

[Authorised English Translation]

HARYANA GOVERNMENT

ELECTRONICS & INFORMATION TECHNOLOGY DEPARTMENT

Notification

The 16th October, 1998

No. G.S.R.55/Const./Art. 309/98.—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 Electronics & Information Technology Department (Group D) Service, namely:—

PART I—GENERAL

Short Title and commencement:

1. (1) These rules may be called the Haryana Electronics & Information Technology Department (Group D) Service Rules, 1998.

(2) They shall come into force on the date of their publication in the official Gazette.

Definitions :

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

(a) "director" means the Director, Electronics & Information Technology Department, Haryana ;

(b) "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 ;

(c) "Employment Exchange" means State Employment Exchange, Haryana ;

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

(e) "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 ;

(f) "Service" means the Haryana Electronics Department (Group D) 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 the Government to make additions to, or reductions in, the number of such post 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 Service, unless he is,—
- a citizen of India ; or
 - a subject of Nepal ; or
 - a subject of Bhutan ; or
 - a person of Indian origin who has migrated from Pakistan, Burma, Srilanka 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 intention of permanently settling in India :

Provided that a person belonging to any of the categories (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 appointing 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 any post in 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 recruited to any post in the Service by direct appointment who is less than sixteen years or more than 35 years of age on the last date of submission of application to the appointing authority.

Appointing Authority:

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

Qualifications:

7. No persons shall be appointed to any post in the Service, unless he is in possession of qualifications and experience specified in column 2 of Appendix B to these rules in the case of direct recruitment and those specified in Column 3 of the aforesaid Appendix in the case of persons appointed other than by direct recruitment.

Disqualifications :

8. (1) No person,—
- Who has entered into or contracted a marriage with a spouse living; or
 - 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 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. Recruitment to the service in case of peon shall be made,—

- (i) by direct recruitment ; or
- (ii) by transfer or deputation of an official already in the service of any State Government or the Government of India.

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 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 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 the 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 member 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 the case of two or more members appointed on the same date, their seniority shall be determined as follow:—

- (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 previous appointment, and if the length of such service is also the same, the older 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 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 within the State of Haryana ;

(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 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 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 directs by a special or general order.

Oath of 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 to 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 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.

Reservation :

19. Nothing contained in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes, 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 :

Provided that the total percentage of reservations so made shall not exceed fifty per cent at any time.

Repeal and savings :

20. Any rule applicable to the service and corresponding if any, of these rules which is enforced 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)

Designation of posts	Number of posts			Scales of pay
	Permanent	Temporary	Total	
1	2	3	4	5
Peon	—	3	3	Rs. 2550-55-2660-EB-60-3200

APPENDIX B

(See rule 7)

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
Peon	(i) Middle with Hindi	(i) Middle with Hindi

APPENDIX C

[See rule 14 (1)]

Designation of posts	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority
1	2	3	4	5
1. Minor Penalties:				
Peon	Director	(i) warning with a copy in the personal file (character roll); (ii) censure ; (iii) withholding of promotion ; (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 (v) withholding of increments of pay without cumulative effect ;	Director	Government
2. Major Penalties :				
		(vi) withholding of increments of pay without cumulative effect ;		

1	2	3	4	5
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(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 the 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 disqualification 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)]

Designation of posts	Nature of order	Authority empowered to make order	Appellate authority
1	2	3	4
Peon	(i) reducing or withholding the amount of ordinary or additional pension admissible under the rules governing pension ; (ii) terminating the appointment otherwise than on his attaining the age fixed for superannuation.	Director	Government

DHARAM VIR,

 Commissioner and Secretary to
 Government, Haryana, Electronics and
 Information Technology
 Department.