



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, जानेवारी १२, २००७/पौष २२, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग एक-अ—मध्य उप-विभाग

महाराष्ट्र जिल्हा परिषदा व पंचायत समित्या, ग्रामपंचायती, नगरपरिषदा, प्राथमिक शिक्षण आणि स्थानिक निधी लेखापरीक्षा अधिनियम यांखालील (भाग चार-ब मध्ये प्रसिद्ध करण्यात आलेले आदेश व अधिसूचना यांवरिक्त) आदेश व अधिसूचना.

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 11th January 2007.

NOTIFICATION

Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

No. MCO 1203/1246/C.R. 175/03/UD-14.— In exercise of the powers conferred by sub-sections (1) and (2) of section 321 read with sub-section (2) of section 75 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah.XL of 1965), (hereinafter referred to as "the said Act"), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 321, as follows, namely:—

1. *Short title and application.*— (1) These Rules may be called the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships State Services (Absorption, Recruitment and Conditions of Service) Rules, 2006.

(2) These Rules shall apply to the recruitment to all posts specified in the Appendix-I, but shall not apply to the recruitment to:—

- (i) posts on a contingency paid establishment, daily-rated establishment or work-charged establishment;
- (ii) posts to which appointments are made on part-time basis; and
- (iii) posts to which appointments are made on contract.

2. *Definitions.*— (1) In these rules, unless the context otherwise requires,—

- (a) "Absorbed Employee" means an Existing Employee in the service of any Municipal Council absorbed in any Grade of any Service in accordance with these Rules;
- (b) "Absorption Authority" means an authority constituted under Rule 6;
- (c) "Act" means the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965);
- (d) "Appointed day" means the date on which the Services are constituted;
- (e) "Appointing Authority" means, the Director of Municipal Administration;
- (f) "Appendix" means the appendix appended to these Rules;

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(g) "Consultative Authority" means,— the Maharashtra Public Service Commission and until such time the Maharashtra Public Service Commission takes on this responsibility, the Committee constituted under Rule 16;

(h) "Director" means the Director of Municipal Administration;

(i) "degree or diploma" means a degree or diploma conferred by any statutory University in India, recognized in this behalf by the Central Government or the State Governments;

(j) "Existing Employee" means any employee of a Municipal Council who fulfil the conditions under Rule 5 (1) of these Rules immediately before the appointed day;

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

(l) "Municipal Council" means the Municipal Council within the meaning of clause (6) of section 2 of the Act;

(m) "select list" means a Grade wise list of Employees of each Service prepared for the purpose of promotion to the next higher Grade in a given Service;

(n) "Service" means any of the services specified in Appendix-I appended to these Rules, constituted under these Rules; each of the service shall consist of various grades with the scale of pay as specified their under;

(o) "Selection Committee" means a Selection Committee constituted under Rule 16;

(2) words and expressions used in these rules but not defined herein above shall have the respective meanings assigned to them in the Act.

1. *Consultative Authority to be consulted in making appointments.*— All appointments to the post in the services by nomination or promotion shall be made by the Appointing Authority after consulting the Consultative Authority.

3. *Cadre Strength.*— The sanctioned strength of each Grade of a Service shall be determined initially as specified by the Government by notification issued under section 75A of the Act and thereafter on the basis of posts sanctioned on the establishment of Municipal Councils under the said Act carrying the pay scales of that Grade.

ABSORPTION OF EXISTING EMPLOYEES OF MUNICIPAL COUNCIL

5. *Absorption of Existing Employees in the State Services.*— (1) Every Existing Employee in Municipal Council,—

(i) who has not completed 53 years of age on the appointed day;

(ii) who fulfills the respective conditions and possesses the qualification and experience laid down in Appendix II as may be relevant for absorption in the applicable Grade of a Service; and

(iii) whose work and conduct on a post held in a Municipal Council, immediately before the appointed day, in the opinion of the Absorption Authority was satisfactory;

(iv) who was appointed in accordance with the rules framed under the provisions of sub-section (3) of section 75 or, as the case may be, sub-section (3) of section 76 of the Act;

(v) against whom no Departmental Enquiry is pending,

shall be entitled to be absorbed in a Grade of a Service on a salary equal to the existing scale of pay in the Municipal Council; or the higher scale of pay on same grade on which the employee was appointed as per the provisions of the said sub-section (3) of the section 76 of the Act.

