



GOVERNMENT OF HARYANA

COMPENDIUM OF INSTRUCTIONS

(VOLUME – III)

SERVICE CAREER

CHIEF SECRETARY, GOVERNMENT OF HARYANA

June, 2009



PREFACE

After the formation of Haryana State, for the first time in 1985, Compendium of instructions issued by the General Administration Department, Government of Haryana, was published. This compendium was in two parts. Subsequently, in 1994, all the instructions issued from 1985 upto that year, were published in the form of another compendium. The next edition, which appeared in 2001, contained all the instructions issued from 1994 until 2001. These four compendia are not easily available and therefore could not be utilized fully. The earlier editions were not reprinted by the Government. Moreover, each of these compendia contained instructions relating to different subjects. Due to this, whenever a particular topic needed to be searched all the four compendia had to be scanned. Besides, a large number of instructions were also issued after 2001. This also made the updation of these compendia necessary.

Therefore, it was decided to compile the contents of these compendia in a subject-wise fashion. It would require nine volumes, replacing all the four earlier compendia, i.e., those published in 1985, 1994 and 2001. The present compendium is the third volume in this series and relates to "Service Career".

The new Compendia would also be available on the websites www.haryana.gov.in and www.csharyana.gov.in. Interested persons can easily download them or any part thereof. The compendia would also be circulated amongst all Administrative Secretaries, Heads of Departments and other offices. The public can also obtain them from the market.

Efforts have been made to include all available Government instructions issued by General Administration Department of the Haryana Government till 30th June, 2009. Although we have taken all possible precautions while compiling the Compendia, there may be some omission or lapse on our part. We would welcome any feedback or suggestion from users of the Compendia.

I acknowledge the hard work put in by the GS-III Branch of General Administration Department, in general, and Shri Rajeev Ranjan, IAS, Joint Secretary, Shri Sushil Kumar Jain, Under Secretary, Sh. Subhash Ahuja, Superintendent and Smt. Raj Kumari, Assistant, in particular, for compiling all Compendia in a very short period of time. Shri Vikas Yadav, HCS, Controller, Printing & Stationary, Shri Vishal Chadha, PCAT, and their team of officials also took steps to ensure a speedy publication. They deserve our appreciation.

I hope that this Compendium would be handy and useful to all concerned.

**Dated Chandigarh,
The 1st July, 2009**

**DHARAM VIR
Chief Secretary, Government of Haryana.**

EDITORIAL TEAM

Shri Rajeev Ranjan, IAS

Joint Secretary General Administration,
O/o Chief Secretary



Shri Sushil Kumar Jain

Under Secretary,
General Administration



Shri Subhash Ahuja

Superintendent,
General Services III Branch



Smt. Raj Kumari

Assistant,
General Services III Branch



PUBLICATION TEAM

Shri Vikas Yadav, HCS

Controller, Printing & Stationery Department,
Haryana, Chandigarh.



Shri Vishal Chadha

PCAT, Printing & Stationery Department,
Haryana, Chandigarh



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I

PROBATION

**Copy of Circular letter No. 15574-GI-56/8603, dated the 19th November, 1956 from Nakul Sen,
I.C.S. Chief Secretary to Government, Punjab, to all the Heads of Departments, etc., etc.**

Subject:- Pay to be allowed to direct recruits to various services during the period of probation.

I am directed to say that it has come to the notice of Government that there is no uniform practice in allowing the pay to candidates appointed to various services during the period of probation and training in as much as in some departments the new recruits start at the minimum of the time scale of pay prescribed, while in others some sort of allowance is allowed during the period of probation, which is much less than the time scale of the officers concerned. This state of affairs is unsatisfactory and causes heart burning among the service. Accordingly the matter has been considered at length by Government and after a careful examination, it has been decided that a uniform policy should be followed in all departments and that the direct recruit should be given the minimum of the time scale of pay of the post during the period of training and probation. In order, however, to ensure successful completion of training by the probationers within the prescribed period, it has been further decided that such candidates should not be allowed to draw the first increment till they have completed all training and passed the departmental examinations, whichever required under the existing rules.

2. The above decision will come into force immediately and the existing direct recruits who are undergoing training or are on probation should be allowed the pay at rate equal to the minimum of the time scale of the service to which they belong with effect from 1st November, 1956.

3. I am to request that action may be taken in accordance with these orders and the service rules may be amended wherever necessary.

**Copy of Circular letter No. 7978-G(II)-57/21306, dated the 25th October, 1957 from the
Chief Secretary to Government, Punjab, to all the Heads of Departments etc., etc.**

Subject:- Amendment of Service Rules so as to make provision for probationary period at all stages of promotion.

I am directed to say that the procedure regarding the confirmation of the Chief Engineers in the three branches of the P.W.D. has not been uniform. While in some cases, proposal regarding the confirmation of a Chief Engineer are put upto Government after, say one year of appointment of an individual as such, in other cases, such proposal are put up soon after a Superintending Engineer is Promoted as Chief Engineer.

2. To ensure uniformity of practice in the matter, question has been examined in detail and it has been decided that a probationary period of one year should be provided in the Service Rule of all the Departments under the Punjab Government at all stages of Promotions. I am to request that to give effect to this decision of Government, immediately steps should be taken to make necessary provision in the relevant Service Rules.

Copy of letter No. 8605-G-III-59117447, dated the 13th October, 1959, from the Chief Secretary to Government, Punjab, to all the Heads of Departments, Commissioners of Divisions, Deputy Commissioners etc., etc.

Subject:- Pay to be allowed to Direct Recruits to various Services during the period of probation and Training.

I am direct to invite a reference to Punjab Government letter No. 15574-GI-56/8603, dated the 19th November, 1956, allowing the direct recruits to various services/posts the minimum of the time scale of pay of the post during the period of training and probation. The last sentence of paragraph I of this letter said that “in order, however, to ensure successful completion of training by the probationers within the prescribed period, it has further been decided that such candidate should not be allowed to draw the first increment till they have completed all training and passed the departmental examination, wherever required under the existing rules.”

2. It has been brought to the notice of Government that the condition of training for drawing the first increment is causing considerable hardship to direct recruits because training is arranged by Government and sometimes Government are unable to provide within reasonable time the prescribed training to officers/officials for various reasons. It is, therefore, unfair to direct recruits to be deprived of their increments for non-completion of training. Government have reconsidered the matter and decided that the first increment should be allowed even if the prescribed training has not been undergone by direct recruits, unless the relevant service rules on this point have specially made the grant of the first increment contingent on completion of certain trainings. The conditions regarding the completion of training for the grant of the first increment occurring in Punjab Government letter dated the 19th November, 1956, should, therefore, be deemed to have been dropped with retrospective effect from the 1st November, 1956. Direct recruits should accordingly be allowed the first increment or completion of the departmental examination, if any, prescribed under the rules, and after one year's service, whichever is later. The future increments should normally be admissible on the anniversary of the date on which the first increment is drawn.

3. I am to advise you to bring the service rules in accordance with the about instructions with such modification as may be considered necessary in the light of the circumstances of any particular post of service. For example, if a department has laid down certain examination for its officers/officials but has not made grant of an increment on passing the examination the department will have to revise its service rules to accord with these instructions. But where no departmental examination is prescribed, the department are not required, under these instruction, to prescribed a new examination.

Copy of Circular letter No. 1070-GIII-60/11995, dated the 1st April, 1960 from the Chief Secretary to Government, Punjab, to all the Heads of Departments, etc., etc.

Subject:- Pay to be allowed to direct recruits to various services during the period of probation and training.

I am directed to invite a reference to the instructions contained in Punjab Government letter No. 15574-GI-56/8603, dated the 19th November, 1956, as subsequently amplified, particularly in Punjab Government letter No. 8605-GIII-59/47447, dated the 13th October, 1959, on the subject noted above.

2. The question whether the concession allowed under these instructions is admissible only to new recruits, appointed against temporary vacancies has been considered by Government and it has been decided that:

- (i) all direct recruits appointed to Government service, whether against temporary or permanent posts, should receive the minimum of the prescribed pay scale: and
- (ii) this concession will not be admissible to personnel recruited as apprentices, who will receive the pay applicable to apprentices.

3. These instructions will take effect from the 1st November, 1956, i.e. the date when the original instructions, referred to above became operative.

Copy of Circular letter No. 14602-7GS-60/46745, dated the 22nd December, 1960 from the Chief Secretary to Government, Punjab, to all the Heads of Departments, etc., etc.

Subject:- Amendment of Service Rules so as to make provision for probationary period at all stages of promotions.

I am directed to invite a reference to the Punjab Government letter No. 7978-G(II)-57/21306, dated the 25th October, 1957 which indicates that at all stages of promotions a probationary period of one year should be provided in the Service Rules of all the Departments under the Punjab Government. In this context, it is clarified that one year should be treated as the minimum period of probation. In cases, where the Department considers necessary, a probationary period may be prescribed for more than one year. For instance, in the case of Chief Engineers, a period of probation of two year instead of one year has been fixed. As already requested in the letter mentioned above, necessary provision should be made in the relevant Service Rules for the purpose for prescribing a suitable probationary period at all promotion.

Compendium of Instructions on Service Career – Vol. III

No. 4183-2GSI-I-71/34032

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments; the Commissioner, Ambala Division;
All Deputy Commissioners; and Sub-Divisional Officers in Haryana;
- (2) The Registrar, Punjab & Haryana High Court, and
all District and Session Judges in Haryana.

Dated, Chandigarh, the 15th December, 1971

Subject:- Probation

Sir,

I am directed to refer to the provisions contained in the Modal Service Rules and in the Service Rules of different Services about probation, which provisions are to the effect that a person will, on appointment to service, remain on probation for a specified period which can be extended in special cases provided the total period of probation including extension if any does not exceed three years. There is also the provision in certain Service Rules that the confirmation of an employee will be made only after he has passed the departmental examination prescribed under the rules or has been exempted from the requirement of passing the departmental examinations.

2. It has come to the notice that in many instances the department do not take up at the appropriate time the question as to whether a Government employee has or has not completed his probation satisfactorily, and consequently the question of his confirmation is also not examined in time. The Accountant General has drawn attention to the fact that difficulty is also being experienced in allowing increments because intimation about satisfactory completion of probation and about passing departmental examinations is not received in his office in time or is received in his office in time or is received with heavy delay.

3. In order to overcome these difficulties it has been decided that as soon as an officer/official, placed on probation in accordance with the service rules applicable to him has completed the period of his probation, and in any case within 3 months thereof, a decision should be taken whether the probation was completed satisfactorily or not, and if the probation was not completed satisfactorily, whether the original period should be extended or whether Government employee concerned should be discharged from service/reverted to his substantive post. Where it is decided to extend the period of probation, a similar decision should be taken directly after the completion of extended period and in any case within 3 months thereof. If more than 3 months lapse after the expiry of the maximum period of probation permissible under Service Rules, then it can result in presumption being drawn in favour of Government employee concerned that he has completed his probation satisfactorily; and if a permanent vacancy is available, then it will be presumed (Subject to the exception indicated in para 4 below) that he has been confirmed against that vacancy even though a formal order of confirmation has not been issued. In this context a copy of the judgement of the Supreme Court in “State of Punjab versus Shri Dharam Singh” (Civil Appeal No. 1017 of 1966) is enclosed for reference.

4. The exception referred to in para 3 above arises if there is a provision in the relevant Service Rules that Government employee will not be confirmed unless he has passed the prescribed departmental examinations, or has been exempted from passing them. In that case a Government employee who has completed the period of probation extended period of probation/maximum period of probation without a decision having been taken within the specified period as to whether the probation was completed satisfactorily or otherwise, but has not passed the prescribed departmental examinations, then his confirmation will not be presumed (although the presumption will have to be drawn that he has completed the probation satisfactorily). In such cases confirmation can take place only after the departmental examination have passed, or exempted from passing them has allowed and not otherwise. Further more, if there is failure to pass the departmental examinations (and there is no exemption from passing them) action by way of discharge from service or reversion to substantive rank can also be taken on that ground provided that, that is permissible under the relevant Service Rules .

5. It has also been decided that the Accountant Generals office should release any increment which becomes due to a Government Employee if within 3 months of the increment becoming due, the department does not inform that office that the period of probation (or the extended period) has not been completed satisfactorily. This will however be subject to the condition that the Accountant General's office has verified that the relevant increment is not required to be with-held because the Government employee concerned has not passed the departmental examinations.

6. It may be noted in this connection that cases have occurred in which confidential report pertaining to period after the completion of the probationary period were taken into account in examining the question of confirmation which came up at a later stage. It has to be observed that the correct position in this regard is that only those confidential reports which relate to any part of the probationary period should be considered for that purpose and not any subsequent report or reports.

7. It is requested that the above instructions may be brought to the notice of all concerned for strict compliance. It may also be made clear that any lapse in regard to following them will be viewed seriously.

8. The receipt of this communication may please be acknowledged.

Yours faithfully,

Sd/-

Deputy Secretary, Political & Services,
for Chief Secretary to Government, Haryana.

No. 4183-2GS-I-71/34033,

dated, Chandigarh, the 15 December, 1971.

A copy is forwarded to the Accountant General, Haryana, with reference to his letter No. TM/22/69-70/1812, dated the 23rd December, 1969, all Financial Commissioners and all Administrative Secretaries in Haryana.

SUPREME COURT OF INDIA

Before: K.K. Manchoo C.J.R.S. Bachawant J.J.M.
Shelat J.G.K. Mitter J. and C.A. Vaidialingam J.
Civil Appeal No. 787 of 1966
Decided on 2-1-1968

THE STATE OF PUNJAB (appellant)

Versus

DHARAM SINGH (respondent)

Civil Appeal No. 1017 of 1966
Decided on 2-1-1968
Director of Public Instructions-(Appellant)

Punjab

Versus

Dev Raj

(Respondent)

Punjab Educational (Provincialised Cadre) III Rules 1961 Rule 6(3)- Constitution of India, Article 311- Automatic confirmation of probationers – Confirmation by implication – Formal order of confirmation not necessary on expiry of maximum period of probation prescribed under rules.

Period of three years prescribed as maximum period of probation under rule 6 (3) Respondents appointed as teachers on the year probation against permanent posts — No orders with regards to their confirmation or extension of probation period passed by Government. Their services, however, terminated on expiry of 3 years treating them as temporary employees- Termination order quashed held:

- (i) Though appointing authority did not pass formal orders of confirmation in writing, it should be presumed to have passed orders of confirmation by allowing them to continue in service after three years.
- (ii) After such confirmation the authority had no power to dispense with their services on the ground that their work or conduct during period of probation was unsatisfactory- The impugned orders amounted to removal from service by way of punishment.

In the present case, Rule No 6(3) forbid extension of the period of probation beyond three years. Whereas in the present case, the service rules fix a certain period of time beyond which the probationary period cannot be extended, and an employee appointed or promoted to a post on probation is allowed to continue in that post after completion of the maximum period of probation without an express order of confirmation, he cannot be deemed to continue in that post as a probationer

by implication. The reason forbidding extension to the probationary period the maximum period fixed by it. In such case, it is permissible to draw the inference that the employee allowed to continue in the post on completion of the maximum period of probation has been confirmed in the post by implication.

Though the appointing authority did not pass formal order of confirmation in writing it should be presumed to have passed orders of confirmation by so allowing them to continue in their post after October, 1960. After such confirmation, the authority had to power to dispense with their services under Rule 6(3) on the ground that their work or conduct during the period of probation was unsatisfactory. It follows that on the dates of the impugned orders the respondent had the right to hold their to the impugned orders deprived them of this right and mounted to removal from service by way of punishment. The Removal from service could not be made without following the procedure laid down in the Punjab Civil Service(Punishment and Appeal) Rules, 1952 and without confirming to the Constitutional requirement of Article 311 of the Constitution. As the procedure laid down in the Punjab Civil Services (Punishment and Appeal) Rules, 1952 was not followed and as the constitutional protection 311 was violated, the impugned orders were rightly set aside by the High Court.

Cases referred.

- (1) Sukhbans Singh *Versus* the State of Punjab, 1962 (1 S.C.R. 416,424-426.
- (2) G.S. Ramaswami *Versus* the Inspector General of Police Mysore State 1964 (6) S.C.R. 278,288-89
- (3) The Accountant General Madhya Pradesh, Gwalior *Versus* Beni Prasad Bhatnagar, C.A. No. 548 of 1962 decided by Supreme Court on 22-1-1964.
- (4) D.A. Iyall *Versus* the Chief Conservator of Forests, U.P. and other, C.A.No. 259 of 1963 decided by Supreme Court on 24-2-1965.
- (5) The State of U.P. *Versus* Akbar Ali, 1966(3) S.C.R. 821,825-826.
- (6) Narain Singh Ahluwalia *Versus* State of Punjab and another C.A. No. 492 of 1963 decided by Supreme Court on 29-1-1964.

JUDGEMENT

Bachawa T.J.

These two connected appeal raise a common question of construction of Rule 6 of the Punjab Educational Service (Provincialised Cadre) Class-III Rules, 1961. Before October 1, 1957 Dharam Singh and Dev Raj, the respondents to these appeals, were junior teachers in District Board Schools. The District Board Schools were provincialised, and the service of the respondents were taken over by the Punjab State with effect from October, 1957 in pursuance of provincialisation of Local Bodies Schools in the State. On February 13th 1961 the Governor of Punjab in exercise of the powers conferred by the proviso to Article 309 of the Constitution framed the Punjab Educational Service(Provincialised Cadre) Class III, Rules 1961 regulating the conditions of service of the teaching staff taken over by the State Government from the local authorities, Rules I provides that the rules will be deemed to have come into force with effect from October, 1st, 1957. Rules 3 created the Punjab Educational (Provincialised Cadre) Class III Service consisting of the posts shown in Appendix A. It is common case that the posts held by the respondents are included in Appendix A and carry time scales of pay. Rule 6 is in these terms:-

- “6(1) Members of the Service, officiating or to be promoted against permanent post, shall be on probation in the first instance for one year.
- (2) Officiating service shall be reckoned as period spent on probation, but no member who has officiated in any appointment for one year shall be entitled to be confirmed unless he is appointed against permanent vacancy.
- (3) On the completion of the period of probation the authority competent to make appointment may confirm the member in his appointment or if this work or conduct during the period of probation has been in his opinion unsatisfactory he may dispense with his services or may extend his period of probation by such period as he may deem fit or revert him to his former post if he was promoted from some lower posts. Provided that the total period of probation including extension, if any, shall not exceed three years.
- (4) Service spent on deputation to corresponding on higher post may be allowed to count towards the period of probation, if there is a permanent vacancy against which such member can be confirmed.

The respondents were officiating in permanent posts and under Rules- (3) they continued to hold those posts on probation in the first instance for one year. The maximum period of probation fixed by the rules was three years which expired on October 1st 1960. The respondents continued to hold their posts after October, 1960, but formal orders confirming them in their posts were not passed. Under Rule 7 the Director Public Instruction Punjab was the appointing Authority. By two separate orders passed on February 10th, 1963 and April 4th, 1963, the Director terminated in accordance with the terms of his employment. The order shall take effect after one month from the date it is served on him. Rule 12 provides that in matters relating to discipline punishment and appeals, member of the service shall be governed by the Punjab Civil Service (Punishment and Appeal) Rules, 1952. The orders dated February 10th, 1963 were passed without holding any departmental enquiry and without giving the respondents any opportunity of making representation against the action taken against them. The respondents filed separate writ petitions in the Punjab High Court challenging the aforesaid order on the ground that they had acquired substantive right to their posts and that the order amounting to removal from service, and were passed in violation, Articles 311 of the Constitution. The appellant that the respondents were temporary employees that their services terminated in accordance with the terms of their employment and that the impugned orders did not amount to removal from service and were not in violation of Articles 311. Learned Single Judges of the High Court refused the respondents contention and dismissed the writ petitions. The respondents filed separate letters patent appeals against those judgment. The appellate court allowed the appeals and set aside the impugned orders. The appellate Court held that the respondents were not temporary employees, that they held the posts on probation, that on the expiry of three years' period of probation, they must be deemed to have been confirmed in their posts, that the impugned orders having deprived them of their rights of those posts amounted removal from service by way of punishment and were passed in violation of Article 311 and the Punjab Civil Services (Punishment and Appeal) Rules, 1952. It is against these appellate orders that the present appeals have been filed after obtaining special leave.

2. The High Court found that the respondent were officiating in permanent posts against permanent vacancies as contemplated by Rule 6(1), and that on the coming into force of the rules, they

must be deemed to have held their posts under Rule 6(a) on probation in the first instance for one year from October, 1957. The correctness of these findings is not disputeness of these cases, on the completion of three years, period of probation on October 1st, 1960, the respondent must be deemed to have been confirmed in their appointments. The appellants attack this findings. They submit that in the absence of formal order of confirmation the respondent must be deemed to have continued in their posts as probationers. In the alternative, they submit that on completion of three year's period of probation the respondent must be deemed to have been discharged from service and re-employed as temporary employees. We are unable to accept these contentions.

3. This court has consistently held that when a first appointment or promotion is made on probation for specific period and the employee is allowed to continue in the post after the expiry of the period without any specific order of confirmation, he should be deemed to continued in his post as a probationer only, in the absence of any indication to contrary in the original orders of appointment or promotion or the service rules. In such a case an express order of confirmation is necessary to give the employee a substantive right to the post, and from the mere fact that he is allowed to continue in the post after the expiry of the specified period probation it is not possible to hold that he should be deemed to have been confirmed. This view was taken in 1. Sukhbans Singh *Versus* The State of Punjab, 2. G.S. Ramaswamy *versus* The Inspector General of Police Mysore State, Bangalore, 3. The Accountant General, Madhya Pradesh Gwalior *Versus* Beni Prasad Bahatnagar, 4. D.A. Lyall *Versus* the Chief Conservator of Forests, U.P. And others and 5. State U.P. *Versus* Akbarali. The reason for this conclusion is that where on the completion of the specific period of probation the employee is allowed to continue in the post without an order of confirmation the only possible view to taken in absence of any thing to the contrary in the original order of appointment or promotion or the service rules, is that the initial period of cases, the conditions of service of the employees permitted extension of the probationary period for an indefinite time and there was no service rule forbidding its extension beyond a certain maximum period.

4. The same view was taken in 6. Narain Singh Ahluwalia *Versus* State of Punjab and another. It was suggested before us that the service rules in that case provided for a maximum period of probation of two years beyond which the probationary period could not be extended. The Judgment in that case does not refer to such a rule, nor does it appear from the judgment that before the appellant was reverted to his substantive post, the maximum period of probation in the post to which he had been promoted had expired. A references to the paper book in that case shows that in November, 1957, the appellant was promoted as superintendent and on June 26th, 1959 before the expiry of the maximum period of probation he has reverted to his substantive post. He thus continued to hold the post of superintendent as a probationer when the order of reversion was passed.

5. In the present case, Rule No. 6(3) forbids extension of the period of probation three years. Where as in the present case, the service rules fix certain period of time beyond which the probationary period cannot be extended and an employee appointed or promoted to a post on probation is allowed to continue in that post after completion of the maximum period of probation without an express order of confirmation, he cannot be deemed to continue in that post as probationer by implication. The reasons is that such an implication is negative by the service rule forbidding extension of the probationary period beyond the maximum period fixed by it. In such a case it is permissible to draw the inference that the employee allowed to continue in the post on completion of the maximum period of probation has been confirmed in the post by implication.

6. The employees referred to in rule 6(1) held their post in the first instance on probation for one year commencing from October, 1st, 1957. On completion of the one year period of probation of the employee four courses of action were open to the appointing authority under rule 6(3). The authority could either (a) extend the period of probation provided the total period of probation including extension would not exceed three years, or (b) revert the employee to his former post if he was promoted from some lower post, or (c) dispense with his services if his work or conduct during the period of probation was unsatisfactory, or (d) confirm him in his appointment. It could pass one of these orders in respect of the respondent on completion of their one year period of probation. But the authority allowed them to continue in their post thereafter without passing any order in writing and rule 6(3). In the absence of any formal order, the question is whether by necessary implication from the proved facts of these cases, the authority would be presumed to have passed some order under rule 6(3) in respect of the respondent, and if so, what order could be presumed to have been passed.

7. The respondents were not promoted from lower posts and there was no question of their reversion to such posts at any time under rule 6(2).

8. The initial period of probation of the respondent ended on October 1st 1958. By allowing the respondents to continue in their posts thereafter without any express order of confirmation the competent authority must be taken to have extended the period of probation up to October 1st, 1960 by implication. But under the proviso October 1st, 1960. In view of the proviso to rule 6(3), it is not possible to presume that the competent authority extended the probationary period after October 1st, 1960 or that thereafter the respondent continued to hold their posts as probationers.

9. Immediately upon completion of the extended period of probation on October 1st, 1960, the appointing authority could dispense with the services of the respondent if their work or conduct during the period of probation was in the opinion of the authority unsatisfactory. Instead of dispensing with their services on completion of the extended period of probation, the authority continued therein increment of salary including the increment which fell due on October 1st, 1962. The rules did not require them to pass any test or to fulfill any other condition before confirmation. There was no compelling reason for dispensing with their services and re-employing them as temporary employees on October 1st, 1962, and the High Court rightly refused to draw the inference that they were so discharged from services and re-employed. In these circumstances the High Court rightly held that the respondents must be deemed to have been confirmed in their posts. Though the appointing authority did not pass formal orders of confirmation in writing, it should be presumed to have passed orders of confirmation by so allowing them to continue in their post after October 1st, 1960. After such confirmation, the authority had no power to dispense with their services under Rule 6(3) on the ground that their work or conduct during the period of probation was unsatisfactory. It follows that on the dates of the impugned orders they had the right to hold their posts. The impugned orders deprived them of this right and amounted to removal from service on the ground that their work or conduct during the period of probation was unsatisfactory. It follows that on the impugned orders, the respondent's removal from service by way of punishment. The removal from service would not be made without following the procedures laid down in the Punjab Civil Services (Punishment and appeal) Rules, 1952 and without confirming to the constitutional requirement of Article 311 of the constitution. If the removal from service without confirming to the constitutional requirement of Article 311 was violated, the impugned orders were rightly set aside by the High Court.

In the result, the appeal is dismissed with costs. There will be one hearing.

Appeal dismissed.

क्रमांक 6766-1 जी.सी. 1-75/1762

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप मण्डल अधिकारी हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायलय तथा सभी जिला तथा सत्र न्यायाधीश, हरियाणा ।
दिनांक, चण्डीगढ़, 30 जनवरी, 1976

विषय: - तदर्थ आधार पर की गई सेवा को प्रोबेशन पीरियड पूरा करने के लिए गिने जाने के बारे में स्पष्टीकरण ।

महोदय,

मुझे निदेश हुआ है कि मैं उपरोक्त विषय की ओर ध्यान दिलाऊँ और कहूँ कि हरियाणा सरकार के परिपत्र क्रमांक 5700-2 जी.एस.-1-73/27522, दिनांक 16 नवम्बर, 1973 द्वारा जारी की गई हिदायतों में यह तो स्पष्ट किया हुआ है कि तदर्थ आधार पर की गई सेवा को पदोन्नति के लिए तजुर्बा के तौर पर नहीं गिना जाना है परन्तु कहीं भी यह स्पष्ट नहीं है कि ऐसी सेवा को प्रोबेशन पीरियड पूरा करने के लिए गिना जाना है या नहीं । यह प्रश्न कुछ समय से सरकार के विचाराधीन था तथा इस बारे में यह निर्णय लिया गया है कि तदर्थ आधार पर की गई सेवा का लाभ प्रोबेशन पीरियड पूरा करने के लिए भी नहीं दिया जाना है।

2. कृपया प्रोबेशन पीरियड के मामलों पर विचार करते समय इन हिदायतों का दृढ़ता से पालन किया जाए तथा इस पत्र की पावती भी भेजी जाए ।

भवदीय,

हस्ता / -

उप सचिव, सामान्य प्रशासन,
कृते मुख्य सचिव, हरियाणा सरकार ।

एक-एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है :-

1. वित्तायुक्त राजस्व, हरियाणा ।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार ।

अशासकीय क्रमांक 6766-जी.सी. 1-75,

दिनांक, चण्डीगढ़, 30 जनवरी, 1976

Compendium of Instructions on Service Career – Vol. III

No. 116-IGSI-77/1735

From

The Chief Secretary to Government, Haryana

To

1. All Heads of Departments, The Commissioners, Ambala and Hisar Divisions, all Deputy Commissioners and Sub Divisional Officers in Haryana.
2. The Registrar, Punjab & Haryana High Court, and all District and Sessions Judges in Haryana.

Dated, Chandigarh, the 25th January, 1977

Subject:- Probation.

Sir,

I am directed to invite a reference to Haryana Government circular letter No. 4183-2GSI-71/34032, dated the 15th December, 1971 wherein it was stated that decision regarding the completion of the probation should be taken expeditiously after the expiry of the prescribed period of probation. It was also laid down that if such a decision was not taken within the prescribed time-limit, the satisfactory completion of probation will be presumed and if a permanent post is available, confirmation will also be presumed.

2. The matter has been reconsidered in the light of the judgment of the Supreme Court in cases “Binoy Kumar Mukherjee versus State of Bihar and others” (Civil Appeal No. 1268 of 1967) and “Kedar Nath Bahl Versus State of Punjab and others” (Civil Appeal No. 1836 of 1968). It has been decided that even if permanent post is available, confirmation cannot be presumed and a specific order to this effect will have to be passed. Instructions dated 15-12-1971 Should be Considered to have been modified to this extent.

Yours faithfully,

Sd/-

Deputy Secretary, General Administration,
for Chief Secretary to Government, Haryana.

No. 116-IGSI-77/1736

dated Chandigarh, the 25th January, 1977

A copy is forwarded to the Accountant General, Haryana, with reference to Haryana Government endorsement No. 4183-2GSI-71/34033 dated the 15th December, 1971.

Sd/-

Deputy Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to:—

- (i) The Financial Commissioner, Haryana and All Administrative Secretaries to Government, Haryana with reference to this Department U.O. No. 4183-2GSI-71/ dated 15-12-1971

No. 3/4/82-IGS-I

From

The Chief Secretary to Government Haryana.

To

All Heads of Departments, The Commissioners, Ambala and Hisar Divisions,

All Deputy Commissioners, and Sub Divisional Officers.

Dated, Chandigarh, the 12th May, 1982

Subject:- Probation.

Sir,

I am directed to invite a reference to Haryana Government circulated letters No's. 4183-2GSI-71/34032, dated the 15th December, 1971 and 116-IGSI-77/1735, dated the 25th January, 1977 on the subject noted above.

2. The matter has been further considered in the light of the judgment of Punjab and Haryana High Court in the case "O.P. Behl *Versus* State of Haryana and others" (Civil Writ Petition No. 1012 of 1978). It has been decided that in cases, where after the expiry of the probation period, it has been decided to revert and officer/official for his/her unsatisfactory probation period, and the reversion is attributed to such remarks/action which tantamount to punishment to official/officer, then, action regarding reversion should be taken according to the provision made in the Punishment and Appeal Rules, 1952.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to the Financial Commissioner, Revenue Haryana and All Administrative Secretaries to Government Haryana, for information and necessary action.

Compendium of Instructions on Service Career – Vol. III

No. 3/4/82/IGS-I

From

The Chief Secretary to Government Haryana.

To

All Heads of Departments, The Commissioner, Ambala and Hisar Divisions,

All Deputy Commissioners, and Sub Divisional Officers.

Dated, Chandigarh, the 26th May, 1983

Subject:- Probation.

Sir,

I am directed to invite a reference to Haryana Government circular No. 3-4-82-IGSI, dated the 12th May, 1982, wherein it has been provided that in cases where, after the expiry of the probation period, it is decided to revert an officer/official owing to his/her unsatisfactory probation period and the reversion is attributed to such remarks/action as tantamount to punishment to that officer/official, then action regarding reversion should be taken according to the provisions made in the Punjab Civil Services (Punishment and Appeal) Rules, 1952.

2. The matter has further been considered in the light of the judgment of Punjab and Haryana High Court in the case of “O.P. Behl *Versus* State of Haryana and others (Civil Writ Petition No. 1012 of 1978) and the judgment of the Supreme Court in the case of Union of India and others *Versus* P.S. Bhatt (Civil Appeal No. 2973 of 1979).” It is hereby clarified that where simpliciter order of reversion or termination of the services of the probationer is to be issued (without attaching any stigma to the conduct of the officer, which would indicate punishment) it is not necessary to take action in accordance with the provisions of Punjab Civil Services (Punishment and Appeal) Rules, 1952, for awarding punishment shall have to be followed.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to the Financial Commissioner, Revenue, Haryana and All Administrative Secretaries to Government Haryana, for information and necessary action.

No. 8/1/89/2GSI

From

The Chief Secretary to Government, Haryana

To

1. All Heads of Departments, the Commissioners, Ambala and Hissar Division; all Deputy Commissioners and Sub-Divisional Officers in Haryana :
2. The Registrar, Punjab and Haryana High Court.

Dated Chandigarh, the 8th August, 1989

Subject : Probation

Sir,

I am directed to invite your attention to Haryana Government circular letter No.4183-2GSI-71/34032, dated 15.12.71 wherein it was laid down that as soon as an officer/official placed on probation has completed the period of probation, a decision should be taken whether the probation was completed satisfactorily or not. Government have received a few references in which clarification about the word 'satisfactorily' used in the said letter, and the criteria for judging the record, has been sought.

2. Government have considered the matter and it is clarified that for the purpose of probation no percentage of good or better than good record has been prescribed and as such if an employee has earned satisfactory or average reports and there is nothing adverse, he may be considered to have completed the period of probation satisfactorily. However, in the case where the period of probation is two years and the first report of the employee is adverse and the second one is good or above which means that he is showing improvement, it would be appropriate to extend the period of probation. In cases where first report is good and the second report is adverse, in such case the nature of the adverse entry should be kept in view to decide whether the probation period may be extended or the service of the employee may be dispensed with.

3. It is further reiterated that such decision should be taken at the earliest and in any case within a period of 3 months. It is, therefore, important that the Reporting/Reviewing authorities must record their report immediately on expiry of the prescribed period without waiting for the close of the financial year.

4. With a view that the decision on probation cases is not delayed the departments should keep a note of completion of the period of probation of each employee and take up his case well in advance. With regard to writing of ACRs of such employees the following schedule be observed :-

- i) In cases where the completion of period of probation falls between 1st April and 29th June, the report for the year ending in March may be taken in to account to decide the cases.
- ii) In cases where the completion of period of probation falls between 30th June and end of February, a special report upto the date of completion be obtained.

Compendium of Instructions on Service Career – Vol. III

5. The above instructions may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Under Secretary General Administration
for Chief Secretary to Government, Haryana.

A copy each is forwarded for information and necessary action to all Financial Commissioners/
Commissioners and Secretaries to Government, Haryana.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners and
Secretaries to Government, Haryana.

U.O.No. 8/1/89-2GSI,

dated Chandigarh, the 8th August 1989.

A copy is forwarded to the Principal Secretary/Special Secretary/Additional Principal
Secretary/ O.S.D. to Chief Minister, Secretaries/Private Secretaries to Deputy Chief Minister/ Ministers/
State Ministers and Chief Parliamentary Secretary, for information of the Chief Minister/Deputy Chief
Minister/Ministers and Chief Parliamentary Secretary.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government, Haryana.

To

The Principal Secretary/Special Secretary/Additional Principal Secretary/O.S.D. to Chief
Minister, Secretaries/Private Secretaries to Deputy Chief Minister Ministers/State Ministers and Chief
Parliamentary Secretary.

U.O. No. 8/1/89-2 GSI,

Dated Chandigarh, the 8th August, 1989.

No. 8/5/94-2GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments;
2. The Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions;
3. All the Deputy Commissioners and Sub-Divisional Officers (Civil) in Haryana State
4. The Registrar, Punjab & Haryana High Court

Dated Chandigarh, the 10th July, 1995

Subject: Probation

Sir,

I am directed to invite your attention to Haryana Government instructions issued vide letter No. 4183-2GSI-71/34032, dated 15th December, 1971, wherein it was inter alia stated that decision regarding the completion of the period of probation should be taken expeditiously after the expiry of prescribed period of probation and in any case not later than a period of 3 months. The instructions also laid down that if such a decision was not taken within the prescribed time-limit, the satisfactory completion of probation will be presumed and if a permanent post is available, confirmation will also be presumed. Lateron, these instructions were modified vide Haryana Government letter No.116-1 GSI-77/1735, dated 25th January, 1977 to the extent that confirmation cannot be presumed even if a permanent post is available and a specific order to this effect will have to be passed.

2. The instructions quoted above do not encompass instances where an employee, during the period of probation, has earned adverse remark about his work, conduct and/or integrity. Such an employee cannot be allowed to successfully complete his probation in the face of adverse remarks merely on the ground that a timely order was not passed by the competent authority.

3. It is, therefore, clarified that where during probation work, conduct and/or integrity of an employee has been unsatisfactory, the said employee is not entitled to complete his probation successfully. Mere delay in passing timely order cannot lead to an interpretation in favour of the employee. It has also been decided that in all such cases strict disciplinary action should be taken against officers/officials found responsible for suppression of the matter resulting in non-passing of the order in time.

These instructions may be brought to the notice of all concerned.

Yours faithfully,

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government, Haryana.

Compendium of Instructions on Service Career – Vol. III

A copy is forwarded to all the Financial Commissioners/ Commissioners & Secretaries to Government, Haryana for information and necessary action.

Under Secretary General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners
and Secretaries to Government, Haryana.

U. O. No. 8/5/94-2GSI

Dated Chandigarh, the 10th July, 1995

No. 8/5/94-2GSI

Dated Chandigarh, the 10th July, 1995

A copy is forwarded to the Accountant General, Haryana, Chandigarh w.r.t. Haryana Govt. endorsement No. 4183-2GSI-71/34033, dated 15th December, 1971 and No. 116-1 GSI-77/1735, dated 25th January, 1977 for his information.

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government, Haryana.

II

REGULARISATION

No. 3466-IGS-70/27232

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments, Commissioner, Ambala Division; Deputy Commissioners and Sub-Divisional Officers in Haryana.
- (2) The Registrar, Punjab and Haryana High Court and all District & Sessions Judges in Haryana.

Dated, Chandigarh, the 12th October, 1970.

Subject :- Regularisation of Ad-hoc Appointments.

Sir,

I am directed to say that it has been brought to the notice of the Government that a number of ad hoc employees who met the age requirements at the time of their appointments have now become over-age and for that reason have been deprived of the opportunity of applying for absorption on regular basis. The question of evolving a suitable arrangement for meeting this situation is under the consideration of the Government. In order to enable the Government to examine this matter in details. I am to request you to send the necessary information about all ad hoc employees of your department in the proforma attached to this letter. The matter is of great urgency and therefore I may request you that the information may be sent to me within 15 days of the receipt of this letter.

Yours faithfully,

Sd/-

Deputy Secretary, Political Services,
for Chief Secretary to Government, Haryana.

No. 3466-IGS-70/27233,

Dated Chandigarh, the 12th October, 1970.

A copy each is forwarded to the Accountant General, Haryana, for information.

By Order,

Sd/-

Superintendent General Services,
for Chief Secretary to Government, Haryana.

A copy each is forwarded for information to :-

- (1) The Financial Commissioner, Revenue Haryana.
- (2) All Administrative Secretaries to Government, Haryana.
- (3) The Principal Secretary/Deputy Secretary/Secretaries/Private Secretaries to Chief Minister/Ministers.

Sd/-

Superintendent General Services,
for Chief Secretary to Government, Haryana.

PART III

HARYANA GOVERNMENT

GENERAL ADMINISTRATION

GENERAL SERVICES

Notification

The 1st January, 1980

No. GS.R. 3/Const./ Art. 309/80.—In exercise of the powers conferred by article 309 of the Constitution of India, read with the proviso to clause 6 of notification No. 523-3GS-70/2068, dated the 28th January, 1970, the Governor of Haryana hereby excludes from the purview of the Subordinate Services Selection Board, Haryana, such Class III posts as have been held, for a minimum period of two years on the 31st December, 1979 by *ad hoc* employees who are to be regularised if they fulfil the following conditions :—

- (a) Only such *ad hoc* employees as have completed a minimum of two years' service on 31st December, 1979 should be made regular. However, break in service rendered on *ad hoc* basis up to a period of one month may be condoned but break occurring because the concerned employee had left service of his own volition or where the *ad hoc* appointment was against a post/vacancy for which no regular recruitment was required intended to be made *i.e.* leave arrangements or tilling up of other short-time vacancies, may not be condoned.
- (b) Only such *ad hoc* employees as have been recruited through the Employment Exchange should be made regular.
- (c) This work and conduct of the *ad hoc* employees proposed to be regularised should be of an overall good category.
- (d) Only those *ad hoc* employees should be considered for regularisation who possessed the prescribed qualifications for the post at the time of their appointment on *ad hoc* basis.

2. The seniority of the *ad hoc* employees so regularised may, *vis-a-vis* the employees appointed on regular basis, be determined with effect from 1-1-1980. The *inter se* seniority of such *ad hoc* employees shall be determined in accordance with the date of joining the post. If the date of joining the post on *ad hoc* basis by such employees was the same, then an older member would rank senior to employ younger in age.

3. This shall not apply to the *ad hoc* employees appointed as teachers in the Education Department.

(A.C. Aggarwal)

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

PART III

HARYANA GOVERNMENT

General Administration Department

GENERAL SERVICES I

Notification

The 6th March, 1980

No. GS.R./Const./Art. 309/80.— In exercise of the powers conferred by article 309 of the Constitution of India, read with the proviso to clause 6 of the Haryana Government, General Administration Department, Notification No. 523-3-GS-70/2068, dated the 28th January, 1970, the Governor of Haryana hereby excludes from the purview of the Subordinate Services Selection Board, Haryana, such Class III posts as have been held on 6th February, 1980 for a period of one year by the following categories of handicapped/disabled persons, namely :—

- (i) those who have the lost the use of at least one hand or leg,
- (ii) blind persons, and
- (iii) deaf and dumb persons.

(A.C. Aggarwal)

Joint Secretary to General Administration,
for Chief Secretary to Government, Haryana.

No. 34/46/79-GS-I

Dated Chandigarh, the 6th March, 1980.

A copy is forwarded to all Heads of Departments, Commissioners of Divisions, Deputy Commissioners and Sub -Divisional Officers (Civil) in Haryana and Registrar, Punjab and Haryana High Court, for information and immediate necessary action.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

क्रमांक 34/45/79-5 जी0 एस0.1

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा राज्य के सभी विभागाध्यक्ष, अम्बाला तथा हिसार मण्डलों के आयुक्त,
 2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट, चण्डीगढ़ ।
- दिनांक, चण्डीगढ़, 27 मार्च, 1980 ।

विषय: - अशक्त/विकलांग (श्रेणी-III व श्रेणी-IV) कर्मचारियों की सेवाएं नियमित करना ।

महोदय,

हरियाणा सरकार ने निर्णय लिया है कि श्रेणी-3 तथा श्रेणी-4 के अशक्त/विकलांग कर्मचारी, जिन्हें तदर्थ आधार पर नियुक्त किया गया हो तथा जिन्होंने दिनांक 6 फरवरी, 1980 को एक वर्ष की सेवा अवधि पूरी कर ली हो, की सेवाएं नियमित की जाएं, बशर्ते कि उसका कार्य संतोषजनक पाया गया हो । उपर्युक्त निर्णय के अधीन निम्नलिखित श्रेणियों के विकलांग/अशक्त कर्मचारियों को शामिल किया गया है :-

- (क) जिनका कम से कम एक बाजू या टांग नाकारी हो गई हो,
 - (ख) अन्धे व्यक्ति,
 - (ग) बहिरे तथा गूंगे व्यक्ति ।
2. चतुर्थ श्रेणी के पदों पर प्रारम्भिक नियुक्तियाँ अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा के अधिकार क्षेत्र से बाहर हैं तथा इन पदों पर व्यक्तियों की भर्ती पहले ही नियुक्ति प्राधिकारियों के द्वारा रोजगार कार्यालयों के माध्यम से की जा रही है ।
 3. सरकार के उक्त निर्णय को कार्यान्वित करने हेतु श्रेणी-3 के ऐसे पदों को, जिन पर उपर्युक्त श्रेणियों के अशक्त/विकलांग कर्मचारियों को लगे हुए दिनांक 6 फरवरी, 1980 तक एक वर्ष हो गया हो, अधिसूचना क्रमांक एस0 ओ0-68/कान्ट/आर्ट. 309/80, दिनांक 6 मार्च, 1980 द्वारा अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा के अधिकार क्षेत्र से निकाला गया है ।
 4. मुझे आपको यह निवेदन करने का निदेश हुआ है कि उपर्युक्त श्रेणियों के अशक्त/विकलांग (श्रेणी-3 तथा श्रेणी-4) के कर्मचारियों जिन्होंने दिनांक 6 फरवरी, 1980 तक एक वर्ष की सेवा पूरी कर ली हो, बशर्ते कि उनका कार्य संतोषजनक रहा हो, की सेवाएं नियमित करने हेतु शीघ्र कार्यवाही की जाए ।
 5. आपसे यह अनुरोध किया जाता है कि निम्नलिखित प्रोफार्मा में (श्रेणी-3 तथा श्रेणी-4 के कर्मचारियों के लिए अलग-अलग) प्रत्येक मास की मासिक प्रगति रिपोर्ट उससे अगले मास की 10 तारीख तक महालेखाकार, हरियाणा को इसकी प्रति भेजते हुए इस विभाग को भेजें ताकि राज्य सरकार द्वारा इस बारे प्रगति देखी जा सके ।

1	2	3	4	5
क्रम संख्या	पदों की श्रेणी	6 फरवरी, 1980 को अशक्तता के अनुसार तदर्थ कर्मचारियों की संख्या	कुल जोड़	रिपोर्ट अधीन मास के दौरान नियमित किए कर्मचारियों की संख्या
		(क) (ख) (ग)		
		जिन का कम से कम एक बाजू या टांग नाकारी हो गई है		
		अन्धे व्यक्ति		
		बहिरे व गुंगे व्यक्ति		

6. कृपया उक्त निर्णय/हिदायतें सभी सम्बन्धित व्यक्तियों को सूचनार्थ तथा दृढ़तापूर्वक अनुपालन हेतु ध्यान लाई जाए ।

भवदीय,

हस्ता / -

(राम प्रकाश)

अवर सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

क्रमांक 34 / 46 / 79 - 5 जी0 एस0 - I

दिनांक, चण्डीगढ़, 27 मार्च, 1980

एक प्रति महालेखाकार, हरियाणा, चण्डीगढ़ को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है ।

हस्ता / -

(राम प्रकाश)

अवर सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

Compendium of Instructions on Service Career – Vol. III

No. 1/28/80-1 GS-I

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments, Commissioners, Ambala and Hisar Divisions, all Deputy Commissioners and Sub-Divisional Officers (Civil) in Haryana.
- (2) The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated, Chandigarh, the 25th May, 1980.

Subject :- Regularisation of Ad-hoc employees against Class III posts.

Sir,

I am directed to refer to Haryana Government circular letter No. 1/28/80-1 GS-I, dated the 9th January, 1980, on the subject noted above and to say that as per the terms of Notification No. GSR/Const./Art. 309/80, dated 1-1-80, only such ad hoc employees as have been recruited through employment exchanges should be made regular. A question has arisen whether a class III employee appointed on the basis of a “non-availability certificate” issued by the concerned employment exchange should be deemed to have been recruited the employment exchange.

2. The matter has been carefully considered by the State Government. It has been decided that, for the purpose of regularisation of class III ad hoc employees in terms. .of the above notification dated 1-1-80, an employee may be deemed to have been recruited through the employment exchange if he is recruited from the open market after obtaining a “non-availability certificate” subject to the following conditions :—

- (i) The appointment from the open market should have been made in accordance with the conditions laid down in the N.A.C. issued by the Employment Exchange concerned;
- (ii) The recruitment from the open market should have been made only against the specific vacancy in respect of which the N .A.C. has been issued and that the appointed person should have possessed the qualifications, experience, age etc. notified to the Employment Exchange.

3. I am to request that action in such cases should be taken accordingly.

Yours faithfully,

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy each is forwarded to the Financial Commissioner, Revenue and All Administrative Secretaries to Government, Haryana, for information and necessary action in continuation of this

Probation

Department U.O.No. 1/28/80-1 GS-I, dated the 9th January, 1980.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

1. The Financial Commissioner, Revenue, and
2. All Administrative Secretaries to Government, Haryana.

U.O. No. 1/28/80-IGS-I

Dated, the 25th April, 1980.

No. 1/28/80-1 GS-I

Dated, the 25th April, 1980.

A copy is forwarded to the Chairman, Subordinate Services Selection Board, Haryana for information with reference to this Department's endst. No. 1/28/80-1 GS-I, dated the 9th January, 1980.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

Compendium of Instructions on Service Career – Vol. III

No. 34/112/80-5GS-I

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments in Haryana;
- (2) Commissioners of Ambala and Hisar Divisions,
- (3) All Deputy Commissioners and all Sub-Divisional Officers (Civil).

Dated, Chandigarh, the 20th October, 1980.

Subject:- Termination of Services of Clerks appointed on ad-hoc basis.

Sir,

I am directed to invite reference to the Haryana Government notification No. GS.R. 3/Const./ Art.-309/80, dated the 1st January, 1980, vide which the Government had decided to regularise the services of those ad-hoc class III employees who *inter-alia* had completed two years' service on the 31st December, 1979.

2. It has now been decided by the Government, that the service of all ad-hoc Clerks who are not covered by the policy laid down in the aforesaid notification may be terminated forthwith in terms of their appointment.
3. These instructions will, however, not apply to such ad-hoc Clerks as have obtained stay orders from Courts of law.
4. These instructions may kindly be brought to the notice of all concerned for compliance immediately.

Yours faithfully,

Sd/-

Deputy Secretary, Political and Services,
for Chief Secretary to Government, Haryana.

A copy each is forwarded for information and necessary action to :—

1. The Financial Commissioner, Revenue, Haryana ; and
2. All Administrative Secretaries to Government, Haryana.

Sd/-

Deputy Secretary, Political and Services-I,
for Chief Secretary to Government, Haryana.

To

1. The Financial Commissioner, Revenue; Haryana ;
2. All Administrative Secretaries to Government, Haryana.

U.O.No. 34/112/80-5GS-I,

Dated, Chandigarh, the 20th October, 1981.

Copy of letter No. 34/141-5GS-I, dated the 3-12-1981 from the Chief Secretary to Government Haryana to all Heads of Departments and Commissioners Ambala and Hisar Divisions.

Subject :- Civil Writ petition No. 3457 of 1980-Shri Om Parkash Sharma Vs. State of Haryana and others-Civil Writ Petitions of 1980.

I am directed to refer to Haryana Government letter No. 34/146/80-5GS-I, dated the 4th December, 1980, on the subject noted above and to say that, "Stay" against the termination of services of the petitioners (ad-hoc clerks) ordered by the Hon'ble Supreme Court of India was communicated to all the respective offices and you were informed for ensuring the compliance of the orders.

2. The special Leave Petitions filed by the petitioners in Civil Writ Petition cited as subjects have since been dismissed by the Hon'ble Supreme Court of India on the 17th September, 1981.

3. The entire matter regarding termination of the service of the ad-hoc clerks, presently working in the various departments has been carefully considered. It has been decided by the State Government that the services of these ad-hoc clerks may be terminated forthwith in term of their appointment. As an interim measure, Government have decided that such ad-hoc clerks as had completed a minimum of two year service on the 30th September, 1981 may for the time being be allowed to continue on an ad-hoc basis against the vacancies held by them at present. However, their services may be terminated when the candidates (clerks) recommended by the Subordinate Services Selection Board, report to you for joining against the vacancies in your Department including the posts to be vacated by these ad-hoc clerks.

Yours faithfully,

Sd/-

A.C. Aggarwal

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy each is forwarded to :—

1. The Financial Commissioner, Revenue, Haryana ;
 2. All Administrative Secretaries to Government, Haryana, and
 3. The Secretary, Subordinate Services Selection Board, Haryana, Chandigarh,
- for information and necessary action.

Sd/-

A.C. Aggarwal

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

क्रमांक 51/3/82-5 जी. एस.-I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. राज्य के सभी विभागाध्यक्ष,
2. आयुक्त हिसार/अम्बाला मण्डल, हिसार तथा अम्बाला, तथा
3. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ ।

दिनांक, चण्डीगढ़, 2 जून, 1982

विषय: - तदर्थ कर्मचारियों को नियमित करने के सम्बन्ध में जारी की गई अधिसूचनाओं के सम्बन्ध में स्पष्टीकरण ।

महोदय,

हरियाणा सरकार द्वारा श्रेणी-III के तदर्थ कर्मचारियों को नियमित किये जाने के सम्बन्ध में लिये गये निर्णयों को कार्यान्वित करने के लिये अधिसूचना क्रमांक जी.एस.आर. 3/कान्स्ट./आर्ट. 309/80, दिनांक 1-1-1980 में श्रेणी-III के तदर्थ कर्मचारियों को नियमित करने के सम्बन्ध में अन्य शर्तों के साथ-साथ निम्न शर्त लगाई गई थी :-

“Only such ad hoc employees as have completed a minimum period of two years’ service on 31st December, 1979 with a break, if any, for the period not exceeding more than one month, should be made regular.”

2. हरियाणा सरकार की अधिसूचना क्रमांक जी.एस.आर. कान्स्ट./आर्ट. 309/80, दिनांक 6-3-1980 तथा परिपत्र क्रमांक 34/45/79-5 जी.एस.-I, दिनांक 27-3-1980 के अनुसार श्रेणी. III तथा श्रेणी. IV के उन तदर्थ कर्मचारियों को नियमित किया जाना था जिन्होंने 6 फरवरी, 1980 को एक वर्ष की सेवा पूरी कर ली हो तथा वे निम्न कैटेगरीज में से किसी एक कैटेगरी में आते हों :-

- (क) जिसका कम से कम एक बाजू या टांग नाकाली हो गई हो,
- (ख) अन्धे व्यक्ति, तथा
- (ग) बहरे तथा गूंगे व्यक्ति ।

3. सी. डब्ल्यू. पी. क्रमांक 2589 आफ 1980 (प्रति संलग्न है) में उच्च न्यायालय द्वारा दिये गये निर्णय को सम्मुख रख कर इस मामले पर विस्तृत रूप से पुनः विचार किया गया है । अतः अब स्थिति निम्न प्रकार से स्पष्ट की जाती है:-

- (क) श्रेणी. III के जिन तदर्थ कर्मचारियों की 31-12-1979 से पूर्व कभी भी लगातार 2 वर्ष की सेवा, जिसमें एक माह से अधिक ब्रेक न हो, हो चुकी हो और वे दिनांक 31-12-79 को सरकारी सेवा में हो, उन्हें अधिसूचना दिनांक 1-1-80 के अन्तर्गत नियमित किया जाना है ।
- (ख) श्रेणी. III व श्रेणी. IV के जिन अशक्त/विकलांग तदर्थ कर्मचारियों की सेवा 6-2-1980 से पूर्व, बिना किसी ब्रेक के, कभी भी एक वर्ष की हो चुकी हों और वे 6-2-80 को सरकारी सेवा में

हों, उन्हे भी अधिसूचना दिनांक 6-3-1980 तथा परिपत्र क्रमांक 34/45/79-5 जी.एस.।, दिनांक 27-3-80 में दी गई हिदायतों के अन्तर्गत नियमित किया जाना है ।

4. आप से अनुरोध किया जाता है कि उपर्युक्त स्पष्टीकरण को ध्यान में रखते हुए श्रेणी. III तथा श्रेणी. IV के उपर्युक्त तदर्थ कर्मचारियों को नियमित करने बारे आवश्यक कार्यवाही की जाये ।

भवदीय,

हस्ता / -

अवर सचिव, हरियाणा सरकार,

कृते: मुख्य सचिव, हरियाणा सरकार ।

उपर्युक्त की एक-एक प्रति :-

- (1) वित्तियुक्त, राजस्व एवं सचिव, हरियाणा सरकार, राजस्व विभाग, तथा
- (2) सभी प्रशासकीय सचिव, हरियाणा सरकार, को सूचनार्थ तथा आवश्यक कार्यवाही हेतु प्रेषित की जाती है ।

भवदीय,

हस्ता / -

अवर सचिव, हरियाणा सरकार,

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

- (1) वित्तियुक्त, राजस्व एवं सचिव, हरियाणा सरकार, राजस्व विभाग, तथा
- (2) सभी प्रशासकीय सचिव, हरियाणा सरकार ।

अशा. क्रमांक 51/3/82-5 जी.एस.।

दिनांक, 2 जून 1982

PART III

HARYANA GOVERNMENT

GENERAL ADMINISTRATION

GENERAL SERVICES

Notification

The 3rd January, 1983

No. G.S.R. 6/Const./Art. 309/83.--In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, read with proviso to clause 6 of notification No. 523-3GS-70/2068, dated the 28th January, 1970, the Governor of Haryana hereby excludes from the purview of the Subordinate Services Selection Board, Haryana, such class III posts of Clerks as have been held, for the minimum period of two years on the 15th September, 1982 by adhoc clerks who are to be regularised if they fulfill the following conditions:—

- (i) only such adhoc clerks who have completed two years service on the 15th September, 1982 and were in service on 15th September, 1982 may be regularised against the posts/vacancies of clerk. The recommendees of the Subordinate Services Selection Board should be absorbed against the remaining vacancies. Those recommendees of the Board who cannot be absorbed, their names be returned to the Board to enable them to recommend their names to other departments for appointments against clear vacancies;
- (ii) only such adhoc clerks as have been recruited through the Employment Exchange or directly by the appointing authority after obtaining non-availability certificate from the Employment Exchange should be made regular;
- (iii) against the reserved posts/vacancies, only such adhoc clerks be regularised who belong to the category for which the posts stand reserved;
- (iv) the work and conduct of the adhoc clerks proposed to be regularised should be of an over-all good category and no disciplinary proceedings is pending against them;
- (v) only those adhoc clerks should be considered for regularisation who possessed the prescribed qualifications as for the post at the time of their appointment on adhoc basis.
- (vi) the seniority of the adhoc clerks so regularised may, vis-à-vis the clerks appointed on regular basis be determined with effect from 15th September, 1982. The *inter-se* seniority of such adhoc clerks shall be determined in accordance with the date of their joining the post on adhoc basis, if the date of joining the posts on adhoc basis by such clerks was the same, then an older member shall rank senior.

