

[Authorised English Translation]

HARYANA GOVERNMENT

SOCIAL DEFENCE AND SECURITY DEPARTMENT

Notification

The 29th January, 1998

No. GSR 40/Const/Art/309/98.—In exercise of the powers conferred by the proviso, 1998 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 Social Defence and Security Department. (Group D) Service, namely :—

PART I-GENERAL

Short title and commencement.

1. (1) These rules may be called the Haryana Social Defence and Security Department, Haryana (Group D) Services Rules, 1998.

(2) These rules shall come in to force on the date of their publication in the official Gazettee.

Definitions.

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

(a) "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;

(b) "Director" means Director Social Defence and Security Department;

(c) "employment exchange" means the employment exchange situated in Haryana;

(d) "Government" means the Haryana Government in the Administrative Department;

(e) "Rajya Sainik Board" means the office of the Secretary, Rajya Sainik Board, Haryana;

(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 Haryana Social Defence and Security Department (Group-D) Service;

PART-II RECRUITMENT TO SERVICE

3. The Service shall comprise the post 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 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 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 necessary may be admitted to an examination or interview conducted by the employment exchange, 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 person, not being his relatives who are well acquainted with him in his private life and are unconnected with his university, college, school or institution.

5. No person shall be appointed to any post in the service by direct recruitment who is less than 16 years or more than 35 years of age, on the date of sending the recommendation to the Employment Exchange/Rajya Sanik Board, Haryana.

Age.

6. Appointments to the posts in the service shall be made by the Director.

Appointing
Authority.

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 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 persons appointed otherwise than by direct recruitment:

Provided that in case of appointment by direct recruitment, the qualifications regarding experience shall be relaxable to the extent of 50% at the discretion of the appointing authority in case sufficient number of candidates belonging to Scheduled Castes, Backward Classes, other 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.

Dis-qualifications.

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 persons 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 Daftari,—
 - (i) by promotion; or
 - (ii) by transfer or deputation of an official already in the service of any State Government or Government of India;
- (b) in the case of Cook,—
 - (i) by direct recruitment; or
 - (ii) by transfer or deputation of an official already in the service of any State Government or Government of India;
- (c) in the case of Peon,—
 - (i) by direct recruitment; or
 - (ii) by transfer or deputation of an official already in the service of any State Government or Government of India;

- (d) in case of Mali,—
(i) by direct recruitment; or
(ii) by transfer or deputation of an official already in the service of any State Government or Government of India;
- (e) in case of Attendant,—
(i) by direct recruitment; or
(ii) by transfer or deputation of an official already in service or any State Government or Government of India;
- (f) Lady Attendant,—
(i) by direct recruitment; or
(ii) by transfer or deputation of an official already in service or any State Government or Government of India;
- (g) in case of Helper,—
(i) by direct recruitment; or
(ii) by transfer or deputation of an official already in service of any State Government or Government of India;
- (h) in case of Rickshaw pullor,—
(i) by direct recruitment; or
(ii) by transfer or deputation of an official already in the service of any State Government or Government of India;
- (i) in case of Bhishti,—
(i) by direct recruitment; or
(ii) by transfer or deputation of an official already in service of any State Government or Government of India;
- (j) in the case of Sanitary Worker,—
(i) by direct recruitment; or
(ii) by transfer or deputation of an official already in service of any State Government or Government of India;
- (k) in case of Chowkidar,—
(i) by direct recruitment; or
(ii) by transfer or deputation of an official already in service of any State Government or Government of India;

(l) in case of Sweeper,—

(i) by direct recruitment; or

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

(m) in case of Sweeper-cum-Chowkidar,—

(i) by direct recruitment; or

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

from the date of joining the new cadre in service.

(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.

(3) Whenever any vacancy occurs or is about to occur in the service (except the post of Daftri which will be filled in by promotion from amongst peons only, the appointing authority shall determine the manner in which it shall be filled in.

Probation.

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:

Provided that—

(a) any period after such appointment, spent on deputation at 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 any 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 no officiating 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 satisfactory, if there is no permanent vacancy; or

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

(i) dispense with his Service, if appointed by direct recruitment, 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 would 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.

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

Seniority.

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 direct recruitment, the order of merit determined by the appointing authority, shall not be disturbed in fixing the seniority:

Provided further that in 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 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, 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.

Libility 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 or a local authority or university within the State of Haryana;

(ii) the Central Government or a company, an association or 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.

Pay, leave, pension and other matters.

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.

Discipline, penalties and appeals.

