

**HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT**

NOTIFICATION

The 5th May, 1994

No G.S.R. 37/Const/Art-243-k/94—In exercise of the powers conferred by clause (2) of article 243K of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules, regulating the conditions of service and tenure of office of the State Election Commissioner, namely:-

- | | | |
|---|----|--|
| Short title | 1. | These rules may be called the State Election Commissioner Conditions of Service Rules, 1994. |
| Definitions | 2. | In these rules, unless the context otherwise requires,--
(a) "Principal Secretary" means an officer who has served in the rank of a Principal Secretary to Government, Haryana;
(b) "Governor" means the Governor of the State of Haryana;
(c) "Government" means the Government of the State of Haryana;
(d) "State Election Commissioner" means the State Election Commissioner appointed under clause (1) of article 243K of the Constitution of India. |
| Qualifications for appointment as State Election Commissioner | 3. | The person to be appointed as the State Election Commissioner shall be a person –

(i) Who is or has been a judge of a High Court; or
(ii) a person who has served the Government in the rank of ***** Principal Secretary to Government, Haryana or above. |
| Age | 4. | The State Election Commissioner shall not be below the age of fifty five years. |
| Salary | 5. | The State Election Commissioner shall be entitled to the salary equal to the salary as * "equal to the salary of |

Chief Secretary to Government, Haryana”.

Provided that if a person who, immediately before the date of assuming office as the State Election Commissioner was in receipt of, or, being eligible so to do, had opted to draw, a pension in respect of any previous service under the Government of India or under the State Government or any other service, his salary in respect of service as the State Election Commissioner shall be reduced---

- (a) By the amount of that pension;
- (b) By the amount of the commuted value in respect of previous, if he had, before assuming office, received, in lieu of a portion of the pension due to him.

Term of office 6. The State Election Commissioner shall hold office for a period of five years from the date he assumes office;

Provided that where the State Election Commissioner attains the age of sixty five year before the expiry of the said term of five years, he shall vacate his office on the date on which he attains the said age;

*# “Provided further that on the expiry of the said term, the State Election Commissioner shall continue to hold office until his successor is appointed and enters upon his office, but this period shall not in any case, exceed six months;”

Provided further that the State Election Commissioner may, at any time, by writing under his hand addressed to the Governor, resign his office.

**6A

“Retirement from parent service on appointment of State Election Commissioner.—A person who on the date of his appointment as State Election Commissioner was in the service of the Central or a State Government, shall be deemed to have retired from such service with effect from the date of his appointment as State Election Commissioner.”

Disqualifications of being the State Election Commissioner. 7. A person shall be disqualified for being appointed or for being as the State Election Commissioner—

- (a) if he is of unsound mind;
- (b) if he is an undischarged insolvent;

(c) if he has been convicted of an offence involving moral turpitude.

Other
Conditions of
Service.

***8.

“Save as otherwise provided in these rules, the conditions of service relating to travelling allowance, rent free accommodation and exemption from liability to pay income tax on the value of such rent free accommodation, conveyance facilities, sumptuary allowance and such other conditions of service, as are, for the time being, applicable to a Judge of the High Court under Chapter IV of the High Court Judges (salaries and Conditions of Service) Act, 1954 (Central Act 28 of 1954) and the rules made thereunder, shall as far as may be, applicable to the State Election Commissioner.”

Leave

****8A.

Any person who is appointed as the State Election Commissioner may be granted leave by Governor in accordance with such rules as are for the time being applicable to the members of the service to which he/she earlier belonged.

Pension

*****8B.

(1) Where the State Election Commissioner demits his office either by resignation or is deemed to have demitted his office as per sub rule (2), he shall on such demission be entitled to a pension at the rate of rupees sixteen thousand twenty per annum for each completed year of service in the Commission.

Provided that the aggregate amount of the pension payable under this rule together with the amount of any pension including commuted portion of pension, if any, drawn or entitled to be drawn while holding office as State Election Commissioner shall not exceed the maximum amount of pension for the Chief Secretary of the State.

(2) Except where the State Election Commissioner demits office by resignation, he shall be deemed, for the purposes of these rules, to have demitted his office, if, --

(a) He has completed the term of office specified in rule 6; or

(b) He has attained the age of 65 years; or

(c) His demission of office is medically certified to be necessitated by ill health.”

Bar to

9.

On ceasing to hold office, the State Election

appointment
under
Government

Commissioner shall not be eligible for any further appointment under the Government *****except with the approval of the Governor.

Repeal.

10.

The State Election Commissioner (Condition of Service) Rules, 1994, notified, -- vide Haryana Government Department and Panchayats Department, notification No.G.S.R. 14/Const./Art.243K/PR/94, dated the 18th February, 1994, are hereby repealed.

M.C.GUPTA
Chief Secretary to Government, Haryana.