P.P. CAPRIHAN

Chief Secretary to Government, Haryana.

Probation

Copy of letter No. 50/50/5-GS-I-83, dated the 3rd August, 1983, from the Chief Secretary to Government Haryana addressed to the All Heads of Departments, etc., etc.

Subject :- Regularisation of services of Class III ad-hoc Employees (other than Clerks).

Sir,

I am directed to address you on the subject noted above and to say that the question of regularisation of such ad-hoc class III employees (other than clerks) as have completed two years service on 15-9-82 and were in Government Service on 15-9-82 is under consideration of the State Government. I am, therefore, to request that such ad-hoc employees may be allowed to continue in service, provided their services are not required to be terminated otherwise as a disciplinary measure etc. till further orders.

Compendium of Instructions on Service Career – Vol. III

Immediate

No. 42/83-5GS-I

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments, Commissioners, Ambala and Hissar Divisions, and all Deputy Commissioners, in the State.
- (2) The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated, Chandigarh, the 9th August, 1983.

Subject :- Payment of salaries to ad-hoc employees pending approval of the Subordinate Services Selection Board, Haryana to there continuance in service beyond six months.

Sir,

I am directed to say that it has been brought to the notice of State Government that the payment of salaries to the employees, initially appointed on ad-hoc basis for a period of 6 months, has been stopped pending approval of their further continuance in service by Subordinate Services Selection Board, Haryana.

2. The matter has been considered and I am to request that the payment of salaries to such employees need not be stopped but should be continued to be made pending approval of the Subordinate Services Selection Board, Haryana to their continuance in service beyond 6 months.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

No. 42/83/5GS-I,

Dated, Chandigarh, the 9th August, 1983.

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Haryana, for information and necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to the :—

- (i) Financial Commissioner, Revenue, Haryana; and
- (ii) All Administrative Secretaries to Government, Haryana,
for information and necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

- (i) The Financial Commissioner, Revenue, Haryana ; and
- (ii) All Administrative Secretaries to Government, Haryana.

U.O. No. 42/83/5GS-I,

Dated, Chandigarh, the 9th August, 1983.

A copy is forward to the :—

- (i) Principal Secretary to Chief Minister, Haryana ;
- (ii) Deputy Principal Secretary to Chief Minister, Haryana ; and
- (iii) All Secretaries/Private Secretaries to Ministers/State Ministers/Chief Parliamentary
Secretary, Haryana; for information and necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

Compendium of Instructions on Service Career – Vol. III

No. 50/62/83/5-GS I

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments, Commissioners, Ambala and Hissar Divisions and all the Deputy Commissioners in the State.
- (2) The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated: Chandigarh, the 29th November, 1983.

Subject :- Regularisation of Services of Class III Ad-hoc Employees (other than clerks).

Sir,

I am directed to say that in Government circular letter No. 50/50/5-GS I, dated the 3rd August, 1983, it was stated that the question of regularisation of such ad-hoc class III Employees (other than clerks) as have completed two years service on 15-9-1982 and were in service on 15-9-1982 was under consideration of the State Government and that such ad-hoc employees may, therefore, be allowed to continue in service, provided their services were not required to be terminated otherwise as a disciplinary measure etc. till further order.

It has, however, come to the notice of the Government that some Government departments terminated the services of such employees prior to the issue of the afore-mentioned circulars.

2. The matter has been considered and it has been decided that Class III ad-hoc employees (other than clerks) who had completed two years service on 15-9-82 and were in service on 15-9-82 and whose services were terminated by the departments after 15-9-1982, should be taken back in service if they fulfil the conditions which were laid down for regularisation in the case of ad-hoc clerks *vide* Notification No. G.S.R. 6 Art. 309/83, dated 3-1-1983. The period of break in their service should be treated as leave of the kind due to them.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

No. 50/62/83-5GS-I,

Dated 29-11-83

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Haryana, Chandigarh for information.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

Probation

A copy each is forwarded to the :--

- (i) The Financial Commissioner, Revenue, Haryana; and
- (ii) All Administrative Secretaries to Government, Haryana,
for information and necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

- (i) The Financial Commissioner, Revenue, Haryana; and
- (ii) All Administrative Secretaries to Government, Haryana.

U.O. No. 50/62/83-5GS-I,

Dated 29-11-83

HARYANA GOVERNMENT

General Administration Department

(GENERAL SERVICES I)

Notification

The 19th January, 1984

No. GS.R. 2/Const./Art. 309/83.-- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, read with the proviso to clause 6 of notification No. 523-3GS-70/2068, dated the 28th January, 1970, the Governor of Haryana hereby excludes from the purview of the Subordinate Services Selection Board, Haryana, such Class III posts as have been held, for a minimum period of two years on the 15th September, 1982, by Class III employees on *ad-hoc* basis and their services shall be regularised if they fulfil the following conditions, namely :—

- (i) that the employees have completed two years service on 15th September, 1982, and were in service on 15th September, 1982 ;
- (ii) that the employees belonging to reserved categories shall be regularised only against the posts/vacancies which stand reserved for such categories;
- (iii) that the employees should have been recruited through the Employment Exchange or directly appointed by , the appointing authority after obtaining non-availability certificate from the Employment Exchange;
- (iv) that the work and conduct of such employees shall be of over all good category and no disciplinary proceedings are pending against them; and
- (v) that the employees possessed the prescribed qualifications for the post at the time of their appointment on *ad-hoc* basis.

2. The *ad-hoc* employees shall be regularised against the posts/vacancies of relevant categories. The recommendees of the Subordinate Services Selection Board, Haryana shall be absorbed against the remaining vacancies. The names of such remaining recommendees as can not be absorbed shall be returned to the Board to enable it to recommend their names to other departments for appointment against clear vacancies.

3. The seniority of the *ad-hoc* Class III employees so regularised, *vis-a-vis* Class III employees appointed on regular basis shall be determined with effect from 15th September, 1982. The *inter-se* seniority of such *ad-hoc* Class III employees shall be determined in accordance with the date of their joining the post on *ad-hoc* basis. If the date of joining the post(s) on *ad-hoc* basis by such *ad-hoc* employees was the same, than an elder employees shall rank senior to an employees younger in age.

4. The services of the *ad-hoc* Inspectors Food and Supplies of the Food and Supplies Department and Superior Field Workers of the Health Department shall be regularised against vacancies only after first absorbing the persons recommended by the Subordinate Services Selection Board, Haryana.

5. These instructions shall not apply to the ad-hoc employees appointed as teachers in the Education Department and clerks.

Sd/—

P.P. Caprihan,
for Chief Secretary to Government, Haryana.

No. 51/14/82-5GSI,

Dated, Chandigarh, the 2nd February, 1984.

A copy is forwarded to all Heads of Departments, Commissioners of Ambala and Hissar Divisions, all Deputy Commissioners, all Sub-Divisional Officers (Civil) in Haryana and the Registrar, Punjab and Haryana High Court, Chandigarh ; for information and immediate necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy each is forwarded to the Financial Commissioner, Revenue and all Administrative Secretaries to Govt. Haryana.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

- (i) The Financial Commissioner, Revenue, Haryana; and
- (ii) All Administrative Secretaries to Government, Haryana.

U.O. No. 51/14/82-5GSI,

Dated, Chandigarh, the 2nd February, 1984.

No. 51/14/82-5GSI,

Dated, Chandigarh, the 2nd February, 1984.

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Haryana, Chandigarh for information.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

विषय :- हरियाणा लोक सेवा आयोग के कार्य की 1-4-1982 से 31-3-1983 तक की अवधि की वार्षिक रिपोर्ट-विभागों द्वारा आयोग को प्रस्ताव/मांग पत्र आदि भेजने में सरकार द्वारा समय-समय पर जारी की गई हिदायतों की अवहेलना करना ।

क्या वित्तायुक्त राजस्व एवं सभी प्रशासकीय सचिव, हरियाणा सरकार, उपरोक्त विषय की ओर ध्यान देने की कृपा करेंगे ।

2. हरियाणा लोक सेवा आयोग ने अपने कार्य की 1982-83 की वार्षिक रिपोर्ट में मुख्यतः निम्नलिखित अवलोचनाएं की हैं:-

- (क) विभागों द्वारा सीधी भर्ती के लिए आयोग को निर्धारित फार्म में मांग पत्र ठीक ढंग से भरकर नहीं भेजे गए, जिनको पूर्ण करवाने हेतु विभागों को आयोग द्वारा पुनः लिखना पड़ा, जिसके कारण भर्ती में अनावश्यक विलम्ब हुआ ।
- (ख) तदर्थ नियुक्ति के 15 दिनों के अन्दर-2 विभागों द्वारा आयोग को पूर्णरूप से भरे हुए मांग पत्र नहीं भेजे गए जैसा कि सरकारी हिदायतों के अनुसार वांछनीय है तथा तदर्थ नियुक्तियों को आयोग की अनुमति के बिना छः मास से आगे सरकारी अनुदेशों की अवहेलना करके चालू रखा गया ।
- (ग) विभागों द्वारा पदोन्नति के प्रस्ताव आयोग को सरकारी हिदायतों के अनुसार निर्धारित प्रोफार्मा में पूर्ण सूचना के साथ नहीं भेजे गए जिनके निपटान में अनावश्यक विलम्ब हुआ क्योंकि प्रस्तावों को पूरा करवाने हेतु विभागों को आयोग द्वारा बार-बार लिखना पड़ा ।
- (घ) अनुसूचित जाति के उम्मीदवारों की कमी उन्हीं पदों के लिए पाई गई, जिनके लिए तकनीकी ज्ञान अपेक्षित था ।

3. आयोग ने अपनी वार्षिक रिपोर्ट 1980-81 में भी लगभग इसी प्रकार की अवलोचनाएं की थी, जिनको सरकार के परिपत्रों क्रमांक 66/55/82-7 जी. एस. I, दिनांक 1-10-82, सम संख्यक परिपत्र दिनांक 1-10-82 तथा दिनांक 29-4-83 द्वारा आपके ध्यान में लाते हुए औरों के साथ यह अनुरोध किया गया था कि समय-समय पर जारी की गई सरकारी हिदायतों की पालना करते हुए यह सुनिश्चित करें कि पदोन्नति प्रस्ताव पूर्णरूप से आयोग को भेजे जाएं, तदर्थ नियुक्तियों के 15 दिनों के अन्दर-2 पूर्णरूप से भरे हुए मांगपत्र आयोग को भेजे जाएं, तदर्थ नियुक्तियों को छः मास से आगे आयोग की अनुमति के बिना चालू रखा जाए तथा अनुसूचित जाति के उम्मीदवारों को उनके लिए आरक्षित स्थानों के विरुद्ध तकनीकी संस्थानों में प्रवेश करवाएं ताकि तकनीकी सेवाओं में इनको उचित प्रतिनिधित्व मिल सके ।

4. सरकार को खेद है कि बार-बार हिदायतें जारी करने के बावजूद भी इस प्रकार की त्रुटियां आयोग द्वारा सरकार के ध्यान में पुनः लाई गई हैं । अतः आपसे पुनः अनुरोध है कि कृपया यह सुनिश्चित करें कि भविष्य में सरकारी अनुदेशों की उल्लंघना न हो ।

5. कृपया इस पत्र की पावती भिजवायें ।

हस्ता / -

संयुक्त सचिव, हरियाणा सरकार,
राजनैतिक एवं सेवाएं विभाग ।

सेवा में

1. वित्तायुक्त राजस्व, हरियाणा ।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार ।

अशां क्रमांक 66/16/84-7 जी. एस. I,

दिनांक 20-2-1985

पृ० क्रमांक 66/16/84-7 जी. एस. I,

दिनांक 20-2-1985

इसकी एक-एक प्रति सभी विभागाध्यक्ष, हरियाणा सरकार को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है तथा अनुरोध किया जाता है कि भविष्य में सरकारी हिदायतों की दृढ़ता से पालना की जाए ।

हस्ता / -

संयुक्त सचिव, हरियाणा सरकार,
राजनैतिक एवं सेवाएं विभाग ।

विषय: – तदर्थ नियुक्तियां/पदोन्नतियां बारे हिदायतें ।

क्या सभी वित्तायुक्त एव सभी प्रशासकीय सचिव, हरियाणा सरकार, उपरोक्त विषय की ओर ध्यान देने की कृपा करेंगे ।

2. हरियाणा सरकार के परिपत्र क्रमांक 6317/1 जी० एस० - 70/21913, दिनांक 20-8-1970 द्वारा जारी की गई हिदायतों में यह कहा गया था कि सीधी भर्ती के कोटे की रिक्ति के विरुद्ध तदर्थ नियुक्ति के 15 दिनों के अन्दर-अन्दर पूर्ण रूप से भरा हुआ आवश्यक मांग-पत्र हरियाणा लोक सेवा आयोग को भेजा जाये तथा छः मास के पश्चात आयोग की अनुमति के बिना तदर्थ नियुक्ति को जारी न रखा जाए । इन हिदायतों में यह भी कहा गया था कि तदर्थ नियुक्तियों के बारे में विभागाध्यक्ष निर्धारित प्रोफार्मा में प्रत्येक मास की 7 तारीख तक अपने प्रशासकीय सचिवों की एक सूची भेजेगे तथा प्रशासकीय विभागों की यह जिम्मेवारी होगी कि वे सूची की जांच पड़ताल करें तथा सुनिश्चित करें कि हिदायतों को अनुपालना में कोई अनियमितता न हो । इन हिदायतों को समय-समय पर कई बार दोहराया भी जा चुका है ।

हरियाणा सरकार के परिपत्र क्रमांक 699-I जी० एस० I-74/7611, दिनांक 2/5-4-1974 में यह अवलोकन किया गया कि विभाग सीधी भर्ती के कोटे की रिक्तियों के विरुद्ध तदर्थ/अस्थायी आधार पर विभागीय कर्मचारियों की पदोन्नतियां करते रहते हैं तथा आयोग को ऐसी रिक्तियों को भरने के लिए कोई मांग-पत्र नहीं भेजा जाता जिससे कांड ठीक नहीं रह पाता है और बाद में उसे निहित हितों के कारण नियमित करना कठिन हो जाता है । इस स्थिति को रोकने के लिए उक्त हिदायतों द्वारा सरकार का यह निर्णय सूचित किया गया था कि भविष्य में सीधी भर्ती के कोटे के विरुद्ध विभागीय कर्मचारियों की तदर्थ/अस्थायी आधार पर पदोन्नतियां तब ही की जायें जब उन्हें उसे इस कोटे को भरने के लिए पहले ही उचित पग उठा लिए हों अर्थात् पदों को सीधी भर्ती द्वारा भरने के लिए पूर्ण रूप से भरा हुआ आवश्यक मांग-पत्र आयोग को भेज दिया गया हो । इसके अलावा सीधी भर्ती के कोटे के विरुद्ध जो पदोन्नतियां तदर्थ तौर पर की जाती है वे छः मास से अधिक समय के लिए तभी जारी की जा सकेंगी जब हरियाणा लोक सेवा आयोग की अनुमति पहले प्राप्त कर ली जायेगी ।

3. हरियाणा लोक सेवा आयोग द्वारा सरकार के ध्यान में यह भी लाया गया है कि विभागों द्वारा सम्बन्धित अधिकारियों के पदोन्नति के मामले निर्धारित प्रोफार्मा में पूर्ण सूचना के साथ आयोग को समय पर नहीं भेजे जाते और आमतौर पर उनका गोपनीय रिकार्ड भी अधूरा भेजा जाता है जिसके कारण मामलों को निपटाने में काफी देरी हो जाती है । सरकार ने आयोग की इस अवलोचना को ध्यान में रखते हुये यह निर्णय लिया है कि भविष्य में यदि इस प्रकार का कोई केस आयोग द्वारा सरकार के ध्यान में लाया गया तो सरकार उसका गम्भीर नोटिस लेगी ।

4. यह भी निर्णय लिया गया है कि प्रत्येक विभाग द्वारा संलग्न प्रोफार्मा में हरियाणा लोक सेवा आयोग को कांड शिड्यूल रिपोर्ट प्रत्येक वर्ष 30 जून तथा 31 दिसम्बर को अवश्य भेजी जाये करे । आयोग आवश्यकता अनुसार कांड स्थिति को रिव्यू करने हेतु विभागाध्यक्षों की बैठक बुलाया करेगा तथा चूक-कर्ता विभागों के बारे में रिपोर्ट आवश्यक कार्यवाही हेतु मुख्य सचिव (सामान्य सेवायें-I) को भेजा करेगा ।

5. आपसे अनुरोध है कि उपरोक्त हिदायतों की दृढ़ता से पालना की जाये । यह स्पष्ट किया जाता है कि इन हिदायतों की उल्लंघना को सरकार गम्भीरता से लेगी और सम्बन्धित विभागाध्यक्ष प्रशासकीय सचिव व्यक्तिगत तौर पर इन हिदायतों की पालना करवाएं:

कृपया इसकी पावती भेजी जाये ।

हस्ता० / -

संयुक्त सचिव, राजनैतिक एवं सेवाएं,
कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

सभी वित्तायुक्त एवं सभी प्रशासकीय सचिव,
हरियाणा सरकार ।

अशां क्रमांक 66/71/84-7 जी. एस. I,

दिनांक 29-3-1985

क्रमांक 66/71/84-7 जी. एस. I,

दिनांक 29-3-1985

इसकी एक प्रति सभी विभागाध्यक्ष, हरियाणा सरकार को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है तथा अनुरोध किया जाता है कि भविष्य में इन सरकारी हिदायतों की दृढ़ता से पालना की जाये ।

हस्ता० / -

संयुक्त सचिव, राजनैतिक एवं सेवाएं,
कृते : मुख्य सचिव, हरियाणा सरकार ।

क्रमांक 66/71/84-7 जी. एस. I,

दिनांक 29-3-1985

इसकी एक प्रति सचिव, हरियाणा लोक सेवा आयोग, चण्डीगढ़ अ०स०प० को अध्यक्ष, हरियाणा लोक सेवा आयोग के मार्जिन में दर्शाये गये अर्ध-सरकारी क्र० 20744 दिनांक 27.9.84 के संदर्भ में सूचना तथा आवश्यक कार्यवाही हेतु भेजी जाती है ।

हस्ता० / -

संयुक्त सचिव, राजनैतिक एवं सेवाएं,
कृते : मुख्य सचिव, हरियाणा सरकार ।

REVISED PROFORMA

Sr. No.	Name of the post	Date of acknowledgement of the requisition by HPSC.	Date of making adhoc appointment/promotion	Date of receipt of recommendations of Commission for regular appointment	Date of termination/reversion of adhoc appointment/promotion	Whether approval of HPSC obtained for extension of adhoc appointment/promotion beyond six months	Remarks
1	2	3	4	5	6	7	8

Subject:- Adhoc Appointments.

Will all the Financial Commissioners and Administrative Secretaries of Haryana Government, kindly refer to the subject noted above?

2. As they are aware, the Subordinate Services Selection Board, Haryana has since been constituted, but the demand with respect to the class III posts to be filled up by direct recruitment through the Board is not being sent by various departments to the Subordinate Services Selection Board and the adhoc appointments made against these posts are being allowed to continue. As no adhoc arrangement can be allowed to continue beyond 6 months without the approval of the Subordinate Services Selection Board. It is, requested that the approval of the Subordinate Services Selection Board in such cases where adhoc appointments remained operative beyond 6 months needs to be obtained immediately. It is further observed that the requisite for filling up the posts is required to be made to the Subordinate Services Selection Board within 15 days of the appointment made on adhoc basis. It has, however, come to the notice of Government that some departments are not placing their demand with the Board within the Stipulated period. This Leads to a lots of complications at a later stage. In order to avoid this contingency, it is requested that all the departments under your control may Kindly be directed to place their demand for filling up class III posts to the Board immediately.

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners and all the Administrative
Secretaries to Government, Haryana.

U.O. No. 42/19/84-5GS-I

dated Chandigarh the 27th September, 1985.

Endst. No, 42/19/84-5GS-I

dated Chandigarh the 27th September, 1985.

A copy is forwarded to all Heads of Departments in the Haryana State for information and strict compliance.

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

Endst. No. 42/19/84-5GS-I

Dated Chandigarh the 27th Sept, 1985.

A copy is forwarded to the Secretary, Subordinate Services Selection, Board Haryana for information and necessary action.

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government Haryana.

Compendium of Instructions on Service Career – Vol. III

From

The Chief Secretary to Government, Haryana.

To

- (i) All Heads of Departments Commissioners of Ambala and Hisar Divisions ;
- (ii) Deputy Commissioners in the State & all the S.D.O. (C) in Haryana.

Memo No. 50/22/84-5GS I

Dated Chandigarh, the 16th Feb., 1987.

Subject :- Regulation of class III employees other than teachers who are working against the posts which have been taken out of the purview of the S.S.S. Board, Haryana.

Reference subject cited above.

2. The matter to regularise all Class-III adhoc employees who are working against the posts which have been taken out of the purview of the Subordinate Services Selection Board, Haryana has been under considered by the Govt.. It has been decided that the services of adhoc employees other than teachers working against the posts which have been taken out of the purview of the Board may be regularised as have completed two years service on 1-11-86 and were in service on that day on the following terms and conditions:-

- (i) that the employee belonging to reserved categories shall be regularised only against the posts/vacancies which stand reserved for such categories.
- (ii) that the employees would have been recruited through the Employment Exchange or directly appointed by the appointing authority after obtaining N.A.C. from the Employment Exchange, on the basis of the recommendations of the Departmental Selection Committees ;
- (iii) that the work and conduct of such employees is unblemished and is of overall good quality and no disciplinary proceedings are pending against them; and
- (iv) that the employees possess the prescribed qualifications for the post at the time of their appointment on adhoc basis.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all the Financial Commissioners and all the Administrative Secretaries to Govt., Haryana for information and necessary action.

Sd/-

Joint Secretary, General Service-I,
for Chief Secretary to Government, Haryana.

Probation

To

- (i) All the Financial Commissioners ; and
- (ii) All the Administrative Secretaries to Govt., Haryana.

No. 50/22/84-5GSI

Dated Chandigarh, the 16th Feb., 1987

A copy each is forwarded to the Principal Secretary/Deputy Principal Secretary/Officer on Special Duty/Secretaries/Private Secretaries to Chief Minister/Ministers/State Ministers for the information of Chief Minister/Ministers/State Ministers.

Sd/-

Joint Secretary General Service-I,
for Chief Secretary to Government, Haryana.

To

The Principal Secretary/Dy. Principal Secretary/
O.S.D./Secretaries/Private Secretaries to C.M./
Ministers/State Ministers.

U.O. No. 50/22/84-5GSI

Dated Chandigarh, the 16th Feb., 1987.

IMMEDIATE

No. 6/1/87-2GSI

From

The Chief Secretary to Government, Haryana

To

1. All Heads of Departments,
Commissioners, Ambala and Hissar Divisions,
all Deputy Commissioners and all
Sub-Divisional Officers (C) in Haryana.
2. The Registrar,
Punjab and Haryana High Court, Chandigarh.
Dated, Chandigarh, the 24th March, 1987.

Subject:- Regularisation of work charged employees.

Sir,

The matter regarding the regularization of the workcharged employees was engaging the attention of the Government for sometime past. After careful consideration it has now been decided that the services of all the workcharged employees working in the Haryana State, who have completed 4 years or more continuous service on 31.12.1986, should be regularised.

2. Necessary action regarding regularisation of the services of workcharged employees working in your department should be taken immediately in consultation with the Finance Department.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to :—

- (i) All Financial Commissioners, Haryana ; and
- (ii) All Administrative Secretaries to Govt., Haryana.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

- (i) All Financial Commissioners, Haryana ; and
- (ii) All Administrative Secretaries to Govt., Haryana.

U.O. No. 6/1/87-2GSI

Dated, Chandigarh, the 24th March, 1987.

No. 50/22/88-5 GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, and All Deputy Commissioners, and All Sub-Divisional Officers (Civil) in Haryana.
2. The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the 13th July, 1988.

Subject :- Replacement of adhoc employees by regular recruits.

Sir,

I am directed to invite your attention to Haryana Government circular letter No. 12/54/83-2 GSI, dated 24.4.84, on the subject noted above *vide* which instructions were issued that when recommendations from Haryana Public Service Commission/Subordinate Services Selection Board are received, the junior most adhoc employee should be retrenched first *i.e.* those appointed last should be discharged first and so on.

2. It has been noticed by Government that in some of the departments these instructions are not being followed. On consideration of the matter, it has been decided to again bring to your notice the above referred instructions for strict compliance in future.

Yours faithfully,

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

No. 50/22/88-5 GSI,

Dated Chandigarh, the 13th July, 1988.

A copy is forwarded to the Accountant General, Haryana, Chandigarh, for information and necessary action.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

Copies are forwarded for information and necessary action to :-

- (i) All Financial Commissioners, Haryana.
- (ii) All Administrative Secretaries to Government, Haryana.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

Compendium of Instructions on Service Career – Vol. III

To

- (i) All Financial Commissioners, Haryana.
- (ii) All Administrative Secretaries to Government, Haryana.

U.O. No. 50/22/88-5 GSI,

Dated Chandigarh, the 13th July, 1988.

Copies are forwarded to the Principal Secretary/Secretaries/Private Secretaries to the Chief Minister/Ministers/Ministers of State/Parliamentary Secretary, for information of the Chief Minister/Ministers/Ministers of State/Parliamentary Secretary.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

The Principal Secretary/Secretaries/Private Secretaries to the Chief Minister/Ministers/Ministers of State/Parliamentary Secretary.

U.O. No. 50/22/88-5 GSI,

Dated Chandigarh, the 13th July, 1988.

No. 50/35/88-5GSI

From

The Chief Secretary to Govt., Haryana.

- (i) All Heads of Departments, Commissioners, Ambala, Hisar , Rohtak and Gurgaon Divisions and all the Deputy Commissioners in the State.
- (ii) The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the 5th February, 1990

Subject :- Policy and procedure for making adhoc appointments against the posts which are purview of H.P.S.C ./S.S.S.B.

Sir

I am directed to address you on the subject noted above and to say that with a view to curb the problems created by adhoc appointments in the administration, the State Government has been considering for some time the question of framing a policy and adopting a uniform procedure for making adhoc appointments against posts which are within the purview of the Haryana Public Service Commission/Subordinate Services Selection Board, Haryana, after careful consideration, it has been decided that departments should avoid making adhoc appointments, and if at all it is necessary to make adhoc appointments, following policy and procedure should be adopted :—

- (i) No adhoc appointments be made in future on any posts by the departments unless a proper requisition has been sent to HPSC/SSSB, as the case may be, according to the qualifications/experience prescribed for such posts.
- (ii) All such adhoc appointments should be made only through the Employment exchange (or by advertising such posts in a Daily Newspaper after obtaining a N.A.C. from the employment exchange) only for 9 months or till such time the recommendees or the HPSC/SSSB join, whichever is earlier.
- (iii) No adhoc appointments should be continued beyond 9 months in any case.
- (iv) Where-ever it is possible for the departments to make annual recruitment a regular programme schedule of recruitments should be drawn up in consultation with HPSC/SSSB and adhoc appointments should not be made at all.
- (v) The appointing authority must it clear in the appointment letter that the adhoc appointment is being made only as stop-gap arrangement for a period upto 9 months and the adhoc appointee will stand relieved at the expiry of this tenure or will be relieved as soon as the recommendee of HPSC/SSSB takes his place, which ever is earlier.
- (vi) The appointing authority must issue a certificate every month that adhoc appointments have been made only through the Employment Exchange (or after obtaining a NAC from the Employment exchange) and that no adhoc appointment is being continued beyond 9 months.

Compendium of Instructions on Service Career – Vol. III

- (vii) The Drawing and Disbursing officer will attach a copy of the certificate mentioned in (vi) above with the monthly pay bill of such adhoc employees and the concerned Treasury Officer must ensure that salary bill of such adhoc employees is not passed until and unless this certificate is appended to the salary bill.

2. The recruiting agencies i.e. HPSC/SSSB must ensure that suitable candidates are recommended at the earliest possible time so that regular appointment are made within above stipulated time as mentioned in para, 1(iii) above.

3. The above policy/procedure may please be brought to the notice of all concerned for strict compliance. The receipt of this letter may also be acknowledged.

Yours faithfully,

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

No. 50/35/88-5GSI

Dated Chandigarh, the 5th February, 1990.

A copy is forwarded to each of the following:—

- (i) The Secretary, Haryana Public Services Commission, Chandigarh.
- (ii) The Secretary, Subordinate Services Selection Board, Haryana, Chandigarh.

2. They are requested to ensure that suitable candidates are recommended for regular appointments to the departments concerned within the stipulated period as mentioned in para 2 of these instructions.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

No. 50/35/88-5GSI

Dated Chandigarh, the 5th February, 1990.

A copy is forwarded to all the Treasury Officers in the State of Haryana for strict compliance of para 1 (vii) of these instructions.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to :

- (i) The Financial Commissioner, Revenue, Haryana; and
- (ii) All the Financial Commissioners and Secretaries to Govt., Haryana for information and necessary action.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

- (i) The Financial Commissioner, Revenue, Haryana.
- (ii) All the Financial Commissioners and Secretaries to Government, Haryana.

U.O. No. 50/35/88-5GSI

Dated Chandigarh, the 5th February, 1990.

No. 50/35/88-5 GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners, Ambala, Hisar, Rohtak & Gurgaon Divisions and all the Deputy Commissioners in the State.
2. The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the 7th May, 1990.

Subject:- Policy and procedure for making adhoc appointments against the posts which are within the purview of HPSC/SSSB.

Sir,

I am directed to refer to Haryana Government letter of even number, dated the 5th February, 1990, on the subject noted above and to say that various departments have sought clarifications on a few points and after careful consideration of the matter, it is clarified that the said instructions would be applicable to adhoc appointments made after 5-2-1990 and the certificate mentioned under para 1 (vi) of the said instructions is required to be issued in cases of adhoc appointments made after 5-2-1990. Likewise the certificate by the Drawing and Disbursing Officer (as mentioned in para 1 (vii) of the said instructions) is to be attached with the monthly pay bills of only those adhoc employees who have been appointed after 5-2-1990.

2. These clarifications may be brought to the notice of all concerned for strict, compliance. The receipt of this letter may also be acknowledged.

Yours faithfully,

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to :-

- (i) The Financial Commissioner, Revenue, Haryana and
- (ii) All the Financial Commissioners and Secretaries to Govt., Haryana for information and necessary action.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

- (i) The Financial Commissioner, Revenue, Haryana.
- (ii) All the Financial Commissioners, Commissioners & Secretaries to Govt., Haryana.

U.O. No. 50/35/88-5GS-I

Dated Chandigarh, the 7th May, 1990.

Compendium of Instructions on Service Career – Vol. III

No. 42/6/90-5GS-I

From

The Chief Secretary to Government, Haryana.

To

All Heads of Departments,
Commissioner Ambala, Hissar, Gurgaon & Rohtak
Divisions and all the Deputy Commissioners in the State.

Dated Chandigarh, the 13 September, 1990.

Subject :- Improving the system/procedure of recruitment to various State Services.

Sir,

I am directed to invite your attention to Haryana Government circular letters of even No. dated the 19th February, 1990 and 19th March, 1990 on the subject noted above vide which instructions were issued restraining the Departments from taking action for making recruitment against any posts in the Departments till the question of improving the present system procedure of recruitment to various State Services and also the question of prescribing the eligibility criteria for the grant of five years relaxation in the upper age limit to the candidates coming from rural areas of the State, was considered. The Government after considering the matter have issued instructions vide letter No. 3/1/90-1 GS-III dated the 5th September, 1990 raising the general upper age limit from 30 years to 35 years for entry into Govt., service. In view of this, Government have decided to withdraw the instructions dated the 19th February, 1990/19-3-1990 referred to above with immediate effect.

2. However, any instructions issued by the Finance Deptt. in regard to restrictions on recruitment of filling up of vacant posts will continue to remain in force.

3. This may please be brought to the notice of all concerned for necessary action.

Yours faithfully,

Sd/—

Under Secretary, General Administration,
for Chief Secretary to Govt., Haryana.

No. 42/6/90-5GS I

Dated, Chandigarh, the September 13, 1990.

A copy is forwarded to the following for information and necessary action :-

- (i) The Secretary, Haryana Public Service Commission.
- (ii) The Secretary, Subordinate Services Selection Board, Haryana, Chandigarh.

Sd/—

Under Secretary, General Administration,
for Chief Secretary to Govt., Haryana.

A copy is forwarded to :—

- (i) The Financial Commissioner, Revenue, Haryana and
- (ii) All the Financial Commissioners/Commissioners & Secretaries to Govt., Haryana for information and necessary action.

Sd/—

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana

Compendium of Instructions on Service Career – Vol. III

No. 6/4/90-2GSI

From

Chief Secretary to Govt., Haryana

To

1. All Heads of Departments in Haryana.
2. The Registrar, Punjab and Haryana High Court, Chandigarh.
3. The Commissioners, Ambala, Rohtak, Hisar, Gurgaon Divisions & Deputy Commissioners in the State.

Dated Chandigarh, the 7th March. 1991.

Subject:- Regularisation of adhoc Class III employees.

Sir,

I am directed to invite your attention on the subject cited above and to say that the matter regarding regularisation of adhoc Class-III employees has remained under consideration of the State Government for some time past and it has been decided to regularise the services of the adhoc Class-III employees. A copy of the Haryana Government Notification No. G.S. R. 11/Const/Art. 309/91, dated 28-2-1991 issued in this behalf is enclosed for further necessary action.

2. Keeping in view the impact of regularisation of adhoc employees the position of vacancies in the department may undergo a change and affect the vacancies already sent to S.S.S. Board for advertisement. It is, therefore requested that where the vacancies have not yet been advertised the requisition may be withdrawn from the S.S.S. Board and a fresh requisition after calculating the vacancies afresh be sent to S.S.S. Board.

Yours faithfully,

Sd/—

Under Secretary General Administration,
for Chief Secretary to Government, Haryana.

A copy with a copy of Haryana Government Notification No. G.S.R. II/Const./Art. 309/91 dated 28-2-91 is forwarded to the following for information and necessary action:—

1. The Financial Commissioners/Commissioners and Secretaries to Govt., Haryana.
2. The Secretary, S.S.S. Board, Haryana. It is requested that if any advertisement is in the process of being issued the same should be stopped till a fresh requisition is received from the concerned departments.

Sd/—

Under Secretary General Administration,
for Chief Secretary to Government, Haryana

To

1. The Financial Commissioners/Commissioners & Secretaries to Govt., Haryana.
2. The Secretary, S.S.S. Board, Haryana.

U.O. No. 6/4/90-2GSI

Dated Chandigarh, the 7th March, 91.

No. 50/35/88-5GSI

From

The Chief Secretary to Govt., Haryana.

To

1. All Heads of Departments.
Commissioners, Ambala, Hisar, Rohtak & Gurgaon, Divisions and
All the Deputy Commissioners in the State.
2. The Registrar, Punjab and Haryana High Court,
Chandigarh.

Dated Chandigarh, the 14th March, 1991.

Subject :- Policy and Procedure for making adhoc appointments against the posts which are within the purview of HPSC/SSSB.

I am directed to invite your attention to Haryana Government letters of even number dated 5-2-90 and 5-7-90 on the subject noted above in which, *inter alia* it was laid down that the departments should avoid making adhoc appointments and to follow the detailed procedure in the event of utmost necessity for making such appointments. It has, however, come to the notice of Government that these instructions are not being followed strictly and adhoc appointments are still being made. It is once again requested to ensure that the instructions referred to above are followed meticulously. It is also made clear that any deviation from these instructions will be viewed seriously.

These instructions may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/—

Under Secretary General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to :—

1. The Financial Commissioner, Revenue, Haryana.
2. All the Financial Commissioners & Commissioners & Secretaries to Government, Haryana for information and necessary action.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

1. The Financial Commissioner, Revenue, Haryana.
2. All the Financial Commissioners & Commissioners & Secretaries to Govt., Haryana.

U. O. No. 50/35/88-5GSI

Dated Chandigarh, the 14th March, 1991

No. 66/14/91-7 GS1

From

The Chief Secretary to Govt., Haryana.

To

- (1) All Heads of Departments in Haryana.
- (2) The Registrar, Punjab and Haryana High Court.
- (3) The Commissioners, Ambala, Rohtak, Hisar and Gurgaon Divisions.

Dated Chandigarh, the 29th March, 1991.

Subject:- Regularisation of Adhoc Class-II Employees.

Sir,

I am directed to invite your attention on the subject noted above and to say that the matter regarding regularisation of adhoc class II employees has been engaging the attention of Govt., for some time past and it has now been decided to regularise the services of adhoc class II employees if they fulfil the following conditions:-

- (i) That the employees have completed two years service on 31-12-90 and were in service on 31-12-90.
- (ii) That the employees shall be regularised against the post/vacancies of relevant categories. The employees of General category may be regularised in excess of their quota with the clear stipulation that in future recruitments only the candidates from reserved categories will be appointed until the back log arising out of utilisation of reserve category vacancies by general category adhoc employees is cleared;
- (iii) That the employees should have been recruited through the Employment Exchange or directly appointed by the appointing authority after obtaining the non-availability certificate from the Employment Exchange or appointed as per the approved procedure as in the case of lecturers in Colleges.
- (iv) That the work & conduct of such employees shall be of overall good category and no disciplinary proceedings are pending against them.
- (v) That the employees possessed the prescribed qualification for the post at the time of their appointment on adhoc basis.

However, the employees who have been promoted on adhoc basis pending recruitment by Haryana Public Service Commission will not be covered under this decision.

2. Government have also taken a decision to take out all such posts as have been held for a minimum period of two years on 31-12-90 by class-II employees on adhoc basis and who satisfy the above conditions of regularisation out of the purview of the Haryana Public Service Commission. However, the notification for amending the Haryana Public Service Commission (Limitation of functions) Regulation, 1973 will be issued only after the designation and number of the posts to be taken out of the purview is ascertained. It is, therefore, requested that designation and number of posts as has been

held for a minimum period of two years on 31-12-90 by Class-II employees on adhoc basis and who satisfy the conditions of regularisation may be supplied to this office within a period of 15 days so that the required notification is issued.

3. The instructions with regard to determining the seniority of class-II employees whose service are to be regularised under these instructions will be issued later on.

4. It is further pointed out that keeping in view the impact of regularisations of Class-II adhoc employees the number of available vacancies in the department may undergo a change and affect the requisitions already sent to Haryana Public Service Commission for advertisement. It is therefore, requested that where the vacancies have not yet been advertised, the requisition may be withdrawn from the Haryana Public Service Commission and a fresh requisition after recalculating the vacancies be sent to Haryana Public Service Commission.

Yours faithfully,

Sd/—

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to the following for information and necessary action: -

- (1) The Financial Commissioners/Commissioners & Secretary to Govt., Haryana.
- (2) The Secretary, HPSC,. It is requested that if any advertisement is in the process of issue the same should be stopped till a fresh requisition is received from the concerned department .

Sd/—

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

- (1) The Financial Commissioner/Commissioners & Secretary to Govt., Haryana.
- (2) The Secretary, Haryana Public Service Commission.

U.O.No.66/14/91-7GSI

Dated Chandigarh. the 29th March. 1991

A copy is forwarded to the Secretary to the Council of Ministers, Haryana, with reference to his U.O. No. 5/103-Cabinet 90, dated 23.3.91 for information.

Sd/—

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

The Secretary to Council of Ministers, Haryana.

U.O.No.66/14/91-7GSI

Dated: 29-3-91.

Compendium of Instructions on Service Career – Vol. III

No. 50/35/88-5GSI

From

The Chief Secretary to Govt., Haryana.

To

1. All Heads of Departments,
Commissioners, Ambala, Hisar, Rohtak & Gurgaon Divisions and
all the Deputy Commissioners in the State.
2. The Registrar,
Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the 8th May, 1991

Subject: - Policy and Procedure for making adhoc appointments against the posts which are within the purview of HPSC/SSSB.

Sir,

I am directed to invite your attention to Haryana Government letters of even number dated 5-2-90 and 14-3-91 on the subject noted above in which it was *inter alia* laid down that the departments should avoid making adhoc appointments and to follow the detailed procedure in the event of utmost necessity for making such appointments.

The matter has further been considered and it has been decided to impose ban on making adhoc appointments. It is, therefore, requested that no adhoc appointment be made on any post till further orders.

These instructions may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Under Secretary General Administration,
for Chief Secretary to Govt., Haryana.

A copy is forwarded to: -

- (1) The Financial Commissioner, Revenue, Haryana.
- (2) All the Financial Commissioners & Commissioners & Secretaries to Govt. Haryana for information & necessary action.

Sd/-

Under Secretary General Administration,
for Chief Secretary to Govt., Haryana.

To

- (1) The Financial Commissioner, Revenue, Haryana.
- (2) All the Financial Commissioners & Commissioners & Secretaries to Govt. Haryana.

U.O. No. 50/35/88-5GSI

Dated Chandigarh, the 8th May, 1991.

No. 43/79/92-5GSI

From

The Chief Secretary to Govt., Haryana.

To

- (1) All Heads of Departments, Commissioners of Ambala, Hisar, Rohtak & Gurgaon Divisions.
- (2) All Deputy Commissioners in the State.

Dated Chandigarh, the 6th November, 1992

Subject: - Writ Petitions pending in the High Court in the wake of Piara Singh's case now decided by Supreme Court titled as State of Haryana Vs. Piara Singh decided on 12-8-92.

Sir,

I am directed to refer to the subject noted above and to state that the Division Bench of Punjab and Haryana High Court in CWP No. 72 of 1988-Piara Singh Vs. State of Haryana and others held that the services of any person who is working for one year whether as adhoc, casual labourer, daily wagers or against the work charged establishment or against projects or seasonal work would be deemed to be regularised. The High Court also gave directions that no such persons as has put in one years' service etc. shall be thrown out of job. As a consequence of this judgement, various writ petitions were filed from time to time with the result that many persons who had completed 240 days or about one year service were allowed to continue in service. The appeal against the judgement of the High Court was filed in the Supreme Court. The State Govt. also filed a scheme for regularisation of various categories of employees. The Supreme Court has set aside the judgement of the High Court vide its order dated 12-8-92 and has also commended the scheme filed by the State Govt. Detailed instructions in pursuance of the judgement of the Supreme Court are being issued separately.

2. It has come to the notice of the State Govt. that various cases are pending in the High Court in which petitioners have got stay orders in their favour and are continuing in their job on the basis of High Court's judgement in Piara Singh's case. These cases are now being disposed of by the Hon'ble High Court in pursuance of the judgement of the Supreme Court. In some of the cases which are pending in the High Court, the Hon'ble Judges are issuing notices of motion for filing the returns (Written statements). The Hon'ble Judges have also asked the Advocate General Haryana to get the returns filed immediately so that the case may be disposed of expeditiously. In view of this it is requested that after notices have been served upon, it should be ensured that returns are filed immediately and no delay is caused in this connection because if any delay is caused the persons who have been selected by the S.S.S. Board Haryana and are awaiting appointments will not get appointment till Services of the persons who are not entitled to hold the post are dispensed with. Moreover, persons not entitled will continue in service.

3. In cases, where stays are operational but no fresh notices have been issued by the High Court, the departments should get stays vacated immediately.

Compendium of Instructions on Service Career – Vol. III

4. The above may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

No. 43/79/92-5GSI.

Dated Chandigarh, the 6-11-92.

A copy is forwarded to the Advocate General Haryana with reference to his D.O. No. 2119-H/AG, dated 28-10-92 for information.

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to the Financial Commissioners/Commissioners and Secretaries to Govt. Haryana for information and necessary action.

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

To

The Financial Commissioners/Commissioners and Secretaries to Govt. Haryana.

U.O. No. 43/79/92-5GSI

Dated Chandigarh, the 6-11-92.

No. 6/4/90-2GS-1

From

The Chief Secretary to Govt., Haryana.

To

1. All Heads of Departments and Commissioners of
Ambala, Hisar, Rohtak & Gurgaon Divisions.
2. All Deputy Commissioners and Sub Divisional Officers (Civil) in the State.
3. The Registrar, Punjab and Haryana High Court.

Dated Chandigarh, the 17th December, 1992.

Subject: - Review of requirement of Services of Adhoc/Casual/Daily Wager etc. –Review thereof.

Sir,

I am directed to refer to the subject noted above and to say that with regard to requirement, replacement/termination of Adhoc employees and Casual Labour/Daily Wagers etc. the following action may be taken: -

Adhoc Employees

- (i) In view of the orders of Supreme Court, the Adhoc employees are to be replaced by the recommendees of the SSS Board/HPSC. The services of all Adhoc Employees where candidates by the SSS Board/HPSC have been recommended may be terminated immediately.
- (ii) Where no such recommendations have been made by the SSS Board/HPSC the department should review the position of the adhoc appointees and terminate their services immediately if no longer required.
- (iii) In cases where High Court has granted stay on the basis of Piara Singh's case immediate action in terms of letter 43/79/92-5GSI, dated 6-11-92 may be taken.

Daily Wagers/Casual Labour

Departments are requested to review the actual requirement of these employees and terminate their services immediately if their services are no longer required.

You are requested to look into the matter personally and to comply with the directions given above and report be sent within 10 days.

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

Compendium of Instructions on Service Career – Vol. III

A copy is forwarded to All the Financial Commissioners/Commissioners and Secretaries to Govt., Haryana for similar action.

In terms of the Supreme Court decision the Govt. policy with regard to adhoc/daily wagers/casual labour and work charged employees is required to be made applicable to the Boards and Corporations. It is requested that they may kindly take similar action in respect of Boards and Corporations under their control.

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners and
Secretaries to Government, Haryana.

U.O. No. 6/4/99-2GS I

Dated, Chandigarh, the 17th December, 1992.

क्रमांक 6/4/90-2 जी0 एस0-I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

1. सभी विभागाध्यक्ष, आयुक्त, अम्बाला, हिसार, रोहतक तथा गुड़गांव मण्डल ।
2. सभी उपायुक्त तथा उपमण्डल अधिकारी (नागरिक) हरियाणा राज्य ।
3. रजिस्ट्रार, पंजाब एवं हरियाणा उच्च न्यायालय, चण्डीगढ़ ।

दिनांक चण्डीगढ़, 2-6-93

विषय: - सभी श्रेणी III के तदर्थ कर्मचारियों की सेवाएं नियमित करना ।

महोदय,

उपरोक्त विषय पर मुझे आपका ध्यान आकर्षित कराते हुए यह कहने का निर्देश हुआ है कि कुछ समय से श्रेणी प् के तदर्थ कर्मचारियों को नियमित करने का मामला सरकार के विचाराधीन था और अब तदर्थ कर्मचारियों को नियमित करने का निर्णय ले लिया गया है । इस सम्बन्ध में जारी की गई सरकारी अधिसूचना सं० सा० का० नि० 31/सवि०/अनु० 309/93, दिनांक 1 जून, 1993 आपको आवश्यक कार्यवाही हेतु भेजी जाती है ।

2. तदर्थ कर्मचारियों को नियमित करने से विभागों में उपलब्ध रिक्तियों की संख्या में परिवर्तन आएगा जिसका प्रभाव अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा को विज्ञापित कराने के लिए भेजी गई रिक्तियों पर पड़ेगा । अतः जहां यदि रिक्तियां विज्ञापित नहीं की गई हों तो मांग पत्र अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा से वापिस ले लिया जाए और रिक्तियों की ताजा गणना करके नया मांग पत्र अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा को भेजा जाए । नियमित किए गए/किए जाने वाले तदर्थ कर्मचारियों की संख्या की सूचना सरकार को 15 दिन के अन्दर-अन्दर अवश्य भेजी जाए ।

भवदीय,

हस्ता/-

संयुक्त सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति हरियाणा सरकार द्वारा जारी की गई अधिसूचना सं० सा० का० नि० 31/सवि०/अनु०-309/93, दिनांक 1 जून, 1993 की प्रति सहित निम्नलिखित को सूचनार्थ प्रेषित है :-

- (i) सभी वितायुक्त/आयुक्त एवं सचिव, हरियाणा सरकार ।
- (ii) सचिव, अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा सरकार मनीमाजरा (यू० टी०) । उनसे अनुरोध है कि यदि ऐसी रिक्तियों को भरने के लिए विज्ञापन दिए जा रहे हों तो उन्हें विभागों से ताजा मांग आने तक रोक लिया जाए ।

हस्ता/-

संयुक्त सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी वितायुक्त/आयुक्त एवं सचिव, हरियाणा सरकार ।
2. सचिव, अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा, एस०सी०ओ० नं० 803, मनीमाजरा (यू०टी०) ।

अशा: क्रमांक 6/4/90-5 जी० एस०-I

दिनांक चण्डीगढ़ 2-6-93

हरियाणा सरकार

सामान्य प्रशासन विभाग

(सामान्य सेवाएं I)

अधिसूचना

दिनांक 1 जून, 1993

संख्या सा0 का0 नि0 31/सवि0/अनु0 309/93.—हरियाणा सरकार, सामान्य प्रशासन विभाग (सामान्य सेवाएं) अधिसूचना सं0 523-3 जी0एस0-I-70/2068 दिनांक 28 जनवरी, 1970, के खण्ड 6 के परन्तुक के साथ पठित, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए हरियाणा के राज्यपाल, इसके द्वारा वर्ग III के ऐसे पद, जिन्हें 31 मार्च, 1993, को वर्ग-III के कम से कम दो वर्ष की सेवा अवधि वाले तदर्थ कर्मचारी धारण करते हैं, अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा के अधिकार क्षेत्र से बाहर निकालने के लिए विनिर्दिष्ट करते हैं और उनकी सेवाएं नियमित की जाएंगी, यदि वे निम्नलिखित शर्तें पूरी करते हैं, अर्थात् :-

- (i) कि कर्मचारियों ने दिनांक 31 मार्च, 1993, को दो वर्ष की सेवा पूरी कर ली हो और 31 मार्च, 1993 को सेवा में थे ;
- (ii) कि कर्मचारी संगत प्रवर्गों के पदों/रिक्तियों के विरुद्ध नियमित किए जाएंगे । सामान्य वर्ग के कर्मचारी अपने कोटे से अधिक इस स्पष्ट शर्त के साथ नियमित किए जाएंगे कि भविष्य में की जाने वाली भर्तियों में केवल आरक्षित प्रवर्गों के उम्मीदवार उस समय तक नियुक्त किए जाएंगे, जब तक कि सामान्य वर्ग के तदर्थ कर्मचारियों द्वारा आरक्षित वर्गों की रिक्तियों के भरे जाने से उत्पन्न होने वाली पिछली कमी पूरी नहीं हो जाती ;
- (iii) कि कर्मचारी रोजगार कार्यालय के माध्यम से भर्ती हुए हों अथवा नियुक्ति प्राधिकारी द्वारा रोजगार कार्यालय से अनुपलब्धता प्रमाण-पत्र प्राप्त करने के बाद सीधे तौर पर नियुक्त किए गए हों ;
- (iv) कि ऐसे कर्मचारियों का कार्य और आचरण समूचे तौर पर अच्छे वर्गीकरण का हो और उनके विरुद्ध कोई अनुशासनिक कार्यवाही लम्बित न हों ; और
- (v) कि कर्मचारी तदर्थ आधार पर अपनी नियुक्ति के समय पदों के लिए विहित योग्यताएं रखते हों ;

2. इस प्रकार से नियमित किए गए वर्ग-III के तदर्थ कर्मचारियों को नियमित आधार पर नियुक्त वर्ग-III के कर्मचारियों के साथ ज्येष्ठता 31 मार्च, 1993, से निश्चित की जाएगी । ऐसे वर्ग-III के तदर्थ कर्मचारियों की पारस्परिक ज्येष्ठता उन द्वारा तदर्थ आधार पर कार्यग्रहण की तिथि के अनुसार निश्चित की जाएगी । यदि ऐसे तदर्थ कर्मचारियों द्वारा तदर्थ आधार पर कार्यग्रहण की तिथि एक हो तब आयु में बड़ा कर्मचारी छोटे कर्मचारी से ज्येष्ठ होगा । यदि सीधी भर्ती वाले की नियुक्ति तिथि और तदर्थ कर्मचारियों की नियमितता की तिथि एक जैसी हो तो सीधी भर्ती वाला कर्मचारी ज्येष्ठ होगा ।

बी0 एस0 ओझा,

मुख्य सचिव, हरियाणा सरकार ।

[Authorised English Translation]

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
(GENERAL SERVICES – I)

Notification

The 1st June, 1993

No. GSR/31/Const./Art. 309/93—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India read with the proviso to clause 6 of Haryana Government, General Administration Department (General Services) notification No. 523-3GS-70/2068, dated the 28th January, 1970, the Governor of Haryana hereby specifies such Class III posts as have been held for a minimum period of two years on the 31st March, 1993 by Class III employees on adhoc basis to be taken out of the purview of the Subordinate Services Selection Board, Haryana and their Services shall be regularized if they fulfil the following conditions namely: -

- (i) that the employees has completed two years service on the 31st March, 1993 and were in service on 31st March, 1993 ;
- (ii) that the employees shall be regularised against the posts/vacancies of relevant categories. The employees of general category may be regularised in excess of their quota with the clear stipulation that in future recruitments only the candidates from reserve categories will be appointed until the back log arising out of utilisation of reserve category vacancies by general category adhoc employees is cleared ;
- (iii) that the employees should have been recruited through the Employment Exchange or directly appointed by the appointing authority after obtaining the non-availability certificate from the Employment Exchange ;
- (iv) that the work and conduct of such employees shall be of over all good category and no disciplinary proceedings are pending against them; and
- (v) that the employees possessed the prescribed qualifications for the post at the time of their appointment on adhoc basis.

2. The seniority of the adhoc Class III employees so regularised *vis-a-vis* the Class III employees appointed on regular basis shall be determined with effect from 31st March, 1993. The *inter-se* seniority of such adhoc Class III employees shall be determined in accordance with the date of their joining the post on adhoc basis. If the date of joining the post(s) on adhoc basis by such adhoc employees was the same, then an older employee shall rank senior to an employee younger in age. If the date of appointment of direct recruit and the date of regularisation of adhoc employees is the same, the direct recruit shall be senior.

B.S. OJHA,
Chief Secretary to Government, Haryana.

Compendium of Instructions on Service Career – Vol. III

No. 66/14/91-7GSI

From

The Chief Secretary to Govt., Haryana.

To

1. All Heads of Departments in Haryana.
2. The Registrar, Punjab and Haryana High Court.
3. The Commissioners, Ambala, Rohtak, Hisar and Gurgaon Divisions.

Dated Chandigarh, the 11th May, 1993.

Subject :- Regularisation of adhoc Class-II employees.

Sir,

I am directed to refer to this department letter No. 66/14/91-7GSI, dated 29th March, 1991 in which *inter alia* it was mentioned that the instructions with regard to determining the seniority of class II employees whose services are to be regularised will be issued later on and to say that after, careful consideration Govt. have issued notification No. G. S. R. 83/Const./Art. 309/92, dated 9-12-92 laying down the manner of fixing seniority of adhoc class-II employees whose service has been regularised with effect from 31-12-90. A copy of the notification is sent herewith for information and necessary action.

Yours faithfully.

Sd/-

Deputy Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy with a copy of the notification is forwarded to the following for information and necessary action:-

All the Financial Commissioners/Commissioners and Secretaries to Govt., Haryana.

Sd/-

Deputy Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners &
Secretaries to Govt., Haryana.

U.O. No. 66/14/91-7GSI

Dated Chandigarh, the 11th May, 1993.

IMMEDIATE

No. 66/36/93-7GS I

From

The Chief Secretary to Govt., Haryana.

To

- (1) All Heads of Departments in Haryana.
- (2) The Registrar, Punjab and Haryana High Court.
- (3) The Commissioners, Ambala, Rohtak, Hissar and Gurgaon Divisions.

Dated Chandigarh, the 27th May, 1993.

Subject:- Regularisation of Adhoc Class II Employees.

Sir,

I am directed to invite your attention on the subject noted above and to say that the matter regarding regularisation of adhoc class II employees has been engaging the attention of Govt., for some time past and it has now been decided to regularise the services of adhoc class II employees if they fulfil the following conditions :-

- (i) That the employees have completed two years service on 31-3-93 and were in service on 31-3-93.
- (ii) That the employees shall be regularised against the posts/vacancies of relevant categories. The employees of general category may be regularised in excess of their quota with the clear stipulation that in future recruitments only the candidates from reserved categories will be appointed until the back log arising out of utilisation of reserve category vacancies by general category ad-hoc employees is cleared.
- (iii) That the employees should have been recruited through the Employment Exchange or directly appointed by the appointing authority after obtaining the non-availability certificate from the Employment Exchange or appointed as per the approved procedure as the case of lecturers in Colleges.
- (iv) That the work & conduct of such employees shall be of overall good category and no disciplinary proceedings are pending against them.
- (v) That the employees possessed the prescribed qualifications for the post at the time of their appointment on adhoc basis.

However, the employees who have been promoted on adhoc basis pending recruitment by Haryana Public Service Commission will not be covered under this decision.

2. Government have also taken a decision to take out all such posts as have been held for a minimum period of two years on 31-3-93 by Class-II employees on adhoc basis and who satisfy the above conditions of regularisation out of the purview of the Haryana Public Service Commission. However, the notification for amending the Haryana Public Service Commission (Limitation of functions)

Regulation, 1973 will be issued only after the designation and number of the posts to be taken out of the purview is ascertained. It is, therefore, requested that designation and number of posts as has been held for a minimum period of two years on 31-3-93 by Class-II employees on adhoc basis and who satisfy the conditions of regularisation may be supplied to this office within a period of 15 days so that the required notification is issued.

3. The seniority of the adhoc Class II employees so regularised with effect from the 31st March, 1993, vis-a-vis the Class II employees appointed on the same date on regular basis shall be determined with effect from 31st March, 1993. The *inter-se* seniority of such adhoc Class-II employees shall be determined in accordance with the date of their joining the post on adhoc basis. If the date of joining the post (s) on adhoc basis by such adhoc employees was the same, than an older employee shall rank senior to an employee younger in age. If the date of appointment of the direct recruit and the date of regularisation of adhoc employee is the same, the direct recruit shall be senior.

