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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 4
PART II—Section 4

रक्षा मंत्रालय द्वारा जारी किए गए सांविधिक नियम और आदेश
Statutory Rules and Orders issued by the Ministry of Defence

रक्षा मंत्रालय

नई दिल्ली, 17 जनवरी, 2013

का.नि.आ. 7.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारतीय रक्षा संपदा सेवा (समूह 'क') नियम, 1985 को उन बातों के सिवाए अधिक्रान्त करते हुए जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है अथवा किए जाने का लोप किया गया है, भारतीय रक्षा संपदा सेवा, रक्षा मंत्रालय में सम्मिलित पदों पर भर्ती की प्रक्रिया को विनियमित करने के लिए राष्ट्रपति निम्नलिखित नियम बनाते हैं, अर्थात् :—

- संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम भारतीय रक्षा संपदा सेवा (समूह 'क' पद) नियम, 2013 है।
(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- परिभाषा :— इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो :
 - "आयोग" से संघ लोक सेवा आयोग अभिप्रेत है;
 - "समिति" से अनुसूची 4 में उपदर्शित किसी भी श्रेणी में प्रोन्नति अथवा पुष्टि पर विचार करने के लिए गठित विभागीय प्रोन्नति समिति अभिप्रेत है;
 - "कर्तव्य पद" से अनुसूची I में सम्मिलित कोई स्थायी अथवा अस्थायी पद अभिप्रेत है ;
 - "परीक्षा" से सरकार द्वारा समय-समय पर विनिर्दिष्ट की जा सकने वाली सेवा तथा ऐसी किसी अन्य सेवा अथवा सेवाओं में भर्ती के लिए आयोग द्वारा संचालित सिविल सेवा परीक्षा अभिप्रेत है;
 - "सरकार" से केन्द्रीय सरकार अभिप्रेत है;
 - "श्रेणी" से अनुसूची-I के स्तंभ (2) में विनिर्दिष्ट श्रेणी अभिप्रेत है।

MINISTRY OF DEFENCE

New Delhi, the 17th January, 2013

S.R.O. 7.— In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of Indian Defence Estates Service (Group 'A') Rules, 1985 except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules for regulating the method of recruitment to the posts included in the Indian Defence Estates Service, Ministry of Defence, namely :—

1. Short title and commencement.— (1) These rules may be called the Indian Defence Estates Service Group 'A' posts, Recruitment Rules, 2013.

(2) They shall come into force on the date of their publication in the Official Gazette.

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

- (a) "Commission" means the Union Public Service Commission;
- (b) "Committee" means the Departmental Promotion Committee constituted to consider the promotion to or confirmation in any grade as indicated in Schedule-IV;
- (c) "Duty post" means any post, whether permanent or temporary, included in Schedule I;
- (d) "Examination" means the Civil Services Examination conducted by the Commission for recruitment to the Service and such other Service or Services as may be specified by the Government from time to time;
- (e) "Government" means the Central Government;
- (f) "Grade" means a grade specified in column (2) of the Schedule-I;
- (g) "Regular Service" in relation to any grade means the period or periods of service in that grade rendered after selection, according to prescribed procedure, for a long term appointment to that grade and includes any period or periods, -
 - (i) taken into account for purposes of seniority in the case of those appointed at the initial constitution of the Service;
 - (ii) during which an officer would have held a duty post in the grade but for being on leave or otherwise not being available for holding such post;
- (h) "Schedule" means a Schedule annexed to these rules;
- (i) "Service" means the Indian Defence Estates Service (Group 'A') constituted under rule 3.

3. Constitution of the Indian Defence Estates Service Group 'A'.—(1) There shall be constituted a Service known as "Indian Defence Estates Service Group 'A'" consisting of persons appointed to the Service under rules 6 and 7.

(2) All the posts included in the Service shall be classified as Group 'A' posts.

4. Grades, Authorized strength and its review.—(1) The duty posts included in the various grades of the Service on the date of commencement of these rules, their number, pay band and grade pay attached thereto and pay band and grade pay/pay scales shall be as specified in Schedule I.

(2) After the commencement of these rules, the authorized permanent strength of the duty posts in various grades shall be such as may from time to time be determined by the Government.

