CHAPTER X

STAFF APPOINTMENT, PAY AND ALLOWANCES, LEAVE AND PENSION

SECTION I: STATUTORY RULES—NIL SECTION II: NON-STATUTORY RULES

(Framed under Government Resolution, Home Department No. RJM-1058/(III)-292-PRS-2, dated 6th January 1978)

- 1. Employees of the Prison Department, other than those included in All India Services under the Administrative Control of Government of Maharashtra, are governed by the provisions of the Bombay Civil Services Rules, and the Bombay Civil Services (Conduct, Discipline and Appeal) Rules or in case of those allocated Government servants who have opted for any or all of the corresponding rules of the erstwhile States of Hyderabad and Madhya Pradesh by the provisions of the respective rules so opted. They are also governed by the provisions of such other rules as are framed by the State Government in this behalf from time to time.
- 2. The State Government shall make appointment to the posts in the Prison Department, which are included in the I. A. S. Cadre and to the posts in the Maharashtra Prison Services (State).
- 3. Appointment to Class III and Class IV posts mentioned below shall be made by the authority indicated against them:—

CLASS III POSTS

Designation of posts

Appointing authority

A Executive Branch

(1) Superintendents District Prisons Inspector General of Prisons Class III/Jailors Group I.

(2) Jailors Group II and Women Jailors Group II.

Inspector General of Prisons

(3) Personal Orderlies at the Office of the Inspector General of Prisons.

Inspector General of Prisons

(4) Subhedars

.. Deputy Inspector General of Prisons in charge of the Region.

Designation of posts Appointing authority (5) Jamadars Deputy Inspector General of Prisons in charge of the Region. (6) Havildars Do. (7) Naiks Do. (8) Sepoys at District Prisons, Do. Class III. Superintendents, Central Prisons, (9) Sepoys at Central Prisons, District Prisons Class I, Superintendents, District Prisons, District Prisons, Class II, the Class I, Superintendent, District Jail Officers Training School Prison Class II, the Principal, Jail and Borstal School, Kolhapur. Officers Training School and the Principal, Borstal School, Kolhapur as the case may be. (10) Personal Orderlies except at Deputy Inspector General of Prisons the office of the Inspector in charge of the Region. General of Prisons. (11) Senior Matrons Deputy Inspector General of Prisons in charge of the Region. (12) Junior Matrons Deputy Inspector General of Prisons in charge of the Region. B. Ministerial Branch.— (1) Office Superintendents/Senior The Inspector General of Prisons. Auditors. (2) Head Clerks/Steward/Assis-The Inspector General of Prisons. tant Superintendent. (3) Head Clerks/Senior Clerks The Inspector General of Prisons. (Supervisory). (4) Senior Clerks The Inspector General of Prisons. (5) Clerks/Typists in the Office The Inspector General of Prisons. of the Inspector General of Prisons. (6) Clerks in the offices of the Deputy Inspector General of Deputy Inspector General of Prisons in charge of the Region. Prisons, and at Prison Officers, Borstal School. (7) Clerks in the J. O. T. S. The Inspector General of Prisons. (8) Stenographer Inspector General of Prisons. ... Inspector General of Prisons. (9) Statistician

		Designation of posts	Appointing authority					
<i>C</i> .	Med	lical Branch.—						
	(1) (2) (3)	Laboratory Technician Male Nurse Compounders	Inspector General of Prisons. Inspector General of Prisons. Deputy Inspector General of					
	(4)	Nursing Orderlies	Prisons in charge of the Region. Deputy Inspector General of Prisons in charge of the Region.					
D.	Tech	nnical Branch.—						
		Technical/Staff	Inspector General of Prisons.					
<i>E</i> .	Mis	cellaneous Branch.—						
	(1)	Teachers/House Master	Deputy Inspector General of Prisons in charge of the Region.					
	(2)	Physical Training Instructors	Inspector General of Prisons					
	(3)	Braialle Instructor (High grade and Lower grade)	Inspector General of Prisons.					
	(4)	Drivers, except at the office of the Inspector General of Prisons.	Deputy Inspector General of Prisons in charge of the Region.					
	(5)	Driver at the office of the Inspector General of Prisons.	Inspector General of Prisons.					
		POSTS						
	(1) (2) (3)	Daftarband Naik Peons in the office of the	Inspector General of Prisons. Inspector General of Prisons. Inspector General of Prisons.					
	(4)	Inspector General of Prisons. Peons in the offices of the Regional Deputy Inspector General of Prisons.	Deputy Inspector General of Prisons in charge of the Region.					
	(5)	Aaya	Superintendents of : (1) Central Prisons (2) District Prisons, Class I (3) District Prisons, Class II					
	(6)	Sweepers	Inspector General of Prisons, Deputy Inspector General of Prisons in charge of the Region, and Superintendents, of (1) Central Prisons. (2) District Prisons, Class I. (3) District Prison, Class II					
	(7)	Mess Servant at the Jail Officers Training School.	Principal of the Jail Officers Training School.					

