



GOVERNMENT OF HARYANA

**HARYANA STATE PROSECUTION
LEGAL SERVICE**

(GROUP—B)

RULES—1979

PART III
HARYANA GOVERNMENT
ADMINISTRATION OF JUSTICE DEPARTMENT

Notification

The 14th May, 1979

No. G.S.R. 43/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 State Prosecution Legal Service (Group B), namely :—

PART I—GENERAL

1. (1) These rules may be called the Haryana State Prosecution Legal Service (Group B) Rules, 1979.

Short title
and comm-
encement.

(2) They shall come into force at once.

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

Definitions.

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

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

(c) "Director" means the Director of Prosecution, Haryana;

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

(e) "recognised university" means,—

(i) any university incorporated by law in India; or

(ii) in the case of a 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 purposes of these rules;

(f) "Service" means the Haryana State Prosecution Legal Service (Group B).

PART II—RECRUITMENT TO SERVICE

3. The service shall comprise the post shown in Appendix A to these rules;

Number and
character of
posts.

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 :

Provided further that the posts of Additional Public Prosecutors shall continue only so long as the existing incumbents hold them. These posts when falling vacant shall stand converted into the posts of Deputy District Attorneys.

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, any of the East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, or Malawi, Zaire or Ethiopia 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 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 any post in 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. (1) No person shall be appointed by direct recruitment to the post of Deputy District Attorney who is less than twenty-seven years or more than thirty-seven years of age on the last date fixed for the submission of applications to the Commission or any other recruiting authority.

(2) No person shall be appointed by direct recruitment to the post of Assistant District Attorney who is less than twenty-four years or more than thirty-five years of age on the last date fixed for the submission of applications to the Commission or any other recruiting authority."

(Amended vide notification No. GSR 82/Const/Art. 309/Amd. (1)/82, dt. 13-8-82).

Appointing
authority.

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

Provided that temporary appointments for a period not exceeding four months may be made by the Director.

7. No person shall be appointed to any post in the Service, unless he is in possession of qualifications and experience specified in Appendix B to these rules. Qualifications and experience.

8. No person— Disqualifications.

(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 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.

9. (1) Recruitment to the Service shall be made— Method of recruitment.

(i) by direct recruitment ;

(ii) by promotion from amongst the Assistant District Attorneys ;

(iii) by transfer of any official already in the service of any State Government or the Government of India ;

*(2) One-fourth of the total number of posts of Deputy District Attorneys shall be filled in by direct recruitment.

(3) Eighty per cent of the total number of posts of Assistant District Attorneys shall be filled in by direct recruitment.

(4) Appointment to any post in the Service by promotion shall be made on the basis of selection based on seniority-cum-merit and no person shall be entitled to claim promotion on the basis of seniority alone."

10. (1) Person 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 ; Promotion.

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 ;

*Substituted vide notification No. GSR. 82/Const./Art./309/Amd. (1)/82, dt. 13-8-82.

- (b) any period of work in equivalent or higher rank, prior to appointment to the Service may, in the case of appointment by transfer at the discretion of 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 services if appointed by direct recruitment, or if appointed otherwise, revert him to his former post or deal with him in such other manner as the terms and conditions of 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.

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

Seniority of members of Service.

Provided that in the case of members appointed by direct recruitment, the order of merit determined by the commission or any other recruiting 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 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 drawn are 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.

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.

Liability to serve.

(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 Government, a Municipal Committee or a local authority within the State of Haryana ; or
- (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 private body :

Provided that no member of the Service shall be deputed to the Central or any other State Government or any organisation or body referred to in clause (ii) or clause (iii) except with his consent.

13. (1) 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.

Leave, Pension and other matters.

(2) No member of the Service shall have the right of private practice.

Discipline,
penalties
and appeals.

14. (1) In matters relating to discipline, penalties and appeals, members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1952, as amended from time to time.

Provided that the nature of penalties which may be imposed, the authority empowered to impose such penalties and the 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 10 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952, as amended from time to time shall 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 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
provision.

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.

Reserva-
tions.

19. Nothing contained in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes and other Backward Classes in accordance with the orders issued by the State Government in this regard from time to time, under clause (4) of article 16 of the Constitution.

Repeal and
savings.

20. The Punjab District Attorneys Service Rules, 1960 and the Haryana State Prosecution Legal Service (Group-C) Rules, 1979* 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.

*(Inserted vide notification No. GSR. 32/Const./Art. 309/Amd. (1)/82, dated-13-8-82)

APPENDIX A

(See rule 3)

Designation of posts	No. of Posts			Scale of Pay
	Permanent	Temporary	Total	
1	2	3	4	5
1. Deputy District Attorneys	5	26	31	Rs. 900—40—1,100— EB—50—1,400— 60—1,700+Rs. 100/- Special pay
2. Additional public Prosecutors	10	5	15	
3. Assistant District Attorneys	69	70	139	
				Rs. 1,200—50—1,400— 60—1,700—75— 1,860+Rs. 100 Special pay, selection grade for 20%
				Rs. 700—30—850/900— 40—1,100—EB— 50—1,250+Rs. 100/- Special pay Rs. 750—30—900/ 40—1,100—50— 1,450+Rs. 100/- Special pay, selection grade for 20%

Note.—Promotion to the selection grade shall be made strictly by selection on seniority-cum-merit basis and no member of the service shall be entitled as of right to such promotion.

