

## 15. THE ALL INDIA SERVICES (CONDITIONS OF SERVICE-RESIDUARY MATTERS) RULES, 1960.

In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules, namely:—

1. **Short title.**—These rules may be called the All India Services (Conditions of Service- Residuary Matters) Rules, 1960.

2. **Power of Central Government to provide for residuary matters.**—The Central Government may, after consultation with the Governments of the States concerned, make regulations to regulate any matters relating to conditions of service of persons appointed to an All India Service, for which there is no provision in the rules made or deemed to have been made under the All India Services Act, 1951 (61 of 1951); and until such regulations are made, such matters shall be regulated:-

- (a) in the case of persons serving in connection with the affairs of the Union, by the rules, regulations and orders applicable to officers of the Central Services, Class I;
- (b) in the case of persons serving in connection with the affairs of a State, by the rules, regulations and orders applicable to officers of the State Civil Services, Class I, subject to such exceptions and modifications as the Central Government may, after consultation with the State Government concerned, by order in writing, make:

<sup>1</sup>Provided that no order granting gratuity and pension to a member of an All India Service or his family members, under the relevant extraordinary pension Rules, applicable to officers of the State Civil Services, Class I, shall be passed by the State Government except after consultation with the Union Public Service Commission:

<sup>2</sup>Provided further that:—

- (i) no order granting any costs incurred by a member of an All India Service in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty, under relevant rules, regulations or orders applicable to officers of State Civil Service, Class I, shall be passed by a State Government except after consultation with the Union Public Service Commission and in cases where there is a difference of opinion between the State Government and the Union Public Service Commission, the matter shall be referred to the Central Government for decision, and
- (ii) an order granting any costs incurred by a member of an All India Service in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty while serving in connection with the affairs of the Union, under relevant rules, regulations or orders applicable to officers of the Central Civil Services, Class I, shall be

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<sup>1</sup> Added vide MHA Not. No. 9/2/60-AIS(IIIa) dated 16.05.1961

<sup>2</sup> Added vide MHA Not. No. 9/1/65-AIS(III) dated 02.05.1968 (GSR No.836 dt. 11.05.1968)

passed only by the Central Government after consultation with the Union Public Service Commission.

**3. Power to relax rules and regulations in certain cases.**—Where the Central Government is satisfied that the operation of—

- (i) any rules made or deemed to have been made under the All India Services Act, 1951 (61 of 1951), or
- (ii) any regulation made under any such rule, regulating the conditions of service of persons appointed to an All India Service causes undue hardship in any particular case, it may, by order, dispense with or relax the requirements of that rule or regulations, as the case may be, to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

<sup>3</sup>**4. Interpretation.**—If any question arises as to the interpretation of these rules, or relating to the application or interpretation of rules, regulations or orders referred to in clauses (a) and (b) of rules 2, the Central Government shall decide the same.

## **GOVERNMENT OF INDIA'S DECISIONS**

### **GOVERNMENT OF INDIA DECISION UNDER RULE 3**

**1. Recruitment rules cannot be relaxed under these rules:** - A doubt was raised whether the power of relaxing rules was intended to be applicable to 'recruitment rules' also.

The Government of India have held that the 'recruitment rules' cannot be relaxed under rule 3 of the A.I.S. (Conditions of Service- Residuary Matters) Rules, 1960.

*[M.H.A. F.No. 14/2/55-AIS(III).]*

**2. Circumstances under which rules and regulations can be relaxed:** - A question arose regarding the extent of the powers vested in the Government under rule 3 of the A.I.S. (Conditions of Service-Residuary Matters) Rules, 1960, to deal with cases involving relaxation of rules and regulations.

The Government of India have held that:—

- (a) undue hardship signifies unforeseen or unmerited hardship to an extent not contemplated when the rule was framed and does not cover any ordinary hardship or inconvenience which normally arises;
- (b) the relaxation should enable the case to be dealt with in a just and equitable manner and not on grounds of compassion however justified: and
- (c) the benefit to be conferred in relaxation of any rule or rules must be of a nature already provided for in the rules; Government are not empowered by this rule to confer benefits which are not contemplated in the rules.

*[G.I. MHA letter No. 30/1/63-AIS(II). dated the 1st January, 1966.]*

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<sup>3</sup> Substituted vide DP&AR Notification No. 7/1/73-AIS(III)-H dated 02.01.1975