

**HARYANA SCHEDULED CASTES FINANCE AND DEVELOPMENT CORPORATION
(FORMERLY KNOWN AS HARYANA HARIJAN KALYAN NIGAM)**

(A STATE GOVT. UNDERTAKING)

SCO No.2427-28, Sector-22C, Chandigarh.

In exercise of the powers conferred by Article 113 of the Articles of Association of the Haryana Scheduled Castes Finance and Development Corporation formerly known as Haryana Harijan Kalyan Nigam Limited, the Directors of the Nigam hereby make the following bye-laws to regulate the recruitment and conditions of service of persons appointed to various posts of officers and other employees under the Nigam namely:-

The Haryana Harijan Kalyan Nigam Limited- Employees Service Bye-Laws.

CHAPTER-I

- 1.1 These bye-laws may be called Haryana Harijan Kalyan Nigam Employees Service Bye-Laws.
- 1.2 These Bye-laws shall come into force from the date of their publication.
- 1.3 These bye-laws shall apply to:-
 - (a) Every whole-time officer or employee of the Nigam subject to modification to the extent of specific commitment already otherwise made to them.
 - (b) Every officer or employee employed temporarily and every adviser or agent or any other person recruited on special contract subject to terms of such contract provided that industrial/factory workers will be served by respective Rules as may be drafted under the law in force from time to time.
- 1.4 In these bye-laws, unless there is anything repugnant in the subject or context:-
 - (a) ‘the Board’ means the Board of Directors of the Haryana Harijan Kalyan Nigam Limited, Chandigarh.
 - (b) ‘Chairman’ means the Chairman of the Board;
 - (c) ‘Bye –Laws’ mean the Haryana Harijan Kalyan Nigam Employees Service Bye-Laws for the time being in force;
 - (d) ‘Nigam’ means the Haryana Harijan Kalyan Nigam Limited, represented by the Board of Directors or duly authorized officers of the Nigam;
 - (e) ‘direct appointment’ means an appointment made otherwise than by promotion or transfer of a person already in the service of the Nigam or

made by taking a person on deputation from the Government or any other organization.

- (f) ‘duty’ means the period of service which counts for pay, leave and other emoluments and includes probationary period, joining time and leave, but does not include any period of suspension or extra ordinary leave without pay;
- (g) ‘Employees’ means a person whether an officer, or any other employee employed on any post under the Nigam but does not include, except for the purpose of disciplinary action, a casual worker or a daily wage earner;
- (h) ‘The Government’ means the Haryana Government in the Social Welfare Department;
- (i) ‘Honorarium’ means the recurring or non recurring payment granted to any person from the funds of the Nigam as remuneration for special work of an occasional or intermittent character.
- (j) ‘Managing Director’, mean the officer appointed by the Government to be the Managing Director of the Nigam and includes a Director or officer who is authorized to exercise the powers and functions of the Managing Director during the absence of the Managing Director.
- (k) ‘Permanent employee’ means an employee appointed substantively to a permanent post;
- (l) ‘probationer’ means an employee appointed on probation in or against the substantive vacancy in the cadre of the Nigam.
- (m) ‘temporary employee’ means an employee appointed in a temporary or officiating capacity to a temporary post carrying a definite rate of pay sanctioned for a limited period.
- (n) ‘posts’ means the posts sanctioned/ to be sanctioned by the Board from time to time.
- (o) ‘Appointing Authority’ means the authority competent to make appointment.

CHAPTER-II

NUMBER AND CHARACTRER OF POSTS UNDER THE NIGAM

- 2.1 The Board shall have power to make, from time to time such additions, deletions, alternations or amendments in these bye-laws as it may deem

fit and relax any of the provisions contained therein, if the Board is satisfied that the operation of any of the Bye-Laws regulating the conditions of service cause undue hardship in any particular case.

2.2 No person shall be appointed to any post under the Nigam unless he is :-

- (a) a citizen of India; or
- (b) a subject to Sikkim; or
- (c) a subject of Nepal; or
- (d) a subject of Bhutan; or
- (e) a Tibetan refugee, who came over to India before the 1st January, 1962 with the intention of permanently setting in India.

2.3 Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been given by the competent authority and if he belongs to category (e) 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. The power to interpret these bye-laws shall vest in the Board of Directors who shall also be empowered to issue administrative instructions to the Managing Director to enforce these bye-laws and to accrue effective control by devising subsidiary rules, delegation of powers, procedure of forms, subject to revision by the Board at any time suomoto or on representation by any employee.