4. When a temporary appointment is to be made until further orders, a written undertaking in the following form should be taken from the candidate before his/her appointment.

"I understand that my employment under Government is temporary and that my services may be dispensed with at any time without notice and without any reasons being assigned and I accept employment on this basis."

5. The State Government, the Inspector General, the Deputy Inspector General in charge of the Region and the Superintendents of Central Prisons, District Prisons Class I and District Prisons Class II, the Principal J. O. T. S. and the Principal Borstal School, Kolhapur being the competent authority as defined in rule 9 (13) of Bombay Civil Services Rules, Vol. I, shall exercise the following powers in respect of Prison employees, whom they can appoint, subject to the provisions of the Bombay Civil Services Rules quoted against them:—

	Nature of power		Bombay Civil Services Rule				
(a)	Suspension or transfer of lien of a Prison employee to a post.		(19, 20, 21 and 22)				
(b)	Sanction of increments in ordinary course		(Rule 45)				
(c)	Removal of Prison employees from service or to require them retire on grounds of misconduct, insolvency or inefficiency.	to	(Rule 165A)				
(d)	Sanction pensions		(Rule 198B)				
(e)	Grant of leave		(Rules 623, 625 and revised leave rules).				
(f)	Extension of leave of Prison employee who remains absent afte the end of his leave.	(Rule 645)					
(g)	Grant of leave to Prison employee who is declared by Medic Committee to be completely incapacitated. Provided that the pow indicated at (a) above shall be exercised, by the Inspector General of Prisons.	[Rule 682 (c)]					

Note.—The Officers of the Prison Department who have been declared as Drawing and Disbursing Officers can sanction increments in ordinary course of Class III and Class IV Government Servants.

6. (1) Where a fresh appointment is made by direct recruitment, the authority concerned should attach to the pay bill in which, pay of the person concerned is drawn for the first time, a certificate in one of the following forms as may be appropriate.

"Certified that I have satisfied myself that Shri/Smt./Kumar
"Certified that Shri/Smt./Kumari
(2) In exceptional circumstances, where an overage person is required to be appointed in anticipation" of Government approval to his/her appointment, the appointing authority concerned should repeat the following certificates on every pay bill of such person till necessary Government approval is obtained.
"Certified that Shri/Smt./Kumari
7. A certificate in the following form should also be attached to the first pay bill of the Government servant appointed to a post for which specific educational qualifications have been prescribed.
"Certified that I have satisfied my self that Shri/Smt./Kumari
appointed to the post of
The certificate should be issued by the appointing authority and should

The certificate should be issued by the appointing authority and should be attached to the bill by the drawing and disbursing officer of the office in which the person is appointed. This certificate should be issued by the appointing authority simultaneously with the appointment order.

8. (1) Every permanent non-gazetted official including a clerk (at prison) serving in the (Prison) department, who is either entrusted with the collection or the custody of cash or is solely in charge of stores or whose appointment is likely to entail his/ her being entrusted with such duties at any time shall furnish security and execute a bond for the due performance of his/her duties and shall be strictly bound by the conditions set forth in the bond. The amount of security shall be one year's pay, being the minimum pay of the grade. The only form of security

which shall be accepted from such officials shall be Government Promisory Notes, National Savings Certificates, Government Loan Paper, including State Loans at current market rates, or Government Savings Bank Deposits. The security in all cases, shall be furnished within a month after confirmation in an appointment. Such security may at the option of the official from whom it is taken, be furnished by a monthly cash deduction at 10 per cent of his/her substantive pay or in the form of a bond executed by the principal and two sureties for an amount equal to a year's pay.

