

PART III

HARYANA GOVERNMENT

HEALTH DEPARTMENT

Notification

The 24th May, 1982

No. G.S.R. 66/Const./Art. 309/82.—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 Haryana Health Department Ministerial (Group B) Service, namely :—

PART I—GENERAL

1. These rules may be called the Haryana Health Department, Ministerial (Group B) Service Rules, 1982. Short title.

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

Definitions.

- (a) "Commission" means the Haryana Public Service Commission;
- (b) "Government" means the Haryana Government in the Administrative Department;
- (c) "Service" means Haryana Health Department Ministerial (Group B) Service;
- (d) "recognised university" means,—
 - (i) any University incorporated by law in India; or
 - (ii) in the case of degree, diploma or certificate obtained as a result of an examination held before the 15th August, 1947, by 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.

PART II—RECRUITMENT TO SERVICE

3. The Service shall comprise the posts shown in Appendix A to these rules and the members of the Service shall draw their pay in the scale of pay mentioned thereagainst : Number and character of posts.

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

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

Appointing authority.

Qualifications.

5. No person shall be appointed to any post in the Service, unless he is in possession of qualifications and experience specified in column 2 of Appendix B to these rules.

Disqualifications.

6. 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 marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

Method of recruitment.

7. (1) Recruitment to the Service shall be made,—

- (a) in the case of Administrative Officer and Budget Officer—
 - (i) by promotion from amongst Superintendents ; or
 - (ii) by transfer or deputation of an Officer already in the service of any State Government or the Government of India ;
- (b) in the case of Superintendents,—

- (i) by promotion from amongst the Deputy Superintendents ;
- (ii) by transfer or deputation of an officer/official already in the service of any State Government or the Government of India.

(2) The appointment by transfer or deputation shall be made only in exceptional circumstances when a suitable person is not available for promotion.

(3) All promotions whether from one grade to another or from one class of service to another shall be made by selection based on merit and taking into consideration seniority and seniority alone shall not give any right to such promotion.

Probation.

8. (1) Persons appointed to any post in the Service shall remain on probation for a period of one year ;

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 the Service may, in the case of an appointment by transfer, at the discretion of the appointing authority, be allowed to be counted 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,—

- (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 and 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 not in its opinion, been satisfactory,—

- (i) revert him to his former post or deal with him in such other manner as the terms and conditions of his 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.

9. The seniority, *inter se* of members of the Service shall be determined Seniority by the length of their 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 two members appointed on the same date, their seniority shall be determined as follows —

- (a) a member appointed by promotion shall be senior to a member appointed by transfer;
- (b) in the case of members 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

- (c) in the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member, who was drawing a 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.

Liability to
serve.

10. (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.

(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 Government, a municipal committee or a local authority within the State of Haryana ;
- (ii) the Central Government or a company, an 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 the Central or any other State Government or any organisation or body referred to in clause (ii) or clause (iii) except with his consent.

Pay, leave,
pension and
other
matters.

11. 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.

Discipline,
penalties
and appeals.

12. (1) In matters relating to discipline, penalties and appeals, members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1952, as amended from time to time.

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.

(2) The authority competent to pass an order under clause (c) or clause (d) of sub-rule (1) of rule 10 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 and the appellate authority shall also be as specified in Appendix D to these Rules.

vaccination.

13. Every member of the Service shall get himself vaccinated or re-vaccinated if and when the Government so directs by special or general order.

14. Every member of the Service, unless he has already done so, shall be required to take the oath of allegiance to India and to the Constitution of India as by law established. ^{Oath of allegiance.}

15. Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons. ^{Power of relaxation.}

16. Nothing contained in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes and other Backward Classes in accordance with the orders issued by the State Government in this regard from time to time, under clause (4) of article 16 of the Constitution of India. ^{Reservation.}

17. The Punjab Medical Department Subordinate Posts (Recruitment and Conditions of Service) Rules, 1945, in so far as they relate to the posts specified in Appendix A to these rules, are hereby repealed: ^{Repeal and savings.}

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

APPENDIX A

(See rule 3)

Serial No.	Designation of post	Number of posts		Total	Scale of Pay
		Permanent	Temporary		
1	2	3	4	5	6
1	Administrative Officers	..	2	2	Rs. 800—30—890/940—40—1,100—50—1,600
2	Budget Officer	..	1	1	Rs. 800—30—890/940—40—1,100—50—1,600
3	Superintendents	5	9	14	Rs. 1,000—50—1,500

APPENDIX B

(See rule 5)

Designation of post	Academic qualifications and experience, if any, for appointment by promotion, or by transfer
1	2
Administrative Officers and Budget Officer	Two years experience as Superintendent
Superintendents	Two years experience as Deputy Superintendent and eight years experience as Assistant Incharge or Assistant or Senior Scale Stenographer, including two years experience as Assistant in the case of Senior Scale Stenographers

APPENDIX C

[(See rule 12(1))]

Designation of Officer	Nature of Penalty	Authority empowered to impose penalty	Appellate authority
1	2	3	4
Administrative Officers	(a) Warning with a copy on personal file ;	} Director of Health Services, Haryana	Government
Budget Officer and Superintendents	(b) Censure ;		
	(c) Withholding of increments or promotion including stoppage at an efficiency bar ;		
	(d) Recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders ;		
	(e) reduction to lower post of time scale or a lower stage in a time scale ;	} Government	
	(f) removal from the Service which does not disqualify from future employment ; and		
	(g) dismissal from the Service which does ordinarily disqualifies from future employment		

APPENDIX D

[See Rule 12(2)]

Designation of Officer	Nature of order	Authority competent to make the order	Appellate authority
1	2	3	4
Administrative Officers Budget Officer and Superintendents	(a) Reducing or withholding the maximum pension admissible under the rules governing pension (b) Terminating the appointment of a member of the Service otherwise than on his reaching the age of superannuation	Government	

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