- * As substituted vide notification No.G.S.R.43/Const./Art.243K/98, dated 18th May 1998.
- *# Proviso inserted vide notification No.GSR9/Const./Art.243K/2009, dated 23rd April, 2009
- ** Rule inserted vide notification No.GSR 11/Const./Art.243K/95, dated 25th January, 1995.
- *** Rule substituted vide notification No.GSR11/Const./Art.243K/2005, dated 15th September, 2005.
- **** Rule inserted vide notification No.GSR.21/Const./Art.243/2009, dated 26th August, 2009.
- ***** Rule inserted vide notification No.GSR.21/Const./Art.243/2009, dated 26th August, 2009.
- ***** Rule inserted vide notification No. G.S.R.21/Const./Art.243K/2016, dated 4th July, 2016.
- ***** Rule inserted vide notification No. G.S.R.4/Const./Art.243K/2019, dated 11th January, 2019.

[Authorised English Translation]

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT

Notification

The 25th January, 1995

No. GSR 11/Const./Art.243-K/95.- In exercise of the powers conferred by clause (2) of article 243K of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules, further to amend the State Election Commissioner Conditions of Service Rules, 1994, namely :-

1. (1) These rules may be called the State Election Commissioner Conditions of Service (First Amendment) Rules, 1995.

(2) These rules shall be deemed to have come into force with effect from the 5th May, 1994.

2. In the State Election Commissioner Conditions of Service Rules, 1994, after rule 6, the following rule shall be inserted, namely :-

6A. "Retirement from parent service on appointment as State Election Commissioner.—A person who on the date of his appointment as State Election Commissioner was in the service of the Central or a State Government shall be deemed to have retired from such service with effect from the date of his appointment as State Election Commissioner."

H.D. HANSAL,

Chief Secretary to Government, Haryana.

[Authorised English Translation]

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT

Notification

The 18th May, 1998

No. G.S.R. 43/Const./Art. 243K/98.—In exercise of the powers conferred by clause (2) of article 243K of the Constitution of India, the Governor of Haryana hereby makes the following rules further to amend the State Election Commissioner Conditions of Service Rules, 1994, namely :—

1. (1) These rules may be called the State Election Commissioner Conditions of Service (Amendment) Rules, 1998.

(2) They shall come into force with effect from the date of their publication in the Official Gazette.

2. In the State Election Commissioner Conditions of Service Rules, 1994, in rule 5, for the words "equal to the salary as he was drawing at the time of his retirement or at the time of his appointment as State Election Commissioner", the words "equal to the salary of Chief Secretary to Government, Haryana" shall be substituted.

R. S. VARMA,

Chief Secretary to Government, Haryana.

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HARYANA GOVT. GAZ. (EXTRA.), SEPT. 15, 2005
(BHDR. 24, 1927 SAKA)

[Authorised English Translation]

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT

Notification

The 15th September, 2005

No. G.S.R. 11/Const./Art. 243K/2005.—In exercise of the powers conferred by clause (2) of article 243K of the Constitution of India, the Governor of Haryana hereby makes the following rules further to amend the State Election Commissioner Conditions of Service Rules, 1994, namely :—

1. These rules may be called the State Election Commissioner Conditions of Service (Amendment) Rules, 2005.

2. In the State Election Commissioner Conditions of Service Rules, 1994, for rule 8, the following rule shall be substituted, namely :—

“8. **Other Conditions of Service.**—Save as otherwise provided in these rules, the conditions of service relating to travelling allowance, rent-free accommodation and exemption from liability to pay income tax on the value of such rent-free accommodation, conveyance facilities, sumptuary allowance and such other conditions of service, as are, for the time being, applicable to a Judge of the High Court under Chapter IV of the High Court Judges (Salaries and Conditions of Service) Act, 1954 (Central Act 28 of 1954) and the rules made thereunder, shall as far as may be, applicable to the State Election Commissioner.”

G. MADHAVAN,

Chief Secretary to Government Haryana.

39828—L.R.—H.G.P., Chd.

भाग III

हरियाणा सरकार

सामान्य प्रशासन विभाग

अधिसूचना

दिनांक 23 अप्रैल, 2009

संख्या सा०का०नि० 9/संवि०/अनु० 243ट/2009.—भारत के संविधान के अनुच्छेद 243ट के खण्ड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल, इसके द्वारा, राज्य निर्वाचन आयुक्त सेवा शर्तें नियम, 1994, को आगे संशोधित करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. ये नियम राज्य निर्वाचन आयुक्त सेवा शर्तें (संशोधन) नियम, 2009, कहे जा सकते हैं।
2. राज्य निर्वाचन आयुक्त सेवा शर्तें नियम, 1994 में, नियम 6 में, विद्यमान प्रथम परन्तुक के पश्चात्, निम्नलिखित परन्तुक रखा जाएगा, अर्थात् :—