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:

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 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 or revaccinated 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 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 order of appointment if it is deemed expedient to do so. Special provision.
19. Nothing contained in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes, Backward Classes, other 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 : Reservation.
- Provided that the total percentage of reservations so made shall not exceed 50% at any time.
20. The Punjab State Class IV Service Rules, 1963 which are in force immediately before the commencement of these rules in their application to the state of Haryana 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 provision of 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	
1	Daftari	...	...	1	1	Rs. 800—15—1010—EB— 20—1150
2	Cook	...	12	04	16	Rs. 775—12—855—EB— 14—1025
3	Peon	...	19	43	62	Rs. 750—12—870—EB— 14—940
4	Mali	...	04	06	10	Rs. 750—12—870—EB— 14—940
5	Attendent	...	02	01	03	Rs. 750—12—870—EB— 14—940
6	Lady Attendoant	...	...	04	04	Rs. 750—12—870—EB— 14—940
7	Helpter	...	01	...	01	Rs. 750—12—870—EB— 14—940
8	Rickshaw Puller	...	...	01	01	Rs. 750—12—870—EB— 14—940
9	Bhishti	...	01	01	02	Rs. 750—12—870—EB— 14—940
10	Sanitary Worker	...	...	01	01	Rs. 750—12—870—EB— 14—940
11	Chowkidar	...	08	09	17	Rs. 750—12—870—EB— 14—940
12	Sweeper	...	25	11	36	Rs. 750—12—870—EB— 14—940 plus Rs. 65 special allowance.
13	Sweeper-cum-Chowkidar	...	01	18	19	Rs. 750—12—870—EB— 14—940 plus Rs. 65 special allowance.

APPENDIX-B

(See rule 7)

Serial Number	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	Daftri	—	for promotion (i) Five years experience as Peon. by transfer or deputation. (i) Five years experience as Peon. (ii) should be able to read and write Hindi.
2	Cook	(i) Should be able to read and write Hindi. (ii) Knowledge of cooking.	(i) Should be able to read and write Hindi (ii) Knowledge of cooking.
3	Peon	(i) Should be able to read and write Hindi.	(i) Should be able to read and write Hindi.
4	Mali	(i) Should be able to read and write Hindi. (ii) One year experience of Tree Plantation. Plant protection and general gardening.	(i) Should be able to read and write Hindi. (ii) One year experience of Tree Plantation. Plant protection and general gardening.
5	Attendant	(i) Should be able to read and write Hindi.	(i) Should be able to read and write Hindi.
6	Lady Attendant	(i) Should be able to read and write Hindi.	(i) Should be able to read and write Hindi.
7	Helper	(i) Should be able to read and write Hindi.	(i) Should be able to read and write Hindi.
8	Rickshaw Puller	(i) Should be able to read and write Hindi.	(i) Should be able to read and write Hindi.
9	Bhishti	(i) Should be able to read and write Hindi.	(i) Should be able to read and write Hindi.
10	Sanitary Worker	(i) Should be able to read and write Hindi.	(i) Should be able to read and write Hindi.
11	Chowkidar	(i) Should be able to read and write Hindi.	(i) Should be able to read and write Hindi.
12	Sweeper	(i) Should be able to read and write Hindi.	(i) Should be able to read and write Hindi.
13	Sweeper -cum- Chowkidar	(i) Should be able to read and write Hindi.	(i) Should be able to read and write Hindi.

APPENDIX-C

[See rule 14(1)]

Serial Number	Designation of Posts	Appointing authority	Nature of penalty	Authority empowered to imposed penalty	Appellate authority
1	2	3	4	5	6
1	Daftri	Director	1. Minor penalties—	Director	Government
2	Cook		(i) warning with a copy in the personal file (character roll)		
3	Peon		(ii) censure		
4	Mali		(iii) with holding of promotion ;		
5	Attendant		(iv) recovery from pay of 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]		
6	Lady Attendant				
7	Helper				
8	Rickshaw Pulles				
9	Bhishti				
10	Sanitary Worker				
11	Chowkidar				
12	Sweeper				
13	Sweeper-cum-Chowkidar				
			(v) with holding of increments of pay without cumulative effect ;		
			Major penalties—		
			(v-a) Withholding of increments of pay with cumulative effect ;		
			(vi) reduction to a lower stage in the time scale of pay for a specified period, with further		

1 2 3 4 5 6

directions 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 ;

(vii) 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 ;

(viii) Compulsory retirement;

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

APPENDIX-D

[See rule 14 (2)]

Serial Number	Designation of Posts	Nature of order	Authority empowered to make the order	Appellate authority
1	2	3	4	5
1	Daftri	(i) reducing or with holding the amount of ordinary additional pension admissible under the rules governing pension ;	Director	Government
2	Cook			
3	Peon			
4	Mali	(ii) terminating the appointment otherwise than on his attaining the age fixed for superannuation.		
5	Attendant			
6	Lady Attendant			
7	Helper			
8	Rickshaw Puller			
9	Bhishti			
10	Sanitary Worker			
11	Chowkidar			
12	Sweeper			
13	Sweeper-cum-Chowkidar			

SANJAY KOTHARI,

Commissioner and Secretary to Government, Haryana,
Social Welfare Department.