(Substituted vide note No. GSR 82/Const./Art. 309/Amd. (1)/82, dt. 13-8-82)

APPENDIX B

(See rule 7)

Designation of posts	Academic qualification and experience		
	For direct recruitment	For promotion	For transfer
1	2	3	4
1. Deputy District Attorney	Who has practised as an advocate or a pleader at the bar for a period of not less than five years	Who has worked as Assistant District Attorney or Legal Assistant for a period of not less than five years	Who, being a law graduate, has held any assignment involving legal work including drafting, and legal opinion for a period of not less than seven years
2. Assistant District Attorney	(i) Degree of Bachelor of Law of a recognised university ; and (ii) who has practised at the Bar for a period of not less than two years	(i) Degree of Bachelor of Law of a recognised university ; and (ii) who has worked (a) for a period of not less than five years as Assistant in any Government office or held a post in the equivalent of higher scale in any Government office ; or (b) for a period of not less than three years on an assignment (not less than that of an Assistant) involving legal work in any Government office.	(i) Degree of Bachelor of Law of a recognised university ; and (ii) who has worked (a) for a period of not less than five years as Assistant in any Government office or the equivalent or higher time scale in any Government office ; or (b) for a period of not less than three years on an assignment (not less than that of an Assistant) involving legal work in any Government office.

(Substituted vide notification No. GSR 82/Const/Art 309/Amd. (1)/82 dt. 13-8-82).

APPENDIX C

[See rule 14(1)]

Designation of posts	Appointing Authority	Nature of penalties	Authority empowered to impose penalty	Appellate Authority
(1) Deputy District Attorney (2) Additional Public Prosecutor *(3) Assistant District Attorneys	Government	(a) Censure ; (b) Warning with a copy on the personal file ; (c) Withholding of increments 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 by breach of order ; (e) reduction to a lower post or time scale or to a lower stage in a time scale ; (f) removal from service which does not disqualify for future employment ; (g) dismissal from service which ordinarily disqualifies from future employment.	Director	Government
			Government	Nil

*(inserted vide Notification No. GSR 82/cons.t/Amd. 309/Amt. (1)/82. dt. 13-8-82)

APPENDIX D

[See rule 14(2)]

Designation of posts	Nature of order	Authority empowered to make the order
1. Deputy District Attorney	(i) Reducing or with-holding the amount of ordinary additional pension admissible under the rules governing pension ; (ii) terminating the appointment of a member of the Service otherwise than on his attaining the age fixed for superannuation.	Government
2. Additional Public Prosecutor		
*3. Assistant District Attorney		

*(inserted vide Notification No. GSR 82/const./Art 309/Amd.(1)/82, dt. 13-8-82).

हरियाणा सरकार

न्याय प्रशासन विभाग

अधिसूचना

दिनांक 10 अक्टूबर, 2001

सं० सा० का० नि० 23/संवि०/अनु० 309/2001.—भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदान की गई शक्तियों तथा इस निमित्त उन्हें समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल, इसके द्वारा, हरियाणा राज्य अभियोजन विधिक (ग्रुप-ख) सेवा में नियुक्त व्यक्तियों की भर्ती तथा सेवा की शर्तों को विनियमित करने वाले निम्नलिखित नियम बनाते हैं, अर्थात् :—

भाग-I—सामान्य

1. (1) ये नियम हरियाणा राज्य अभियोजन विधिक (ग्रुप-ख) सेवा नियम, 2001, कहे जा सकते हैं। संक्षिप्त नाम तथा प्रारम्भ।

(2) ये तुरन्त प्रभाव से लागू होंगे।

2. इन नियमों में, जब तक संदर्भ में अन्यथा अपेक्षित न हो,—

प्रमाण।

(क) “आयोग” से अभिप्राय है, हरियाणा लोक सेवा आयोग;

(ख) “सीधी भर्ती” से अभिप्राय है, कोई भी नियुक्ति जो सेवा में से प्रदोषित या भारत सरकार या किसी राज्य सरकार की सेवा में पदों से ही लगे किसी कर्मचारी/अधिकारी के स्थानान्तरण से अन्यथा की गई हो;

(ग) “निदेशक” से अभिप्राय है, निदेशक अभियोजन, हरियाणा;

(घ) “सरकार” से अभिप्राय है, प्रशासनिक विभाग में हरियाणा सरकार;

(ङ) “मान्यता प्राप्त विश्वविद्यालय” से अभिप्राय है,—

(i) भारत में विधि द्वारा निगमित कोई विश्वविद्यालय; या

(ii) 15 अगस्त, 1947, से पूर्व हुई परीक्षा के परिणामस्वरूप प्राप्त उपाधि, उपाधि पत्र, (डिप्लोमा) या प्रमाण-पत्र की दशा में पंजाब, सिंध या ढाका विश्वविद्यालय; या

(iii) कोई अन्य विश्वविद्यालय जो इन नियमों के प्रयोजन के लिये सरकार द्वारा मान्यताप्राप्त विश्वविद्यालय घोषित किया गया हो;

(च) सेवा से अभिप्राय है, हरियाणा राज्य अभियोजन विधिक (ग्रुप-ख) सेवा।

भाग-II—सेवा में भर्ती

3. सेवा में, इन नियमों के परिशिष्ट क में बताए गए पद होंगे :