- (2) (i) The Deputy Inspector General of Prisons in charge of region shall enquire annually into the solvency of the securities furnished by the Superintendents of District Prisons class III and report the result to the Inspector General.
- (ii) The Superintendents, the Principal, J. O. T. S. and Principal Borstal School shall enquire annually into the solvency of the securities of the Prison Officials working under them and report the result to the Deputy Inspector General of Prisons, in charge of the region.
- (3) When an official elects to give security by personal bond, he/she will not be allowed subsequently to change from this form of security to a monthly cash deduction unless he/she is prepared to deposit at once such a sum as may be determined by the Inspector General.
- (4) In the case of officiating appointments of officials, the Inspector General shall decide whether security should be taken or not according to the probable duration of the officiating appointment.
- (5) A security bond continues to be in force until it is cancelled and surety who withdraws from his suretyship continues liable for any defalcation occurring upto 60 days after his/her giving notice. A security bond should not be destroyed until so long after the principal has ceased to occupy the office in which he/she has to furnish security that there is no probability of its being of any use. If a fresh bond is taken for any reason the old one should be preserved.
- (6) Government officers to whom surety bonds are tendered should verify the indentity of personal sureties and other solvency before the surety bond is accepted and only responsible Government officials who have identified the sureties should sign such surety bond as witness.

Note.—Medical Officers attached to Prison hospital stores are exempted from the operation of this rule.

- 9. All Prison employees' shall fully acquaint themselves with the rules and orders relating to their respective duties.
- 10. On appointment, every Prison employee shall be expected to know the provisions of the Bombay Civil Services (Conduct, Discipline and Appeal) Rules and Section 42 and 54 of the Prisons Act. It shall be deemed to be a condition of the employment of every Prison employee that he/she shall be liable to serve under the State Government at any place where he/she may be posted from time to time whether in the same or any other suitable capacity.

Provided that employees borne on the Regional Cadres will, as far as possible, be posted within their own Region.

- 11. Every Prison employee shall yield prompt and strict obedience to all orders of his/her superior officers and shall treat all superior officers at all time with due respect.
- 12. Before any person is appointed in the Prison Department, whether temporarily or permanently he/she shall be required to make a declaration that he/she has not at any time been dismissed, removed or discharged from public service or been convicted of any offence by a court of Law.

Provided that if any such person has been so dismissed or removed or discharged or convicted, he may instead of making a declaration as aforesaid, make full disclosure of the circumstances attending such dismissal, or removal or discharge or conviction for the information and orders of the proper authority.

13.	The o	oath of al	leg	iance to the	Constitut	ion	of	India	should	l be	taken
by all	new	entrants	to	Government	service	in	the	follo	wing	form	n:—

(Conscientious objectors to oath taking may make solemn affairmation in the prescribed form indicated above).

Note.—The appointing authorities mentioned in rule 3 shall ensure that any Government servant already in service who has not taken the oath hitherto take the oath immediately.

- 14. All foreign nationals who are full time Government servants should be required to take/make the oath/affirmation in the following form.

*Here insert the name of the country concerned.

- 15. A Prison employee who is deemed to be or placed under suspension under rule 156 of the Bombay Civil Services Rules, 1959, shall not be reinstated in the service without the orders of the appointing authority.
- 16. Every prison employee provided with rent free quarters, shall stay in those quarters and those not provided with quarters shall stay within reasonable distance of the prison as determined by the Superintendent.
- 17. The Senior Jailor at Central and District Prisons Class I and the Superintendent at District Prisons, Class II and Class III shall not permit any unauthorised persons to remain for the night within the Prison, nor shall allow any subordinate officer or servant occupying quarters attached to the prison to have any person who is not a member of his/her family to sleep in his/her quarters without a special permission of the Superintendent. He shall also see that all Prison guards invariably sleep in quarters allotted to them and shall occasionally call them out at night and ascertain that none has left the premises without permission. Such calls must be reported in Register in form No. I immediately by him.
- 18. (1) According to rule 11 of the Bombay Civil Services Classification and Recruitment Rules, the Inspector General, as a Head of the Department has the discretion to withhold applications of the Prison employees for employment elsewhere. According to the said rule, prison employees, who desire to apply for posts under the Government of India, other State Governments, Corporations etc., are required to submit their applications as the case may be through the Deputy Inspector General of Prisons in charge of the region, the Superintendent of the

