

PART—V

SPECIAL PROVISIONS

Article 309 of the Constitution contains general provision for regulating recruitment and conditions of service of persons appointed to civil posts or service under the Union and the States. The power to regulate recruitment and conditions of service is conferred on the appropriate legislature. Proviso to Article 309 confers power on the President or the Governor, as the case may be, to regulate recruitment and conditions of service by rules until provision is made by or under an Act of appropriate legislature. The Constitution however contains certain special provisions in relation to some of the services under the Union and the States having regard to their distinction and importance as already indicated in Chapter III of Part I of this Book. They are:

- (1) Officers and servants of Secretariat of Parliament (*vide* Article 98).
- (2) Officers and servants of the Indian Audit and Accounts Department [*vide* Article 148(5)].
- (3) Officers and servants of the Supreme Court (*vide* Article 146).
- (4) Legislature Secretariat (*vide* Article 187).
- (5) Officers and servants of the High Courts (*vide* Article 229).
- (6) Judicial Service (*vide* Articles 233 to 235).
- (7) All India Services (*vide* Article 312).
- (8) Members and members of the staff of the Public Service Commission (*vide* Article 318).

Though special provision has been made in respect of the aforesaid services except in the case of (1) Judicial Services, (2) All-India Services, and (3) Officers and Servants of the Supreme Court and the High Courts, the power to regulate all matters relating to recruitment and conditions of service is vested in the President or the Governor, as the case may be, subject only to the condition that the rules should be made after consultation with the concerned authority as indicated in the respective Articles and in respect of all other matters, they stand on the same footing as all other classes of civil servants. Hence, it is necessary to deal with special features relating to the afore-mentioned services only and accordingly they are dealt with in the following chapters.