पदों की संख्या तथा उनका स्वरूप।

परन्तु इन नियमों की कोई भी बात ऐसे पदों की संख्या में वृद्धि या कमी करने या विभिन्न पदनामों और वेतनमानों वाले नए पद स्थाई अथवा अस्थायी रूप से बनाने के सरकार के अन्तर्निहित अधिकार पर प्रभाव नहीं डालेगी।

सेवा में नियुक्त किये
गये उम्मीदवारों की
राष्ट्रीयता, अधिवास
तथा चरित्र।

4. (1) कोई भी व्यक्ति, सेवा में किसी भी पद पर तब तक नियुक्त नहीं किया जायेगा, जब तक कि वह निम्नलिखित न हो,—

- (क) भारत का नागरिक; या
- (ख) नेपाल की प्रजा; या
- (ग) भूटान की प्रजा; या
- (घ) तिब्बत का शरणार्थी, जो जनवरी, 1962 के प्रथम दिन से पहले भारत में स्थायी रूप से बसने के आशय से आया हो; या
- (ङ) भारतीय मूल का व्यक्ति, जो पाकिस्तान, बर्मा, श्री लंका या कीनिया, युगांडा तथा तंजानिया के संयुक्त गणराज्य (भूतपूर्व टांगानिका और जंजीबार), जांबिया, मलवी, जायरे और इथोपिया के किसी पूर्वी अफ्रीकी देश से प्रवासित होकर भारत में स्थाई रूप से बसने के आशय से आया हो।

परन्तु प्रवर्ग (ख), (ग), (घ) या (ङ) से सम्बन्धित किसी प्रवर्ग का कोई व्यक्ति, ऐसा व्यक्ति होगा जिसके पक्ष में भारत सरकार द्वारा पात्रता का प्रमाण-पत्र जारी किया गया हो।

(2) कोई भी व्यक्ति, जिसकी दशा में पात्रता का प्रमाण-पत्र आवश्यक हो, आयोग या किसी अन्य भर्ती प्राधिकरण द्वारा संचालित परीक्षा या साक्षात्कार के लिये प्रविष्ट किया जा सकता है, किन्तु नियुक्ति का प्रस्ताव उसे सरकार द्वारा आवश्यक पात्रता प्रमाण-पत्र जारी किये जाने के बाद ही दिया जा सकता है।

(3) कोई भी व्यक्ति, सेवा में किसी भी पद पर सीधी भर्ती द्वारा नियुक्त नहीं किया जायेगा जब तक कि वह अपनी अंतिम उपस्थिति के विश्वविद्यालय, महाविद्यालय, विद्यालय या ऐसी संस्था के, यदि कोई हो, के प्रधान शैक्षणिक अधिकारी से चरित्र प्रमाण-पत्र और दो ऐसे अन्य जिम्मेदार व्यक्तियों से जो उसके सम्बन्धी न हों, किन्तु उसके विश्वविद्यालय, महाविद्यालय, विद्यालय या ऐसी संस्था से सम्बन्धित न हों, उसी प्रकार के प्रमाण-पत्र प्रस्तुत न करें।

आयु।

5. (1) कोई भी व्यक्ति सेवा में सीधी भर्ती द्वारा उप जिला न्यायवादी के पद पर नियुक्त नहीं किया जाएगा, जो आयोग या किसी अन्य भर्ती प्राधिकरण को आवेदन प्रस्तुत करने के लिए नियत अन्तिम तिथि को नियत की गई सत्ताईस वर्ष से कम या चालीस वर्ष से अधिक आयु का हो।

(2) कोई भी व्यक्ति सीधी भर्ती द्वारा सहायक जिला न्यायवादी के पद पर नियुक्त नहीं किया जाएगा जो आयोग या किसी भर्ती प्राधिकरण को आवेदन प्रस्तुत करने के लिए नियत अन्तिम तिथि को ईक्कीस* वर्ष से कम और चालीस वर्ष से अधिक की आयु का हो।

नियुक्ति प्राधिकारी

6. सेवा में पदों पर नियुक्तियां सरकार द्वारा की जाएगी।
परन्तु अस्थाई नियुक्तियों, चार मास से अनधिक अवधि के लिए निदेशक द्वारा की जाएगी।

* अधिसूचना संख्या सा0का0नि01/संवि0/अनु0309/2004 दिनांक 2 जनवरी, 2004 द्वारा प्रतिस्थापित

7. कोई भी व्यक्ति सेवा में तब तक नियुक्त नहीं किया जाएगा, जब तक कि वह सीधी भर्ती की दशा में, इन नियमों के परिशिष्ट ख के खाना 3 में विनिर्दिष्ट तथा सीधी भर्ती से अन्यथा नियुक्ति की दशा में पूर्वोक्त परिशिष्ट के खाना 4 में विनिर्दिष्ट योग्यताएं तथा अनुभव न रखता हो :

परन्तु सीधी भर्ती द्वारा नियुक्ति की दशा में अनुभव संबंधी योग्यताओं में आयोग या किसी अन्य भर्ती प्राधिकरण के विवेक पर 50 प्रतिशत सीमा तक ढील दी जा सकेगी। यदि अनुसूचित जातियों, पिछड़े वर्गों, भूतपूर्व सैनिकों तथा शारीरिक रूप से विकलांग प्रवर्गों में अपेक्षित अनुभव रखने वाले उम्मीदवारों की उनके लिए आरक्षित रिक्तियों को भरने के लिए पर्याप्त संख्या उपलब्ध न हो। ऐसा करने के लिए लिखित रूप में कारण दिए जाएंगे।

