

[Published in the Haryana Government Gazette, Legislative Supplement, dated the 14th March, 1978]

PART III

HARYANA GOVERNMENT

ARCHITECTURE DEPARTMENT

Notification

The 10th March, 1978.

No. GSR 26/Const./Art. 309/78.—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 for regulating the recruitment and conditions of service of the persons appointed to the Haryana Service of Architects, Class I, namely:—

PART I—GENERAL

1. These rules may be called the Haryana Service of Architects, Class I, Rules, 1978. Short Title.
2. In these rules, unless the context otherwise requires,— Definitions.
 - (a) "Additional Chief Architect" means the Additional Chief Architect of the Department of Architecture, Haryana, and includes an officer holding a post of equivalent responsibility;
 - (b) "Architect" means an officer incharge of an architectural unit and includes an officer holding a post of equivalent responsibility;
 - (c) "Cadre Post" means a permanent post held by a member of the service;
 - (d) "Chief Architect" means the Chief Architect of the Department of Architecture, Haryana and includes an officer holding a post of equivalent responsibility;
 - (e) "Class II Service" means the Haryana Service of Architects, Class II;
 - (f) "Commission" means the Haryana Public Service Commission;
 - (g) "Department" means the Department of Architecture, Haryana ;
 - (h) "Direct recruitment" means an appointment made otherwise than by promotion from within the Service or by transfer of an officer already in the service of the Government of India or any State Government ;
 - (i) "Ex-Cadre Post" means a temporary post declared to be equivalent to a cadre post;

- (j) "Government" means the Haryana Government in Administrative Department ;
- (k) "Member of the Service" means an officer holding a cadre or ex-cadre post either in substantive or officiating capacity ;
- (l) "recognised university" means—
- (i) any university incorporated by law in India ; or
 - (ii) in the case of 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;
- (m) "Senior Architect" means an officer responsible for supervising the work of Architects and includes an officer holding a post of equivalent responsibility;
- (n) "Service" means Haryana Service of Architects, Class I.

Number
and
character
of posts.

3. (1) The Service shall comprise of such number of posts of Architects, Senior Architects, Additional Chief Architect and Chief Architect as may be specified by Government, from time to time.

(2) Without prejudice to generality of the provisions of sub-rule (1), the strength of Service shall be determined each year on the 1st day of January, or as soon thereafter as may be practicable according to the provisions of Appendix A. The strength so determined shall remain in force till it is revised.

(3) Notwithstanding anything contained in sub-rules (1) and (2) Government may appoint an officer to an ex-cadre post included in the Service in accordance with the provisions of these rules; provided such post has been sanctioned.

Nationality
and chara-
cter of
candidate
appointed
to the
service.

4. (1) No person shall be appointed to the service unless he is—
- (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, Shri Lanka (formerly Ceylon), and East African countries of Kenya, Uganda and 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 category (b), (c), or (d) 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 or any other recruiting authority 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 the Service by direct recruitment unless he produces a certificate of character from the Principal academic officer of the university, college 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 or institution.

5. (1) No person shall be appointed to the Service by direct recruitment who is less than twenty years and more than thirty-five years of age on or before the first day of August next preceding the last date of submission of application to the Commission :

Age.

Provided that—

(a) in the case of candidates who are displaced persons and in whose case the age limit for admission to college of architecture had been relaxed and in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes, and other Backward Classes the upper age limit shall be such as may be fixed by the Government from time to time ;

(b) in the case of candidates who possess the requisite qualifications and are already in the service of the State Government, the upper age limit shall be forty-five years.

(2) The selection of candidates including those belonging to the Scheduled Castes, Scheduled Tribes or Backward Classes shall be made by the Commission.

6. Appointments to the posts in the Service shall be made by the Government.

Appointing Authority.

7. (1) Recruitment to the Service shall be made—

Method of recruitment.

(a) by promotion from among the members of Class II Service;

(b) if no suitable member is available under sub-clause (a) above, it shall be made by direct recruitment.

