

HOME DEPARTMENT  
JUDICIAL

NOTIFICATION

Nb. G.S.R. 8-Cons/Art-309/51. The following Rules, as amended up to the 12th December, 1961, are re-published below for general information:-

Short title and commencement:- (1) These rules may be called the Punjab District Attorneys Service Rules, 1960.

These shall come into force from the date of their publication in the official Gazette.

2. Definitions:- In these rules, unless there is anything repugnant in the subject or context,

a) "Commission" means the Punjab Public Service Commission,  
b) "Direct appointment" means an appointment made otherwise than by promotion within the service or by transfer of an official already in the service of a State Government or of the Union of India;

c) "Government" means the Punjab Government in the Administrative Department;

d) "Legal Remembrancer" means the Legal Remembrancer and Secretary to Government, Punjab, Legislative Department;

e) "Recognised University" means-

i) Any University incorporated by law in any of the States of India.

ii) In the case of Degrees or Diplomas obtained as a result of examination held before the 15th August, 1947, the Punjab, Sind or Dacca University; and

iii) any other University which is declared by Government to be a recognised University for the purposes of these rules; and

"Service" means the Punjab District Attorney Service.

3. Composition of Service-(1) The service shall comprise the posts shown in Appendix 'A' to these rules.

Provided that the posts of Grade-II of the District Agency Cadre shall continue as such only so long as the existing incumbents of erstwhile pepsu state hold them. These posts when falling vacant will be added to either in Grade-I of District Attorneys Cadre or to the Cadre of Asst. District Attorneys.

Provided further that there shall be one or more District Attorneys or Assistant District Attorneys for each District as the Government may from time to time determine.

2. Nothing in these rules shall affect the right of Govt. to make addition or, or reduction in, the cadre of the service whether permanently or temporarily.

3. Appointing Authority:- Subject to the provisions of rule 5, the appointments to the posts in the Service shall be made by the Government in consultation with the Commission;

Provided that temporary appointments for a period of not exceeding three months shall be made by the Legal Re-examiner.

4. Method of recruitment:- Posts in the Service shall be filled in as under:-

a) In the case of District Attorneys:- (1) The first appointments to such number of posts as Government may determine shall be made by the Government by Selection, on the advice of a Committee, consisting of the Legal Re-examiner and the Joint Secretary to Government, Punjab, from amongst those Public Prosecutors who were in the employment of the erstwhile States of Punjab and Patiala and East Punjab States Union immediately before the 1st November, 1956.

2) The remaining posts and all further vacancies shall be filled-

by selection from amongst the District Attorneys, Grade-II or the Assistant District Attorneys; or

ii) by transfer of an officer working under the Govt. of a state, or of Union of India, or

iii) by direct appointment.

b) In the case of District Attorneys, Grade-II selection by the Government from amongst the public Prosecutors in the employment of the erstwhile States of Punjab immediately before 1st November, 1956.

c) In the case of Assistant District Attorneys: (1) by selection from amongst the Legal Assistants and Superintendents of the office of Legal Re-examiner.



- d. Age-limit:- No person shall be appointed to the Service by direct appointment to the post of :
- i) District Attorney, unless he is not less than 30 years and not more than 40 years of age on the date of selection;
  - ii) Assistant District Attorney, unless he is not less than 25 years and not more than 35 years of age on the date of selection;

Provided that in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes, the maximum age limit shall be such as may be fixed by Government from time to time.

e. Educational and other qualifications:- No person shall be appointed to Service unless he possesses the educational qualifications mentioned in column 2 below and no person shall be appointed by direct appointment unless he also possesses the other qualifications mentioned in column three below :-

Name of the post	Educational qualifications	Other qualifications
District Attorney	Degree of Bachelor laws of a recognised University or a Barrister of England or Ireland or a member of the Faculty of Advocates of Scotland.	should have practised at the bar for a period of not less than 10 years
Assistant District Attorney,	- do -	should have practised at the bar for a period of not less than 5 years

f. Certificates and declarations to be attached with application of a candidate for appointment to the service shall state his qualifications and attach to his application in a declaration stating the period for which he has been practising as a lawyer and or the period, if any, for which he remained in Government Service or worked as Public Prosecutor.

2) No person shall be appointed direct to the service unless a candidate for appointment to the service shall state his qualifications and attached his application and declaration stating the period for which he has been practicing as a lawyer and /or the period, if any for which he remained in Government Service or worked as Public Prosecutor.

No person shall be appointed direct to the Service unless he  
a) has obtained from a standing Medical Board in the State  
of Punjab a certificate of mental and physical fitness as  
required under rule 3.1 of the Punjab Civil Services Rules,  
Volume I, Part II, and

b) has produced a certificate of character from the  
principal academic officer of the university, college,  
school or institution last attended, if any and  
similar certificate from two responsible persons, not  
being his relatives, who are well acquainted with him  
in private life and unconnected with his university,  
college, school or institution.

11. Probation:- (1) Members of the Service recruited by direct  
appointment shall remain probation for a period of two years and  
those recruited otherwise for a period of one year;  
provided that the District Attorneys Grade-I who are selected  
for appointment from the Public Prosecutors of erstwhile states  
of Punjab and Patiala and East Punjab State Union and the  
District Attorneys Grade-II shall not be required to remain on  
probation.

Explanation:- The period of service as Public Prosecutor or the  
period of service as officiating District Attorney Class I or  
officiating Assistant District Attorneys may, at the discretion  
of Govt., be allowed to count towards the period of probation  
fixed under the rule but no member of the service who is  
officiating in any appointment shall, on the completion of his  
period of probation be entitled to be confirmed until he is  
appointed against a permanent vacancy.