4. It is further pointed out that keeping in view the impact of regularisation of Class-II adhoc employees the number of available vacancies in the department may undergo a change and affect the requisitions already sent to Haryana Public Service Commission for advertisement. It is, therefore, requested that where the vacancies have not yet been advertised the requisition may be withdrawn from the Haryana Public Service Commission and a fresh requisition after recalculating the vacancies be sent to Haryana Public Service Commission.

Yours faithfully,

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Govt. Haryana.

A copy is forwarded to the following for information and necessary action :—

- (1) The Financial Commissioners/Commissioners and Secretary to Govt., Haryana.
- (2) The Secretary, Haryana Public Service Commission. It is requested that if any advertisement is in the process of issue the same should be stopped till a fresh requisition is received from the concerned department.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Govt. Haryana.

- (1) The Financial Commissioners/Commissioners & Secretary to Govt., Haryana.
- (2) The Secretary, Haryana Public Service Commission, Chandigarh.

U. O. No. 66/36/93-7GSI

Dated Chandigarh, the 27th May, 1993

A copy is forwarded to the Secretary, to the Council of Ministers, Haryana, with reference to his U. O. No. 5/103-Cabinet-93, dated 26-5-93 for information.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Govt., Haryana.

To

The Secretary to Council of Ministers, Haryana.

U. O. No. 66/36/93-7GSI

Dated Chandigarh, the 27th May, 1993

तत्काल

तिथि बद्ध

क्रमांक 6/4/90-2जी0एस0 I,

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, अम्बाला, हिसार, रोहतक एवं गुड़गावां के आयुक्तों, सभी उपायुक्तों एवं हरियाणा राज्य में सभी उप-मण्डल अधिकारी (नागरिक) ।
 2. रजिस्ट्रार, पंजाब एवं हरियाणा उच्च न्यायालय, चण्डीगढ़ ।
- दिनांक, चण्डीगढ़, 27 मई, 1993

विषय: - वर्कचार्ज/कैजुअल/दैनिक वेतनभोगी कर्मचारियों को नियमित करने बारे ।

महोदय,

मुझे उपरोक्त विषय पर आपका ध्यान आकर्षित करते हुए यह कहने का निदेश हुआ है कि वर्कचार्ज/कैजुअल/दैनिक वेतनभोगी कर्मचारियों की सेवाएं नियमित करने संबंधी मामला कुछ समय से सरकार के विचाराधीन था । मामले का गहन परीक्षणोपरान्त यह निर्णय लिया गया है कि इन वर्गों के कर्मचारियों की सेवाएं निम्न प्रकार से नियमित कर दी जायें ।

वर्कचार्ज कर्मचारी

वर्कचार्ज कर्मचारी जो दिनांक 31-3-93 को पांच वर्ष या इससे अधिक लगातार सेवा पूरी कर चुके हों और उस दिन सेवा में थे, को दिनांक 31-3-1993 से नियमित कर दिये जायें । नियमित किये जाने पर ये कर्मचारी हरियाणा राज्य में कहीं भी किसी प्रोजेक्ट/कार्य पर स्थानान्तरित किये जा सकेंगे ।

कैजुअल/दैनिक वेतनभोगी कर्मचारी

कैजुअल/दैनिक वेतनभोगी कर्मचारी जो दिनांक 31-3-1993 को पांच वर्ष की सेवा पूरी कर चुके हैं, और उस दिन सेवा में थे, नियमित किये जायें । नियमित किये जाने पर ऐसे कर्मचारी ग्रुप 'डी' के सरकारी कर्मचारियों पर लागू न्यूनतम वेतनमान तथा अन्य भत्ते एवं लाभ प्रदान किये जाने के पात्र होंगे, जो समवर्ती वेतनमान वाले ऐसे नियमित सरकारी कर्मचारियों को उपलब्ध हैं ।

2. आपके विभाग में कार्यरत ऐसे कर्मचारियों की सेवाएं नियमित करने संबंधी आवश्यक कार्यवाही वित्त विभाग के परामर्श से, यदि आवश्यक हो, 15 दिन के अन्दर-अन्दर कर ली जाये और इसकी सूचना सरकार को नियमित किये गये कर्मचारियों की संख्या सहित भेजी जाये ।

भवदीय,

हस्ता/-

संयुक्त सचिव, सामान्य प्रशासन,
कृते: मुख्य सचिव, हरियाणा सरकार ।

Compendium of Instructions on Service Career – Vol. III

एक प्रति हरियाणा सरकार के सभी वित्तायुक्तों तथा आयुक्तों एवं सचिवों को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु प्रेषित है ।

हस्ता / -

संयुक्त सचिव, सामान्य प्रशासन,
कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

हरियाणा सरकार के सभी वित्तायुक्त/आयुक्त एवं सचिव ।

अशा0 क्रमांक 6/4/90-2जी0एस0 I

दिनांक, चण्डीगढ़, 27 मई, 1993

IMMEDIATE

Date Bound

No. 6/4/90-2GS I

From

The Chief Secretary to Govt., Haryana.

To

1. All the Heads of Departments,
Commissioners, Ambala, Hissar, Rohtak and Gurgaon Divisions,
All Deputy Commissioners and All Sub-Divisional Officers (C)
in Haryana.
2. The Registrar, Punjab and Haryana High Court, Chandigarh.
Dated, Chandigarh, the 27th May, 1993.

Subject :- Regularisation of Work-Charged/Casual/Daily rated employees.

Sir,

The matter regarding the regularisation of the Work-charged/Casual/Daily rated employees was engaging the attention of the Government for sometime past. After careful consideration it has now been decided that the services of employees of these categories should be regularised as under :—

Work-charged employees

The Work-charged employees who have completed five or more years of continuous service as on 31st March, 1993, and were in service on 31st March, 1993, shall be regularised. On regularization, these employees shall be liable for transfer in the State of Haryana on any project/work.

Casual/Daily rated employees

The Casual and Daily rated employees who have completed 5 years service on 31st March, 1993 and were in service on 31st March, 1993, shall be regularised. On regularisation, they shall be put in the time scale of pay applicable to the lowest Group 'D' cadre in the Govt. and they would be entitled to all other allowances and benefits available to regular Govt. servants of the corresponding grade.

2. Necessary action regarding regularisation of the services of such employees working in your department should be taken within 15 days in consultation with the Finance Department, if necessary, under intimation to Govt. alongwith the number of employees so regularised.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

Compendium of Instructions on Service Career – Vol. III

A copy is forwarded for information and necessary action to all the Financial Commissioners/Commissioners and Secretaries to Government, Haryana.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners & Secretaries to
Government, Haryana.

U.O. No. 6/4/90-2GS I,

Dated Chandigarh, the 27th May, 1993.

No. 42/164/92-5GSI

From

The Chief Secretary to Govt., Haryana.

To

- (i) All Heads of Departments, Commissioners, Ambala, Hisar, Rohtak & Gurgaon Divisions and all the Deputy Commissioners in the State.
- (ii) The Registrar,
Punjab and Haryana, High Court, Chandigarh.

Dated Chandigarh, the 19th November, 1993.

Subject:- Policy and procedure for making adhoc appointments against the posts which are within the purview of H.P.S.C/S.S.S. Board.

Sir,

I am directed to invite your attention to Haryana Government letters No. 50/35/88-5GSI, dated 5-2-1990, 14-3-1991 and 8-5-1991 wherein it was specifically laid down that the department should avoid making adhoc appointments and to follow detailed procedure in the event of utmost necessity for making such adhoc appointments and to say that according to these instructions the departments are required to seek relaxation from the Chief Secretary to Govt., Haryana for making such appointments. In C.O. C. P. No. 459/92-Suraj Bhan Vs. Sh. B.S. Ojha and C.O. C.P. No. 631/92 Jai Pal Singh Vs. Sh. B.S. Ojha, the Hon'ble Punjab and Haryana High Court have passed the following interim order: -

“In the mean time, it is directed that if any adhoc appointment to the post of clerk is to be made, which is to last for six months or more in any department, in the State of Haryana, then the persons who are on the select list prepared by the Service Selection Board would be offered appointment in order of merit”.

In view of the above said orders of the Hon'ble Court the Government has decided that if any vacancy of clerk in any department is required to be filled in on adhoc basis which is to last for six months or more should be filled in through the S.S.S. Board from the select list prepared by them in order of merit. You are, therefore, requested to kindly comply with the orders of Hon'ble Court strictly and send the requisition in the case of clerks to the S.S.S. Board instead of Employment Exchange after getting relaxation in ban on adhoc appointments from this office. It is made clear that the ban on adhoc appointments continues to be in operation.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

Compendium of Instructions on Service Career – Vol. III

No. 42/164/92-5 GSI

Dated Chandigarh, the 19th November, 1993.

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Haryana, Manimajra, Chandigarh with the request that the candidates be recommended strictly in order of merit as and when any demand is received from any department.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Govt., Haryana.

Copy of letter No. 62/31/87-6GSI dated 15.12.87 from the Chief Secretary to Government, Haryana to all Heads of Departments, the Commissioner, Hissar, Ambala Divisions, all Deputy Commissioners and all Sub Divisional Officers and Principal Secretary/Deputy Principal Secretary/OSD to C.M Haryana and all Secretaries/Private Secretaries to all the Ministers/State Ministers/Chief Parliamentary Secretary/Parliamentary Secretaries.

No. 6/4/90-2GSI

From

The Chief Secretary to Government, Haryana

To

1. All Heads of Departments, Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions.
2. All the Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.

Dated Chandigarh, the 3rd December, 1993.

Subject :- Regularisation of Adhoc/Workcharged/Casual/Daily Wages Employees.

Sir,

I am directed to invite your attention to Haryana Government Notification No. GSR/31/Const./Art. 309/93 dated 1.6.1993 and letter No. 6/4/90-2GS I dated 27.5.93 vide which the services of adhoc and workcharged/Casual/Daily wages employees were regularised with effect from 31.3.93 and to say that Govt. has decided that the services of the eligible employees should be regularised in anticipation of the approval of the Finance Department. After regularising the services of such employees the cases for the creation of the requisite posts should be referred to the Finance Department for ex-post facto approval.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Govt., Haryana.

A copy is forwarded to all the Financial Commissioners/Commissioners and Secretaries to Government, Haryana for information and necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Govt., Haryana.

To

All the Financial Commissioners/Commissioners and
Secretaries to Govt., Haryana.

U.O. No. 6/4/90-2GS-I

Dated Chandigarh, the 3rd December, 1993.

क्रमांक 6/13/93-2जी0एस0 I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त, अम्बाला, हिसार, रोहतक एवं गुड़गांव मण्डल ।
2. सभी उपायुक्त एवं उपमण्डल अधिकारी (नागरिक)
3. रजिस्ट्रार, पंजाब एवं हरियाणा उच्च न्यायालय, चण्डीगढ़ ।

दिनांक, चण्डीगढ़ 18 मार्च, 1994

विषय: - वर्कचार्ज/कैजुअल/दैनिक वेतनभोगी कर्मचारियों को नियमित करने बारे नीति ।

महोदय,

मुझे उपरोक्त विषय पर आपका ध्यान इस विभाग के परिपत्र क्रमांक 6/4/90-2जी0एस0 I, दिनांक 27-5-93, जिस द्वारा 31-3-93 को पाँच वर्ष की दैनिक वेतन पर सेवा पूरी करने वाले कर्मचारियों को नियमित करने के निर्देश जारी किए गये थे, की ओर दिलाने का निर्देश हुआ है । कुछ समय से सरकार के यह विचाराधीन था कि पाँच वर्ष के दौरान दैनिक वेतन पर की गई सेवा में कितना ब्रेक होना चाहिए तथा क्या जिन कर्मचारियों ने पृथक-पृथक पदों पर कार्य किया हो जिनके पद नाम भिन्न-भिन्न हों और अन्य शर्तें पूरी करते हों, उनको नियमित किया जाना है । इस बारे में सरकार ने विचार करते हुए अब यह निर्णय लिया है कि जिन दैनिक वेतनभोगी कर्मचारियों ने वर्ष में 240 दिन सेवा की हो, उन्हें नियमित कर दिया जाए, परन्तु वर्ष में किसी एक ही समय पर 30 दिन से अधिक ब्रेक नहीं होना चाहिए। जहाँ तक पृथक-पृथक पदों पर भिन्न-भिन्न पद नामों से कार्य करने वाले कर्मचारियों को नियमित करने का प्रश्न है, इस बारे में यह निर्णय लिया गया है कि यदि ऐसे कर्मचारी अन्य शर्तें पूरी करते हों और एक ही विभाग में भिन्न-भिन्न पद नामों वाले पृथक-पृथक पदों पर सेवा की हो तो उन्हें नियमित कर दिया जाए ।

भवदीया,

हस्ता / -

संयुक्त सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति हरियाणा सरकार के सभी वित्तायुक्त/आयुक्त एवं सचिव को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु प्रेषित की जाती है ।

हस्ता / -

संयुक्त सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

सभी वित्तायुक्त/आयुक्त एवं सचिव, हरियाणा सरकार ।

अशा: क्रमांक 4/13/93-2जी0एस0 I

दिनांक चण्डीगढ़, 18 मार्च, 1994

(To be substituted for the letter bearing same No. and date)

क्रमांक 6/13/93-2जी0एस0 I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त, अम्बाला, हिसार, रोहतक एवं गुड़गांव मण्डल ।
2. सभी उपायुक्त एवं उपमण्डल अधिकारी (नागरिक)
3. रजिस्ट्रार, पंजाब एवं हरियाणा उच्च न्यायालय, चण्डीगढ़ ।

दिनांक, चण्डीगढ़ 18 मार्च, 1994

विषय:- वर्कचार्ज/कैजूअल/दैनिक वेतनभोगी कर्मचारियों को नियमित करने बारे नीति ।

महोदय,

मुझे उपरोक्त विषय पर आपका ध्यान इस विभाग के परिपत्र क्रमांक 6/4/90-2जी0एस0 I दिनांक 27-5-93, जिस द्वारा 31-3-93 को पाँच वर्ष की दैनिक वेतन पर सेवा पूरी करने वाले कर्मचारियों को नियमित करने के निर्देश जारी किए गये थे, की ओर दिलाने का निर्देश हुआ है । कुछ समय से सरकार के यह विचाराधीन था कि पाँच वर्ष के दौरान दैनिक वेतन पर की गई सेवा में कितना ब्रेक होना चाहिए तथा क्या जिन कर्मचारियों ने पृथक-पृथक पदों पर कार्य किया हो जिनके पद नाम भिन्न-भिन्न हों और अन्य शर्तें पूरी करते हों, उनको नियमित किया जाना है । इस बारे में सरकार ने विचार करते हुए अब यह निर्णय लिया है कि जिन दैनिक वेतनभोगी कर्मचारियों ने दिनांक 31-3-93 को पाँच वर्ष की सेवा पूर्ण कर ली हो व दिनांक 31-3-93 को सेवा में हों और प्रत्येक वर्ष में 240 दिन सेवा की हो, उन्हें नियमित कर दिया जाए, परन्तु वर्ष में किसी एक ही समय पर 30 दिन से अधिक ब्रेक नहीं होना चाहिए । जहाँ तक पृथक-पृथक पदों पर भिन्न भिन्न पद नामों से कार्य करने वाले कर्मचारियों को नियमित करने का प्रश्न है, इस बारे में यह निर्णय लिया गया है कि यदि ऐसे कर्मचारी अन्य शर्तें पूरी करते हों और एक ही विभाग में भिन्न-भिन्न पद नामों वाले पृथक-पृथक पदों पर सेवा की हो तो उन्हें नियमित कर दिया जाए ।

भवदीया,

हस्ताक्षर

संयुक्त सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति हरियाणा सरकार के सभी वित्तायुक्त/आयुक्त एवं सचिव को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु प्रेषित की जाती है ।

हस्ताक्षर

संयुक्त सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

सभी वित्तायुक्त/आयुक्त एवं सचिव, हरियाणा सरकार ।

अशा: क्रमांक 6/13/93-2जी0एस0 I

दिनांक चण्डीगढ़, 18 मार्च, 1994

क्रमांक 6/13/93-2जी0एस0 I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त, अम्बाला, हिसार, रोहतक तथा गुड़गांव मण्डल ।
2. सभी उपायुक्त तथा उप-मण्डल अधिकारी (नागरिक) हरियाणा राज्य ।
3. रजिस्ट्रार, पंजाब एवं हरियाणा उच्च न्यायालय, चण्डीगढ़ ।

दिनांक, चण्डीगढ़ 19 मई, 1994

विषय :- सभी श्रेणी III के तदर्थ व दैनिक वेतनभोगी कर्मचारियों की सेवाएं नियमित करना ।

महोदय,

उपरोक्त विषय पर मुझे आपका ध्यान आकर्षित करते हुये यह कहने का निर्देश हुआ है कि कुछ समय से श्रेणी प्प के तदर्थ व दैनिक वेतनभोगी कर्मचारियों को नियमित करने का मामला सरकार के विचाराधीन था और अब तदर्थ व दैनिक वेतनभोगी कर्मचारियों को नियमित करने का निर्णय ले लिया गया है । इस सम्बन्ध में जारी की गई सरकारी अधिसूचना सं0सा0का0 नि0 39/सवि/अनु0 309/94, दिनांक 11 मई, 1994 आपको आवश्यक कार्यवाही हेतु भेजी जाती है ।

2. तदर्थ व दैनिक वेतनभोगी कर्मचारियों को नियमित करने से विभागों में उपलब्ध रिक्तियों की संख्या में परिवर्तन आएगा जिसका प्रभाव अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा को विज्ञापित कराने के लिये भेजी गई रिक्तियों पर पड़ेगा । अतः जहां यदि रिक्तियां विज्ञापित नहीं की गई हों तो मांग पत्र अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा से वापिस ले लिया जाए और रिक्तियों की ताजा गणना करके नया मांग पत्र अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा को भेजा जाए ।

भवदीय,

हस्ता / -

संयुक्त सचिव, सामान्य प्रशासन,
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति हरियाणा सरकार द्वारा जारी की गई अधिसूचना सं0सा0का0 नि0 39/सवि/अनु0 309/94, दिनांक 11 मई, 1994 की प्रति ।

हरियाणा सरकार

सामान्य प्रशासन विभाग

(सामान्य सेवाएं I)

अधिसूचना

दिनांक 11 मई, 1994

सं० सा०का० नि० 39/संवि/अनु० 309/94.—हरियाणा सरकार, सामान्य प्रशासन विभाग (सामान्य सेवाएं) अधिसूचना संख्या 523-3 जी० एस०-70/2068, दिनांक 28 जनवरी, 1970, के खण्ड 6 के परन्तुक के साथ पठित, 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 तथा हरियाणा सरकार, सामान्य प्रशासन (सामान्य सेवाएं I) अधिसूचना सं० सा०का० नि० 31/संवि/अनु० 309/93, दिनांक 1 जून, 1993, के अधिक्रमण में, हरियाणा के राज्यपाल, इसके द्वारा वर्ग प्प के ऐसे पद, जिन्हें 31 मार्च, 1993, को वर्ग प्प के कर्मचारियों ने कम से कम दो अथवा पांच वर्ष की सेवा अवधि के लिए तदर्थ अथवा दैनिक वेतनभोगी कर्मचारी धारण करते हैं, अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा के कार्यक्षेत्र से बाहर निकालने के लिए विनिर्दिष्ट करते हैं और उनकी सेवाएं नियमित की जायेंगी यदि वे निम्नलिखित शर्तें पूरी करते हैं अर्थात् :-

(1) तदर्थ कर्मचारी

- (i) केवल ऐसे तदर्थ कर्मचारी जो 31 मार्च, 1993 को 2 वर्ष की तदर्थ सेवा पूरी करते हैं नियमित किए जाएंगे। तथापि तदर्थ आधार पर की गई सेवा में एक मास तक की अवधि का ब्रेक उपमार्षित कर दिया जाएगा। किसी सम्बन्ध कर्मचारी द्वारा स्वेच्छा से छोड़ दी गई सेवा या जहां तदर्थ नियुक्ति केवल उस पद या रिक्ति के विरुद्ध थी, जिसके लिए कोई नियमित नियुक्ति करना अपेक्षित अथवा आशयित नहीं था या अवकाश रिक्ति के विरुद्ध थी या अन्यथा थोड़े समय के लिए भरी जानी थी के कारण हुई ब्रेक की एक मास की अवधि तक को छोड़ कर उपमार्षित नहीं किया जाएगा ;
- (ii) कर्मचारियों ने 31 मार्च, 1993, को दो वर्ष की तदर्थ सेवा पूरी कर ली हो और 31 मार्च, 1993 को सेवा में थे ;
- (iii) कर्मचारी संगत प्रवर्गों के पदों अथवा रिक्तियों के विरुद्ध नियमित किए जाएंगे। सामान्य वर्ग के कर्मचारी अपने कोटे से अधिक इस अनुबन्ध के साथ नियमित किए जाएंगे कि भविष्य में की जाने वाली भर्तियों में केवल आरक्षित प्रवर्गों के उम्मीदवार ही उस समय तक नियुक्त किए जाएंगे, जब तक कि वे सामान्य वर्ग के तदर्थ कर्मचारियों द्वारा आरक्षित वर्गों की रिक्तियों के भरे जाने से उत्पन्न होने वाली पिछली कमी पूरी नहीं हो जाती ;
- (iv) कर्मचारी रोजगार कार्यालय के माध्यम से भर्ती हुए हों अथवा नियुक्ति प्राधिकारी द्वारा रोजगार कार्यालय से अनुपलब्धता प्रमाण-पत्र प्राप्त करने के बाद सीधे तौर पर नियुक्त किए गए हों ;
- (v) ऐसे कर्मचारियों का कार्य तथा आचरण समूचे तौर पर अच्छे प्रवर्ग को हो और उनके विरुद्ध कोई अनुशासनिक कार्यवाही लम्बित न हो ; और
- (vi) कर्मचारी तदर्थ आधार पर अपनी नियुक्ति के समय पदों के लिए विहित योग्यताएं रखते हों।

2. दैनिक वेतनभोगी कर्मचारी-

- (1) सरकार ने दिनांक 27 मई, 1993 को दिनांक 31 मार्च, 1993 को 5 वर्ष की सेवा पूरी करने वाले सभी कार्य प्रभारी/आकस्मिक तथा दैनिक वेतनभोगी कर्मचारियों को नियमित करने के लिए अनुदेश जारी किए थे। इन अनुदेशों के संदर्भ में नियमित किए जाने वाले आकस्मिक कर्मचारी नियमित सरकारी ग्रुप 'डी' के कर्मचारियों को उपलब्ध न्यूनतम ग्रुप 'घ' वेतनमान तथा अन्य भत्ते एवं लाभों के हकदार थे। परन्तु सरकार के ध्यान में आया है कि कुछ विभागों में दैनिक वेतनभोगी लिपिकों, आशुलिपिकों तथा चालक आदि के श्रेणी III पदों पर कार्यरत हैं। ऐसे दैनिक वेतनभोगियों को ग्रुप 'डी' या ग्रुप 'सी' के वेतनमान में नियमित किया जाए यह प्रश्न पिछले कुछ समय से सरकार का ध्यान आकर्षित कर रहा था और काफी सोच विचार के बाद अब यह निर्णय लिया गया है कि उन दैनिक वेतनभोगी कर्मचारियों को जिन्होंने 31 मार्च, 1993 को श्रेणी III के पद पर 5 वर्ष की सेवा पूरी कर ली थी और 31 मार्च, 1993 को सेवा में थे, उनके अपने-अपने श्रेणी पदों के विरुद्ध नियमित किया जाए बशर्ते कि वे अपेक्षित योग्यताएं पूरी करते हों और मूल रूप में उनकी नियुक्ति श्रेणी III के पदों पर हुई हो और पद भी उपलब्ध हों। यदि पद उपलब्ध न हों तो उन्हें वित्त विभाग से सृजित कराया जाए या उन्हें करूणामूलक आधार पर ग्रुप 'डी' के ही वेतनमान में अन्य दैनिक वेतनभोगी कर्मचारियों की तरह नियमित किया जाए।
- (2) कुछ विभागों ने पांच वर्ष की सेवा में अधिकतम ब्रेक के बारे में भी स्पष्टीकरण चाहा है। सरकार ने यह निर्णय लिया है कि दैनिक वेतनभोगी कर्मचारी जिन्होंने पांच वर्ष की सेवा कर ली हो और प्रत्येक वर्ष कम से कम 240 दिन सेवा की हो नियमित कर दिया जाए, परन्तु किसी वर्ष में, किसी एक ही समय पर, एक मास से अधिक ब्रेक न हो।

इस प्रकार से वर्ग III के कर्मचारियों के मुकाबले में नियमित किए गये तदर्थ अथवा दैनिक वेतनभोगी कर्मचारियों को ज्येष्ठता 31 मार्च, 1993 से निश्चित की जाएगी। ऐसे वर्ग III के तदर्थ अथवा दैनिक वेतनभोगी कर्मचारियों की पारस्परिक ज्येष्ठता उनके द्वारा तदर्थ अथवा दैनिक वेतन आधार पर कार्यग्रहण की तिथि के अनुसार निश्चित की जाएगी। यदि ऐसे तदर्थ अथवा दैनिक वेतनभोगी कर्मचारियों द्वारा तदर्थ या दैनिक वेतन आधार पर कार्यग्रहण की तिथि एक थी तो आयु में बड़ा कर्मचारी आयु में छोटे कर्मचारी से ज्येष्ठ होगा। यदि सीधी भर्ती वाले की नियुक्ति की तिथि और तदर्थ अथवा दैनिक वेतनभोगी कर्मचारियों की नियमितता की तिथि वही हो तो सीधी भर्ती वाला कर्मचारी ज्येष्ठ होगा।

एम0 सी0 गुप्ता,

मुख्य सचिव, हरियाणा सरकार।

[Authorised English Translation]

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
(GENERAL SERVICES I)

Notification

The 11th May, 1994

No. GSR/39/Const./Art./309/94—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India read with the proviso to clause 6 of Haryana Government, General Administration Department (General Services), Notification No. 523-3GS-70/2068, dated the 28th January, 1970 and all other powers enabling him in this behalf and in supersession of Haryana Government, General Administration (General Services-I), Notification No. GSR/31/Const./Art./309/93, dated the 1st June, 1993, the Governor of Haryana hereby specifies such class III posts as have been held for a minimum period of two or five years on the 31st March, 1993, by class III employees on *ad hoc* or daily wages basis to be taken out of the purview of the Subordinate Services Selection Board, Haryana and their services shall be regularised if they fulfill the following conditions, namely:—

1. Adhoc Employees:—

- (i) that only such *ad hoc* employees as have completed a minimum of two years service on 31st March, 1993, should be made regular. However, break in service render on *ad hoc* basis up to a period of one month may be condoned excluding breaks occurring because of the concerned employee having left service of his own volition or where the *ad hoc* appointment was against a post or vacancy for which no regular recruitment was required or intended to be made, i.e. leave arrangements or filling up of other short time vacancies, may not be condoned;
- (ii) that the employees have completed two years service on the 31st March, 1993, and were in service on the 31st March, 1993 ;
- (iii) that the employees shall be regularised against the posts or vacancies of relevant categories. The employees of general category may be regularised in excess of their quota with the clear stipulation that in future recruitments, only the candidates from reserve categories will be appointed until the back log arising out of utilisation of reserve category vacancies by general category *adhoc* employees is cleared ;
- (iv) that the employees should have been recruited through the Employment Exchange or directly appointed by the appointing authority after obtaining the non-availability certificate from the Employment Exchange;
- (v) that the work and conduct of such employees shall be of over all good category and no disciplinary proceedings are pending against them; and
- (vi) that the employees possessed the prescribed qualification for the post at the time of their appointment on *ad hoc* basis.

2. Daily Rated Employees

- (1). The Government had issued instructions dated 27th May, 1993 for regularisation of services of all the work-charged, casual and daily wagger employees who had completed 5 years service on 31st March, 1993. In the reference of these instructions the regularised employees were entitled to the lowest Group D scale of pay and all other allowances and benefits available to regular Government employees. But it has come to the notice of Government in some departments daily wagers are also working on class III posts such as Clerks, Steno-typist and Drivers etc. The question whether such daily wagers should be regularised in Group D or Group C scale has been engaging the attention of Government for sometime past and after careful consideration it has now been decided that daily wagers who had completed 5 years service on class III posts on 31st March, 1993 and were in service on 31st March, 1993 should be regularised against their respective class III posts provided they fulfil the requisite qualifications and were originally appointed on class III posts and the posts are available. If the posts are not available they should be got created from the Finance Department or they should be regularised in Group D scale on compassionate ground like other daily wagers.
- (2) Some departments have also sought clarifications about the maximum period of break in five years service. The Government has decided that the daily wages employees who had worked for five years and have worked for a minimum period of 240 days in each year should be regularised, but the break in service in any year should not be more than one month at a time.

The seniority of the *ad hoc* or daily wages employees so regularised *vis-à-vis* the class III employees shall be determined with effect from 31st March, 1993. The *inter-se* seniority of such *ad hoc* or daily wages class III employees shall be determined in accordance with the date of their joining the post on *ad hoc* or daily wages basis. If the date of joining the post(s) on *ad hoc* or daily wages basis by such *ad hoc* or daily wages employees was the same, then an older employee shall rank senior to an employee younger in age. If the date of appointment of the direct recruit and the date of regularisation of *ad hoc* or daily wages employees are the same the direct recruit shall be senior.

M. C. Gupta,

Chief Secretary to Government, Haryana.

क्रमांक 12/24/93-2 जी0 एस0-I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. हरियाणा राज्य के सभी विभागाध्यक्ष, आयुक्त, अम्बाला, हिसार, रोहतक एवं गुड़गांव मण्डल ।
2. हरियाणा राज्य के सभी उपायुक्त एवं उपमण्डल अधिकारी (नागरिक)
3. रजिस्ट्रार, पंजाब एण्ड हरियाणा उच्च न्यायालय, चण्डीगढ़ ।

दिनांक, चण्डीगढ़, 16 मई, 1995

विषय :- तदर्थ/वर्कचार्ज/दैनिक वेतनभोगी/कैजुअल कर्मचारियों को नियमित करने बारे ।

महोदय,

सरकार के ध्यान में यह आया है कि बहुत से विभाग तदर्थ/वर्कचार्ज/दैनिक वेतनभोगी/कैजुअल कर्मचारियों को नियमित करने सम्बन्धित न्यायालयों में दायर मामलों में पैरवी करने एवं निर्णय पश्चात अपील दायर करने हेतु शीघ्र एवं सावधानीपूर्वक कार्यवाही नहीं करते । विभाग के द्वारा उदासीनता एवं लापरवाही के कारण बहुत से उक्त कर्मचारियों को बिना औचित्य नियमित करना पड़ता है जिससे सरकारी खजाने पर अनावश्यक बोझ पड़ता है यदि विभाग इन मामलों में सावधानीपूर्वक तात्कालिक रूप से कार्यवाही करें तो मामलों में पैरवी सुचारू रूप से हो सकती है तथा एल0 पी0 ए0/एस0 एल0 पी0 दायर करने बारे भी समय पर निर्णय लिया जा सकता है ।

2. सरकार ने इस मामले को गम्भीरता से लेते हुए यह निर्णय लिया है कि भविष्य में सभी विभागाध्यक्ष/प्रशासकीय सचिव न्यायालय में लम्बित समस्त मामलों (कोर्ट केसिज) का ब्यौरा अपने पास रखें और की गई कार्यवाही की प्रगति स्वयं देखें अन्यथा ऐसे मामलों में उन्हें निजी रूप से जिम्मेवार माना जाएगा । भविष्य में ऐसे मामलों में कोताही के लिए कड़ी अनुशासनिक कार्यवाही की जाएगी ।

भवदीया,

हस्ता/-

संयुक्त सचिव, सामान्य प्रशासन,
कृते: मुख्य सचिव, हरियाणा सरकार ।

इसकी प्रति हरियाणा सरकार के सभी वित्तायुक्तों/आयुक्तों एवं सचिवों को उक्त वर्णित स्थिति के दृष्टिगत आगामी कार्यवाही हेतु प्रेषित है ।

हस्ता/-

संयुक्त सचिव, सामान्य प्रशासन,
कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

हरियाणा सरकार के सभी वित्तायुक्त/आयुक्त एवं सचिव ।

अशा0 क्रमांक 12/24/93-2 जी0 एस0 -I

दिनांक 16 मई, 1995 ।

No. 6-3-95-2GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, the Commissioners Ambala, Rohtak, Gurgaon and Hisar Divisions, all Deputy Commissioner and Sub Divisional Officers (Civil) in Haryana.
2. The Registrar, Punjab and Haryana High Court and all District and Sessions Judges in Haryana.

Dated, Chandigarh, the 21st July, 1995

Subject:- Civil Writ Petition No. 4522 of 1994—Kulbhushan vs. State of Haryana (Development & Panchayat Department).

Sir,

I am directed to refer to the subject noted above and to say that the Hon'ble Punjab and Haryana High Court in C.W.P. No. 4522 of 1994-Kulbhushan Vs. State of Haryana, in its judgement dated 3-4-94, has given the following directions:—

“The Government of Haryana and its functionaries in all the departments are directed to make recruitment to the public services strictly in accordance with the statutory rules whoever such rules have been framed. All the available posts should be filled by regular method of recruitment prescribed in the rules. Where such rules have not been framed, recruitment to all the services shall be made either by sending requisitions to the Employment Exchange or by advertisement of the posts in the newspapers.”

Exercise for making appointments on Class-IV and Class-III posts, which are in existence, shall be undertaken and completed within six months of receipt of a certified copy of this order.

I am to request you that these directions may please be brought to the notice of all concerned for strict compliance. It is however, emphasized that instructions issued by the Government from time to time regarding appointments on Class-IV and Class III posts should be strictly followed.

Yours faithfully,

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to all Financial Commissioners and Secretaries/Administrative Secretaries to Government Haryana.

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners and Secretaries/Administrative Secretaries to Government, Haryana.

U.O. No. 6/3/95-2GSI

Dated Chandigarh, the 21st July, 1995

No. 43/35/95-5GSI

From

Chief Secretary to Govt., Haryana.

To

1. All Heads of Departments, Commissioners Ambala Hissar Rohtak & Gurgaon Divisions, All the Deputy Commissioners in the State of Haryana.
2. The Registrar,
Punjab and Haryana High Court,
Chandigarh.

Dated, Chandigarh, the 8-2-1996.

Subject :- Policy & procedure for making adhoc appointments against the posts which are with in the purview of Haryana Public Service Commission/Subordinate Service Selection Board, Haryana.

Sir,

I am directed to invite your attention to Haryana Government letter No. 50/35/88-5GSI, dated 8-5-1991 vide which ban on making adhoc appointments was imposed and to say that the matter has further been considered and it has been decided to keep this on such appointments in operation.

2. However, in order to ensure that the work of a particular department. Where posts are vacant, do not suffer, appointment on contract basis may be made by the department depending on the requirement of the job with the prior approval of the Finance Department after determining the terms and conditions of contractual appointments.

These instructions may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

A copy is forwarded to all the Financial Commissioners/Commissioners & Secretaries to Govt., Haryana for information and necessary action.

Sd/-

Under Secretary General Administration,
for Chief Secretary to Govt., Haryana.

To

All the Financial Commissioners/Commissioners
& Secretaries to Govt., Haryana.

U.O. No. 43/35/95-5GSI,

Dated Chandigarh, the 8-2-1996.

Compendium of Instructions on Service Career – Vol. III

No. 6/38/95-2GSI

From

The Chief Secretary to Government Haryana.

To

1. All Heads of Departments in Haryana.
2. The Registrar, Punjab & Haryana High Court.
3. The Commissioners, Ambala, Rohtak, Hisar and Gurgaon Divisions and all the Deputy Commissioners in the State.

Dated, Chandigarh, the 7th March, 1996.

Subject :- Regularisation of Adhoc Class II Employees.

Sir,

I am directed to invite your attention on the subject noted above and to say that the matter regarding regularisation of adhoc class II employees has been engaging the attention of Government, for some time past and it has now been decided to regularise the services of adhoc class II employees if they fulfil the following conditions :—

- (i) that only such adhoc employees as have completed two years service on 31-1-1996 and were in service on that date. However, break in service rendered on adhoc basis, upto a period of one month may be condoned excluding breaks occurring because of the concerned employees, having left service of his own volition or where the adhoc appointment was against a post or vacancy for which no regular recruitment, was required or intended to be made i.e. leave arrangements or filling up of other short time vacancies may not be condoned;
- (ii) that the employees should have been recruited through the Employment Exchange or directly appointed by the appointing authority after obtaining the non-availability certificate from the Employment Exchange or appointed as per the approved procedure as in the case of Lecturers, in Colleges;
- (iii) that the employees possessed the prescribed qualification for the post at the time of their appointment on the adhoc basis;
- (iv) that the work and conduct of such employees shall be of overall good category and no disciplinary proceedings are pending against them; and
- (v) that the employees shall be regularised against the posts or vacancies of relevant categories.

However, the employees who have been promoted on adhoc basis pending recruitment by Haryana Public Service Commission will not be covered under this decision.

2. Government have also taken a decision to take out all such Class-II posts, as have been held for a minimum period of two years on 31-1-1996 by Class-II employees on adhoc basis and who

satisfy the above conditions of regularisation, from the purview of the Haryana Public Services Commission. However, notification amending the Haryana Public Service Commission (Limitation of Functions) Regulation, 1973 will be issued only after the designation and number of the posts to be taken out of the purview is ascertained. It is, therefore, requested that designation and number of posts as have been held for a minimum period of two years on 31-1-1996 by Class-II employees on adhoc basis and who satisfy the conditions of regularisation may be supplied to this office within a period of 15 days so that the required notification is issued.

3. The seniority of the ad hoc Class-II employee so regularised with effect from the 31-1-1996 *vis-a-vis* the Class II employee appointed on the same date on regular basis shall be determined with effect from 31-1-1996, The *inter-se*-seniority of such ad hoc Class II employees shall be determined in accordance with the date of their joining the post on adhoc basis. If the date of joining the post(s) on adhoc basis by such adhoc employees was the same, then an older employee shall rank senior to an employee younger in age. If the date of appointment of the direct recruit and the date of regularisation of adhoc employee is the same, the direct recruit shall be senior.

4. It is, further pointed out that keeping in view the impact of regularisation of Class-II ad hoc employees the number of available vacancies in the department may undergo a change and affect the requisitions already sent to Haryana Public Service Commission for advertisement. It is, therefore, requested that where the vacancies have not yet been advertised, the requisition may be withdrawn from the Haryana public Service Commission and a fresh requisition after recalculating the vacancies be sent to Haryana Public Service Commission.

Yours faithfully,

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government Haryana.

A Copy is forwarded to all the Financial Commissioners/Commissioners & Secretaries to Government Haryana for information and necessary action.

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government Haryana.

To

All the Financial Commissioners/Commissioners
and Secretaries to Government Haryana.

U.O. No. 6/38/95-2GSI

Dated Chandigarh, the 7th March, 1996.

Endst. No. 6/38/95.2GS1

Dated Chandigarh, the 7th March, 1996.

A copy is forwarded to the Secretary, Haryana Public Service Commission, Chandigarh. It is, requested that if any advertisement is in the process of issue, the same should be stopped till a fresh requisition is received from the concerned department.

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government Haryana.

No. 6/38/95-2GS1

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments in Haryana.
- (2) The Registrar, Punjab and Haryana High Court.
- (3) The Commissioners, Ambala, Rohtak, Hisar and Gurgaon Divisions. All Deputy Commissioners in the State.

Dated, Chandigarh, the 7th March, 1996.

Subject :- Regularisation of Adhoc Class-III Employees.

Sir,

I am directed to invite your attention on the subject noted above and to say that the matter regarding regularisation of adhoc class III employees has been engaged the attention of Government, for some time past and it has now been decided to regularise the services of adhoc class III employees if they fulfil the following conditions :-

- (i) That only such adhoc employees as have completed two years service on 31.1.1996 and were in service on that date. However, break in service rendered on adhoc basis upto a period of one month may be condoned excluding breaks occurring because of the concerned employee having left service of his own volition or where the adhoc appointment was against a post vacancy for which no regular recruitment was required or intended to be made i.e. leave arrangements or filling up of other short time vacancies may not be condoned;
- (ii) that the employees should have been recruited through the Employment Exchange or directly appointed by the appointing authority after obtaining the non-availability certificate from the Employment Exchange
- (iii) that the employees possessed the prescribed qualification for the post at the time of their appointment on adhoc basis;
- (iv) that the work and conduct of such employees shall be of overall good category and no disciplinary proceedings are pending against them; and
- (v) that the employees shall be regularised against the posts or vacancies of relevant categories.

However, the employees who have been promoted on adhoc basis pending recruitment by Subordinate Services Selection Board, Haryana will not be covered under this decision.

2. Government have also taken a decision to take out all such Class III posts, as have been held for a minimum period of two years on 31.1.1996 by Class-III employees on adhoc basis and who satisfy the above conditions of regularisation out of the purview of the Subordinate Services Selection Board, Haryana.

3. The seniority of adhoc Class-III employees so regularised with effect from the 31.1.1996, *vis-a-vis* the Class-III employees appointed on the same date on regular basis shall be determined with effect from 31.1.96. The *inter-se* seniority of such adhoc Class-III employees shall be determined in accordance with the date of their joining the post on adhoc basis. If the date of joining the post(s) on adhoc basis by such adhoc employees was the same, then an older employee shall rank senior to an employee younger in age. If the date of appointment of the direct recruit and the date of appointment of the direct recruit and the date of regularisation of adhoc employees is the same, the direct recruit shall be senior.

4. It is further pointed out the keeping in view the impact of regularisation of Class-III adhoc employees the number of available vacancies in the department may undergo a change and affect the requisitions already sent to Subordinate Services Selection Board, Haryana for advertisement. It is, therefore, requested that where the vacancies have not yet been advertised the requisition may be withdrawn from the Subordinate Service, Selection, Board, Haryana and a fresh requisition after reclaculating the vacancies be sent to Subordinate Services Selection Board, Haryana.

Yours faithfully,

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all the Financial Commissioners/Commissioners & Secretaries to Government Haryana for information and necessary action.

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners
and Secretaries to Government Haryana.

U.O. No. 6/38/95-2GSI

Dated, Chandigarh, the 7th March, 1996.

Endst. No. 6/38/95-2GSI

Dated, Chandigarh, the 7th March, 1996.

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Haryana. It is requested that if any advertisement is in the process of issue the same should be stopped till a fresh requisition is received from the concerned department.

Sd/-

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

IMMEDIATE

No. 6/38/95-2GSI

From

The Chief Secretary to Government, Haryana,

To

1. All the Heads of Departments,
Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions.
All Deputy Commissioners and all Sub-Divisional Officers (C) in Haryana.
2. The Registrar, Punjab & Haryana High Court, Chandigarh.
Dated, Chandigarh, the 7th March, 1996.

Subject :- Regulation of Work-Charged/Casual/Daily-rated employees.

Sir,

The matter regarding regularisation of Work-Charged/Casual/Daily rated employees was engaging the attestation of the Government for sometime past. After careful consideration it has now been decided that the services of the employees of these categories should be regularised as under :-

Work-Charged Employees

The Work-Charged employees who have completed five or more years of continuous service as on 31st January, 1996, and were in the service on 31st January, 1996 shall be regularised. On regularisation, these employees shall be liable for transfer in the State of Haryana on any project/work.

Casual/Daily rated employees

The Casual and Daily rated employees who have completed five year service on 31st January, 1996 and were in service on 31st January, 1996, shall be regularised provided they have worked for a minimum period of 240 days in each year and the break in service in any year is not more than one month at a time. Such employees who have worked on different posts having different designations in the same department shall also be regularised if they fulfil other conditions. On regularisation, they shall be put in the time scale of pay applicable to the lowest Group 'D' cadre in the Government and they would be titled to all other allowances and benefits available to regular Government servants of the corresponding grade.

Daily-rated employee (Class III)

That only such daily-wagers who have completed five years services on Class-III posts on 31st January, 1996 and were in service on 31st January, 1996, shall be regularised against their respective Class-III posts provided they fulfil the requisite qualifications and were originally appointed on Class-III posts and the posts are available. If the posts are not available, they should be got created from the Finance Department or they should be regularised in Group 'D' scale on compassionate grounds like other daily-wagers provides further that they have worked for a minimum period of 240 days in each year and the break in service in any year is not more than one month at a time.

2. Government has also taken a decision to take out all such Class-III posts from the purview of Subordinate Services Selection Board, Haryana as has been held for a minimum period of five years on 31st January, 1996 by Class-III employees on daily -wages basis and the employees working against them fulfil the conditions of regularisation.

3. The seniority of daily-wager employees so regularised *vis-a-vis* the Class-III employee shall be determined with effect from 31st, January, 1996. The *inter-se*-seniority of such daily wager Class- III employees shall be determined in accordance with the date of their joining the post on daily-wages basis. If the date of joining the post(s) on daily-wages basis by such daily-wager employees was the same, then an older employees shall rank senior to an employee younger in age. If the date appointment of direct recruit and the date of regularisation of daily wager employees are the same, the direct recruit shall be senior.

4. Necessary action regarding regularisation of services of such employees working in your department should be taken within 15 days an consultation with the Finance Department, if necessary, under intimation to Government alongwith the number of employees so regulated.

Yours faithfully,

Sd/—

Joint Secretary, General Administration,
for Chief Secretary to Government Haryana.

A copy is forwarded for information and necessary action to all the Financial Commissioners/ Commissioners and Secretaries to Government Haryana.

Sd/—

Joint Secretary, General Administration,
for Chief Secretary to Government Haryana.

To

All the Financial Commissioners/Commissioners and
Secretaries to Government Haryana.

U.O. No. 6/38/95-2GSI

dated, Chandigarh, the 7th March, 1996.

Endst. No. 6/38/95-2GSI

dated, Chandigarh, the 7th March, 1996.

A copy is forwarded to the Secretary, Subordinate Service Selection Board, Haryana for information and necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana

No. 6/38/95-2GSI

From

The Chief Secretary to Government, Haryana.

1. All The Heads of Departments, Commissioners Ambala, Rohtak, Hisar and Gurgaon Divisions, All the Deputy Commissioners and all Sub-Divisional Officers (Civil) in Haryana.

2. The Registrar, Punjab & Haryana High Court, Chandigarh.

Dated, Chandigarh, the 18th March, 1996.

Subject :- Regularisation of Work-Charge/Casual/Daily-rated employees.

Sir,

I am directed to refer to Haryana Government letter No. 6/38/95-2GSI, dated 7th March, 1996 *vide* which Government had issued instructions that the services of those Work-Charge/Casual/Daily-rated employees who have completed 5 years services on 31st January, 1996 and fulfil other conditions laid therein, should be regularised.

2. This matter has further been considered and after careful consideration it has now been decided to regularise the services of all those Work-Charges/Casual/Daily-rated employees who have completed 3 years service on 31st January, 1996 and fulfil other conditions laid down in Haryana Government letter of even number dated 7th March, 1996.

3. Accordingly, Government instructions issued *vide* letter of even number dated 7th March, 1996 should be considered as modified to the extent that the Work-Charged/Casual/Daily-rated employees with 3 years service on 31st January, 1996 instead of 5 years service on 31st January, 1996 shall be eligible for regularisation.

4. This may please be brought to the notice of all concerned.

Yours faithfully,

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Govt., Haryana.

A copy is forwarded for information and necessary action to all the Financial Commissioners/ Commissioners and Secretaries to Government, Haryana in continuation of Haryana Government letter of even number dated 7th March 1996.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Govt., Haryana.

Probation

To

All the Financial Commissioners/Commissioners and Secretaries to Government Haryana.

U.O. No. 6/38/95-2GSI

Dated, Chandigarh, the 18th March, 1996.

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Haryana *for* information & necessary action in continuation of Haryana Government letter of even number dated 7th March, 1996.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Govt., Haryana.

MOST IMMEDIATE

COURT ORDERS

No. 6/38/95-2GSI

From

The Chief Secretary to Government, Haryana.

To

1. All the Heads of Departments, Commissioners, Ambala, Rohtak, Hisar and Gurgaon Divisions. All the Deputy Commissioners and all Sub-Divisional Officers (Civil) in Haryana.
2. The Registrar, Punjab and Haryana High. Court, Chandigarh.

Dated, Chandigarh, the 8th April, 1996.

Subject:- Regularisation of adhoc/daily-rated employees w.e.f. 31st January, 1996-Stay orders by the Punjab & Haryana High Court regarding.

Sir,

I am directed to refer to Haryana Government letter No. 6/38/95-2GSI, dated 7th March, 1996 *vide* which Government had issued instructions that the services of those adhoc employees who have completed two year service on 31st January, 1996 and fulfil the other conditions laid therein, should be, regularised. The Government also had issued instructions *vide* letters of even number dated 7th March, 1996 and dated 18th March, 1996 that the services of all those daily-rated employees who have completed three years service on 31st January, 1996 and fulfil the other conditions laid therein, should be regularised.

2. I am directed to inform you that recently two writ petitions have been filed in the Punjab & Haryana High Court against the above mentioned Government instructions. The relevant part of the prayer made in these writ petitions namely C.W.P. No.4618/1996-titled as Sanjeev Dua and another versus State of Haryana, and C.W.P. No. 4767/1996-titled as Raj Bala versus State of Haryana, is reproduced below :—

“It is submitted that posts of Clerks were advertised and directed to be filled by holding an examination. The petitioners along with thousands of others appeared in the examination but have not been appointed to the aforesaid posts despite their having qualified. The petitioners claim to be in the merit list of selected candidates.”

3. Punjab & Haryana High Court has passed the following orders in the said writ petitions:—

“Notice of motion for 7-5-1996. Meanwhile it is directed that the posts of Clerks which were advertised for which the petitioners also appeared alongwith others shall not be filled up on the basis of Annexure P-2, till the next date”

Probation

4. It is, therefore, requested that the above orders of Punjab & Haryana High Court should be complied with till further orders. Annexure P-2 mentioned above are the instructions of Government, dated 7-3-96 and 18-3-96.

Yours faithfully,

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Govt., Haryana.

A copy is forwarded for necessary action to all the Financial Commissioners/Commissioners and Secretaries to Government Haryana.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Govt., Haryana.

To

All the Financial Commissioners/Commissioners and Secretaries to Government Haryana.

U.O. No. 6/38/95-2GSI

Dated, Chandigarh, the 8th April, 1996.

MOST IMMEDIATE COURT CASE

No. 6/38/95-2GSI

From

The Chief Secretary to Government, Haryana.

To

1. All the Heads of Departments,
Commissioners, Ambala, Rohtak, Hisar and Gurgaon Divisions.
2. All Deputy Commissioners and
all Sub-Divisional Officers (Civil) in Haryana.
3. The Registrar, Punjab and Haryana
High Court, Chandigarh.

Dated, Chandigarh, the May 15, 1997

Subject:- Regularisation of adhoc/daily rated employees w.e.f. 31st January, 1996 stay order by the Punjab and Haryana High Court regarding.

Sir,

I am directed to invite attention to Haryana Government letter No. 6/38/95-2GSI, dated 8-4-96 on the subject noted above *vide* which the stay orders passed by the Hon'ble High Court in writ petition No. 4618/1996-titled as Sanjeev Dua and another versus State of Haryana and C.W.P. No. 4/67/1996-titled as Raj Bala versus State of Haryana were conveyed for compliance and to say that the said writ petitions have since been dismissed by the Hon'ble High Court *vide* order dated 7-11-96. Accordingly the letter dated 8-4-96 referred to above is withdrawn.

In view of it the departments should restart the process of regularisation of adhoc and daily wages employees in accordance with the Government instructions dated 7-3-96 and 18-3-96.

2. These instructions may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all the Financial Commissioners/Commissioners and Secretaries to Government Haryana for information and necessary action.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners and
Secretaries to Government Haryana.

U.O. No. 6/38/95-5GSI

Dated Chandigarh the May 15, 1997.

हरियाणा सरकार

सामान्य प्रशासन विभाग

(सामान्य सेवाएं I)

अधिसूचना

दिनांक 17 जून, 1997

सं० सा० का० नि० 41/संवि०/अनु० 309/97.—हरियाणा सरकार, सामान्य प्रशासन विभाग (सामान्य सेवाएं) अधिसूचना संख्या 523-3 जी० एस०-70/2068, दिनांक 28 जनवरी, 1970, के खण्ड 6 के परन्तुक के साथ पठित, 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 वर्ग 'ग' के ऐसे पद, जिन्हें 31 जनवरी, 1966, को वर्ग 'ग' के कर्मचारियों द्वारा कम से कम दो अथवा तीन वर्ष की सेवा अवधि के लिए तदर्थ अथवा दैनिक मजदूरी के आधार पर धारण किया हो, अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा के कार्यक्षेत्र से बाहर निकालने के लिए विनिर्दिष्ट करते हैं। ऐसे तदर्थ/दैनिक मजदूरी कर्मचारियों की सेवाएं नियमित की जायेगी यदि वे निम्नलिखित शर्तें पूरी करते हैं अर्थात्:—

1. तदर्थ कर्मचारी

- (i) कि केवल ऐसे तदर्थ कर्मचारी जो 31 जनवरी, 1966 के दो वर्ष की सेवा पूरी कर ली हो तथा उस तिथि को सेवा में थे, नियमित किए जाएं। तथापि संबद्ध कर्मचारी द्वारा स्वेच्छा से छोड़ी गई सेवा अथवा जहां तदर्थ नियुक्ति केवल उसी पद अथवा रिक्ति के विरुद्ध थी जिसके लिए नियमित भर्ती अपेक्षित नहीं थी अथवा की जाने के लिए आशयित नहीं थी अर्थात् अवकाश व्यवस्था अथवा थोड़े समय के लिए रिक्ति भरने को उपमर्षित न करके तदर्थ आधार पर की गई सेवा में एक मास की अवधि तक ब्रेक उपमर्षित किया जाए;
- (ii) कि कर्मचारी रोजगार कार्यालय के माध्यम से भर्ती हुए हों अथवा नियुक्ति प्राधिकारी द्वारा रोजगार कार्यालय से अनुपलब्धता प्रमाण पत्र प्राप्त करने के बाद सीधे नियुक्त किये गये हों;
- (iii) कि कर्मचारी तदर्थ आधार पर अपनी नियुक्ति के समय पद के लिए विहित योग्यताएं रखते हों;
- (iv) कि ऐसे कर्मचारी का कार्य और आचरण समूचे तौर पर अच्छे वर्गीकरण का हो और उनके विरुद्ध कोई अनुशासनिक कार्यवाहियां लम्बित न हो; और
- (v) कि कर्मचारी सम्बद्ध प्रवर्गों के पदों/रिक्तियों के विरुद्ध ही नियमित किये जायेंगे।

तथापि अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा, द्वारा भर्ती किये जाने तक जो कर्मचारी, तदर्थ आधार पर पदोन्नत किये गए हैं, वे इस निर्णय के अधीन नहीं आयेंगे।

2. दैनिक मजदूरी वाले कर्मचारी.—कि ऐसे दैनिक मजदूरी वाले कर्मचारी जिन्होंने 31 जनवरी, 1996, के गुप ग के पदों पर तीन वर्ष की सेवा पूरी कर ली हो और 31 जनवरी, 1996, को वे सेवा में थे व अपने अपने गुप 'ग' के पदों के विरुद्ध नियमित कर दिये जायेंगे, परन्तु वे अपेक्षित योग्यताएं पूरी करते हों और मूल रूप में उनकी नियुक्ति वर्ग 'ग' के पद पर हुई हो, और पद भी उपलब्ध हों। यदि पद उपलब्ध न हों, तो उन्हें वित्त निगम से सृजित कराया

जाए या उन्हें करूणामूलक आधार पर ग्रुप 'घ' के वेतनमान में अन्य मजदूरी वाले कर्मचारियों की तरह नियमित किया जाए परन्तु यह और कि उन्होंने प्रत्येक वर्ष में कम से कम 240 दिन की अवधि के लिए कार्य किया हो तथा किसी भी वर्ग में, किसी एक समय पर एक मास से अधिक ब्रेक न हो ।

3. इस प्रकार से नियमित किए गए ग्रुप ग के कर्मचारी तदर्थ अथवा दैनिक वेतन मजदूरी वाले वर्ग कर्मचारियों की ज्येष्ठता 31 जनवरी, 1996, से निश्चित की जाएगी ऐसे ग्रुप ग के तदर्थ अथवा दैनिक वेतन मजदूरी वाले कर्मचारियों की पारस्परिक ज्येष्ठता उनके द्वारा तदर्थ अथवा दैनिक वेतन आधार पर कार्यग्रहण की तिथि के अनुसार निश्चित की जाएगी । यदि ऐसे तदर्थ अथवा दैनिक मजदूरी वाले कर्मचारियों द्वारा तदर्थ या दैनिक मजदूरी के आधार पर कार्यग्रहण की तिथि एक ही हो, तो आयु में बड़ा कर्मचारी आयु में छोटे कर्मचारी से ज्येष्ठ होगा । यदि सीधी भर्ती वाले कर्मचारी की नियुक्ति और तदर्थ अथवा दैनिक वेतन मजदूरी वाले कर्मचारियों की नियमितता की तिथि एक जैसी हो तो सीधी भर्ती वाला कर्मचारी ज्येष्ठ होगा ।

राम एस० वर्मा,

मुख्य सचिव, हरियाणा सरकार ।

[Authorised English Translation]

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
(GENERAL SERVICES I)

Notification

The 17th June, 1997

No. GSR/41/Const./Art./309/97.-- In exercise of the powers conferred by the proviso to article 309 of the Constitution of India read with the proviso to clause 6 of Haryana Government, General Administration Department (General Services), notification No. 523-3GS-70/2068, dated the 28th January, 1970, and all other powers enabling him in this behalf, the Governor of Haryana hereby specifies such Group C posts, as have been held for a minimum period of two or three years on 31st January, 1996, by Group C employees on adhoc or daily rated basis, to be taken out of the purview of the Subordinate Services Selection Board, Haryana. The services of such adhoc/daily rated employees shall be regularised if they fulfill the following conditions, namely:-

1. Adhoc Employees—

- (i) That only such adhoc employees, as have completed two years service on 31st January, 1996, and were in service on that date should be made regular. However, break in service rendered on adhoc basis upto a period of one month may be condoned excluding breaks occurring because of the concerned employee having left service of his own volition or where the adhoc appointment was again a post or vacancy for which no regular recruitment was required or intended to be made *i.e.*, leave arrangements or filling up of other short time vacancies may not be condoned;
- (ii) that the employees should have been recruited through the employment exchange or directly appointed by the appointing authority after obtaining the non-availability certificate from the employment exchange;
- (iii) that the employees possessed the prescribed qualification for the post at the time of their appointment on adhoc basis;
- (iv) that the work and conduct of such employee shall be of overall good category and no disciplinary proceedings are pending against them; and
- (v) that the employees shall be regularised against the post or vacancies of relevant categories.