(2) The Government may, however, in special circumstances to be recorded in writing, appoint by transfer or deputation an officer already in service of any State Government or the Government of India, with the approval of the Commission.

(3) In case of exigency of public service, the Government may, after recording reasons, fill a short term vacancy for a period not exceeding six months without recourse to the procedure prescribed under rule 10.

Qualifica-
tions.

8. No person shall be appointed as an Architect unless he,—

- (1) in the case of persons appointed by direct appointment,—
 - (a) possesses degree or equivalent diploma in architecture of a recognised university or institution ;
 - (b) possesses five years' professional experience in the field of architecture in a responsible position, after acquiring one of the qualifications noted in sub-clause (a) above provided that in the case of applicant already working in the department, minimum experience of five years as Assistant Architect or in an equivalent post shall be necessary ;
 - (c) obtains from Standing Medical Board a certificate of mental and physical fitness after being examined in accordance with the regulations prescribed in Appendix E to these rules ;
 - (d) is a person with satisfactory character and antecedents, verification in respect of which shall be arranged through an appropriate Government agency except in case where such verification may have already been made at the time of his first entry into Government service ;

(2) In the case of appointment by promotion from Assistant Architect—

- (a) possesses five years' service as an Assistant Architect in the department, subject to fitness for promotion;
- (b) possesses Degree or equivalent diploma in architecture of a recognised university or institution.

9. 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 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.

10. (1) A Committee consisting of the following members shall consider the cases of all eligible officers for promotion to the Service :—

- (i) The Secretary to Government, Haryana, Architecture Department ;

Disqualifi-
cation.Appoint-
ment by
promotion.

(ii) Head of Architecture Department ; and

(iii) The Additional Chief Architect, Haryana,

(2) The Secretary to Government, Haryana, will preside over the meetings of the committee.

(3) The Committee shall meet at intervals, ordinarily not exceeding six months, and consider the cases of all eligible officers for promotion to the Service, as on the first day of January and July of that year.

(4) The committee shall prepare a list of such officers. The selection for inclusion in such list shall be based on merit and suitability in all respect with due regard to seniority.

(5) The names of the officers included in this list shall be arranged in order of seniority:

Provided that any junior officer, who, in the opinion of the committee, is of exceptional merit and suitability, may be assigned a place in the list higher than that of the officers senior to him in his own class.

(6) The list prepared shall be revised every year.

(7) If in the process of preparing the list in its revision, it is proposed to supersede any eligible candidate, the committee shall draw up a list of such officers and may record its reasons for the proposed supersession.

(8) The list prepared or revised in accordance with sub-rules (4), (5) and (6) shall then be forwarded to the Commission, by the Government along with—

(a) the records of all officers included in the list ;

(b) the records of all officers proposed to be superseded as a result of the recommendations of the committee;

(c) the reasons, if any, recorded by the committee for the proposed supersession of any officers; and

(d) the observation, if any, of the Government on the recommendations of the committee.

(9) The Commission shall consider the list prepared by the committee along with other documents received from the Government and unless it considers any change necessary approve the list.

(10) If the Commission considers it necessary to make any change in the list received from Government, the Commission shall inform the Government of the changes proposed and after taking into account the comments, if any of the Government, may approve the list finally with such modification, if any, as may, in its opinion, be just and proper.

(11) Appointment to the Service shall be made by Government from this list in the order in which names have been placed by the Commission.

(12) Appointment may be made to an ex-cadre post, or to any post in the cadre in an officiating capacity from the list prepared under this rule.

Promotion
within the
Service.

11. (1) Subject to the provisions of sub-rules (2) and (3) members of the Service shall be eligible for promotion to any of the posts in the Service,

Explanation.—Once an officer has been appointed as a member of the Service, his promotion within it from one rank to another shall be regarded as promotion within the same cadre.

(2) Promotions shall be made by selection on the basis of merit and suitability in all respects and no member of the Service shall have any claim to such promotion as a matter of right on the basis of seniority alone.

