Group-7A

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PART III

HARYANA GOVERNMENT

HOME DEPARTMENT

Notification

The 2nd February, 1979

No. G.S.R 11/Const./Art. 309/79.—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 conditions of service of persons appointed to the Haryana Home Guards and Civil Defence Services (State Service Group A), namely :—

PART I—GENERAL

1. (i) These rules may be called the Haryana Home Guards and Civil Defence Services (State Service Group A) Rules, 1979.

(ii) They shall come into force at once.

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

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

(b) "direct recruitment" means an appointment made otherwise than by promotion from within the Service or by transfer or on deputation of an official already in the service of the Government of India or any State Government ;

(c) "Government" means the State Government of Haryana in the Administrative Department ;

(d) "Service" means Haryana Home Guards and Civil Defence Services (State Service Group A) ;

(e) "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.

(f) "Commandant General and Director Civil Defence" means Commandant General, Home Guards and Director, Civil Defence, Haryana.

PART II—RECRUITMENT TO SERVICE

Number and character of posts.

3. The Service shall comprise the posts as shown in appendix A to these rules :

Provided that nothing in these rules shall effect the inherent right of Government to make additions 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 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, Ceylon and East African Countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia, Malwi, Zaire and Ethopia with the intention of permanently settling in India :

Provided that a person belonging to Category (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 Haryana Public Service Commission, or any 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 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, School or Institution last attended, if any, and similar certificates from two other responsible persons, not being 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 appointed to the Service by direct recruitment who is less than 21 years or more than 35 years of age on or before the first day of the month next preceding the last date of submission of application to the Commission.

Appointing Authority.

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

7. No person 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 recruitment by the promotion. Qualifications.

8. (a) No person,—

who has entered into or contracted a marriage with a person having a spouse living, or Disqualifications.

(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 grounds for so doing, exempt any person from the operation of this rule.

9. Recruitment to the various posts in Service shall be made :— Method of recruitment.

(i) 75% by promotion, or by transfer or on deputation; and

(ii) 25% by direct recruitment.

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 :— Probation.

(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 service in equivalent or higher rank, prior to appointment to 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 dispense with his service; 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 service, if appointed by direct recruitment, if appointed otherwise, revert him to his former post or deal with him in such a manner as the appointment terms permit; or

(ii) extend his period of probation and there after 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 extention if any, shall not exceed three years.

Seniority of members of the Service.

11. Seniority *inter se* of members of the Service shall be determined by the length of continuous service on any post in the service :

Provided that there are different cadres in the service, the seniority shall be determined separately for each cadre :

Provided further 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 member 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 the length of their service in the appointments, and if the length of such service is also the same, the elder member shall be senior to the younger member.

Liability to serve.

12. 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. A member of the service may also be deputed for service under :—

(i) a company, association or 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, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government; or

(iii) 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 other State Government of any organisation or body referred to in clauses (ii) and (iii) except with his consent.

Leave Pension and other matters.

13. In respect of pay, leave, pension and other matters, not expressly provided for in these rules the member of 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 the matter relating to discipline, penalties and appeals members of the Service other than members of All India Services shall be governed by the Punjab Civil Services (Punishment and Appeals) Rules, 1952, as applicable to the State of Haryana :

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' of these rules.

(2) The authority competent to pass an order under (c) and (d) of sub-rule (1) of rule 10 of the said rules and the appellate authority shall also be as specified in Appendix 'D' to these rules.

Vaccination

15. Every member of the Service shall get himself vaccinated and revaccinated if 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 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. Not withstanding 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 effect reservations and other concessions required to be provided for Scheduled Castes and Backward Classes, etc.

Repeal and Savings.

20. 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 rules so repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

APPENDIX 'A'

(See Rule 3)

Serial No.	Designation of Post	No. of posts sanctioned			Scale of Pay
		Permanent	Temporary	Total	
1	Senior Staff Officer (including Commandant Combined Training Institute)	...	4	4	Rs. 740—40—1,100/50—2—1,300
2	Deputy Controller, Civil Defence	...	1	1	Rs. 400—30—550/40—750/50—1,150 Selection Grade Rs. 1,300