However, the employees who have been promoted on adhoc basis pending recruitment by Subordinate Services Selection Board, Haryana, will not be covered under this decision.

2. Daily Rated Employees:- That only such daily-wagers who have completed three years service on group C posts on 31st January, 1966, and were in service on 31st January, 1996, shall be regularised against their respective Group C posts, provided they fulfill the requisite qualification and were originally appointed on Group C posts and the posts are available. If the posts are not available, they should be got created from the Finance Department or they should be regularised in Group D

Compendium of Instructions on Service Career – Vol. III

scale on compassionate grounds like other daily-wagers, provided further that they have worked for a minimum period of 240 days in each year and the break in service in any year is not more than one month at a time.

3. The seniority of adhoc or daily-wager employees so regularised *vis-a-vis* the Group C employees shall be determined with effect from 31st January, 1996. The *inter-se* seniority of such adhoc or daily-wager Group C employees shall be determined in accordance with the date of their joining the post on adhoc or daily-wagers basis. If the date of joining the post on adhoc or daily-wages basis by such adhoc or daily wager employees are the same, then an older employee shall rank senior to an employee younger in age. If the date of appointment of the direct recruit and the date of regularisation of adhoc or daily-wager employees are the same, the direct recruit shall be senior.

Sd/-

RAMS. VARMA,
Chief Secretary to Government, Haryana.

हरियाणा सरकार

सामान्य प्रशासन विभाग

(सामान्य सेवाएं - I)

अधिसूचना

दिनांक 26 अगस्त, 1997

संख्या सा० का० नि० 66/सवि०/अनु० 309/97. - हरियाणा सरकार, सामान्य प्रशासन विभाग (सामान्य सेवाएं) अधिसूचना संख्या 523-3 जी० एस० I - 70/2068, दिनांक 28 जनवरी, 1970, के खण्ड (6) के परन्तुक के साथ पठित, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल, इसके द्वारा वर्ग प्प के ऐसे पद, जिन्हें दिनांक 1 नवम्बर, 1986, तथा 30 सितम्बर, 1988 को, जैसी भी स्थिति हो, वर्ग III के कम से कम दो वर्ष की सेवा अवधि वाले कर्मचारी जो सम्बन्धित दिन को तदर्थ आधार पर सेवा में थे, अधीनस्थ सेवाएं प्रवरण बोर्ड, हरियाणा के अधिकार क्षेत्र से बाहर निकालते हैं और उनकी सेवाएं नियमित की जाएंगी, यदि वे हरियाणा सरकार परिपत्र संख्या 6/4/90-5 जी० एस० I, दिनांक 28 अप्रैल 1997 में दी गई निम्नलिखित शर्तें पूरी करते हों जो नीचे पुनः प्रस्तुत की जाती हैं:-

1. 1 नवम्बर, 1986, से नियमित किए जाने वाले तदर्थ कर्मचारियों की दशा में,-
 - (i) कि आरक्षित वर्गों से सम्बन्धित कर्मचारी केवल ऐसे पदों/रिक्तियों पर नियमित किए जाएंगे जो ऐसे वर्गों के लिए आरक्षित हों;
 - (ii) कि कर्मचारियों को विभागीय चयन समितियों की सफारिशों के आधार पर नियुक्ति प्राधिकारी द्वारा रोजगार कार्यालय के माध्यम से भर्ती किया गया हो या जिन्हें रोजगार कार्यालय से अनुपलब्धता प्रमाण-पत्र प्राप्त करने के बाद सीधे नियुक्त किया हो;
 - (iii) कि ऐसे कर्मचारियों का कार्य या आचरण बेदाग हो तथा समूचे तौर पर अच्छे वर्ग का हो तथा उनके विरुद्ध कोई अनुशासनिक कार्यवाहियां लम्बित न हों; और
 - (iv) कि कर्मचारी तदर्थ आधार पर अपनी नियुक्ति के समय पद के लिए विहित अर्हताएं रखते थे।
2. 30 सितम्बर, 1988, से नियमित किए जाने वाले तदर्थ कर्मचारियों की दशा, में,-
 - (i) केवल वर्ग III के ऐसे तदर्थ कर्मचारियों को जिन्होंने 30 सितम्बर, 1988 को दो वर्ष की सेवा पूरी कर ली हो, उस तिथि को उपलब्ध नियमित पदों/रिक्तियों की सीमा तक नियमित किया जाएगा;
 - (ii) ऐसे कर्मचारियों का कार्य और आचरण समूचे तौर पर अच्छे वर्ग का हो और उनके विरुद्ध कोई अनुशासनिक कार्यवाहियां लम्बित न हों;
 - (iii) कर्मचारी तदर्थ आधार पर अपनी नियुक्ति के समय पद के लिए विहित अर्हताएं रखते थे;
 - (iv) नियमित केवल संगत प्रवर्गों के पदों/रिक्तियों के विरुद्ध की जाएगी तथा यदि सामान्य प्रवर्गों से संबंधित कर्मचारी आरक्षित प्रवर्गों/रिक्तियों के विरुद्ध नियुक्त किए गए हों, ऐसे तदर्थ नियोजित की सेवाएं विनियमित नहीं की जाएंगी और उनकी सेवाएं समाप्त कर दी जाएंगी यदि 30 सितम्बर, 1988 को सामान्य प्रवर्ग की कोई रिक्ति/पद उपलब्ध न हों;

- (v) अधीनस्थ सेवाएं प्रवरण बोर्ड, हरियाणा, द्वारा सिफारिश किए गए व्यक्तियों को शेष खाली पद यदि कोई हों, पर लगा दिए जाएंगे। ऐसे शेष बचे सिफारिश किए गए व्यक्तियों के नाम जिन्हें आमेलिन नहीं किया जा सकता बोर्ड को लौटा दिए जाएंगे ताकि उनके नामों को अन्य विभागों में अन्य स्पष्ट रिक्तियों के विरुद्ध नियुक्ति के लिए सिफारिश की जा सके;
- (vi) नीति के अधीन तदर्थ कर्मचारियों को नियमित करने के बाद, यदि कुछ पद/रिक्तियां अभी भी बिना भरी रह जाती हैं, ये अधीनस्थ सेवाएं प्रवरण बोर्ड, हरियाणा, यदि कोई हो, की सिफारिश में से भरी जाएंगी। यदि उसके बाद भी कुछ कमी रह जाती है तो, यदि आवश्यक समझा जाए, तो कमी दूर करने के लिए, हरियाणा सरकार, सामान्य प्रशासन (सामान्य सेवाएं), संख्या 50/55/85-5 जी० एस० I, दिनांक 5 फरवरी, 1990, द्वारा जारी हिदायतों में दी गई प्रक्रिया का अनुसरण किया जाएगा;
- (vii) जो कर्मचारी उपर्युक्त नीति के अधीन नहीं आते, उनकी सेवाएं समाप्त कर दी जाएंगी;
- (viii) इस प्रकार नियमित किए गए वर्ग III के तदर्थ कर्मचारियों की ज्येष्ठता नियमित आधार पर नियुक्त किए वर्ग III के कर्मचारियों के साथ 30 सितम्बर, 1988, से निश्चित की जाएगी। ऐसे वर्ग III के तदर्थ कर्मचारियों की परस्पर ज्येष्ठता, उनके तदर्थ आधार पर पद ग्रहण करने की तिथि के अनुसार निश्चित की जाएगी। यदि, ऐसे तदर्थ कर्मचारियों द्वारा तदर्थ आधार पर पद (पदों) ग्रहण करने की तिथि एक ही हो, तो आयु में बड़ा कर्मचारी आयु में छोटे कर्मचारी से ज्येष्ठ होगा। यदि सीधी भर्ती द्वारा नियुक्त किए गए कर्मचारी की पद ग्रहण की तिथि और नियमित किए जाने की तिथि एक ही हो तो सीधी भर्ती द्वारा नियुक्त कर्मचारी ज्येष्ठ होगा।

राम एस० वर्मा,
मुख्य सचिव, हरियाणा सरकार।

[Authorised English Translation]

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
(GENERAL SERVICES -I)

Notification

The August 26th, 1997

No. GSR 66/Const./Art. 309/97.— In exercise of the powers conferred by the proviso to article 309 of the Constitution of India read with the proviso to clause 6 of Haryana Government, General Administration Department (General Services) notification No. 523-3GS-70/2068, dated the 28th January, 1970, the Governor of Haryana hereby excludes such Class III posts, as have been held for a minimum period of two years on 1st November, 1986 and 30th September, 1988, as the case may be by Class III employees who were in service on the relevant day on adhoc basis, from the purview of the Subordinate Services Selection Board, Haryana, and their services shall be regularised if they fulfil the conditions mentioned in Haryana Government's circular letter No. 6/4/90-5GSI, dated the 28th April, 1997, which are reproduced below:-

1. In case of ad hoc employees to be regularised with effect from 1st November, 1986:—
 - (i) that the employees belonging to reserved categories shall be regularised only against the posts/vacancies which stand reserved for such categories;
 - (ii) that the employees would have been recruited through the Employment Exchange or directly appointed by the appointing authority after obtaining non availability certificate from the Employment Exchange, on the basis of the recommendations of the Departmental Selection Committees;
 - (iii) that the work and conduct of such employees is unblemished and is of overall good quality and no disciplinary proceedings are pending against them; and
 - (iv) that the employees possess the prescribed qualifications for the post at the time of their appointment on ad hoc basis.
2. In case of ad hoc employees to be regularised with effect from 30th September, 1988,—
 - (i) only such ad hoc Class-III employees, who have completed two years service on 30th September, 1988, shall be regularized to the extent of available regular posts/vacancies on that date;
 - (ii) the work and conduct of such employees should have been overall good category and no disciplinary proceedings are pending against them;
 - (iii) the employees possess the prescribed qualifications for the post at the time of their appointment on ad hoc basis;
 - (iv) the regularisation will be against the posts/vacancies of the relevant categories only and in case the employees belonging to general category have been appointed against reserved category posts/vacancies the services of such ad hoc appointees

shall not be regularized and their services shall be terminated in the case no general category vacancy, post(s) is available on 30th September, 1988;

- (v) the recommendees of the Subordinate Services Selection Board, Haryana shall be absorbed against the remaining vacancies if any. The names of such remaining recommendees as cannot be absorbed shall be returned to the Subordinate Services Selection Board, Haryana to enable it to recommend their names to other departments for appointment against the clear vacancies;
- (vi) after regularization of ad hoc employees under the policy, if some posts/vacancies still remain unfilled, these shall be filled in, from the recommendees of the S.S.S. Board, if any. If some shortfall remains even after then, the procedure laid down in the instructions issued, *vide* No. 50/35/88-5GSI, dated 5th February, 1990 shall be followed, for making up the shortfall, if felt necessary;
- (vii) the employees who are not covered under the above policy, shall be terminated .
- (viii) the seniority of the ad hoc class-III employees so regularised viz-a-viz class-III employees appointed on regular basis shall be determined w.e.f. 30th September, 1988. The inter-se-seniority of such ad-hoc class-III employees shall be determined in accordance with the date of joining the post on ad hoc basis. If the date of joining the post(s), on ad hoc basis by such ad hoc employees was the same, then the elder employee shall rank senior to an employee younger in age. If the date of joining the direct recruit and the date of regularization is the same, the direct recruit shall be senior.

RAMS. VARMA,
Chief Secretary to Government, Haryana.

No. 6/4/90-5GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of the Departments.
2. Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions and all Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
3. Registrar,
Punjab and Haryana High Court,
Chandigarh.

Dated Chandigarh, the 28th April, 1997.

Subject:- Regularisation of ad hoc Class III employees with effect from 1-11-86 and 30-9-88 in view of the various judgements of Hon'ble Supreme Court and High Court.

Sir,

I am directed to invite your attention to the subject noted above and to say that vide Haryana Government letter No. 50/22/84-5GSI, dated 16th Feb., 1987, Haryana Government had issued a policy that the services of ad hoc employees other than teachers working against the posts which had been taken out of the purview of S.S.S. Board, Haryana may be regularized as have completed two years service on 1-11-86 and were in service on that day subject to the following conditions:—

- (i) that the employees belonging to reserved categories shall be regularized only against the posts/vacancies which stand reserved for such categories ;
- (ii) that the employees would have been recruited through the Employment Exchange or directly appointed by the appointing authority after obtaining N.A.C. from the Employment Exchange, on the basis of the recommendations of the Departmental Selection Committees ;
- (iii) that the work and conduct of such employees is unblemished and is of overall good quality and no disciplinary proceedings are pending against them; and
- (iv) that the employees possess the prescribed qualifications for the post at the time of their appointment on ad hoc basis.

2. In view of various judgments of the Apex Court as well as the Punjab and Haryana High Court the matter has been further considered and it has been decided that the condition “working against the posts which have been taken out of the purview of the Board” be deleted from the letter referred to above. Accordingly all class-III ad hoc employees who were eligible for regularisation with effect from 1-11-86 may be regularized from that date, if they fulfil the other conditions prescribed therein.

3. A policy frame bearing No. 6/4/90-2GSI, dated nil for regularising the ad hoc class-III employees with effect from 30-9-88 was submitted to the Supreme Court in connection with the Special

Leave Petition- State of Haryana Vs. Piara Singh and others. The salient features of this policy were as under:—

Category-I Ad hoc employees

- (i) Only such ad hoc Class-III employees, who have completed two years service on 30-9-1988, shall be regularized to the extent of available regular posts/vacancies on that date.
- (ii) The work and conduct of such employees should have been overall good category and no disciplinary proceedings are pending against them.
- (iii) The employees possess the prescribed qualification for the post at the time of their appointment on ad hoc basis.
- (iv) The regularisation will be against the posts/vacancies of the relevant categories only and in case, the employees belonging to general category have been appointed against reserved category posts/vacancies the services of such ad hoc appointees shall not be regularized and their services shall be terminated in case no general category vacancy/post(s) is available on 30-9-88.
- (v) The recommendees of the S.S.S. Board shall be absorbed against the remaining vacancies, if any. The names of such remaining recommendees as cannot be absorbed shall be returned to the Board to enable it to recommend their names to other departments for appointment against the clear vacancies.
- (vi) After regularization of ad hoc employees under the policy, if some posts/vacancies still remain unfilled, these shall be filled in from the recommendees of the S.S.S. Board, if any. If some shortfall remains even after that, the procedure laid down in the instructions issued vide No. 50/35/88-5GSI, dated 5-2-90 shall be followed, for making up the shortfall, if felt necessary.
- (vii) The employees, who are not covered under the above policy, their services shall be terminated.
- (viii) The seniority of the ad hoc class-III employees so regularised *viz-a-viz* class-III employees appointed on regular basis shall be determined w.e.f. 30-9-88. The inter-se-seniority of such ad hoc class-III employees shall be determined in accordance with the date of joining the post on adhoc basis. If the date of joining the post(s), on ad hoc basis by such ad hoc employees was the same, then the elder employee shall rank senior to an employees younger in age. If the date of joining the direct recruit and the date of regularization is the same, the direct recruit shall be senior.

4. During the pendency of the said S.L.P. Haryana Government issued an other policy vide its notification No. GSRII/Const/Art./309/91, dated 28-2-91 for regularizing the services of ad hoc class-III employees with effect from 31-12-90 subject to the fulfilment of conditions enunciated therein. The policy frame mentioned above submitted to the Apex Court was not issued.

5. This matter has also been considered in the light of certain judgments and Government has now decided that all those ad hoc employees who had completed two years of service on 30-9-88 should be regularized in accordance with the draft policy of the State Government mentioned above.

Probation

6. The necessary notification taking those class-III posts out of the purview of the S.S.S. Board, Haryana is being issued separately.

Yours faithfully,

Sd/-

(Jyoti Arora)

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to all the Financial Commissioners/ Commissioners and Secretaries to Government, Haryana.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners
and Secretaries to Government Haryana.

U.O. No. 6/4/90-5GSI

Dated, Chandigarh, the 28th April, 1997

Endst. No. 6/4/90-5GSI

Dated, Chandigarh, the 28th April, 1997

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Haryana for information and necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

Compendium of Instructions on Service Career – Vol. III

No. 43/15/97-1 GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments in Haryana.
2. The Registrar, Punjab and Haryana High Court.
3. The Commissioners, Ambala, Rohtak, Hisar and Gurgaon Divisions and all the Deputy Commissioners in the State.

Dated, Chandigarh, the 8th December, 1997.

Subject:- Regularisation of ad hoc Class-II employees-withdrawal of instructions.

Sir,

I am directed to draw your attention to Haryana Govt. letter No. 6/38/95-2GSI, dated 7-3-1996 vide which instructions were issued to regularise the services of those adhoc class-II employees who had completed two years of adhoc service on 31-1-1996 and were in service on that date and also fulfilled other conditions laid down therein.

2. The Hon'ble Supreme Court *vide* its orders dated 1-10-1997 delivered in the case "P. Ravindran Vs. Union Territory of Pondichery and others, (1997) 1 SCC 350" has deprecated the practice of regularisation of services of ad-hoc employees as a substitute for the appointees recommended by the Public Service Commission.

3. Keeping in view the orders of the Apex Court, the matter has been considered by the Government and it has now been decided that the instructions issued by the State Government vide letter No. 6/38/95-2 GSI, dated 7-3-1996 regularising the services of ad hoc Class-II employees should be withdrawn with effect from the date of their issue.

4. Accordingly the said instructions are hereby withdrawn with effect from the date of their issue i.e. 7-3-1996. However, the ad hoc Class-II employees shall continue to hold their posts till they are replaced by the regular recommendees of the Haryana Public Service Commission.

These instructions be brought to the notice of all concerned for strict adherence and compliance.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all the Financial Commissioners/Commissioners & Secretaries to Government, Haryana for information and necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

Probation

To

All the Financial Commissioners/Commissioners and Secretaries to Government, Haryana.

U.O. No. 43/15/97-1 GSI

Dated Chandigarh, the 8th December, 1997.

Endst. No. 43/15/97-1 GSI

Dated Chandigarh, the 8th December, 1997.

A copy is forwarded to the Secretary, Haryana Public Service Commission, Chandigarh. It is requested that if any advertisement is in the process of issue the same should be stopped till a fresh requisition is received from the concerned department.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

No. 43/11/97-1GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners Ambala, Hisar, Rohtak and Gurgaon Divisions.
2. All Deputy Commissioners and Sub-Divisional Officers (Civil) in Haryana.
3. The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the 25-5-98.

Subject:- Mode of Adhoc recruitment by the Government or the Governmental Agencies through advertisement.

Sir,

I am directed to invite your attention to Haryana Government circular letter No. 43/35/95-5GSI, dated 8-2-96, vide which a complete ban was imposed on all adhoc appointments in the State and the departments were allowed to make appointments on contract basis depending upon the requirement of the job with the prior approval of the Finance Department after determining the terms and conditions of contractual appointments.

2. In the ruling i.e. 1997 (1) R.S.J. 255. The Hon'ble Apex Court has interalia observed as under:—

“It is common knowledge that many a candidates are unable to have the names sponsored, though their names are either registered or are waiting to be registered in the employment exchange, with the result that the choice of selection is restricted to only such of the candidates whose names come to be sponsored by the employment exchange. Under these circumstances, many a deserving candidates are deprived of the right to be considered for appointment to a post under the State. Better view appears to be that it should be mandatory for requisitioning authority/establishment to intimate the employment exchange, and employment exchange should sponsor the names of the candidates to the requisitioning departments for selection strictly according to seniority and reservation as per requisition. In addition, the appropriate Department or undertaking or establishment, should call for the names by publication in the newspapers having wider circulation and radio, television and employment news bulletins, and then consider the cases of all the candidates who have applied. If this procedure is adopted, fair play would be observed. The equality of opportunity in the matter of employment would be available to all eligible candidates”.

Similar observations were also made by the Hon'ble Punjab and Haryana High Court in its judgement dated 16-7-96 delivered in C. W. P. No. 8849 of 1996-Harjot Kamal Singh Vs. State of Punjab, reported as 1997 (1) R.S.J. 95.

In the light of aforesaid judgements it has been decided that in future the orders of Apex Court and Punjab and Haryana High Court may be strictly complied with in making all such appointments.

Probation

These instructions may also be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all Financial Commissioners/Commissioners and Secretaries to Government, Haryana for information and necessary action.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners and Secretaries to Government, Haryana.

U.O. No. 43/11/97—IGSI

Dated, Chandigarh, the 25-5-98.

Compendium of Instructions on Service Career – Vol. III

No. 43/15/98—1GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners Ambala, Hisar, Rohtak and Gurgaon Divisions.
2. All Deputy Commissioners and Sub-Divisional Officers (Civil) in Haryana.
3. The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the December 29, 1998.

Subject:- Mode of adhoc recruitment by the Government or the Governmental Agencies through Adveristement.

Sir,

I am directed to invite your attention to Haryana Government letter No. 43/11/97-1GSI, dated 25-5-98, vide which all the departments were directed to comply with the judgements of the Hon'ble Apex Court and Punjab and Haryana High Court in cases 1997 (1) RSJ/255 and C. W. P. No. 8849 of 1996—Harjot Kamal Singh Vs. State of Punjab, 1997 (I) RSJ-95 respectively while making contractual appointment as well as other appointments.

2. The Employment Department has brought to the notice of the State Government that some departments have sought clarification from them, whether the aforesaid judgement of the Hon'ble Apex Court is applicable to all recruitments or only to adhoc recruitments.

3. In this regard it is clarified that the instructions in question are applicable to the recruitment of all type of vacancies for the relevant categories (excluding those filled through the Haryana Public Service Commission/Haryana Staff Selection Commission) which are presently restricted to be filled on contract basis only, as per Finance Department's circular letter No. 5/6/92-1 B&C, dated 9-1-96.

This clarification should be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all Financial Commissioners/Commissioners and Secretaries to Government, Haryana for information and necessary action.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners and Secretaries to Government, Haryana.

U.O. No. 43/15/98—1GSI

Dated Chandigarh, the December 29, 1998.

No. 6/47/98—1GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners,
Ambala, Hisar, Rohtak and Gurgaon Divisions.
2. All Deputy Commissioners and Sub-Divisional
Officers (Civil) in Haryana.
3. The Registrar,
Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the 1st February, 1999.

Subject:- Regularisation of Part Time Group 'D' Employees.

Sir,

I am directed to invite your attention to the subject noted above and to say that the Hon'ble Punjab and Haryana High Court in its judgement dated 24-2-98 delivered in C.W.P. No. 15602 of 1997—*Mange Ram & Ors. Vs. State of Haryana & Ors.* has directed the State Government to draw up a policy for regularisation of services of the Group 'D' Part Time employees working in Government Departments. After careful consideration, the State Government has decided to lay down the following policy regarding regularisation of the services of Group 'D' part time employees working in all the departments of the State Government (except Education Department, which has adopted a somewhat separate policy): --

(1) Whenever a Group 'D' post becomes available in the same institution/office of the State Government, where a part time employee is working and has completed at least 5 years continuous service on the date of issue of these instructions, he/she shall be given preference for being considered for regular appointment against the post subject to all other things vis-à-vis the other candidates being equal and further subject to his/her fulfilling the following conditions: —

- (i) That the employee should have been recruited through the employment exchange or directly appointed by the appointing authority after obtaining the non-availability certificate from the employment exchange;
- (ii) That the employee possesses the prescribed qualifications for the post; and
- (iii) That the work and conduct of such employee has been satisfactory.

2. It has also been decided that existing policy regarding appointment of Part Time workers in Government Departments/Autonomous Bodies as per their limited requirement and emergent need may continue. However, in future, part time jobs, if necessary, should be got done through contractual agreement with private agencies/contractors after seeking concurrence of the Finance Department, so as to avoid long term implications of huge financial burden on State Exchequer. Departments are only a part employer in respect of these people and they are free to work elsewhere beyond the stipulated time. As such it is a contractual appointment made at a fixed remuneration for a fixed

Compendium of Instructions on Service Career – Vol. III

number of working hours. They are not work charged/daily wage employees of Government. In view of these facts services of such part time workers cannot be regularised like full time employees.

This may please be brought to the notice of all concerned for information and necessary action.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

No. 6/47/98—1GSI

Dated Chandigarh, the 1-2-99

A copy is forwarded to the Chairman/Managing Directors of all the Boards/Corporations in the State of Haryana for information and necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all Financial Commissioners/Commissioners and Secretaries to Government, Haryana for information and necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners and
Secretaries to Government, Haryana.

U.O. No. 6/47/98—1GSI

Dated Chandigarh, the 1-2-99

A copy each is forwarded to the Principal Secretary/Deputy Principal Secretary/Senior Secretaries/Secretaries/Private Secretaries to the Chief Minister/Ministers/State Ministers, Haryana for information.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

The Principal Secretary/Deputy Principal Secretary/
Senior Secretaries/Secretaries/Private Secretaries to the Chief Minister/
Ministers/State Ministers, Haryana.

U.O. No. 6/47/98—1GSI

Dated Chandigarh, the 1-2-99

No. 43/14/98—1GSI

From

The Chief Secretary to Government, Haryana.

To

1. All the Heads of Departments,
Commissioners Ambala, Hisar,
Rohtak and Gurgaon Divisions.
2. All the Deputy Commissioners and
Sub-Divisional Officers (Civil) in Haryana.
3. The Registrar,
Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the 5th April, 1999.

Subject:- Employment of women candidates in a state of pregnancy and declared as temporarily medically unfit.

Sir,

I am directed to refer to the instructions contained in Joint Punjab Government circular letter No. 9388-4GSI-62/24631, dated 1-8-1962 which provide that time limit for joining appointments or training courses in the case of women candidates who are declared 'Temporarily Unfit' by the medical authorities on account of being enceinte (pregnant), is treated as relaxed by such period as is considered necessary provided it does not extend beyond six weeks of the date of confinement.

2. Government of India have already waived similar condition in the case of women candidates, who are found to be pregnant at the time of their appointment against the posts which do not carry hazardous nature of duties e.g. in police organisations etc. and where they do not have to complete a period of training as a condition of their service.

3. The matter has been examined by the State Government in the light of the instructions in vogue in Government of India and it has been decided that it shall no longer be necessary to declare a woman candidate as 'Temporarily Unfit' if she is found to be pregnant during medical examination before appointment against posts which do not prescribe any elaborate training i.e. they can be appointed straightway on the job. However, where pregnant women are to be appointed against posts carrying hazardous nature of duties e.g. in Police organisations etc. and they have to complete a period of training as a condition of service, the existing instructions depicted in letter dated 1-8-1962 referred to above will remain in force.

These instructions should be brought to the notice of all concerned for compliance.

Yours faithfully,

Sd/-

(SUMITA SINGH)

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

Compendium of Instructions on Service Career – Vol. III

Endst. No. 43/14/98-1 GSI

Dated Chandigarh, the 5-4-1999.

A copy is forwarded to the Chairman and Managing Directors of all Boards and Corporations in the State of Haryana.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all Financial Commissioners/Commissioners and Secretaries to Government Haryana for information and necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners and Secretaries to Government Haryana.

U.O. No. 43/14/98-1 GSI

Dated Chandigarh, the 5-4-1999.

A copy is forwarded to the Principal Secretary/Addl. & Dy. Principal Secretaries to Chief Minister/Secretaries/Private Secretaries to the Chief Minister/Ministers/Ministers of State for information and necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

The Principal Secretary/Addl. and Dy. Principal Secretaries to Chief Minister/Secretaries/Private Secretaries to the Chief Minister/Ministers/Ministers of State.

U.O. No. 43/14/99-1 GSI

Dated Chandigarh, the 5-4-1999.

हरियाणा सरकार

सामान्य प्रशासन विभाग

(सामान्य सेवाएं I)

अधिसूचना

दिनांक 5 नवम्बर, 1999

संख्या सा.का. नि. 101/सवि./अनु. 309/99.- हरियाणा सरकार, सामान्य प्रशासन विभाग (सामान्य सेवाएं) अधिसूचना संख्या 523-3 जी.एस.-70/2068, दिनांक 28 फरवरी, 1970 के खण्ड के परन्तुक के साथ पठित, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदान की गई शक्तियों तथा इस निमित्त उन्हें समर्थ बनाने वाली सभी शक्तियों का प्रयोग करते हुये, हरियाणा के राज्यपाल, इसके द्वारा, ग्रुप 'ग' के ऐसे पद, जो ग्रुप 'ग' के ऐसे कर्मचारियों द्वारा, इस अधिसूचना के राजपत्र में प्रकाशन की तिथि को कम से कम 15 वर्ष की अवधि के लिए धारण किए हुए हों तथा इस अधिसूचना के जारी होने की तिथि को वे सेवा में हों, किन्तु तदर्थ आधार पर उनके द्वारा धारण किए जा रहे पदों को शैक्षणिक योग्यताओं को पूरा न करने के कारण सरकार द्वारा समय-समय पर इस निमित्त बनाई गई नीतियों के अधीन उनकी सेवाएं पहले नियमित न की जा सकी हों, को एक समय के लिए हरियाणा कर्मचारी चयन आयोग के कार्यक्षेत्र से बाहर निकाले जाने के लिए विनिर्दिष्ट करते हैं तथा उनकी सेवाएं नियमित कर दी जाएंगी, यदि वे निम्नलिखित शर्तें पूरी करते हैं, अर्थात् :-

- (i) कि उपरोक्त ऐसे तदर्थ कर्मचारी जिन्होंने इस अधिसूचना के राजपत्र में प्रकाशन की तिथि को पन्द्रह वर्ष की अवधि पूरी कर ली है तथा उस तिथि को सेवा में थे। तथापि संबद्ध कर्मचारी द्वारा स्वेच्छा से छोड़ी गई सेवा अथवा जहां तदर्थ नियुक्ति केवल उसी पद अथवा रिक्ति के विरुद्ध थी जिसके लिए नियमित भर्ती अपेक्षित नहीं थी अथवा को जाने के लिए आशयित नहीं थी अर्थात् अवकाश व्यवस्था अथवा थोड़े समय के लिए रिक्ति भरने को उपमार्षित (कन्डोन) न करके तदर्थ आधार पर की गई सेवा में एक मास की अवधि तक ब्रेक उपमार्षित किया जाए ;
- (ii) कि कर्मचारी रोजगार कार्यालय के माध्यम से भर्ती हुए हों अथवा नियुक्ति प्राधिकारी द्वारा रोजगार कार्यालय में अनुपलब्धता प्रमाण-पत्र प्राप्त करने के बाद सीधे नियुक्त किये गये हों ;
- (iii) कि ऐसे कर्मचारी का कार्य और आचरण समूचे तौर पर अच्छे वर्गीकरण का हों और उनके विरुद्ध कोई अनुशासनिक कार्यवाहियां लम्बित न हों ; और
- (iv) कि सम्बद्ध विद्यमान प्रवर्गों के पद या रिक्तियां हों ।

तथापि अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा (अब हरियाणा कर्मचारी चयन आयोग) द्वारा भर्ती किये जाने तक जो कर्मचारी तदर्थ आधार पर पदोन्नत किए गए हैं, वे इस निर्णय के अधीन नहीं आयेंगे ।

2. इस प्रकार से नियमित किए गए तदर्थ कर्मचारियों अर्थात् नियमित आधार पर नियुक्त ग्रुप 'ग' कर्मचारियों की ज्येष्ठता इस अधिसूचना के हरियाणा सरकार के राजपत्र में प्रकाशन की तिथि से निश्चित की जाएगी । ऐसे ग्रुप 'ग' के तदर्थ कर्मचारियों को परस्पर ज्येष्ठता उनके द्वारा तदर्थ आधार पर कार्यग्रहण की तिथि के अनुसार निश्चित की जाएगी । यदि ऐसे तदर्थ कर्मचारियों द्वारा तदर्थ आधार पर कार्यग्रहण की तिथि एक ही हो, तो आयु में बड़ा कर्मचारी आयु में छोटे कर्मचारी से ज्येष्ठ होगा । यदि सीधी भर्ती वाले कर्मचारी की नियुक्ति और तदर्थ कर्मचारियों की नियमितता की तिथि एक जैसी हो तो सीधी भर्ती वाला कर्मचारी ज्येष्ठ होगा ।

राम एस. वर्मा,
मुख्य सचिव, हरियाणा सरकार ।

भाग III

हरियाणा सरकार

**सामान्य प्रशासन विभाग
(सामान्य सेवाएं)**

अधिसूचना

दिनांक 13 अप्रैल, 2007

संख्या सा0 का0 नि0 13/सवि0/अनु0 309/2007.—हरियाणा सरकार, सामान्य प्रशासन विभाग (सामान्य सेवाएं), अधिसूचना संख्या 523-3जी0एस0-70/2008, दिनांक 28 जनवरी, 1970 के खण्ड (6) के परन्तुक के साथ पठित, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल, इसके द्वारा तदर्थ/दैनिक वेतनभोगी/अनुबन्ध/अंशकालिक कर्मकारों इत्यादि की सेवाओं के नियमन के सम्बन्ध में जारी की गई निम्नलिखित अधिसूचनाओं को तुरन्त विखण्डित करते हैं :-

1. संख्या सा0 का0 नि0 41/सवि0/अनु0 309/97, दिनांक 17 जून, 1997
2. संख्या सा0 का0 नि0 101/सवि0/अनु0 309/99, दिनांक 5 नवम्बर, 1999
3. संख्या सा0 का0 नि0 24/सवि0/अनु0 309/2003, दिनांक 1 अक्टूबर, 2003
4. संख्या सा0 का0 नि0 5/सवि0/अनु0 309/2004, दिनांक 10 फरवरी, 2004

यह अधिसूचना उन मामलों पर प्रतिकूल प्रभाव नहीं डालेगी जहां नियमन पहले किया गया है किन्तु न्यायाधीन नहीं हैं ।

प्रेम प्रशान्त,
मुख्य सचिव, हरियाणा सरकार ।

[Authorised English Translation]

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
(GENERAL SERVICES-I)

Notification

The 13th April, 2007

No. G. S. R. 13/Const./Art. 309/2007.- In exercise of the powers conferred by the proviso to article 309 of the Constitution of India read with the proviso to clause (6) of Haryana Government, General Administration Department (General Services), Notification No. 523-3GS-70/2068, dated the 28th January 1970, the Governor of Haryana hereby rescinds the following notifications issued in relation to regularization of services of adhoc/daily-wage/contract/part-time workers etc. forthwith :-

1. No. G. S. R. 41/Const./Art; 309/97, dated the 17th June, 1997;
2. No. G. S. R. 101/Const./Art. 309/99, dated the 5th November, 1999;
3. No. G. S. R. 24/Const./Art. 309/2003, dated the 1st October; 2003; and
4. No. G. S. R. 5/Const/Art. 309/2004, dated the 10th February. 2004.

This notification shall not adversely affect the cases where regularization have already been made but are not sub-judice.

PREM PRASHANT,
Chief Secretary to Government, Haryana.

No. 43/31/06-1GSI

From

The Chief Secretary to, Government Haryana.

To

1. All Heads of Departments Commissioners, Ambala, Hisar, Gurgaon and Rohtak Divisions.
2. The Registrar, Punjab and Haryana High Court, Chandigarh.
3. The Resident Commissioner, Haryana Bhawan, New Delhi.
4. All the Deputy Commissioners in Haryana State.

Dated Chandigarh, the 25th April, 2007.

Subject :- Withdrawal of policies of regularization of services of adhoc/ contractual/daily-wage and part time workers issued in the years 1997, 1999, 2003 and 2004.

Sir/Madam,

I am directed to invite your kind attention to subject noted above and to say that the Constitutional Bench of Hon'ble Supreme Court of India, in, the case of State, of Karnataka *vis* Uma Devi cites in (2006) 4 SCC, has passed a landmark order on 10th April, 2006 on the issue of regularization of services of temporary/adhoc, daily-wage and contract employees etc. Hon'ble Supreme Court, in this Judgement has *inter alia* held that merely because an employee, had continued under the cover of an order of the Court, under "litigious employment" or had been continued beyond the term of his appointment by the State or its instrumentalities, he would not be entitled to any right to be absorbed or made permanent in service merely on the strength of such continuance if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. Hon'ble Apex Court has further observed that it is, not open to the Court to prevent regular recruitment at the instance of temporary employees whose period of employment has come to an end or adhoc employees who by the very nature of their appointment do not acquire any right. The Judgement also clarifies that where regularization has already been made but is not sub-judice need not be re-opened based on the Judgement, but there should be no further regularization of those not duly appointed by the constitutional scheme.

2. In view of the aforesaid judgement of Hon'ble Apex Court Government has decided to withdraw forthwith the policies of regularization of services of adhoc/daily wage/contract workers etc. issued through various notifications issued vide No.G.S.R.41/Const./Art./309/97, dated 17.6.1997, No.G.S.R.101 /Const./ Art.309/99, dated 5.11.1999, No.G.S.R.24/Const./Art.309/2003, dated 1.10.2003, and No.G.S.R.5/Const./Art.309/2004, dated 10.2.2004. A copy of the notification issued in this regard vide No.G.S.R.13/Const./Art.309/2007, dated 13.4.2007 is sent herewith for your information and necessary action.

Yours faithfully,

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

Probation

A copy is forwarded to all the Financial Commissioners and Principal Secretaries/ Commissioners and Secretaries to Government Haryana for information and necessary action.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

To

All the Financial Commissioners and Principal Secretaries/
Commissioners and Secretaries to Government Haryana,

U.O. No. No.43/31/06-1GSI

Dated Chandigarh, the 25th April, 2007

Endst. No. No.43/31/06-1 GSI

Dated Chandigarh, the 25th April, 2007

A copy is forwarded to the following for information:—

1. All the Managing Directors of all the Boards/Corporations and Public Undertakings.
2. The Registrar, Maharishi Dayanand University, Rohtak, Kurukshetra University, Kurukshetra, Haryana Agriculture University, Hisar, Guru Jambheshwar University, Hisar, Ch.Devi Lal University, Sirsa and Bhagat Phool Singh Mahila Vishav Vidyalya Khanpur, Sonipat.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

A copy is forwarded to Principal Secretary/Additional Principal Secretary I & II/OSD-I & II/ Senior Special Private Secretary/ Senior Secretary/ Private Secretary to Chief/Minister/ Deputy Chief Minister/Ministers/Chief Parliamentary Secretary/ Parliamentary Secretary for information.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

To

The Principal Secretary/Additional Principal Secretary I & II/OSD-I & II/ Senior Special Private Secretary/ Senior Secretary/Private Secretary to Chief Minister/Deputy Chief Minister/ Ministers Chief Parliamentary Secretary/Parliamentary Secretary.

U.O. No. 43/31/06-1GSI

Dated Chandigarh, the 25th April, 2007

No. 6/24/2007-1GSI

From

The Chief Secretary to Government, Haryana.

To

1. All the Heads of Departments in Haryana.
2. The Registrar, Punjab and Haryana High Court.
3. The Commissioners Rohtak, Gurgaon, Hisar, and Ambala Divisions and all the Deputy Commissioners in Haryana.

Dated, Chandigarh, the 27th April, 2007

Subject : - Regarding maintaining the muster rolls meticulously and regularly under section 25- D of the Act.

Sir/Madam,

I, am directed to refer to address you on the subject noted above and to say that the Hon'ble Punjab and Haryana High Court in its judgement dated 13.7.2006, in CWP NO. 9570 of 2006 Haryana State V/s Presiding Officer, ID Tribunal cum Labour Court, Hisar and Smt. Suresh, has interalia passed the following directions:—

“Before we part with this Judgment, we have seen on a number of occasions that such like petitions are being filed by various departments where the daily wagers are taken into employment and that the departments are obligated under Section 25 D of the Act for maintaining the muster rolls meticulously and regularly by obtaining the signature of the workwoman/workman at the requisite place in the muster roll for having received the remuneration accordingly. It is unfortunate that in such, like cases, the records are not, being produced and the persons, who may have been given the back door entries, are sought to be regularized through the process of the court. In the first instance seeking reference, from the appropriate government’ and thereafter by not producing the relevant record i.e. “Muster roll” for the reasons best known to the authorities, who are obligated to maintain, such records and then suffer the adverse inference drawn against them. It is obvious that the persons, who are at the helms of affairs in these departments, perhaps are not aware of such situation or they appear, to have closed their eyes in this regard. We deprecate such practices and the callous attitude for not producing the statutory, document required to be maintained under the Act. The litigants (including the State) ought to come to the forums with Clean hands and clear picture vis-a-vis the record so that it becomes easier for the courts to dispense justice in a fair and clean manner. It has left an impression on us that by using and abusing the process provided under the statute the seals of the forums including the courts are obtained/procured by making the forums and the courts helpless in view of the law laid down and the statutory provisions provided. Such use and abuse ought to be avoided and the person who is responsible in this regard has to be proceeded against”.

2. Having regard to the position, indicated in the judgement mentioned above, it is essential that where ever daily wagers, particularly in the Engineering Departments, have been taken in

employment, the departments as per requirement of Section 25 D of the Industrial Disputes Act, 1947, must maintain the muster rolls meticulously and regularly and also obtain the signatures of the workwomen/workmen in the muster roll(s) for having received the remuneration.

3. It is requested that these instructions should be complied with rigidly and be brought to the notice of all the authorities concerned for compliance by them. It may be added that in the event of failure to follow these instructions, the matter will be viewed seriously by the Government.

Yours faithfully,

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government Haryana.

A copy is forwarded to all the Financial Commissioners and Secretaries/ Commissioners and Secretaries to Government Haryana for information and necessary action.

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government Haryana

To

All the Financial Commissioners and Principal Secretaries/'Commissioners and Secretaries to Government Haryana.

U.O.No.6/24/2007-1GSI

Dated Chandigarh, the 27- 4- 2007

Endst.No.6/24/2007-1 GSI

Dated, Chandigarh the 27- 4- 2007

A copy is forwarded to the following for information and necessary action:—

1. The Managing Directors/ Chief Executives/Member Secretaries of all Boards and Corporations in Haryana,
2. The Registrars, Maharishi Dayanand University, Rohtak, Kurukshetra University Kurukshetra, Ch. Charan Singh Haryana Agriculture University, Hisar, Guru Jambheshwar University, Hisar and Ch, Devi Lal University, Sirsa, Bhagat Phool Singh Mahila Vishav Vidyalaya, Khanpur Kalan, Sonapat.

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government Haryana

No. 43/31/06-1 GS1

From

The Chief Secretary to Government Haryana.

To.

1. All Heads of Departments, Commissioners, Ambala, Hisar, Gurgaon and Rohtak Divisions.
2. The Registrar, Punjab and Haryana High Court, Chandigarh.
3. All the Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.

Dated Chandigarh, the 29-5-2007.

Subject :- Regarding regular recruitment against the Posts being occupied by adhoc(daily-wage/ contract/ part-time etc. employees—Judgement of Supreme Court of India in the case of State of Karnataka v/s Uma Dev cited in (2006)4 SSC 1-44.

Sir/ Madam,

In continuation of Haryana Government letter No. 43/31/06-IGSI, dated 25.4.2007 regarding withdrawal of policies of regularization of services of adhoc/contractual/daily-wage and part-time workers issued in the years 1997, 1999, 2003 and 2004, I am directed to say that the instruction bearing No..6/38/95-2GSI, dated 7.3.1996 and subsequent instructions of even number dated 18.3.1996 in respect of regularization of Work charge/Casual/Daily rated employees with effect from 31.1.1996 shall also be deemed to have been rescinded with effect from 13th April 2007 i.e. the date of publication of the notification dated 13.4.2007 appended with letter dated 25.4.2007 referred to above.

I am also to inform that on further consideration of the matter in the wake of judgement of the Hon'ble Apex, Court in the case of State of Karnataka v/s Uma Devi & ors. cited in (2006) 4SCCI, the Government has decided that all the vacant sanctioned posts presently occupied by daily wage/ contract/adhoc/part time employees etc. may be filled up through a process of regular recruitment as per provision of the relevant services rules. When the regular recruitment against the posts being manned by the aforesaid categories of employees is taken up, they will be allowed relaxation in age restriction to take them eligible to complete for regular recruitment and will also be given some weightage for their having been engaged for work in the department concerned for a significant period of time, as a one time measure. It is requested that this. policy be brought to the notice of all concerned working under your control for meticulous compliance.

Yours faithfully,

Sd/-

(SUMITA MISRA)

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

Probation

A copy is forwarded to all the Financial Commissioners and Principal Secretaries/ Commissioners and Secretaries to Government Haryana for information and necessary action.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

To

All the Financial Commissioners and Principal Secretaries/
Commissioners and Secretaries to Government Haryana.

U.O. No. 43/31/06-IGSI

Dated Chandigarh, the 29-5-2007

Endst No. 43/31/06-IGSI

Dated Chandigarh, the 29-5-2007

A copy is forwarded to the following for information and necessary action:--

1. The Registrar, Maharishi Dayanand University, Rohtak, Kurukshetra University, Kurukshetra, Haryana Agriculture University, Hisar, Guru Jambheshwar University, Hisar, Ch. Devi Lal University, Sirsa and Bhagat Phool Singh Mahila Vishav Vidyalya Khanpur, Sonapat.
2. All the Managing Directors of Boards/ Corporations in Haryana.
3. Principal, Divisional Training Centre, SCO-II, Sector 16, Panchkula.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

No. 6/28/2007-1GSI

From

The Chief Secretary to Government Haryana.

To

1. All the Heads of Departments, Commissioners Ambala, Hisar, Rohtak, and Gurgaon Divisions
2. The Registrar, Punjab and Haryana High Court, Chandigarh.
3. All Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.

Dated, Chandigarh, the 19th June, 2007.

Subject :- Judgements of the Hon'ble Apex Court regarding creation of posts, appointment to posts, regularization, fixing of pay scales, continuation in service, promotions, etc.

Sir/Madam,

I am directed to address you on the subject noted above and to say that the **Hon'ble Supreme Court of India in its Judgement titled as "Indian Drugs & Pharmaceuticals Ltd. Vs Workmen, Indian Drugs, & Pharmaceuticals Ltd. (2007) 1 SCC-408"** has held *inter alia* that creation of posts, appointments to posts and regularization etc. are purely executive functions. Hence the courts cannot issue directions to create posts and to absorb employees. The gist of the judgement is as under :—

“The term “temporary employee” is a general category which has under its several sub-categories e.g. casual employee, daily- rated employee, adhoc employee etc. A daily rated or casual worker is only a temporary employee, and **it is well settled that a temporary employee has no right to the post or to be continued in service, to get absorption, far less of being regularized and getting regular pay.** No doubt, there can be occasions when the State or its instrumentalities employee persons on temporary or daily-wage basis in a contingency as additional hands without following the required procedure, but this does not confer any right on such persons to continue in service or get regular pay: Unless the appointments are made by following the rules, such appointees do not have any right to claim permanent absorption in the establishment **The Court can not direct continuation in service of a non-regular appointee.** Even if an adhoc or casual appointment is made in some contingency the same should not be continued for long, as was done in the present case. A casual or temporary employment is not an appointment to a post in the real sense of the, the term. The argument that since one has been working for some time in the post, it will not be just to discontinue him, even though he was aware of the nature of the appointment when he first took it up, is one that would enable the jettisoning of the procedure established by law for public employment.

The distinction between a temporary employee and a permanent employee is well settled. Whereas a permanent employee has a right to the post, a temporary employee has no right to the post. It is only a permanent employee who has a right to continue in service till the age of superannuation (unless he is dismissed or removed after an enquiry, or his

service is terminated due to some other valid reasons earlier). As regard a temporary employee, there is no age of superannuation because he has no right to the post at all. **Hence, it follows that no direction can be passed in the case of any temporary employee that he should be continued till the age of superannuation.**

Similarly, no direction can be given that a daily-wage employee should be paid salary equivalent to a regular employee. If an employee is not appointed against a sanctioned post he is not entitled to any scale of pay. This Court also observed that temporary, contractual, casual or daily wage adhoc employees appointed dehors the constitutional scheme to public employment have no legitimate expectation to be absorbed or, regularized or granted permanent continuation in service on the ground that they have continued for a long time in Service. It was observed by this Court that non-grant of permanent continuation in service of such employees does not violate Article 21 of the Constitution and such employees do not have any enforceable legal right to the permanently absorbed, nor to be paid salary of regular employees. A regular process of recruitment or employment has to be restored to when regular vacancies and posts are to be filled up. This Court further observed that public employment must comply with Articles 14 and 16 of the Constitution as the rule equality in public employment is a basic feature of the Constitution.

Regularization can not be a mode of appointment. A post must be created and/or sanctioned before filling it up. The employees, in question, had not been appointed by following the regular procedure, and instead they had been appointed only due to the pressure and agitation of the union and on compassionate grounds. There were not even vacancies on which they could be appointed. Such employees can not be regularized as **regularization is not a mode of recruitment.** If the Court/Tribunal directs that a daily-rated or adhoc or casual employee should be continued in service till the date of superannuation, it is impliedly regularization such an employee, which can not be done. Regularization can only be done in accordance with the rules not dehors the rules. The rules of recruitment can not be relaxed and the court/tribunal cannot direct regularization of temporary appointee's dehors the rules, nor can direct continuation of services of a temporary employee (whether called a casual, adhoc or daily-rated employee) or payment of regular salaries to them. Orders for creation of posts, appointment on these posts, regularization, fixing pay scales, continuation in service, promotions, etc. are all executive or legislative functions, and it is highly improper for judges to steps in this sphere, except in a rare and exceptional case. The courts must exercise judicial restraint in this connection, and not encroach in to the executive or legislative domain. The tendency in some courts/tribunals to legislate to perform executive functions cannot be appreciated. Judicial activism in some extreme and exceptional situation can be justified, but resorting to it readily and frequently, as has lately been happening, is not only unconstitutional, it is also fraught with grave peril for the judiciary.

Creation and abolition of posts and regularization are purely executive functions. Hence, the, court cannot create a post where none exists. Also the Supreme Court cannot issue directions: to absorb the respondents or continue executive functions. The Supreme Court cannot arrogate to itself the powers of the executive or legislature. There is broad separation of powers under the Constitution, and the judiciary, too, must know its limits."

Similarly in another case titled “**Principal, Mehar Chand Polytechnic and other v/s Anu Lamba and others (2006)7 SCC 161**” the Hon’ble Supreme Court has held that the Hon’ble High Court was not justified in issuing directions to create posts and regularization of service of the employees. Such functions are purely executive functions and courts have no jurisdiction to interfere in such executive functions.

These are undoubtedly important judgments and will enable all the departments to deal with/defend such like cases in the light of aforesaid judgments in order to curtail litigation. It is therefore, requested that these instructions should be brought to the notice of all concerned for their information and further action accordingly.

Yours faithfully

Sd/-

(Sumita Misra)

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

A copy is forwarded to all Financial Commissioners and Principal Secretaries/all Commissioners and Secretaries to Government Haryana for information and necessary action:—

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

To

All Financial Commissioners and Principal. Secretaries / Commissioners and Secretaries to Government Haryana.

U.O.No.6/28/2007-IGSI

Dated Chandigarh, the 19th June, 2007

A copy is forwarded to the Principal Secretary/Additional Principal Secretary-I-II/OSD-I-II/ Senior Secretary/ Secretary/Private Secretary to Chief Minister/ Deputy Chief Minister/Ministers for information.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

To

The Principal Secretary/Additional Principal Secretary-I-II/OSD-I-II/
Senior Secretary/ Secretary/ Private Secretary to Chief Minister/ Deputy Chief Minister/ Ministers for information.

U.O.No.6/28/2007-IGSI

Dated Chandigarh, the 19th June, 2007

Endst.No.6/28/2007 -IGSI

Dated Chandigarh, the 19th June, 2007

A copy is forwarded to the following for information and necessary action:—

1. The Managing Directors! Chief Executives/Member Secretaries of all Boards and Corporations in Haryana.
2. The Registrars, Maharishi Dayanand University, Rohtak, Kurukshetra University Kurukshetra, Ch. Charan Singh Haryana Agriculture University, Hisar, Guru Jambheshwar University, Hisar and Ch. Devi Lal University, Sirsa, Bhagat Phool Singh Mahila Vishav Vidyalaya, Khanpur Kalan, Sonapat.
3. Principal, Divisional Training Centre, S.C.O. 11, Sector 16, Panchkula.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

Internal Distribution

1. PS/CS
 2. PA/SSGA
 3. Steno/DSGA.
- _____

III

CONFIRMATION

Copy of letter No. 10405- 4GS-62/30948, dated the 24th September, 1962 from Sirdar Gyan Singh Kahlon, I.C.S., Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject :- Procedure to be followed in canceling the erroneous confirmation of Junior Officers.

I am directed to address you on the subject cited above and to say that there may be instances of some competent authorities having issued orders confirming temporary or officiating employees in permanent posts even though the employees concerned were not qualified in all respects for such confirmation under the relevant statutory rules, executive orders or administrative instructions. In all such cases the confirmation so made would have the effect of withholding or postponing confirmation of other employees, who may be otherwise qualified in all respects for confirmation. Government take serious notice of such erroneous orders of confirmation which need to be regularized without delay. It is, however, felt that there being no clear instructions issued on the subject so far, authorities concerned, might be confronted with procedural difficulties in cancelling the orders already passed even though erroneously.

2. After careful consideration of the whole matter it has been decided on the analogy of instructions issued by the Government of India in the Ministry of Home Affairs, that the following procedure should be observed in cancelling the erroneous orders of confirmation :-

- (1) An order of confirmation which is clearly contrary to the relevant statutory rules may be cancelled by the competent authority straightaway; for.

Where the order of confirmation was *ab initio* void as it was *ultra vires* of the relevant rules and cancellation of the order would be justified on the ground that there was no valid subsisting order at all and the act of cancellation is a mere formality. The effect of cancellation would be to put the employees concerned in a position of never having been confirmed.

- (2) An order of confirmation which is contrary to executive orders or administrative instructions may be cancelled by the competent authority, if such erroneous order of confirmation has operated to the prejudice of some identifiable person who would otherwise have been confirmed if the orders had been correctly applied for.

Where the order of cancellation would be just and equitable as the confirmation of the employee concerned, operates unfavourably to the detriment of another employees who would have otherwise been confirmed. Such cancellation will not have the effect of doing any injustice to the employee whose confirmation is cancelled since he was under the executive order or administrative instructions in force not entitled to confirmation.

- (3) The question of the applicability of Article 311 of the Constitution of India to such cases is not free from doubt. It is, however, safer to comply with these provisions. In a case of this nature, the provisions of Article 311 can be complied with by coming to a conclusion and then communicating the conclusion and documents etc. to the officer and asking him to show cause why he should not be deconfirmed or the orders of his confirmation should not be cancelled. The competent authority would, if the officer so desired have to hear him and let him place any

marital he may like before it. The Government of India have also observed that before deconfirming persons in such cases a notice to show cause should be given to them in consonance with the principles of natural justice.

- (4) I am to request that the above instructions may please be brought to the notice of all concerned for strict compliance.
- (5) The receipt of this letter may please be acknowledged.

Copy of Punjab Government Circular letter No. 4091-ASII-60/20836, dated 8th June 1960 from Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject :- Efficiency Bars.

Sir,

I am directed to point out that doubt had arisen as to the policy to be followed in deciding the questions of allowing a Government servant to cross the efficiency bar when he is subject to an enquiry or some other departmental proceedings. The point at issue was whether at the time of examining the question of allowing an officer/official to cross the efficiency bar:-

- (a) his conduct and record upto the date on which he was due to cross the bar should be kept in view.
- (b) whether subsequent developments are also to be taken into account.

2. The question has been considered and it has been decided that in a case where the question of crossing the efficiency bar has not been decided before the due date the decision on it should be based on consideration of the officer/ official's record and conduct up to the date on which the crossing of the efficiency bar became due. It may be added that allowing the officer to cross the efficiency bar with effect from the due date, notwithstanding his subsequent conduct, will not have any effect on the punishment which may have to be awarded to him for any misconduct after the date from which he is allowed to cross the bar. It would, however, be advisable to inform the officer at the time when he is allowed to cross the efficiency bar, should be the decision, that the fact that he has been allowed to cross the bar is independent of the action which may be taken against him on the basis of disciplinary proceedings.

3. The analogy of this decision will not ipso facto apply to cases of confirmation or promotions. In such a case, where an officer/official is due for confirmation or promotion from a particular date, his work and conduct subsequent to the date and prior to the date of decision may also for good reasons, constitute an important relevant factor in deciding or deferring the matter.

Confirmation

Copy of Punjab Government Circular letter No. 8372-3GS(II)-65/34785, dated 19th October, 1965, from Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject :- Confirmation of Government Servants.

I am directed to address you on the subject noted above and to say that it has been brought to the notice of Government that whenever decisions for the conversion of temporary posts/Departments into permanent ones are taken, no action is sometimes taken to confirm the officials concerned against these posts. It is essential that officials are confirmed as soon as permanent posts become available. I am, therefore, request you to ensure that in future immediate steps are taken in this respect so that unnecessary hardship is not caused to the officials concerned.

2. These instructions may be brought to the notice of the all Government Servants concerned under your control for information and strict compliance.

Compendium of Instructions on Service Career – Vol. III

No. 2/6/2002-2GSI

From

The Chief Secretary to Government Haryana.

To

1. All the Heads of Departments in Haryana.
2. The Registrar, Punjab & Haryana High Court.
3. All the Deputy Commissioners in Haryana and Commissioners Rohtak, Gurgaon, Hisar and Ambala Divisions.

Dated Chandigarh, the 31st Dec., 2002.

Subject :- Speedy disposal of the cases of confirmation.

Sir,

I am directed to refer to the subject noted above and to say that Service Rules of the various departments provided for taking decision with regard to the completion of period of probation, whether successful or not, within a period of 3 months after the expiry of prescribed period of probation. On satisfactory completion of probation, orders of confirmation are to be issued if a permanent post is available.