(3) The Government may make temporary additions to or deletions from the strength of the duty posts in various grades as it may deem necessary from time to time.

(4) The Government may, in consultation with the Commission, include in the Service any post other than those included in Schedule I or exclude from the Service a post included in the said Schedule.

(5) The Government may, in consultation with the Commission, appoint an officer whose post is included in the Service under sub-rule (4) to the appropriate grade of the Service in a temporary capacity or in a substantive capacity, as may be deemed fit, and fix his seniority in the grade after taking into account his continuous regular service in the analogous grade.

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5. Members of the Service.—(1) The following persons shall be members of the Service, namely :—

- (a) persons appointed to the Service at the commencement of these rules under rule 6, from the date of such commencement;
- (b) persons appointed to the Service after the commencement of these rules, from the date they are so appointed.

(2) A person appointed under clause (a) of sub-rule (1) shall, on such commencement, be deemed to be a member of the Service in the corresponding grade.

(3) A person appointed under clause (b) of sub-rule (1) shall, be a member of the Service in the corresponding grade, from the date of such appointment.

6. Initial Constitution of the Service.—(1) All officers in the Indian Defence Estates Service (Group 'A') on the date of commencement of these rules, shall be deemed to have been appointed to the Service in the posts or grades corresponding to those which they were holding on regular basis before such commencement in accordance with the notified Indian Defence Estates Service (Gp 'A') Rules, 1985.

Note:—The regular continuous service of officers mentioned in sub-rule (1) in the respective corresponding grade prior to their appointment to the Service shall count for the purpose of qualifying service for seniority, confirmation, promotion and pension.

(2) Thereafter, for the vacancies intended to be filled by promotion, in various grades of the Service, the Departmental Promotion Committee concerned shall prepare year-wise panels, for the vacancies which arose in a particular year before publication of these rules, as per the Government instructions on the subject.

(3) To the extent the authorized strength of various grades in the Service is not filled at the time of initial constitution, as in sub-rules (1) and (2) of this rule, it shall be filled in accordance with Rule 7.

7. Future maintenance of the Service.—(1) After the initial constitution of the Service has been completed by the appointment of officers in accordance with rule 6, vacancies shall be filled in the following manner.—

- (i) 75 per cent of the vacancies in Group 'A' Junior Time Scale shall be filled by direct recruitment on the basis of results of a competitive examination conducted by the Commission in the manner as specified in Schedule II;
- (ii) The remaining 25 per cent vacancies in the Junior Time Scale shall be filled by promotion on the basis of selection in accordance with the provisions of Schedule-III.

(2) Appointment to the posts in Group 'A' Senior Time Scale and above of the Service shall be made by promotion from amongst the officers in the next lower grades with the minimum qualifying service as specified in Column 6 in Schedule III. Appointment by deputation [including short term contract (ISTC)] shall, if necessary, be made by the Government after consultation with the Commission as specified under Rule 12. The appointment may be done by deputation [including short terms contract (ISTC)], if the promotion method fails, except for the posts of Director General, Senior Additional Director General/Principal Director and Additional Director General/Director, which shall be filled up by an officer of IDES as specified under Rule 12.

(3) The selection of officers for promotion shall be made by selection [except in the cases of promotion to the posts in Group 'A' Senior Time Scale and Junior Administrative Grade (Non Functional Selection Grade) which shall be in the order of seniority subject to rejection of the unfit] on the recommendations of the Departmental Promotion Committee constituted in accordance with the composition given in Schedule IV.

8. Probation.—(1) Every officer on appointment to the Service, either by direct recruitment or by promotion in Junior Scale 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 :

Provided further that any decision for extension of probation period shall be taken ordinarily within eight weeks after the expiry of the previous probationary period and communicated in writing to the concerned officer together with the reasons for so doing within the said period.

(2) On completion of the period of probation or extension thereof, officers shall, if considered fit for permanent appointment, be retained in their appointments on regular basis and be confirmed in the due course against the available substantive vacancies, as the case may be.

(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 permanent appointment, Government may discharge or revert the officer 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, candidates may be required by the Government to undergo such courses of training and instructions and to pass examinations, and tests (including examination in Hindi) as Government may deem fit, as a condition to satisfactory completion of the probation.