“परन्तु यह और कि उक्त अवधि की समाप्ति पर, राज्य निर्वाचन आयुक्त, तब तक पद पर बना रहेगा जब तक उसके उत्तराधिकारी की नियुक्ति नहीं की जाती है और वह अपना पद ग्रहण नहीं करता है, किन्तु यह अवधि किसी भी दशा में, छह मास से अधिक नहीं होगी :”।

धर्मवीर,

मुख्य सचिव, हरियाणा सरकार।

[Authorised English Translation]

HARYANA GOVERNMENT**GENERAL ADMINISTRATION DEPARTMENT****Notification**

The 23rd April, 2009

No. G.S.R. 9/Const./Art. 243K/2009.—In exercise of the powers conferred by clause (2) of article 243K of the Constitution of India, the Governor of Haryana hereby makes the following rules further to amend the State Election Commissioner Conditions of Service Rules, 1994, namely :—

1. These rules may be called the State Election Commissioner Conditions of Service (Amendment) Rules, 2009.

2. In the State Election Commissioner Conditions of Service Rules, 1994, in rule 6, after the first proviso, the following proviso shall be inserted, namely :—

“Provided further that on the expiry of the said term, the State Election Commissioner shall continue to hold office until his successor is appointed and enters upon his office, but this period shall not in any case, exceed six months :”.

DHARAM VIR,

Chief Secretary to Government, Haryana.

[Authorised English Translation]

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT

Notification

The 26th August, 2009

No. G.S.R. 21/Const./Art. 243/2009.—In exercise of the powers conferred by clause (2) of article 243K of the Constitution of India, the Governor of Haryana hereby makes the following rules further to amend the State Election Commissioner Conditions of Service Rules, 1994, namely :—

1. These rules may be called the Election Commissioner Conditions of Service (Second Amendment) Rules, 2009.

2. In the State Election Commissioner Conditions of Service Rules, 1994, after rule 8, the following rules shall be inserted, namely :—

8A. Leave.—Any person who is appointed as the State Election Commissioner may be granted leave by Governor in accordance with such rules as are for the time being applicable to the members of the service to which he/she earlier belonged.

8B. Pension.—(1) Where the State Election Commissioner demits his office either by resignation or is deemed to have demitted his office as per sub rule (2), he shall on such demission be entitled to a pension at the rate of rupees sixteen thousand twenty per annum for each completed year of service in the Commission :

Provided that the aggregate amount of the pension payable under this rule together with the amount of any pension including commuted portion of pension, if any, drawn or entitled to be drawn while holding office as State Election Commissioner shall not exceed the maximum amount of pension for the Chief Secretary of the State.

(2) Except where the State Election Commissioner demits office by resignation, he shall be deemed, for the purposes of these rules, to have demitted his office, if,—

- (a) he has completed the term of office specified in rule 6; or
- (b) he has attained the age of 65 years; or
- (c) his demission of office is medically certified to be necessitated by ill health."

DHARAM VIR,
Chief Secretary to Government Haryana.

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GOVERNMENT OF HARYANA
GENERAL ADMINISTRATION (PROTOCOL) DEPARTMENT

NOTIFICATION

Dated: 23-11-05

No. 50/215/99-5PP The Governor of Haryana is pleased to re-fix the protocol status of the State Election Commissioner in the State order of Precedence issued vide Notification No. 50/215/99-5PP, dated 25th May, 2000 and to accordingly modify article 20 of the State order of Precedence to the following extent:-

- Article 20
- Cabinet Ministers (of another State).
 - Speaker Vidhan Sabha (of another State).
 - Chief Justice of High Court (of another State).
 - Deputy Speaker, Vidhan Sabha.
 - Minister of State.
 - Puisne Judges of the High Court.
 - State Election Commissioner.
 - Chairman Power Regulatory Commission.

Meenaxi Anand Chaudhry
Chief Secretary to Government, Haryana

No. 50/215/99-5PP

Dated: 23-11-05

A copy is forwarded to the:-

1. All Financial Commissioners & Principal Secretaries to Govt., Haryana.
2. All Commissioners & Secretaries to Govt., Haryana.
3. All Sr. Secretaries and Private Secretaries to Chief Minister, Haryana and all Ministers, Haryana.
4. All Heads of Departments, Commissioners of Divisions and all Deputy Commissioners in the States.
5. Superintendent o/o State Election Commission, Haryana.

for information and necessary action.

Indira Chaudhry
Under Secretary Protocol
for Chief Secretary to Government, Haryana.
Dated: 23-11-05

No. 50/215/99-5PP

A copy is forwarded to the Controller, Printing and Stationery, Haryana, Chandigarh with the request to publish the above Notification in Haryana Government Gazette (Ordinary) and to supply 25 printed copies thereof to this department.