2. It has been observed by the Government that the cases of confirmation of the employees of various departments to various posts/services are taken-up by the department concerned after a fairly long time, Unnecessary delay of the cases of confirmation is disadvantageous to the concerned employees interest and also works against a good and congenial organisational environment. I am directed to request you to ensure that the cases of confirmation should be processed well in time upon completion of period of probation period satisfactorily and orders of confirmation should be issued in case a permanent post is available. In case of non-availability of permanent post (s), case of confirmation should be taken up immediately on the availability of the permanent post(s). However, where relevant Service Rules provided for confirmation only after passing the prescribed departmental examination or on exemption from passing the departmental examination, confirmation is to be done strictly as per the Service Rules. All Heads of Departments must review the progress of cases of confirmation on a six monthly basis. A report of the confirmations made /reasons for pendency of the cases of confirmation should be sent to their respective Administrative Secretaries in the month of December every year.

3. These instructions may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

A copy is forwarded to all the Financial Commissioners & Principal Secretaries and all the Administrative Secretaries to Govt., Haryana for information and necessary action.

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

To

All the Financial Commissioners and Principal Secretaries and all the Administrative Secretaries to Government Haryana.

U.O. No. 2/6/2002-2GSI

Dated Chandigarh, the 31st Dec., 2002.

IV

SENIORITY

Copy of letter No. 3130-E-56/13476, dated the 2nd April, 1956, from the Chief Secretary to Government, Punjab to all Heads of Departments etc., etc.

Subject :- Clerical Grades.

I am directed to invite a reference to-Punjab Govt. F.D. Letter Nos. 9602-F.R.-54/7742 dated, 7-12-54 and 68 F.R. -55/1228 dated the 19-2-55 on the subject noted above and to say that it has been reported that on the introduction of a unified scale of Rs. 60-4-80/5-120/5-175 for clerks some departments are Experiencing difficulty in fixing the seniority between the previous senior and junior clerks. This question has been considered on consultation with the Finance Department and it is felt that a uniform policy in regard to fixation of seniority should be followed in all departments. It has therefore, been decided that the seniority of senior and junior clerks in the unified scale should be fixed in the following order :-

- (1) Permanent Senior Clerks.
- (2) Officiating Senior Clerks.
- (3) Permanent Junior Clerks.
- (4) Officiating Junior Clerks.

The seniority of clerks in your department should therefore, be fixed according to this decision, if, however there are any cases in which the above mentioned decision involves special hardship those cases should be considered on merits keeping in view that decision.

Copy of letter No. 1028-GII-57/27804 dated the 29th March, 1957 from Shri Nakul Sen., I.C.S. Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

Subject :- Counting of purely temporary service for purpose of seniority.

I am directed to say that according to the instructions contained Finance Department letter No. 8398-F.R. 56/6165, dated the 14th September, 1956, a Government servant appointed locally in a purely temporary capacity when absorbed in a regular post on the recommendation of the S.S.S. Board, is allowed the benefit of previous temporary service towards increment and leave. A question has arisen whether such Government servants should also be given the benefit of this temporary service for purpose of seniority. It has been decided that a temporary appointment made without the recommendation of the Board, is just a makeshift arrangement and cannot, therefore, count for seniority which should in such cases, be determined with reference to the date on which the recommendations of the Board are received.

Copy of circular letter No. 8924-GII-59/19219, dated the 28th October, 1959, from the Chief secretary to Government, Punjab to all Heads of Departments etc., etc.

Subject:- Counting of purely temporary service for purposes of seniority.

I am directed to invite a reference to Punjab Government letter No. 1028-GII-57/17804, dated the 29th March, 1957, on the subject noted above and to say that cases have come to the notice of Government wherein, before 1st November, 1956 certain Departments confirmed some officials who were appointed locally in a purely temporary capacity, but were subsequently recommended by the Subordinate Services Selection Board, after granting them the benefit of their purely temporary service for purposes of seniority with the result that they were assigned preferential positions in the joint seniority lists, which were later on approved by the integration Council. Government having been presented with a *fait accompli* in such cases, have considered the matter at length. The action of the Departments concerned was undoubtedly irregular but it was presumably based on faulty interpretation of instructions contained in Punjab Government letter No., 1212-G-54/59723, dated the 13th February, 1954. Keeping in view this aspect and the legal implications involved, it has been decided that the instructions, dated the 29th March, 1957, referred to above and issued in clarification of previous instructions will be deemed to have come into operation with effect from 1st November, 1956, and that cases of confirmation irregularly decided prior to this date should not be re-opened and should be deemed to have been regularised.

2. As regards the cases of officials who were confirmed after 1st November, 1956, seniority should be determined in accordance with Government instructions, dated the 29th March, 1957. Confirmation in itself will not affect the seniority of those officials whose service rules provide for counting seniority from the date of continuous approved appointment. It will only affect the seniority lists in those cadres where seniority is counted from the date of confirmation. In such cases, the seniority of the officials irregularly confirmed can be fixed on an ad-hoc basis by invoking the relaxability clause. If there be no such clause in the service rules, a provision in this behalf should be made in the rules immediately to implement this decision.

(Published in the Punjab Government Gazette, Legislative Supplement, Ordinary,
dated the 29th December, 1961)

Part III

HOME DEPARTMENT

Notification

Dated the 26th December, 1961

No. G.S.R. 10 Const. /Art. 309/61— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Government of Punjab is pleased to make the following rules regulating the promotion of Stenographers and Steno-typists, in the Civil Services of the State, to higher posts on clerical side, namely :-

Short title, extent and commencement.

1. (1) These rules may be called the Punjab Civil Services (Promotion of Stenographers and Steno- typists) Rules 1961.

(2) They shall apply to all Stenographers and Steno-typists of all the Departments of the State excepting those of the Punjab Civil Secretariat, the Punjab Legislative Council Secretariat and the Punjab High Court.

(3) They shall come into force at once.

Eligibility for Promotion.

2. Stenographers and Steno-typist shall be eligible for promotion to the post of Assistant, Head Assistant, Deputy Superintendent or Superintendent, as the case may be, in accordance with the provisions hereinafter appearing.

Promotion of Stenographers in offices where their scale of pay is identical to that of Assistants.

3. (1) In Offices where the scale of pay of Stenographers is identical to that of Assistants, the Stenographs, shall, before becoming eligible for promotion to a higher post on the clerical side. have to :—

- (i) qualify in the departmental test prescribed for the post of Assistant ; and
- (ii) work as Assistant for a period of two years on some existing vacancy or by sharing the work of an Assistant; provided that -
 - (a) no Stenographer shall be allowed to take the test unless he has put in one year's service as Stenographer,
 - (b) nothing in this sub-rule shall be deemed to require the Stenographers, who stand exempted from passing the test by virtue of the instructions already issued by the Government from time to time, to pass the Assistant's test prescribed in this subrule.
 - (c) no Stenographer will be put to work as an Assistant for the required period of two years, unless he has qualified in the test.

Compendium of Instructions on Service Carrer – Vol. III

Explanation 1. The period during which a Stenographer has, before the date of issue of these rules, performed the duties of an Assistant whether in addition to his own duties or otherwise will be taken into consideration in computing the period of his training as Assistant.

Explanation 2. Where there is no available vacancy of the post of Assistant for imparting training to the Stenographer he shall be given at least one third of the work of some Assistant in addition to his own duties. The Assistant who is thus relieved of some of his work will in turn help the Stenographer in his routine duties.

(2) The seniority of the Stenographers, who successfully complete the period of two years training specified in sub-rule (1), vis-a-vis Assistant, shall be determined by the dates of their continuous appointment against the post of stenographer or Assistant, as the case may be and if the dates of their appointment be the same, the one drawing higher pay shall be senior to the other and if the rates of pay drawn by them also the same, the older shall be senior to the younger.

Promotion of Stenographers in office where their scale of pay is lower than that of Assistants.

4. (1) In offices, where the scale of pay of Stenographers is lower than that of Assistants the Stenographers shall be eligible alongwith Clerks for promotion to the post of Assistant, after they have qualified in the Departmental test prescribed for the post of Assistant. On their appointment as Assistants they shall like other Assistants, be eligible, for promotion to higher posts on the clerical side on the basis of their seniority in the Assistant Cadre.

(2) The inter-superiority of such Stenographers vis-a-vis Clerks shall be determined by the dates of their continuous appointment against the post of Stenographer or Clerk, as the case may be, and if the dates of their appointment be the same the older shall be senior to the younger.

Promotion of Junior Scale Stenographer and Steno-typist.

5. (1) The Junior Scale Stenographers and Steno-typists shall, alongwith Clerks, be eligible for promotion to the post of Assistant, after they have qualified in the test prescribed for the post of Assistants. On their appointment as Assistants they shall, like other Assistants be eligible for promotion to higher posts on the clerical side on the basis of their seniority in the Assistant cadre.

(2) The inter-se-seniority of such Junior Scale Stenographers and Steno-typists vis-a-vis clerks shall be determined by the dates of their continuous appointment against the post of Junior Scale Stenographer or Steno-typist or clerk as the case may be, and if the dates of their appointment be the same, the older shall be senior to the younger.

Promotion of stenographers in offices where there is not post of Assistant.

6. (1) In offices where there is not post of Assistant the Stenographers shall alongwith Clerks, be eligible for promotion to higher post on the clerical side :

Provided that if the Clerks before being eligible for promotion to higher posts are required to qualify in any departmental test, the Stenographers will also be required to qualify that test before becoming eligible for promotion.

Seniority

(2) The inter-se-seniority of Stenographers *vis-a-vis* Clerks shall be determined by the dates of their continuous appointment as Stenographers or Clerks, as the case may be and if the dates of their appointment be the same the older shall be senior to the younger.

Seniority in respective cadre not to be disturbed.

7. Except for the purpose of promotion to higher posts on clerical side, the inter-se-seniority determined under sub-rule (2) of rule 4 sub-rule (2) of rule 5 and sub-rule (2) of rule 6, will not affect the seniority of persons in their respective cadres.

Overriding effect.

8. The provisions of these rules shall have effect notwithstanding anything to the contrary contained in any rules for the time being in force regulating the recruitment and conditions of service of persons appointment to public services and posts, in connection with the affairs of the State.

E.N. MANGATRAI,

Chief Secretary to Government, Punjab.

Copy of letter No. 946-GS-62/8282, dated the 16th March, 1962, from Shri E.N. Mangat Rai, I.A.S., Chief Secretary to Government Punjab to all Heads of Departments etc. etc.

Subject :- Determination of seniority of the candidates recruited by the Board.

I am directed to invite a reference to Punjab Government letter No. 1028-GII-57/27804, dated the 29th March, 1957 stating that a temporary appointment made without the recommendation of the S.S.S. Board is just a make-shift arrangement and cannot, therefore count for seniority, which the should, in such cases, determined with reference to the date on which the recommendations of the Board are received. It has been represented to Government that the seniority of the candidates recommended by the Board should be determined with reference to the date of issue of the Board's letter and not from the receipt of their recommendation as in the letter case the letters are liable to the delayed in transit or mis-sent and diarised very late at destination thereby causing undue hardship to the candidates concerned. After carefully considering the matter it has been decided that the seniority of the candidates should be determined with reference to the date of issue of the Board's recommendations.

2. It has also been decided that in the case of such officials as are recommended to another office for regular absorption ; but are allowed to remain in their parent office in the interest of work or on the request of the official concerned, their seniority will be determined with reference to the date of the Board's original recommendations for their regular absorption in other offices.

3. These instructions may be brought to the notice of all concerned. The receipt of this letter may also please to acknowledged.

Copy of letter No. 16355-8GS-62/42251, dated the 24th November, 1962 from Sardar Gyan Singh Kahlon. I.C.S. Chief Secretary to Government, Punjab to address of all Heads of Department, in the Punjab.

Subject:- Determination of seniority of candidates appointed through the Punjab Public Service Commission.

I am directed to invite a reference to Punjab Government letters No. 1028-GII-57/27804, dated the 29th March, 1957 and No. 946-4 GS-62/8282, dated the 16th March, 1962, which lay down that the seniority of candidates should be determined with reference to the date of issue of the Subordinate Services Selection Boards recommendations. Many references have been received from time to time from the various departments to ascertain the procedure to be followed in case of recommendations of the Punjab Public Service Commission. I am to reaffirm that the same procedure applies to the recommendations of the P.P.S.C. as far as inter-se seniority is concerned. The date of recommendation by the Punjab Public Service Commission will determine seniority for direct recruits as well as appointments by transfer. As far as interse seniority among direct recruits is concerned the order of merit suggested by the P.P.S.C will be maintained.

2. The receipt of this letter may kindly be acknowledged .

(Published in the Haryana Government Gazette, Legislative Supplement Ordinary,
dated the 31st May, 1963)

PART III

HOME DEPARTMENT

Notification

The 23rd May, 1963

No. G.S.R. 123/Const./Art. 309/63.— 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, and in suppression of all the corresponding rules issued in this behalf and in force for the time being, the Governor of Punjab is pleased to make the following rules for regulating the appointment and conditions of service of persons appointed to the Punjab State (Class IV) Service :—

Short title, commencement and application

1. (1) These rules may be called the Punjab State (Class IV) Service Rules 1963.
- (2) They shall come into force from the date of their publication in the PUNJAB GOVERNMENT GAZETTE.
- (3) They shall not apply to any person for whose appointment and conditions of service special provision is made by or under any law for the time being in force.

Definitions

2. In these rules, unless the context otherwise requires :—
 - (a) "Direct appointment" means an appointment made otherwise than by promotion within the service or by transfer of an official already in the service of the Government of a State or the Government of India.
 - (b) "Government" means the Punjab Government in the Administrative Department:
 - (c) "Head of Department" means the authority as defined in rule 2.25 of the Punjab Civil Services Rules, Volume I, Part I and includes any other authority who is specially appointed by the Government exercise the powers of a head of Department for the purposes of these rules.
 - (d) "Head of Office" mean the authority as defined in rule 2.26 of the Punjab Civil Services Rules. Volume I, Part I; and
 - (e) "Service" means the Punjab State (Class IV) Service.

Authorities empowered to make appointments

3. All appointments to posts in the Service shall be made by the Heads of Departments and head of Offices, as the case may be ; provided that the Heads of Departments or the Heads of Offices may delegate these powers to their subordinate officers in respect of appointments to posts in their offices for the purpose of this rule.

Compendium of Instructions on Service Carrer – Vol. III

Nationality and Domicile

4. (i) No person shall be appointed to the Service, unless he is -
- (i) a citizen of India, or
 - (ii) a subject of Sikkim, or
 - (iii) a subject of the State of Pondichery, or
 - (iv) a person of Indian origin, who has migrated from Pakistan with the intention of permanently settling in India.

Provided that, subject to the issue of a certificate of eligibility in this favour, a subject of Nepal or a Tibetan who came over to India, before the 1st January, 1962, with the intention of permanently settling in India, may also be appointed to any post in the service :

Provided further that a candidate belonging to category (iii) or (iv) above must be a person in whose favour a certificate of eligibility had been given by the competent authority, and if he belongs to category (iv) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

(2) A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview conducted by the 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 given to him by the competent authority.

Character, Age and other qualifications

5. No person shall be recruited to the Service by direct appointment unless he -
- (a) produces certificates of character from two responsible persons, not being his relatives, who are well acquainted with him in private life;
 - (b) is not less than 16 years and not more than 35 years of age on the date of appointment ;
 - (c) has not more than one wife living and in the case of a woman, is not married to a person already having a living wife;

Provided that the Government may, if satisfied that there are special grounds for doing so exempt any person from the operation of this clause; and

- (d) possesses the requisite knowledge of the regional languages and of English as may be prescribed by the Government from time to time :

Provided that the appointing authority may, if it is of the opinion that the candidate is otherwise fit to discharge his duties satisfactorily, relax any of the qualifications prescribed under this clause.

Method of appointment

6. (1) Posts in the Service shall be filled—
- (a) in the case of posts carrying the grades of Rs. 30½—35
 - (i) by direct appointment, or

- (ii) by transfer or deputation of an official already in the service of the Government; and
- (b) In the case of other posts in the Service carrying higher grades-
 - (i) by direct appointment; or
 - (ii) by promotion from the officials working in the next lower grades; or
 - (iii) by transfer or deputation of an official already in the service of the Government;

Provided that in the case of an appointment by promotion, the appointing authority shall satisfy itself about the capability of the official to perform the duties of the post for which he is selected.

(2) The appointing authority shall ensure that the grounds of ignoring a senior official in favour of a junior one are invariably recorded in writing and the proportion fixed by it for filling up the posts by promotion and otherwise is maintained.

(3) When any vacancy occurs or is about to occur in the Service, the Head of Department or the Head of Office, as the case may be, shall determine the manner in which it shall be filled keeping in view the proportion fixed under clause (2) above.

(4) No official shall have any claim to appointment by promotion or transfer as of right.

Number and Character of posts

7. The Service shall comprise the posts classified as Class IV within the meaning or rule 1.2 of Punjab Civil Service Rules. Volume I, Part I and nothing in these rules shall affect the inherent right of the Government to make additions or reductions in the cadre of the Service either permanently or temporarily.

Probation of member of the service

8. (1) Persons appointed to the Service shall remain on probation for a period of two years;

Provided that :—

- (a) any period, after appointment to the Service, spent on deputation on a corresponding or a higher post shall count towards the period of probation fixed under this rule ;
- (b) in the case of an appointment by transfer, any period of work in similar rank or above prior to appointment to the Service may, at the discretion of the Government be allowed to count towards the period of probation fixed under this rule.
- (c) an officiating appointment in the Service shall be reckoned as a period spent on probation but no member who has thus officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent post.

(2) if the work or conduct of a person appointed to the Service during the period of probation is, in the opinion of the appointing authority, not satisfactory, it may—

- (a) dispense with his services, if recruited by direct appointment ; or
- (b) if recruited otherwise -
 - (i) revert him to his former post; or
 - (ii) deal with him in such other manner as the terms and conditions of his previous appointment permit.
- (3) On the completion of the period of probation of a person, the appointing authority may—
 - (a) if he was appointed against a permanent vacancy confirm such person from the date of his appointment or if he was not so appointed, confirm him from any date following such appointment from which a permanent vacancy exists; or
 - (b) if there is no permanent vacancy, declare that he has completed his probation satisfactorily; or
 - (c) if his work or conduct has, in its opinion, not been satisfactory, (i) dispense with his services, if recruited by direct appointment; or (ii) if recruited otherwise revert him to his former post, or (iii) deal with him in such other manner as the terms and conditions of his previous appointment permit; or
 - (d) extend his period of probation and thereafter pass such orders, as it would 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.

9. The seniority inter se of members of the Service holding the posts in the same grade, shall be determined will reference to the date of their appointment to such post;

Provided that after joining they have continuously served on such posts; and

Provided further that if two or more members are appointed in the same grade on the same date, their seniority shall be determined as follows :—

- (a) a member recruited by direct appointment shall be senior to a member recruited otherwise;
- (b) a member recruited by promotion shall be senior to a person recruited by transfer;
- (c) in the case of members who are recruited by promotion seniority shall be determined according to their seniority in the appointments from which they are promoted ;
- (d) in the case of members recruited by transfer from same office, seniority shall be determined according to seniority in the appointments previously held in that cadre;
- (e) in the case of members who are recruited by transfer from different departments of offices of the Government, 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 rate of pay drawn be the same, an older member shall be senior to a younger member ; and

- (f) in the case of members recruited by direct appointment seniority shall be determined by their age, an older member being senior to a younger member.

Provided that in the case of members recruited by direct appointment the order of merit, if any, drawn up at the time of the selection shall not be disbursed and persons recruited as a result of an earlier selection shall be senior to those appointed as a result of a subsequent selection.

Pay of members of the service

10. Members of the service shall be entitle to such scales of pay as may be sanctioned from time to time for the posts to which they are appointed.

Leave Pension etc.

11. In respect of leave, pension and other cognate matter not specifically mentioned in these rules, the members of the service shall be governed by the Punjab civil Services Rule such other rules as are from time to time framed of issued the proviso to Article 309 of the Constitution of India.

Liability of transfer.

12. Every member of to the service shall be liable to transfer under the order of appointing authority prescribed in rule 3 from posts within their respective classes of appointment to other posts in the Department and also anywhere within the jurisdiction of such authority.

Authorities empowered to impose penalties and right of appeal.

13. (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

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 as specified in Appendix 'A' to these rules ;

- (2) The authority competent to pass an order reducing of withholding the maximum pension admissible under the rules governing pension and terminating the appointment otherwise than upon reaching the age fixed for superannuation and the appellate authority shall be as specified in Appendix 'B' to these rules.

Liability for vaccination and re-vaccination

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

Oath of allegiance.

15. Every member of the Service, unless she 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 to relax

16. Where the Government is satisfied that the operation of any of these rules causes undue hardships in any particulars case, it may, by order, dipense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

APPENDIX 'A'

[See Rule 13 (1)]

Designation of officials	Appointing	Nature of penalty authority	Authority empowered to impose penalty	Appellate authority
All Class IV servants employed in Government Department	Head of Department concerned	(a) Censure (b) Withhold of increments or promotion. (c) Recovery from pay of whole or part of any pecuniary loss cause to Government by negligence of breach of order ; (d) Reduction to a lower post or time scale or to a lower stage in a time scale; (e) Suspension ; (f) Removal from service which does not disqualify for future employment; (g) Dismissal from service which ordinarily disqualifies from future employment ;	Head of Department concerned.	Government
All Class IV servants employed in the Govt. Offices	Head of Office concerned.	All the above penalties from (a) to (g)	Head of Office concerned	Heads of Department concerned

APPENDIX 'B'
[See Rule 13 (2)]

Designation of officials	Appointing Authority	Name of Order	Authority empowered to pass original orders	Appellate authority
All Class IV servants employed in Government Department	Head of Department concerned	(i) Reducing the maximum amount of ordinary pension admissible under the rules governing pensions. (ii) Termination of appointment otherwise than upon reaching the age fixed for superannuation	Department concerned	Government
All Class IV servants employed in Govt. Offices	Head of Office concerned.	Above orders (i-ii)	Head of Office concerned	Head of Department

(No. 7805-10GS-73)

SAROOP KRISHEN,

Financial Commissioner, Planning &
Additional Chief secretary to Government, Punjab.

No. 7805-10GS-68/2007, dated Chandigarh, the 2nd May, 1963.

Copies are forwarded to all Heads of Departments, the Registrar, Punjab High Court, Commissioners of Ambala, Patiala and Jullunder Divisions, District and Sessions Judges and all Deputy Commissioners in Punjab, for information and necessary action.

By order

(Sd/-)

DEPUTY SECRETARY, EMERGENCY WORKS,

for Financial Commissioner, Planning,
and Additional Chief Secretary to Government,
Punjab.

Copy of Circular Letter No. 2122-DSGS-63/38118, dated the 27th November, 1964 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

Subject:- Rules relating to the power of the State Government to dispense with or relax the requirements of any rule regulating conditions of service of Government employees for dealing with any case in a just and equitable manner.

I am directed to invite a reference to Finance Department letter No. 2314-FR-55/3478, dated the 26th April, 1955 asking the departments to incorporate a general rule in their service rules empowering the Governor to relax the provisions of various rules contained therein any particular case provided that the case is not dealt with in a manner less favourable than that provided in the rules. This was done with a view to enabling the State Government to dispense with, or, relax the requirements of any rule, regulating the conditions of service of Government employees for the purpose of dealing in a just and equitable manner with particular cases in which the normal operation of the rule may involve under hardship. As stated in para 2 of that letter, the Finance Department subsequently added a general rule in this regard in the Punjab Civil Services, Rules, Volume I, Part I, as note 2 below rule 1.8. In individual cases of Service Rules, this Department has also been advising the incorporation of the following general rule of relaxation pending the finalisation of general services rules.

2. A question was recently raised with the Government of India as to whether the aforesaid rule permits relaxation of rules relating to recruitment, promotion, retirement or re-employment etc. for conferring benefit on a particular individual to the exclusion of all other similarly placed persons; and if this could be done, as to whether the rule can be considered to be constitutionally in order ? The matter has been examined and after obtaining legal advice the Government of India has reached the conclusion that the rule as promulgated is constitutionally in order. It permits relaxation of those rules only which regulate conditions of service e.g. Travelling Allowance Rules, Leave Rules, etc. It cannot be utilised to relax the requirements of the rules, which cannot be covered by the expression conditions of service, e.g. the rules relating to recruitment, promotion, grant of extension of service or re-employment. The Government of India has suggested that such rules, if necessary, should be amended so as to remove hardship from, and confer benefit generally on, all similarly placed individuals; it should not be relaxed to confer benefits on an individual; to the exclusion of other similarly placed persons. I am to communicate these conclusions to you with the suggestion that the following general rule providing for relaxation etc. may be immediately incorporated in the relevant Service Rules till the publication of General Service Rules.

"Where the State Government is satisfied that the operation of any rule regulating the conditions of service of the State Government employees or any class of such Government employees causes undue hardship in any particular case, it may be order dispense with or relax the requirement of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner."

In this rule, the expression 'State Government employees' means all persons whose conditions of service may be regulated by rules made by the Governor of Punjab under the provision to Article 309 of the Constitution of India. Where the general rule of relaxation has already been incorporated in the Service Rules, steps should be taken immediately to substitute it by the above quoted rule.

3. It is also pointed out that, as laid down in the letter of the Finance Department mentioned in para 1, detailed reasons for making the relaxation should be recorded in the file dealing with the case. In case the Audit Department wants any explanation of the exceptional circumstances which led to the relaxation of the rule, they should be provided with the requisite information. A separate register should be maintained to keep this record. This register should contain the details of relaxation of rules relating to conditions of service or of general orders bearing on the subject decided upon from time to time in individual cases. The entries in the register should contain the following details :-

S.No. (The No. should be running for each calender year)	Section Diary Number	Recommendation of sponsoring authority (in brief)	Extent of relaxation and conditions, if any, on which relaxation is made	Record particular (i.e. file No) of the case if recorded in the Section otherwise No. and date of the sanction issued by the sanctioning authority)
1	2	3	4	5

4. It should be noted that relaxation of rules or any general order bearing on the subject can be made in individual cases when it is considered necessary to deal with a case in a just and equitable manner. This power is to be invoked only in rare and exceptional case. Hence the occasions for making entries in the register should be very few and far between. If, however, it is found necessary to relax any particular rule or order frequently, the inference is that the particular rule if administration warrants revision and such a revision should be undertaken as soon as the need for it is established. For this purpose, the Administrative Department should have an abstract made out at the end of each half year based on the decisions recorded in the register during that half year in the following form and consider whether action should be initiated to revise any of the rules or orders mentioned therein and if so the lines on which it should be done :—

Particulars of rule or orders relaxed (i.e. No. of the rule or No. and dated of orders	Serial No. in the register relating to the relaxation	Remarks
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5. These instructions may be brought to the notice of all concerned for information and guidance and the receipt thereof may be acknowledged.

Copy of the Punjab Government Circular letter No. 7957-IGSI-65/35111, dated the 20th October, 1965, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

Subject :- Determination of seniority of the Government employees who are recruited by transfer from other Departments.

I am directed to invite a reference to Punjab Government Circular No. 946-4GS-62/8282, dated the 16th March, 1962 stating that the seniority of the candidates recruited by the Subordinates Services Selection Board, should be determined with reference to the date of issue of the Board's recommendations. It has, however come to the notice of Government that in some Department these instructions have also been made applicable to determine seniority of candidates recruited by transfer from other Government department. To set as rest the doubts entertained by certain Departments and to elucidate the position it is clarified that the instructions under reference apply only to the candidates who are recruited by the S.S.S. Board. In the case of the candidates appointed by the departments themselves by transfer from other departments of course with the approval of the Board, seniority shall be determined in accordance with the provisions contained in the relevant service Rules and the date of approval by the Board will have no effect on them.

2. This clarification may please be brought to the notice of all concerned for information and guidance.

Copy of letter No. 3502-IGSII-66/16434, dated the 22nd June, 1966, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject :- Rules relating to the powers of the State Government to dispense with or relax the requirements of any rule regulating conditions of service of Government employees for dealing with any case in a just and equitable manner.

I am directed to invite a reference to para 2 of Punjab Government letter No. 2122-DSGS-63/38118, dated the 27th November, 1964, on the subject noted above in which you were advised that a general rule as indicated in the said para may be provided for relaxation of rules in the relevant service rules till the publication of General Service Rules. The question of powers of State Government for the relaxation of rules been again considered in consultation with the Legal Remembrancer, Punjab, and the Government of India and it has been decided that instead of the phraseology already circulated, the following phraseology should be adopted :-

"Where the Government is of opinion that it is necessary or expedient so to do, it may be 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."

क्रमांक 1524-2 जी.एस.-I-71/7240

प्रेषक,

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला मण्डल, राज्य के सभी उपायुक्त तथा उप-मण्डल अधिकारी।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा सभी जिला सत्र व न्यायाधीश ।

दिनांक चण्डीगढ़, 5 अप्रैल, 1971

विषय :- लोक सेवा आयोग तथा अधीन सेवाएं प्रवरण मण्डल द्वारा सीधी भर्ती पर कर्मचारियों की ज्येष्ठता का निर्धारित करना ।

श्री मान जी,

मुझे निदेश हुआ है कि आपका ध्यान सरकार के पत्र क्रमांक 1028-जी-11-57/27804, दिनांक 29.3.57, 946-4 जी.एस.-62/8282, दिनांक 16.3.1962 तथा 16355-3 जी.एस.-62/42251, दिनांक 24.11.1962 की ओर दिलाऊँ जिसमें यह निर्णय लिया गया था । कि सरकार की सेवा में जो भी कर्मचारी लोक सेवा आयोग या अधीन सेवाएं प्रवरण मण्डल द्वारा भर्ती किए जायेंगे उनकी ज्येष्ठता विभागों में उसी क्रम में निर्धारित की जायेगी जिस प्रकार लोक सेवा आयोग/अधीन सेवाएं प्रवरण मण्डल ने योग्यता सूची भेजी है । सरकार ने 1965 में माडल सर्विस रूलज भी बनाये थे जिनकी प्रतियां प्रत्येक विभाग को भेजी गई थी । इन माडल सर्विस रूलज के नियम 6 के प्रोविसो 2 में भी ऐसी व्यवस्था की गई थी कि जिन कर्मचारियों की नियुक्ति लोक सेवा आयोग/अधीन सेवाएं प्रवरण मण्डल द्वारा की गई है उनकी ज्येष्ठता उसी प्रकार निर्धारित करनी है जिस प्रकार आयोग/प्रवरण मण्डल ने उनकी योग्यता सूची भेजी है ।

2. अब सरकार के नोटिस में यह बात आई कि कुछ विभागों के सेवा नियमों अनुसार ऐसे कर्मचारियों जिन की नियुक्ति लोक सेवा आयोग/अधीन सेवाएं प्रवरण मण्डल द्वारा सीधी भर्ती से की गई है, की ज्येष्ठता उनकी आयु या उन के विभाग में कार्य ग्रहण की तारीख इत्यादि से निर्धारित की जाती है । नियमों में यह व्यवस्था सरकार की उपर्युक्त हिदायतों तथा माडल सर्विस रूलज की व्यवस्था के खिलाफ है । आपसे यह अनुरोध है कि आप विभाग के प्रत्येक वर्ग के पदों के सेवा नियमों की जांच करें और यदि उनके आयु का कार्य ग्रहण की तारीख से ज्येष्ठता निर्धारित करने की व्यवस्था है तो उनको माडल सेवा नियमों के नियम 6 के दूसरे प्रोविसो के अनुसार तुरन्त संशोधन करें । यह कार्यवाही इस पत्र के जारी होने के 2 मास के समय के अन्दर अवश्य हो जानी चाहिये और इसकी सूचना मुख्य सचिव की शीघ्र भेजी जाये । यदि किसी विभाग ने अपने सर्विस रूलज को इस प्रकार संशोधन करने की कार्यवाही न की तो सरकार इसका गम्भीरता से विचार करेगी ।

भवदीय,

हस्ता/-

उप-सचिव, राजनैतिक एवं सेवाएं ।

कृते : मुख्य सचिव, हरियाणा सरकार ।

इसकी एक प्रति सूचनार्थ तथा आवश्यक कार्यवाही के लिये वित्तायुक्त राजस्व, वित्तायुक्त तथा सभी प्रशासकीय सचिव हरियाणा सरकार, प्रधान सचिव/सचिव/निजी/मुख्य मन्त्री/मन्त्री संसदीय सचिव, मुख्य मन्त्री/मन्त्री, संसदीय सचिव की सूचना के लिए भेजी जाती है।

Compendium of Instructions on Service Carrer – Vol. III

*(Published in the Haryana Government Gazette, Legislative Supplement,
dated the 29th June, 1971)*

Part III

HARYAN GOVERNMENT

HOME DEPARTMENT
(GENERAL SERVICES)

Notification

The 25th June, 1971

No. G.S.R. 69/Const./Art. 309/71- 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 further to amend the Punjab Civil services (Promotion of Stenographers and steno-typists) Rules, 1961, namely :—

(1) These rules may be called the Punjab Civil Services (Promotion of Stenographers and Steno-typists) Haryana First Amendment Rules, 1971.

(2) In the Punjab Civil Services (Promotion of Stenographers and Steno-typists), Rules, 1961, for clause (2) of Rule 1, the following shall be substituted, namely :-

"(2) They shall apply to all stenographers and Steno-typists of all the Departments of the State of Haryana excepting those of the Haryana Civil Secretariat and the Punjab and Haryana High Court. "

SAROOP KRISHAN

Chief Secretary to Government Haryana.

No. 346-2GS-69/

dated Chandigarh, the 25th June, 1971.

A copy, each is forwarded to all Heads of Departments, Commissioner, Ambala Division and Deputy Commissioners, District and Sessions Judges and Sub-Divisional Officers (Civil), in Haryana and the Registrar, Punjab and Haryana High Court, Chandigarh, for information.

By order,

V. R. MEHTANI,

Superintendent (General Services),
for Chief Secretary to Government Haryana.

A copy each is forwarded to :-

- (i) The Financial Commissioner, Revenue; and
- (ii) All Administrative Secretaries to Government, Haryana, for information.

The Deputy Principal Secretary/Secretaries/Private Secretaries to the Chief Minister/Ministers.

U.O.No. 346-2GS-69

dated Chandigarh, the 24th June, 1971.

Copy of letter No. 2379-2GSI-I-72/10994, dated 27-4-1972 from the Chief Secretary to Government, Haryana to all Heads of Departments etc., etc.

Subject :- Reservation for members of Scheduled castes and Backward Classes in service-Fixation of Seniority.

I am directed to refer to the composite Punjab Government letter No. 2800-WG-S-56/8090, dated the 9th November 1956 regarding reservation for members of Scheduled/Backward Classes in Government services and observe as follows. It has been misinterpretation of the relevant instructions in some instances and members of Scheduled Castes/Backward Classes has been assigned seniority according to the Rs. Nos. of vacancies reserved for them under the block system (as indicated below) and not as they should have been according to the order of candidates determined by the Public Service Commission/S.S.S. Board :-

Vacancies reserved for Scheduled Castes/Backward	1-6-11-16-21-26-27-31-36-41-46
Classes in every block of 100 vacancies.	51-56-61-66-71-76-81-86-91-96
	(No. 27 & 77 for backward classes)

For example when 8 vacancies were to be filled and the 1st and the 6th were reserved for the members of scheduled Castes, two Scheduled Castes were placed at Sr. No. 1 and Sr. No. 6 respectively in the combined seniority list of the candidates although in the combined merit list prepared by the Public Service Commission/S.S.S. Board their position were lower.

2. It has to be pointed out that this was irregular and interse seniority of all candidates taken together (i.e. whether appointed against reserved vacancies or against open ones), must be fixed according to the combined merit list and not otherwise. Vacancies assigned to Scheduled Castes/Backward Classes under the block system are so assigned for purpose of reservation only and are not intended for fixing inter seniority of the candidates contrary to their order in the combined merit list prepared by the Public Service Commission/S.S.S. Board.

3. This may please be noted for careful compliance so that in future seniority is fixed on this basis in cases in which reserved vacancies are filled whether by initial appointment or by promotion, Furthermore, all earlier cases in which member of Scheduled Castes /Backward Classes and other have been assigned seniority erroneously disregard of the order the candidates in the combined merit list should be reviewed and steps taken to refix seniority correctly. For that purpose it will be necessary that the persons who will be effected should be given opportunity of showing cause why their seniority should be refixed at a lower place (in accordance with the order in the combined merit list and such opportunity should be duly allowed before refixing seniority.

4. The above instructions, regarding determination inter seniority will, however, apply only in those cases where the departmental service rules do not provided for seniority being determined from the date of joining or from the date of confirmation or by a method otherwise then the merit determined by the Public Service Commission/S.S.S. Board. In order words, in all cases, where the services rules has not yet been framed, or where the service rules has not yet been framed, or where the service rules

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provided for seniority being determined according to the merit laid down by the Commission/S.S.S. Board, the seniority of the officials shall be determined in the manner stated above. In other cases, where the service rules specially provided for seniority being determined in the manner stated above. In other cases, where the service rules specially provided for seniority being determined from the date of joining or from the date of confirmation or any other method otherwise than the merit determined by the recruiting authority, the seniority, shall be determined by such different method.

क्रमांक 401-2 जी०एस०-I .73/2664

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप-मण्डल अधिकारी ।
 2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला एवं सत्र न्यायाधीश ।
- दिनांक चण्डीगढ़ 8 फरवरी, 1973

विषय :- आपात्काल स्थिति के परिणाम-स्वरूप पदों में कमी होने के कारण फालतू घोषित हुए सरकारी कर्मचारियों के दूसरे विभागों में स्वपाये जाने के फलस्वरूप उनकी वरिष्ठता निर्धारित करना ।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 2050-2 जी.एस.68/19950, दिनांक 19.8.68 (प्रति संलग्न है) कि ओर दिलाऊँ जिसमें यह हिदायतें जारी की गई थी कि जो कर्मचारी आपात्कालीन स्थिति या खर्च में कमी करने के कारण पदों की संख्या घटाने से अपने विभागों में फालतू हो गये थे और दूसरे विभागों में पुनः नियुक्त किये गये, उनके केस में नये विभाग में नियुक्त होने से जो वरिष्ठता निर्धारित की जानी है वही उस तिथि से निर्धारित की जाये जिस तिथि से वह नये महकमें में अपने पद का कार्यभार सम्भालते हैं। सरकार ने इस निर्णय पर पुनः विचार किया है और ऐसा करते समय संयुक्त पंजाब सरकार के परिपत्र क्रमांक 16355-3 जी.एस.62/42251, दिनांक 24.11.62 में जारी की गई हिदायतों को भी ध्यान में रखा है। इन हिदायतों में यह कहा गया था कि जो कर्मचारी सीधी भर्ती द्वारा अथवा स्थानान्तरण द्वारा लोक सेवा आयोग/अधीन सेवाएं प्रवरण मण्डल की सिफारिश के अनुसार नियुक्त किये जाते हैं उन्हें वरिष्ठता आयोग/मण्डल की सिफारिश की तिथि से दी जाये। सरकार के विचार में यह उपजो हर प्रकार से न्यायोचित है तथा उन कर्मचारियों के बारे में भी लागू किया जाए जो कि आपात्कालीन स्थिति या खर्च में कमी के कारण पदों की संख्या घटाये जाने पर विभाग में फालतू हो जाते हैं और आयोग/मण्डल की सिफारिश के अनुसार दूसरे विभागों में नियुक्त किये जाते हैं। इसका अर्थ यह होगा कि ऐसे कर्मचारियों की वरिष्ठता भी उसी तिथि के हिसाब से निर्धारित की जायेगी जिस तिथि से कि आयोग/मण्डल ने दूसरे विभागों को उनकी नियुक्ति के बारे में सिफारिश की है न कि उस तिथि के हिसाब से जिस तिथि से वह नये विभागों में पद का कार्यभार सम्भालते हैं। अतः आपसे अनुरोध किया जाता है कि भविष्य में ऐसे कर्मचारियों की वरिष्ठता इस निर्णय के अनुसार निर्धारित करें।

2. कृपया इस पत्र की पावती भी सरकार को भेज दी जाये।

भवदीय,

हस्ता/-

उप-सचिव, राजनैतिक एवं सेवाएं ।

कृते : मुख्य सचिव, हरियाणा सरकार ।

अतः क्रमांक 401-2 जी०एस० - I-73/2665

दिनांक चण्डीगढ़, जनवरी, 1973

एक प्रति महालेखाकार, हरियाणा सरकार के अशा: क्रमांक 2050-2 जी०एस० - 68/19950 , दिनांक 12/19.8.68 के संदर्भ में सूचनार्थ भेजी जाती है ।

भवदीय,

हस्ता / -

उप - सचिव, राजनैतिक एवं सेवाएं ।

कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति वित्तायुक्त, राजस्व हरियाणा तथा हरियाणा के सभी प्रशासकीय सचिवों को इस विभाग के क्रमांक 2050-2 जी०एस० - 68/1950, दिनांक 12/19.8.68 के संदर्भ में सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है।

*[Published in the Haryana Government Gazette, Legislative Supplement,
dated the 13th March, 1973]*

PART III

HARYANA GOVERNMENT

GENERAL ADMINISTRATION DEPARTMENT (GENERAL SERVICES)

Notification

The 9th March, 1973

No. G.S.R. 39 Const./Art/309/Amd.-I/73. - 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, in consultation with the Government of India as required under sub-section of section 82 of the Punjab Re-organizaition Act, 1966, hereby makes the following rules further to amend the Punjab State (Class IV) Service Rules, 1963, namely :-

2. These rules may be called the Punjab State (Class IV) Service (Haryana First Amendment) Rules, 1973.

3. In the Punjab State (Class IV) Service Rules, 1963 (herein after referred to as the 'said rules'), in rule 3 the following proviso shall be added at the end, namely :-

"Provided further that the appointing authority in the Civil Secretariat and the Finance Commissioner's Office shall be an officer of the rank of an Under Secretary."

4. In the said rules, for Appendices 'A' and 'B', the following shall be substituted namely :—

"APPENDIX"
[See Rule 13 (I)]

Designation of officials	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority	Second Appellate authority
(1)	(2)	(3)	(4)	(5)	(6)
All Class IV employees in Civil Secretariat/ Financial Commissioner's office	Under Secretary to Government Haryana of the Secretariat/Office concerned	(a) Censure ; (b) withholding of increments or promotion, including stoppage at Efficiency Bar ; (c) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders ; (d) Suspension ; (e) Reduction to a lower post or time scale or to a lower stage in a time scale; (f) Removal from the service which does not disqualify from future employment; (g) Dismissal from the service which does ordinarily disqualify from future employment;	Under Secretary to Government Haryana of the Secretariat/Office concerned	Deputy Secretary to Government Haryana of the secretariat/Office concerned.	Government
All Class IV employees working in Government Departments other than Civil Secretariat and Financial Commissioner's office.	Head of Departments concerned	All the above penalties from (a) to (g)	Head of Departments	Government	—

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(1)	(2)	(3)	(4)	(5)	(6)
All Class IV employees in Government Offices	Head of office concerned	All the above penalties from (a) to (g)	Head of Office concerned	Head of Department concerned	Government
All Class IV employees working in the Offices of Sub-Divisional Officers	Deputy Commissioner Concerned	(a) Censure (b) Withholding of increment pormotion (c) Suspension ;	Sub-Divisional Officer concerned	Deputy Commissioner concerned	Government

APPENDIX 'B'

[See Rule 13 (2)]

Designation of Officials 1	Appointing authority 2	Name of order empowered 3	Authority authority 4	Appellate Appellate 5	Second 6
All Class IV servants in Civil Secretariat/ Financial Commissioner's office	Under Secretary to Government Haryana of the Secre- tariat/Office concerned	(i) Reducing or withholding additional pension admissible under the rules governing Pension	Under Secretary to Government Haryana of the Secre- tariat/Office concerned	Deputy Secretary to Govern- ment Haryana of the Secre- tariat/Office concerned.	Government
		(ii) Terminating the appointment of a member of the service other wise than on his attaining the age fixed for superannuation.			
All Class IV Servants working in Government Departments other than Civil Secretariat and Financial Commissioner's office.	Head of Department concerned	Above orders (i) and (ii)	Head of Department concerned	Government	
All Class IV servants working in Government Offices	Head of Office concerned	Above orders (i) and (ii)	Head of Office concerned	Head of Department concerned	Govern- ment

SAROOP KRISHEN

Chief Secretary to Government, Haryana

**प्रतिलिपि क्रमांक 720-2 जी०एस०-I-73 दिनांक 4.5.73, मुख्य सचिव, हरियाणा की ओर से
हरियाणा सरकार के सभी विभागाध्यक्ष इत्यादि को प्रेषित है।**

**विषय :- पंजाब सिविल सर्विस (प्रमोशन आफ स्टैनोग्राफर एंड स्टैनो टाइपिस्ट्स) रूलज, 1961 के नियम
5(2) की स्पष्टता के बारे में ।**

उपर्युक्त विषय पर आपको सम्बोधित करत हुए मुझे यह कहने का निदेश हुआ है कि पंजाब सर्विस (प्रमोशन
ऑफ स्टैनोग्राफर एंड स्टैनो टाइपिस्ट्स) रूलज, 1961 के नियम 5(2) में निम्नलिखित व्यवस्था है :-

"The inter-se-seniority of such Junior Scale Stenographers and Steno-typists vis-a-vis clerks shall be determined by the date of their continuous appointment against the post of Junior Scale Stenographers or Steno-typist or clerk, as the case may be, and if the dates of their appointment be the same, the older shall be senior to the younger."

इस बारे में सरकार के नोटिस में आया है कि कई विभाग उपरोक्त नियम में प्रयोग किये गए शब्दों, as the case be का मतलब यह समझ रहे हैं । कि लिपिकों/स्टैनो टाइपिस्ट तथा स्टैनोग्राफर की सहायकों में इन्टर सी-सीनियोरिटी नियत करते समय स्टैनो टाइपिस्ट्स तथा जूनियर स्केल स्टैनोग्राफर की तमेचमबजपअम पदों पर नियुक्ति की तिथियों से की गई लगातार सेवा को ध्यान में रखना है और यदि कोई व्यक्ति स्टैनोटाइपिस्ट के तौर पर भर्ती होकर जूनियर स्केल स्टैनोग्राफर पदोन्नत हो जाता है और उसके बाद सहायक के तौर पर इन नियमों के तहत पदोन्नत होता है, तब भी उसकी जूनियर स्केल स्टैनो के पद पर नियुक्त की तिथि ही relevant समझी जायेगी न कि स्टैनोटाइपिस्ट्स के पद पर नियुक्त की तिथि । इस interpretation के अनुसार यदि कार्यवाही की जाये तो एक Anomalies पोजीशन पैदा हो जाने का खतरा है जिसका एक उदाहरण निम्नलिखित है।

यदि 2 व्यक्ति 'ए' तथा बी एक ही तिथि को स्टैनोटाइपिस्ट्स के पद पर नियुक्त किये जाने हों जिन में से 'ए' सिनियर हो और 'बी' जूनियर हो तथा कुछ समय बाद 'ए' को जूनियर स्केल स्टैनोग्राफर के पद पर पदोन्नत किया जाए व 'बी' स्टैनो के पद पर ही रहे । इसके बाद जब इनकी उपर्युक्त नियम 5(2) के तहत सहायक के पद पर पदोन्नति हो जाये तो 'बी' को 'ए' से उंची वरिष्ठता मिल जायेगी क्योंकि उसकी स्टैनोटाइपिस्ट्स के पद पर लगातार नियुक्ति की अवधि अधिक है जबकि 'ए' की जूनियर स्केल-स्टैनोग्राफर के पद पर लगातार नियुक्ति की अवधि कम है ।

2. अतः इस सम्बन्ध में यह स्पष्ट किया जाता है कि उपर्युक्त रूलज बनाते समय सरकार का हरगिज ऐसा इरादा न था कि इस प्रकार की।दवउंसल पैदा हो । मामले पर राज्य सरकार द्वारा विस्तार पूर्वक विचार करने के बाद यह स्पष्ट किया जाता है कि उपर्युक्त रूलज 5(2) में जो व्यवस्था है उसके अनुसार यदि कोई व्यक्ति जूनियर स्केल स्टैनोग्राफर के तौर पर सीधा नियुक्त किया गया हो तब तो उसकी लिपिकों के साथ इन्टर-सी-सीनियोरिटी उसकी जूनियर स्केल-स्टैनोग्राफर के तौर पर नियुक्ति की तिथि से ही निश्चित की जाएगी किन्तु जो व्यक्ति पहले स्टैनोटाइपिस्ट्स के पद पर नियुक्त किया गया हो (स्टैनोटाइपिस्ट्स का पद हर लिहाज से क्लर्क के पद के बराबर है) तथा उस पद से जूनियर स्केल स्टैनोग्राफर के पद पर प्रमोट कर दिया गया हो तो बाद में सहायक के पद पर प्रमोशन होने पर उसकी लिपिकों के साथ इन्टर-सी सिनियोरिटी निर्धारित करने के लिये उसकी स्टैनोटाइपिस्ट्स के पद पर नियुक्ति की तिथि relevant होगी न कि जूनियर स्केल स्टैनोग्राफर के पद पर पदोन्नति की तिथि । यही स्थिति पंजाब सिविल सर्विस (प्रमोशन ऑफ स्टैनोग्राफर एंड स्टैनोटाइपिस्ट) रूलज 1961 के रूलज 4(2) तथा 6(2) के बारे में समझी जानी चाहिए यानि की जो व्यक्ति

स्टैनोग्राफर के पद पर सीधा नियुक्त किया गया हो उसकी क्लर्कों के साथ इन्टर-सी-सीनियोरिटी निर्धारित करने के लिये और स्टैनोग्राफर के पद पर नियुक्ति की तिथि तमसमअंदज होगी किन्तु जो व्यक्ति स्टैनोटाइपिस्ट के पद पर अथवा जूनियर स्केल स्टैनोग्राफर के पद पर नियुक्त किये गये हों और उन पदों से पदोन्नति पा कर स्टैनोग्राफर के पद पर नियुक्त किये गये हों तो कलैरिकल साईड पर पदोन्नति होने की सूरत में उनकी क्लर्कों के साथ इन्टर-सी-सीनियोरिटी निर्धारित करने के लिये उनकी स्टैनोटाइपिस्ट/जूनियर स्केल स्टैनोग्राफर (जो भी पहले हो) के तौर पर नियुक्ति की तिथि तमसमअंदज होगी ।

3. आपसे अनुरोध किया जाता है कि कृपया नियमों के उपरोक्त स्पष्टीकरण को ध्यान पूर्वक नोट कर लें तथा अपने अधीन सभी अधिकारियों/कर्मचारियों के नोटिस में अनुपालना के लिए ला दें । कृपया इसकी पावती भी भेजी जाये।

*[Published in the Haryana Government Gazette, Legislative Supplement,
dated the 7th August, 1973]*

PART III

HARYANA GOVERNMENT

**GENERAL ADMINISTRATION DEPARTMENT
(GENERAL SERVICES)**

Notification

The 27th July, 1973

No. G.S.R. 95 Const./Art. 309/Amd (2)/73.- 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 to amend the Punjab State (Class IV) Service Rules, 1963.

1. These rules may be called the Punjab State (Class IV) Service (Haryana Second Amendment) Rules, 1973.

2. In the Punjab State (Class IV) Service Rules, 1963 (herein after referred to as the "said rules"), for sub-rules (a) of rule 2, the following shall be substituted namely :-

"Service" means the Haryana State (Class IV) Service, separately for each department or office as the case may be.

3. In the said rules, for rule 9, the following shall be substituted, namely :-

"9. Seniority of members of the service- The seniority inter se of members of the service shall be determined by the length of continuous service on a post in the service in each department or office separately :

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

Provided further that in case of two or more members appointed on the same date, the seniority shall be determined as follows :-

- (a) a member appointed by direct recruitment shall be senior to a member appointed by transfer :
- (b) a member appointed by promotion shall be senior to a member appointed by transfer;
- (c) in the case of members who are appointed by promotion, seniority shall be determined according to their seniority in the appointment from which they are promoted ;
- (d) in the case of members appointed by transfer from the same offices, seniority shall be determined according to seniority in the appointments previously held in that cadre;
- (e) in the case of members appointed by transfer from different departments or offices of the Government, seniority shall be determined according to pay of such members, 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 their

Seniority

length of service in those appointments and if the length of such services is also the same an older member in these appointments shall be senior to a younger member; and

- (f) the case of members appointed by direct recruitment seniority shall be determined by their age, an older member being senior to a younger member :

Provided that in the case of members appointed by direct recruitments the order of merit, if any, drawn up at the time of selection shall not be disturbed and persons recruited as a result of an earlier selection shall be senior to those appointed as a result of subsequent selection.

N.N. KASHYAP,
Chief Secretary to Government,
Haryana.

*(Published in the Haryana Government Gazette, Legislative Supplement,
dated the 14th November, 1978)*

Part III

HARYANA GOVERNMENT

GENERAL ADMINISTRATION DEPARTMENT

Notification

The 10th November, 1978

No. G.S.R. 114/Const./Art. 309/Amd. (1)/78.- 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 to amend the Punjab Civil Services (Promotion of Stenographers and Steno-typists) Rules, 1961, namely :-

1. These rules may be called the Punjab Civil Services (Promotion of Stenographers and Steno-typists) Haryana First Amendment Rules, 1978.

2. In the Punjab Civil Services (Promotion of Stenographers and Steno-typists) Rules 1961 (hereinafter referred to as the said rules), in rule 3 for sub-rule (1), the following sub-rule shall be substituted, namely :-

"(I) In offices where the scale of pay of Stenographers is identical to that of Assistants, the Stenographers shall, before becoming eligible for promotion to a higher post on the clerically side, have to work as Assistant for a period of two years on some existing vacancy or by sharing the work of an Assistant.

Explanation : 1. The period during which a Stenographer, has, before the date of issue of these rules, performed the duties of an Assistant whether in addition to his own duties or otherwise will be taken into consideration in computing the period of his training as Assistant.

Explanation 2. Where there is no available vacancy of the post of Assistant for imparting training to the Stenographer, he shall be given at least one-third of the work of some Assistant in addition to his own duties. The Assistant who is thus relieved of some of this work will in turn help the Stenographer in his routine duties."

3. In the said rules, in sub-rule (I) of rule 4, the words "after they have qualified in the departmental test prescribed for the post of Assistant" shall be omitted.

4. In the said rules, in sub-rule (I) of rule 5, the words "after they have qualified in the departmental test prescribed for the post of Assistant" shall be omitted.

5. In the said rules, the proviso to sub-rule (1) of rule 6 shall be omitted.

6. In the said rules, after rule 8, the following rule shall be added, namely :-

"9. Power of relaxation :- Where the Government is of the opinion that 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 rule with respect to any class or category of persons".

S.D. BHAMBRI,
Chief Secretary to Government, Haryana

V

RETRENCHED/SURPLUS

No. 23/3/81-4GS-III

From

The Chief Secretary to Government, Haryana.

To

The Departments mentioned in Annexure 'A'

Dated Chandigarh, the 2nd January, 1986

Subject :- Retrenchment of staff after successful completion of Census Operation 1981

Sir,

I am directed to invite attention to Haryana Govt. Circular letter No. 23/3/81-3GS-III, dated 25-2-1983, on the subject noted above and to say that the retrenched employees with 2 years service and above of the Census Department were to be appointed on adhoc basis as a special case. The candidates having less than 2 years continuous service in the Census Department are not to be recommended for appointment on adhoc basis. It is clarified that the services of adhoc appointees of the Census Department who are working in your departments cannot be regularised unless they fulfill the terms & conditions as contained in Haryana Government Notifications No. G.S.R. 6 Const. Art. 309/83 dated 3rd January, 1983 and No G.S.R. 2/Const. Art 309/83, dated 19th January, 1984. It is further pointed out that the employees of Census Department who do not fulfill the terms and conditions of the aforesaid instructions and notifications may however apply to M.I.T.C. and other Corporations. It is, therefore, requested that the action in this matter may please be taken accordingly.

2. These instructions may please be followed meticulously.

Yours faithfully,

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government, Haryana

Endst. No. 23/3/81-4GS-III

Dated Chandigarh, the 2nd January, 1986

A copy is forwarded to the Director, Census Operations, Haryana, S.C.O. No. 1974-75, Sector 22/B, Chandigarh w.r.t. his letter No. 22015/84-Admn. dated nil information.

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government, Haryana

Endst. No. 23/3/81-4GS-III

Dated Chandigarh, the 2nd January, 1986

A copy is forwarded to the Secretary, S.S.S. Board, Haryana Panchkula for information and compliance.

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government, Haryana

ANNEXURE 'A'

1. Director of School Education, Haryana, Chandigarh.
 2. Director Ayurveda, Haryana.
 3. Director General of Police, Haryana, Chandigarh.
 4. Director Food & Supplies, Haryana, Chandigarh.
 5. Director Higher Educations, Haryana, Chandigarh.
 6. Director, Welfare of Scheduled Castes & Backward Classes Haryana, Chandigarh.
 7. Director, Technical Education, Haryana, Chandigarh.
 8. Director, Local Bodies, Haryana
 9. Director, Hospitality Organisations, Haryana, Chandigarh
 10. Director, Supplies & Disposal, Haryana, Chandigarh.
 11. Director, Tourism, Haryaan, Chandigarh.
 12. Labour Commissioner, Haryana.
 13. Legal Remembrance & Secretary to Govt., Haryana, Law Department.
 14. Transport Commissioner, Haryana.
 15. Joint Chief Election Officer, Haryana.
 16. Inspector General of Prisons, Haryana.
 17. D.C. Kurukshetra.
-

No. 23/10/88-2G.S.-III

From

The Chief Secretary to Govt., Haryana.

To

All the Chairman, Chief Administrators/ Managing
Directors/Public Undertakings/Boards in the Haryana State.

Dated Chandigarh, the 13th July, 1988.

Subject :- Absorption of surplus staff of Autonomous Bodies in Haryana State.

