

[Authorised English Translation]

HARYANA GOVERNMENT
AYURVEDIC DEPARTMENT

Notification

The 7th May, 1998

No. GSR 27/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 Headquarter Ministerial (Group B) Service, namely :—

Part I—GENERAL

Short title and commencement :

1. (1) These rules may be called the Haryana Ayurvedic Department Headquarter Ministerial (Group B) 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) "Commission" means the Haryana Public Service Commission ;
 - (b) "Director" means the Director of Ayurveda, Haryana ;
 - (c) "Government" means the Haryana Government in the Administrative Department ;
 - (d) "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 ;
 - (e) "recognised university" means,—
 - (i) any university incorporated by law in India ; or
 - (ii) in 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 recognised university for the purpose of these rules ;
 - (f) "Service" means Haryana Ayurvedic Department Headquarter Ministerial (Group B) Service.

Part II—RECRUITMENT TO 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 addition to, or reductions 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 certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission, 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 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.

Appointing Authority :

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

Qualifications :

Disqualification :

7. 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 :

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

(a) in the case of Establishment Officer—

- (i) by promotion from amongst the Superintendent; or
- (ii) 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 Superintendents—

- (i) by promotion from amongst Deputy Superintendents or Personal Assistant;
- (ii) by transfer or deputation of an officer/official already in the service of any State Government or Government of India;

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

Probation:

4. (1) Persons appointed to any post in the Service shall remain on probation, for a period of one year:

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 an appointment by transfer, at the discretion of the appointing authority, be allowed to counted 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,—

- (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) 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:

10. 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 two members appointed on the same date, their seniority shall be determined as follows :—

- (a) a member appointed by promotion shall be senior to a member appointed by transfer ;
- (b) 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
- (c) 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 appointment and if the length of such service is also the same, the old member shall be senior to the younger member.

Liability to serve.

11. (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 Government, a municipal Committee or a local authority or university 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 the Central or any other State Government or any organisation or body referred to in clauses (ii) or (iii) except with his consent.

Pay, leave, pension and other matters.

12. 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 by the State Legislature.

Discipline, penalties and appeals.

13. (1) 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 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) sub-rule (1) of rule 9 of the Haryana Civil Services (Punishment and Appeal) Rule, 1987, and appellate authority shall be as specified in Appendix D to these rules.

Vaccination.

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

Oath of allegiance.

15. 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.

16. Where the Government is of the opinion that it is necessary or expedient so to do 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.

17. 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.

18. 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 order 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 per cent, at any time.

Repeal and savings.

19. The Punjab Ayurvedic Department (Class-III) Ministerial Service Rules, 1963, in their application to the State of Haryana 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 No.	Designation of posts	Number of posts		Total	Scale of pay
		Perma- nent	Tempo- rary		
1	2	3	4	5	6
1	Establishment Officer	1	..	1	Rs. 2,000-60-2,300-75-2,900- EB-100-3,500+Spl. Pay 200/
2	Superintendent	1	..	1	Rs. 2,000-60-2,300-75-2,900- EB-100-3,500

APPENDIX B

(See rule 6)

Serial No.	Designation of posts	Academic qualifications and experience, if any, for direct recruitment	Academic qualification and experience, if any, for appointment other than by direct recruitment
1	2	3	4
1	Establishment Officer	—	<p>By Promotion :</p> <p>Two years experience as Superintendent.</p> <p>By transfer or deputation :</p> <p>(i) Graduate from a recognised University;</p> <p>(ii) Two years experience as Superintendent;</p> <p>(iii) Knowledge of Hindi upto Matric standard.</p>
2	Superintendent	—	<p>By promotion :</p> <p>(i) One year experience as Deputy Superintendent or Personal Assistant.</p> <p><i>Note:</i>—In case of Personal Assistant he should have put in total service of at least nine years as Senior Scale Stenographer out of which he has worked as Assistant in addition to his own duties for a period of two years.</p> <p>By transfer or deputation :</p> <p>(i) Graduate from a recognised University;</p> <p>(ii) Knowledge of Hindi upto Matric Standard.</p> <p><i>Note:</i>—One year experience as Deputy Superintendent or Personal Assistant. In case of Personal Assistant he should have put in total service of at least nine years as Senior Scale Stenographer out of which he has worked as Assistant in addition to his own duties for a period of two years.</p>

APPENDIX C

[See rule 13(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	Establishment Officer	Government	<p>1. Minor penalties:</p> <p>(i) Warning with a copy in the personal file (character role) ;</p> <p>(ii) censure ;</p> <p>(iii) withholding of promotion ;</p> <p>(iv) recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of order, the Central Government or a State Government or to a Company and Association or a body of individuals whether incorporated or not while 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 ;</p> <p>(v) withholding of increments of pay without cumulative effect ;</p>	Director	Government
2	Superintendent		<p>2. Major penalties:</p> <p>(vi) withholding of increments of pay with cumulative effect ;</p>	Government	

1	2	3	4	5	6
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(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 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 the grade, post or service ;

(viii) Compulsory retirement ;

1	2	3	4	5	6
			(ix) removal from service which shall not to 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 13 (2)]

Sr. No.	Designation of posts	Nature of order	Authority empowered to make the order	Appellate authority
1	2	3	4	5
1	Establishment Officer	(1) reducing or withholding the amount of ordinary or additional pension admissible under the rules governing pension.	Government	
2	Superintendent	(2) terminating the appointment otherwise than on his attaining the age fixed for superannuation.		

VEENA EAGLETON,

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to Government, Haryana,
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