

[Authorised English Translation]

HARYANA GOVERNMENT

HEALTH DEPARTMENT

Notification

The 24th April, 1998

No. G. S. R.39/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 Ayurvedic Department, Subordinate Offices (Group D) Service, namely :—

PART-I GENERAL

Short title and commencement :

1. (i) These rules may be called the Haryana Ayurvedic Department, Subordinate Offices (Group D) Service Rules, 1998.

2. They shall come into force on the date of its publication in the official Gazette.

Definitions:

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

- (a) "Director" means the Director of Ayurvedic Department, Haryana ;
- (b) "Deputy Director" means Deputy Director of Ayurveda Haryana ;
- (c) "Direct recruitment" means an appointment made otherwise than by promotion from which the Service or by transfer of an official already in the service of the Government of India or any State Government ;
- (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 Ayurvedic Department Subordinate Offices (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 inherent right of Government to make additional to or reduction 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) 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, 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 recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government.

Age:

5. No person shall be appointed to any post in the Service by direct recruitment who is less than 16 years or more than 35 years of age on or before the last date of submission of applications to the appointing authority.

Appointing authority :

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

Qualifications :

7. No person shall be appointed to any post in the 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 persons appointed otherwise than by direct recruitment.

Disqualifications:

8. 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 the case of cook—

(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 ;

(b) in the case of Poon, Chowkidar, Water Carrier, Laboratory Attendant, Ward Attendant, Kitchen Bearer, Mali, Dhobi, Sweeper and Sweeper-cum-Chowkidar—

(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.

(2) All promotions, unless otherwise provided, shall be made on seniority-cum-fitness basis and seniority alone shall not confer any right to such promotion.

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 or 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 an 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, discontinue 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 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 a members 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 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 a member appointed by promotion or by transfer, seniority shall be determined according to the seniority of such members in the appointment 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 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 older member shall be senior to the younger member.

Liability to Service

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 or 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;
- (ii) the Central Government or a company, an association or 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 or 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 Central or any other State Government or any organisation or body referred to in clause (i) 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 the any law for the time being in force made by the State Legislature.

Discipline, penalties and appeals

14. In matters relating to discipline, penalties and appeals members of the Service shall be governed by the Haryana Civil Service (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 articles 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 (b) of sub-rule (1) of rule 9 of the Haryana Civil Service (Punishment and Appeal) Rules 1987 and the appellate authority shall be specified in Appendix D to these rules.

Vaccination

15. Every member of the Service shall get himself vaccinated and re-vaccinated as and when the Government so direct 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 in 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. Not with standing 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 concession required to be provided for Scheduled Caste, Backward Class, Ex-Serviceman, 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 extend fifty per cent at any time.

Repeal Savings

20. The Panjab State (Class IV) Service Rules, 1963 in their application to the State of Haryana which are in force immediately before the commencement of these rules are 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)

Sr. No.	Designation of posts	Number of posts			Scale of pay
		Perma- nent	Tempo- rary	Total	
1	2	3	4	5	6
1	Cook	4	..	4	Rs. 775-12-095-EB-14-1,025
2	Peon	5	22	27	Rs. 750-12-870-EB-14-940
3	Chowkidar	10	..	10	Rs. 750-12-870-EB-14-940
4	Water Carrier	3	..	3	Rs. 750-12-870-EB-14-940
5	Laboratory Attendant	2	..	2	Rs. 750-12-870-EB-14-940
6	Ward Attendant	16	..	16	Rs. 750-12-870-EB-14-940
7	Kitchen Bearer	3	..	3	Rs. 750-12-870-EB-14-940
8	Mali	1	..	1	Rs. 750-12-870-EB-14-940
9	Dhobi	3	..	3	Rs. 750-12-870-EB-14-940
10	Sweeper	9	12	21	Rs. 750-12-870-EB-14-940+65 Special pay
11	Sweeper-cum-Chowkidar	..	4	4	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	Cook	(i) Primary pass with Hindi ; (ii) Two years experience as cook	(i) Primary pass with Hindi ; (ii) Two years experience as cook
2	Peon	Primary pass with Hindi	Primary pass with Hindi
3	Chowkidar	Primary Pass with Hindi	Primary pass with Hindi
4	Water Carrier	Primary pass with Hindi	Primary pass with Hindi
5	Laboratory Attendant	Middle Pass with Hindi	Middle pass with Hindi
6	Ward Attendant	Middle pass with Hindi	Middle pass with Hindi
7	Kitchen Bearer	Primary pass with Hindi	Primary pass with Hindi
8	Mali	(i) Primary pass with Hindi ; (ii) Two years experience of Gardening	(i) Primary pass with Hindi ; (ii) Two years experience of Gardening
9	Dhobi	(i) Primary Pass with Hindi ; (ii) Two years washing experience	(i) Primary pass with Hindi ; (ii) Two years washing experience
10	Sweeper	Primary pass with Hindi	Primary pass with Hindi
11	Sweeper-cum-Chowkidar	Primary pass with Hindi	Primary pass with 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	Cook	Director	(i) warning with a copy in the personal file (Character roll) ;	Deputy Director	Director	Government
2	Peon		(ii) Censure ;			
3	Chowkidar		(iii) withholding of promotion ;			
4	Water Carrier		(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 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 authority or university set up by an Act of Parliament of the Legislature of State ; and			
5	Laboratory Attendant		(v) withholding of increments of pay without cumulative effect ;			
6	Ward Attendant		(v-a) withholding of increments of pay with cumulative effect.			
7	Kitchen Bearer		Major Penalties:			
8	Mali		(vi) reduction to a lower stage in the time scale of pay for specified period/ with further directions as to whether			
9	Dhobi					
10	Sweeper					
11	Sweeper-cum-Chowkidar					

1	2	3	4	5	6	7
			or not the Government employee will earn increment 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 increment of his pay ;			
			(vii) 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 ;			
			(viii) compulsory retirement ;			
			(ix) removal from service which shall not be a disqualification for future employment under the Government ;			
			(x) 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 post	Nature of order	Authority; Appellate empowered to make the order	Authority
1	2	3	4	5
1	Cook	(i) reducing or withholding the amount of ordinary or additional pension admissible under the rules governing pension ;	Director	Government
2	Peon			
3	Chowkidar			
4	Water Carrier	(ii) terminating the appointment otherwise than or his attaining the age fixed for superannuation.		
5	Laboratory Attendant			
6	Ward Attendant			
7	Kitchen Bearer			
8	Mali			
9	Dhobi			
10	Sweeper			
11	Sweeper-cum-Chowkidar			

VEENA BAGLETON,

Financial Commissioner and Secretary to
Government, Haryana, Health Department.

