

[Authorised English Translation]

HARYANA GOVERNMENT
COOPERATION DEPARTMENT

Notification

The 30th June, 1997

No. G. S. R. 55/Const./Art. 309/97.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Haryana hereby makes the following rules regulating the recruitment and conditions of service of persons appointed to the Directorate of Local Bodies, Haryana (Group B), Service namely :—

PART I—GENERAL

Short title and commencement.

1. These rules may be called the Haryana Directorate of Local Bodies Department (Group B) Service Rules, 1997.

Definitions.

2. In these rules, unless the context otherwise requires,—

- (a) "Commission" means the Haryana Public Service Commission;
- (b) "Direct recruitment" means an appointment made otherwise than by promotion from within the Service or by transfer of an official already in the service of the Government of India or any State Government;
- (c) "Director" means the Director Local Bodies, Haryana.
- (d) "Government" means the Haryana Government in the Administrative Department ;
- (e) "institution" means,—
 - (i) any institution, established by law in force in the State of Haryana ; or
 - (ii) any other institution recognised by the Government for the purpose of these rules ;
- (f) "recognised University" means,—
 - (i) any University incorporated by law in India ; or
 - (ii) in the case of a degree, diploma or certificate obtained as a result of an examination held before the 15th August, 1947, the Punjab, Sind or Dacca University; or

(iii) any other university which is declared by the Government to be a recognised university for the purpose of these rules ;

(g) "Service" means the Directorate of Local Bodies, Haryana (Group B) Service.

PART II—RECRUITMENT TO SERVICE

3. The Service shall comprise the posts shown in Appendix A to these rules:

Number and
character of
posts.

Provided that nothing in these rules shall affect the inherent right of the Government to make additions to, or reductions in the number of such posts or to create new posts with different designations and scales of pay, either permanently or temporarily.

4. (1) No person shall be appointed to any post in the Service, unless he is,

Nationality,
domicile and
character of
candidates
appointed to
service.

(a) a citizen of India ; or

(b) a subject of Nepal ; or

(c) a subject of Bhutan ; or

(d) a Tibetan refugee who came over to India before the 1st day of January, 1962, with the intention of permanently settling in India ; or

(e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or any of the East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India:

Provided that a person belonging to any of the categories (b), (c), (d) or (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government.

(2) A person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or any other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government.

(3) No person shall be appointed to any post in the Service by direct recruitment, unless he produces a certificate of character from the Principal Academic Officer of the University, College, School or Institution last attended, if any, and similar certificate from two other responsible persons, not being his relatives who are well acquainted with him in his private life and are unconnected with his University, College, School or Institution.

Age.

5. No person shall be appointed to any post in the Service by direct recruitment who is less than twenty one years or more than thirty five years of age, on or before the last date of submission of application to the Commission or any other recruiting authority.

Appointing authority.

6. Appointments to the posts in the Service shall be made by the Government.

Qualifications.

7. No person shall be appointed to any post in the Service, unless he is in possession of qualifications and experience specified in column 3 of the Appendix B to these rules in the case of direct recruitment and those specified in column 4 of the aforesaid Appendix in the case of person appointed other than by direct recruitment:

Provided that in case of direct recruitment, the qualifications regarding experience shall be relaxable to the extent of 50 per cent at the discretion of Commission or any other recruiting authority in case sufficient number of candidates belonging to Scheduled Castes, Backward Classes, Ex-Servicemen and physically handicapped categories, possessing the requisite experience, are not available to fill up the vacancies reserved for them, after recording reasons for so doing in writing.

Disqualifications.

8. No person,—

- (a) who has entered into or contracted a marriage with a person having a spouse living; or
 - (b) who having a spouse living, has entered into or contracted a marriage with any person,
- shall be eligible for appointment to any post in the Service :

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

Method of Recruitment.

9. (1) Recruitment to the Service shall be made:—

- (a) In the case of Sub-Divisional Engineer-cum-Assistant Engineer,—
 - (i) by promotion from amongst Junior Engineer; or
 - (ii) by direct recruitment; or
 - (iii) by transfer or deputation of an officer/official already in the service of any State Government or the Government of India ;
- (b) in the case of Accounts Officer,—

by transfer or deputation from the Director, Local Audit Department or Treasury and Accounts Department, Haryana.

(c) In case of Assistant District Attorney,—

by transfer or deputation from the office of Director,
Prosecution, Haryana.

(d) In the case of Assistant Town Planner,—

(i) by direct recruitment; or

(ii) by transfer or deputation of an officer/official already in
the service of any State Government or the Government
of India;

(e) in the case of Assistant Director, Elections.—

(i) by promotion from amongst Superintendent ; or

(ii) by transfer, or deputation of an officer already in the service
of any State Government or the Government of India.

Note—The post of Assistant Director, Elections involves the ass-
umption of duties and responsibilities of greater importance
than those of the post of Superintendent.

(f) in the case of Superintendent,—

(i) by promotion from Deputy Superintendent, Assistant,
personal Assistant and Senior Scale Stenographer ; or

(ii) by transfer or deputation of an officer already in the
service of any State Government or the Government
of India.