8. कोई भी व्यक्ति—

अयोग्यताएं।

(क) जिसने जीवित पति/पत्नी वाले व्यक्ति से विवाह कर लिया है या विवाह की संविदा कर ली है, या

(ख) जिसने पति/पत्नी के जीवित होते हुए किसी अन्य व्यक्ति से विवाह कर लिया है या विवाह की संविदा कर ली है,

सेवा में किसी पद पर नियुक्ति का पात्र नहीं होगा :

परन्तु यदि सरकार की संतुष्टि हो जाए कि ऐसे व्यक्ति तथा विवाह के दूसरे पक्ष पर लागू स्वीय विधि के अधीन ऐसा विवाह अनुज्ञेय है तथा ऐसा करने के अन्य आधार भी हैं तो वह किसी व्यक्ति को इस नियम के लागू होने से छूट दे सकती है।

9. (1) सेवा में भर्ती निम्नलिखित ढंग से की जाएगी,—

भर्ती का ढंग।

(क) उप जिला न्यायवादी की दशा में—

(i) 25% सीधी भर्ती द्वारा; तथा

(ii) 75% प्रतिशत सहायक जिला न्यायवादियों में से पदोन्नति द्वारा; या

(iii) किसी राज्य सरकार या भारत सरकार की सेवा में पहले से ही लगे किसी अधिकारी के स्थानान्तरण या प्रतिनियुक्ति द्वारा;

(ख) सहायक जिला न्यायवादी की दशा में सभी पद सीधी भर्ती द्वारा भरे जायेंगे।

(2) पदोन्नति द्वारा सेवा में किसी पद पर नियुक्ति, ज्येष्ठता एवं योग्यता के आधार पर की जाएगी और कोई भी व्यक्ति केवल ज्येष्ठता के आधार पर पदोन्नति के दावे का हकदार नहीं होगा।

10. (1) सेवा में किसी भी पद पर नियुक्त व्यक्ति, यदि वह सीधी भर्ती द्वारा नियुक्त किया गया हो, तो दो वर्ष की अवधि के लिए और यदि अन्यथा नियुक्त किया गया हो, तो एक वर्ष की अवधि के लिए परीक्षा पर रहेगा :

परन्तु—

- (क) ऐसी नियुक्ति के बाद किसी अनुरूप या उच्चतर पद पर प्रतिनियुक्ति पर व्यतीत की गई कोई अवधि परीक्षा की अवधि, की ओर गिनी जाएगी;
- (ख) स्थानान्तरण द्वारा किसी नियुक्ति की दशा में, सेवा में किसी भी पद पर नियुक्ति से पहले किसी समकक्ष अथवा उच्चतर पद पर किये गये कार्य की कोई अवधि नियुक्ति प्राधिकारी के विवेक पर, इस नियम के अधीन परीक्षा अवधि की ओर गिनने दी जा सकती है; और
- (ग) स्थानापन्न नियुक्ति की कोई अवधि परीक्षा पर व्यतीत की गई अवधि के रूप में गिनी जायेगी, किन्तु कोई भी व्यक्ति जिसने ऐसे स्थानापन्न रूप में कार्य किया है, परीक्षा की विहित अवधि के पूरा होने पर, यदि वह किसी स्थाई पद पर नियुक्त न किया गया हो, पुष्ट किये जाने का हकदार नहीं होगा;

(2) यदि नियुक्ति प्राधिकारी की राय में परीक्षा की अवधि के दौरान किसी व्यक्ति का कार्य या आचरण संतोषजनक न रहा हो तो, वह,—

- (क) यदि ऐसा व्यक्ति सीधी भर्ती द्वारा नियुक्त किया गया हो तो उसे उसकी सेवाओं से अलग कर सकता है; और
- (ख) यदि ऐसा व्यक्ति सीधी भर्ती से अन्यथा नियुक्त किया गया हो तो—
 - (i) उसे उसके पूर्व पद पर प्रतिवर्तित कर सकता है; या
 - (ii) उसके संबंध में किसी ऐसी अन्य रीति में कार्रवाई कर सकता है जो उसकी पूर्व नियुक्ति के निबंधन तथा शर्तें अनुज्ञात करें।

(3) किसी व्यक्ति की परीक्षा पूरी होने पर, नियुक्ति प्राधिकारी,—

- (क) यदि उसका कार्य या आचरण उसकी राय में संतोषजनक रहा हो तो—
 - (i) ऐसे व्यक्ति को, यदि वह किसी स्थाई रिक्ति पर नियुक्त किया गया हो, उसकी नियुक्ति की तिथि से पुष्ट कर सकता है; या
 - (ii) ऐसे व्यक्ति को यदि वह किसी स्थाई रिक्ति पर नियुक्त न किया गया हो तो उसे स्थाई रिक्ति होने की तिथि से पुष्ट कर सकता है; या
 - (iii) यदि कोई स्थाई रिक्ति न हो, तो घोषित कर सकता है कि उसने अपनी परीक्षा अवधि संतोषजनक ढंग से पूरी कर ली है, या
- (ख) यदि उसका कार्य या आचरण उसकी राय में संतोषजनक न रहा हो तो,—
 - (i) यदि वह सीधी भर्ती द्वारा नियुक्त किया गया हो तो उसे उसकी सेवाओं से अलग कर सकता है, यदि अन्यथा नियुक्ति की गई हो