CHAPTER-III

RECRUITMENT AND RETIREMENT

- 3.1 (a) Recruitment to the various posts under the Nigam shall be made by the Board by any one or more of the following methods:-
- (i) by direct appointment; or
 - (ii) by deputation from Government or any other Corporation,
 - (iii) by promotion or selection from amongst the Nigam staff,
 - (iv) by transfer from one post to another,
- (b) Appointment to all posts under the Nigam shall be made by the Board of Directors subject to delegation of powers to the Managing Director or any other subordinate Authority.
- (c) The Board/appointing Authority may prescribe for various posts under the Nigam, the qualifications, whether academic, technical or otherwise, tests or physical standards or any experience that it may consider necessary and expedient for the

efficient discharge of duties or conditions for confirmation, promotion or continuance in service.

- (d) The age of a person at the time of direct appointment to a post under the Nigam, shall not exceed 45 years.

Provided that the Board may, in any case, relax this condition having regard to the qualifications and experience of the candidate.

- (e) No person, who has been dismissed from any public or private employment shall be re-employed in the Nigam.

- (f) The direct appointment of a person to any post under the Nigam shall be subject to production by such person of a medical certificate of fitness from a registered medical practitioner or the Medical Officer of, the Nigam and, if required, production of a certificate acceptable to the Managing Director that he bears a good moral character.

- (g) All appointments shall, in the first instance be on probation in respect of permanent posts and on temporary basis in respect of temporary posts.

- (h) The period of probation shall be two years subject to extension for another year at the discretion of the appointing authority in case of the work of the probationer is not found to be satisfactory during the first one year. If the work or conduct of any person appointed to the service during the period of probation is in the opinion of the appointing authority, not satisfactory if may;

- (a) dispense with the services, recruited by direct appointment; or

- (b) If recruited otherwise:-

- i) revert to his former post; or

- ii) deal with him in such other manner as the terms and conditions of his previous appointment.

- (i) If, at the expiration of the period of probation, the work of the probationer is found to be satisfactory, the appointing authority may, at its discretion, confirm him either from the date next after the date of expiration of the period of probation or from the date

of his first appointment on probation.

- (j) The period of temporary service against a permanent post shall be treated as part of the period of probation, if it is followed by confirmation.
- (k) Temporary service against a temporary post, subsequently made permanent, will be counted towards probationary period for purpose of confirmation.

3.2 Termination of service:

The services of an officer or other employee of the Nigam, unless otherwise specifically agreed to, may be terminated by the appointing Authority:-

- (i) In the case of a permanent officer or other employee, by giving three months' notice on either side or, in lieu thereof, pay of the period of notice falls short of three months;
- (ii) In the case of temporary officer or other employee, by giving one month's notice on either side or, in lieu thereof, pay of the period the notice falls short of one month; and
- (iii) In the case of an officer or other employee on deputation from the Government or any other Corporation by reverting him to his parent services.

3.3 Record of service.

The following record of service of every officer and other employees shall be maintained:-

- (i) Service Book and
- (ii) C.R. File.

Note:- Files at No.(i) shall be maintained by the office and the file at No. (ii) shall remain in the custody of the Managing Director or an Officer authorised by him.

3.4 **SENIORITY AND PROMOTION:**

- (a) Seniority.

The inter seniority of persons appointed to posts carrying the same scale of pay shall be determined by the dates of their appointment to such posts;

Provided that if two or more persons are appointed to such posts on the same date, their seniority shall be determined in the following manner:-

- (i) a person recruited by promotion from the service of the Nigam shall be senior to a person recruited otherwise;

Provided that in the case of promotion of two or more persons, their inter-seniority shall be determined according to their seniority in the post from which they have been promoted.

- (ii) A person on deputation shall be senior to a person recruited by direct appointment;

Provided that in the case of two or more persons on deputation, their inter- seniority shall be determined according to their seniority in the parent service.

- (iii) In the case of persons recruited by direct appointment, the person older in age shall rank senior to the younger;

- (iv) In any other case, the person in the higher scale of pay shall be considered to be senior to a person in the lower scale of pay and, where the scale of pay are identical, the person drawing higher salary shall rank senior.

(b) **PROMOTIONS**

All promotion to posts under the Nigam shall be made on the basis of merit-cum-seniority and no person shall have a right to be promoted to any post on the basis of seniority alone.

3.5 Superannuation and Retirement

Every Officer or other employee of the Nigam will retire on attaining the age of 58 years. The employment in service upto 60 years may, however, be allowed in the interest of Nigam's work by the Board of Directors.

Provided that the age of compulsory retirement for Class IV Nigam employees shall be sixty years.

3.6 Gratuity

Every Officer or other employee of the Nigam on attaining the age of Superannuation, shall be entitled to gratuity at the rate of one month's pay for every completed years of service, the amount of pay being the average pay drawn during the last 12 months, subject to a maximum of

@ 12 months' salary of Rs.36,000/- whichever is less;

Provided that no gratuity shall be paid if the officer or other employee resigns his service.