(2) All promotions unless otherwise provided, shall be made on
seniority-cum-merit basis and seniority alone shall not confer any
right to such promotions.

10. (1) Persons appointed to any post in the Service shall remain
on Probation for a period of two years, if appointed by direct recruit-
ment, and one year, if appointed otherwise :

Probation.

Provided that—

(a) any period after such appointment, spent on deputation on
a corresponding or a higher post shall count towards the
period of probation;

(b) any period of work in equivalent or higher rank, prior to
appointment to any post in the service, may in the case
of an appointment by transfer, at the discretion of the
appointing authority, be allowed to count towards the
period of probation fixed under this rule ; and

(c) any period of officiating appointment shall be reckoned as
period spent on probation, but no person who has so
officiated shall, on the completion of the prescribed period
of probation, be entitled to be confirmed, unless he is
appointed against a permanent vacancy.

(2) If, in the opinion of the appointing authority the work or conduct of a person during the period of probation is not satisfactory, it may,—

(a) If such person is appointed by direct recruitment dispense with his services; and

(b) If such person is appointed otherwise than by direct recruitment,—

(i) revert him to his former post; or

(ii) deal with him in such other manner as the terms and conditions of the previous appointment permit.

(3) On the completion of the period of probation of a person, the appointing authority may,—

(a) if his work or conduct has, in its opinion, been satisfactory,—

(i) confirm such person from the date of his appointment, if appointed against a permanent vacancy; or

(ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy; or

(iii) declare that he has completed his probation satisfactorily, if there is no permanent vacancy; or

(b) If his work or conduct has, in its opinion, been not satisfactory, —

(i) dispense with his services if appointed by direct recruitment, and if appointed otherwise, revert him to his former post or deal with him in such other manner as the terms and conditions of previous appointment permit; or

(ii) extend his period of probation and thereafter pass such orders, as it could have passed on the expiry of the first period of probation :

Provided that the total period of probation, including extension, if any, shall not exceed three years.

Seniority.

11. Seniority, *inter se* of the members of the Service shall be determined by the length of continuous Service on any post in the Service :

Provided that where there are different cadres in the Service, the seniority shall be determined separately for each cadre :

Provided further that in the case of member appointed by direct recruitment, the order of merit determined by the Commission or any other recruiting authority, as the case may be, shall not be disturbed in fixing the seniority :

Provided further that in the case of two or more members appointed on the same date, their seniority shall be determined as follows:—

- (a) a member appointed by direct recruitment shall be senior to member appointed by promotion or by transfer;
- (b) a member appointed by promotion shall be senior to a member appointed by transfer ;
- (c) in the case of a member appointed by promotion or by transfer, seniority shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred ; and
- (d) in the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay^a preference being given to a member, who was drawing higher rate of pay in his previous appointment, and if the rates of pay drawn are also the same, then by the length of their Service in the appointments, and if the length of such Service is also the same, the older member shall be senior to the younger member.

12. (1) A member of the Service shall be liable to serve at any place, whether within or outside the State of Haryana, on being ordered so to do by the appointing authority.

Liability to serve.

(2) A member of the Service may also be deputed to serve under.—

- (i) a company, an association or a body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by the State Government, a Municipal Corporation or a Local Authority or University within the State of Haryana ;
- (ii) the Central Government or a company, or association or a body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government ; or
- (iii) any other State Government, an international organisation, an autonomous body not controlled by the Government or a private body ;

Provided that no member of the Service shall be deputed to serve the Central or any other State Government or any organisation or body referred to in clause (ii) or clause (iii) except with his consent.

13. In respect of pay, leave, pension and all other matters not expressly provided for in these rules, the members of the Service shall be governed by such rules and regulations as may have been, or may hereafter, be adopted or made by the competent authority under the Constitution of India or under any law for the time being in force made by the State Legislature.

Pay, leave, pension and other matters.

14. (1) In matters relating to discipline, penalties and appeals, members of the Service shall be governed by the Haryana Civil Services (Punishment and Appeal) Rules, 1987, as amended from time to time :

Discipline, penalties and appeals.

Provided that the nature of penalties which may be imposed, the authority empowered to impose such penalties and appellate authority shall, subject to the provisions of any law or rules made under article 309 of the Constitution of India, be such as are specified in Appendix C to these rules.

APPENDIX A

(See rule 3)

Sr. No.	Designation of posts	Number of posts			Scale of pay
		Perma- nent	Tempo- rary	Total	
1	2	3	4	5	6
					Rs.
1	Sub Divisional Engineer-cum-Assistant Engineer	..	3	3	2,200—75—2,800—EB—100—4,000
2	Accounts Officer	..	1	1	2,000—60—2,300—75—2,900—EB—100—3,500
3	Assistant District Attorney	..	1	1	2,000—60—2,300—75—2,900—EB—100—3,500 Plus Rs. 200 Special Pay
4	Assistant Town Planner	..	1	1	2,000—60—2,300—75—2,900—EB—100—3,500
5	Assistant Director Elections	1	..	1	2,000—60—2,300—75—2,900—EB—100—3,500
6	Superintendent	..	3	3	2,000—60—2,300—75—2,900—EB—100—3,500

