

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

**THE COFFEE BOARD SERVANTS (TEMPORARY SERVICES) RULES 1967
(As amended up to)**

In, exercise of the powers conferred by Sub-rule (1) of the 31 of the Coffee Rules 1955, and with the previous approval of the Central Government, the Board makes the following rules to regulate the conditions of service of temporary Board Servants.

Short title, commencement and application.

1. (1) These rules may be called Coffee Board Servants(Temporary Services)Rule,1967.
- (2) They shall come into force at once.
- (3) Subject to the provisions of Sub-Rule(4), these rules shall apply to all persons who hold a post under the Board and who are under the rule making control of the Board.
- (4) Nothing in these rules shall apply to:
 - (a) Officers appointed under Sections 8 & 9 of the Coffee Act;
 - (b) Board servants engaged on contract
 - (c) Persons employed in extra temporary establishments or in work charged Establishments;
 - (d) Board Servants paid out of contingencies;
 - (e) Board servants not in whole time employment;
 - (f) Such other categories of employees as may be specified by the Board.

Definitions:

2. In these rules, unless there is anything re-pugnant in the subject or context
 - (a) 'Board service' means temporary service under the Board;
 - (b) 'Appointing Authority' means, in relation to a specified post, the authority declared as such under the Coffee Board Servants (Classification, Control and

Appeal) Rules, 1967;

- (c) 'Quasi permanent service' means temporary service commencing from the date on which declaration made under rule 3 takes effect and consist of periods of duty and leave(other than extraordinary leave) after that date;
- (d) "Specified Post" means the particular post, or the particular grade of posts within a cadre; in respect of which a Board servant is declared to be Quasi-permanent under Rule 3;
- (e) 'Temporary service' means the service of a temporary Board servant in a temporary post or officiating service in a permanent post, under the Board.

When a Board servant shall be deemed to be Quasi-permanent.

- 3. A Board servant shall be deemed to be in Quasi-permanent service.
 - (i) If he has been in continuous Board service for more than three years; and
 - (ii) If the appointing authority, being satisfied, having regard to the quality of his Work, conduct and character as to his suitability for employment in a quasi-permanent capacity under the Board, has made declaration to that effect.

Declaration under Rule 3 to specify the post:

- 4. (i) A declaration issued under Rule 3 shall specify the particular post or the particular grade of post within a cadre, in respect of which it is made, and the date from which it shall take effect.
- (iii) When recruitment to a post or posts need prior approval of the Central Govt. a declaration in that behalf shall not be issued except with the approval.

Termination of Temporary Service

- (1) (a) the services of a temporary Board Servant who is not in quasi-permanent service shall be liable to termination at any time, by notice in writing given

either by the Board servant to the appointing authority or by the appointing authority to the Board servant;

- (b) the period of such notice shall be one month; provided that the service of any such Board servant may be terminated forthwith by payment to him of a sum equivalent to the amount of his pay plus allowances for the period of notice at the same rates at which he was drawing them immediately before the termination of his service, or as the case may be, for the period by which such notice falls short of one month.

(2) (a) Where the notice is given by the appointing authority terminating the service of a temporary Board servant, or where the services of any such Board servant is terminated either on the expiry of the period of such notice or forthwith by payment of pay plus allowances, the Board or any other authority specified by the Board in this behalf may, of its own motion or otherwise, reopen the case, and after making such inquiry as it deems fit –

- i) confirm the action taken by the appointing authority;
- ii) withdraw the notice;
- iii) reinstate the Board servant in service or
- iv) makes such other order in the case as it may consider proper;

PROVIDED that except in special circumstances which should be recorded in writing, no case shall be reopened under this sub rule after the expiry of three months.

- i) from the date of notice, in a case where notice is given;
- ii) from the date of termination of services, in a case where no notice is given.