3.7 Compulsory Contributory Provident Fund

Every Officer or other employee of the Nigam, except those on deputation from Government, shall be entitled to membership of the scheme of contributory Provident Fund on completion of six month's service under and in accordance with any law for the time being in force.

3.8 General:

- (a) The whole time of an officer or other employee shall be at the disposal of the Nigam. The working hours shall be fixed in such a manner as may be deemed fit by the Nigam in the Nigam's interest.
- (b) No officer or other employee shall directly or indirectly engage in any other business, occupation or employment, nor shall be enter into any partnership, accept any fees, endowment or commission whatsoever from any party other than the Nigam, except with the previous permission of the appointing authority.
- (c) Every Officer or other employee shall be liable to be transferred by the appointing authority from one post to another or any place which it may consider necessary in the interest of the Nigam's work.
- (d) No officer or employee of the Nigam shall take part in politics or in any political demonstration or stand for election as a member of any house of the State Legislature or of any local authority or indulge in such activities which may cause embarrassment to the Nigam.
- (e) The Nigam shall, in respect of act done in good faith and in the interest of the Nigam, extend protection to an officer and other employee of the Nigam in court or elsewhere.
- (f) All employees will obtain the prior permission of the Competent Authority before applying for jobs in outside organization, failure to do so will render them liable for disciplinary action.

CHAPTER-IV

PAY AND ALLOWANCES:

For the purpose of this Chapter, the terms:-

- 4.1 (a) ‘Pay’ means the monthly pay drawn in a time scale and includes ‘Personal Pay’ ‘Special Pay’ ‘technical pay’ or any other emoluments classed as pay, but does not include any allowance.
- (b) ‘Substantive Pay’ means the maximum or stage pay in the time scale substantively held;
- (c) ‘Personal Pay’ means an additional pay granted to an Officer or other employee:
- (i) to save him from loss due to revision of pay or reduction therein otherwise than an a disciplinary measure; or
 - (ii) in exceptional circumstances, on other personal consideration;
- (d) ‘Special Pay’ means additional pay granted in consideration of:-
- (i) the specially arduous nature of duties or consideration;
 - (ii) a specific addition to the work of responsibility.
- (e) ‘award’ means a fixed amount awarded in recognition of meritorious work performed by an officer or other employee of the Nigam.
- (f) ‘allowance’ includes Dearness Allowance, Travelling Allowance, Sumptuary Allowance, Conveyance Allowance, Deputation Allowance, Overtime Allowance, Chandigarh Compensatory Allowance, House Rent or any other kind of allowance sanctioned by the Haryana Govt. from time to time.
- 4.2 An Officer or other employee of the Nigam shall, an appointment, be eligible to the minimum of the scale of the post to which he is appointed;
 Provided that the appointing authority may, in consideration of special knowledge, training or experience, allow a higher initial start to any person. The service rendered in other Corporations or under Government will count for the purpose of fixation of pay as admissible under C.S.R.
- 4.3 Dearness and other allowance will be admissible to all the employees of the Nigam at Haryana Government rates or as decided by the Board of Directors of the Nigam from time to time.
- 4.4 The appointing authority may, in recognition of exceptionally good service of an officer or other employee of the Nigam, grant to him;

- (i) an award not exceeding pay of such officer or employee for one month immediately preceding the grant of award;
- (ii) an increment or increments in the time scale of his post subject to a maximum of 10% of the pay drawn;

Provided that in awards sanctioned in the case of officers the Board will be consulted before payment.

Provided that the Board may award any amount of money or grant any number of increments.

- 4.5 (a) Government Servants on deputation to the Nigam may either:-
- (i) accept the pay scale of the post under the Nigam subject to the fixation of their pay in such pay scale by the appointing authority; or
 - (ii) continue to enjoy their pay scale in their parent service plus deputation pay as approved by the Government and other allowance as admissible to them in Government service.

Note: A Government servant on deputation to the Nigam will be entitled to claim benefits of higher pay scale or fixation of pay at a higher level with or without retrospective effect in the Nigam, if such benefits have accrued to him in his parent service consequent upon decision in his favour of this appeal a representation or otherwise, as a matter of course.

- (b) Where an employee of any other Corporation is appointed to any post under the Nigam, his conditions of service shall be such as may be decided by the appointing authority.

4.6 The Nigam shall pay to the Government leave salary and pension contributions or any other liability in respect of all its officers or employees taken on deputation from the Government in accordance with the rules of Government in force from time to time in this behalf.