Prison concerned and the Inspector General of Prisons. In case the Prison employee is selected for the appointment he/she shall have to resign his/her appointment under the Government of Maharashtra.

- (2) The Prison employee on being selected for some other appointment under the Government of Maharashtra should be relieved to take up the new appointment instead of requiring him/ her to resign, provided he/she had applied through the proper channel and that his/her application was forwarded.
- 19. The Prison officials and subordinates serving at prisons enumerated at Sr. Nos. 129 to 135 of Appendix LV Bombay Civil Services Rules Volume II shall be provided with rent free quarters (if available) on the premises of the prison.
- Note: 1.—Prison employees who are provided with rent free quarter Shall not be liable to pay for subsidiary services such as sanitary, water supply, and electric installations and fittings as also for payment of taxes for, specified services. Monthly electric charges and meter rent shall be paid by the party concerned. The allottee will be responsible for the damages caused to fittings, fixtures and Government property and expenditure on items like replacement of bulbs, tubes etc.

Note: 2.—Rent free quarters shall be in charge of the Prison employees eve a during the first four months of any leave other than leave preparatory to retirement taken by them, provided no extra expense is incurred over the housing of the substitutes, except that gazetted Prison employees should be charged rent 'qual to 50% of the rent recoverable under Bombay Civil Services Rules 849 (B) after the first four months of the leave. An undertaking shall, however, be taken from them to the effect that they will pay the full rent in respect of the quarters which they occupy free during the period leave, if they resign or retire voluntarily from Government service at the end of the leave or of an extension of it. This undertaking shall be included in the application for leave. If the Prison employee to whom a rent free quarter is allotted dies, is dismissed from service or retired from service, the allotment to him of the quarter shall be cancelled -with effect from one month, after the date of his death, dismissal or retirement as the case may be or with effect from any date after such death, dismissal or retirement on which the residence is actually vacated whichever is earlier. The concession of rent free quarters should continue during the period of grace;

The retirement referred to in this note covers only such cases of retirement which have not been preceded by leave preparatory to retirement which including refused leave under Rule 753 of the Bombay Civil Services Rules.

- 20. Quarters should be allotted by the Superintendent to the eligible Prison employees according to seniority and status of the Prison employee concerned.
- 21. (1) Where prison employees entitled to rent free quarters, are not allotted such quarters they shall be allowed to draw house rent allowance in lieu of rent free quarters, at the following rates:—
- (i) Place where House Rent The actual rent paid or 10% of pay Allowance is not admissible. whichever is less.
- (ii) Places where House Rent Allowance is admissible.

The actual rent paid or 10% of pay plus the maximum amount of house rent allowance that would be admissible according to Annexure 'B' in the Accompaniment to Government Resolution, Finance Department, No, PCR-1469/PC, dated the 15th January 1969, as amended from time to time whichever is less.

- (2) The drawal of house rent allowance in lieu of rent free quarters at the above rate shall be subject to the following conditions:—
 - (i) No Government quarters are available for allotment.
- (ii) The Government servant resides within the municipal limits of his headquarters. In the case of Bombay these limits will be the same as those laid down in the Note below Bombay Civil Services Rules 446;
- (iii) No member other than the member of the family of the Government servant resides with him.
- 22. (1) The Deputy Inspector General of Prisons in charge of the Regions and the Personal Assistant to the Inspector General of Prisons are vested with the powers of countersigning T. A. Bills of the Prison Department.
- (2) The Personal Assistants to the Deputy Inspector General of Prisons, Eastern Region, Central Region and Western Region are eligible to countersign T. A. Bills as Personal Assistants to the Controlling Officers viz. the Deputy Inspector General of Prisons, Eastern, Central and Western Region as contemplated under note (2)

below rule 601 of the Bombay Civil Services Rules, vide Government Resolution, Home Department, No. MIS. 1070/20-XVI, dated the 25th September 1972.