Indira Chaudhry
Under Secretary Protocol
for Chief Secretary to Government, Haryana.

[Authorised English Translation]

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT

Notification

The 4th July, 2016

No.G.S.R.21/Const./Art.243K/2016.— In exercise of the powers conferred by clause (2) of article 243K of Constitution of India, the Governor of Haryana hereby makes the following rules further to amend the State Election Commissioner Conditions of Service Rules, 1994, namely:-

These rules may be called the State Election Commissioner Conditions of Service (Amendment) Rules, 2016.

In the State Election Commissioner Conditions of Service Rules 1994, for rule 9, the following rule shall be substituted, namely:-

"9. On ceasing to hold office, the State Election Commissioner shall not be eligible for any further appointment under the Government, except with the approval of the Governor."

D.S.DHESI,
Chief Secretary to Government, Haryana.

भाग-III

हरियाणा सरकार
सामान्य प्रशासन विभाग
अधिसूचना

दिनांक 4 जुलाई, 2016

संख्या सा0का0नि021/संवि0/अनु0243ट/2016.— भारत के संविधान के अनुच्छेद 243ट के खण्ड (2) द्वारा प्रदत्त शर्तों का प्रयोग करते हुए, हरियाणा के राज्यपाल, इसके द्वारा, राज्य निर्वाचन आयुक्त सेवा शर्तें नियम, 1994, को आगे धेत करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :-

ये नियम राज्य निर्वाचन आयुक्त सेवा शर्तें (संशोधन) नियम, 2016, कहे जा सकते हैं।

राज्य निर्वाचन आयुक्त सेवा शर्तें नियम, 1994 में, नियम 9 के स्थान पर, निम्नलिखित नियम प्रतिस्थापित किया जाएगा, अर्थात् :-

9. पद धारण की समाप्ति पर, राज्य निर्वाचन आयुक्त, राज्यपाल के अनुमोदन के सिवाय, सरकार के अधीन आगे किराी नियुक्ति के लिए पात्र नहीं होगा।

डी. एस. देसी,
मुख्य सचिव, हरियाणा सरकार।

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
(POLITICAL BRANCH)

Notification

The 11th January, 2019

No. G.S.R. 4/Const./Art. 243K/2019.— In exercise of the powers conferred by clause (2) of article 243K of the Constitution of India, the Governor of Haryana hereby makes the following rules further to amend the State Election Commissioner Conditions of Service Rules, 1994, namely:-

1. These rules may be called the State Election Commissioner Conditions of Service (Amendment) Rules, 2019.
2. In the State Election Commissioner Conditions of Service Rules 1994, (hereinafter called the said rules), in rule 2, for clause (a), the following clause shall be substituted, namely:-
“(a) ‘Principal Secretary’ means an officer who has served in the rank of a Principal Secretary to Government, Haryana;”.
3. In the said rules, in rules 3, for clause (ii), the following clause shall be substituted, namely:-
“(ii) a person who has served the Government in the rank of Principal Secretary to Government, Haryana or above.”.

D. S. DHESI,
Chief Secretary to Government, Haryana.

भाग-III

हरियाणा सरकार

सामान्य प्रशासन विभाग
(राजनैतिक शाखा)

अधिसूचना

दिनांक 11 जनवरी, 2019

संख्या सांका०नि० 4/संवि०/अनु० 243ट/2019.- भारत के संविधान के अनुच्छेद 243ट के खण्ड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल, इसके द्वारा, राज्य निर्वाचन आयुक्त सेवा शर्तें नियम, 1994 को आगे सशोधित करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:-

1. ये नियम राज्य निर्वाचन आयुक्त सेवा शर्तें (संशोधन) नियम, 2019, कहे जा सकते हैं।
2. राज्य निर्वाचन आयुक्त सेवा शर्तें नियम, 1994 (जिन्हें, इसमें, इसके बाद, उक्त नियम कहा गया है) में, नियम 2 में, खण्ड (क) के स्थान पर, निम्नलिखित खण्ड प्रतिस्थापित किया जाएगा, अर्थात्:-
“(क) ‘प्रधान सचिव’ से अभिप्राय है, कोई अधिकारी जिसने प्रधान सचिव, हरियाणा सरकार के पद पर सेवा की हो;”।
3. उक्त नियमों में, नियम 3 में, खण्ड (ii) के स्थान पर, निम्नलिखित खण्ड प्रतिस्थापित किया जाएगा, अर्थात्:-
“(ii) कोई व्यक्ति जिसने प्रधान सचिव, हरियाणा सरकार या उससे ऊपर के पद पर सरकार की सेवा की हो।”।

डी. एस. डेसी,
मुख्य सचिव, हरियाणा सरकार।