4.7 An increment in a time-scale may be drawn as a matter of course by an officer or other employee of the Nigam unless it is withheld or deferred by the appointing authority on the ground of suspension or punishment.

4.8 Specific sanction of the appointing authority shall be required to cross an efficiency bar in any time scale:-

4.9 Special pay at a rate not exceeding 10% of basic pay to be determined by the appointing authority may be allowed to a person holding charge

of an independent post in addition to his own duties for a period exceeding one month.

- 4.10 (a) Service in another post other than a post carrying less pay whether in substantive or officiating capacity and leave other than extraordinary leave counts for increment in the time scale applicable to the post on which the employee holds lien, provided that the competent authority may, in any case, in which it is satisfied that the extra ordinary leave was taken for any cause beyond the control of the employee direct that the extra ordinary leave shall be counted for increments.
- (b) If an employee, while holding substantively a permanent post or officiating on a post or holding a temporary post on a time scale pay, is appointed to officiate in higher post or to hold a higher temporary post, his officiating or temporary service in the higher post, shall, if he is re-appointed to lower post or is appointed or re-appointed to a post on the same time scale of pay counts for increment in the time scale applicable to such lower post. The period of officiating service in the higher post which counts for increment in the lower post is, however, restricted to the period during which the employee would have officiated in the lower post but for his appointment to the higher.
- 4.11 For fixation of pay, the officers/employees of the Nigam may be governed by the provisions of C.S.R. Vol. I, Part-I, as amended by the Government of Haryana from time to time.
- 4.12 The officers and other employee of the Nigam shall receive such allowances as may be sanctioned by the Board from time to time.
- 4.13 Any sum of money or pay or allowances due to any officer or other employee of the Nigam that may have remained unclaimed may be transferred to, and held in the suspense account for the period of three years from the date on which the payment is normally due and will there-after be treated as lapsed to the Nigam. In case the payment is claimed thereafter, the same will be paid only with the approval of the Board of Directors.

CHAPTER- V

- 5.1 The admissibility of leave of all kinds to any officer or other employee of the Nigam shall be governed by the Haryana Civil Service Rules as amended from time to time.

CHAPTER- VI (PENALTIES)

- 6.1 An officer or other employee of the Nigam may be awarded any one or more of the following penalties:-
- (a) Censure, or
 - (b) With holding of increments or promotion including stoppage at the efficiency bar, or
 - (c) Reduction to a lower post in a time scale, or to a lower stage in time-scale; or
 - (d) Recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders, or
 - (e) Suspension; or
 - (f) Removal from service; or
 - (g) Dismissal from service.
- 6.2 The penalties referred to in bye-laws 6.1 may be imposed by order in writing of the appointing authority, in accordance with the procedure laid down in C.S.R.
- 6.3 The penalties enumerated in bye-laws 6.1 above may be imposed on any one or more on the following ground namely:-
- (a) Strike or inducing others to strike;
 - (b) Wilful insubordination or disobedience;
 - (c) Negligence, inefficiency or indolence;
 - (d) Irregular attendance;
 - (e) unauthorized divulgence of any information or document detrimental to the interest or reputation of the Nigam;
 - (f) theft, pilferage, fraud, dishonesty misappropriation, defalcation or embezzlement;
 - (g) Wilful absence from duty;
 - (h) arrest or conviction on a criminal charge or for an offence involving moral turpitude or depravity or depredation of character;
 - (i) Insanity,
 - (j) anti-notional activities; or
 - (k) any other sufficient ground.
- 6.4 An appeal against an order of the Appointing Authority imposing any penalty shall lie to the Board within six months of the date of service of the order and the Board's decision on such an appeal shall be final.

Provided that a joint appeal shall not be entertained.

Provided further that where a penalty has been imposed by the appointing authority with the approval of the Board. The person on whom the penalty has been imposed may apply to the Board for revision of its decision within one month of the date of service of the order imposing the penalty.

CHAPTER- VII

MEDICAL ATTENDANCE

- 7.1 Medical facilities to the permanent as well as temporary employees of the Nigam will be available to them as admissible to the employees of the Haryana Government.

CHAPTER- VIII

TRAVELLING ALLOWANCE.

- 8.1 Officers and other employees of the Nigam will be governed by T.A. Rules as applicable to the employees of the Haryana Government.

CHAPTER- IX

DELEGATIONS

- 9.1 The Board may confer on the Managing Director or any other officer of the Nigam any of its powers in these laws by resolution. The Managing Director may, with the approval of the Board, confer on any officer of the Nigam any of his power, including his delegated powers, by written authorization, such delegated power shall be exercised subject to such conditions and limits as may be prescribed in the resolution or authorization by the Board.