तो उसे उसके पूर्व पद पर परिवर्तित कर सकता है या उसके संबंध में ऐसी अन्य रीति में कार्यवाही कर सकता है जो उसकी पूर्व नियुक्ति के निबन्ध तथा शर्त अनुज्ञात करें ; या

(ii) उसकी परीक्षा अवधि बढ़ा सकता है और उसके बाद ऐसे आदेश पारित कर सकता है जो वह परीक्षा की प्रथम अवधि की समाप्ति पर कर सकता था :

परन्तु परीक्षा की कुल अवधि, जिसमें बढ़ाई गई अवधि भी, यदि कोई हो, शामिल है, तीन वर्ष से अधिक नहीं होगी।

11. सेवा के सदस्यों की परस्पर ज्येष्ठता सेवा में किसी भी पद पर उनके लगातार ज्येष्ठता। सेवाकाल के अनुसार निश्चित की जायेगी :

परन्तु यह और कि सीधी भर्ती द्वारा नियुक्त सदस्यों की दशा में ज्येष्ठता नियत करते समय आयोग या किसी अन्य भर्ती प्राधिकरण द्वारा निश्चित योग्यता क्रम भंग नहीं किया जायेगा :

परन्तु यह और कि एक ही तिथि को नियुक्त दो या दो से अधिक सदस्यों की दशा में, उनकी ज्येष्ठता निम्नानुसार निश्चित की जायेगी :—

(क) सीधी भर्ती द्वारा नियुक्त सदस्य पदोन्नति या स्थानान्तरण द्वारा नियुक्त सदस्य से ज्येष्ठ होगा;

(ख) पदोन्नति द्वारा नियुक्त सदस्य स्थानान्तरण द्वारा नियुक्त सदस्य से ज्येष्ठ होगा;

(ग) पदोन्नति अथवा स्थानान्तरण द्वारा नियुक्त सदस्यों की दशा में ज्येष्ठता ऐसी नियुक्तियों में ऐसे सदस्यों की ज्येष्ठता के अनुसार निश्चित की जायेगी, जिनसे वे पदोन्नत या स्थानान्तरित किये गये थे;

(घ) विभिन्न संवर्गों में स्थानान्तरण द्वारा नियुक्त सदस्यों की दशा में उनकी ज्येष्ठता उनके वेतन के अनुसार निश्चित की जायेगी। अधिमान ऐसे सदस्य को दिया जायेगा जो अपनी पहले की नियुक्ति में उच्चतर दर पर वेतन ले रहा था, और यदि मिलने वाले वेतन की दर भी समान हो तो उनकी नियुक्तियों में उनके सेवाकाल के अनुसार, और यदि सेवाकाल भी समान हो तो आयु से बड़ा सदस्य छोटे सदस्य से ज्येष्ठ होगा।

12. (1) सेवा का कोई भी सदस्य, नियुक्ति प्राधिकारी द्वारा हरियाणा राज्य में अथवा उसके बाहर किसी भी स्थान पर, सेवा करने के लिये आदेश दिये जाने पर, ऐसा करने के लिए दायी होगा। सेवा करने का दायित्व।

(2) सेवा के किसी सदस्य को सेवा करने के लिये निम्नलिखित के अधीन भी प्रतिनियुक्त किया जा सकता है :—

(i) कोई कम्पनी संगम या व्यष्टि निकाय चाहे वह निगमित हो या नहीं जिसका पूर्ण या अधिकांश स्वामित्व या नियन्त्रण राज्य सरकार के पास है, हरियाणा राज्य के भीतर, नगर निगम या स्थानीय प्राधिकरण या विश्वविद्यालय;

(ii) केन्द्रीय सरकार या ऐसी कम्पनी, संगम या व्यष्टि निकाय, चाहे वह निगमित हो या नहीं, जिसका पूर्ण या अधिकांश स्वामित्व या नियन्त्रण केन्द्रीय सरकार के पास हो; अथवा

(iii) कोई अन्य राज्य सरकार, अन्तर्राष्ट्रीय संगठन, स्वायत्त निकाय जिसका नियन्त्रण सरकार के पास न हो अथवा गैर-सरकारी निकाय :

परन्तु सेवा के किसी भी सदस्य को उसकी सहमति के बिना खण्ड (ii) अथवा (iii) में निर्दिष्ट केन्द्रीय या किसी अन्य राज्य या किसी संगठन या निकाय में सेवा करने के लिये प्रतिनियुक्त नहीं किया जायेगा।

वेतन, छुट्टी, पेंशन
तथा मामले।

13. (1) वेतन, छुट्टी, पेंशन तथा सभी अन्य मामलों के संबंध में, जिनका इन नियमों में स्पष्ट रूप से उपबन्ध नहीं किया गया है, सेवा के सदस्य ऐसे नियमों तथा विनियमों द्वारा नियन्त्रित होंगे, जो सक्षम प्राधिकारी द्वारा भारत के संविधान के अधीन या राज्य विधानमण्डल द्वारा बनाए गए तथा उस समय लागू किसी विधि के अधीन अपनाये या बनाये गये हों, अथवा इसके बाद अपनाये या बनाये जायें।