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

9. Appointment to the Service.—All appointments to the Service shall be made by the President.

10. Liability to serve in any part of India or outside and other conditions of service.—(1) Officer appointed to the service shall be liable to serve any where in India and/or outside.

(2) Officers, if deputed, shall be liable to serve in any other Ministry or Department of the Government of India or Corporation and Industrial Undertaking under the Government of India.

(3) The conditions of service of the members of the Service in respect of matters for which no provision is made in these rules shall be the same as are applicable from time to time, to officers of Central Civil Services, in general.

11. Controlling Authority.—The Government of India, Ministry of Defence, Director General Defence Estates, shall be the Controlling Authority of the Service.

12. Appointment by Deputation.—In the event of non availability of eligible candidates by direct recruitment or by promotion, the Government may appoint on deputation [including short term contract (ISTC)] from officers in the appropriate grade from other Departments of Central Government, or from a State Government, Union Territory or Statutory, Semi Government, Public Sector Undertakings or Autonomous Bodies, in consultation with the Commission, for holding posts in Senior Time Scale and upto JAG(NFSG) and the period of deputation shall be in accordance with the Department of Personnel and Training, Government of India, guidelines in force from time to time.

13. Seniority.—(1) The seniority of the officer of the Service, appointed to any grade shall be governed by their relative seniority obtaining immediately before the date of commencement of these rules.

(2) The inter se seniority of the officer of the Service in a grade shall be determined as per instructions issued by the Central Government on the subject from time to time.

14. Non-functional upgradation for Officers of Organized Group 'A' Services in PB-3, PB-4 and HAG—

(1) Whenever an Indian Administrative Services Officer of the State of Joint Cadre is posted at the Centre to a particular grade carrying a specific grade pay in pay band 3 or pay band 4, the officers belonging to Batches of Indian Defence Estates Service (being an Organised Group A Service) that are senior by two years or more and have not so far been promoted to that particular grade would be granted the same grade on non-functional basis from the date of posting of the Indian Administrative Service Officers in that particular grade at the Centre.

(2) All the prescribed eligibility criteria and promotional norms including 'benchmark' for upgradation to a particular grade pay would have to be met at the time of screening for grant of higher pay-scale.

(3) The other matters relating to Non-Functional Upgradation for the officers of the Service shall be governed by the orders or instructions issued by the Government from time to time in this regard.

15. 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 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.

16. Power to relax.—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order or 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 reservation, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Government from time to time.

18. Interpretation.—If any question relating to the interpretation of these rules arises, it shall be decided by the Government.

19. Residuary Powers.—In regard to matters not specifically covered by these rules, or regulations or orders made or issued thereunder or by special orders, the members of the Service shall be governed by the rules, regulations and orders applicable to the officers of Central Civil Services in general.

20. Repeal.—The Indian Defence Estates Service (Group A) Rules, 1985, as amended from time to time, are hereby repealed :

Provided that such repeal shall not affect anything done or action taken or omitted to be done or taken under the said rules, before such repeal.

SCHEDULE-I

[See Clause (c) of rule 2 and sub-rule (1) of rule (4)]

Name, number and scale of pay of Duty Posts included in the various Grades of the Indian Defence Estates Service (Group 'A')

Sl. No.	Grade	Name of a post	No. of posts	Pay band and grade pay/ pay scale
(1)	(2)	(3)	(4)	(5)
1.	Apex Scale	Director General	1	Rs. 80000 (Fixed)
2.	Higher Administrative Grade	Senior Additional Director General/Principal Director	7*	Rs. 67000—Annual Increment @ 3%—Rs. 79000
3.	Senior Administrative Grade	Additional Director General/Director	19*	Pay Band-4 Rs. 37400—67000 and Grade Pay Rs. 10000
4.	Junior Administrative Grade (Non Functional Selection Grade)	Deputy Director General/ Joint Director/Chief Executive Officer/ Defence Estates Officer	@	Pay Band-4 Rs. 37400—67000 and Grade Pay Rs. 8700
5.	Junior Administrative Grade	Deputy Director General/ Joint Director/Chief Executive Officer/ Defence Estates Officer	65*	Pay Band-3 Rs. 15600—39100 and Grade Pay Rs. 7600
6.	Senior Time Scale	Assistant Director General/ Deputy Director/Chief Executive Officer/ Defence Estates Officer	41*	Pay Band-3 Rs. 15600—39100 and Grade Pay Rs. 6600
7.	Junior Time Scale	Deputy Assistant Director General/Assistant Director/ Chief Executive Officer/ Defence Estates Officer	56*	Pay Band-3 Rs. 15600—39100 and Grade Pay Rs. 5400
Total authorized strength			189	

*Subject to variations dependent on work load.

