

[Authorised English Translation]

HARYANA GOVERNMENT  
HEALTH DEPARTMENT

Notification

The 22nd May, 1989

No. G.S.R./Const./Art. 309/89.—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 Ministerial (Group C) Service namely :—

PART I—General

1. These rules may be called the Haryana Ayurvedic Department Short title, Subordinate Offices Ministerial (Group C) Service Rules, 1989.

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

Definitions.

- (a) "Board" means the Subordinate Services Selection Board Haryana;
- (b) "Director" means Director of Ayurvedic Department Haryana;
- (c) "direct recruitment" means an appointment made otherwise than by promotion from within the service or by transfer of an official already in the service of the Government of India or any State Government;
- (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) "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 Government to be a recognised university for the purpose of these rules;
- (g) "Service" means the Haryana Ayurvedic Department Subordinate Offices Ministerial (Group C) Service.

## PART II-Recruitment to Service

Number and Character of posts.	<p>3. The service shall comprise the posts in Appendix A to these rules ;</p> <p>Providing that nothing in these rules shall affect the inherent right of the 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.</p>
Nationality domicile and character of candidates appointed to the service.	<p>4. (1) No person shall be appointed to any post in Service, unless he is :-</p> <p>(a) a citizen of India ; or</p> <p>(b) a subject of Nepal ; or</p> <p>(c) a subject of Bhutan ; or</p> <p>(d) a Tibetan refugee who came over to India before the 1st January 1962, with the intention of permanently settling in India ; or</p> <p>(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 :</p> <p>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.</p> <p>(2) A person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Board 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.</p> <p>(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.</p>
Age.	<p>5. No person shall be appointed to any post in the Service by direct recruitment who is less than seventeen years and more than thirty years of age, on the last date of submission of applications to the Board.</p>
Appointing authority.	<p>Appointments to the posts in the Service shall be made by the Director.</p>
Qualifications.	<p>No person shall be appointed to any post in the Service, unless he is of the qualifications and experience specified in column 3 of Appendix A 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 ;</p>

Provided that in case of direct recruitment, the qualifications regarding experience shall be relaxable to the extent of 50 per cent at the discretion of the Board or any other recruiting authority in case sufficient number of candidates belonging to scheduled castes, backward classes, ex-servicemen and physically handicapped candidates, 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 :-

Disqualifi-  
cation.

- (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.

9. (1) Recruitment to the Service shall be made :-

Method of  
recruitment.

(a) in the case of Head Clerks and Assistants :-

- (i) by promotion from amongst Clerks/Steno-typist ; or
- (b) 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 Steno-typist, -

- (i) 75 per cent by direct recruitment ; and
- (ii) 25 per cent by promotion from amongst Clerks ; or
- (iii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;

(c) in the case of Clerks, -

- (a) 80 per cent by direct recruitment ; and
- (ii) not more than 20 per cent by promotion, on seniority-com-  
fitness basis from amongst Group C employees, either whose  
scale of pay is less than that of a clerk, or whose duties and  
responsibilities are lower than that of a clerk or from amongst  
Group D employees ; or
- (iii) by transfer or deputation of an official already in the Service  
of any State Government or the Government of India.

Note. The next annual increment to the persons appointed by promotion, shall be granted on qualifying a test in type writing in Hindi or English at a speed of 25 or 30 words per minute respectively within a period of one year from the date of promotion.

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

Probation. 10. (1) Persons appointed to any post in the service shall remain on probation for a period of two years, if appointed by direct recruitment and one year, if appointed otherwise :-

Provided that :

(a) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation ;

(b) any period of work in equivalent or higher rank, prior to appointment to 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 services ; and

(b) if such person is appointed otherwise than by direct recruitment :-

(i) revert him to his former post ; or

(ii) deal with him in such other manner as the terms and conditions of the previous appointment permit.

(3) On the completion of the period of probation of a person, the appointing authority may :-

(a) if his work or conduct has, in its opinion, been satisfactory,--

(i) Confirm such person from the date of his appointment, if appointed against a permanent vacancy; or

(ii) Confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy; or

(iii) declare that he has completed his probation satisfactorily, if there is no permanent vacancy; or

(b) if his work or conduct has, in its opinion, been not satisfactory,--

(i) dispense with his service, 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 previous appointment 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 extension, if any, shall not exceed three years.

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: Seniority.

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 members appointed by direct recruitment, the order of merit determined by the Board 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 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 member appointed by promotion or by transfer, seniority shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred; and
- (d) in the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member, who was drawing a higher rate of pay in his previous appointment; and if the rates of pay drawn are also the same, then by the length of their service in the appointments; and if the length of such service is also the same, the older member shall be senior to the younger member.

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 service may also be deputed to serve under,—

- (i) A company, an association or a body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by the State Government, a municipal corporation or a Local authority 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 serve the Central or any other State Government or any organisation or body referred to in clause (ii) or clause (iii) except with his consent.