(3) A member of the Service shall not be eligible for promotion to the rank of—

- (a) 'Senior Architect' unless he has rendered seven years' service as Architect ;
- (b) 'Chief Architect/Additional Chief Architect' unless he has rendered three years' service as Senior Architect.

(4) Notwithstanding anything to the contrary contained in sub-rules (1), (2) and (3), the Government may fill up, in the public interest, the vacancies in the Service by taking suitable personnel on transfer or deputation holding equivalent posts under the Central or any State Government.

Probation.

12. (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 the Service may 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 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 his 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 him from the date of his appointment, if appointed against a permanent vacancy ; or
 - (ii) confirm him 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, not been satisfactory,—
 - (i) dispense with his services, 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 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 in case of direct recruitment and two years in the case of appointment made by promotion or by transfer.

13. Seniority, *inter se* of members of the service shall be determined as under :—

Seniority of members of the Service.

(1) Seniority of members of the Service shall be determined by the length of continuous service on any post in the Service :

Provided that in the case of members 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 members 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 are also the same, then by their length of service in the appointments, and if length of such service is also the same, the older member shall be senior to the younger member.

(2) The *inter se* seniority within the group of promoted officers (from a particular source) shall be as in the list approved under rule 10.

Pay.

14. Members of Service will be entitled to such scales of pay including special pay as may be authorised by the Government from time to time. The scales of pay at present in force are given in Appendix B :

Provided that Government may in consultation with the Commission and Finance Department grant an initial start to any person appointed to the Service higher than that to which he would have been otherwise entitled.

Liability.

15. (1) A member of the Service shall be liable to serve under the State Government at any place whether within or outside the State of Haryana.

(2) A member of the Service may also be deputed to service under—

- (a) a company, an association or a body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by Government, a municipal corporation or a local authority within the State of Haryana ; or
- (b) 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
- (c) another 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 the Central or any State Government or any organisation or body referred to in clauses (b) and (c) except with his consent.

16. 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 hereafter be adopted or made by the competent authority under article 309 of the Constitution of India or under any law for the time being in force made by the State Legislature.

17. (1) In matters relating to discipline, penalties and appeals, members of the Service shall without prejudice to the provisions of the Public Servants (Inquiries) Act, 1850, be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1952, as amended from time to time :

Leave,
pension or
other
matters.

Discipline,
penalties
and
appeals.

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 clauses (c) and (d) of sub-rule (1) of rule 10 of the Punjab Civil Services (Punishment and Appeal) Rules 1952, and the appellate authority shall also be as specified in Appendix D to these rules.

18. Every member of the Service shall get himself vaccinated and re-vaccinated if and when the Government so directs by a special or general order.

Vaccination

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

Oath of allegiance.

20. 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.

21. Notwithstanding anything 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.

Special provisions.

22. In all matters not expressly provided for in these rules, the members of the Service shall be governed by such general rules as may have been or may thereafter be framed by the Government from time to time.

General.

APPENDIX 'A'

(See Rule 3)

1. The strength of the Service shall be equal to the number of posts determined in the following manner :—

(a) Posts existing for three years or more on the 1st January of the year.

(b) Add deputation posts, equal to the number of officers on deputation or transfer outside the department.

(c) Add leave reserve equal to $7\frac{1}{2}\%$ of (a) and (b) above.

(d) Add notional posts determined in the following manner:—

(i) Enumerate posts which have existed during the last 3 years preceding 1st January giving for each the number of months for which it has existed, all periods of 15 days or above counting as a whole month.

(ii) add the total number of months at (i) above.

(iii) divide (ii) by 36 to the nearest whole number, to obtain the number of notional posts to be included.

2. The number of cadre posts will be equal to 85% of the strength of service determined according to para 1 above. The remaining posts will be ex-cadre.