(2) *Exercise of option.*— (a) Every eligible Existing Employee who, immediately before the appointed day, was working in a Municipal Council shall have the option either,—

(i) to be absorbed in the State Services; or

(ii) not to be absorbed in such Services.

(b) The option under sub-rule (a) shall be exercised in writing and communicated through the Council to the respective Absorption Authority within three months from the date of publication of these rules. If he is found fit for absorption, then the concerned Municipal Council shall pay the pension and leave salary contribution and transfer the sums lying in the Provident Fund Account of the relevant employee alongwith the prevalent interest as may be determined by the Appointing Authority after resolution passed by the concerned Municipal Council in that behalf.

(c) If the employee fails to communicate his option to the Absorption Authority within the period specified in sub-rule (b), that employee shall deemed to have not been opted and shall be treated as unwilling for absorption under sub-clause (ii) of clause (a).

(d) On receipt of the option, the Absorption Authority shall acknowledge the receipt thereof.

(e) The option once exercised by the Existing Employee shall be final.

(3) The Absorption Authority shall examine the eligibility of each Existing Employee as per the criteria laid down above, and where found eligible shall forward the same to the Director for inclusion in the list of eligible Existing Employees.

(4) A list of eligible Existing Employees who have opted for absorption shall be prepared by the Director.

(5) The *inter se* seniority of eligible Existing Employees in each Grade of each Service in which they are to be absorbed shall be determined on the basis of the period of continuous service rendered by them in the scale of pay equivalent to or higher than the scale of pay of the Grade on which they are to be absorbed.

(6) The vacancies in the Service, as and when they occur, shall be filled by appointment of an Existing Employee whose name appear in the list prepared as per sub rule (4) above. The appointment shall be strictly based on the seniority in the above list, will continue till the above list is exhausted.

6. *Constitution of Absorption Authority.*— (a) For the purpose of absorption and related matters, there shall, in each revenue division be constituted an "Absorption Authority" (in each revenue division shall be constituted. The Authority thus constituted) which shall comprise of:—

(i)	Divisional Commissioner and Regional Director of Municipal Administration.	Chairman
(ii)	Collector of one District in the Division (of one district in the division to be decided by the Chairman)	Member
(iii)	Deputy Commissioner (General) from the office of the Divisional Commissioner	Member
(iv)	Group-A officer from Backward Class category from the office of the Divisional Commissioner to be decided by the Chairman	Member
(v)	Assistant Regional Director of Municipal Administration Secretary from the office of the Divisional Commissioner Secretary	Member

(b) The Committee shall conduct its proceedings in such manner as it may think fit.

7. *Absorption of Existing Employee in the equivalent post other than State Services.*—The Existing Employee who has not qualified for absorption, or who has not exercised the option under Rule 5 above, shall be appointed by the Council on an equivalent post, other than the post that has been filled by an employee from the Service, as the Council may think fit.

8. *Fixation of pay of Absorbed Employee.*— (a) Notwithstanding the pay-scale of the post in the Services on which an Existing Employee is absorbed, the Existing Employee may either opt to be governed,

(i) for such period as he may specify in the option, by the pay-scale applicable to him immediately before absorption; or

(ii) by the pay scale of the post in which he is absorbed.

(b) The Absorbed Employee shall exercise the option under clause (i) of sub-rule (a) in writing and communicate it to the Director within two months from the date of his absorption under Rule 5. If the option is not so communicated, the Absorbed Employee shall be deemed to have opted for the pay-scale of the Grade in which he is absorbed. Pay will be fixed as per the Maharashtra Civil Services (Pay) Rules, 1981. **Option once exercised or deemed to have been exercised shall be final.**

9. *Leave of Absorbed Employee.*—The entire leave at the credit of the Absorbed Employee before his absorption shall be carried forward and credited to his leave account. He shall be allowed to avail himself of leave at his credit subject to the limitations prescribed in the Maharashtra Civil Service (Leave) Rules, 1981.