Pay, leave, pension and other matters.

13. In respect of pay, leave, pension and all other matters, not expressly provided for in these rules, the members of the service shall be governed by such rules and regulations as may have been, or may hereafter be, adopted or made by the competent authority under the Constitution of India (or under any law for the time being in force made by the State Legislature).

Discipline, penalties and appeals.

14. (1) In matters relating to discipline, penalties and appeals, members of the service shall be governed by the Haryana Civil Services (Penalty and Appeal) Rules, 1987 as amended from time to time:

Provided that the nature of penalties which may be imposed, the authority empowered to impose such penalties and appellate authority shall, subject to the provisions of any law or rules made under article 309 of the Constitution of India, be such as are specified in Appendix C to these rules.

(2) The authority competent to pass an order under clause (c) or clause (d) of sub-rule (1) of rule 9 of the Haryana Civil Services (Penalty and Appeal) Rules, 1987 and appellate authority, shall be as specified in Appendix D to these rules.

Vaccination.

15. Every member of the service, shall get himself vaccinated and re-vaccinated 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 Provisions.

18. Notwithstanding anything contained in these rules the appointing authority may impose special terms and conditions in the order of appointments 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, ex-servicemen, physically handicapped persons or any other class or category of persons in accordance with the orders issued by the State Government in this regard, from time to time.

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

20. The Punjab Ayurvedic Department (Class III- Ministerial) Service Rules, 1963 in so far as they relate to the posts covered under 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)

Serial No.	Designation of posts	Number of posts			Scale of Pay
		Perma- nent	Tempo- rary	Total	
1	2	3	4	5	6
1.	Head Clerk		2	2	Rs 1,400-40-1,600-50-2,300-EB-60-2,600
2.	Assistant		12	12	Rs 1,400-40-1,600-50-2,300-EB-60-2,600
3.	Steno-typist		1	1	Rs 950-20-1,150-EB-25-1,500+Special pay Rs 100
4.	Clerk	4	21	25	Rs 950-20-1,150-EB-25-1,500

Note:—The posts of clerks include the posts of clerk-cum-Accountant; clerk-cum-store keeper and store keeper.



APPENDIX 'B'

(See rule 7)

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 2 3	Head Clerk Assistant Steno-typist	Essential: (1) Matric/Higher Secondary or its equivalent (2) Knowledge of Hindi upto Matric standard (3) Speed in Hindi shorthand @ 64 words per minute and transcription thereof @ 11 words per minute	Five years experience as clerk or steno-typist Passed departmental test in English shorthand @ 80 words per minute and transcription thereof @ 15 words per minute and in Hindi shorthand @ 64 words per minute and transcription thereof @ 11 words per minute
4	Clerk	Essential: (1) Matric/Higher Secondary or its equivalent (2) Knowledge of Hindi up to Matric Standard (3) To qualify Hindi or English typing test at a speed of 25/30 words per minute respectively within one year of appointment	(i) Five years service on any Group-C or Group-D posts (ii) Passed Matriculation or its equivalent examination with Hindi
		In the case of Ex-serviceman:— (i) Matric or fifteen years service in the Army and Army Certificate Class I (ii) To qualify Hindi/English typing test at a speed of 25/30 words respectively per minute within one year of appointment	In the case of Ex-serviceman:— (i) Matric or fifteen years service in the Army and Army Certificate Class I (ii) To qualify Hindi/English typing test at a speed of 25/30 words, respectively per minute within one year of appointment

## APPENDIX C

[See rule 14(1)]

Sl. No.	Designation of posts	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority
1	2	3	4	5	6
1	Head Clerk	Director	(1) Minor penalties	Director	Government
2	Assistant				
3	Steno-typist		(a) Warning with a copy in the personal file (Character roll)		
4	Clerk		(b) Censure; (c) Withholding of promotion; (d) recovery from pay of the whole or part or any pecuniary loss caused by negligence or breach of orders, to the Central Government or to 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 set up by an Act of Parliament or of the Legislature of a State; and (e) Withholding of increments of pay;		

1	2	3	4	5	6
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(2) Major Penalties—

(f) reduction to a lower stage in a time scale of pay;

(g) reduction to lower scale of pay, grade, post or service;

(h) compulsory retirement;

(i) removal from the service which does not disqualify from future employment;

(j) dismissal from the service which does ordinarily disqualify from future employment.

Note.—Aforesaid penalties, shall be as defined in sub-rule (1) of Rule 4 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987.

## APPENDIX D

[See rule 14 (2)]

Serial No.	Designation of posts	Nature of order	Authority empowered to make the order	Appellate authority
1	2	3	4	5
1	Head Clerk	(i) reducing or withholding the amount of ordinary or additional pension admissible under the rules governing pension;	Director	Commissioner
2	Assistant			
3	Steno-typist			
4	Clerk			

RAGHBIR SINGH,

Commissioner and Secretary to Government,  
Haryana, Health Department.

