

Dental Assistant

[Authorised English Translation]

HARYANA GOVERNMENT

HEALTH DEPARTMENT

Notification

The 12th June, 1997

No. G. S. R. 51/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 Haryana Health Department Dental (Group C) Service, namely:—

PART I —GENERAL

Short title.

1. These rules may be called the Haryana Health Department Dental (Group C) Service Rules, 1997.

Definitions.

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

- (a) "Board" means the Subordinate Services Selection Board, Haryana ;
- (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" (Dental) means the Director, Health Services (Dental) of Health Services, Haryana ;
- (d) "Director General" means Director General of Health Services, Haryana ;
- (e) "Government" means the Haryana Government in the Administrative Department ;
- (f) "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 ;
- (g) "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 Panjab, 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 ;

(h) "Service" means the Haryana Health Department Dental (Group C) 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 his,

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 Board or 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 seventeen years or more than thirty five years of age, on or before the last date of submission of application to the Board.

Appointing authority.

6. Appointments to the posts, in the Service shall be made by the Director General.

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 or by transfer or deputation and those specified in column 4 of the aforesaid Appendix in the case of person appointed by promotion ;

Provided that in the case of direct recruitment, the qualifications regarding experience shall be relaxable to the extent of 50 percent at the discretion of the Board 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 a 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 Dental Hygienist, —

- (i) by direct recruitment ; or
- (ii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;

(b) in the case of Dental Assistant-cum-Dental Mechanic,—

- (i) by promotion from amongst Group D employees of the Department ; or
- (ii) by transfer or deputation of an officer/official in the Service of any State Government or the Government of India ;

(2) All promotions, unless otherwise provided, shall be made on seniority-~~seniority~~ 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 recruitment, and one year, if appointed otherwise :

Probation.

Provided that—

(a) any period of 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 these rules ; 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 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.

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 members appointed by the direct recruitment, the order of merit determined by the Board 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 a 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 a member appointed by promotion or by transfer, seniority shall be determined according to the seniority of such members in the appointment 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, 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 appointment, and if the length of such Service is also same, the older member shall be senior to the younger member.

Liability to serve.

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.

- (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 a Local Authority or University 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 serve the Central or any other State Government or any organisation or body referred to in clauses (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 numbers 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 provision 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 9 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987, and appellate authority shall be as specified in Appendix D to these rules.

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

Vaccination.

16. 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.

17. Where the Government is of the opinion that it is necessary or expedient to do so, 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.

18. Notwithstanding anything contained in these rules, the appointing authority may impose special terms and conditions in the order of appointment if it is deemed expedient to do so.

Special
provisions.

19. Nothing contained in these rules shall affect reservations and other provisions required to be provided for Scheduled Castes, Backward Classes, Ex-Servicemen, Physically handicapped persons or any other class or category of persons in accordance with the orders issued by the State Government in this regard, from time to time:

Reservations.

Provided that the total percentage of reservations so made shall not exceed fifty per cent at any time.

20. Any rules applicable to the Service and corresponding to any of these rules which is in force immediately before the commencement of the rules is hereby repealed :

Repeal and
saving.

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)

Sr. No.	Designation of posts	Number of posts			Scale of Pay
		Permanent	Temporary	Total	
1	2	3	4	5	6
1	Dental Hygienist	—	1	1	Rs. 1,400—40—1,800—50— 2,300—EB—60—2,600
2	Dental Assistant-cum-Dental Mechanic	—	31	31	Rs. 950—20—1,150—EB— 25—1,400

APPENDIX B

(See rule 7)

Serial No.	Designation of posts	Academic qualifications and experience, if any, for direct recruitment or by transfer or deputation	Academic qualifications and experience, if any, for appointment by promotion
1	2	3	4
1	Dental Hygienist	(i) Matric with Science from a recognised Board/University (ii) Dental Hygienist Course from a recognised Institute by Dental Council of India (iii) Hindi upto Matric standard.	
2	Dental Assistant-cum-Dental Mechanic	(i) Matric with physics and chemistry and Hindi (ii) Two years experience of Dental Clinic of Government Hospital/Community Health Centres as Group 'D' employee.	(i) Matric with Physics and Chemistry and Hindi ; (ii) two years experience of Dental clinic of Government Hospitals/Community Health Centres as Group 'D' employee.

APPENDIX C

[See rule 14(I)]

Sr. No.	Designation of posts	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority	Second and final appellate authority, if any
1	2	3	4	5	6	7
1	Dental Hygienist	Director General	Minor Penalties :	Director (Dental)	Director General	Government
2	Dental Assistant-cum-Dental Mechanic		(i) warning with a copy in the personal file (Character roll) ; (ii) censure ; (iii) withholding of promotion ; (iv) recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders, to the Central Government or a 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 (v) withholding of increments of pay without cumulative effect ;			
			Major Penalties :			
			(vi) withholding of increments of pay with cumulative effect ;	Director General		Government

1

2

3

4

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6

7

- (vii) reduction to a lower stage in the time scale of pay for a specified period, with further direction 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 a 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 a disqualification for future employment under the Government.

APPENDIX D

[(See rule 14 (2))]

Sr. No	Designation of posts	Nature of order	Authority empowered to make order	Appellate authority
1	2	3	4	5
1	Dental Hygienist	(a) reducing or withholding the amount of ordinary or additional pension admissible under the rules governing pension;	Director General	Government
2	Dental Assistant-cum-Dental Mechanic	(b) terminating the appointment, otherwise than on his attaining the age fixed for superannuation		

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