Note :—@ (1) The number of posts in the Selection Grade shall not exceed 30% of the Senior Duty posts (i.e. duty posts at the level of Senior Time Scale and above in the grade) or not more than the number of posts sanctioned in Junior Administrative Grade as per DOP&T O.M. No. 22-1-2000-CRD, dt. 6-6-2000.

SCHEDULE-II

[See Clause (i) of sub-rule (1) of rule 7]

Minimum educational qualifications and age-limit for direct recruitment to posts in Group "A" Junior Time Scale of the Indian Defence Estates Service (Group A) for the Civil Services Examination to be conducted by the Union Public Service Commission.

A Candidate must have :—

(1) A Degree of any University incorporated by an Act of the Central or State Legislation in India or other educational institutions established by an Act of Parliament or declared to be deemed as University under Section 3 of the University Grants Commission Act, 1958 or a foreign university approved by the Government from time to time or possess qualification which has been recognized by the Government for the purpose of admission to the examination.

(2) Attained the age of twenty one years as on 1st August of the year for Civil Services Examination and not attained the age of thirty years. The prescribed age limits may vary in accordance with the Notifications issued by the Union Public Service Commission for Civil Services Examination from year to year. The upper age-limit is also relaxable for Scheduled Castes/Scheduled Tribes/Other Backward Classes and certain other categories as notified by Union Public Service Commission for Civil Services Examination time to time.

SCHEDULE-III

[See Clause (ii) of sub-rule (1), (2) and (3) of rule 7]

Method of recruitment, field of promotion and minimum qualifying service in the next lower grade for appointment of officers on promotion to duty posts included in the various grades of the Indian Defence Estates Service (Group A)

Sl. No.	Grade	Name of the post	Method of recruitment	Whether Selection or Non-selection post	Field of selection and minimum qualifying service for promotion
(1)	(2)	(3)	(4)	(5)	(6)
1.	Apex Scale	Director General Rs. 80000 (Fixed)	By promotion	Selection	Officers having rendered minimum two years of regular service in the Higher Administrative Grade.
2.	Higher Administrative Grade	Senior Additional Director General/ Principal Director Defence Estates Rs. 67000 Annual Increment @ 3% - Rs. 79000	By promotion	Selection	Officers in the Senior Administrative Grade with three years regular service in the grade or Additional Director General/Director Defence Estates with twenty five years regular service in Group 'A' posts in the service out of which atleast one year regular service should be in the Senior Administrative Grade.
3.	Senior Administrative Grade	Additional Director General/Director Defence Estates Pay Band-4 Rs. 37400—67000 with grade pay Rs. 10000	By promotion	Selection	Officers in the Junior Administrative Grade with eight years regular service in the grade including Non Functional Selection Grade or officers with seventeen years regular service in Group 'A' posts in the service out of which at least 4 years regular service should be in the Junior Administrative Grade (including service rendered in the Non-Functional Selection Grade of the Junior Administrative Grade).