- 23. The Prison employee concerned shall furnish, the details of his/her journey, vouchers in support of his/her claims etc. to the head clerk or to the other clerk to whom the duty of preparing travelling allowance bills of staff is entrusted within 15 days of the completion of his/her journey. Head Clerk or the clerk concerned shall prepare all T. A. bills immediately on receipt of requisite details from the party or parties concerned. The Superintendents of the Prisons, the principal, J. 0. T. S., the. Principal Borstal School and the Deputy Inspector General in charge of the region shall see that T. A. bills in respect of the claims of his staff are regularly prepared and submitted to the authority concerned for countersignature. Claims not preferred within one year from the date on which they accrue shall not be admitted straightway for payment vide rule 39 (b) of the Bombay Financial Rules, 1959.
- 24. Whenever road journeys are to be certified as having been performed in S. T. Buses[^] the prison employees, as far as possible, shall get the tickets endorsed either by the conductor of the bus in which they travel or by State Transport Official at the nearest bus station or depot, giving bus number, date of travel and the places between which the journey was performed. The endorsed tickets if available should be utilised before scrutinising the T. A. Claims by the Head of office and/or controlling officer as the case may be. They are not however required for purpose of audit, and therefore should not be attached to the T. A. bills, but the following certificates should be recorded on the T. A. bill by drawing officer.

"I certify that the journeys for which bus fare is claimed in the bill were actually made by the S. T. Bus.".

25. A season ticket for the lowest class shall be purchased at Government cost of the following prison employees between the railway stations specified against their names for their daily or occasional visits for work in connection with the prison.

Designation of Government servant

Railway Stations between which season ticket is granted

Naik and Sepoy at.—

- (a) Thane Central Prison
- (b) Visapur District Prison
- (c) Byculla District Prison
- (d) Bombay Central Prison

Thane and V. T.

Visapur and Ahmadnagar Byculla and V. T. Chinchpokly and V. T.

- 26. (1) (Prison) guards (and supervisory staff at the Borstal School) are entitled to free passage by rail or by sea to their homes in India and back by the class of accommodation to which they are entitled, according to grade while proceeding on and returning from earned leave. This concession is granted only once in three years and a Prison guard must have served three years before he can receive it.
- *Note 1.*—On each occasion on which a Prison guard proceeding on leave is given free railway or steamer ticket, the fact shall be clearly recorded in his service book and initialled by the Superintendent.
- *Note* 2.—Requisition for passage by rail or steamer for (Prison) guards must be signed by the Superintendent.
- *Note 3.*—They may also be granted this concession when proceeding to their homes on retirement or on leave preparatory to retirement. Provided they have not enjoyed the concession during the preceding three years.

Note 4.—The discretionary powers of sanctioning motor fares instead of railway and steamer tickets when the former are cheaper have been delegated to the Inspector General. In such cases, motor warrants shall be issued for the portion of the road journeys covered by the State Transport. (2) Prison guards and Supervisory staff at the Borstal School should be allowed to exercise option to either retain the leave travel concessions admissible to them under sub-rule (1) above or to opt for leave travel concessions admissible to other Government servants which are contained in the Schedule accompanying G. R. F. D. No. TRA-1163/ 2726-V, dated the 23rd October 1963 as amended from time to time. The option should be exercised within a period of six months from the date of appointment failing which they will be deemed to be governed by the leave travel concessions as per sub-rule (1) above. The option once exercised will be final. Such of the prison guards and members of the supervisory staff at the Borstal School who opt for the leave travel concessions contained in the Schedule accompanying G. R. F. D. No. TRA-1163/2726-V, dated 23rd October 1963, should also declare their "Home Town" as required under rule 5 of the said rules.