Sir,

I am directed to refer to the subject cited above and to state that the matter regarding absorption of surplus employees of various public undertaking and enterprises has been under consideration of the Government for some time. For the purpose, it is considered necessary to work out the requirements of the staff afresh in accordance with the present work load and to assess surplus staff. The regular staff. i.e. the staff which has the security of job in the organisation and but for retrenchment, would have continued at the job, rendered surplus, will alone be the part of surplus pool and eligible for absorption. Accordingly, you are requested to workout the details of such regular employees to be rendered surplus and to send the same to Chief Secretary in Surplus Cell (General Services-III Branch to enable the deployment of such staff elsewhere within one month. The said details should clearly indicate the names, qualifications, experience, designation, pay scale and present pay of the staff being rendered surplus. It is, however, observed that in case of employees retrenched under the due process of law, there would not be any lien of this surplus staff in the Organisation. However, efforts would be made to absorb them in other Organisations and in Government Departments where suitable vacancies may exist/arise and this will be done only after necessary relaxation in instructions regarding the source of recruitment is permitted by the Government.

2. This may please be treated as most immediate.

Yours faithfully,

Sd/-

Joint Secretary General Administration
for Chief Secretary to Government, Haryana

A copy is forwarded to all the Financial Commissioners & Administrative Secretaries to Govt. Haryana for information and necessary action.

Sd/-

Joint Secretary General Administration
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners & Administrative Secretaries to Govt., Haryana.

U.O. No. 23/10/88-2GS-III

Dated Chandigarh, the 13th July, 1988.

Compendium of Instructions on Service Career – Vol. III

From

The Chief Secretary to Government, Haryana.

To

All the Chairman/Chief Administrators/
Managing Directors of the Boards/Corporations/
Public Undertakings in the State.

Dated Chandigarh, the 30th August, 1988.

Subject :- Absorption of Surplus Staff-Obtaining of a Non-availability Certificate.

Sir,

I am directed to refer to the instructions issued vide State Govt. Circular No. 23/7/83-4G.S. III, dated 30th September, 1983, a copy of which was sent to you, on the subject noted above and to state that the matter has further been examined by Government in regard to absorption of surplus staff of the Boards/Corporations and the list of which was called for vide Haryana Govt. letter No. 23/10/88-2GSIII, dated 13-7-88. It has, therefore, been decided that before filling in the vacancies of any category of employees by the Boards/Corporations and other undertakings, a non-availability certificates may be obtained from the Chief Secretary in G.S.-III Branch (Surplus Staff Cell). You are accordingly, requested to obtain the required Certificate before filling in any vacancy.

2. The information called for vide letter dated 13.7.88, may also be expedited.

Yours faithfully,

Sd/-

Joint Secretary General Administration
for Chief Secretary to Government, Haryana.

Dated Chandigarh, the 30th August, 1988.

No. 23/7/83/2GS-III

A copy is forwarded to the following :-

1. All Heads of Departments, Commissioners Ambala and Hisar Divisions, All Deputy commissioners and S.D.O. (Civil) in Haryana.
2. Registrar, Punjab & Haryana High Court and all District & Sessions Judges in Haryana for similar action with reference to Haryana Govt. letter No. 23/7/83-2GS-III, dated 30.9.83

Sd/-

Joint Secretary General Administration
for Chief Secretary to Government, Haryana.

A copy is forwarded to the Financial Commissioners/Commissioners & Administrative Secretaries to Govt., Haryana, for information & necessary action.

Sd/-

Joint Secretary General Administration
for Chief Secretary to Government, Haryana

To

All the Financial Commissioners/Commissioners and
Administrative Secretaries to Govt., Haryana.

No. 23/7/83/2GS-III

Dated Chandigarh, the 30th August, 1988.

No. 23/10/88-2GS-III

From

The Chief Secretary to Government Haryana.

To

All the Chairman, Chief Administrators/
Managing Directors/Public Undertakings/Boards
in the Haryana State (Except noted in the margin).

Dated, Chandigarh, the 9th Sept., 1988

Subject :- Absorption of Surplus Staff of Autonomous Bodies in Haryana State.

Sir,

I am directed to refer to Haryana Govt. letter No. 23/10/88-2GS-III, dated 13.7.88 and subsequent reminder No. 23/7/83 -2GS-III, dated 30.8.88 on the subject noted above and to request you to kindly send the requisite information within a week positively.

Yours faithfully,

Sd/-

Under Secretary General Administration
for Chief Secretary to Govt., Haryana

A copy is forwarded to all the Financial Commissioners and Administrative Secretaries to Govt. Haryana for information and necessary action.

Sd/-

Under Secretary General Administration
for Chief Secretary to Govt., Haryana

To

All the Financial Commissioners & Administrative
Secretaries to Govt. Haryana.

U.O. No. 23/10/88-2GS-III

Dated, Chandigarh the 9th Sept., 1988

Margin

1. Managing Director, Haryana Television Limited.
2. Managing Director, Haryana State Handloom & Handicrafts Corporation Limited.
3. Managing Director, Haryana Dairy Development Co-operative Federation Ltd.
4. Haryana Tanneries Ltd.
5. Managing Director, Haryana State Small Industries & Export Corporation Ltd.
6. Haryana State Board for the Prevention & Control of Water Pollution.
7. The Haryana Co-operative Sugar Mills Ltd.
8. Housing Board, Haryana.
9. Haryana State Co-operative Handloom Weavers Apex Society Ltd.
10. Haryana State Agricultural Marketing Board, Panchkula.
11. Haryana School Education Board.

No. 23/10/88-2GSIII

From

The Chief Secretary to Government, Haryana.

To

All Managing Directors/Chief Administrators
of all the Boards/Corporations in Haryana.

Dated Chandigarh, the 16/19th December, 1988.

Subject : Economy in expenditure-Absorption of surplus staff of Autonomous Bodies of Haryana State.

Sir,

I am directed to refer to the subject noted above and to state that the matter regarding absorption of surplus employees of various Public Undertakings and Enterprises in the Haryana State has been under consideration of the Government for some time. After consideration of the matter, Government have decided as under :—

- (i) The retrenched/surplus staff of the Autonomous Bodies may be absorbed by the other Boards,/Corporations on regular basis as per their requirements. The suitability of such staff would be determined by the recruiting body after the names are sponsored by the Chief Secretary (Surplus Staff Cell). For absorption, the surplus staff will have priority over retrenched staff, On absorption, these employees will be treated as fresh entrants and no benefit of post service will be allowed. The relaxation in regard to source of employment and also in age to the extent of service rendered by the retrenched/surplus employees would be given for absorption of such employees on regular basis.
- (ii) Only those retrenched/surplus staff of the Autonomous Bodies will be eligible for absorption who have rendered at least two years of regular service on the date of retrenchment/being rendered surplus.

2. It is, however, made clear that the employees, whose services have been terminated under due process of law, will not be considered for re-employment.

3. All the Public Undertakings/Boards functioning under the aegis of the State Government who wish to fill up any posts with either general or technical qualifications will first have to obtain the requisite clearance from the Surplus Staff Cell to the effect that no persons are available to be appointed against such posts. if such personnel are available then the Public Undertakings/Boards will have to fill the post from amongst such persons.

4. The information called for from the Boards/Corporations vide letter No. 23/10/88-2GSIII, dated 16th July, 1988, in respect of the surplus staff may also be supplied to Government immediately.

Retrenched/Surplus

It is therefore, requested that the action according to the above instructions may kindly be taken.

Yours faithfully,

Sd/-

Joint Secretary General Administration
for Chief Secretary to Govt., Haryana

To

A copy is forwarded to all the Financial Commissioners and Administrative Secretaries to Government Haryana for information and necessary action.

Sd/-

Joint Secretary General Administration
for Chief Secretary to Govt., Haryana

To

All the Financial Commissioners and Administrative
Secretaries to Government, Haryana.

U.O. No. 23/10/88-2GSIII

Dated Chandigarh, the 16/19th Dec., 1988.

Compendium of Instructions on Service Career – Vol. III

From

The Chief Secretary Govt. Haryana

To

The Chief Administrator
Haryana State Agricultural Marketing
Board, Panchkula.

Memo. No. 23/41/84-IGSIII

Dated Chandigarh, the 7-3-1989

Subject :- Filling up vacant posts.

Reference your letter No. Admn. II-89/8525, dated 3-2-89 No. Admn : 4-89/4909, dated 19-1-89, No. Admn. III-89/6478, Dated 24-1-89, No. 60552, dated 7-9-81, No. Admn. IV-88/67972, dated 10-10-88 and No. Admn. 1-88/71666, dated 24-10-88 on the subject noted above.

2. The following officials are recommended for absorption in your Board as Jeep Drivers, Typists, Asstt. Draftsman, Clerk/Typist, Head Clerk/Accountant, Peons and Clerk/Recorder/Store Keeper etc :—

Sr. No.	Name	Designation	Name of the Board/ Corporation which declared them surplus
1	2	3	4
1.	Sh. Indraj	Driver	Haryana Handloom Corp.
2.	Sh. Sushil Kumar	"	Haryana Television Ltd.
3.	Sh. Dharam Vir	"	Haryana Tanneries
4.	Sh. Vijay Singh	"	" "
5.	Miss, Sukanya Kumari	Typist	Haryana Agro
6.	Sh. Nand Lal	"	" "
7.	Smt. Veena Sharma	"	" "
8.	Sh. Satya Veer Singh	"	" Tanneries
9.	Sh. Sariya Singh	Draftsman	State Exports Corp.
10.	Sh. Munish Kumar	"	" "
11.	Sh. Ram Mehar Malik	Clerk/Typist,	Haryana Agro.
12.	Sh. P.C. Saklani	"	" "
13.	Sh. Gulab Singh	Head Clerk/Acctt.	Haryana Tanneries
14.	Sh. Madan Singh	"	" "
15.	Sh. Ramesh Chander	"	" "
16.	Sh. Ved Singh	"	" "
17.	Sh. Shiv Goyal	"	" "
18.	Sh. Raldu Ram	Peon	" "
19.	Sh. Rakesh Kumar	"	" "
20.	Sh. Kundan Lal	"	" "
21.	Sh. Dalel Singh	"	" "

1	2	3	4	5
22.	Sh. Bhajan Singh	"	"	"
23.	Sh. Jai Parkash	"	"	"
24.	Sh. Ram Niwas	"	"	"
25.	Sh. Sham Singh	"	"	"
26.	Sh. Khushi Ram	"	"	"
27.	Sh. Jai Pal Singh	"	"	"
28.	Sh. Satbir Singh	"	"	"
29.	Sh. Nathu Ram	"	"	"
30.	Sh. Randhir Singh	"	"	"
31.	Sh. Ajit Singh	"	"	"
32.	Sh. Satyavan Singh	"	"	"
33.	Sh. Balwant Singh	"	"	"
34.	Sh. Balram	"	"	"
35.	Sh. Ved Singh	"	"	"
36.	Sh. Karori Lal	"	"	"
37.	Sh. Rati Ram	"	"	"
38.	Sh. Rajinder Singh	"	"	"
39.	Sh. Rajbir Singh	"	"	"
40.	Sh. Suraj Mal	"	"	"
41.	Sh. Jai Pal Singh	Peon	Haryana Tanneries	
42.	Sh. Ram Kishan	"	"	"
43.	Sh. Ram Phal Singh	"	"	"
	S/o Sh. Darya Ram			
44.	Sh. Amir Chand	"	"	"
45.	Sh. Ram Niwas	"	"	"
46.	Sh. Ram Phal Singh	"	"	"
	S/o Darya Singh			
47.	Sh. Raj Kumar	"	"	"
48.	Sh. Hukam Singh	"	"	"
49.	Sh. Sobh Ram	"	"	"
50.	Sh. Gopi Ram	"	"	"
51.	Sh. Inder Singh	"	"	"
52.	Sh. Suraj Bhan	"	"	"
53.	Sh. Wazir Singh	"	"	"
54.	Sh. Name Singh	"	"	"
55.	Sh. Ram Kumar	"	"	"
56.	Sh. Raj Singh	"	"	"
57.	Sh. Ramesh Kumar	"	"	"
58.	Sh. Banwari Lal	"	"	"
59.	Sh. Manbahadur	"	"	"
60.	Sh. Chander Singh	"	"	"
61.	Sh. Sumer Singh	"	"	"
62.	Sh. Balwan Singh	"	"	"

1	2	3	4	5
63.	Sh. Sudhir Kumar Chauhan	Clerk		Haryana Export Corp.
64.	Sh. Mahavir Singh	"		Haryana Tanneries
65.	Sh. Jai Bir Singh	"		"
66.	Sh. Hari Kishan	"		"
67.	Sh. Bani Singh	"		"
68.	Sh. Suresh Kumar	"		"
69.	Sh. S.L. Bansal	"		"
70.	Sh. Ved Singh	"		"
71.	Sh. Ram Charan	"		Haryana Agro
72.	Sh. Dhan Singh	"		"
73.	Sh. Maha Singh Rawat	"		"
74.	Sh. Nand Lal	"		"
75.	Smt. Manjula Thapar	"		"
76.	Sh. Subhash Chander	"		"
77.	Sh. Kartar Singh	"		"
78.	Sh. Randir Singh	"		Haryana Tanneries.
79.	Sh. Satbir Singh	"		"
80.	Sh. Sukhbir Sigh	"		"
81.	Sh. Bhopal Dutt	"		"
82.	Sh. Inder Singh	"		"
83.	Sh. Ishwar Singh	"		"
	S/o Mange Ram			
84.	Sh. Raj Kumar Bhardwaj	"		"
85.	Sh. Ram Chander	"		"
86.	Sh. Ishwar Singh	"		"
	S/o Sh. Baru Ram			
87.	Sh. Dalip Kumar	"		"
88.	Sh. Attar Singh	"		"
89.	Sh. Roshan Lal	"		"
90.	Sh. Dilbag Singh	"		Haryana Agro.
91.	Smt. Prem Lata	"		"
92.	Smt. Raj Kalan	"		"
93.	Sh. Ashok Kumar	"		"
94.	Smt. Ishwari Devi	"		"
95.	Sh. Ilam Singh	"		"
96.	Sh. Tirlochan Kndpal	"		"
97.	Sh. Harkesh Ram	"		"
98.	Sh. Urbha Dutt	"		"
99.	Sh. Kanwar Bhan	"		"
100.	Smt. Raj Devi	"		Haryana Television Ltd.
101.	Sh. Hawa Singh	"		"
102.	Sh. J.S. Pandey	"		"
103.	Sh. Sham Lal	"		"

1	2	3	4	5
104.	Sh. Kali Parshad	Clerk		Haryana Television Ltd.
105.	Sh. Narender Singh	"	"	
106.	Sh. S.C. Bhatt	"	"	
107.	Sh. Swapan Bhattacharya	"	"	
108.	Sh. Ashok Kumar	"	"	
109.	Sh. Raj Bir Singh	"	"	
110.	Smt. Satya Vati	"	"	
111.	Sh. Bhagwan Sharma	"	"	
112.	Sh. Pancham Singh	"	"	
113.	Sh. Randhir Singh	"	"	
114.	Sh. Madan Lal	"		Haryana Export Corp.
115.	Sh. Tirlok Singh	"	"	
116.	Sh. Babu Ram	"	"	
117.	Sh. Jagdish Singh	"	"	
118.	Sh. Vijay Kumar	"		Haryana Dairy Development Corp.
119.	Miss. Neelam	"	"	
120.	Sh. Sandeep Goyal	"	"	
121.	Sh. Maha Singh	"		Haryana Agro.
122.	Sh. Darya Singh	"	"	
123.	Sh. Bihari Lal	"	"	
124.	Sh. Hari Ram	"		Haryana Tanneries
125.	Sh. Mahavir Singh	"	"	
126.	Sh. Hari Ram	"	"	

You are requested to issue appointment letters immediately and compliance report may be sent to Government.

3. No Surplus employees are available for appointment of the following posts :—

1. Patwari =5
2. Librarian =1
3. Statistical Asstt. = 2
4. Sr. Scale Steno = 1
5. Kanung=2
6. Steno Typist=10
7. Head Clerk/Accountant =1
8. Junior Engineer-42
9. Asstt. Draftsman (Arch.)=1
10. Asstt. Draftsman (Civil)=1

Compendium of Instructions on Service Career – Vol. III

11. Electrician=8
12. Plumber =5
13. Tracer=7
14. Assistant Secretary=10
15. D.E. O.-cum-Secretary=14
16. Mandi Supervisor=4
17. S.D.O's=2

The N.B.A.C, is issued subject to the condition that instructions issued by Finance Department in this respect from time to time will be complied with.

Sd/-

Under Secretary General Administration
for Chief Secretary to Govt. Haryana.

Endst. No. 23/41/84-IGSIII

Dated 7-3-1989

A copy each is forwarded to the following :-

1. The Managing Director, Haryana Television Ltd. with

No. 23/27/92-1GSIII

From

The Chief Secretary of Government, Haryana

To

1. All Heads of Departments, Commissioners Ambala, Hisar, Rohtak and Gurgaon Divisions, All Deputy Commissioners and S.D.Os. (C) in Haryana.
2. Registrar, Punjab and Haryana High Court and all District and Session Judges in Haryana.

Dated Chandigarh, the 18th December, 1992.

Subject :- Economy in expenditure-Absorption of surplus staff.

Sir,

I am directed to state that instructions issued vide State Govt. (Finance Department) Circular letter No. 5/1/83-1 B&C, dated 26-5-83 which interalia required that the particulars of the staff rendered surplus as a result of the 10% cut on the existing strength of staff should be intimated to the "Surplus Staff Cell" in the General Services Branch of the Chief Secretary Organisation. The instructions also required that any vacancies required to be filled up should first be reported to the said surplus staff cell, for posting the surplus employees if available against the vacancies, or issuing a non-availability certificate.

2. The State Government has considered the matter and has decided that the "Surplus Staff Cell" existing in the General Service-III Branch be wound up as there is no surplus staff available on account of 10% cut with the Cell.

3. The departments are therefore, requested that no requisitions for filling up the posts be sent to the surplus staff cell in future and the post/vacancies arising in the departments should be filled up as under the instructions/departments rule.

4. This issues with the concurrence of Finance Department received vide U.O. No. 1/95/92-1FGI/3922, dated 7-12-92.

5. These instructions may be brought to the notice of all concerned for compliance.

Yours faithfully,

Sd/-

Deputy Secretary General Administration
for Chief Secretary to Govt., Haryana.

Compendium of Instructions on Service Career – Vol. III

A copy is forwarded to (1) all the Financial Commissioners /Commissioners/Secretaries to Govt. Haryana (2) Member Secretary, Haryana Bureau of Public Enterprises for information's and necessary action.

Sd/-

Deputy Secretary General Administration
for Chief Secretary to Govt., Haryana.

U.O. No. 23/27/92-GSIII

Dated, Chandigarh, the 18th Dec., 1992.

A copy is forwarded to the Financial Commissioner and Secretary to Government, Haryana, Finance Department vide their U.O. No. 1/95/92-1FGI/3922, dated 7-12-92 for information.

Sd/-

Deputy Secretary General Administration
for Chief Secretary to Govt., Haryana.

To

The Financial Commissioner and Secretary to Govt., Haryana,
Finance Department (in FGI Branch).

U.O. No. 23/27/92-GSIII

Dated, Chandigarh, the 18th Dec., 1992.

(TRUE COPY)

No. 23/1/92-2GS-III

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions. All Deputy Commissioners and S.D.Os. (Civil), in Haryana.
2. Registrar, Punjab and Haryana High Court and all the District and Sessions Judges in Haryana.

Dated Chandigarh, the 15-1-1993.

Subject :- Re-employment of the retrenched 1992 Census employees.

Sir,

I am directed to invite your attention to the subject noted above and to say that for enumeration for the 1991 Census and tabulation Offices were set up in the State after the processing work is over. These offices are to be wound up. A number of employees recruited in these offices are also likely to be retrenched/have been retrenched. Taking a compassionate view for the services rendered by them, following concessions will be admissible to such employees on the conditions stipulated below :—

- (i) The census employees, who were initially recruited through the Employment Exchanges or other permissible channels and who have put in not less than 6 months of continuous service and have been retrenched due to reduction in establishment will be eligible to appear in the examinations conducted by the S.S.S. Board Haryana for recruitment for Class-III posts, till the end of 1993. They will also be eligible to apply for recruitment to various vacancies advertised by various departments, without their having to be sponsored through Employment Exchange. This concession will, however, be available only to such of these retrenched Census employees, who were within the age limit prescribed for appearing in examinations by the State Government at the time of their initial recruitment in the Census Organisations and only if they are otherwise eligible to compete in these examinations on the basis of educational and other qualifications prescribed in the rules for the recruitment to the post in question.
 - (ii) The above concessions will be admissible only to the employees of the 1991 Census Operations who have been retrenched due to reduction in establishment and will not be applicable to the retrenched employees of other Departments/Offices of the State Government/Government of India.
2. These instructions may please be followed meticulously.

Yours faithfully

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government, Haryana.

Compendium of Instructions on Service Career – Vol. III

A copy is forwarded to all the Financial Commissioners and Administrative Secretaries of Government, Haryana for information and necessary action.

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners and Administrative Secretaries to Government, Haryana.

U.O. No. 23/1/92-2GS-III

Dated Chandigarh, the 15-1-1993.

No. 23/1/92-2GS-III

Dated Chandigarh, the 15-1-1993.

A copy is forwarded to Secretary, S.S.S. Board, Haryana, for information and necessary action.

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government, Haryana.

No. 23/1/92-2GS-III

Dated Chandigarh, the 15-1-1993.

A copy is forwarded to all Managing Directors of Haryana State Boards, Corporations and Cooperative Institutions etc. for information and necessary action.

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government, Haryana

No. 23/1/92-2GS-III

Dated Chandigarh, the 15-1-93.

A copy is forwarded to the Director Census Operations, Haryana, Chandigarh for information and necessary action.

2. He is requested to supply the necessary particulars of the retrenched employees to all the Department and Public Undertakings in the State, under intimation to the Government in the performa given below :—

Sr. No.	Name of Em- ployees	Date of birth	Edu. Quali- fication	Post held	pay scale	Date of appoint- ment	Residential Address	Source of	permanent / temporary recruitment
1	2	3	4	5	6	7	8	9	10

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government, Haryana

क्रमांक 23/1/92-2 जी०एस० - III

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला, हिसार, रोहतक तथा गड़गाव मण्डल, सभी उपायुक्त तथा एस० डी० ओ० (सिविल) हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट तथा सभी जिला एवं सत्र व न्यायाधीश हरियाणा ।
चण्डीगढ़ दिनांक 21-5-93 ।

विषय :- जनगणना विभाग के वर्ष 1997 के छंटनीकृत कर्मचारियों के स्पष्टीकरण ।

महोदय,

मुझे निर्देश हुआ है कि मैं उपरोक्त विषय पर आपका ध्यान सरकार के परिपत्र क्रमांक 23/1/92-2 जी०एस० - III, दिनांक 15-1-93 की ओर आकर्षित करूँ जिसके अनुसार जनगणना विभाग के कर्मचारी, जिनकी प्रारम्भिक नियुक्ति रोजगार विभाग के माध्यम से की गई थी, और उनकी कम से कम छः मास की निरन्तर सेवा है और अमले में कमी लाने के उद्देश्य से सेवा से हटाए गए हैं, वे वर्ष 1993 के अन्त तक तृतीय श्रेणी के पदों पर नियुक्ति लेने के लिए एस०एस०एस० बोर्ड की परीक्षा में बैठ सकते हैं । इसके अतिरिक्त विभिन्न विभागों द्वारा जारी विज्ञप्तियों के विरुद्ध भी वे आवेदन पत्र देकर शैक्षणिक योग्यता तथा अन्य सेवा शर्तों के आधार पर कम्पीट करके नियुक्ति प्राप्त कर सकते हैं। इसका यह अर्थ नहीं है कि उनसे सीधे ही आवेदन पत्र प्राप्त करके नियुक्ति किया जाए ।

2. मुझे आपसे यह अनुरोध करने का निदेश हुआ है कि यदि सन्दर्भित हिदायतों की अवहेलना करके या नियुक्ति के साधनों की उपेक्षा करके किसी छंटनीकृत कर्मचारी को नियुक्त कर लिया है तो वह हिदायतों के अनुसार नहीं है तथा उसे तुरन्त सेवा मुक्त कर दिया जाए ।

भवदीय,

हस्ता / -

उप-सचिव, सामान्य सेवाएं ।

कृते : मुख्य सचिव, हरियाणा सरकार ।

पृष्ठांकन क्रमांक 23/1/93-2 जी०एस० - III,

दिनांक 21.5.93

एक प्रति निदेशक जनगणना विभाग हरियाणा चण्डीगढ़ को उनके पत्र क्रमांक ए-15011/1/92-एडमन, दिनांक 1.3.93 के संदर्भ में भेजी जाती है । इससे आपके पत्र क्रमांक ए-15011/1/92-एडमन, दिनांक 18.5.93 का निपटान भी ही जाता है।

2. यह स्पष्ट किया जाता है कि नियुक्ति के साधनों की उपेक्षा करके छंटनीकृत कर्मचारियों को प्राथमिकता के आधार पर नियुक्ति नहीं दी जा सकती । इन कर्मचारियों की आयु सीमा में छूट आदि देने के अतिरिक्त कोई सुविधा नहीं दी गई है। अतः तदनुसार अपने पत्र दिनांक 1.3.93 का संशोधन करें ।

हस्ता / -

उप-सचिव, सामान्य सेवाएं ।

कृते : मुख्य सचिव, हरियाणा सरकार ।

Compendium of Instructions on Service Career – Vol. III

No. 23/1/92-2G.S.-III

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners Ambala, Hisar, Rohtak and Gurgaon Divisions, All Deputy Commissioners and S.D.O. (Civil) in Haryana.
2. Registrar, Punjab and Haryana High Court and All District and Sessions Judges in Haryana.

Dated Chandigarh, the 9-11-93.

Subject :- Re-employment of the retrenched 1992 Census employees.

Sir,

I am directed to invite your attention to Government letter No. 23/1/92-2G.S.-III, dated 15-1-93 on the subject cited above and to say that Government have decided not to extend the concessions/relaxation to the retrenched/to be retrenched Census employees upto 28-2-94.

2. These instructions may please be followed meticulously.

Yours faithfully,

Sd/-

Under Secretary General Admn. -II
for Chief Secretary to Govt., Haryana.

A copy is forwarded to all the Financial Commissioners and Administrative Secretaries to Government Haryana for information.

Sd/-

Under Secretary General Admn. -II
for Chief Secretary to Govt., Haryana.

To

All the Financial Commissioners and Administrative Secretaries to Government, Haryana.

U.O. No. 23/1/92-2GSIII

dated Chandigarh, the 9th Nov., 1993

No. 23/1/92-2GSIII,

dated Chandigarh, the 9th Nov., 1993.

A copy is forwarded to Secretary, S.S.S. Board, Haryana for information and necessary action.

Sd/-

Under Secretary General Admn. -II
for Chief Secretary to Govt., Haryana

No. 23/1/92-2GSIII, dated Chandigarh, the

A copy is forwarded to all Managing Directors of Haryana State Board, Corporations and Cooperative Institutions etc. for information and necessary action.

Sd/-

Under Secretary General Admn. -II
for Chief Secretary to Govt., Haryana

No. 23/1/92-2GS-III, dated Chandigarh, the

A copy is forwarded to the Joint Director Census Operations, Haryana S.C.O. No. 1074-75, Sector 22-B, Chandigarh with reference to his No. 25011/1/93-Admn. dated 30.9.93 for information and necessary action.

Sd/-

Under Secretary General Admn. -II
for Chief Secretary to Govt., Haryana

No. 23/5/2001-2G.S.III

From

The Chief Secretary to Government Haryana.

To

1. All Heads of Departments in Haryana
2. Commissioners Rohtak, Gurgaon, Hisar and Ambala Division.
3. All Deputy Commissioners in Haryana and
4. Managing Directors/Chief Executive officers of all Boards, Corporations, Companies and Cooperative Institutions in Haryana.

Dated, Chandigarh, the 06.02.2001.

Subject :- Guidelines regarding surplus and retrenched employees of State public sector and Cooperative Sector undertakings.

Sir,

I am directed to invite your attention to the subject noted above and to say that liberalization and globalization has led to restructuring / reform of State owned enterprises around the world. The economic scenario has completely changed over the last, 10-12 years and the Govt. of India introduced reform in Central Public Sector undertakings (PSUs) in the early nineties in line with the changing world order and economic environment. The current policy of Govt. of India envisages divesting of majority of Govt. equity from most of the PSUs excepting those operating in strategic areas.

2. The State Government constituted a Cabinet sub committee in September 1996 to look into the working of various State Public Sector and Cooperative Sector undertakings. The Sub committee has held number of meetings since then and has, interalia, considered various issues relating to the employees arising due to rightsizing / restructuring of some Departments/ Public Enterprises has increased considerably over the years and the major component of revenue expenditure is on establishment which accounted for 59.2% of the revenue receipts during 1999-2000. In order to curtail the non plan revenue expenditure the State Government has already impose a complete ban on fresh recruitment in its various Department Public Enterprises vide letter No. 15/16/2000-1.B&C, dated 16.3.2000. The Govt. of Haryana has decided to close down so State Public Enterprises. Similarly, the Govt. has also constituted a Committee for revision of work load norms of Engineering. Departments and consequent review of staff strer Similarly the working of Education Department and some other departments is also being reviewed.

3. Due to restructuring and rationalization in various Departments of the government as well as Public Sector and Cooperative sector undertakings, the availability of posts in these ovgonization is going to be reduced considerably. Consequently the scope of absorption of employees of Public Sector and Cooperative sector undertakings who may be renders surplus due to rightsizing / restructuring or the employees who are to be retrenched due to closure of unviable organizations in other Government Departments / Public Enterprises is very limited.

4. Keeping these facts in view, the State Government after careful consideration, has taken

following decisions:-

- i. If there is any surplus employees in any State Public sector and Cooperative sector undertaking, he/ she should be dealt with in accordance with the provisions of the Industrial Disputes Act, 1947 if applicable for retrenchment as well as payment of retrenchment compensation.
- ii. In case of employees to whom the Industrial Disputes Act, 1947 does not apply, their retrenchment on being declared surplus will be in accordance with the terms and conditions of their employment.
- iii. In view of the role of the Government as a welfare State, on humanitarian, considerations and as a special concession, the employees of State Public sector and Cooperative sector undertakings who are retrenched would be allowed relaxation in age for applying for posts to be filled up by Govt. Departments / Public Enterprises up to a maximum of 50 years for all categories of employees subject to their past experience if relevant for the post being filled up at the time of selection by the recruiting organization.
- iv. In addition to above, a roster of names of the retrenched employees will be maintained by the Employment Department. The State Governments/ Enterprises will intimate the Employment Department before filling up any vacant post in addition to inviting applications in accordance with the prescribed procedure. The employment Department will sponsor all the names out of the roster which fulfil prescribed qualifications and experience for the requisitioned post Sponsoring of names by the Employment Department will however not confer any legal right on the person for appointment against the requisitioned post.

These instructions will supersede instructions issued by Chief Secretary, Haryana vide letter No. 23/10/88-2G.S.III, dated 16/19.12.1988, No. 23/6/97-2G.S.III, dated 6.10.1998 and dated 17.6.1999 and the instructions issued by Registrar, Cooperative societies , Haryana vide letter No. 21/5/94-Gen.II/11893-903, dated 5.5.1995 and all other instructions pertaining to absorption of surplus / retrenched employees of state Public Sector and Cooperative Sector undertakings.

The receipt of this communication may kindly acknowledged.

Yours faithfully,

Sd/-

Joint Secretary General Administration
for Chief Secretary to Government Haryana.

A copy is forwarded to all the Financial Commissioners & Administrative Secretaries to Government Haryana for information and necessary action.

Sd/-

Joint Secretary General Administration
for Chief Secretary to Government Haryana.

Compendium of Instructions on Service Career – Vol. III

1. All the financial Commissioners in Haryana.
2. All the Administrative Secretaries to Govt. Haryana.

U.O.No.23/5/2001-2GSIII

Dated 06-02-2001

Endst. No. 23/5/2001-2GSIII,

Dated 06-02-2001

A copy is forwarded to member Secretary , Haryana Bureau of Public Enterprises for information and necessary action.

Sd/-

Joint Secretary General Administration
for Chief Secretary to Government Haryana.

No. 23/5/2001-2G.S.III

From

The Chief Secretary to Government Haryana.

To

1. The Commissioners Rohtak/ Gurgaon/ Hisar and Ambala Divisions
2. All the Heads of Departments in Haryana State.
3. All the Deputy Commissioners and S.D.O. (Civil) in Haryana State.
4. The Managing Directors/Chief Executive officers of all Boards/Corporations/ Companies and Cooperative Institutions in Haryana State,

Dated. Chandigarh, the 18th May, 2001.

Subject:- Guidelines regarding surplus and retrenched employees of State Public Sector and Cooperative Sector Undertakings.

Sir,

I am directed to invite your attention towards Para 3 (iii) of Haryana Government letter No. 23/5/2001-2G.S.III, dated 6.2.2001 on the subject noted above and to say that the Government has decided to amend the instructions to the following extent :-

“25% of future vacancies in direct recruitment in Group C & D in Government Departments and State public Sector and Cooperative sector Undertakings would be reserved for retrenched employees of Government Departments and State Public Sector and Cooperative Sector undertaking A retrenched employee shall be eligible to apply for such vacancy within three years from the date of his retrenchment. This provisions of reservation for retrenched employees shall remain operative for a period of five years from the date of issue of the policy.”

3. The above instructions may please be brought to the notice of all concerned for strict compliance

Yours faithfully,

Sd/-

Under secretary General Administration
for Chief Secretary to Government Haryana,

A copy is forwarded to all the Financial Commissioners and administrative Secretaries to Govt. Haryana for information and necessary action.

Sd/-

Under Secretary General Administration
for Chief secretary to Government Haryana.

Compendium of Instructions on Service Career – Vol. III

To

1. All the Financial Commissioner in Haryana State.
2. All the Administrative Secretaries to Govt. Haryana.

U.O.No. 23/5/2001-G.S.III

Dated: 18.05.2001

Endst. No. 23/5/2001-2G.S.III

Dated: 18.05.2001

A copy is forwarded to Member Secretary, Haryana, Bureau of Public Enterprises for information and necessary action,

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government, Haryana.

No. 23/5/2001-2G.S.III

From

The Chief Secretary to Government Haryana.

To

1. All the Heads of Departments in Haryana.
2. The Commissioners Rohtak, Gurgaon Hisar and Ambala Divisions.
3. The Registrar, Punjab & Haryana High Court, Chandigarh.
4. All the Deputy Commissioners and S.D.O., (Civil) in Haryana State.
5. The Managing Directors/Chief Executive, Officers of all the Boards/Corporation/Companies and Cooperative Institutions in Haryana State.

Dated, Chandigarh, the 27th July 2001.

Subject: Guidelines regarding Surplus and retrenched employees of State Public Sector and Corporative Sector Under takings.

Sir,

I am directed to invite your attention towards Haryana Government Institutions dated 6.2.2001 and dated 18.5.2001 on the subject noted above and to say that Hon'ble High Court has given its decision in C.W.P No. 277 of 2001, in Sh. D.K. Chawla and Others Vs. State of Haryana, with some observations, To implement the High Court decision in to the Government has decided to amend the said instructions to the following extent:-

In para 3(iii) of instructions dated 6.2.2001

- i) The age relaxation to retrenched employees will be beyond 50 years also.
 - ii) In instructions dated 18.5.2001, a retrenched employee shall be eligible to apply for such vacancy within five years from the date of his retrenchment instead of three years as provided earlier.
2. The above instructions may please be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Under Secretary General Administration,
for Chief secretary to Government, Haryana.

A copy is forwarded to all the Financial Commissioners & Administrative Secretaries to Government Haryana for information and necessary action.

Sd/-

Under Secretary General Administration,
for Chief secretary to Government, Haryana.

Compendium of Instructions on Service Career – Vol. III

To

1. All the financial Commissioners in Haryana.
2. All the Administrative Secretaries to Govt. Haryana.

U.O.No.23/5/2001-2GSIII

Dated 27-02-2001

Endst. No. 23/5/2001-2GSIII,

Dated 27-02-2001

A copy is forwarded to member Secretary , Haryana Bureau of Public Enterprises for information and necessary action.

Sd/-

Under Secretary General Administration,
for Chief secretary to Government, Haryana.

No. 23/5/2001-2GSIII

From

The Chief Secretary to Government Haryana.

To

1. All the Heads of Departments in Haryana
2. The Commissioners of Ambala, Hisar, Rohtak and Gurgaon Divisions, Haryana.
3. The Registrar, Punjab and Haryana High Court Chandigarh.
4. All the Deputy Commissioners in Haryana and Sub Divisional Officers(C) Haryana.

Dated Chandigarh, the 21st March, 2003.

Subject:- Guidelines regarding surplus and retrenched employees of State Public Sector and Cooperative Sector Undertakings preference in direct recruitment.

Sir,

I am directed to invite your attention to Haryana Government letters No. 23/5/2001-2GSIII, dated 6.2.2001, 18.5.2001 and 27.7.2001 on the subject noted above and to say that it was laid down in these instructions that the cases of retrenched employees of Boards/Corporations and of Cooperative Undertakings should be disposed of as per terms and conditions contained therein, but this is not being followed properly by various departments. These instructions are hereby reiterated and a copy of these instructions is annexed for ready reference. Therefore, it is again emphasized that while making direct recruitment to Group 'C' and 'D' posts, it may be ensured that the above cited Government policy is given full effect and retrenched employees of Boards/Corporations/Cooperative Undertakings are duly considered for direct recruitment against 25% of future vacancies meant for direct recruit quota in terms of the aforesaid policies subject to other conditions laid down therein. The aforesaid Policy may be implemented by incorporating a NOTE in the advertisement (s) that the retrenched employees shall also be eligible and will be duly considered against 25% of the advertised posts in terms of the Government aforesaid Policy.

2. These instructions may be brought to the notice of all concerned.

Yours faithfully,

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

A copy is forwarded to all the Financial Commissioners & Principal Secretaries and all the Administrative Secretaries to Govt., Haryana for information and necessary action.

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

Compendium of Instructions on Service Career – Vol. III

To

All the Financial Commissioners and Principal Secretaries and
all Administrative Secretaries to Government Haryana.

U.O.No. 23/5/2001-2GSIII.

Dated Chandigarh, the 21st March, 2003.

A copy is forwarded to the Principal Secretary/Private Secretaries to the Chief Minister/
Ministers/Ministers of State of information of the Chief Minister/Ministers/Ministers of State,
Haryana.

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

To

The Principal Secretary/Secretaries/Private Secretaries
to Chief Minister/Ministers/Ministers of State, Haryana.

U.O.No. 22/5/2001-2GSIII.

Dated Chandigarh, the 21st March, 2003.

Endst-No. 23/5/2001-2GSIII,

Dated Chandigarh, the 21st March, 2003.

A copy is forwarded to Member Secretary, Haryana Bureau of Public Enterprises for
information and necessary action. They are requested to send the copy of these instructions to all the
Boards/Corporations in the State of Haryana for taking necessary action.

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

A copy is forwarded to all the Branch Officers/Superintendents/ Deputy Superintendents of
Haryana Civil Secretariat/F.C. office for information and necessary action.

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

To

All the Branch Officers/Superintendents/Deputy Superintendents
of Haryana Civil Secretariat/F.C. Office.

U.O.No. 23/5/2001-2GSIII,

Dated Chandigarh, the 21st March, 2003.

No. 23/5/2001-2GSIII

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments in Haryana.
2. Commissioners of Rohtak, Gurgaon Hissar and Ambala Division.
3. All Deputy Commissioners in Haryana.

Dated Chandigarh the, 18th September, 2003

Subject: Guidelines regarding transfer of excess employees as a result of -restructuring/right sizing of Government Department.

Sir,

I am directed to invite your attention on the subject noted above and to say that as a consequence of the restructuring exercise, the optional strength of staff in different categories of posts in each department is being finalized keeping in view the present day requirements. As a result there may be employees in some departments who are under utilized and in excess of the requirement on the one hand (i.e. surplus) and on the other hand there may be requirement of some categories of employees in other departments. The employees in excess of the requirement after restructuring have been classified in diminishing cadre. For the purposes of economy such number of employees who are in diminishing cadre need to be transferred in other departments. The Government of Haryana has, therefore, decided to transfer State Government employees who are in excess of requirement in diminishing cadre as under: "

1. The underutilized/excess employees of Government Department should be transferred to other departments as per the restructured strength against direct recruitment posts.
2. If there is no provision in the Service Rules for appointment on the direct recruitment posts by transfer, the concerned Government Department' should obtain relaxation from the competent authority to this effect for transfer of excess/underutilized employees of other departments.
3. The Government Departments having excess employees should take option of all employees for transfer in other Departments
4. If excess employees do not opt voluntarily for transfer, the concerned Government Departments should draw out lists of junior employees in different categories of posts.
5. The junior most employees in different categories of posts who are promotees should be given option either to get transferred in other Departments or face reversion to the lower posts.
6. The junior most employees in different categories of posts who are direct recruits should be given option to get transferred in other Departments.

Compendium of Instructions on Service Career – Vol. III

7. When an employee who is in excess of the requirement in a department is transferred elsewhere, the post occupied by him in the parent department should be abolished forthwith.
8. The Government Departments intending to fill up direct recruitment posts after obtaining the necessary approvals etc. can obtain the list of excess employees from the Monitoring Cell in the Office of Chief Secretary Haryana.
9. The pay of the such employees should be protected on transfer in other Government Departments.
10. The benefit of seniority should not be given to such employees on transfer in other Government Departments and they should be treated as fresh entrants.
11. For counting the service for the purpose of pension as well as the modus operandi for discharging such liability of such employees on transfer in other Government Departments, the instructions issued by Finance Department vide office Memorandum No. 1/2(4)96-2FR II, dated 7th January, 2002 should be followed.

These instructions may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Special Secretary Government Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all the Financial Commissioners and Principal Secretaries/
Administrative Secretaries to Government, Haryana for information and necessary action.

Sd/-

Special Secretary Government Administration,
for Chief Secretary to Government, Haryana.

To

1. All the Financial Commissioners & Principal Secretaries in Haryana.
2. All the Administrative Secretaries to Government, Haryana.

U.O. No. 23/05/2001-2GSIII, .

Dated, Chandigarh, the: 18-09-2003

No. 23/5/2001-2GSIII

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments in Haryana.
2. Commissioners of Rohtak, Gurgaon , Hissar and Ambala Division.
3. All Deputy Commissioners in Haryana.

Dated Chandigarh the, 1st October 2003

Subject : Guidelines regarding transfer of excess employees as a result of restructuring/right sizing of Government Department.

Sir,

I am directed to invite your attention to the subject noted above and to send the corrected copy of the letter issued on 18-09-2003 regarding guidelines for the excess employees as a result of restructuring/right sizing of Government Departments for information and necessary action.

Yours faithfully

Sd/-

Superintendent General Services-III
for Chief Secretary to Government Haryana.

A copy is forwarded to all the Financial Commissioners and Principal Secretaries/ Administrative Secretaries to Government Haryana for information and necessary action.

Sd/-

Superintendent General Services-III,
for Chief Secretary to Govt. Haryana

To

- 1) All the Financial Commissioners & Principal Secretaries
& All Administrative Secretaries to Government Haryana.

U.O. No-23/5/2001-2GSIII,

Dated, Chandigarh, the: 1-10-2003

Compendium of Instructions on Service Career – Vol. III

No. 23/5/2001-2GSIII

From

The Chief Secretary to Government Haryana.

To

1. All the Heads of Departments in Haryana
2. The Commissioners of Ambala, Hisar, Rohtak and Gurgaon Divisions
3. The Registrar, Punjab and Haryana High Court Chandigarh
4. All the Deputy Commissioners and SDO(C) in Haryana.

Dated Chandigarh, the 11th December, 2003

Subject:- Guidelines regarding surplus and retrenched employees of the State Public Sector and Cooperative Sector Undertakings-Preference in direct recruitment - 25% post to be reserved for retrenched employees.

Sir.

I am directed to invite your attention to the Haryana Government letters Nos. 23/5/2001-2GS-III. dated 18th May 2001 and dated 21st March, 2003 (copy enclosed) on the subject above. I am further directed to say that the retrenched employees of Board/Corporation and other undertakings should be duly considered for direct recruitment against the 25% of future vacancies meant for direct requirement quota in terms of the aforesaid policies subject to other conditions laid down therein. It was also emphasized that to implement the policy, a note be incorporated in the demand notice sent to Haryana Staff Selection Commission / other agency that the retrenched employees shall also be eligible and will be duly considered against 25% of the advertised posts in terms of the above Government policy.

In view of the above, the concerned Administrative Secretaries and Heads of Departments should not only ensure that the Govt instructions are meticulously followed but they should, also monitor that these instructions are complied with by all quarters.

Yours faithfully,

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government Haryana.

Endst. No, 23/5/2001-2 G.SIII

Dated. Chandigarh, the 11-12-2003

A copy is forwarded to Secretary, Haryana Staff Selection Commission that while accepting the demand they should ensure that these instructions are adhered to

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government Haryana .

A copy is forwarded to all the Financial Commissioners and Principal and all the Administrative Secretaries to Govt. Haryana for information and necessary action.

Deputy Secretary General Administration
for Chief Secretary to Government Haryana

To

All the Financial Commissioners and Principal Secretaries
& all Administrative Secretaries to Government Haryana.

U.O.No- 23/05/2001-2 G.S.III

Dated. Chandigarh, the December. 2003.

A copy is forwarded to the Principal Secretary/DPSCM-I/DPSCM-II/OSD/CM/Private Secretaries to the Chief Minister/Ministers/Ministers of State for information of the Chief Minister/Ministers/Ministers of State, Haryana

Sd/-

Deputy Secretary General Administration.
for Chief Secretary to Government Haryana

To

The Principal Secretary/ DPSCM-I/DPSCM-II/OSD/CM/Secretaries/Private Secretaries to Chief Minister/Ministers/Ministers of State, Haryana.

U.O.No. 23/05/2001-2 G.S. III

Dated, Chandigarh, the. 11th December.2003.

Endst. No. 23/05/2001-2 G.S.III

Dated, Chandigarh, the 11th December.2003

A copy is forwarded to Member Secretary, Haryana Bureau of Public Enterprises for information and necessary action. He is requested to send the copy of these instructions to all the Boards/Corporations in the State of Haryana for taking necessary action.

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government Haryana

A copy is forwarded to all the Branch Officers/Superintendents/Deputy Superintendents of Haryana Civil Secretariat. F.C, Office for information and necessary action.

Sd/-

Deputy Secretary General Administration.
for Chief Secretary to Government Haryana

To

All the Branch Officers/Superintendent/Deputy Superintendents of Haryana Civil Secretaries/
F.C. Office.

U. O. No. 23/05/2001-2 G.S III

Dated, Chandigarh, the 11th Dec., 2003

Compendium of Instructions on Service Career – Vol. III

No. 23/5/2001-2GSIII

From

The Chief Secretary to Government Haryana.

To

1. The Director,
Industries Department, Haryana.
2. The Director,
Agriculture Department, Haryana
3. The Director,
Sports & Youth Welfare, Haryana
4. The Engineer-in-Chief,
PW (Public Health) Department, Haryana
5. The Engineer – in – Chief
PW(B&R) Department, Haryana
6. The Engineer – in – Chief
Irrigation Department, Haryana
7. The Director General,
Health Services, Haryana
8. The Director,
Ayurveda Department, Haryana
9. The Director,
Fisheries Department, Haryana
10. The Controller,
Printing & Stationary Department, Haryana

Dated Chandigarh the 9th January 2004

Subject : Guidelines regarding transfer of excess employees as a result of restructuring / Rightsizing of Government Department.

Sir,

I am directed to invite your attention to the guidelines issued vide this office letter No. 23/5/2001-2GSIII, dated 18th September 2003 on the above subject.

Some departments have sought clarifications on certain issues for proper implementation of the above said guidelines. The matter has been considered by the Government and the issues raised as well as the requisite clarifications are given in the enclosed Annexure.

The receipt of this communication may kindly be acknowledged.

Yours faithfully,

Sd/-

Special Secretary General Administration
for Chief Secretary to Government Haryana.

Retrenched/Surplus

A copy is forwarded to all the concerned Administrative Secretaries to Government Haryana for information and necessary action.

Sd/-

Special Secretary General Administration
for Chief Secretary to Government Haryana.

To

All the concerned to Administrative Secretaries to Government Haryana.

U.O.No.23/5/2001-2GSIII

Dated, Chandigarh, the 09-01-2004.

Compendium of Instructions on Service Career – Vol. III

No. 23/5/2001-2GSIII

From

The Chief Secretary to Government Haryana.

To

1. All the Heads of Departments in Haryana.
2. The Commissioners of Amabala, Hisar, Rohtak and Gurgaon Divisions
3. The Registrar, Punjab and Haryana High Court, Chandigarh.
4. All the Deputy Commissioners and SDO (c) in Haryana.

Dated, Chandigarh, the 26-2-2004

Subject:- Guidelines regarding surplus and retrenched employees of the State Public Sector and Cooperative Sector Undertakings-Preference in direct recruitment 25% post to be reserved for retrenched employees.

Sir,

I am directed to invite your attention to the Haryana Government letter Nos. 23/5/2001-2 GSIII, dated 18th May, 2001 and subsequent reminders issued on dated 21st March, 2003 and 11-12.2003 on the subject noted above and to say that the 25% future vacancies meant for direct recruitment in Group C & D the retrenched employees of Board/Corporation and other Undertaking be duly considered in terms of the aforesaid policy subject to other conditions laid down there in. It was also made it clear that while sending the demand notice to Haryana Staff Selection Commission and other agencies a note be incorporated that retrenched employees should also be eligible to apply against 25% future vacancies

2 Further it was directed that concerned Administrative Secretaries and Head of Departments should not only ensure that Government instructions are meticulously followed but they should also monitor that these instructions are complied with effectively by the all quarters . It has come to the notice of the State Government that the above said instructions are not being followed in letter and spirit by various departments . The State .Government has taken this very seriously and again direct the concerned departments to implement the policy effectively and send the compliance report by return post but positively by 15.03.2004.

The above instructions may please be brought to the notice of all concerned for strict compliance

Yours faithfully,

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana,

Endst. No. 23/5/2001-2GSIII

Dated, Chandigarh, the 26-2-2004

A copy is forwarded to Secretary, Haryana Staff Selection Commission that while accepting

the demand they should ensure that these instructions are adhered to.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana..

Endst. No. 23/5/2001-2GSIII

Dated, Chandigarh, the

A copy is forwarded to Secretary, Haryana Public Service Commission for information and necessary action.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana..

Endst- No. 23/5/200i-2GSIII

Dated, Chandigarh, the 26-2-2004

A copy is forwarded to all the Financial Commissioner & Principal Secretary all the Administrative Secretaries to Govt. Haryana for information and necessary action.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana

To

All the Financial Commissioner & Principal Secretaries
& All Administrative Secretaries to Government Haryana

U.O-No. 23/5/2001 -2GSIII

Dated, Chandigarh, the 26-2-2004

A copy is forwarded to the Principal Secretary/ DPSCM-I/DPSCM-II/OSD/CM/Private Secretaries to the Chief Minister/Ministers/Ministers of State of information of the Chief Minister/ Ministers/Ministers of State, Haryana.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

To

The Principal . Secretary/ DPSCM-I/DPSCM-III OSD/CM/Private
Secretaries to the Chief Minister/Ministers/Ministers of State Haryana.

UO.No. 23/5/2001 -2GSIII

Dated, Chandigarh, the 26-2-2004

Endst. No. 23/5/2001-2GSIII

Dated. Chandigarh, the 26-2-2004

A copy is forwarded to Member Secretary, Haryana Bureau of Public Enterprises for information and necessary action. He is requested to send the copy of these instructions to all the Boards/Corporations in the State of Haryana for taking necessary action.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

Compendium of Instructions on Service Career – Vol. III

A copy is forwarded to all the Branch Officers/Superintendent/Deputy Superintendent of Haryana Civil Secretariat /F.C. Office for information and necessary action.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

To

All the Branch Officers/Superintendent/Deputy Superintendent of Haryana Civil Secretariat/
F.C. Office

U.O.No. 23/05/2001-2GS.III

Dated, Chandigarh, the 26-2-2004

No. 23/572001-2GSIII

From

The Chief Secretary to Government Haryana.

To

1. All the Heads of Departments in Haryana.
2. The Commissioners Rohtak, Gurgaon, Hisar and Ambala Divisions.
3. The Registrar, Punjab and Haryana High Court, Chandigarh.
4. All the Deputy Commissioners and SDO (Civil) in Haryana State.
5. The Managing Directors/Chief Executive Officers of all the Boards/Corporations/Companies and Cooperative Institutions in Haryana State.

Dated, Chandigarh, the 15-12-2004

Subject:- Guidelines regarding surplus and retrenched employees of the State Public Sector and Cooperative Sector Undertakings.

Sir,

I am directed to invite your attention to Haryana Government letters No. 23/5/2001-2GSIII, dated 06.02.2001, 18.05.2001 and 27.07.2001 vide which detailed guidelines regarding surplus and retrenched employees of State Public Sector and Cooperative Sector Undertakings were issued.

2. The State Government after careful consideration and on humanitarian grounds and as a welfare measure has now decided that in relaxation of the above said guidelines, the Boards/Governing Bodies of State Public Sector and Cooperative Sector Undertakings may fill up existing Group-D vacancies by appointing the retrenched employees only after following due procedure as a one time measure.

3. The above said instructions may please be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana

A copy is forwarded to the following for information and action where necessary: -

1. The Secretary, Haryana Public Service Commission.
2. The Secretary, Haryana Staff Selection Commission,

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

Compendium of Instructions on Service Career – Vol. III

Endst. No. 23/5/2001-2GSIII

Dated, Chandigarh the

A copy is forwarded to all the Financial Commissioners & Principal Secretaries and all the Administrative Secretaries to Govt. Haryana for information and necessary action.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

To

All the Financial Commissioners & Principal Secretaries
& All Administrative Secretaries to Government Haryana

U.O. No. 23/5/2001-2GSIII

Dated, Chandigarh, the 15-12-2004

A copy is forwarded to the Principal Secretary/DPSCM-I/DPSCM-II/OSD/CM/Private Secretaries to the Chief Minister/Ministers/Ministers of State for information of the Chief Minister/Ministers/Ministers of State, Haryana

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

To

The Principal Secretary/DPSCM-I/DPSCM-II/OSD/CM/Private Secretaries Secretaries to the Chief Minister/Ministers/Ministers of State Haryana.

U.O. No. 23/5/2001-2GSIII

Dated, Chandigarh, the 15-12-2004

Endst. No. 23/5/2001-2GSIII

Dated, Chandigarh, the 15-12-2004

A copy is forwarded to Member Secretary, Haryana Bureau of Public Enterprises for information and necessary action. He is requested to send the copy of these guidelines to all the Boards/Corporations in the State of Haryana for taking necessary action.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

A copy is forwarded to all the Branch Officers/Superintendent/Deputy Superintendent of Haryana Civil Secretariats/F.C. Office for information and necessary action.

Sd/-

Special Secretary General Administration,
for Chief Secretary to Government Haryana.

To

All the Branch Officers/Superintendent/Deputy Superintendent of Haryana Civil Secretariat.
F.C. Office

U.O. No 23/05/2001-2GS.III

Dated, Chandigarh, the 15-12-2004

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT

Notification

The 21st June, 2006

No. GSR 13/Const./Art. 309/2006.— In pursuance of the provision as contained in article 309 of the Constitution of India, the Governor of Haryana hereby constitutes a committee consisting of the following officers, to oversee the implementation of the following scheme and to appoint by way of adjustment the retrenched employees of Boards/ Corporations/Public Sector Undertakings Cooperative Federations etc including Government Departments, namely:—

- | | | | |
|----|--|---|----------|
| 1. | Chief Secretary to Government, Haryana. | : | Chairman |
| 2. | Financial Commissioner and Principal Secretary to Government, Haryana, Finance Department | : | Member |
| 3. | Financial Commissioner and Principal Secretary to Government, Haryana, Coordination Department | : | Member |
| 4. | Legal Remembrancer and Secretary to Government, Haryana, Law and Legislative Department | : | Member |

Scheme

The scheme is regarding re-employment of regular retrenched Group C and D employees of Boards/Corporations/Public Sector Undertakings etc., who were retrenched during the period from 1.3 .2000 to 1.3 .2005 against the vacancies of direct recruitment of Group C and D available in the Boards/ Corporations/ Public Sector Undertaking/Co-federations/Urban Local Bodies/Panchayati Raj including the departments of the State Government within a period of six months taking into consideration the following provisions:—

1. The State. Public Enterprises and Apex Co-operative Federations, which have been closed, shall not be re-opened.
2. The regular employees of the Boards/Corporations/Co-operative Federations and other Public Sector Undertakings who have been retrenched on account of closure or restructuring of these organizations between 1st March, 2000 to 1st March, 2005, shall be considered for adjustment
3. The employees who are less than or 55 years of age as on 18-5-2006 shall be considered for adjustment.
4. All vacancies of direct recruitment in Group 'C' posts and in Group 'D' posts in Government Department/Boards/Corporations/ Co-operative Federations/ Public Sector Undertakings/Urban Local Bodies/Panchayati Raj Institutions shall be kept aside for adjustment from amongst retrenched employees.
5. The adjustment of employees retrenched from Boards/Corporations/ Public Sector Undertakings including Co-operative Federations would be treated as special case in itself in the public interest. The adjustment of retrenched employees shall be at the

discretion of the Government and such employees will have no legal right in this regard. Therefore, all Departments/Boards/Slate Public Sector Undertakings and other Government, organizations would send 'requisition for the - number of posts to be filled up from amongst the retrenched employees ... to a Screening Committee to be constituted for the purpose.