(2) सेवा के किसी भी सदस्य को प्राईवेट प्रैक्टिस करने का अधिकार नहीं होगा।

अनुशासन, शक्ति
तथा अपीलें।

14. (1) अनुशासन, शक्तियाँ तथा अपीलों से संबंधित मामलों में सेवा के सदस्य समय-समय पर यथा संशोधित हरियाणा सिविल सेवा (दण्ड तथा अपील) नियम, 1987, द्वारा नियन्त्रित होंगे :

परन्तु ऐसी शक्तियों का स्वरूप, जो लगाई जा सकती है, ऐसी शक्तियाँ लगाने के लिये सशक्त प्राधिकारी तथा अपील प्राधिकारी, भारत के संविधान के अनुच्छेद 309 के अधीन बनाई गई किसी विधि या नियमों के उपबंधों के अधीन रहते हुए, वे होंगे जो इन नियमों के परिशिष्ट "ग" में विनिर्दिष्ट हैं।

(2) हरियाणा सिविल सेवा (दण्ड तथा अपील) नियम, 1987, के नियम 9 के उप-नियम (1) के खण्ड (ग) या खण्ड (घ) के अधीन आदेश पारित करने के लिये सक्षम प्राधिकारी तथा अपील प्राधिकारी भी वे होंगे जो इन नियमों के परिशिष्ट (घ) में विनिर्दिष्ट हैं।

टीका लगवाना।

15. सेवा का प्रत्येक सदस्य, टीका लगवायेगा तथा जब सरकार किसी विशेष या साधारण आदेश द्वारा ऐसा निर्देश करे पुनः टीका लगवायेगा।

राजनिष्ठा की शपथ।

16. सेवा के प्रत्येक सदस्य से, जब तक उसने पहले ही भारत के प्रति तथा विधि द्वारा यथा-स्थापित भारत के संविधान के प्रति राजनिष्ठा की शपथ न ले ली हो, ऐसा करने की अपेक्षा की जायेगी।

ढील देने की शक्ति।

17. जहाँ सरकार की राय में, इन नियमों के किसी उपबन्ध में ढील देना आवश्यक या उचित हो, वहाँ वह कारण लिखकर, आदेश द्वारा, व्यक्तियों के किसी वर्ग या प्रवर्ग के बारे में ऐसा कर सकती है।

18. इन नियमों में किसी बात के होते हुए भी, नियुक्ति प्राधिकारी, यदि वह नियुक्ति विशेष उपबन्ध। आदेश में विशेष निबन्ध तथा शर्तें लगाना उचित समझे, तो वह ऐसा कर सकता है।

19. इन नियमों में दी गई कोई भी बात राज्य सरकार द्वारा, इस संबंध में समय-समय पर आरक्षण। जारी किये गये आदेशों के अनुसार अनुसूचित जातियों, पिछड़े वर्गों, भूतपूर्व सैनिकों, शारीरिक रूप से विकलांग व्यक्तियों तथा व्यक्तियों के किसी अन्य वर्ग या प्रवर्ग को दिये जाने के लिये अपेक्षित आरक्षणों तथा अन्य रियायतों को प्रभावित नहीं करेगी।

परन्तु इस प्रकार किए गए आरक्षण की कुल प्रतिशतता किसी समय 50 प्रतिशत से अधिक नहीं होगी।

20. हरियाणा राज्य अभियोजन विधिक सेवा (ग्रुप ख) नियम 1979, इसके द्वारा निरसित निरसन तथा व्यावृत्ति। किए जाते हैं :

परन्तु इस प्रकार से निरसित नियमों के अधीन किया गया कोई आदेश या की गई कोई कार्यवाई इन नियमों के अनुरूप उपबन्धों के अधीन किया गया आदेश अथवा की गई कार्यवाई समझी जायेगी।

परिशिष्ट क
(देखिए नियम 3)

क्रम संख्या	पदनाम	पदों की संख्या			वेतनमान
		स्थायी	अस्थायी	जोड़	
1.	उप जिला न्यायवादी	25	90	115	8000-275-10200-दक्षतारोध-275-13500 रुपए
2.	सहायक जिला न्यायवादी	129	200	329	6500-200-8500-दक्षतारोध-200-10500+200 रुपए विशेष वेतन

परिशिष्ट ख

(देखिए नियम 7)

क्रम संख्या	पद नाम	सीधी भर्ती के लिए शैक्षणिक योग्यताएं तथा अनुभव, यदि कोई हो	सीधी भर्ती से अन्यथा नियुक्ति के लिए शैक्षणिक योग्यताएं तथा अनुभव, यदि कोई हो।
1	2	3	4
1.	उप जिला न्यायवादी	(i) किसी मान्यता प्राप्त विश्वविद्यालय से विधि स्नातक की डिग्री; (ii) जिसने कम से कम पाँच वर्ष की अवधि के लिए बार में अधिवक्ता या अभियोजक के रूप में (प्रेक्टिस) विधि व्यवसाय किया हो; (iii) मैट्रिक स्तर तक हिन्दी।	पदोन्नति द्वारा; जिसने कम से कम पाँच वर्ष की अवधि के लिए सहायक जिला न्यायवादी के रूप में कार्य किया हो; स्थानान्तरण या प्रतिनियुक्ति द्वारा (i) जिसने कम से कम पाँच वर्ष की अवधि के लिए सहायक जिला न्यायवादी के रूप में कार्य किया हो; या (ii) जिसने कम से कम पाँच वर्ष की अवधि के लिए बार में अधिवक्ता या अभियोजक के रूप में (प्रेक्टिस) विधि व्यवसाय किया हो; या (iii) मैट्रिक स्तर तक हिन्दी।
2.	सहायक जिला न्यायवादी	*(i) किसी मान्यता प्राप्त विश्वविद्यालय से विधि स्नातक (व्यावसायिक) की डिग्री; (ii) बार कॉन्सिल में वकील के रूप में पंजीकृत होना चाहिए; (iii) मैट्रिक स्तर तक हिन्दी।	