(1)	(2)	(3)	(4)	(5)	(6)
4.	Junior Administrative Grade (Non Functional Selection Grade)	Deputy Director General/Joint Director/Chief Executive Officer/Defence Estates Officer Pay Band-4 Rs. 37400—67000 with grade pay Rs. 8700	By promotion	Non-selection	An officer appointed to Junior Administrative Grade will be eligible to be considered for the selection grade by seniority based suitability subject to the prescribed strength of the Selection Grade not being exceeded and provided that no member of the Service shall be eligible for this grade until he has entered the 14th year of service on 1st January of the vacancy year calculated from the year following the year of examination on the basis of which the member was recruited.
5.	Junior Administrative Grade	Deputy Director General/Joint Director/Chief Executive Officer/Defence Estates Officer Pay Band-3 Rs. 15600—39100 with grade pay Rs. 7600	By promotion	Selection	Officer holding Senior Time Scale level posts and having rendered minimum five years regular service in the grade.
6.	Senior Time Scale	Assistant Director General/Deputy Director/Chief Executive Officer/Defence Estates Officer Pay Band-3 Rs. 15600—39100 with grade pay Rs. 6600	By promotion	Selection	Officers holding Junior Time Scale level posts and having rendered minimum four years regular service in the grade including successful completion of probation after passing of the prescribed departmental examination and completion of the requisite departmental training programme as may be laid down by the Govt./ Head of Deptt. from time to time.
7.	Junior Time Scale	Deputy Assistant Director General/Assistant Director/Chief Executive Officer/Defence Estates Officer Pay Band-3 Rs. 15600—39100 with grade pay Rs. 5400.	(i) 25% by promotion (ii) 75% by direct recruitment in accordance with sub rule (1) of rule 7.	Selection N.A.	For Promotion Posts— From amongst the stream of Chief Executive Officers (Group 'B') and Assistant Defence Estates Officers (Group 'B') in the ratio of 1:1 with three years regular service in their respective grades including successful completion of probation after passing of the prescribed departmental examination and completion of the requisite departmental training programme as may be laid down by the Government/Head of Department from time to time.

Note: In case where juniors who have completed their qualifying or eligibility service have been/are being considered for promotion, their seniors 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 alongwith their juniors who have already completed such qualifying or eligibility service.

SCHEDULE-IV

Composition of Group 'A' Departmental Promotion Committee for considering cases of promotion and confirmation to Group 'A' posts in the Indian Defence Estates Service (Group 'A')

Sl. No.	Name of the post	Group 'A' D.P.C. (for considering promotion)	Group 'A' D.P.C. (for considering confirmation)	*Group 'A' Screening Committee (for considering Non-functional Upgradation)
(1)	(2)	(3)	(4)	(5)
1.	Director General	(i) Chairman/Member, UPSC—Chairman (ii) Secretary, Ministry of Defence—Member	—	—
2.	Senior Additional Director General/ Principal Director (Higher Administrative Grade),	(i) Chairman/Member, UPSC—Chairman (ii) Secretary Ministry of Defence—Member (iii) Director General Defence Estates—Member	—	(i) Defence Secretary, MoD—Chairman (ii) Secretary Defence Finance, MoD—Member (iii) Secretary, Department of Defence Production, MoD—Member
3.	Senior Administrative Grade	(i) Chairman/Member, UPSC—Chairman (ii) Director General Defence Estates—Member (iii) Additional Secretary, Ministry of Defence—Member	—	(i) Defence Secretary, MoD—Chairman (ii) Additional Secretary, MoD—Member (iii) Director General Defence Estates—Member
4.	Junior Administrative Grade (Non-functional Selection Grade)	(i) Director General Defence Estates—Chairman (ii) Joint Secretary Ministry of Defence—Member (iii) Additional Director General (Admin), Defence Estates—Member	—	(i) Additional Secretary, MoD—Chairman (ii) Joint Secretary, MoD—Member (iii) Additional Director General, Defence Estates—Member
5.	Junior Administrative Grade	(i) Chairman/Member, UPSC—Chairman (ii) Director General Defence Estates—Member (iii) Joint Secretary, Ministry of Defence—Member	—	(i) Additional Secretary, MoD—Chairman (ii) Joint Secretary, MoD—Member (iii) Additional Director General Defence Estates—Member
6.	Senior Time Scale	(i) Director General Defence Estates—Chairman (ii) Joint Secretary Ministry of Defence—Member (iii) Additional Director General (Admin), Defence Estates—Member	—	(i) Additional Secretary, MoD—Chairman (ii) Joint Secretary, MoD—Member (iii) Additional Director General, Defence Estates—Member
7.	Junior Time Scale	(i) Chairman/Member, UPSC—Chairman (ii) Director General Defence Estates—Member (iii) Joint Secretary, Ministry of Defence—Member	(i) Joint Secretary, Ministry of Defence —Chairman (ii) Additional Director General (Admin), Defence Estates —Member (iii) Director/Deputy Secretary, Ministry of Defence—Member	—

[F. No. 103/69/ADM/DE (32)/06/RR/13/D(Appts.)]

DALPAT SINGH, Under Secy.