The respective appointing authorities should bring the aforesaid provisions to the notice of a Prison guard and a member of the Supervisory staff at the time of his appointment (vide G. R. H. D. No. PAA-5267/9672-XVI, dated the 12th July 1973).

27. (1) Applications received from staff members for earned leave on private grounds should be properly registered.

A roster for grant of leave after taking into account the merits of each case should be prepared and it should be got approved from the Superintendent, in the first week of every month. Leave should be granted in accordance with the entries in this roster. The Superintendent before approval of the roster and in deciding which of the applications should be granted, take into account the following considerations.

- (a) The applicant who can for the time being best be spared.
- (b) The amount of leave due to various applicants.
- (c) The amount and character of service rendered by each applicant since he last returned from leave.
- (d) The fact that any such applicant was compulsorily recalled from his last leave.
- (e) The fact that any such applicant has been refused leave in public interest.
- (2) The leave on medical grounds should be granted immediately, provided the application for such leave is accompanied by a medical certificate given by the medical Officer of the prison or by the Civil Surgeon as the case may be.
- (3) The competent authority shall record in Register in form No. II an order sanctioning leave to the Prison employees and shall see that an entry is made simultaneously in the service book of the Government servant concerned.
- 28. (1) When a Prison employee is appointed on contract or has executed a bond, undertaking to serve Government for a definite period, the terms of his/her contract or bond should be taken into consideration. The question, whether any penalty is required to be imposed for breach of contract or undertaking should also be considered. If the contract provides that the Prison employee should give notice of a definite period for the termination of the contract, it will be open to the competent authority concerned to withhold acceptance of resignation till the expiry of the prescribed period.
- (2) If the prison employee remains absent before his/her resignation is accepted or without obtaining the necessary leave pending acceptance of his/her resignation, it is open to the competent authority concerned to treat the absence as desertion of service and take recourse to the provisions of section 54 (i) of the Prisons Act or to treat the absence as leave without pay and to take departmental action for such unauthorised absence.

- (3) Resignations of Prison employees who are under suspension and against whom departmental enquiry has been ordered or is contemplated to be held should not be accepted *vide* Government orders contained in Political and Services Department Circular No. 1581/34, dated 16th March 1951. The Prison employee concerned should be informed accordingly as early as is possible.
- 29. (1) The Prison employees working at the following prisons are entitled to draw cycle allowance at such rates per child as may be prescribed by Government.
 - (i) Aurangabad Central Prison,
 - (ii) Nagpur Central Prison,
 - (iii) Nasik Road Central Prison,
 - (iv) Amravati Central Prison,
 - (v) Akola District Prison, Class-I,
 - (vi) Visapur District Prison, Class-I,
 - (vii) Open District Prison, Paithan.
- (2) The Prison employees working at the following prisons, and institutions are entitled to draw bus fare per child as may be prescribed by Government.
 - (1) Yeravda Central Prison.
 - (2) Jail Officers' Training School, Yeravda.
 - (3) Kolhapur District Prison (Kalamba),
 - (4) Borstal School, Kolhapur.
- (3) The Prison employees working at the Visapur District Prison, Class I, are entitled to draw allowance at the rate and the conditions as are prescribed by Government for keeping their children in Boarding School with the relatives for higher education.

The cycle or Bus allowance mentioned in sub-rules (1) and (2) will be admissible subject to the following conditions:—

- (1) The allowance is paid only to those members of the Prison Staff whose children actually attend educational institutions and that the school facilities are not available near the prison premises.
- (2) Where there is a school within a mile of the staff quarters no allowances will be granted.

- (3) Where there is no school within a mile from the quarters or where there is a school within a mile of the staff quarters but admission for the required standard is not available or the medium of instructions is different, the aforesaid allowance will be admissible.
- (4) Primary school children and children upto 14 years of age should be allowed bus fares upto Rs. 5 per month.
- (5) For secondary and higher education and children over 14 years of age cycle allowance at the rate of Rs. 5 per month should be allowed.

Note.—The allowance mentioned in the rule should be treated as conveyance allowance. The term "Higher Education" includes secondary and college education, *vide* Government Resolution, Home Department, No. GOJ-1171/14-XVI, dated the 8th May 1976.