APPENDIX B

(See rule 7)

Sr. No.	Designation of posts	Academic qualifications and experience, if any, for direct recruitment	Academic qualifications and experience, if any, for appointment other than by direct recruitment
1	2	3	4
1	Sub Divisional Engineer-cum-Assistant Engineer	Degree in Civil Engineering or equivalent from recognised university or institution;	Ten years experience as Junior Engineer
2	Accounts Officer	..	Since the post of Accounts Officer is exclusively filled by transfer from Local Audit Department/Treasury and Accounts Department, the qualifications and experience for this post shall be determined by the said departments.
3	Assistant District Attorney	..	Since the post of Assistant District Attorney is exclusively filled by way of transfer from the office of Director, Prosecution, the qualifications and experience for this post shall be determined by the said Department.
4	Assistant Town Planner	A post graduate degree in Town Planning from a recognised University/institution making the holder eligible for associate membership of the Institute of the Town Planners (India)	A post graduate degree in town planning from a recognised University/institution making the holder eligible for associate membership of the Institute of Town Planners (India)
OR			
(i) A degree in Civil Engineering a degree in Architecture equivalent to degree recognised by the institute of Engineers (India) and the Institute of Architects respectively followed by 3 years experience in town planning under a qualified Town Planner.			
(ii) Knowledge of Hindi upto Matric Standard.			

1	2	3	4
5	Assistant Director Elections	..	<p>1. For promotion :</p> <p>3 years experience as Superintendent</p> <p>2. For transfer :</p> <p>(a) Graduate of a recognised University ;</p> <p>(b) 10 years experience in Super- visory capacity in Government service or 3 years experience as Superintendent</p>
6	Superintendent	..	<p>(1) For promotion :</p> <p>(a) One year experience as Deputy Superintendent or Personal Assistant, but in case of Personal Assistant, atleast 3 years ex- perience as Assistant is essential;</p> <p>(b) 10 years experience as Asis- tant or Senior Scale Steno- grapher, but in case of Sen or Scale Stenographer, atleast 4 years experience as Assistant is essential.</p> <p>(2) For transfer :</p> <p>(a) Graduate of a recognised Univesity;</p> <p>(b) Superintendent or Deputy Superintendent with one year year expereince or Assistant with 10 years experience.</p>

APPENDIX C

[See rule 14(1)]

Sr. No.	Designation of posts	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority
1	2	3	4	5	6
1. Minor penalties—					
1	Sub-Divisional Engineer-cum-Assistant Engineer	Government	(i) warning with a copy in the personal file (character roll) ;	Director	Government
*2	Accounts Officer		(ii) censure ;		
*3	Assistant Director Attorney		(iii) withholding of promotion;		
4	Assistant Town Planner		(iv) recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of order, to the Central Government or State Government or to a Company and association or a body of individuals whether incorporated or not which is wholly or substantially owned or controlled by the Government or to a local authority or university set up by an Act of Parliament or of the Legislature of a State; and		
5	Assistant Director Elections				
6	Superintendent		(v) withholding of increments of pay without cumulative effect ;		
2. Major penalties—					
			(vi) withholding of increments of pay with cumulative effect ;	Government	—
			(vii) reduction to a lower stage in the time scale of pay for a specified period, with further directions		

1	2	3	4	5	6
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as to whether or not the Government employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay ;

(viii) reduction to a lower scale of pay, grade, post or service which shall ordinarily be bar to the promotion of the Government employee to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the Government employee was reduced and his seniority and pay on such restoration to that grade, post or service;

(ix) compulsory retirement ;

(x) removal from service which shall not be a disqualification for future employment under the Government ;

(xi) dismissal from Service which shall ordinarily be disqualification for future employment under the Government.

*Note.—(1) In the case of Accounts Officer, the authority empowered to impose penalty shall be the same as provided in the relevant rules of the Department of Director of Local Audit, Haryana or Treasury and Accounts Department, Haryana, as the case may be.

(2) In the case of Assistant District Attorney, the authority empowered to impose penalty shall be the same as provided in the relevant rules of Prosecution Department, Haryana.

APPENDIX D

[See rule 14 (2)]

Sr. No.	Designation of posts	Nature of order	Authority empowered to make the order	Appellate authority
1	2	3	4	5
1	Sub-Divisional Engineer-cum-Assistant Engineer	(i) reduction or withholding the amount of ordinary or additional pension admissible under the rules governing pension;	Government	—
2	*Accounts Officer			
3	*Assistant District Attorney	(ii) terminating the appointment, otherwise than on his attaining the age of fixed for superannuation		
4	Assistant Town Planner			
5	Assistant Director, Elections			
6	Superintendent			

*Note:— (1) In the case of Accounts Officer, the authority empowered to impose penalty shall be the same as provided in the relevant rules of the department of Director Local Audit, Haryana or Treasury and Accounts Department, Haryana as the case may be.

(2) In the case of Assistant District Attorney, the authority empowered to impose penalty shall be the same as provided in relevant rules of the Prosecution Department, Haryana.

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