Serial No.	Designation of Post	Academic qualifications and experience for direct recruitment	Academic qualifications and experience for appointment other than direct recruitment
1	Senior Staff Officer (including Commandant, Combined Training Institute)	From amongst ex-servicemen who have held the rank of Major or above of Armed Forces whether in substantive or officiating capacity. Such ex-servicemen shall be atleast a Graduate from a recognised University	(i) From amongst officers of the rank of District Commandant, Junior Staff Officer, Accounts-cum-Administrative Officer, Public Relation Officer and Chief Instructor, Combined Training Institute, Haryana Home Guards and Civil Defence (State Services Group B) having atleast 5 years experience and Deputy Controller Civil Defence Group A having at least 3 years experience as Deputy Controller, Civil Defence Class I. Provided that only persons who are atleast Graduate from a recognised University and who fulfil the above conditions shall be eligible for promotion. Selection will be based on merit-cum-seniority. Provided that the Accounts-cum-Administrative Officer and the Public Relations Officer, on promotion, will go through the Civil Defence Staff Course at the earliest opportunity. (ii) Superintendent of Police with atleast three years' service as such with minimum educational qualification upto Graduation standard or equivalent will be eligible for deputation.
2	Deputy Controller, Civil Defence	(i) A Graduate of a recognised University with N.C.C. Class 'C' Certificate	(i) From amongst Officers of the rank of District Commandant, Junior Staff Officer, Accounts-cum-Administrative Officer, Public Relation's Officer and Chief Instructor, Combined Training Institute, Haryana, Home Guards and Civil Defence (State Service Group B) having atleast three years' experience as such with minimum educational qualifications upto Graduation standard or equivalent. (ii) H.C.S. Officers serving in other Departments will be eligible for deputation.

APPENDIX 'C'

[See Rule 14(1)]

Serial No.	Designation of Post	Appointing Authority	Nature of Penalty	Authority empowered to impose Penalty	Appellate Authority	Second and Final Appellate Authority, if any
1	Senior Staff Officer (including Commandant, Combined Training Institute) (Except I.P.S. Officer)	State Government	(a) Censure	Commandant-General, Home Guards and Director, Civil Defence, Haryana	State Government	..
2	Deputy Controller, Civil Defence		(b) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of order	Secretary to Government, Haryana, Home Department	Ditto	..
			(c) Withholding of increment or promotion including stoppage of an efficiency b...	Commandant-General, Home Guards and Director, Civil Defence, Haryana	Ditto	..
			(d) Reduction to a lower post or time scale or to a lower stage in a time scale	Government	..	..
			(e) Warning with a copy on personal file	Commandant-General, Home Guards and Director, Civil Defence, Haryana	State Government	..
			(f) Removal from service which does not disqualify from future employment	Government	..	..
			(g) Dismissal from service which does ordinarily disqualify from future employment	Government	..	..

APPENDIX 'D'

[*See* Rule 14(2)]

Serial No.	Designation of Post	Nature of Order	Authority empowered to make the order	Appellate Authority	Second and Final Appellate Authority if any
1	Senior Staff Officer (including Commandant, Combined Training Institute) (Except I.P.S. Officers)	(i) Reducing or with-holding the amount of ordinary additional pension admissible under the rules governing pension	State Government	State Government	
2	Deputy Controller, Civil Defence	(ii) Terminating the appointment of a member of the service otherwise than on his attaining the age fixed for superannuation	Ditto	Ditto	

A. BANERJEE,

Secretary to Government, Haryana
Home Department.

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2(iii). Copy of C.S. Hr. No. 26/59/80-IGSI dt. 22.9.80

I am directed to invite a reference to erstwhile Punjab Government circular letter No. 584-IGSI-66/2807 dated the 8th February, 1966 which inter alia provides as under:-

> "Where every officiating vacancy may have to be filled immediately. after it has arisen in the interest of administration, there is no such compelling necessity in the case of substantive vacancies and these should invariably be kept reserved for the employees, against whom enquires are in progress, and a final decision taken on the completion of the enquiry. Of course, only one substantive vacancy need be reserved for each employee under enquiry and subsequent vacancies may and should be filled up with his juniors, if they are otherwise fit, without waiting for the result of the enquiry"

The Government has considered the matter further and it has been decided that the substantive vacancies, too need not necessarily be kept reserved for the employees against whom enquires are in progress and these may be filled, if necessary in the interest of administration by promoting their juniors by imposing the following condition in their promotion orders:-

> "the promotion of (insert the name of the employee to be promoted) is subject to the final decision in the disciplinary proceedings/criminal proceedings that are pending against (insert the name of the senior employee) and (insert the name of the junior employee promoted) who is being promoted shall have no right on the post if (insert the name of the senior employee) is found fit for promotion after the decision of the disciplinary/ criminal proceedings."

The State Law Department has advised that such a condition as referred to above in the promotion order will be quite valid and legal and the junior employee will not be in a position to claim confirmation after the expiry of the probation period.

2. It is requested that action in such matters should be taken in accordance with the above decision.