

UNYAYVE JO LAYDNE 00
PART III

HARYANA GOVERNMENT
HOME (JAILS) DEPARTMENT

Notification

The 22nd September, 1972

No. G.S.R.238/Const./Art. 309/72.—In exercise of the powers conferred by the proviso to article 309 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 recruitment, and the conditions of service of persons appointed, to the Haryana Prisons Service (Class I), namely :—

Rules, 1972 (1) These rules may be called the Haryana Prisons Service (Class I) Rules, 1972.

Short title,
commence-
ment and
application.

(2) They shall apply to the post specified in Appendix 'A' to these rules.

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

Definition.

(a) 'Commission' means the Haryana Public Service Commission;

(b) 'Department' means the Haryana Prisons Department;

(c) 'Government' means the Haryana Government in the Administrative Department;

(d) 'Inspector General' means the Inspector General of Prisons, Haryana; and

(e) 'Service' means the Haryana Prisons Service (Class I).

3. The service shall comprise the post specified in Appendix A to these rules:

Number and
character of
service and
posts.

Provided that nothing in these rules shall affect the inherent right of Government to make addition to, or reduction in the number of such post whether permanently or temporarily.

4. (1) No candidate shall be appointed to the service unless he is—

Nationality
and character
of candidates
appointed to
the service.

(a) a citizen of India;

(b) a subject of Sikkim;

(c) a subject of Nepal;

(d) a subject of Bhutan;

(e) a Tibetan refugee who came over to India before the 1st January 1962, with the intention of permanently settling in India;

- (f) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India;

Provided that a candidate belonging to categories (c), (d), (e) and (f) shall be a person in whose favour a certificate of eligibility has been given by the Government of India and if he belongs to category (f), the certificate of eligibility will be issued for a period of one year, after which such a candidate will be retained in service subject to his having acquired Indian Citizenship.

(2) A candidate in whose case a certificate of eligibility is necessary may be admitted to be an examination or interview conducted by the Commission or other recruiting authority on his furnishing proof that he has applied for the certificate and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government of India.

5. (1) No person, who has more than one wife living or who has a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the service; and

(ii) No woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to the service;

Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this rule.

6. All appointments to the post in the Service shall be made by the Government in consultation with the Commission.

7. (1) Appointment to the post specified in Appendix 'A' shall, be made

(i) by promotion from amongst officers of the Department having at least 10 years' experience as Superintendent Jails including that of any equivalent or higher post in the Department; or

(ii) by transfer on deputation of an officer in service of the Government of India or of a State Government.

(2) The appointment to the service shall be made by selection based on seniority-merit and seniority alone shall not give any right of such appointment.

(3) Whenever any vacancy occurs, the appointing authority shall determine the manner in which it shall be filled in.

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

Provided that —

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Any period after such appointment to the Service, spent on a corresponding or a higher post shall count towards the period of probation ;

- (b) in the case of an appointment by transfer, any period of work an equivalent or higher rank, prior to appointment to the Service may, in the discretion of the appointing authority, be counted towards the period of probation, and
- (c) any period of officiating appointment to the Service 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 revert him to his former post or 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 and conduct has not been in its opinion, 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 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.

9. The seniority inter-se of the members of the Service shall be determined by the length of continuous service on a post in the service :

Seniority of members of the Service

Provided that where there are different cadres in H.A. Cadre the seniority shall be determined separately for each cadre :

Provided further that in the case of members recruited by direct appointment, the order of merit determined by the Commission or the Board 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 recruited by direct appointment shall be senior to a member recruited otherwise ;
- (b) a member appointed by promotion shall be senior to a member appointed by transfer ;
- (c) in the case of members appointed by promotion or 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 their length of service in those appointments and if the length of such service is also the same an older member shall be senior to a younger member.

Note 1 —In the case of members whose period of probation is extended under rule 8, the date of appointment for the purpose of this rule shall be deemed to have been deferred to the extent the period of probation is extended.

10. A member of the Service shall be liable to serve at any place; whether within or without the State of Haryana on being ordered to do by the appointing authority.

11. A member of the Service holding appointments specified in Appendix 'A' to these rules shall from the date of appointment, be entitled to draw pay in the scales shown in column 5 of the said Appendix, or as revised from time to time.

12. 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 or may here after be adopted or made by the competent authority under any law for the time being in force.

13. (1) In matters relating to discipline, punishment and appeals, the 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 and the authority competent to impose such penalties shall be as specified in Appendix 'B' to these rules.

(2) The authority competent to pass an order under clauses (c) and (d) of sub-rule (1) of rule 10 of the Punjab Civil Services (Management and Appeal) Rules, 1952 shall be as specified in Appendix 'C' to these rules.

14. A member of the service shall get himself vaccinated and revaccinated when Government so directs by a special or general order.

Liability for
vaccination
and revaccination.

15. A member of the Service unless he has already done so, shall be required to take an oath of allegiance to India and to the Constitution of India as by law established.

Oath of
Allegiance

16. 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 clause or category of persons.

Powers of
Relaxation.

17. 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 rule so repealed shall be deemed to have been taken under the corresponding provisions of these rules.

ANNEXURE TO APPENDIX I

(See rule 3)

Designation of the post	Number of posts			Scale of pay
	Perma- nent	Temporary	Total	
Inspector General	1		1	Rs 1,000-50-1,100/ 50-1,500.

570-500

570-500

APPENDIX B

[See rule 13 (1)]

Designation of the officer	Appointing authority	Penalty	Authority empowered to impose penalty
1	2	3	4

Inspector General	Government	(a) Censure ;	Government
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(b) withholding of increments or promotion including stoppage at an efficiency bar ;

(c) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of order ;

(d) suspension ;

(e) reduction to a lower post or time scale or to a lower stage in time scale ;

(f) removal from service which does not disqualify from future employment ;

(g) dismissal from the service which does ordinarily disqualify from future employment.

APPENDIX C

Rule 1309 Haryana P.S. Act, 1967

Designation of the officer	Nature of the order	Authority em- powered to pass orders
1	2	3
1. Inspector General	(i) Reducing or withholding the amount of ordinary/additional pension admissible under the rules governing pension	Government
	(ii) Terminating the appointment of a member of the service otherwise than on his attaining the age fixed for superannuation	Do

N. N. KASHYAP,
Secretary to Government, Haryana,
Home Department.