6. The adjustment of the employees shall be as a one time measure.
7. The Screening Committee shall devise a scheme with the approval of Chief Minister, on the basis of following broad parameters for adjustment of the retrenched employees, namely:—
 - (i) The adjustment shall be made either on an equivalent post carrying the same designation and nature of duties or on a lower post as per the availability of the vacancies subject to the condition that an employee occupying Group C post at the time of retrenchment shall not be considered for adjustment on a Group D post. The prescribed qualifications and age requirements for the purpose of adjustment of the retrenched employee shall be relaxed in view of his/her past experience incase of equivalent post. However, adjustment of a retrenched employee on a non-equivalent post shall be subject to his/her fulfilling the prescribed qualifications for the concerned post-'
 - (ii) The adjustment shall be made either on an equivalent post carrying the same designation and nature of duties or on a lower post as per the availability of the vacancies subject to the condition that an employee occupying Group 'C', post at the time of retrenchment shall not be considered for adjustment on a Group 'D' post as per appropriate term and conditions.
 - (iii) Group 'D' 'retrenched employees shall be 'considered for adjustment against Group 'D' vacancies and the concept of equivalence of post shall not be applicable.
 - (iv) The eligible persons shall be considered for adjustment on the basis of seniority of age.
8. The adjustment would be subject to the submission by the retrenched employee of an affidavit declaring that the adjustment so provided would be considered as a fresh appointment and he/she would not claim benefit of past service for the period prior to retrenchment or for the period he/she remained out of service as a result of retrenchment in any manner.
9. The Group 'C' posts in Government Departments/Boards/ Corporations etc. against which the retrenched employees are to be adjusted as a consequence of this policy, shall be excluded from the purview of the Haryana Staff Selection Commission with effect from 18.05.2006.
10. This policy is in super-session of any other policy in existence and shall come into effect from 18th May, 2006.

PREM PRASHANT,
Chief Secretary to Government Haryana.

[Authorised English Translation]

GOVERNMENT OF HARYANA
GENERAL ADMINISTRATION DEPARTMENT

Notification

The 26th July, 2006

No. G.S.R. 17/Const./Art. 309/2006.— In pursuance of the provisions as contained in article 309 of the constitution of India, the Governor of Haryana hereby constitutes a Screening Committee consisting of the following officers to act under the Overseer Committee constituted *vide* Haryana Government, General Administration Department, Notification No. GSR.13 /Const/Art. 309/2006, dated the 21st June, 2006, to ascertain the current status and complete the verification process of retrenched employees:—

- | | | | |
|--------|--|--------|------------------|
| (i) | Special Secretary to Government, Haryana
Finance (Budget) Department | : | Chairman |
| (ii) | Commissioner and Director General,
School Education, Haryana | :
: | Member
Member |
| (iii) | Managing Director, Haryana Consumer
(Co-operative Federation Ltd.
(CONFED), Chandigarh | | |
| (iv) | Managing Director,
Haryana Vidyut Prasaran Nigam,
Panchkula | : | Member |
| (v) | Managing Director,
Haryana State Minor Irrigation
Tubewell Corporation, Chandigarh | : | Member |
| (vi) | Director, Panchayats, Haryana | : | Member |
| (vii) | Joint Legal Remembrancer & Joint Secretary
to Government, Haryana | : | Member |
| (viii) | Joint Secretary to Government, Haryana,
General Administration Department | : | Convener |

PREM PRASHANT,
Chief Secretary to Government, Haryana.

Compendium of Instructions on Service Career – Vol. III

MOST IMMEDIATE

No. 23/23/2005-2GS-III

From

The Chief Secretary to Government Haryana,

To

1. All Heads of Departments, Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions
2. All Deputy Commissioners in Haryana
3. All Managing Director/Heads of Boards and Public Sector Undertakings/Corporations in Haryana State.

Dated Chandigarh, the 20.12.2006

Subject:- Adjustment of retrenched employee of Boards/Corporations/ Public Sector Undertakings.
Sir/Madam,

I am directed to refer to the subject noted above and to slate that as per decision taken by the Government of Haryana, recommendations for adjustment of retrenched employees of Boards/Corporations/Public Sector Undertakings were sent to them for issuing appointment letters to different posts. It is observed that most of the Departments/Boards/Corporations etc. have issued adjustment letters to the concerned officials. However it has come to the notice of the State Government that some of the Departments/Boards are insisting for Medical examination/Character verification of such recommendee before issuing adjustment letter(s) to them.

It is again intimated that as per specimen of adjustment letter (copy already enclosed with the recommendations as Annexure IV) medical examination is necessary in the case of recommendees for the posts of Driver only, due to their age factor.

You are, therefore, again requested to issue adjustment letters to all the concerned recommendees after including the general terms and conditions of your Department/ Boards/ Corporations, without verification of their character and antecedents and medical examination for fitness except in the case of drivers, who are only required to be got medically examined before adjustment, under intimation to the Government, immediately.

Yours faithfully,

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government, Haryana.

A copy each is forwarded to all the Financial Commissioners and Principal Secretaries/ Commissioners and Secretaries to Government Haryana for information and necessary action

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government, Haryana

To

All the Financial Commissioners and Principal Secretaries/Commissioners and Secretaries to Government Haryana.

U.O. No. 23/23/2005-2GS-III

Dated Chandigarh, the 20-12-2006

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT

Notification

The 1st February, 2007

No. G.S.R. 2/Const. Art. 309/2007. In pursuance of the provision as contained in article 309 of the Constitution of India, the Governor of Haryana hereby extends the policy notified *vide* Haryana Government General Administration Department Notification No. GSR13 /Const./Art. 309/2006. dated the 21st June, 2006 to Group A and B retrenched employee also for their adjustment as per. terms and conditions laid down in the said notification. In addition to above, compensation in the following manner shall also be given to retrenched regular employees of Group 'A' 'B' 'C' and 'D' categories :—

- (i) To grant a sum of Rs 2.5 lakhs to the family of retrenched employees who had expired after retrenchment and who would otherwise have been eligible for adjustment on 18th May, 2006 i.e. the date of application of the present policy of adjustment of retrenched employees
- (ii) To provide a sum of Rs. 1.0 (one) lakh each to those retrenched employees who were over 55 years of age and less than 58 years of age as on 18th May, 2006

2. The Group 'A' and 'B' posts in Government Departments/Boards/ Corporations etc. against which the retrenched employees are to be adjusted as a consequence of this policy, shall be excluded from the purview of the Haryana Public Service Commission/Haryana Staff Selection Commission, as the case may be, with effect from 18th May, 2006. Further,, relaxation is granted in clause 7(i) of the policy dated the 21st June, 2006, referred to above regarding adjustment of retrenched employees who are under metric and were occupying Group 'C' posts at the time of retrenchment, shall be adjusted on Group 'D' posts,

PREM PRASHANT

Chief Secretary Government / Haryana.

Compendium of Instructions on Service Career – Vol. III

No. 23/99/2007-2GS-III

From

The Chief Secretary to Govt., Haryana.

To

1. All Heads of Departments.
2. Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions and all the Deputy Commissioners in Haryana State.
3. All Managing Directors, of Boards/Corporations in the State.
4. The Registrar, Mahrishi Dayanand University, Rohtak, Kurukshetra University, Kurukshetra/Ch. Charan Singh, Haryana Agriculture ..' University, Hisar/Guru Jambheshwar University, Hisar and Ch. Devi La! University, Sirsa.

Dated Chandigarh, the 27.11.2007

Subject:- Regarding relaxation in Service conditions for adjustment of retrenched employees of Boards/Corporations/Public Sector Undertakings etc.

Sir,

I am directed to invite your attention to Notification No. GSR-13/Const./Art.309/2006 dated 21.6.2006 and No. GSR-2/const./Art.309/2007 dated 1.2.2007 on the subject noted above and to intimate that certain demands submitted by re-employed retrenched employees in various Government Departments/Boards/Corporations have been engaging the attention of the Government for some time past. After careful consideration it has been decided to accept the following demands to the extent indicated against each:

(i) Condition of type test:-

The adjusted regular retrenched employees who have crossed the age of 45 years, shall be exempted from passing the departmental type test wherever required.

(ii) Probation Period:-

It has been decided to relax the condition of probation period of all the adjusted regular retrenched employees,

2. I am to request you to implement the above decisions of the Government in letter and spirit,

Yours faithfully

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Govt., Haryana.

No. 6/32/2007-IGSI

From

The Chief Secretary to Government, Haryana.

To

1. All, the Heads of Departments in Haryana.
2. The Registrar, Punjab and Haryana High Court.
3. The Commissioners Rohtak, Gurgaon, Hisar and Ambala Divisions and all the Deputy Commissioners in Haryana,

Dated, Chandigarh, the 17th January, 2008

Subject: - Non compliance of Section 25 F of the Industrial Disputes Act, 1947.

Sir/Madam,

I am directed to invite a reference to Haryana Government instructions No 62/96/98-6GS1, dated 29.12.1998 wherein all the departments were directed that while retrenching- the services of a workman falling within the ambit of the provisions of Section 25 F of the Industrial Disputes Act, 1947, due procedure laid down therein should be followed rigidly.

2. It has been observed that the Court cases pertaining to retrenchment of services of the workmen by the various departments are normally decided against the Government in the Courts of Law because of non-compliance of the procedure laid down in the Section 25 F of the Industrial Disputes Act, 1947. Resultantly, reinstatement is granted with continuity of service and back wages etc. burdening the State Exchequer.

3. It is, therefore, once again reiterated that the following procedure be meticulously adhered to while retrenching a workman:-

No workman employed in any Industry who has been in continuous Service for not less than one year under an employer shall be retrenched by that employer without strictly observing the following formalities;

- (i) The employer will give one month's clear notice to the workman in writing indicating the reasons for his retrenchment;

OR

he will pay wages to the workman in lieu of notice period before passing order of his retrenchment,.

- (ii) The principle of last come first go must be followed.
- (iii) The employer will also ensure that the compensation equivalent to fifteen days' average pay (for every completed year of continuous service) or an part thereof in excess of six months has been paid to the workman BEFORE the is relieved
- (iv) The employer will also serve notice regarding the retrenchment of the workman to the appropriate Government i.e. State Government (Labour Department) for

Compendium of Instructions on Service Career – Vol. III

information immediately after serving the notice to the workman

4. These instructions should be brought to the notice of all concerned for strict compliance. Non-compliance of these instructions would be viewed seriously by the Government and strict action will be taken against the erring officers/officials.

Yours faithfully,

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government Haryana

A copy is forwarded to all the Financial Commissioners and Principal Secretaries/ Commissioners and Secretaries to Government Haryana for information and necessary action.

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government, Haryana

To

All the Financial Commissioners and Principal Secretaries/ Commissioners and Secretaries to Government Haryana

U.O.No. 6/32/2007-1 GSI

Dated Chandigarh, the 17th January, 2008

Endst.No.6/32/2007-IGSI

Dated, Chandigarh the 17th January, 2008

A copy is forwarded to the following for information and necessary action:-

1. The Managing Directors/ Chief Administrators/ Executives/Member Secretaries of all Boards, and Corporations in Haryana.
2. The Registrars, Maharishi Dayanand University, Rohtak, Kurukshetra University Kurukshetra, Ch. Charan Singh Haryana Agriculture University, Hisar, Guru Jambheshwar University, Hisar and Ch. Devi Lal University, Sirsa, Bhagat Phool Singh Mahila Vishav Vidhyalya, Khanpur (Sonapat),

Sd/-

Deputy Secretary General Administration,
for Chief Secretary to Government Haryana

भाग III

हरियाणा सरकार

सामान्य प्रशासन विभाग

अधिसूचना

दिनांक 28 नवम्बर, 2008

संख्या सा0 का0 नि0 42/संवि0/अनु0 309/2008. - भारत के संविधान के अनुच्छेद 309 में यथा अन्तर्विष्ट उपबन्धों के अनुसरण में, हरियाणा के राज्यपाल, इसके द्वारा, हरियाणा सरकार, सामान्य प्रशासन विभाग, अधिसूचना संख्या सा0का0 नि0 2/संवि0/अनु0 309/2007, दिनांक प्रथम फरवरी, 2007 द्वारा अधिसूचित नीति में, निम्नलिखित संशोधन करते हैं, अर्थात् :-

संशोधन

हरियाणा सरकार, सामान्य प्रशासन विभाग, अधिसूचना संख्या सं0का0नि02/संवि0/अनु0 309/2007, दिनांक प्रथम फरवरी, 2007 में, -

(क) खण्ड (प) के बाद, निम्नलिखित खण्ड जोड़ दिया जायेगा, अर्थात्:-

“(क) छंटनीग्रस्त कर्मचारी जो इस नीति के अनुसार समायोजन के लिये पात्र थे तथा जिनको नियुक्ति पत्र जारी किये गये थे किन्तु इससे पूर्व वे कार्य ग्रहण करते उनकी मृत्यु हो गई थी, के परिवार को 2.50 लाख रुपये की राशि देना :”

(ख) खण्ड (ii) में, -

(i) अन्त में विद्यमान “1” चिह्न के स्थान पर “;” चिह्न प्रतिस्थापित किया जायेगा।

(ii) अन्त में, निम्नलिखित खण्ड जोड़ दिया जायेगा, अर्थात्:-

“(iiक) छंटनीग्रस्त कर्मचारी जो 18 मई, 2008 को 55 वर्ष की आयु से अधिक तथा 58 वर्ष की आयु से कम थे किन्तु जिनकी छंटनीग्रस्त के उपरान्त मृत्यु हो गई थी, के परिवार को 1.00 लाख रुपये की राशि देना ।”

धर्मवीर,

मुख्य सचिव, हरियाणा सरकार।

[Authorised English Translation]

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT

Notification

The 28th November, 2008

No. G.S.R. 42/Const./Art. 309/2008.—In pursuance of the provisions as contained in article 309 of the Constitution of India, the Governor of Haryana hereby makes the following amendment in the policy notified vide Haryana Government, General Administration Department, Notification No. G.S.R. 2/Const./Art. 309/2007, dated the 1st February, 2007, namely :—

AMENDMENT

In the Haryana Government, General Administration Department, Notification No. G.S.R. 2/Const./Art. 309/2007, dated the 1st February, 2007,—

- (a) after clause (i), the following clause shall be inserted, namely :—
 - "(ia) To grant Rs. 2.50 lacs to the family of retrenched employees who were found eligible for adjustment as per this policy and were issued appointment letters but expired before they could join;"
- (b) after clause (ii), the following clause shall be inserted, namely :—
 - "(iia) To grant Rs. 1.00 lacs to the family of retrenched employees who were over 55 years of age and less than 58 years of age on 18th May, 2006, but expired after retrenchment."

DHARAM VIR,

Chief Secretary to Government, Haryana.

VI

RESIGNATION

Copy of U.O. Letter No. 1276-G-52, dated the 5th March, 1952, from the Chief Secretary to Government, Punjab, to all the Administrative Secretaries to Government, Punjab, etc., etc.

According to rule 2.4(b) of the Civil Services Rules (Punjab), Volume II, the employment of temporary Government servants can be terminated by Government by giving them one month's notice and by paying them wages for any period by which such a notice falls short of a month. It has been brought to the notice of Government that appointment letters issued to persons in some departments of Government contain a clause to the effect that the officials/officers concerned will have to give one month's notice or deposit their pay etc. for such a period, in case they intend to resign their posts, while in some other departments such a stipulation is not made. After carefully considering the matter, Government have decided that with a view to having a uniformity of procedure reciprocal arrangements in this respect should exist between the employer, i.e. Government and the employee. Will the Administrative Secretaries to Government, Punjab, please ensure that the procedure laid down above is followed invariably by all appointing authorities under their Administrative control.

Copy of Letter No. 8845-G-54/29154, dated 19th October, 1954 from the Chief Secretary to Government, Punjab to all the Heads of Departments, in the Punjab, etc., etc.

Subject:- **Termination of employment of temporary Government servants.**

I am directed to address you on the subject noted above and to state that in most temporary Departments case is taken to provide in terms of employment that employment is terminable on one month's notice on either side. In some cases, the period of notice may, however, be longer than one month. In order to observe uniformity in this important matter, it has now been decided to adopt it as a general rule that future recruitment of temporary officers and staff, whether technical or other, should take place on the basis that service of the official concerned will be terminable on notice of on one month on either side provided that it will be open to Government, to pay in lieu of notice, the official's salary and allowances, in respect of the period by which the notice given by him falls short of one month. A specific provision in this behalf should, therefore, invariably be made, in future in the terms of appointment of temporary officials.

Copy of Letter No. 2727-G-55/31719, dated 4th June, 1955, from the Chief Secretary to Government, Punjab, to all the Heads of Departments in the Punjab etc., etc.

Subject:- Termination of employment of temporary Government servants.

I am directed to invite a reference to Punjab government letter No. 8845-G-54/29154, dated the 19th October, 1954, on the subject cited above and to say that enquiries have been made from Government whether or not the instructions contained in this letter over-ride the provisions made in some service rules specifying the period of notice which a temporary employee is required to give before he intends to leave service. I am to say that the essential point in the decision conveyed in these instructions was that in case Government wished to get rid of any temporary employee, whether technical or non-technical, it should be possible for them to do so after issuing one month's notice. What the notice should be in case the temporary employee concerned wishes to leave service is a point on which Government do not want to insist on any uniformity. If the service rules in any department provide for periods of notice other than one month, Government would allow the provisions of such rules to prevail. I am accordingly to inform you that the instructions already issued on the subject may be considered to have been amplified to this extent.

Copy of Circular letter No. 4971-GII-58/74171, dated the 22nd September, 1958 from Shri E.N. Mangat Rai I.C.S., Chief Secretary to Government Punjab, to all the Heads of Departments, etc., etc.

Subject:- Resignation by permanent Government servants- Period of notice.

I am directed to invite your attention to the subject of resignation by permanent Government servants and the period of notice required to be given by them when submitting their resignation. Rule 5.9 of the Punjab Civil Services Rules, Volume II, while laying down that a notice of 3 months is to be given to an officer in permanent employ before his services are dispensed with on the abolition of his office, is silent about the notice that is to be given by a permanent Government servant tendering resignation of his appointment of a permanent Government servant becomes legally effective only when it is accepted by the appropriate authority. In other words it is not open to the Government servant to tender his resignation and quit service forthwith or at any time afterwards as he will continue to be in Government service until his resignation is accepted and he is relieved of his duties. It is for the appropriate authority to decide on receipt of a letter of resignation from a permanent Government servant whether or not to accept the resignation.

2. While the legal position is as stated above, I am directed to add that resignations should normally be accepted and unless there are specific reasons which would justify the non-possible, as it would not be in the interest of Government to continue to retain by force the services of a reluctant employee. A resignation must in any case be accepted within three months of the date of the receipt of the letter of resignation. In the light of these instructions resignation of temporary Government servants should be accepted even more speedily than in other cases. Exceptions to this general rule could be made in appropriate cases e.g. cases in which Government has already incurred expenditure on the higher education or training of the Government servant is under liability to serve Government for a fixed term of years or cases in which the conduct of a government servant is under investigation and

there is likelihood of the institution of a departmental enquiry against him. These exceptions are by no means exhaustive. Such cases however, in which Government decides to exercise its right to withhold a resignation or refuse acceptance of it should be very rare and should invariably be referred to the Chief Secretary to Government, Punjab, for orders. I am, therefore, to request that in future all cases in which acceptance of resignation by a permanent Government servant is to be refused should be referred to Government i.e., Chief Secretary to Government, Punjab, giving complete justification for the recommended refusal.

3. These instructions do not take away the powers at present enjoyed by an Administrative Department or other competent authority under the Essential Services Act.

Copy of Punjab Government Letter No. 7464-GII-59/8003, dated the 3rd April, 1959, from Chief Secretary to Government, Punjab, to all the Heads of Departments, etc., etc.

Subject:- Termination of Employment of temporary Government servants- Requirements of one month's notice.

I am directed to refer to Punjab Government letter No. 8845-G-54/2954, dated the 19th October, 1954 on the subject noted above and to say that the condition of one month's notice on either side shall operate in all cases where a temporary employee serving in Punjab State either wished to resign his post or to join a new appointment under the Government of India/Punjab State/ or any where else irrespective of the fact that he applied for the new appointment through the department in which he is serving or that he has been appointed to the post on the recommendation of the Union Public Service Commission, Punjab Service Commission/Subordinate Services Selection Board/ any other such body.

2. A temporary employee who is appointed to a new post within the department in which he is serving may however be exempted from the operation of this condition at the discretion of the competent departmental authority.

Copy of letter No. 12545-G-II-60/2339, dated the 20th/25th January, 1960 from the Chief Secretary to Government, Punjab to all the Heads of Department, etc., etc.

Subject:- Termination of employment of temporary Government servants- Requirement of one month's notice.

I am directed to invite a reference to the instructions issued- vide Punjab government circular letter No. 7464-G-II-58/8003, dated 3rd April, 1959 on the subject cited above and to say that the question whether or not the notice to be given by a temporary government servant to enable him to join a new appointment under another department/State, should be treated as resignation, which will entail forfeiture of his past service, has been under consideration of this department. After careful consideration of the matter, it has been decided that in cases where a temporary Government servant applies for a new appointment through the Head of his Department in which he is serving and the new appointment is within the State Government the notice to be given by him in accordance with the instructions under reference should not operate as a prelude to resignation.

Copy of letter No. 2073-GII-60/9530, dated the 24th March, 1960, from Shri E.N. Mangat Rai, I.C.S., Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject:- Termination of employment of temporary Government servant-Requirement of one month's notice.

I am directed to invite your attention to the instructions contained in Punjab Government circular letter No. 12545-G-II-60/2339, dated the 20th/25th January, 1960 on the subject cited above and to clarify further that, as a temporary Government servant, who has given one month's notice to take up another appointment under the Punjab Government, is not treated as having resigned his post; similarly, in case where a temporary Government servant applies for a new appointment through the Head of his department in which he is serving and the new appointment is under the State Government the payment of one month's pay and allowances made by him in lieu of notice or for the period by which the notice falls short of one month should also not be treated as resignation.

2. The receipt of this communication please be acknowledged.

Copy of Circular letter No. 3936-GII-60/15056, dated 4-5-1960 from Chief Secretary to Government, Punjab to all the Heads of Departments, etc., etc.

Subject:- Re-appointment of Government employees, who resign their posts to contest elections.

I am directed to address you on this subject and to inform you that the question whether or not employees who resign their posts to contest elections should be re-appointed to posts from which they resigned, has been considered by Government. It has been decided that, as a matter of policy, employees who leave Government service in order to take part in elections would not be re-appointed to their original service there after. As ordinary citizens they will, of course, be eligible for applying for job in the Government, but they will not enjoy continuity of services from their previous employment.

2. I am accordingly to request you to bring these instructions to the notice of all Government employees under your control for their information.

Copy of Punjab Government Circular letter No. 6023-7GS-60/25338, dated 26th July, 1960 from the Chief Secretary to Government, Punjab addressed to all the Heads of Departments, etc. etc.

Subject:- Termination of Employment of Temporary Government Servants - Requirement of one month's notice.

With reference to the instruction issued under Punjab Government circular letter No. 12545-G-II-60/2339, dated the 20th January, 1960 and No. 2073-7G-II-60/9530, dated the 24th March, 1960, on the subject cited above, I am directed to say that a question has arisen as to the date from which these instruction should be operative. In this connection, I am to say that these instructions were issued by way of clarifications of the original instructions contained in Punjab Government Circular letter No. 7464-G-II-58/8003, dated the 3rd April, 1959 and as such, would also take effect from the 3rd April, 1959.

Copy of Punjab Circular letter No. 3497-IGS-62/7965, dated 9th March, 1962 from the Chief Secretary to Government, Punjab, to all the Heads of Departments, etc., etc.

Subject:- Termination of employment of temporary Government Servants- Requirement of one month's notice.

I am directed to refer to the instructions issued with Punjab Government circular letter No. 7464-G-II-58/8003, dated the 3rd April, 1959, 12545-G-II-60/2339, dated the 20th January, 1960 and 2073-7G-II-60/9530, dated the 24th March, 1960, on the subject noted above, and to say that after careful consideration, Government have decided that temporary Government employees seeking employment within the State Government with the proper permission of the Head of the Department in which they are serving need not be asked either to give one month's notice or surrender one month's pay in lieu thereof before joining the new Department.

2. These orders are effective from the date of issue and the pending cases may be disposed off in accordance with these instructions.

A Copy of letter No. 5634-2FRI-63/10588, dated the 8th October, 1963 from the Secretary to Government, Punjab, Finance Department, to all the Heads of Departments, etc., etc.

Subject:- Condonation of break in the service of Government employees under Rule 4.23 of Punjab Civil Services Rules, Vol. II.

I am directed to address you on the above subject and to state that the Finance Department have received a number of cases from the Departments embodying proposal for the condonation of breaks by relaxing Rule 4.23 of the Punjab Civil Services Rules, Vol. II or commuting the period of break into extraordinary leave or leave of the kind due of those Government employees who tendered resignations due to domestic reasons and sought re-appointment. Government view with grave concern the tendency on the part of the Government employees to resign their job on flimsy grounds and seek appointment elsewhere in continuation of previous service. This not only hampers smooth working in Government offices, but raised various complications on their reappointment in Government service, such as condonation of break in service caused as result of resignation for purpose of maintaining continuity in service in order to get a benefit of their pre-interruption period of service towards pay, leave and pension. The State Government have, therefore, considered the whole matter and would like to stress that the growing tendency on the part of Government employees to resign their jobs and subsequently ask for reappointment should be curbed and such cases of re-appointment should be examined with care because resignation from public service entails forfeiture of past service in accordance with Rule 4.19(a) of the Punjab Civil Services Rules, Vol. II. It is pertinent to note here that in such cases the condonation of interruption should not be considered as a simple question so as to be regularised by grant of extraordinary leave or leave of the kind due. A lenient view of the matter would encourage the prevailing tendency. Even otherwise regularisation in the manner would run counter to the spirit of Note 7 of Rule 4.23 *ibid*.

2. It is felt that when it may become expedient to reappoint the incumbent against the same post, it may be done by treating him as a fresh entrant because the previous service already stands forfeited under Rule 4.19 (b) *ibid*. if, however, there are overwhelming reasons for condonation of resignation as well as break in service, the proposal should be referred to the Finance Department.

3. The case for the condonation of breaks in service should be examined by the authorities concerned, under Note 7 below Rule 4.23 *ibid* inserted with Punjab Government Finance Department Notification No. 9462-5FRI-61/10726, dated the 4th October, 1961. It is further clarified that interruption condoned under Rule 4.23 *ibid* would carry with it the benefit of linking the pre-interrupted service for purposes of pensionary benefits only without conferring any right for the fixation of pay, accumulation of leave etc. Separate orders will, therefore, be required to be issued by the competent authority for purposes other than pension.

4. The question of break in service should be considered for condonation not at the time of reappointment but soon after the employee has been confirmed in service after reappointment for the reasons that temporary service rendered before confirmation counts only if it is followed by confirmation in terms of Rule 3.17 *ibid*. In other words, it should not be left over for consideration at the time of retirement for the reason that such a course would run counter to the Government policy regarding expeditious disposal of pension cases.

5. The receipt of this communication may please be acknowledged.

Copy of Punjab Government Circular letter No. 6772-10-GS-65/1923, dated the 18th January, 1965 from the Chief Secretary to Government, Punjab, to all the Heads of Department, etc.

Subject:- Termination of employment of temporary Government servants- Provision of notice.

I am directed to invite a reference to Punjab Government letter No. 8845-G-54/29154 dated the 19th October, 1954 on the subject noted above and to state that a number of reference are being received from time to time from various Departments as to whether or not a provision in regard to one month's notice from either side, need be made in the terms of appointments made on *ad hoc* basis, for a specific period, on stop-gap arrangements. It has been decided by the Government that as the appointments in such cases are made on purely temporary basis, no provision for one month's notice from the either side need be made in the terms of appointment of such a candidate. It should be indicated in such cases that the services of the official(s) concerned would be liable to be terminated at any time without any prior notice.

2. The receipt of this letter may please be acknowledged.

Copy of letter No. 4455-1GSII-65/26145, dated the 12th August, 1965, from the Chief Secretary to Government, Punjab, to all the Heads of Department, etc., etc.

Subject:- Resignation from service.

It has been observed by Government that Government officials after giving notice to resign from Government service apply for leave with a view to consuming as much leave as possible before leaving service. Government take a serious view of this trend and are, thereof the opinion that in order to curb this tendency no official should be granted leave during the course of the period of the notice for resigning his service. In case, however, such a Government servant avails of leave during the notice period, it would be deemed to have been extended by the days he remains on leave or would be considered to have fallen short of the days of such leave. In such cases the pay along with allowances may be recovered from the person concerned for the period which falls short of the prescribed notice period. These instructions should please be followed strictly in future.

Copy of Punjab Government Circular letter No. 7868-IGS-65 dated 23rd November, 1965 from the Chief Secretary to Government, Punjab to all the Heads of Departments, etc., etc.

Subject :- Resignation from Service by temporary Government servants - Giving of one month's notice or refund of one month's emoluments in lieu thereof.

I am directed to address you on the subject noted above and to state that it has come to the notice of Government that there is a tendency among the officials who are temporarily employed in Government Departments to abruptly resign the service as soon as they find some better jobs. After submitting their resignations they do not attend office and go on applying for leave till their resignations are accepted. Before their resignations are accepted by the competent authority they are required to deposit one month's pay with allowances as required under the terms of their appointment and to fulfill certain other conditions e.g. production of "No Demand Certificate" from the Capital Project Authorities, furnishing a surety of a permanent employee who should undertake the responsibility of depositing all the dues found outstanding against them at a letter dated etc. etc. It has been observed that some times the Government Servants concerned take a considerable time in completing these formalities with the result that their resignations are accepted long after the actual date of tendering the resignations. A question has been raised whether the recovery of one month's emoluments in such cases should be effected at the rate of pay and allowances a Government servant draws at the time of submitting the resignation or at the rate he would have drawn had he been in service at the time of acceptance of his resignation. After a careful consideration it has been decided by Government that the recovery in such cases should be effected from a Government servant at either of the rates indicated above whichever is higher.

2. These instructions may kindly be brought to the notice of all concerned for information and guidance.
3. These instructions may be brought to the notice of all Government employees under your administrative control for future guidance.

Copy of letter No. 2907-1GSI-66/dated 28-5-1966, from the Chief Secretary to Government, Punjab, to all the Heads of Departments, etc., etc.

Subject:- Condonation of break in service of Government employees who became surplus as a result of reduction of posts due to the present emergency.

I am directed to invite a reference to Punjab Government Circular No. 2295-B&C-63/2831, dated the 23rd March, 1963 regarding economy in expenditure-reduction in Ministerial Staff etc., and to say that the question of condonation of break in service on re-appointment of such employees as were retrenched in the year 1963 as a result of present emergency in pursuance of the instructions under reference, has been engaging the attention of Government for sometime past. After careful consideration of the whole matter and in consultation with the Finance Department, it has been now decided that the break in service of the employee who were retrenched as a result of the present emergency and were subsequently re-appointed in their parent Department, should be condoned.

2. These instructions may please be brought to the notice of all concerned.

Compendium of Instructions on Service Career – Vol. III

No. 681-2GS-67/3215

From

The Chief Secretary to Government Haryana.

To

All Heads of Departments, Commissioner,
Ambala Division, District & Sessions Judges,
and Deputy Commissioners and Sub-Divisional Officers (Civil)
in Haryana.

Dated Chandigarh the 20th/21st February, 1967.

Subject:- Condonation of break in service of Government employees who became surplus as a result of reduction of posts due to the present emergency.

Sir,

Government have had under consideration for some time the question of extending the instructions contained Punjab Government letter No. 2907-1 GSI-66, dated the 28th May, 1966 to cover the case of those employees as well who were retrenched as part of the economy measures that were to be adopted and which were circularised vide F.D. letters No. 6806-B&C-65/19042, dated the 15th/16th October, 1965 and No. 7286-B&C-65/20525, dated the 4th November, 1965, in cases where these employees were subsequently reappointed in their parent departments. It has now been decided that such employees should also be allowed the benefit of the instructions contained in Punjab Government letter of the 28th May, 1966, that is, their break in service is to be condoned in terms of that letter.

2. These instruction may also be brought to the notice of all concerned.

Yours faithfully,

Sd/-

U.S.P.

for C.S.

No. 681-1GSI-67/3216

Dated Chandigarh the 20th/21st February, 1967.

A copy is forwarded to the Accountant General, Haryana Simla, for guidance. This communication issued with the concurrence of the F.D. vide their U.O. No. 260-2 F.R.-67, dated the 16th February, 1967

Copy of letter No. 2050-2GS-68/1950 dated 12th/19th August, 1968 from the Chief Secretary to Government, Haryana to; 1. All Heads of Departments, the Commissioner, Ambala Division; and all Deputy Commissioners and Sub Divisional Officers in Haryana 2. The Registrar, Punjab and Haryana High Court; and all District & Sessions Judges in Haryana and copy to Accountant General, Haryana, Simla, etc., etc.

***Subject:-* Condonation of break in service of Government employees who became surplus as a result of reductions of posts due to the emergency.**

I am directed to invite reference to the instructions contained in Haryana Government letter No. 681-2GS-67/3215, dated the 20th/21st February, 1967, on the subject noted above, wherein it was specified that the break in service of such Government employees as were retrenched as a result of the reduction of posts due to the Emergency or to economy measures, should be condoned in the event of their re-appointment in their parent Departments. The question of extending this benefit to employees who are subsequently re-appointed in Departments other than their parent Departments has now been considered and it has been decided that the break in service should also be condoned in respect of the latter category of employees that is those who are appointed in Departments other than their parent Departments. The seniority of such employees will, however, count from the date they join service in the new Departments and the condonation of the break will thus benefit them only in respect of emoluments and pension.

2. These instructions may please be brought to the notice of all concerned.
-

No. 5510-2GSI-71/28244

From

The Chief Secretary to Government, Haryana

To

1. All Heads of Departments, the Commissioners
Ambala Division, Ambala; all Deputy
Commissioners and all Sub-Divisional
Officers in Haryana.
2. Registrar, Punjab and Haryana High Court;
and all District and Sessions Judges in Haryana.
Dated, Chandigarh, the 5th September, 1971.

Subject:- Absence from duty by a temporary Government servant on the expiry of maximum period of extraordinary leave admissible to him amounts to automatic resignation.

Sir,

I am directed to invite reference to the provisions contained in note 4 of rule 8.137 of the Punjab Civil Services Rules, Volume I, Part I, which provides that “where a Government servant who is not in permanent employ or quasi permanent employ fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him or where such a Government servant, who is granted a lesser amount of extraordinary leave than the maximum amount admissible, remains absent from duty for any period which, together with the extraordinary leave granted, exceeds the limit up to which he could have been granted such leave under this rule, he shall be deemed to have resigned his appointment and shall accordingly cease to be in Government employ.”

2. In this connection I am to forward herewith a copy of the judgement of the Supreme Court delivered in Civil Appeal No. 575 of 1964-Jai Shankar v/s State of Rajasthan wherein it has been observed that action taken under similar provisions as contained in Rule 8.137 of the Punjab Civil Services Rules, Volume I, Part I, amounts to removal from the service and such an action without affording opportunity of showing cause amounts to violations of clause (2) of Article 311 of the Constitution of India.

3. In view of the legal position indicated above it has been decided that in future no action be taken under the provisions of note 4 of Rule 8.137 of the Punjab Civil Services Rules Volume I, Part I and, in such cases, action should be taken in accordance with the procedure as prescribed in Rule 7 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 against the concerned Government Employees.

4. Receipt of this communication may please be acknowledged.

Yours faithfully,

Sd/-

Deputy Secretary, Political and Services,
for Chief Secretary to Government, Haryana.

A copy alongwith a copy of the judgement is forwarded for information and necessary action to the :—

Financial Commissioner Revenue, All Administrative Secretaries in Haryana.

No. 4348-2GSI-72/22271

From

The Chief Secretary to Government Haryana.

To

1. All Heads of Departments, the Commissioner, Ambala Division, Ambala Cantt., all Deputy Commissioners and all Sub-Divisional Officers in Haryana.
2. The Registrar, Punjab and Haryana High Court; and all District and Sessions Judges in Haryana.

Dated, Chandigarh the 28th July, 1972.

Subject:- Termination of employment of temporary Government servants- Requirement of one month's notice.

Sir,

I am directed to refer to the instructions contained in composite Punjab government letter No. 3497-1GS-62/7965 dated 9-3-1962 wherein it was decided that temporary Government employees seeking employment within the State Government with the proper permission of the Head of the Department in which they are serving need not be asked either to give one month's notice or to surrender one month's pay in lieu thereof before joining the new Department. This matter has been further considered and it has been decided that the scope of the above instructions should be extended. So as to cover the temporary Government servants seeking employment under the Government of India with the proper permission of the Head of Department etc. Such temporary Government Servants should also not be asked either to give one month's notice or to surrender one month's pay in lieu thereof before joining the service under the Government of India.

2. These instructions are being issue with the approval of the Finance Department conveyed vide their U.O. No. 2258-2FR-72, dated the 19th July, 1972.

3. (For Commandant General, Home Guards and Director Civil Defence, Haryana Only). This also disposes of his memo No. M-72/55/2603, dated the 18th February, 1972.

Sd/-

Deputy secretary, Political and Services,
for Chief Secretary to Government, Haryana.

No. 2067-2GSI-72/22272

dated, Chandigarh, the 28th July, 1972.

A copy is forwarded to the Accountant General, Haryana, Simla for information.

No. 6277-2GSI-72/30745

From

The Chief Secretary to Government Haryana.

To

1. All Heads of Departments, the Commissioner, Ambala Division, Ambala, all Deputy Commissioners and all Sub-Divisional Officers in Haryana.
2. The Registrar, Punjab and Haryana High Court; and all District and Sessions Judges in Haryana.
Dated, Chandigarh the 24th October, 1972.

Subject :- Absence from duty by a Government servant on the expiry of maximum period of five years amounts automatic resignation.

Sir,

I am directed to invite a reference to the provisions contained in Rule 3.25 of the Punjab Civil Services Rules, Volume I, Part I, which provide as under :-

- (1) No Government servant shall be granted leave of any kind for a continuous period exceeding five years.
- (2) Where a Government servant does not resume duty after remaining on leave for a continuous period of five years, or where a Government servant after the expiry of his leave remains absent from duty, otherwise than on foreign service or on account of suspension, for any period which together with the period of the leave granted to him, exceeds five years, he shall, unless the competent authority in view of the exceptional circumstances of the case, otherwise determine be deemed to have resigned and shall accordingly cease to be in Government employ.

2. In this connection, attention is invited to Haryana Government letter No. 5510-2GSI-71/28244, dated the 14th October, 1971 with which a copy of the judgement of the Supreme Court delivered in Civil Appeal No. 575 of 1964- Jai Shankar Vs. State of Rajasthan was forwarded to you and wherein it was observed that action taken under similar provisions as contained in Rule 8.137 of the Punjab Civil Services Rules, Volume I, Part I, amounts to removal from the service and such an action, without affording opportunity of showing cause amounts to violation of clauses (2) of Article 311 of the constitution of India. Keeping in view the legal position indicated above, it was decided that, in future, no action should be taken under the provisions of note 4 below Rule 8.137 of the Punjab Civil Services Rules Volume I, Part I, and that, in such cases, action against the concerned Government servant should be taken in accordance with the procedure as prescribed in Rule 7 of the Punjab Civil Services (Punishment & Appeal) Rules, 1952.

3. Government have now been advised that the judgement of the Supreme Court referred to in para 2 above will also have to be kept in view while taking action under Rule 3.25 of the Punjab Civil Services Volume I, Part I, particularly, in view of the Supreme Court Judgement in Writ Petition 217-of 1968 Deokinandan Prasad V/s the State of Bihar- AIR 1971-S.C. 1409 (Extract from the Judgement enclosed for ready reference). The Supreme Court had announced this Judgement with reference to the

provisions of Rule 76 of Bihar Service Code (1972), which are similar to the provisions contained in Rule 3.25 of Punjab Civil Services Rules Volume I, Part I. Accordingly it has been decided that in future, while taking action under the provisions of rule 3.25 of the Punjab Civil Services Rules Volume I, Part I, the procedure, as laid down in Rule 7 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952, should be strictly followed.

4. These instructions may kindly be noted for careful compliance and should be brought to the notice of all concerned. Receipt of this communication may also be acknowledged.

Yours faithfully,

Sd/-

Deputy Secretary, Political and Services,
for Chief Secretary to Government, Haryana.

Extract taken from AIR 1971 Supreme Court 1409 (v 58 c 20)

Deokinandan Prasad, petitioner Vs. The State of Bihar and other Writ Petition No. 217 of 1968. Dated the 4th May, 1971.

(A) Civil Services-Bihar Service Code (1952), Rule 76-Though the rule prescribe automatic termination of service for continuous absence for 5 years an order passed to that effect without giving opportunity to Government servant offends Article 311 of Constitution - (X-Ref :- Constitutions of India, Article 311). (para 25)

23. A contention has been taken by the petitioner that the order dated August 5, 1966 is an order removing him from service and it has been passed in violation of Art. 311 of the Constitution. According to the respondents there is no violation of Art. 311. On the other hand, there is an automatic termination of the petitioner's employment under Rule 76 of the Service Code. It may not be necessary to investigate this aspect further because on facts were have found that Rule 76 of the Service Code has no application. Even if it is a questions of automatic termination of service for being continuously absent for over a period of five years, Art. 311 applies to such cases as is laid down by this Court in *Jai Shankar Vs. State of Rajasthan* 1966-SCR 825(AIR 1966) Sc. 492). In that connection this court had to consider Regulation No. 13 of the Jodhpur Service Regulations, which is as follows:-

An individual who absents himself with permission or remains absent without permission for one month or longer after the end of his leave should be considered to have sacrificed his appointment and may only be reinstated with the sanction of the competent authority.

24. It was contended on behalf of the State of Rajasthan that the above regulation operated automatically and there was no question of removal from service because the officer ceased to be in the service after the person against whom such an order was proposed to be passed, no passed, no matter how the regulation described it. It was further held to give no opportunity is to go against Art. 311 and this is what has happened here.

25. In the case before us even according to the respondents a continuous absence from duty for over five years, apart from resulting in the forfeiture of the officer also amounts to misconduct under Rule 46 of the Pension. It is admitted by the respondents that no opportunity was given to the petitioner to show cause against the order proposed. Hence there is a clear violation of Article 311. Therefore, it follows even on this ground the order has to be quashed.

Compendium of Instructions on Service Career – Vol. III

No. 468-2GSI-75/1858

From

The Chief Secretary to Government Haryana.

To

1. All Heads of Departments
Commissioner, Hisar and Ambala Divisions,
All Deputy Commissioners and all Sub-Divisional
Officers (Civil) in Haryana.
2. The Registrar, Punjab and Haryana High Court ;
and all District and Sessions Judges in Haryana.

Dated, Chandigarh, the 28th January, 1975.

Subject:- Condonation of break in service of Government employees.

Sir,

I am directed to invite your attention to the instructions issued by the Finance Department in their letter No. 5634- 2FR-I-63/10588 dated the 8th October, 1963 on the subject noted above (copy enclosed) in which concern of Government was expressed with regards to the tendency on the part of Government employees to resign their jobs on flimsy grounds and seek appointment after elsewhere in continuation of previous service. It was considered that this not only hampered smooth working in Government offices, but raised various complications on their re-appointment in Government service, such as, condonation of break of Government service caused as a result of resignation, for purpose of maintaining continuity in service in order to get a benefit of their pre-interruption period of service towards pay, leave and pension. It was, therefore, laid down in these instructions that when it may become expedient to re-appoint the incumbents against the same post, it might be done by treating him as a fresh entrant because the previous service stood forfeited under Rule 4.19 of the Punjab Civil Services Rules Vol. II. If, however, there were overwhelming reasons for condonation of resignation as well as break in service, the proposal was to be referred to the Finance Department for their acceptance.

2. The matter has been further examined by the Government and it has been decided that cases of the type mentioned in Finance Department letter dated the 8th October, 1963 should be referred to the Chief Secretary to Government, Haryana, in General Services (I) Branch, giving complete justification for the proposal, for advice, before they are sent to the Finance Department for their approval.

3. The above instructions may kindly be brought to the notice of all concerned for strict compliance in future. Receipt of these instructions may also kindly be acknowledged.

Yours faithfully,

Sd/-

Deputy Secretary, Political and Services,
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to the :—

Financial Commissioner, Revenue, All Administrative Secretaries to Govt. Haryana.

क्रमांक 5045-2 जी.एस. 1-76/22038

प्रेम

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

- (1) हरियाणा सरकार के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप-मण्डल अधिकारी ।
 - (2) रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश ।
- दिनांक, चण्डीगढ़, 17 अगस्त 1976

विषय :- अंतर्राष्ट्रीय संस्थानों विदेशी सरकारों के अधीन पदों पर राज्य सरकार के अधिकारियों की नियुक्ति-विदेश नियुक्ति के दौरान उनके त्याग-पत्र स्वीकार किये जाने बारे में ।

महोदय,

उपरोक्त विषय पर आपको सम्बोधित करते हुए मुझे यह कहने को निदेश हुआ है कि राज्य सरकार के अधिकारियों/कर्मचारियों को अंतर्राष्ट्रीय संस्थाओं विदेशी सरकारों के अधीन प्रतिनियुक्ति पर इस कारण भेजा जाता है ताकि अधिकारियों/कर्मचारियों द्वारा विदेश में प्राप्त किए गए अनुभव का राज्य सरकार में सदुपयोग किया जा सके, परन्तु इस बारे में सरकार के नोटिस में यह बात आई है कि कई बार विदेशी नियुक्ति के दौरान राज्य सरकार के अधिकारी/कर्मचारी अपने सेवा से त्याग-पत्र दे देते हैं जिसे विभागों द्वारा स्वीकार कर लिया जाता है इस बारे में ध्यानपूर्वक विचार करने के पश्चात् सरकार ने यह निर्णय लिया है कि यदि राज्य सरकार का कोई अधिकारी/कर्मचारी विदेशी नियुक्ति के दौरान अपने पद से त्याग-पत्र देता है तो उसके त्याग-पत्र को स्वीकृत करने से पहले सम्बन्धित अधिकारी/कर्मचारी को देश लौटकर पैतृक विभाग में अपने पद का कार्यभार सम्भालने के लिए कहा जाए तथा ऐसा किए जाने के बाद ही उसके त्याग-पत्र को स्वीकार करने पर विचार किया जाए । यहां पर यह भी स्पष्ट किया जाता है कि इन हिदायतों के अनुसार किसी अधिकारी द्वारा स्वेच्छा से रिटायर होने के उसके हक पर कोई रोक नहीं है, यदि वह स्वेच्छा से रिटायर होने का पात्र है।

2. आपसे अनुरोध किया जाता है कि उपरोक्त हिदायतों को अपने अधीन कार्य कर रहे सभी अधिकारियों के नोटिस में लाया जाए तथा इन हिदायतों का कठोरता से पालन किया जाए ।

3. कृपया इस पत्र की पावती भेजी जाए ।

भवदीय,

हस्ता/-

उप सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

एक-एक प्रति वित्तायुक्त, सभी प्रशासकीय सचिव, हरियाणा सरकार को भेजी जाती है तथा अनुरोध किया जाता है कि उनसे सम्बन्धित अर्ध-सरकारी संस्थाओं तथा अटानोमस बाडीज़ आदि को इसी प्रकार की हिदायतें जारी की जाएं ।

No. 13(1) 80-2GSIII

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners, Hissar and Ambala Divisions, All Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
2. The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated, Chandigarh, the 21st October, 1980.

Subject :- Withdrawal of Resignation/ Condonation of break in service of Government employees.

Sir,

I am directed to refer to the instructions contained in Finance Department letter No. 5634-2FRI 62/10588, dated the 8th October, 1963 wherein it has been laid down that :—

- (i) when it may become expedient to re-appoint an incumbent who has resigned his job, against the same post, it may be done by treating him as a fresh entrant because the previous service stands forfeited under Rule 4.19(b) of Punjab Civil Service Rule Volume II;
- (ii) if there are over-whelming reasons for condonation of resignation as well as break in service, the proposal should be referred to the Finance Department;
- (iii) the question of break in service should be considered for condonation not at the time of re-appointment but soon after the employee has been confirmed in service after re-appointment for the reasons that temporary service rendered before confirmation counts only if it is followed by confirmation in terms of Rule 3.17 of Punjab Civil Services Rules Volume II.

2. It was further laid down in Haryana Government circular letter No. 468-2GSI-75/1858, dated 8-1-75 that cases of the type mentioned in Finance Department circular letter dated the 8th October, 1963 should be referred to the Chief Secretary to Government, Haryana, giving complete justification for the proposal, for advice before they are sent to the Finance Department for their approval.

3. For some time past, the entire matter has been under the consideration of the Government and the following clarification are issued in this behalf :-

- (i) Re-appointment of an incumbent against the same post without condoning the break in service should be made only when it becomes expedient to do so and a reference by the appointing authority either to the Chief Secretary (General Services Branch) or to the Finance Department is not necessary. However, in such cases approval of the Haryana Public Service Commission/S.S.S. Board, as the case may be, should be obtained. The instructions/rule with regard to age, medical fitness verification of antecedent etc., issued by the Government from time to time, should also be meticulously followed in such cases.

Resignation

- (ii) In cases where fresh appointment is not be made and break in service is proposed to be condoned for over-whelming reasons, the above action would not be necessary and the cases should be submitted to this department in accordance with the instructions contained in the Haryana Government letter No. 468-2GS-75/ 1858, dated 28-1-1975.
4. The above instructions may kindly be brought to the notice of all concerned for compliance.
5. Receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/-

Joint Secretary, Administration
for Chief Secretary to Government, Haryana.

No. 13(1)80-2GSIII

dated, Chandigarh, the 21st October, 1980.

A copy is forwarded for information to the Secretary to Government, Haryana, Finance Department with reference to his U.O. Nos. 1/2(8)-80-2FRII, dated 1-4-80 and 1/2(8)-80 2FRII, dated 15-7-80.

Compendium of Instructions on Service Career – Vol. III

No. 13/17/88-2GS-III

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners Ambala and Hissar Divisions, All Deputy Commissioners and S.D.Os (Civil) in Haryana.
2. Registrar, Punjab and Haryana High Court and all District and Session Judge in Haryana.

Dated, Chandigarh, the 13th March, 1989.

Subject:- **Resignation/Withdrawal/Acceptance.**

Sir,

I am directed to invite your attention to Govt. instructions bearing No. 4791-G-II-58/74171, dated 22nd Sept., 1958, on the above noted subject and to say that it has been observed for some time that the notices of resignation are not accepted within the prescribed period as laid down in the instructions, with the result complications arise in cases where resignation is withdrawn even though the period of notice has expired. In order to avoid any such complications. It is stressed that prompt action may be taken as soon as the notice of resignation is received and efforts made to convey the acceptance or non-acceptance of the resignation, as the case may be, within the stipulated period. It is further impressed that unless the Govt. employee himself relinquishes the charge on the expiry of notice, the resignation may be accepted from the date of issue of the orders and not from retrospective effect. The withdrawal of notice of resignation may also be permitted within the notice period and before its acceptance only.

2. It is requested that action in accordance with the above may be taken strictly.

Yours faithfully,

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

Enst. No. 13/17/88-2GS-III

Dated Chandigarh, the 13th March, 1989.

A copy is forwarded to all Chief Administrators/Managing Directors of Boards/Undertakings of Haryana Government for information and necessary action.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all Financial Commissioners and Administrative Secretaries to Government, Haryana for information and necessary action.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

No. 13/5/96-2GS-III

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments,
The Commissioners. Ambala, Hissar Division and
Gurgaon Division and all the Deputy Commissioners &
2. Registrar, Punjab and Haryana
High Court and all District and
Sessions Judge in Haryana.

Dated, Chandigarh, the 21st, November, 1996.

Subject:- Reappointment of Government employees, who resign their posts to contest elections.

Sir,

I am directed to refer to instructions issued *vide* Punjab Government circular letter No. 3936-G. II-60/15056, dated 4-5-1960 on the subject cited above, conveying the policy decision of the Govt. that employees who leave Government service to take part in elections would not be re-appointed to their original service thereafter. As ordinary citizens they will, however, be eligible for applying for jobs in the Government, but they will not enjoy continuity of services from their previous employment.

2. It has been observed by the Govt. that these instructions are not being followed strictly. I have been further directed to reiterate that the said instructions should be observed meticulously in letter and spirit in future by all appointing/controlling authorities.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Govt. Haryana.

A copy each is forwarded for information and necessary action to :-

1. The Financial Commissioner, Revenue Haryana.
2. All Administrative Secretaries to Govt., Haryana.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Govt., Haryana.

To

1. The Financial Commissioner, Revenue, Haryana.
2. All Administrative Secretaries to Govt., Haryana.

U.O. No. 13/5/96-2GS-III

Dated Chandigarh, the 21st Nov., 1996

VII

EXTENSION

Copy of letter No. 8562-G-55/16922, dated the 29th June, 1955 from the Chief Secretary to Government, Punjab, to all the Heads of Departments in the Punjab, etc., etc.

Subject :— Finding ways and means to deal with unsuitable Officers in a more expeditious manner than at present.

I am directed to invite a reference to Note 1 to Rule 5.32 of Punjab Civil Services Rules Volume II, under which Government retains an absolute right to retire any Government servant after he has completed 25 years' qualifying service without giving any reasons, etc., and to say that with a view to dealing with unsuitable Government servants in a more expeditious manner, than at present, it has been decided to amend this rule so as to enable Government to examine the record of a Government servant, first on completion of ten years' qualifying service, then at the completion of fifteen years' qualifying service and thereafter at any time, with the object of retiring an unsuitable Government servant compulsorily from service. The powers, thus assumed by Government will not be exercised, except when it is in public interest to dispense with the further services of a Government servant such as on account of inefficiency or dishonesty. Thus, these powers are intended for use—

- (i) against a Government servant whose efficiency is impaired but against whom it is not desirable to make formal charges of inefficiency or who has ceased to be fully (i.e., when a Government servant's value is clearly incommensurate with the pay he draws) but not to such a degree as to warrant his retirement on a compassionate allowance. It is not the intention to use these powers as a financial weapon, that is to say, the powers should be used only in the case of Government servants who are considered unfit for retention on personal as opposed to financial grounds.
- (ii) in cases where reputation of corruption is clearly established even though no specific instance is likely to be proved under the Punjab Civil Services (Punishment and Appeal) Rules Appendix 24 of Volume I, Part II, or the Public Service (Inquiries) Act, XXXVII of 1850.

2. Compulsory retirement effected in pursuance of this decision does not amount to "dismissal" or "removal" within the meaning of Article 311 (2) of the Constitution of India and it is not, therefore, necessary to give the Government servant concerned an opportunity to show cause against the proposed action. No gazetted Government servant shall, however, be retired without the approval of the Council of Ministers. In all cases of compulsory retirement of gazetted Government servants belonging to the State Services, the Punjab Public Service Commission shall be consulted. In the case of non-gazetted Government servants, the Heads of Departments might effect such retirement with the previous approval of the State Government.

3. This decision will apply to all employees under the rule making control of the Punjab Government, whether existing or future.

4. Necessary amendment to Rule 5.32 of the Punjab Civil Services Rules, Volume II, will issue in due course.

5. I am to request that these instructions may be brought to the notice of all officers/officials working under you and necessary action may be taken in appropriate cases.

Copy of Punjab Government Circular letter No. 1707-GII(C)-58/9255, dated 1st April, 1958, from the Chief Secretary to Government, Punjab, addressed to all the Heads of Departments etc., etc.

Subject:— **Finding ways and means to deal with unsuitable officers in a more expeditious manner than at present.**

Sir,

I am directed to refer to Punjab Government letter No. 5980-G-II(C)-57/10/10778, dated the 19th June, 1957, on this subject where it was decided that no one should be finally retired from service under the instructions contained in Punjab Government letter dated the 29th June, 1955, till the actual amendment of Rule 5.32 of the Punjab Civil Services, Rules, Volume II has been carried out. Necessary amendment of Rule 5.32 *ibid* has since been made,—*vide* Punjab Government notification, dated the 30th September, 1957, a copy of which was endorsed to all Heads of the Departments,— *vide* Punjab Government endorsement No. 6755-FR-I-57/10285, dated the 30th September, 1957. Action can now, therefore, be taken against officers/officials found unsuitable for retention in service after considering their record of service and reputation according to the instructions contained in Punjab Government letter No. 8562-G-55/16922, dated the 29th June, 1955.

2. Government have also decided that in order to ensure fair and objective consideration of such cases, a regular procedure should be prescribed. Accordingly a Committee to be called the Standing Committee for Compulsory Retirement, to screen all cases of compulsory retirement has been set up, and orders will be found in Punjab Government notification No. 1707-G-II(C)-58/9257, dated the 1st April, 1958, which has been endorsed to all Heads of Departments separately. Following procedure should be followed in referring cases to the Standing Committee :—

In the case of gazetted Government servants

- (i) A case against a gazetted Government servant should first be thoroughly dealt with in the Administrative Department concerned. They will examine the personal file of the officer concerned, consider his reputation and serve him with a notice and call an explanation from him. In case they come to a tentative decision that the compulsory retirement of the officer is necessary, they will refer the case to the Punjab Public Service Commission for advice. On receipt of the Commission's advice, the case will then be put up to the Chief Secretary for consideration by the Standing Committee for Compulsory Retirement. After the Standing Committee have given their recommendation, the case will be routed to the Cabinet through the Minister concerned.

In the case of non-gazetted Government servants

- (ii) The Head of Department and the Administrative Department should complete all preliminaries. When a case is completed in all respects, e.g., the serving of a show cause notice, calling for an explanation, etc., and the Administrative Department proposes to take action under the amended rule, the matter will be referred to the Standing Committee for their advice. It will not be necessary in the case of non-gazetted Government servants to refer the matter to the Council of Ministers. In

case where the case does not have to go the Minister concerned, the decision of the Standing Committee should be final, but where the case is required to go the Minister it should be submitted to him with the recommendation of the Standing Committee. Instructions contained in Punjab Government letter No 8562-G-55/16922, dated the 29th June, 1955, should be deemed to have been modified to the extent indicated in this letter.

3. I am to request that these instructions may be brought to the notice of all officers/officials working under you and necessary action may now be taken in appropriate cases.

Copy of Punjab Government Circular letter No. 55-GII-59/1344, dated 3rd January, 1959 from the Chief Secretary to Government, Punjab, to all the Heads of Departments etc., etc.

Subject : — Finding ways and means to deal with unsuitable officers in a more expeditious manner than at present.

