

**National Capital Territory Of Delhi, Andaman And Nicobar
Islands, Lakshadweep, Daman And Diu And Dadra And
Nagar Haveli (Civil Service) Rules, 2003**

[06 August 2003]

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G.S.R. (E). - In exercise of the powers conferred by the proviso to article 309 of the Constitution, and in supersession of Delhi, Andaman & Nicobar Islands, Lakshadweep, Daman & Diu and Dadra & Nagar Haveli Civil Services Rules, 1996, except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules, namely :-

1. Short title and commencement :-

(1) These rules may be called the National Capital Territory of

Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli (Civil Service) Rules, 2003.

(2) Save as otherwise provided in sub-rule (2) of rule 3, they shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(a) "Administration" means the Government of the National Capital Territory of Delhi in respect of the National Capital Territory of Delhi and the Union territory Administration in respect of the Union territories of (i) the Andaman and Nicobar Islands, (ii) Lakshadweep (iii) Daman and Diu and (iv) Dadra and Nagar Haveli

(b) "Administrator" means the administrator appointed under article 239 of the Constitution for the Union territories of (i) the National Capital territory of Delhi, (ii) the Andaman and Nicobar Islands, (iii) Lakshadweep, (iv) Daman and Diu and (v) Dadra and Nagar Haveli, as the case may be;

(c) "Appointing Authority", in relation to any grade, means the authority empowered under the Central Civil Services (Classification, Control and Appeal) Rules, 1965 to make appointments to that grade;

(d) "appointed day" means the date of publication of these rules in the Official Gazette;

(e) "Approved Service", in relation to any grade, means the period or periods of regular service rendered in that grade, including period or periods during which a member of the Service could have held a post on regular basis in that grade but for his being on leave or otherwise not being available to hold such posts, from the 1st day of July of the year -

(a) following the year in which the examination was held in respect of an officer appointed directly to that grade;

(b) for which the recruitment was made on regular basis in respect of an officer appointed to that grade by promotion;

(f) "Cadre" means the group of posts in the grades as specified in rule 3;

(g) "Cadre Controlling Authority" means the Government of India in the Ministry of Home Affairs;

(h) "Commission" means the Union Public Service Commission;

(i) "Departmental Promotion Committee" means a Committee constituted to consider promotion and confirmation in any grade as

specified in Schedule IV;

(j) "duty post" means any post included in Schedule I;

(k) "Government" means the Government of India;

(l) "grade" means any of the grades specified in rule 3;

(m) "Schedule" means a Schedule appended to these rules;

(n) "Scheduled Castes" and "Scheduled Tribes" shall have the same meaning as are assigned to them by clause (24) and clause (25) respectively of article 366 of the Constitution of India;

(o) "Service" means the National Capital Territory of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman & Diu and Dadra and Nagar Haveli Civil Service constituted under rule 3.

3. Composition of the Service and its classification :-

(1) There shall be constituted a Service known as the National Capital Territory of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli Civil Service consisting of persons appointed to the Service under rules 6 and 7.

(2) The Service shall be deemed to have and have four grades as specified in Schedule I with effect from the 1st day of January, 1996.

(3) The posts in Junior Administrative Grade-1, Junior Administrative Grade-II and Selection Grade shall be Central Civil Services Group "A" posts and those in the Entry Grade shall be Central Civil Services Group "B" posts.

4. Grades, strength and their review :-

(1) The duty posts included in the various grades, their number and the scales of pay attached to them on the date of commencement of these rules shall be as specified in Schedule I:

Provided that ten per cent and twenty per cent of the sanctioned strength of the posts in the Service shall be non functional grades of Junior Administrative Grade-I and Selection Grade respectively, and these shall be operated within the respective number of posts specified in Parts B and C of Schedule I:

Provided further that the number of posts in Junior Administrative Grade I shall not exceed the total number of sanctioned posts in the Junior Administrative Grade in the scale of pay of Rs.12,000-16,500.

(2) Notwithstanding anything contained in sub-rule(1), the Government may -

- (a) from time to time, make temporary additions or alterations to the duty posts in various grades;
 - (b) in consultation with the Commission include in the Service such posts as are to be deemed to be equivalent to the posts included in the Service in status, grade, scale of pay and professional content or exclude from the Service a duty post already included in the Service; and
 - (c) in consultation with the Commission appoint the regular incumbent of the post which has been included in the Service as a duty post to the appropriate grade of the Service and fix his seniority taking into account the regular service rendered by him in the said post or analogous grade.
- (3) Notwithstanding anything contained in clauses (b) and (c) of subrule (2), in case any regular incumbent of the post which has been included in the Service is not found suitable for appointment to the Service under clause (c) of sub-rule (2), he shall continue to hold the post and for the purpose the post shall be treated to have been excluded from the Service till such time it is held by such incumbent. The suitability of such persons for induction into the Service will be reviewed every year.

5. Member of the Service :-

- (1) The following persons shall be the members of the Service:-
- (a) persons appointed to duty posts under rule 6; and
 - (b) persons appointed to duty posts under rule 7.
- (2) A person appointed under clause (a) of sub-rule (1) shall, on such appointment, be deemed to be the member of the Service in the appropriate grade applicable to him in Schedule I.
- (3) A person appointed under clause (b) of sub-rule (1) shall be the member of the Service in the appropriate grade applicable to him in Schedule I from the date of such appointment.

