JHARKHND SERVICE CODE

- LEAVE RULES
- DEPARTMENTAL ENQUIRY
- DISCIPLINARY PROCEEDING
- GOVERNMENT SERVANT CODE OF CONDUCT RULES

ATUL KUMAR

Jharkhand Administrative Service

- Under Secretary, Urban Development and housing Department cum Deputy Director, State Urban Development Agency
- 15 years of public service as BDO, CO and responsibilities at District level and state

Discussion points

Introduction
60 Minutes
Constitutional Provision
Philosophy
Objective
Key points of Service code

Departmental proceedings

10 Minutes
Principle of Natural Justice
Major/Minor Punishment
Key take away

Code of Conduct
10 Minutes

Leave Rules
10 Minutes
General Principals
Types of leave

Closing
Summary
Questions and Answers

DOCTRINE OF PLEASURE

- Article 309 to 311 of the Constitution
- Pleasure of President or Governor(Article 310)
- Loyalty to crown to the impartial independent tools of Governance
- In India Pleasure Doctrine is restricted by the Constitution Particularly – Article 311

Article 311 of the Constitution

PROVIDES TWO RESTRICTIONS

1.CAN NOT BE REMOVED BY AUTHORITY SUBORDINATE TO APPOINTING AUTHORITY

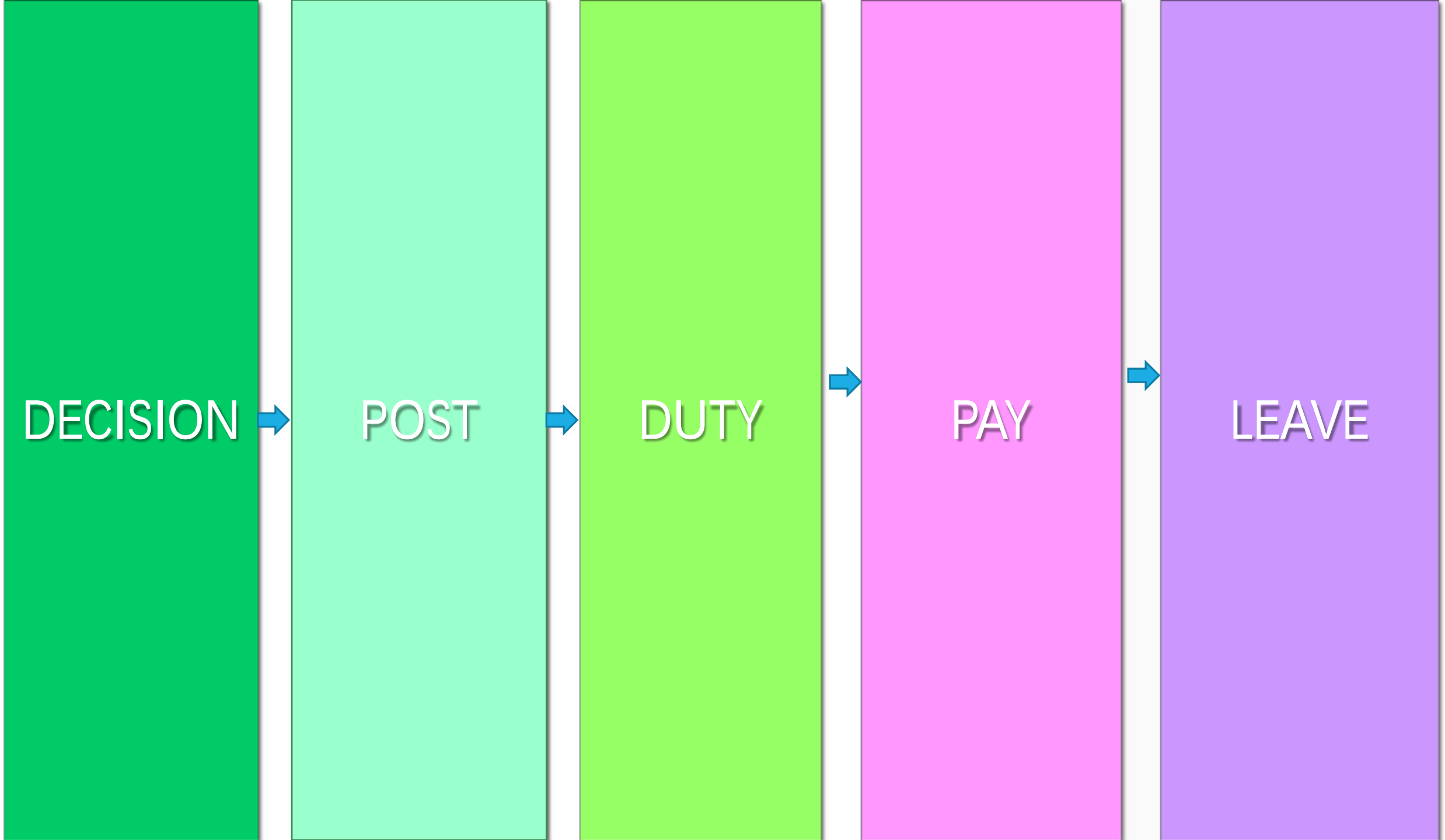
2.REASONABLE OPPORTUNITY OF BEING HEARD (AUDI ALTERUM PARTEM)