2) If the work or conduct of any member of the Service  
during the period of probation is, in the opinion of Government  
not satisfactory, Govt. may dispense with his services, if  
recruited by direct appointment or revert him to his former  
post if recruited otherwise.

3) On completion of the period of probation of any member,  
the Government may confirm such member in his appointment or,  
if his work or conduct has, in the opinion of Govt, not been  
satisfactory.

dispense with his services if recruited by direct appointment or may revert him to his former post, if recruited other or may extend his period of probation and thereafter post orders - it could have passed on the expiry of the first period of probation:

Provided that the total period of probation including extensions, if any, shall not exceed three years.

12. Seniority:- 1) The seniority inter-se member of the service holding the same class of posts shall be determined by the dates of their continuous appointments to such post in the Service :

Provided that in the case of members appointed the order of merit determined by the Commission shall not be disturbed;

Provided further that in the case of two or more appointed to the same class or posts on the same date, the seniority shall be determined as follows:-

- a) a member recruited by direct appointment shall be senior to a member recruited otherwise;
- b) a member recruited by promotion shall be senior to a member recruited by transfer;
- c) in the case of members who are recruited by promotion or transfer, seniority shall be determined according to the seniority of such members in the appointment from which they were promoted or transferred;
- d) in the case of members recruited by transfer of different cadres or by selection under rule (5) (1) their seniority shall be determined according to may, preference being given to the member who is drawing a higher rate of pay in his previous appointment and if the rates of pay drawn be the same, then by their length of service; and in case their length of service also happens to be the same, an older member shall be senior to a younger member.

2) The inter se seniority of Public Prosecutor at the time of his appointment together to the service shall remain undisturbed and he shall be senior to the persons otherwise recruited.

(NOTIFICATION)

3. No. G.S.R. 84/Const./Art.309/82:- In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab District Attorneys Service Rules, 1960, namely:-

(1) These rules may be called the Punjab District Attorneys Service (First Amendment) Rules, 1982

(2) They shall be deemed to have come into force on the 28th day of March, 1974.

in the Punjab District Attorneys Service Rules, 1960, in Rule 12,

Sub-rule (2) the following sub-rule shall be inserted, namely:-

(3) Notwithstanding anything contained in these rules or any judgment, decree, order or directed of any Court, the Seniority of the District Attorneys and the Assistant District Attorneys and the persons appointed to the service on the 28th day of March, 1974, consequent upon the abolition of the posts of Prosecuting Deputy Superintendents of Police and the Prosecuting Inspectors of Police shall be determined on the basis of continued length of their service as District Attorneys and Prosecuting Deputy Superintendents of Police, respectively or as the case may be, as Assistant District Attorneys and Prosecuting Inspectors of Police on that day;

Provided that in computing the continuous length of service of Prosecuting Inspectors of Police, a period of four years continuous service as such shall be ignored.

Provided further that the seniority interse as it existed wholly before the 28th day of March, 1974, shall not be disturbed.

AMRIK SING POONI,

SECRETARY TO GOVERNMENT OF PUNJAB  
Department of Home Affairs and Justice.

13. Pay of members of Service-Members of the Service shall be entitled to such scales of pay as may be authorised by Govt. from time to time. The pay scales at present in force are given in Appendix 'A'

Provided that a higher pay than the minimum pay may be allowed by Government in consultation with Finance Department, where qualifications and experience so require.

14. Transfer:- Every member of the Service shall be liable to transfer under the orders of the Govt. anywhere within the state of Punjab and shall also be liable to service outside the state of Punjab.

15. Conditions of Service:- (1) The posts in the service shall be pensionable and the members of the service shall be whole time Government servants.

(2) In respect of leave, pension and other cognate matters not expressly provided for in these rules the members of the service shall be governed by such rules and regulations as may be applicable to Govt. servants or by such other rules and regulations as are framed or issued from time to time under the proviso to Article 309 of the Constitution of India the leave

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rules for the time being in force the members of the service may be permitted to absent themselves from duty during the period the Session Courts are closed for vacation by debiting the period of absence to their leave accounts.

(3) No member of the Service shall have the right of pro private practice.

16. Penalty, discipline and appeals:-(1) In matters relating to discipline and appeals, members of the service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1952, as amended from time to time: provided that the nature of penalties which may be imposed and the authority empowered of any law or rules made under Article 309 of the Constitution of India, as specified in Appendix 'B' to these rules.

(2) The authority competent to pass an order under clauses (2) and (d) of rule 10 of the said rules shall be Government.

17. Interpretation:- If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

18. Power to relax:- Where the Govt. is satisfied that the operation of any of these rules causes undue hardship in any particular case, it may order dispensation, ~~with~~ with or relax the requirements of that rule.

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to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

APPENDIX 'A'

Number of posts	Designation of the posts	Scale
Devon	District Attorney, Grade-I	800-30-800/30-1100/50-1200
	District Attorney, Grade-II,	250-25-375/25-700/25-750
	Assistant Dist. Attorneys	300-15-450/15-430/20-540/20-500.

APPENDIX 'B'

Designation of service	Nature of penalty	Authority competent to impose penalty.	Appellate Authority
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Members of service.	(a) Censure.	Legal Remembrance-	Government
	(b) Withholding of increment including stoppage of efficiency Bar.	- do -	- do -
	(c) Reduction to lower stage in the time scale.	Government	N 1
	(d) Recovery from pay of the whole or part of any pecuniary loss caused to Govt. by negligence or breach of order.	- do -	N 1
	(e) Suspension.	- do -	N 1
	(f) Removal from service which does not disqualify for future employment.	- do -	N 1
	(g) Dismissal from service which ordinarily disqualifies for future employment.	- do -	N 1

L. N. Kashyap  
Home Secretary to Government Punjab.