II of 1956)
- (d) "First Schedule post" means a post specified in the First Schedule, but does not include--
- (i) any Second Schedule post;
- (ii) any post of police officer as defined in clause (b) of section 3 of the Hyderabad City Police Act, 1348F.
- (e) (Hyderabad Act IX of 1348 F) "Hyderabad Civil Service Regulations" means the regulation known as such in England and known in Urdu as the Zabita Mulazimat Civil Sarkare Ali (being regulations in Urdu promulgated in obedience to the Firman dated 25th Ramzan 1337 H of the then Ruler of Hyderabad and published in the Jarred e Alamia dated the 7th of Azur 1329 F) as in force immediately before the appointed day;
- (f) "Mulki Rules" means such of the provisions of the Hyderabad Civil Service Regulations as have continued to be in force on and from the 26th January, 1950, by virtue of clause (b) of article 35 of the Constitution;
- (g) "non-gazetted post" means a post under the Government of the State of Andhra Pradesh which is not a Gazetted post;
- (h) "pay" means basic pay plus special pay, if any, sanctioned to a post but does not include various allowances;
- (i) "Schedule post" means a First Schedule post or a Second Schedule post;
- (j) "Second Schedule post" means a post specified in the Second Schedule;
- (k) "State Government" means the Government of the State of Andhra Pradesh;
- (l) "Superior Service" and "Inferior Service" shall have the same meanings as in the Hyderabad Civil Service Regulations;
- (m) "Telengana area" means the area comprised in the territories specified in sub-section (1) of section 3 of the States Reorganisation act, 1956 (37 of 1956);
- (n) "Telengana Vacancy" , in relation to a Second Schedule post, means the second vacancy in every unit of three vacancies in posts of the same class, being vacancies which are to be filled by direct

recruitment.

3. Limitation, During A Specified Period, Of Application Of Mulki Rules To Appointments To Certain Posts And Validation Of Other Appointments :-

(1) During, and in relation to, the period commencing on the appointed day and ending immediately before the commencement of this Act, the Mulki Rules shall be deemed to have applied only to the appointments specified in sub-section (2) as if the said Rules had been amended for the duration of that period so as to limit their application to those appointments.

(2) The appointments referred to in sub-section (1) are the following namely :--

(a) appointment to any non-gazetted post (whether included in the cadre of a Service or not and whether service therein is Superior Service or Inferior Service) within the Telengana area, not being appointment to any post in any of the Secretariat Departments or the offices of the Heads of Departments of the State Government situated in the Capital area;

(b) appointment to the post of Tehsildar, by whatever name designated, within the Telengana area under the State Government;

(c) appointment to any post (whether included in the cadre of a Service or not) under a local authority (other than a cantonment board) in the Telangana area, which carries a scale of pay the minimum of which does not exceed three hundred rupees per mensem or a fixed pay not exceeding that amount;

(d) appointment for the filling of the second vacancy (hereafter in this section and in section 4 referred to as reversed vacancy) in every unit of three vacancies which are to be filled by direct recruitment in non-gazetted posts in the Secretariat Departments and the offices of the Heads of Departments of the State Government situated in the Capital area.

(3) Notwithstanding any judgment, decree or order of any court, tribunal or other authority, no appointment of any person made during the period referred to in sub-section (1) to a post other than a post referred to in clause (a) or clause (b) or clause (c) of sub-section (2) or to a vacancy other than a reserved vacancy in a post referred to in clause (d) of that sub-section and no action taken or thing done by or before such person shall be deemed to be illegal or void or ever to have become illegal or void merely on the ground

that such appointment was not made in accordance with the Mulki Rules.

4. Validation Of Certain Specified Appointments :-

Notwithstanding anything contained in sub-section (1) of section 3, during, and in relation to, the period commencing on the appointed day and ending immediately before the commencement of this Act, the Mulki Rules shall, in their application to appointments to any post referred to in clause (a) or clause (b) or clause (c) or to appointments for filling reserved vacancies in posts referred to in clause (d) of sub-section (2) of section 3, be deemed to have been only directory in nature as if the said Rules had been amended for the duration of the said period so as to be only director in nature, and notwithstanding any appointment of any person made during that period to any such post or reserved vacancy and no action taken or thin done by or before such person shall be deemed to be illegal or void or ever to have become illegal or void merely on the ground that such appointment was not made in accordance with the Mulki Rules.

5. Repeal Of Mulki Rules Except As To Appointments To Certain Posts :-

The Mulki Rules, except in so far as those Rules relate--

(a) to appointment to any First Schedule post; and

(b) to appointment to any Second Schedule post for the purpose of filling of a Telengana vacancy,

are hereby repealed, but such repeal shall not affect the validity of any appointment previously made in pursuance of those Rules.

6. Repeal Of Mulki Rules In Respect Of Appointments To Schedule Posts In The Capital Area :-

The Mulki Rules shall, in so far as they relate to appointments to Schedule posts in the Capital area, cease to have effect on the expiration of the 31st day of December, 1977, and accordingly, those Rules shall, in so far as they relate to such appointments, stand repealed on the expiration of that day, but such repeal shall not affect the validity of any appointment previously made in pursuance of those Rules.

7. Repeal Of Mulki Rules In Respect Of Appointments To Schedule Posts In The Remaining Areas Of Telangana :-

The Mulki Rules shall, in so far as they relate to appointments to Schedule posts in the Telangana area other than the Capital area, cease to have effect on the expiration of the 31st day of December, 1980, and shall stand repealed on the expiration of that day, but such repeal shall not affect the validity of any appointment previously made in pursuance of those Rules.

SCHEDULE 1

FIRST SCHEDULE

[See section 2(d)]

- (a) Any non-gazetted post (whether included in the cadre of a Service or not and whether service therein is Superior Service or Inferior Service) within the Telangana area, under the State Government.
- (b) The post of Tehsildar, the post of Civil Assistant Surgeon and the post of Junior Engineer, in each case by whatever name designated, within the Telangana area, under the State Government.
- (c) Any post (whether included in the cadre of a Service or not) under a local authority (other than a cantonment board) in the Telangana area, which carries a scale of pay the minimum of which does not exceed three hundred rupees per mensem or a fixed pay not exceeding that amount.

SCHEDULE 2

SECOND SCHEDULE

[See section 2 (j)]

Non-gazetted posts in the Telangana area, being post in--

- (i) the Secretariat Departments;
- (ii) Offices of the Heads of Departments;
- (iii) common offices; and
- (iv) common institutions
of the State Government.

Explanation 1.-- "Common institution" means an institution which is not solely for Telangana area or any part thereof.

Explanation 2.-- "Common office" means an office which is not solely for Telangana area or any part thereof.