* अधिसूचना संख्या सा0का0नि0१/सवि0/अनु0309/2004 दिनांक 13 जनवरी, 2004 द्वारा प्रतिस्थापित

परिशिष्ट ग

[देखिए नियम 14 (1)]

क्रम संख्या	पदनाम	नियुक्ति प्राधिकारी	शास्ति का स्वरूप	शास्ति लगाने के लिए सशक्त प्राधिकारी	अपील प्राधिकारी
1	2	3	4	5	6
1.	उप जिला न्यायवादी	सरकार	1. छोटी शास्तियां— (i) वैयक्तिक फाईल (आचरण पंजी) पर प्रति रखते हुए चेतावनी; (ii) परिनिन्दा; (iii) पदोन्नति रोकना; (iv) आदेशों की उपेक्षा या उल्लंघना द्वारा केन्द्रीय सरकार या किसी राज्य सरकार को या ऐसी कम्पनी, संगम या व्यक्ति निकाय, चाहे वह निगमित हो या नहीं, जिसका पूर्ण या अधिकांश स्वामित्व या नियंत्रण सरकार के पास है, संसद या राज्य विधान मण्डल के अधिनियम द्वारा स्थापित किसी स्थानीय प्राधिकरण या विश्वविद्यालय की हुई धन संबंधी हानि पूरी की या उसके भाग की वेतन से वसूली; (v) संचयी प्रभाव के बिना वेतनवृद्धियां रोकना;	निदेशक	सरकार
2.	सहायक जिला न्यायवादी		2. बड़ी शास्तियां— (vk) संचयी प्रभाव से वेतनवृद्धियां रोकना; (vi) किसी विनिर्दिष्ट अवधि के लिये समयमान में निम्नतर प्रक्रम पर अवनति ऐसे अतिरिक्त निदेशों सहित कि क्या सरकारी कर्मचारी ऐसी अवनति की अवधि के दौरान वेतनवृद्धियां अर्जित करेगा या नहीं और क्या ऐसी अवधि की समाप्ति पर ऐसी अवनति उसके भावी वेतनवृद्धियों को स्थगित करने का प्रभाव रखेगी या नहीं;	सरकार	—

1	2	3	4	5	6
		(vii)	निम्नतर वेतनमान ग्रेड, पद या सेवा पर ऐसी अवनति, जो सरकारी कर्मचारी के उस समय वेतनमान, ग्रेड, पद या सेवा पर जिसे वह अवनत किया गया था, पदोन्नति के लिए साधारणतया रोक होगी, ऐसी जिसे ग्रेड अथवा पद अथवा सेवा से सरकारी कर्मचारी अवनत किया गया था, उस पर बहाली संबंधी और उसकी ज्येष्ठता तथा उस ग्रेड, पद या सेवा पर वेतन के बारे में शर्तों संबंधी अतिरिक्त निर्देशों के साथ या उनके बिना होगा;	सरकार	—
		(viii)	अनिवार्य सेवा निवृत्ति;		
		(ix)	सेवा से हटाया जाना, जो सरकार के अधीन भावी नियोजन के लिये सामान्यतः अयोग्यता नहीं होगी;		
		(x)	सेवा पदच्युति जो सरकार के अधीन भावी नियोजन के लिये, सामान्यतः अयोग्यता होगी।		

परिशिष्ट च

[देखिए नियम 14 (2)]

क्रम संख्या	पदनाम	आदेशों का स्वरूप	आदेश पारित करने के लिये सशक्त प्राधिकारी	अपील प्राधिकारी
1	2	3	4	5
1.	उप जिला न्यायवादी	(i) पेंशन को नियंत्रित करने वाले नियमों के अधीन उस अनुज्ञेय सामान्य अतिरिक्त पेंशन की राशि में कमी करना या रोकना;	सरकार	—
2.	सहायक जिला न्यायवादी	(ii) उसकी अधिवर्षिता के लिये नियत आयु के होने पर अन्यथा नियुक्ति की समाप्ति।		

बी० डी० दालिया,
वित्तायुक्त एवं सचिव, हरियाणा सरकार,
न्याय प्रशासन विभाग।

HARYANA GOVERNMENT
ADMINISTRATION OF JUSTICE DEPARTMENT

Notification

The 10th October, 2001

No. G.S. R. 23/Const./Art. 309/2001.—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 State Prosecution Legal (Group B) Service, namely :—

PART I - GENERAL

1. (1) These rules may be called the Haryana State Prosecution Legal (Group B) Service Rules, 2001.

Short title and commencement.

(2) They shall come into force at once.

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

Definitions.

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

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

(c) "Director" means the Director of Prosecution, Haryana ;

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

(e) "recognised University" means—

(i) any University incorporated by law in India; or

(ii) in the case of a 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 purposes of these rules;

(c) "Service" means the Haryana State Prosecution Legal (Group B) Service.

PART II—RECRUITMENT TO SERVICE

3. The Service shall comprise the post shown in Appendix A to these rules:

Number and Character of posts.