10. *Pension provisions in respect of Absorbed Employee.*— Every Absorbed Employee who has been absorbed in the State Services shall be governed by the Maharashtra Civil Service (Pension) Rules, 1982, or, defined Contribution Pension Scheme, as the case may be. The continuous service rendered by him under a Municipal Council immediately before the date of absorption, unless specifically ordered otherwise by the Appointing Authority, shall be counted for determining pensionable service, subject to the conditions laid down in Rule 11.

11. *Pension and Leave Contribution payable by the Council.*— (a) Pension contributions on account of the past services rendered by the Absorbed Employee under such Council shall be paid to the State Government by such Council at such rates and alongwith such interest as may be specified by the Appointing Authority in consultation with the Government,

(b) every Municipal Council shall, annually pay to the State Government, such sum towards pension contribution and leave contribution, as may be prescribed by the Appointing Authority in consultation with the Government.

12. *Provisions in respects of contributions to General Provident Fund.*—The amount of subscriptions with interest thereon, if any, standing at the credit in the Provident Fund account of the Absorbed Employee immediately before the date of his absorption, was governed by the General Provident Fund scheme of the Council under which he was working shall, as from that day, be transferred to his new account governed by the Bombay General Provident Fund Rules, 1951.

The new Provident Fund Account shall be obtained by the Appointing Authority immediately on absorption in the Services.

APPOINTMENT BY NOMINATION AND PROMOTION

13. *Qualifications and method of appointments.*—(1) The qualifications in respect of education, experience, age etc. required to be possessed by candidates for and methods of appointment to the Services and the grades thereunder shall be as specified in Appendix-III:

Provided that, the upper age limits prescribed for appointment to the Services under the relevant recruitment rules shall be relaxable by five years in respect of candidates belonging to Backward Classes and three years in respect of candidates belonging to Other Backward Class.

Explanation.— For the purposes of these rules, the upper age limit shall be reckoned on the last date for submission of an application for such a post.

14. *Disqualifications for appointment to Service.*— No person shall be appointed to any post in a Service,-

- (a) unless he is a citizen of India; or
- (b) if he is or has been dismissed for misconduct from Service under a Municipal Council or Service under any other local authority or Service under any Government; or
- (c) if he was convicted of an offence which in the opinion of the Appointing Authority involves moral turpitude;
- (d) if he has more than one wife living, and in the case of female candidate, if she has married a person already having a wife living; or
- (e) if he has not attained the age of 21 years on the last date for submission of an application for such a post.

15. *Reservation of posts in Service.*— Posts shall be reserved in accordance with the reservation policy declared by the Government from time to time.

16. *Constitution of Selection Committee and procedure for preparation of select list.*— (1) A separate select list of Employees in each Grade of each Service shall be prepared for the purpose of appointment by promotion to the higher post of the Services. For the purpose of preparing of such select list of employees who are eligible for promotion, there shall be constituted a Selection Committee consisting of,—

(i)	The Director of Municipal Administration, Mumbai	..	Chairman
(ii)	Any Group-A Officer (not below the rank of Deputy Secretary) to be nominated by the Government.	..	Member
(iii)	A Commissioner and Regional Director of Municipal Administration as may be decided by the Director.	..	Member
(iv)	Group-A officer in the office of the Social Justice, Cultural Affairs, Special Assistance Department or Tribal Development Department.	..	Member
(v)	Group-A Officer of the relevant Department of the Government .. in respect of which the appointment is to be made by the nomination by the Government.	..	Member
(vi)	The Deputy Director of Municipal Secretary Administration, Mumbai.	..	Member

(2) For the purpose of preparation of such select list, the Committee shall ordinarily meet every year on a date as the Chairman may specify in this behalf, and prepare a select list as per general principles regarding promotions laid down by the Government from time to time.

17. *Provision for taking assistance.*— Where the Selection Committee acts as the Consultative Authority, it may take assistance for the purpose of conducting examinations or interviews, and any other matter from any institution engaged in training and research in the relevant field of specialization.