INRODUCTION

- Jharkhand service Code applies to employees of state Government, attached to High Court and Assembly.
- Works alongside CCA Rules, Pension Rules, Financial Rules, Conduct Rules
- Ensures Administrative Discipline, maintain integrity in public Service, procedure for handling of misconduct, Regulate leave, pay allowances

COMPONENTS OF SERVICE CODE

- GENERAL SCOPE AND DEFINITIONS (CHAPTER I AND II RULE 1 TO 51)
- PAY(CHAPTER IV and V RULE 77 TO 148)
- JOINING TIME (CHAPTER VII 252 TO 266)
- RECORD OF SERVICE (CHAPTER IX 287 TO 299)
- GENERAL CONDITIONS OF SERVICE (CHAPTER III RULE 52 TO 76)
- LEAVE(CHAPTER VI 149 TO 251)
- FOREIGN SERVICE(CHAPTER VIII 267 TO)


DECISION
POST
DUTY
PAY
LEAVE

DECISION

BY STATE

DELEGATED TO SUBORDINATE

POST

- SUBSTANTIVE POST
- LIEN
- PERMANENT POST
- TENURE POST

DUTY

- ANY DUTY BUT NOT SUBORDINATE
- TRANSFER
- JURISDICTION

PAY

- DEFINITIONS
- CONCEPT OF OFFIOCIATING PAY
- CONCEPT OF FOREIGN PAY
- CONCEPT OF RETROSPECTIVE PAY

LEAVE

- CONCEPT
- CASUAL LEAVE (Appendix 12 and 13)
- EARNED LEAVE(227,228 AND 240)
- HALF PAY LEAVE (232)
- EXTRAORDINARY LEAVE – CONCEPT OF COMMUTATION (236 RW 180)
- MATERNITY AND CHILD CARE LEAVE

CONDUCT and CONTROL

- The Jharkhand Government Servants' conduct Rule 1976 and
- Jharkhand Government Servants (classification, Control and Appeal) Rules 2016

Reflecting back

HIGHLIGHTS

- Government service is both status and contact.
- Common law pleasure doctrine applies with constitutional safeguards
- Jharkhand Service code is interwoven in post-duty-pay and leave framework
- The Jharkhand Government Servants' conduct Rule and
- Jharkhand Government Servants (classification, Control and Appeal) Rules 2016 further clarifies the service jurisprudence in jahrkhand

Wrap Up

Thank you

QUESTIONS?