APPENDIX 'B'

(See Rule 14)

Designation of the post	Scale of Pay
Chief Architect	.. Rs. 2,250—125—2,500/125/2—2,750
Addl. Chief Architect	.. Rs. 2,250—125—2,500
Senior Architect	.. Rs. 1,600—50—1,800/100—2,000
Architect	.. Rs. 750—50—1,000/50—1,300 (T.S.)
	.. Rs. 1,300—50—1,600 (S.G. for 10% posts)

APPENDIX 'C'

[See Rule 17 (1)]

Designation of post	Nature of penalty	Authority empowered to impose penalty	Appellate authority
Chief Architect Additional Chief Architect Senior Architect Architect	(a) Censure ; (b) warning with a copy on personal file ; (c) withholding of increments or promotion, including stoppage at an efficiency bar ; (d) recovery from pay of the whole or part of any pecuniary loss caused to government by negligence or breach of orders ; (e) reduction to a lower post or time scale or to a lower stage in a time scale ; (f) removal from the Service which does not disqualify from future employment ; (g) dismissal from the Service which does ordinarily disqualify from future employment.	Government	Nil

APPENDIX 'D'
[See Rule 17(2)]

Designation of post	Nature of order	Authority to make the order	Appellate authority
Chief Architect	(i) Reducing or withholding the amount of ordinary/additional pension admissible under the rules governing pension ;	Government	Nil
Addl. Chief Architect			
Senior Architect			
Architect		(ii) terminating the appointment of a member of the Service otherwise than on his attaining the age fixed for superannuation.	Government

APPENDIX 'E'
[See Rule 8(C)]

Regulation for the medical examination of candidates for admission to the Haryana Service of Architect, Class I.

DEPARTMENT OF ARCHITECTURE

1. To be passed as fit for an appointment as an officer of the Haryana Service of Architect, Class I, a candidate must be in good mental and bodily health and free from any physical defect which is likely to interfere with the efficient performance of the duties of his appointment.
2. In the matter of correlation of age, height and chest girth, it is left to the Medical Board to use whatever correlation figures are considered most suitable as a guide in the examination of the candidates.
3. The candidate's height will be measured as follows :—
He will remove his shoes and he placed against the standard with his feet together and the weight on the heels and not on the toes or outer side of the feet will stand erect without rigidity and with the heels, glaze but socks and shoulders touching the standard, the chain will be depressed to bring the vertex of the hand level under the horizontal bar and the height will be recorded in centimeters and parts of centimeters quarters. No fixed limit of height is enforced.
4. The candidate's chest will be measured as follows :—
He will be made to stand erect with his feet together and to raise his arms over his head. The tape will be so adjusted around the chest that its upper edge touches and interior angles of the shoulders blades behind, and its lower edge the upper part of nipples in front. The arms will then be lowered to hand loosely by the side and care will be taken that the shoulders are not thrown upwards or backwards so as to displace the tape. The candidate will then be directed to take a deep inspiration several

times, and the minimum expansion of the chest will be carefully noted. The minimum and maximum will then be recorded in centimeters 84—89, 86.5, 92.75 etc. recording the measurements, fraction of less than 1.25 cm. shall not be noted.

5. The candidate will also be weighted and his weight recorded in kilograms. Fractions of a kilogram should not be noted.

6. The candidate's eye-sight will be tested in accordance with the following rules. The results of each test will be recorded :—

- (i) *General*.—The candidate's eye-sight be submitted to a general examination directed to the detection of any disease or abnormality. The candidate will be rejected if he suffers from any morbid conditions of the eyes, eyelids or contiguous structures of such parts as to render, or to be likely at a future date to render him unfit for service.
- (ii) *Visual Acuity*.—The examination to determine acuity of vision will include two tests, one for distant and the other for near vision. Each eye will be examined separately. No candidate will be accepted whose visual acuity falls below the following standards :—

	The one eye	The other eye
Distant vision without glasses	6/2	6/24
Corrected with the glasses	6/6	6/12
Manifest Hyperopia	1.3	1.5
Near vision with or without glasses	0.8	1.0

(iii) *Field of vision*.—The field of vision of the candidate's eyes will be examined. Any defect will be a cause for rejection of the candidate.