6. Initial constitution of the Service :-

- (1) All existing officers holding duty posts on regular basis in Junior Administrative Grade, Grade-I and Grade-II of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli Civil Service shall be members of the Service in the respective grades.
- (2) All the existing officers of Lakshadweep, Daman and Diu and Dadra and Nagar Haveli Administrations holding posts, on regular basis which have been included in the Service shall continue to be

in their respective posts and grades as existed before the appointed day till they become members of the Service after their suitability has been assessed by the Commission. In case they are assessed suitable, they shall be deemed to have been appointed to the appropriate grade from the date(s) of their regular appointment to such grades. In case any officer is not found suitable for appointment to the Service, the encadred post held by him regularly shall be treated as ex-cadre till he is inducted into the Service or vacates the post and his case shall be reviewed every year.

(3) The regular continuous service of officers referred to in sub-rules (1) and (2) before the commencement of these rules shall count for the purpose of probation and qualifying service for promotion, confirmation and pension in the Service.

(4) To the extent the Cadre Controlling Authority is not able to fill up the authorised regular strength of various grades in accordance with the provisions of this rule, the same shall be filled in accordance with the provisions of rules 7 and 8.

7. Future maintenance of the Service :-

(1) The vacancies in any of the grades referred to in Schedule I, after the initial constitution under rule 6, shall be filled in the manner hereinafter provided in this rule.

(2) (a) Fifty per cent of the posts in Entry Grade shall be filled by direct recruitment and the remaining fifty per cent by promotion.

(b) The vacancies in the direct recruitment quota shall be filled on the basis of the Civil Services Examination conducted by the Commission.

(c) The vacancies in the promotion quota shall be filled by selection from amongst officers holding posts mentioned in Schedule II with three years regular service in the grade on the basis of the recommendations of the Departmental Promotion Committee.

(3) All the vacancies in the grades of Junior Administrative Grade-I, Junior Administrative Grade-II and Selection Grade shall be filled by promotion from amongst the officers in the immediate respective lower grade with the minimum qualifying service as specified in Schedule III.

(4) (a) The promotion to the Junior Administrative Grade-II shall be made by "selection" subject to the bench mark grade prescribed by the Government from time to time for this level of posts under the Government.

(b) The induction by promotion to the Entry Grade shall be made by "selection" subject to the bench mark grade prescribed by the Government from time to time for this level of posts under the Government.

(c) The promotion to the Junior Administrative Grade-I and Selection Grade shall be made in the order of seniority subject to rejection of unfit.

(5) The selection in each case under sub-rule(4) shall be made on the recommendations of the Departmental Promotion Committee.

(6) If any officer appointed to any grade of the Service is considered for the purpose of promotion to the higher post, his senior would also be considered provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.

NOTE - The eligibility list for promotion shall be prepared with reference to the date of completion of the qualifying service in the respective grade or post. If the crucial date for one or more officers coming from different sources is one and the same, the officer senior in age will be placed higher in the eligibility list.

8. Filling of duty posts by deputation :-

(1) Notwithstanding anything contained in rule 7, where the Government is of the opinion that it is necessary or expedient to do so, it may, for reasons to be recorded in writing and in consultation with the Commission, fill a duty post in any grade by transfer on deputation, (including short term contract) for such period as per the instructions of the Government issued from time to time.

(2) The qualification, experience and the eligibility service required for appointment to any grade of the Service under these rules shall be decided by the Government in consultation with the Commission on each occasion.

9. Seniority :-

(1) The relative seniority of members of the Service appointed to a grade of the Service, at the time of initial constitution of the Service under rule 6, shall be as obtaining on the date of commencement of these rules:

Provided that if the seniority of any such member has not been

specifically determined on the said date, the same shall be as determined on the basis of the rules governing the fixation of seniority as were applicable to the members of the Service prior to the commencement of these rules.

(2) The seniority of the persons recruited to the Service after the initial constitution shall be determined in accordance with the general instructions issued by the Government in the matter from time to time.

10. Probation :-

(1) Every officer on appointment to the Entry Grade of the Service either by direct recruitment or by promotion shall be on probation for a period of two years:

Provided that the Controlling Authority may extend the period of probation in accordance with the instructions issued by the Government from time to time in this behalf.

(2) On completion of the period of probation or any extension thereof, directly recruited officers shall, if considered fit for confirmation in the Service, be confirmed in terms of the orders of the Government for the time being in force.

(3) If, during the period of probation or any extension thereof, as the case may be, Government is of the opinion that an officer is not fit for confirmation in the Service, Government may discharge the officer or revert him to the post held by him prior to his appointment in the Service, as the case may be.

(4) During the period of probation or any extension thereof, an officer may be required by Government to undergo such courses of training or to pass such examination or test (including examination in Hindi) as the Government may deem fit as condition for satisfactory completion of probation.

(5) As regards other matters relating to probation, the members of the Service shall be governed by the orders or instructions issued by the Government in this regard from time to time.

11. Appointment to the Service :-

All appointment to the Service shall be made by the Appointing Authority to the Junior Administrative Grade-I or Junior Administrative Grade-II or Selection Grade or Entry Grade of the Service and not against any specific post included in the Service.

12. Posting :-

Every member of the Service allocated to an Administration shall, unless he is appointed to an ex-cadre post, or is otherwise not available for holding a duty post owing to the exigencies of the public service, be posted against a duty post under the Administration by the Administrator concerned.

13. Allocation of members of the Service :-

The Government shall, from time to time, allocate a member of the Service to any Administration for posting in terms of rule 12.

14. Disqualification :-

No person, -

(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 Central 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.

15. Other conditions of service :-

The other conditions of service of members of the Service in respect of matters for which no specific provision has been made in these rules shall be the same as are applicable, from time to time, to officers of equivalent rank of the Central Government.

16. Power to relax :-

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, and in consultation with the Commission, relax any of the provisions of these rules with respect to any class or category of persons.

17. Saving :-

Nothing in these rules shall affect reservations, relaxation in age-

limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.

18. Interpretation :-

If any question arises relating to the interpretation of these rules, it shall be decided by the Government in consultation with the Commission.