Provided that nothing in these rules shall affect the inherent right of Government to make additions to, or reductions in, the number of

Nationality,
domicile and
character of
candidates
appointed to
Service.

such posts or to create new posts with different designations and scales of pay, either permanently or temporarily.

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 day of January, 1962, with the intention of permanently settling in India; or
- (e) a person of India origin who has migrated from Pakistan, Burma, Sri Lanka or any of the East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia or Malawi, Zaire or 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 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 any post in 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 in Institution.

Age.

5. (1) No person shall be appointed by direct recruitment to the post of Deputy District Attorney who is less than twenty-seven years or more than forty years of age on the last date fixed for the submission of applications to the Commission or any other recruiting authority.

(2) No person shall be appointed by direct recruitment to the post of Assistant District Attorney who is less than twenty-one* years or more than forty years of age on the last date fixed for the submission of applications to the Commission or any other recruiting authority.

Appointing
Authority

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

Provided that temporary appointments for a period not exceeding four months may be made by the Director

* Substituted vide notification No G S R 1/Const. Art 309/2004, dated 2nd January, 2004

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 appointment other than by direct recruitment: Qualifications.

Provided that in case of direct recruitment, the qualifications regarding experience shall be relaxable to the extent of 50% at the discretion of the Commission or any other recruiting authority in case sufficient number of candidates belonging to Scheduled Castes, Backward Classes, Ex-servicemen and Physically Handicapped categories, possessing the requisite experience, are not available to fill up the vacancies reserved for them, after recording reasons for so doing in writing.

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 or contracted a marriage with any person;

Disqualifications.

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.

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

Method of recruitment.

(a) in case of Deputy District Attorney—

(i) 25% by direct recruitment; or

(ii) 75% by promotion from amongst Assistant District Attorneys; or

(iii) by transfer or deputation of an officer already in the Service of any State Government or the Government of India;

(b) in the case of Assistant District Attorneys all the posts shall be filled in by direct recruitment.

(2) Appointment to any post in the Service by promotion shall be made on seniority-cum-merit basis and no person shall be entitled to claim promotion on the basis of seniority alone.

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 :

Probation.

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, in the case of appointment by transfer at the discretion of 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 services if appointed by direct recruitment, or if appointed otherwise, revert him to his former post or deal with him in such other manner as the terms and conditions of 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.

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

Seniority of
members of
Service.

Provided that in the case of members appointed by direct recruitment, the order of merit determined by the Commission or any other recruiting 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 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 drawn are 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.

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.

Liability to
serve.

(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 Government, a Municipal Committee or a local authority within the State of Haryana ; or
- (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 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.

Leave, Pension
and other
matters.

13. (1) 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.

(2) No member of the Service shall have the right or private practice.

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 the 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, as amended from time to time, 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
Provision.

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.

Reservations.

19. Nothing contained in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes, Backward Classes or Ex-servicemen, Physically Handicapped persons or any other class or category or persons, in accordance with the orders issued by the State Government in this regard from time to time:

Provided that the total percentage of reservation so made shall not exceed fifty percent at any time.

Repeal and
savings.

20. The Haryana State Prosecution Legal (Group-B) Service Rules, 1979, 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)

Serial Number	Designation of Posts	Number of Posts			Scale of Pay
		Permanent	Temporary	Total	
1	2	3	4	5	6
1.	Deputy District Attorneys	25	90	115	Rs. 800-275-10200-EB-275-13500
2.	Assistant District Attorneys	129	200	329	Rs. 6500-200-8500-EB-200-10500+200 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.	Deputy District Attorney	(i) Degree of Bachelor of Law from recognised University; (ii) who has practised as an advocate or a pleader at the Bar for a period of not less than five years; (iii) Hindi upto Matric standard	for promotion who has worked as Assistant District Attorney for a period of not less than five years. for transfer or deputation (i) who has worked as Assistant District Attorney for a period of not less than five years; or (ii) who has practised as an advocate or the pleader at the Bar for a period of not less than five years; or (iii) Hindi upto Matric standard.
2.	Assistant District Attorney	*(i) Degree of Bachelor of Laws (Professional) of a recognised University; (ii) Should have enrolled as an Advocate with Bar Council; (iii) Hindi upto Matric Standard.	

*Substituted vide notification No.G.S.R.2/Const./Art.309/2004, dated 13th January, 2004

Appendix C

(See rule 14(1))

Sr. No.	Designation of posts	Appointing authority	Nature of Penalty	Authority empowered to impose penalty	Appellate authority
1	2	3	4	5	6
1.	Deputy District Attorney	Government	1. Minor Penalties (i) Warning with a copy in the personal file (character role);	Director	Government
2.	Assistant District Attorney		(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 without cumulative effect.		
		2. Major Penalties (va) withholding of increments with cumulative effect. (vi) 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; (vii) reduction to a lower scale of pay, grade, post or service which shall ordinarily be a bar to the promotion			

1	2	3	4	5	6
			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 Posts	Nature of Order	Authority empowered to make the orders	Appellate authority
1	2	3	4	5
1.	Deputy District Attorney	(i) reducing or withholding the amount of ordinary or additional pension admissible under the rules governing pension;	Government	—
2.	Assistant District Attorney	(ii) terminating the appointment otherwise than on his attaining the age fixed for superannuation.		

B.D. DHALIA,
Financial Commissioner and Secretary to
Government, Haryana, Administration of
Justice Department.