7. The urin (passed in the presence of the examiner) should be examined and the result recorded.

8. The following additional points should be observed :—

- (a) that the candidate's hearing in each ear is good and that there is no sign of disease of the ear ;
- (b) that his speech is without impediment ;
- (c) that his teeth are in good order and that he is provided with dentures where necessary for effective mastication. (Well filled teeth will be considered sound) ;
- (d) that his chest is well formed, and his chest expansion sufficient ; that his heart and lungs are sound, and that his blood pressure is within normal limits ;
- (e) that there is no evidence of say, abdominal disease ;
- (f) that he is not ruptured ;
- (g) that he does not suffer from any severe degree of hydrocele, varicocele, varicose veins or piles ;
- (h) that his limbs, hands and feet are well formed and developed and that there is free and perfect motion of all his joints ;
- (i) that he does not suffer from any inveterate skin disease ;

- (j) that there is no congenital malformation or defect ;
- (k) that he does not bear traces of acute or chronicle disease pointing to an impared constitution ; and
- (l) that he bears marks of efficient vaccination When a defect is found it must be noted, and the medical examiners should state their opinion as to whether or not it is likely to interfere with the efficient performance of the duties which will be required of the candidate. If the condition is remediable by operation, it should be so stated. He should (unless he has already had small-pox and shows obvious scars thereof) have been successfully vaccinated or revaccinated within the previous 12 months.

**FORM OF DECLARATION AS TO HEALTH TO BE COMPLETED
BY CANDIDATES FOR APPOINTMENT TO THE PUNJAB
SERVICE OF CLASS I**

The candidate must take the statement required below prior to his medical examination and must sign the declaration appended thereto in the presence of the Medical Board :—

- (1) State your name in full _____
(in block letters)
- (2) State place of birth _____
- (3) State your age and date of birth _____
- (4) Furnish the following particulars concerning your family :

Father's age if living	Father's age at death and cause of death	Number of brothers living, their ages and state of health	Number of brothers dead their ages and cause of death
1	2	3	4
Mother's age, if living and state of health	Mother's age at death and cause of death	Number of sisters living, their ages and state of health	Number of sisters dead, their ages and cause of death
5	6	7	8

- (5) Have any your near relations suffered from tuberculosis (Consumption, scrofula), cancer, asthma, fits, epilepsy, insanity or any other nervous disease ?
- (6) Have you ever served in the Navy, Army, Air Force or in any Government Department ?
- (7) Have you ever been examined, (a) for Life Insurance or/and (b) by any Government Medical Officer or State Medical Board, Civil or Military, if so, state details and with what result ?

(8) Have you ever—

- (a) had small-pox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, pleurisy, heart disease, fainting attacks, rheumatism, appendicitis, epilepsy, insanity, or other nervous disease, discharge from or other disease of the ear, syphilis gonorrhoea, or
- (b) had any other disease or injury which require confinement to bed or medical or surgical treatment; or
- (c) undergone any surgical operation ;

(9) Have you reapture ?

(10) Have you varicocele, varicose veins or piles ?

(11) Is your vision in each eye good ? (Candidates who wear spectacles are requested to bring the prescription for their glasses with them)

(12) Is your hearing in each ear good ?

(13) Have you any congenital or acquired malformation effect or deformity ?

(14) When were you last vaccinated ?

(15) Is there any further matter concerning your health not covered by the above questions which should be communicated to the medical examiner(s) ?

DECLARATION BY CANDIDATE

[To be signed in the presence of the Medical Examiner(s)]

I declare all the forgoing answers to be to the best of my belief, true and correct.

I will fully reveal to the medical examiner(s) all circumstances within my knowledge that concern my health and fitness for the appointment for which I am a candidate.

I am fully aware that by wilfully suppressing any information I shall incur the risk of not obtaining the appointment or of losing it if granted.

Candidate's signature.

Signed in presence of—

Place _____

Date _____

Member of Medical Board.

V.K. SIBAL,

Commissioner, and Secretary to Government, Haryana,
P.W.D., Buildings and Roads.

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