

Welcome to:

**DR.MCR HRD INSTITUTE
OF AP**

Constitutional provisions on Service Matters

Part XIV – Services under the Union and States

Article 309 – Acts of appropriate legislature may regulate the recruitment and conditions of service of persons appointed to public service and posts in connection with the affairs of Union or State.

- **Proviso : The President or Governor or such person directed by them are competent to make rules regulating the recruitment and conditions of service to such service and posts until provision in that behalf is made by or under an Act by legislature under this article and such rules have effect subject to provisions of such Act.**

Article 310 – Tenure of office or person:

Defence service

Civil Service

All India Service

(1) Every person of any of the above services or holds any post connected with the above services holds office during the pleasure of the President or Governor of the State.

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- **(2) A person holds a civil post or any contract during the pleasure of the President or of the Governor, provide for the payment of compensation shall be provided, if before the expiration of an agreed period that post is abolished or he is required to vacate that post, for reasons not connected with any misconduct on his part.**

Article 311: Dismissal, removal or reduction in rank

(1) No member of a civil service shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No such person shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

- **Provided that where after inquiry it is proposed to impose any penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry without any opportunity of making representation on the penalty proposed.**

Exceptions:

- (a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge;**
- (b) where the authority empowered to dismiss or remove a person or to reduce him in rank records satisfactory reasons that it is not reasonably practicable to hold such inquiry; or**
- (c) where the President or the Governor is satisfied that in the interest of the security of the State it is not expedient to hold such inquiry.**

- the decision of the authority empowered to dismiss or remove such person or to reduce him in rank under clause (2) shall be final
- **Article 312 : All India Services –**
Parliament may by law provide for the creation of one or more all India services including an all-India judicial service common to the Union and the States, and regulate the recruitment, and the conditions of service of persons appointed, to any such service.

- (2) The services known at the commencement of this Constitution as the Indian Administrative Service and the Indian Police Service shall be deemed to be services created by Parliament under this article.
- (3) The all-India judicial service referred to in clause (1) shall not include any post inferior to that of a district judge

312 A. (1) Parliament may by law—

(a) vary or revoke, whether prospectively or retrospectively, the conditions of services as respects remuneration, leave and pension and the rights as respects disciplinary matters of persons who were appointed before the commencement of this Constitution continue on and after the commencement of the Constitution to serve under the Government of India or of a State in any service or post;

- **Except to the extent provided for by Parliament by law under this article, nothing in this article shall affect the power of any Legislature or other Authority under any other provision of this Constitution to regulate the conditions of service of persons referred to in clause (1).**

- **Art. 313 : Transitional provisions :**

All laws in force existing before commencement of constitution which are applicable to public service or any post continue to exist after commencement of constitution which are in consistent with the Constitution until other provisions are made.

- **Fundamental rights :**
- **Article 14:** Equality before law.
- **Article 15:** Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
- **Article 16:** Equal opportunity in the matter of public employment.
- **Article 19:** Protection of certain rights regarding freedom of speech etc.

- (a) Freedom of speech and expression.
- (b) to assemble peacefully and without arms.
- © to form associations or unions
- (d) to move freely throughout the territory of India.
- (e) to reside and settle in any part of the territory of India.
- (f) To practice any profession or to carry on any occupation, trade or business.

- **Article 20: Protection in respect of conviction for offences:**

No person shall be convicted for any offence except for violation of a law in force at the time of commission of the act/charges as an officer not be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of commission of the offence.

- **Article 21: Protection of life and personal liberty:**
- **(1) No person shall be deprived of his life or personal liberty except according to procedure established by law.**
- **(2) No person shall be prosecuted and punished for the same offence more than once (double jeopardy)**
- **(3) No person accused of any offence shall be compelled to be a witness against himself**