

[Authorised English Translation]

HARYANA GOVERNMENT
ENVIRONMENT DEPARTMENT

Notification

The 17th April, 1998

No. GSR/5 (Const/Art 309/96).—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 Environment Department (Group D) Service, namely :—

PART I—GENERAL

Short title and commencement:

1. (1) These rules may be called the Haryana Environment Department (Group D) Service Rules, 1998.
- (2) They shall come into force from the date of their publication in the official Gazette.

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 the Director, Environment Department, Haryana;
 - (c) "Drawing and disbursing officer" means the Drawing and disbursing officer working as such in the Head office or field offices, as the case may be ;
 - (d) "Employment/Exchange" means the Employment Exchange situated in the State of 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) "Rajya Sainik Board" means the office of the Secretary Rajya Sainik Board, Haryana ;

- (h) "Service" means the Haryana Environment Department (Group D) Service ;
- (i) "Secretary" means the Secretary to Government Haryana, Environment Department.

PART II—RECRUITMENT TO SERVICE

Number and character of posts:

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

Provided that nothing in these rules shall affect the inherent right of 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.

Nationality, domicile and character of candidates appointed to Service.

4. (1) No person shall be appointed to any post in the Service, unless he is,—
- a citizen of India ; or
 - a subject of Nepal ; or
 - a subject of Bhutan ; or
 - a Tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India ; or
 - 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 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 the post in the Service by direct recruitment who is less than seventeen years and more than 35 years of age on or before first day of the month next preceding the last date of submissions of applications to the Commission.

Appointing Authority.

6. Appointment to the posts in the Service shall be made by the Director.

Qualifications.

7. No person shall be appointed to any post in 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 appointment other than by direct recruitment :

Provided that in the case of direct recruitment the qualifications regarding experience shall be relaxable to the extent of 50 % at the discretion of the Commission in case of 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 reason for so doing in writing.

Disqualifications.

8. (1) 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 case of **Bajliff**,—

- (i) by promotion from amongst Process Server ; or
- (ii) by transfer or deputation of any official already in the Service of any State Government or Government of India ;

(b) In case of **Process Server**,—

- (i) 50% by promotion from amongst Group D employees, whose scale and responsibility are less than there of Process Server; and
- (ii) 50% by direct recruitment; or
- (iii) by transfer or deputation of an official already in the Service of any State Government or the Government of India ;

(c) in case of **Usher**,—

- (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 the case of Orderly,—
 - (i) by direct recruitment ; or
 - (ii) by transfer or deputation of any official already in the service of any State Government or the Government of India ;
- (e) in case of A peon,—
 - (i) by direct recruitment ; or
 - (ii) by transfer or deputation of any official already in the service of any State Government or Government of India ;
- (f) in case of chowkidar,—
 - (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 ;
- (g) (1) in case of sweeper,—
 - (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 ;
- (2) All promotions shall be made on the seniority-cum-fitness basis and seniority alone shall not confer any right to such promotions.
- (3) Unless otherwise provided, when any vacancy occurs or is about to occur in the Service, the appointing authority shall determine in what manner such vacancy 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 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 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 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 order, 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 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 a member appointed by direct recruitment, the order of merit determined by the Commission 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 of 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 elder 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 as 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; or
- (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 clause (ii) or clause (iii) except with his consent.

Pay, Leave, pension or 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 thereafter 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 the 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 the appellate authority shall be as specified in Appendix D to these rules.

Vaccination :

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

Oath or allegiance :

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.

Power of relaxation :

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.

Special provisions :

18. Notwithstanding any thing 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.

Reservations :

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 and Physically Handicapped persons or any other class or category of persons in accordance with the orders issued by the State Government in his regard, from time to time:

Provided that the total percentage of reservation so made shall not exceed 50% at any time.

Repeal and savings :

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

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 posts	Number of posts			Scale of Pay
		Permanent	Temporary	Total	
1	2	3	4	5	6
1	Bailliff	—	3	3	Rs. 950—20—1150—EB— 25—1500
2	Process Server	—	4	4	Rs. 800—15—1010—EB— 20—1150
3	Usher	—	2	2	Rs. 750—12—870—EB— 14—940
4	Orderly	—	2	2	Rs. 750—12—870—EB— 14—940
5	Peon	—	2	2	Rs. 750—12—870—EB— 14—940
6	Chowkidar	—	2	2	Rs. 750—12—870—EB— 14—940
7	Sweeper	—	2	2	Rs. 750—12—870—EB— 14—940+65 Special Pay

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	Bailiff	(i) Middle pass (ii) Knowledge of Hindi & English	Three years experience as Process Server.
2	Process Server	(i) Middle Pass (ii) Knowledge of Hindi & English	Two years experience as Groud D employees.
3	Usher	Middle Pass	Middle Pass.
4	Orderly	Middle Pass	Middle Pass.
5	Peon	Middle Pass	Middle Pass.
6	Chowkidar	Middle Pass	Middle Pass.
7	Sweeper	Can read and write Hindi.	Can read and write Hindi.

APPENDIX C

[See rule 14 (1)]

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	Bailliff	Director	Minor Penalties:	Drawing and Disbursing Officer	Director	Secretary
2	Process Server		(i) Warning with a copy in the personal file (character roll);			
3	Usher		(ii) Censure ;			
4	Orderly		(iii) Withholding of promotion ;			
5	Peon		(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			
6	Chowkidar		(v) withholding of increments without cumulative effect ;	Director	Secretary	Government
7	Sweeper					
			Major Penalties :			
			(vi) Withholding of increments with cumulative effect ;			

1

2

3

4

5

6

7

- (vii) reduction to a lower stage in the time scale of pay for a specified period with further 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 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 disqualifications 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 take the order	Appellate authority	Second and final appellate authority, if any
1	2	3	4	5	6
1	Bailiff	(i) reducing or withholding the amount of ordinary or additional pension admissible under the rules governing pension ;	Director	Secretary	Government
2	Process Server				
3	Ushers				
4	Orderly				
5	Peon	(ii) terminating the appointment otherwise than on his attaining the age fixed for super-annuation.			
6	Chowkidar				
7	Sweeper				

M. L. TAYAL,

Commissioner and Secretary to Government, Haryana,
Environment Department.