5 Where a Board Servant is reinstated in service under sub-rule (2) the order of reinstatement shall specify

- i) The amount or proportion of pay and allowances, if any, to be paid to Board

servant for the period of his absences between the date of termination of his service and the date of his reinstatement. And

- ii) Whether the said period shall be treated as a period spent on duty for any Specified purpose or purposes.

Termination of temporary service on account of physical unfitness

6. Notwithstanding anything contained in Rule 5, the services of a temporary Board

servant who is not in quasi-permanent service may be terminated at any time without notice on his being declared physically unfit for continuance in service by an authority who would have been competent to declare him as permanently incapacitated for service had his appointment been permanent.

TERMINATION OF QUASI-PERMANENT SERVICE

7. (1) The services of a Board servant in quasi-permanent service, shall be liable to

termination:-

- i) in the same circumstances and in the same manner as Board Servant, in permanent service, or
- ii) When the appointing authority concerned has certified that a reduction not in has occurred in the number of posts available for Board servants permanent service;

PROVIDED that the services of a Board Servant in quasi-permanent service shall not be liable to termination under Clause (ii), so long as any post of the same grade under the same appointing authority as the specified post held by the Board servant in quasi-permanent service continues to be held by a Board Servant not in permanent or Quasi-permanent service;

PROVIDED further that as among Board servants in quasi-permanent service whose specified posts are of the same grade and under the same appointing authority, termination of service consequent on reduction of posts shall ordinarily take place in order of juniority in the list referred in Rule 8.

PROVIDED further that when the services of a quasi-permanent Board servant are terminated under clause(ii) he shall be given three months notice and if in any case, such notice is not given, then with the sanction of the authority competent to terminate the services of such Board Servant, a sum equivalent to this pay plus allowances for the period of the notice or as the case may be, for the period by which the notice actually given to him falls short of three months, shall be paid to him at the same rates at which he was drawing them immediately before the termination of his services, and if he is entitled to any gratuity shall not be paid for the period in respect of which he receives a sum in lieu of notice.

(2) Nothing in this rule shall affect any special instructions issued by Central Government

or Board regarding the manner in which temporary Board Servants belonging to

Scheduled Caste or Tribe may be discharged.

(1) Subject to the provisions of this rule, a Board servant in respect of whom the

Declaration has been made under rule 3, shall be eligible for a permanent appointment on the occurrence of a vacancy in the specified post which may be reserved for being filled from among Board servants in quasi-permanent service, in recordance with such instructions as may be issued by the Central Government or Board in this behalf from time to time.

Explanation; No such declaration shall confer upon any Board servant in quasi-permanent

Service a right to claim a permanent appointment to any post.

(2) Every appointing authority shall, after consultation with the appropriate Departmental

Promotion Committee, prepare from time to time a list, in order to precedence of Board Servants in quasi-permanent service who are eligible for permanent appointment and in preparing such list, the appointing authority shall consider both seniority and merit of the Board Servants concerned.

(3) All permanent appointments to posts which are reserved under sub-rule(1) under the

Control of any appointing authority shall be made in accordance with such list.

PROVIDED that the Board may order that permanent appointment to any grade or post may be made purely in order of seniority.

Leave, allowances etc., of a Board servant in quasi-permanent service:

9. A Board Servant in quasi-permanent service and holding a specified post shall, as from
The date on which his services are declared to be quasi-permanent, be entitled to the same conditions of service in respect of leave, allowances and disciplinary matters as a Board Servant in permanent service holding the specified post is entitled to.

Terminal /death gratuity payable to a Board servant in Temporary/Quasi-permanent service.

10. (1) Temporary or Quasi-permanent who retire or are discharged for reasons other than by way of disciplinary measure or resignation shall be paid such gratuity as may be admissible from time to time, to Central Government employees in similar circumstances under the Central Government and subject to the conditions governing the grant of such gratuity.
- (2) In the event of death of a Temporary/Quasi-permanent Board servant while in service his family shall be paid death gratuity on the same scale and subject to such conditions as are applicable to the Central Government employees from time to time.