I am directed to refer to Punjab Government letter No. 1707-GII(C)-58/9255, dated the 1st April, 1958, on the subject cited above, where the procedure for referring cases of unsuitable officers intended to be compulsorily retired, to the Standing Committee was laid down and to say that whenever an Administrative Department sends up a case of compulsory retirement to the Standing Committee of compulsory retirement for consideration, the Administrative Department concerned should send a complete self contained memorandum along with show-cause notice, the explanation of the officer/official concerned, a complete statement showing the full service record of the officer, his personal file and all other relevant documents, e.g. advice of Public Service Commission, etc., which have a bearing on the subject. Six sets of all these documents (except the actual personal file which may be forwarded in original) will be required for the members of the Standing Committee and the Secretary of the Committee. Administrative Department's own memorandum as finalized by them with the relevant documents will be put up to the Standing Committee for consideration along with the comments of the Secretary to the Committee, if necessary.

2. Its receipt may please be acknowledged.

Copy of Circular letter No. 374I-8GS-63/9352, dated the 19th March, 1963 from Shri Saroop Krishan, I.C.S., Finance Commissioner, Planning and Additional Chief Secretary to Government, Punjab, addressed to all the Heads of Departments, etc., etc.

Subject : — Revised System of Earned Leave, Holidays and Working Hours.

In continuation of Punjab Government letter No. 73 65-GS-60/3 0440, dated the 29th August, 1960 on the subject noted above, I am directed to clarify that in the matter of earned leave all temporary employees whether appointed for a period of less than six months or more will unless there are specific conditions in the terms of their appointment to the contrary, be governed by leave rules applicable to temporary employees as contained in Part C of Section III of Chapter VIII of the Punjab Civil Services Rules, Volume I, Part I.

2. These instructions are brought to the notice of all concerned for guidance. The receipt of this communication may also be acknowledged.

**Copy of Punjab Government Circular letter No. 5410-3GS-63/11926, dated the 28th March, 1963
from Chief Secretary to Government, Punjab, to all the Heads of Departments, etc., etc,**

Subject: — Age of compulsory retirement—raising of.

I am directed to say that the question of raising the age of compulsory retirement has been considered by the Government and it has been decided to raise the age of compulsory retirement of State Government employees from 55 years to 58 years with effect from the 1st December, 1962, subject to the exception that, the age of retirement of patwaris, ministerial staff and Class IV Government employees, including new entrants will remain 60 years in case this practice is being followed according to the rules governing their service conditions.

2. A Government employee who attained the age of compulsory retirement on or after 1st December, 1962 or who was on leave preparatory to retirement or proceeded on such leave on or after 1st December, 1962, will not be entitled to the benefit of the increased age of compulsory retirement unless he is permitted to resume duty after the appointing authority is satisfied that he is efficient and physically fit.

3. Government employees who had already retired before 1st December, 1962, or who were on refused leave on 1st December, 1962, beyond the date of compulsory retirement are not entitled to resume duty under these orders. Those employees, however, who on 1st December, 1962, were on refused leave beyond the date of compulsory retirement may be re-employed, if.

4. Government employees who are on extension in service on the date of the issue of these orders may be allowed to continue in service up to the age of 58 years.

5. Scientific and technical personnel may be given extension in service or re-employment beyond 58 years subject to the instructions issued in the matter from time to time.

Amendment made,—vide Punjab Government Circular letter No. 5599-3 GS-63/12652, dated 8th April, 1963.

6. Notwithstanding anything contained in the foregoing paragraphs, the appointing authority may require a Government employee to retire after he attains the age of 55 years on three months notice without assigning any reason. This will be in addition to provisions already contained in Rule 5.32 of the Punjab C.S.R., Volume II, to retire an officer who has completed 10 years qualifying service and will normally be exercised to weed out unsuitable employees after he has attained the age of 55 years. A Government employee may also, after attaining the age of 55 years, voluntarily retire after giving three months' notice to the appointing authority.

7. Detailed instructions for regulating the period between the date of compulsory retirement of the Government employees who have already attained the age of compulsory retirement and the date they are permitted to resume duty by the appointing authority under paragraph 2 above, and other conditions, will follow.

8. The orders shall apply to all Government employees in the integrated State.

9. Necessary amendments to the rules will be issued separately, in due course.

10. These orders issued in consultation with the Finance Department,—vide their U.O. No. 723-(2)-FRI-63, dated the 8th March, 1963 and U.O. No. 3736-FR1-63, dated the 28th March, 1963.

*[Published in the Punjab Government Gazette, Legislative Supplement Ordinary,
dated the 31st May, 1963]*

PART III

HOME DEPARTMENT

NOTIFICATION

The 23rd May, 1963

No. G.S.R. 123/Const/Art. 309/63.—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 and in supersession of all the corresponding rules issued in this behalf, and in force for the time being, the Governor of Punjab is pleased to make the following rules for regulating the appointment and conditions of service of persons appointed to the Punjab State (Class IV) Service :—

Short title, commencement and application.

1. (1) These rules may be called the Punjab State (Class IV) Service Rules, 1963.
- (2) They shall come into force from the date of their publication in the PUNJAB GOVERNMENT GAZETTE,
- (3) They shall not apply to any person for whose appointment and conditions of service special provision is made by or under any law for the time being in force.

Definitions—

2. In these rules, unless, the context otherwise requires—
 - (a) “Direct appointment” means an appointment made otherwise than by promotion within the service or by transfer of an official already in the service of the Government of a State or the Government of India;
 - (b) “Government” means the Punjab Government in the Administrative Department;
 - (c) “Head of Department” means the authority as defined in Rule 2.25 of the Punjab Civil Services Rules, Volume I, Part I, and includes any other authority who is specially appointed by the Government to exercise the powers of a Head of Department for the purposes of these rules;
 - (d) “Head of Office” and the authority as defined in Rule 2.26 of the Punjab Civil Services Rules, Volume I, Part I; and
 - (e) “Service” means the Punjab State (Class IV) Service.
3. All appointments to posts in the Service shall be made by the Heads of Departments and Heads of Offices, as the case may be ; provided that the Heads of Departments or the Heads of Offices may delegate these powers to their subordinate officers in respect of appointments to posts in their offices, for the purpose of this rule.

Authorities empowered to make appointments.

4. (1) No person shall be appointed to the Service, unless he is —
- (i) a citizen of India ; or
 - (ii) a subject of Sikkim ; or
 - (iii) a subject of the State of Pondichery; or
 - (iv) a person of Indian origin, who has migrated from Pakistan with the intention of permanently setting in India —

Provided that, subject to the issue of a certificate of eligibility in his favour, a subject of Nepal or a Tibetan who came over to India before the 1st January, 1962, with the intention of permanently setting in India, may also be appointed to any post in the service :

Provided further that a candidate belonging to category (iii) or (iv) above must be a person in whose favour 'a certificate of eligibility had been given by the competent authority, and if he belongs to category (iv) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

Nationality and domicile.

- (2) A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the 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 given to him by the competent authority.

5. "No person shall be recruited to the Service by direct appointment unless he —

Character

- (a) produces certificates of character from two responsible persons, not being his relatives, who are well acquainted with him in private life;
- (b) is not less than 16 years and not more-than 35 years of age on the date of appointment;

Age and other qualifications.

- (c) has not more than one wife living, and in the case of a woman, is not married to a person already having a living wife:

Provided that the Government may, if satisfied that-there- are special grounds for doing so, exempt any- person from the operation of this clause ; and

- (d) possesses the requisite knowledge of the regional languages and of English as maybe prescribed by the Government from time to time:

Provided that the appointing authority may, if it is of the opinion that the candidate is otherwise fit to discharge his duties satisfactorily, relax any of the qualification prescribed under this clause.

Method of appointment

- 6. (1) Posts in the service shall be filled —
 - (a) in the case of posts carrying the grades of Rs.30—1/2—35 ;
 - (i) by direct appointment or
 - (ii) by transfer or deputation of an official already in the service of the Government; and
 - (b) in the case of other posts in the Service carrying higher grades —
 - (i) by direct appointment; or
 - (ii) by promotion from the officials working in the next lower grades ; or
 - (iii) by transfer or deputation of an official already in the service of the Government:

Provided that in the case of an appointment by promotion, the appointing authority shall satisfy itself about the capability of the official to perform the duties of the posts for which he is selected.

- (2) The appointing authority shall ensure that the grounds of ignoring a senior official in favour of a junior one are invariably recorded in writing and the proportion fixed by it for filling up the posts by promotion and otherwise is maintained.

- (3) When any vacancy occurs or is about to occur in the service, the Head of Department or the Head of Office, as the case may be, shall determine the manner in which it shall be filled keeping in view the proportion fixed under clause (2) above.

- (4) No official shall have any claim to appointment by promotion or transfer as of right.

Number and character of posts

- 7. The Service shall comprise the posts classified as Class IV, within the meaning of Rule 1.2 of Punjab Civil Service Rules, Volume I, Part I, and nothing in these rules shall affect the inherent right of the Government to make additions or reductions in the cadre of the Service either permanently or temporarily.

Probation of member of the service

8. (1) Persons appointed to the Service shall remain on probation for a period of two years :

Provided that—

- (a) any period, after appointment to the Service, spent on deputation on a corresponding or a higher post shall count towards the period of probation or probation fixed under this rule ;
- (b) in the case of an appointment by transfer, any period of work in similar rank or above, prior to appointment to the Service may, at the discretion of the Government, be allowed to count towards the period of probation fixed under this rule ; and
- (c) an officiating appointment in the Service shall be reckoned as a period spent on probation but no member who has thus officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent post.

(2) If the work or conduct of a person appointed to the Service during the period of probation is, in the opinion of the appointing authority, not satisfactory, it may —

- (a) dispense with his services, if recruited by direct appointment; or
- (b) if recruited otherwise —
 - (i) revert him to his former post; or
 - (ii) deal with him in such other manner as the terms and conditions of his previous appointment permit.

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

- (a) if he was appointed against a permanent vacancy confirm such person from the date of his appointment or if he was not so appointed, confirm him from any date following such appointment from which a permanent vacancy exists ; or
- (b) if there is no permanent vacancy, declare that he has completed his probation satisfactorily; or
- (c) if his work or conduct has, in its opinion, not been satisfactory, (i) dispense with his services, if recruited by direct appointment; or (ii) if recruited otherwise revert him to his former post; or (iii) deal with him in such other manner as the terms and conditions of his previous appointment permit; or
- (d) extend his period of probation and thereafter pass such orders as it would 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.

9. The seniority *inter se* of members of the Service holding the posts in the same grade, shall be determined with reference to the date of their appointment to such posts:

Provided that after joining they have continuously served on such posts; and:

Provided further that if two or more members are appointed in the same grade on the same date, their seniority shall be determined as follows —

- (a) a member recruited by direct appointment shall be senior to a member recruited otherwise;
- (b) a member recruited by promotion shall be senior to a person recruited by transfer;
- (c) in the case of members who are recruited by promotion seniority shall be determined according to their seniority in the appointments from which they are promoted ;
- (d) in the case of members recruited by transfer from the same office, seniority shall be determined according to seniority in the appointments previously held in that cadre ;
- (e) in the case of members who are recruited by transfer from different departments or offices of the Government, 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 rate of pay drawn be the same, an older member shall be senior to a younger member; and
- (f) in the case of members recruited by direct appointment seniority shall be determined by their age, an older member being senior to a younger member:

Provided that in the case of members recruited by direct appointment the order of merit, if any, drawn up at the time of the selection shall not be disturbed and persons recruited as a result of an earlier selection shall be senior to those appointed as a result of a subsequent selection.

Provided further that in the case of members whose period of probation is extended under Rule 7, the date of appointment for the purposes of this rule shall be deemed to have been deferred to the extent the period of probation is extended.

10. Members of the Service shall be entitled to such scales of pay as may be sanctioned from time to time for the posts to which they are appointed.

Pay of members of the service

11. In respect of leave, pension and other cognate matters not specifically mentioned in these rules, the members of the service shall be governed by the Punjab Civil Services Rules or such other

rules are from time to time framed or issued under the proviso to Article 309 of the Constitution of India.

Leave, Pension etc.

12. Every member of the service shall be liable to transfer under the orders of the appointing authority prescribed in rule 3 from posts within their respective classes of appointment to other posts in the Department and also any where within the jurisdiction of such authority.

Liability to transfer

13. (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.

Authorities empowered to impose penalties and right of appeal

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 as specified in Appendix 'A' to these rules ;

(2) the authority competent to pass an order reducing or withholding the maximum pension admissible under the rules governing pension and terminating the appointment otherwise than upon reaching the age fixed for superannuation and the appellate authority shall be as specified in Appendix 'B' to these rules.

Liability for vaccination and revaccination

14. Every member of the Service shall have himself vaccinated or revaccinated when the Government so directs by a 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 to relax

16. Where the Government is satisfied that the operation of any of the rules causes undue hardship in any particular case, it may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

APPENDIX 'A'
[See Rule 13 (1)]

Designation of officials	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority
1	2	3	4	5
All Class IV servants employed in Government Department	Head of Department concerned	(a) Censure		
		(b) Withholding of increments or promotion;		
		(c) Recovery from pay of whole or part of any pecuniary loss caused to Government by negligency of breach of order ;		
		(d) Reduction to a lower post or time scale or to a lower stage in a time scale;	Head of Department concerned.	Government
		(e) Suspension ;		
		(f) Removal from service which does not disqualify for future employment;		
		(g) Dismissal from service which ordinarily disqualifies from future employment ;		
All Class IV servants employed in Government concerned. offices	Head of Office concerned.	All the above penalties from (a) to (g)	Head of Office concerned	Heads of Department

APPENDIX 'B'

[See Rule 13 (2)]

Designation of officials	Appointing Authority	Name of Order	Authority empowered to pass original orders	Appellate authority
All Class IV servants employed in Government Department	Head of Department concerned	(i) Reducing the maximum amount of ordinary pension admissible under the rules governing pensions. (ii) Termination of appointment otherwise than upon reaching the age fixed for superannuation	Head of Department concerned	Government
All Class IV servants employed in Government Offices	Head of Office concerned.	Above orders (i-ii)	Head of Office concerned	Head of Department concerned

**Copy of Punjab Government Circular Setter No. 14089-3GS-63/35196,
dated 16th September, 1963 from the Chief Secretary to Government. Punjab,
to All Heads of Departments, etc., etc.**

Subject :— Age of compulsory retirement—raising of.

I am directed to invite reference to Punjab Government letter No. 5410-3GS-63/11926, dated the 28th March, 1963, on the subject noted above and to set out the following clarifications in respect of it.

1. (i) In the terms of para 2 of that letter a Government employee who attained the age of compulsory retirement on or after 1st December, 1962, or who was on leave preparatory to retirement or proceeded on such leave on or after 1st December, 1962, is entitled to the benefit of the increased age of compulsory retirement only if he is permitted to resume duty after the appointing authority is satisfied that he is efficient and physically fit. In respect of physical fitness, it will be sufficient if a certificate to that effect from a Civil Surgeon is furnished and examination by a Board, etc. will not be necessary.
- (ii) As regards the period between the date of compulsory retirement (at 55 years) and the date he was permitted to resume duty, this period will be treated as leave of the kind due. The amount of pension, death-cum-retirement gratuity and Provident Fund, already drawn by the Government employee will, however, have to be refunded by him together with interest, within two months of the issue of these orders.
- (iii) A Government employee whose date of birth is 1st December, 1907 and who was due to retire on 1st December, 1962, on attaining the age of 55 years is eligible for the benefit of the enhanced age of compulsory retirement. It is immaterial in such a case whether he finally relinquished or handed over charge on the afternoon of 30th November, 1962, or on 1st December, 1962.
2. (i) In accordance with rule 8.21 of C.S.R., Volume I, Part I, the leave due to a Government employee would be treated as lapsed on his attaining the age of 55 years which has hitherto been the date of superannuation. The leave which has been treated as lapsed or would have so lapsed will now be revived and furthermore such a Government employee will continue to earn and enjoy leave under the normal rules till he reaches the age of 58 years.
- (ii) The leave that could be carried forward by such a Government employee beyond the age of 55 years in the terms of 8.21 of C.S.R., Volume 1, Part I, will cease to have the attributes of refused leave and will not automatically be granted to him, on his attaining the age of 58 years. For purposes of that rule, therefore, it will be necessary for him to apply again for leave preparatory to retirement, in sufficient time, before he attains the age of 58 years. If the leave so applied for, is refused in the public interest, he may be granted such refused leave after the age of 58 years. In view, however, of the extended age of retirement, the leave, preparatory to retirement will now be refused most sparingly.
- (iii) In the case, however, of a Government employee who has after 1st December, 1962 already retired after attaining the age of 58 years or who has less than six months to attain such age from the date of issue of these orders, the refused leave, if any.

Copy of letter No. 4776-3GS(I)-64/15823, dated 19th/21st May, 1964, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

Subject :— Age of compulsory retirement—raising of.

I am directed to invite reference to para 6 of Punjab Government letter No- 5410-3GS-63/1926, dated the 28th March, 1963, according to which the appointing authority may require a Government employee to retire after he attains the age of 55 years on 3 months notice without assigning any reason. In order to ensure uniformity in the operation of this provision and also equitable treatment in all cases, it has been decided to observe the following criteria and procedure for the purpose.

- (i) Six months before a Government employee attains the age of 55 years, his record should be carefully examined by the appointing authority, and a provisional judgement formed as to whether he should be retired on attaining the age of 55 years. This decision should be made well in advance so that in the event of retirement being finally decided upon, a notice could be given to the Government employee concerned, at least 3 months before the date on which he is to attain the age of 55 years and his retirement, given effect to at that age.
- (ii) When the appointing authority has reasonable cause to believe that a Government employee is lacking in integrity, it would be appropriate to consider him for premature retirement, irrespective of an assessment of ability or efficiency in work.
- (iii) In a case in which a Government employee's integrity is not in doubt but his physical or mental condition is such as to make him inefficient for further service, it would be appropriate to consider him for premature retirement.
- (iv) A Government employee who has been assessed as "average" should not be retired at the age of 55 years. The test whether a Government employee should be allowed to continue upto the age of 58 years should not, for obvious reasons, be as rigorous as the one applied in consideration when extension in service is allowed beyond the age of superannuation otherwise the power to grant extension would have been sufficient and there would have been no need to raise the age of retirement itself. In considering whether an officer/official falls below the average standard, the question may sometimes arise as to whether he should be judged with reference to the requirements of his substantive grade or those of the grade in which he has been officiating. It is not unusual, for instance, for a Government employee who has earned good reports in his substantive grade to prove inadequate in his officiating grade. Ordinarily his fitness to continue in service upto the age of 58 years may be judged in relation to his substantive grade, and if he is good enough for that grade but not for the higher grade in which he has been officiating, he may be reverted to his substantive grade but retained in service. There may be difficulties when a Government employee has been officiating in a higher grade for a long time and it appears unlikely that he would put his heart into his work after reversion. This, however, is a question on which no hard and fast rules can be laid down and each case will have to be considered on its own merits.

- (v) Once it is decided to retain Government a employee beyond the age of 55 years he should be allowed to continue upto the age of 58 without any fresh review unless this is justified by any exceptional reasons, such as his subsequent work or conduct or the state of his physical health, which may make earlier retirement clearly desirable. It is felt that in order that a Government employee who is cleared for continuance at a stage of attaining the age of 55 years may settle down to another three years of work with a sence of security and those working under him accept his control and discipline without any reservation an annual review between the age of 55 years and 58 years would not be desirable.

2. Government further observe as under in continuation of Punjab Government letter No. 18790-3GS(1)-64/ - 5569, dated the 19th February, 1964 : —

- (a) Government employees who are permitted to resume duty under para 2 of Punjab Government circular letter “No. 5410-2GS-62/11926, dated the 28th March, 1963 on account of extension of age of superannuation from 55 to 58 years, should be allowed actual expenses incurred by them on travelling both ways. subject to the condition that these should in no case exceed the amount of travelling allowance, ordinarily admissible under the Rules to such employee without prejudice to their claim to T.A. on final retirement at the age of 58 years in conformity with Government instructions contained in Punjab Government letter No. 9219-FR(1)60/ 1625, dated the 9th February, 1961.
- (b) It has been laid down in para 1 (ii) of Punjab Government circular letter ‘N0. 14089-3GS-(1)-63/35196, dated the 13th/16th September, 1963 that the period between the date of compulsory retirement of a Government employee (at 55 years) and the date on which he was permitted to resume duty, would be treated as leave of the kind due. A point has been raised as to how the leave preparatory to retirement already availed of by such a Government employee would be treated. In this connection it is stated that the leave preparatory to retirement already enjoyed in such cases will have to be re-classified as earned leave upto the extent of 120 days and the balance as half pay leave. The remaining gap upto the date of joining if any, will also have to be covered by the grant of half pay leave or extraordinary leave as the case may be, in terms of Punjab Government circular letter referred to above.

These orders issues in consultation with the Finance Department *vide* their U.O. reference No. 2298-IFRI-64, dated the 13th/14th April, 1964 and No. 3467-(5)-FRII 64, dated the 7th/8th April. 1964.

3. The receipt of this letter may kindly be acknowledged.
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**Copy of circular letter No. 5582-3GSI-65/21354, dated 11th June, 1965, from the
Chief Secretary to Government, Punjab addressed to all Heads of Departments, etc., etc.**

Subject :— Age of compulsory retirement—raising of.

I am directed to invite a reference to para 3 of the Government letter No. 14089-3GS-63/35196, dated 13th/16th September, 1963, where it was mentioned that a Government employee who was required to retire or who himself chose to retire under para of the 6 Punjab Government letter No. 5410-3GS-63/11926, dated the 28th March, 1963, might be allowed the leave due and admissible to him provided it did not extent beyond the date on which he attained the age of 58 years. In this respect, a further question has arisen whether a Government employee who is required to retire or who himself chooses to retire under para 6 of Punjab Government letter No. 5410-63/11926, dated the 28th March, 1963 could also be granted leave preparatory to retirement under rule 8.116 (iii) of the Punjab Civil Services Rules, Vol. I, Part-1. Since leave applied for and granted before retirement ending with the date of retirement should he treated as leave preparatory to retirement irrespective of the Government employee retiring at the age of 55 years or 58 years, it has been decided that the leave applied for by such Government employees should be regulated under rule 8.116 (iii) of the Punjab C.S.R. Volume 1, Part 1,

3. The receipt of this communication may be acknowledged
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No. 4449-2GS-68/22951

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Deputy Commissioners and Sub Divisional Officers in Haryana.
2. The Registrar, Punjab and Haryana High Court and all District and Sessions Judges in Haryana.

Dated, Chandigarh, the 3rd September, 1968.

Subject:— Age of compulsory retirement—Change in the criteria for retention of Government employees in service beyond the age of 55 years.

Sir,

I am directed to invite reference to composite Punjab Government letter No. 4776-3GS(1)-64/15823, dated the 19th/21st May, 1964 on the subject noted above (copy enclosed) wherein detailed instructions were issued for dealing with the cases of Government employees for retention in service beyond the age of 55 years and to say that the matter has been considered further by Government. The aforesaid instructions provide *inter alia* that a Government employee whose record of service is assessed as “average” or (better) should not be retired at the age of 55 years but should be allowed to continue in service beyond that age, the different categories of records being (i) outstanding (ii) very good (iii) good (iv) average and (v) below average. It has now been decided that those instructions should be modified to the extent that only employees with “good” (or better) records, that is categories higher than “average”, should be retained in service beyond 55 years and those with “average” records should not be permitted to remain in service beyond that age. In other words, “average” should be substituted by “good” at all the relevant places in the instructions which were issued in May, 1964.

2. As in the case of the original orders, the modified instructions are applicable to all Departments of Government and may be noted for careful compliance.
3. The receipt of this letter may please be acknowledged.

Sd/-

Deputy Secretary Political and Services,
for Chief Secretary to Government, Haryana.

Copy of U.O. No. 4689-1GS-69, dated 26-8-69

Subject:— Age of compulsory retirement—Change in the criteria of Government employees in service beyond the age of 55 years.

Will the Financial Commissioner Revenue and all Administrative Secretaries to the Government Haryana, kindly refer to the subject cited above and to instructions contained in letter No. 4449-2GS-68/22951, dated 3-9-1968, which lay down inter alia that employees with good or (better) records of service only should be retained in service beyond the age of 55 years.

2. It has been observed that these instructions are not being applied uniformly by the various departments and there have been instances in which decision in respect of officials with similar records of service have been entirely different, as it is essential to maintain a measure of uniformity in the assessment of the record of official for the purpose of retention in service beyond the age of 55 years, it has been decided that in this matter the advice of the Chief Secretary (in General Services Branch) should invariable be obtained in all cases where as decision is to be taken at the Secretariat level. It is, therefore, requested that all such cases should be referred to the Chief Secretary for advice well in advance of the date final decision is due to be taken.

The receipt of this communication may kindly be acknowledged.

**सरकार के परिपत्र क्रमांक 4406-4 जी. एस. 1-70-13634, दिनांक 4-6-70 की प्रति,
सभी विभागाध्यक्षों को सम्बन्धित इत्यादि, इत्यादि**

विषय : अनिवार्य सेवा निवृत्ति की आयु बढ़ाना

श्री मान जी,

मुझे उपर्युक्त विषय पर सरकारी परिपत्र संख्या 4776-3 जी.एस.-64/15823, दिनांक 19/21 मई, 1964 (सरकारी परिपत्र संख्या 4449-2 जी. एस. 68/22951, दिनांक 3 दिसम्बर, 1968 द्वारा संशोधित) की ओर ध्यान दिलाने तथा यह कहने का निर्देश हुआ है कि कर्मचारी के अभिलेख का निर्धारण करते समय उसकी सरकारी सेवा में प्रवेश करने से लेकर सभी वार्षिक गोपनीय रिपोर्टों पर विचार किया जाता है। ऐसा विचार है कि यह पद्धति असंतोषजनक है, विशेषतया ऐसी स्थिति में जब कर्मचारी विशेष के पिछले 9 या 10 वर्ष का कार्य आरम्भ के वर्षों के कार्य से बहुत भिन्न स्तर का हो। क्योंकि ऐसे निर्धारण का मुख्य उद्देश्य निर्धारण अधिकारी द्वारा यह निर्णय लेना है कि क्या सम्बन्धित कर्मचारी राज्य सरकार के लिए अगले तीन वर्षों में उपयोगी सिद्ध हो सकता है। (जब उसने 55 वर्ष की आयु पूरी की हो) इसलिये पहली रिपोर्ट की अपेक्षा हाल ही की रिपोर्ट अधिक उपयुक्त और सार्थक होगी। जिसमें से बहुत सी रिपोर्ट कर्मचारियों के निनुग्रेड से भी सम्बन्धित हो सकती है। अतः यह निश्चित किया गया है कि जब तक अन्यथा कार्यवाही करने के लिए विशेष और आपवादिक कारण न हों, साधारणतया भविष्य में ऐसा निर्धारण कर्मचारी को पिछली केवल 10 वर्षों की वार्षिक गोपनीय रिपोर्टों पर आधारित होना चाहिए। ऐसे केस हो सकते हैं जहां किसी कर्मचारी का कार्य उच्चतर स्थानापन्न वेतनमान में असन्तोषजनक रहा हो और यह देखा जाना उचित हो कि क्या उसे सेवा निवृत्त किया जाना चाहिए या उसे मूल निचले वेतनमान में प्रत्यवर्तित किया जाना चाहिए। ऐसे केसों में अभिलेख के सभी सम्बन्धित इन्दराजों का निरीक्षण करना स्पष्ट रूप से आवश्यक होगा, चाहे वे दस वर्ष से पहले के समय से सम्बन्धित हों।

2. कृपया इस पत्र की पावती भेजी जाए और इसमें उल्लिखित अनुदेशों को विधिवत पालनार्थ नोट किया जाए।

**Copy of letter No. 4658-1GS-70/20719, dated 6-8-1970, from the Chief Secretary to Government,
Haryana to all Heads of Departments.**

Subject:— Age of compulsory retirement raising of.

I am directed to invite reference to the composite Punjab Government letter No. 14089-3GS-63/35196 dated the 13th/16th September, 1963 and to say that in the terms of para 3 of that letter a Government employee who is required to retire or who himself chooses to retire under Rule 5.32 of the C-S.R. Volume II may be granted the leave due and admissible to him provided it does not extend beyond the date on which the employee concerned attains the age of 55 years. The matter has been examined further and it has to be made clear that the term “the leave due and admissible” in this context should be taken to mean not all kinds of leave due and admissible to the employee but only leave preparatory to retirement, which in the terms of Rule 8.116 (III) of the Punjab C.S.R., Volume I, Part-1 is limited to 180 days. This clarification may please be noted for strict observance and may also be brought to the notice of all the officials working under you. As regards cases, if any, in which Government employee have already been allowed leave in excess of the leave preparatory to retirement as provided under the rules, these should be regularised in consultation with the Finance Department.

2. The receipt of this letter may kindly be acknowledged.
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No. 113-4GSI-73/1611

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments ; the Commissioner Ambala Division ;
all Deputy Commissioners ; and all Sub Divisional Officers in Haryana.
2. The Registrar, Punjab and Haryana High Court; and all District and Sessions Judges
in Haryana.

Dated, Chandigarh, the 18th January, 1973

**Subject :— Age of compulsory retirement—change in the criteria of Government employees in
service beyond the age of 55 years.**

Sir,

I am directed to refer to the instructions issued *vide* Haryana Government U.O. No. 4689-1GS-69, dated 26-8-69 (copy enclosed) which are to the effect that all cases regarding retention in service beyond the age of 55 years in which the decision had to be taken at the Secretariat level, should be referred to the Chief Secretary, for advice before passing orders, while the other cases should be decided by the Heads of Departments concerned, in that connection. I am to say that the matter has been reviewed and it has been decided that whereas the procedure for dealing with cases in which the decision has to be taken at the Secretariat level should be maintained without any change, the other cases namely the cases of all Class III officials should be decided by the Heads of Departments after obtaining the advice of the Administrative Secretaries concerned and not otherwise.

2. These instructions may please be complied with strictly and may also be brought to the notice of all officers/ officials working under you.
3. The receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/-

Deputy Secretary Political and Services,
for Chief Secretary to Government, Haryana

No. 113-4GSL72/1612,

dated Chandigarh, the 18th January, 1977.

A copy is forwarded to the Accountant, General Haryana, Chandigarh for information.

**प्रतिलिपि क्रमांक 1287-4 जी. एस. - I-73/7365, दिनांक 22-3-73 राजनैतिक एवं सेवायें
कृते: मुख्य सचिव, हरियाणा सरकार द्वारा सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल
आदि को सम्बोधित है ।**

**विषय :— अनिवार्य सेवा निवृत्ति की आयु 55 वर्ष आयु से आगे सरकारी कर्मचारी को सेवा में रखने की
कसौटी में परिवर्तन ।**

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान सरकार की हिदायतों क्रमांक 113-4 जी. एस. I-73/1611, दिनांक 18-1-73 (जिसमें यह निहित है कि भविष्य में सभी श्रेणी III के कर्मचारियों को 55 वर्ष से आगे सेवा में रखने का निर्णय विभागाध्यक्ष प्रशासकीय सचिव की राय लेने के बाद किया करें तथा उसके बगैर नहीं) की ओर दिलाऊं और कहूं कि इस मामले की आगे जांच की गई और निम्नलिखित निर्णय लिया गया है । उपरोक्त हिदायतें केवल उन श्रेणी III के कर्मचारियों पर लागू होंगी जिनके नियुक्ति प्राधिकारी विभागाध्यक्ष हैं और जिनको 55 वर्ष आयु से आगे सेवा में रखने का निर्णय सम्बन्धित विभागाध्यक्ष ही लिया करते थे । दूसरे श्रेणी III कर्मचारियों, जिनके नियुक्ति प्राधिकारी विभागाध्यक्ष से नीचे के स्तर के अधिकारी हैं, 55 वर्ष आयु से आगे सेवा में रखने का निर्णय उनके नियुक्ति प्राधिकारी अपने से ऊपर के स्तर के प्राधिकारी की मंत्रणा प्राप्त करने के बाद तथा उस मंत्रणा के अनुसार लेंगे ।

2. आपसे अनुरोध है कि इन हिदायतों को ध्यान पूर्वक नोट पर लिया जाये तथा इनकी दृढ़ता से अनुपालना के लिये इनको अपने अधीन सभी अधिकारियों/कर्मचारियों के नोटिस में लाया जाये ।

3. कृपया इस पत्र की पावती भेजें ।

संख्या 5663-4 जी.एस. I-73/26498

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मंडल, सभी उपायुक्त तथा उप मण्डल अधिकारी।
2. रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश

दिनांक, चण्डीगढ़, 23 अक्टूबर, 1973 ।

विषय:- अनिवार्य सेवा निवृत्ति की आयु - सरकारी कर्मचारियों का 55 वर्ष के बाद सेवा में रखा जाना।

महोदय,

मुझे निदेश है कि मैं संयुक्त पंजाब सरकार के परिपत्र क्रमांक 4776-3 जी.एस. (I) - 64/15823, दिनांक 21-5-64 में जारी की गई हिदायतों की ओर आपका ध्यान दिलाऊँ। इन हिदायतों में और बातें के साथ यह भी व्यवस्था की गई थी कि जहाँ नियुक्ति प्राधिकारी को ऐसा समझाने का कारण हो कि एक सरकारी कर्मचारी की ईमानदारी पर शक है तो उसे समय से पूर्व सेवा से रिटायर करने के बारे में विचार करना चाहिए और ऐसा करते समय इस बात से कोई अन्तर नहीं पड़ना चाहिए कि वह अच्छा काम करने की क्षमता रखता है। इसके पश्चात् हरियाणा सरकार के परिपत्र क्रमांक 4406-4 जी.एस.-I-70/13634, दिनांक 4-6-70 द्वारा यह हिदायतें जारी की गई थी कि इस प्रश्न पर निर्णय, कि क्या एक सरकारी कर्मचारी उस पद पर जिस पर वह उस समय नियुक्त था सेवा में 55 वर्ष की आयु की प्राप्ति के बाद रखा जायेगा, कि उसे निचले पद पर रिवर्ट कर दिया जाये, उसके पिछले 10 वर्षों के सेवा रिकार्ड के आधार पर किया जाये।

2. इस मामले की आगे जांच की गई है और अब सरकार ने यह निर्णय किया है कि जहाँ तक सरकारी कर्मचारी की ईमानदारी का सम्बन्ध है उसकी सारी सेवा के रिकार्ड पर विचार किया जाना चाहिए और जिस सरकारी कर्मचारी की ईमानदारी पर कभी भी उसकी सेवा के दौरान शक प्रकट किया गया हो उसे 55 वर्ष की आयु के पश्चात् सेवा में नहीं रखा जाना चाहिए।

3. उपरोक्त स्थिति के अनुसार आचरण पंजी में प्रतिकूल टिप्पणियों को जांचते समय उन हिदायतों का अवश्य ध्यान रखा जाए जिनके अनुसार यह जरूरी है कि प्रतिकूल टिप्पणी को विचार में लाने से पहले उन्हें कर्मचारी को सूचित किया गया हो, तथा उन हिदायतों को भी ध्यान में रखा जाये जिनमें यह व्यवस्था की गई है कि प्रतिकूल टिप्पणी कम से कम दो अधिकारियों द्वारा लिखी जानी चाहिए (कर्मचारी जो कि केवल एक ही प्राधिकारी के मातहत काम करते हैं वह इन हिदायतों के तहत नहीं आते)। (परिपत्र क्रमांक 5515-ए.एस.-I;61/25297, दिनांक 11-7-61, कन्सोलीडेटेड इन्स्ट्रक्शन के पैरा 5 तथा 6 तथा 10) केवल वही प्रतिकूल टिप्पणियाँ जो कि उपरोक्त वर्णित हिदायतों

के अनुसार हो, सरकारी कर्मचारियों को 55 वर्ष की आयु से आगे सेवा में रखते समय विचार में लाया जाए ।

4. कृपया इस पत्र की पावती भेजी जाए ।

भवदीय,
हस्ता / -
उप सचिव,
राजनैतिक एवं सेवाएं,
कृते: मुख्य सचिव, हरियाणा सरकार ।

पृ. क्रमांक 5663-4 जी.एस. 73/26499,

दिनांक चण्डीगढ़ 23 अक्टूबर, 1973 ।

एक प्रति महालेखाकार वित्तियुक्त राजस्व, हरियाणा, हरियाणा सरकार के सभी प्रशासकीय सचिव, प्रधान सचिव/सचिव/निजी सचिव मुख्य मंत्री, मंत्रीगण, राज्य मंत्री हरियाणा सरकार चण्डीगढ़ को सूचनार्थ भेजी जाती है ।

क्रमांक 185-4 जी. एस-I-74/941

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मंडल, सभी उपायुक्त तथा उप मण्डल अधिकारी।
 2. रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश ।
- दिनांक, चण्डीगढ़, 11 जनवरी, 1974 ।

विषय : अनिवार्य सेवा निवृत्ति की आयु सरकारी कर्मचारी का 55 वर्ष के बाद सेवा में रखा जाना ।

महोदय,

मुझे निर्देश हुआ है कि मैं आपका ध्यान संयुक्त पंजाब सरकार के पत्र क्रमांक 4776-3 जी. एस (I)-64/15823, दिनांक 21-5-64 के पैरा I(V) में जारी की गई हिदायतों की ओर दिलाऊँ जिनमें यह व्यवस्था की गई थी कि जब एक बार किसी कर्मचारी को 55 वर्ष की आयु के बाद सेवा में रखने का निर्णय किया जाता है तो उसे 58 वर्ष की आयु तक सेवा में बिना किसी रिव्यू के रहने दिया जाए जब तक कि ऐसे रिव्यू के लिए विशेष औचित्य न हो जैसे की उसका बाद का काम या आचरण या उसके स्वास्थ्य की स्थिति आदि ।

2. इस बारे में अब यह स्पष्ट किया जाता है कि ऐसे केसों में 55 वर्ष की आयु की प्राप्ति के बाद यदि रिव्यू करना जरूरी हो तो ऐसा निम्नलिखित में से किसी कारण के आधार पर किया जाना चाहिए ।

- (1) 55 वर्ष की आयु की प्राप्ति पर सेवा में रखे जाने के बारे में निर्णय लेने के पश्चात् वददयानती की शिकायत नोटिस में आना ।
- (2) बीमारी जो कि बहुत गंभीर हो या जिसके कारण वह चल फिर न सके ।
- (3) काम में बहुत ज्यादा खराबी ।
- (4) 55 वर्ष की आयु की प्राप्ति पर सेवा में रखे जाने के निर्णय के पश्चात् पहली रिपोर्ट का सामान्य स्तर से नीचे का होना ।

3. यह हिदायतें आपके नीचे काम करने वाले अधिकारियों के नोटिस में दृढ़ता से पालन करने के लिए ला दी जाएं और इस पत्र की पावती भेजी जाए ।

भवदीय,

हस्ता / -

उप सचिव, राजनैतिक एवं सेवाएं,
कृते: मुख्य सचिव, हरियाणा सरकार ।

क्रमांक 185-4 जी. एस.-I-74/942

दिनांक 11 जनवरी, 1974

एक प्रति महालेखाकार हरियाणा, चण्डीगढ़ को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है ।
वित्तियुक्त राजस्व, हरियाणा ।

हरियाणा के सभी प्रशासकीय सचिव, प्रधान सचिव, सचिव/निजी सचिव/मुख्य मंत्री/मंत्रोगण/राज्य मंत्री, हरियाणा सरकार ।

No. 4884-4GSI-74/22627

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners Ambala and Hissar Divisions, All Deputy Commissioners and Sub Divisional Officers in Haryana.
2. The Registrar, Punjab and Haryana High Court, and All District & Sessions Judges in Haryana.

Dated, Chandigarh, the 24th September, 1974.

Subject :— Retention in service of Class I and Class II Officers in the State beyond the age of 50 years.

Sir,

I am directed to invite your attention to the Finance Department Notification No. 4118-2FR-74/24848, dated 12th July, 1974, according to which part (C) of Rules 5.32 and 5.32-A of the C.S.R-Volume II has been amended to the effect that the officers in Class I or Class II Service of the Haryana Government, who entered Government Service before attaining the age of thirty-five years, can be retired from service on or after they have attained the age of fifty years, by the appointing authority, on serving three months notice, and without assigning any reason in order to ensure uniformity and equitable treatment in all cases covered by the rules (as amended), it has been decided to observe the following procedure and criteria in this regard :—

- (i) All instructions issued by Government from time to time regarding review of cases of Government employees for retention in service beyond the age of 55 years will become applicable in the cases of retention of Government officers in service beyond 50 years of age.
- (ii) Advice of the Chief Secretary (in the General Service 1 Branch) should invariably be obtained before a final decision is taken by the appointing authority to retain or retire a person on attaining the age of 50 years.
- (iii) Henceforth, in the case of Government Officers covered by the above referred amended rule, there will be two reviews, one at the age of 50 years and the other at the age of 55 years.
- (iv) Once it is decided to retain an officer in service beyond the age of 50 years, he should be allowed to continue upto 55 years of age without any further review during the intervening period unless :—
 - (1) reports or facts have come to notice which reflect adversely upon the integrity of the officer; or
 - (2) his health has deteriorated to an extent that it renders him unfit to work efficiently on the post; or,

- (3) there has been a marked deterioration in his work.

What has been said above in regard to period between 50-55 years of age shall similarly be applicable in respect of the period between 55-58 years of age after the second review at the age of 55 years.

2. The condition laid down in para 2(4) of Haryana Government letter No- 185-4GS-I-74/941, dated the 11th January, 1974 that a review can be made after 55 years of age if the first confidential report obtained by the officer after it has been decided to retain him in service beyond 55 years of age is below average, is hereby withdrawn and will henceforth not be applicable.
3. The cases of the officers who have already crossed 50 years age and are between 50-53 age group should be reviewed immediately. Cases of those officers who are between 53-55 years age group should also be reviewed now but there will be no second review in their case at the age of 55 years.
4. These instructions may please be noted for careful compliance.
5. The receipt of this letter may also please be acknowledged-

Yours faithfully,

Sd/-

Deputy Secretary Political and Services,
for Chief Secretary to Government, Haryana.

No. 4884-4GSI-74/22628,

dated Chandigarh, the 24th September. 1974.

A copy is forwarded to the Accountant General, Haryana, Chandigarh for information and necessary action.

No- 5846-4GS-I-74/27622

From

The Chief Secretary to Government, Haryana.

To

- (i) All Heads of Departments, Commissioners. Ambala/Hissar Divisions, All Deputy Commissioners and All Sub-Divisional Officer (Civil) in Haryana,
- (ii) The Registrar, Punjab and Haryana High Court and All District & Session Judges in Haryana.

Dated, Chandigarh, the 22nd November, 1974.

Subject:— Age of compulsory retirement—retention of Government employee in Service beyond the age of 50/55 years.

Sir,

I am directed to invite your attention to the instructions contained in Haryana Government letter No. 5663-4GS-I-73/26498, dated the 23rd October, 1973, on the subject noted above, in which it was laid down that as far as integrity of an employee is concerned, the record of his whole career should be taken into consideration and a Government employee whose integrity has been suspect at any stage of his career should not be retained in service beyond the age of 55 years. These instructions have now also been made applicable in the case of such Class I and Class II Officers whose cases for retention in service have now to be reviewed on attaining the age of 50 years (Chief Secretary to Government Haryana's letter No. 48S4-4GS-I-74/22627 dated the 24th September, 1974)

2. The matter has been further considered and it has now been decided that while the above instructions regarding retention of Government employees in service beyond the age of 50/55 years, whose integrity has been suspect, would continue to be in force, such cases would be placed before an Officers Committee consisting of the Chief Secretary to Government Haryana, the Financial Commissioner, and the Administrative Secretary and Head of Department concerned. This Committee will examine the complete record of such officers and will make its recommendations to the Department concerned.

3. In order to implement the above decision it has been decided that:—

- (i) Cases of retention of Government employees beyond the age of 50/55 years shall, as at present, be examined by the Administrative Secretary/Head of Department/Appointing Authority concerned, as per instructions contained in Haryana Government's letter No. in-113-4 GSI-73 1611 dated the 18th January, 1973 as further amended *vide* instructions contained in Haryana Government letter No. 1287-4GS-I-73/7365 dated the 22nd March, 1973.
- (ii) Cases of Class I and Class II Officers shall thereafter be referred by the Administrative Department to Chief Secretary (in General Services Branch) and action to place such cases before the Officers Committee shall be taken by the Administrative Department if the Chief Secretary advise them to do so. Similarly in respect of non

gazetted employees the Administrative Department, Head of Department shall advise the appointing authority after examining the case whether it should be placed before the Officers Committee. Where it is decided to place such a case before the Officers Committee the procedure outlined below shall be followed.

- (iii) Cases of such employees, both gazetted and non-gazetted, who are fit to be retained in service beyond the age of 50/55 years on the basis of their service record, but whose integrity has been considered to be doubtful at any stage of their career, should be referred by the Administrative Department/concerned to the Chief Secretary to Government, Haryana (in General Services I Branch) for placing the same before the Officers Committee. In such cases 5 copies of a memorandum explaining in brief, facts of the case along with a summary of their service record as well as their ACRs in original should be forwarded to the Chief Secretary to Government, Haryana (in G-S.L Branch) for the above purpose.

4. Cases of employees both Gazetted and non-gazetted, who are not considered fit for retention beyond the age of 50/55 years on the basis of their previous 10 years record of service shall be disposed of with the advice of the competent authority, as therefore, not with standing the fact that the integrity of such an employee has also been suspected.

5. These instructions may please be complied with strictly and also be brought to the notice of all officials working under you. The receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/-

G. Madhavan,

Deputy Secretary General Admn.

for Chief Secretary to Government, Haryana.

No. 5846-4GSI-74/27623,

dated Chandigarh, the 22-11-1974

विषय :- **अनिवार्य सेवा निवृत्ति की आयु - श्रेणी I तथा II के अधिकारियों को 50/55 वर्ष की आयु से आगे सेवा में रखना।**

क्या वित्तायुक्त, हरियाणा तथा सभी प्रशासकीय सचिव, हरियाणा सरकार, कृपया उपर्युक्त विषय पर इस विभाग के अशा: क्रमांक 4884-4 जी. एस. - I-74, दिनांक 24 सितम्बर, 1974 की ओर ध्यान देंगे जिसमें अन्य बातों के साथ - साथ यह कहा गया था कि श्रेणी I तथा II के अधिकारियों को 50/55 वर्ष की आयु से आगे सेवा में रखने के अथवा निवृत्त करने के बारे में नियुक्ति प्राधिकारी द्वारा अन्तिम निर्णय लेने से पूर्व प्रत्येक केस में मुख्य सचिव, हरियाणा सरकार (सामान्य सेवायें शाखा-I) की मन्त्रणा प्राप्त की जानी चाहिए ?

2. तदनुसार श्रेणी - I तथा II के अधिकारियों के जो केस प्रशासकीय विभागों द्वारा मुख्य सचिव, हरियाणा सरकार (सामान्य सेवायें शाखा - I) की मन्त्रणा के लिये भेजे गए हैं उनकी जांच करने पर यह देखा गया है कि उनमें सारी स्थिति का ठीक प्रकार से वर्णन नहीं किया जाता जिससे केसों की जांच करने में कठिनाई होती है और कई बार (Back reference) करने पड़ते हैं। इसलिये अब यह निर्णय किया गया है कि भविष्य में जितने भी प्रस्ताव अधिकारियों को 50/55 वर्ष की आयु की प्राप्ति के पश्चात् सेवा में रखने के बारे में मुख्य सचिव, हरियाणा सरकार (सामान्य सेवायें शाखा I) की मन्त्रणा के लिए भेजे जायें उनका ब्यौरा संलग्न प्रेफार्मा में दिया जाना चाहिए। यदि कोई प्रस्ताव इस प्रोफार्मा में प्राप्त नहीं होगा तो उसे विभाग को ऐसा करने के लिए लौटा दिया जायेगा।

3. उनसे अनुरोध किया जाता है कि इन अनुदेशों का दृढ़ता से पालन किये जाने के लिए इन्हें अपने अधिनस्थ सभी अधिकारियों/कर्मचारियों के नोटिस में ला दिया जाये।

हस्ता / -

उप सचिव, सामान्य प्रासन
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

वित्तायुक्त, हरियाणा तथा सभी प्रशासकीय सचिव, हरियाणा सरकार।

अशा. क्रमांक 3556-4 जी.एस.- I-75,

दिनांक, चण्डीगढ़ 30 जून 1975

प्रेषक

अशा. क्रमांक

दिनांक

विषय :-

- (1) अधिकारी का नाम तथा पद संज्ञा ।
- (2) किस श्रेणी से सम्बन्ध रखता है ।
- (3) विभाग तथा कार्यालय का नाम ।
- (4) सरकारी सेवा में प्रवेश की तिथि ।
- (5) क्या वह 35 वर्ष की आयु से पहले भर्ती हुआ था?
- (6) जन्म तिथि ।
- (7) आयु तथा ऐज ग्रुप ।
- (8) (क) क्या अधिकारी का समस्त सेवा रिकार्ड उपलब्ध है यदि नहीं तो किस वर्ष की रिपोर्ट उपलब्ध नहीं है और उसका क्या कारण है ।
(ख) (1) यदि कोई रिपोर्ट (स) उपलब्ध नहीं तो यह प्रमाणित किया जाता है कि इस अधिकारी की वर्ष की गोपनीय रिपोर्ट/रिपोर्ट्स लिखी नहीं गई को उपलब्ध करने के लिए भरसक प्रयत्न किया गया परन्तु यह रिपोर्ट / रिपोर्ट्स उपलब्ध नहीं हो सकी है ।
(2) यह भी प्रमाणित किया जाता है कि जिस अवधि की गोपनीय रिपोर्ट्स उपलब्ध नहीं है विभाग/कार्यालय के ज्ञान में ऐसा कोई तथ्य नहीं है जिसके अनुसार इस अवधि में इस अधिकारी की ईमानदारी पर कोई सन्देह प्रकट किया गया हो ।
- (9) पिछले दस वर्षों के सेवा रिकार्ड की एसैसमेंट ।
(क) उत्कृष्ट
(ख) बहुत अच्छी
(ग) अच्छी
(घ) सामान्य
(ङ) सामान्य से नीचे

- (10) क्या अधिकारी की 50% रिपोर्ट्स अच्छी है ? हां/नहीं
- (11) रिपोर्ट में प्रतिकूल टिप्पणी का ब्यौरा
- (12) (क) क्या सेवा में कभी ईमानदारी पर शक प्रकट किया गया ? हां/नहीं
(ख) यदि हां, तो दी गई टिप्पणी का ब्यौरा
- (13) सेवा रिकार्ड का समस्त निर्धारण
- (14) विभाग/कार्यालय की सिफारिश
(क) 50/55 वर्ष की आयु से आगे सरकारी सेवा में वृद्धि दे दी जाए/न दी जाए ।
(ख) केस की ईमानदारी सन्दिग्ध होने की सूरत में अधिकारी समिति के समक्ष प्रस्तुत कर दिया जाए ।
- (15) अन्य टिप्पणी यदि कोई हो ।

ORDER

Whereas it is considered necessary that all cases of Class I and those Class II Officers, whose appointing authority is the State Government, regarding their retention in service beyond the age of fifty/fifty five years be put up to me for orders;

Now, therefore, in exercise of the powers conferred on me by clause (xxix) of sub-rule (1) of rule 28 of the Rules of Business of the Government of Haryana, 1968, I hereby order that the above cases should be put up to me for orders ;

Further, in exercise of the powers conferred by sub-rule (3) of rule 28, I hereby direct that all cases mentioned above should be submitted to me through the Chief Secretary-

Dated : Camp Delhi

(BANSL LAL)

The 4th August, 1975

CHIEF MINISTER

A copy is forwarded for information to the :—

Secretary to Governor, Haryana; and Principal Secretary to Chief Minister, Haryana.

Sd/-

Deputy Secretary Political & Services,
for Chief Secretary to Government, Haryana.

U.O. No. 4627-4GSI-75

Dated Chandigarh, the 8th August, 1975.

क्रमांक 3575-4 जी. एस. -I-75/24237

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप मण्डल अधिकारी, हरियाणा।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश ।

दिनांक, चण्डीगढ़, 9 अगस्त, 1975

विषय : अनिवार्य सेवा निवृत्ति की आयु - सरकारी कर्मचारियों को 50/55 वर्ष की आयु से आगे सेवा में रखने की क्रियाविधि में परिवर्तन ।

महोदय,

मुझे आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 1287-4 जी.एस.-I-73/7365, दिनांक 22 मार्च, 1973 तथा 4884-4 जी. एस. -I-74/22627, दिनांक 24 सितम्बर, 1974 की ओर दिलाने तथा यह कहने का निर्देश हुआ है कि सरकार ने इस मामले पर आगे विचार किया है और अब यह निर्णय लिया गया है कि श्रेणी II के ऐसे अधिकारियों जिन की नियुक्ति अप्राधिकारी सरकार नहीं है अर्थात् सरकार से नीचे के प्राधिकारी हैं, को 50/55 वर्ष तथा श्रेणी - III के कर्मचारियों को 55 वर्ष की आयु से आगे सेवा में रखने के बारे में निर्णय उन के नियुक्ति प्राधिकारी द्वारा स्वयं लिया जायेगा । उन्हें इस सम्बन्ध में अपने से ऊपर के स्तर के प्राधिकारी की मन्त्रणा प्राप्त करने की आवश्यकता नहीं होगी । परन्तु ऐसे अधिकारियों/कर्मचारियों के मामले जो रिकार्ड के आधार पर तो सेवा में रखने योग्य हों पर उन की ईमानदारी कभी सन्देहजनक रही हो, अन्तिम निर्णय लेने से पूर्व इस सम्बन्ध में संघटित अधिकारी - समिति के विचारार्थ प्रस्तुत किये जायेंगे । अधिकारी-समिति के विचारार्थ प्रस्तुत किये जाने वाले वे सभी प्रलेख जिन का वर्णन हरियाणा सरकार के परिपत्र क्रमांक 5846-4 जी. एस.-I-74/27622, दिनांक 22 नवम्बर, 1974 के पैरा 3 के अन्त में दिया गया था, सम्बन्धित नियुक्ति प्राधिकारी द्वारा अपने प्रशासकीय विभाग को भेजे जायेंगे तथा प्रशासकीय विभाग द्वारा वे प्रलेख मुख्य सचिव, हरियाणा सरकार (सामान्य सेवाएं शाखा-I) को अधिकारी-समिति के विचारार्थ प्रस्तुत करने के लिये अग्रणीत किये जायेंगे । अधिकारी-समिति की सिफारिश सम्बन्धित प्रशासकीय विभाग के माध्यम से नियुक्ति प्राधिकारी को भेज दी जायेगी।

2. श्रेणी -I तथा श्रेणी -II के ऐसे अधिकारियों जिन की नियुक्ति प्राधिकारी सरकार है, के केस उसी प्रकार निपटाये जायेंगे जिस प्रकार वे इस समय निपटाये जा रहे हैं ।

3. आप से अनुरोध किया जाता है कि इन अनुदेशों की पालना किये जाने के लिए इन्हें अपने अधीनस्थ सभी अधिकारियों/कर्मचारियों के नोटिस में ला दिया जाये ।
4. कृपया इस पत्र की पावती भेजें ।

भवदीय,

हस्ता / -

उप सचिव, राजनैतिक एवं सेवाएं,
कृते: मुख्य सचिव, हरियाणा सरकार।

क्रमांक 3575-4 जी. एस. - I-75/24238,

दिनांक 9 अगस्त, 1975

एक प्रति महालेखाकार हरियाणा वित्तायुक्त, हरियाणा तथा सभी प्रशासकीय सचिव, हरियाणा सरकार, चण्डीगढ़ को सूचनार्थ भेजी जाती है ।

विषय :- अनिवार्य सेवा निवृत्ति की आयु-श्रेणी-I तथा श्रेणी II के ऐसे अधिकारियों जिन की नियुक्ति प्राधिकारी सरकार है, को 50/55 वर्ष की आयु से आगे सेवा में रखने की क्रियाविधि में परिवर्तन ।

क्या वित्तायुक्त, हरियाणा तथा सभी प्रशासकीय सचिव, हरियाणा सरकार, कृपया मुख्य मन्त्री, हरियाणा द्वारा, हरियाणा सरकार की कार्य संचालन नियमावली 1968 नियम 28 (I) (XXIX) तथा 28(3) के अन्तर्गत दिये गये आदेशों जिन की प्रति उन्हें इस विभाग के अशा. क्रमांक 4627-4 जी. एस.-I-75, दिनांक 8 अगस्त, 1975 द्वारा भेजी गई थी, की ओर ध्यान देंगे ?

2. पैरा - 1 में सन्दर्भित आदेशों के अन्तर्गत आने वाले सभी श्रेणी - I तथा श्रेणी - II के ऐसे अधिकारियों जिन की नियुक्ति प्राधिकारी सरकार है, को 50/55 वर्ष की आयु से आगे सेवा में रखने से सम्बन्धित केस मुख्य सचिव, हरियाणा सरकार, के माध्यम से मुख्य मन्त्री महोदय को आदेशार्थ प्रस्तुत किये जायेंगे। अतः इस सम्बन्ध में एकरूपता बनाये रखने तथा विलम्ब परिहार के उद्देश्यों से यह निर्णय लिया गया है कि जब इस प्रकार के सभी केस इस विभाग के अशा. क्रमांक 3556-4 जी. एस.-I-75, दिनांक 30 जून, 1975 द्वारा उद्देश्यों निर्धारित प्रोफार्मा (नोटिंग की प्रोफार्मा में की जानी चाहिए) में कार्यभारी मन्त्री के विचार प्राप्त करने के बाद ही मुख्य सचिव, हरियाणा सरकार (सामान्य सेवाएं शाखा-1) को मुख्य मन्त्री महोदय के आदेश प्राप्त करने के लिए भेजे जाया करें।

3. उन से अनुरोध किया जाता है कि इन अनुदेशों की पालना किये जाने के लिए इन्हें अपने अधीनस्थ सभी अधिकारियों/कर्मचारियों के नोटिस में ला दिया जाये।

हस्ता/-

उप सचिव, सामान्य प्रशासन,
कृते: मुख्य सचिव, हरियाणा सरकार

सेवा में

वित्तायुक्त, हरियाणा तथा सभी प्रशासकीय सचिव, हरियाणा सरकार ।

English version of U.O. No. 5167-4GSI-75, dated 12-9-1975

Will the Financial Commissioner and all Administrative Secretaries to Government, Haryana kindly refer to the orders passed by the Chief Minister, Haryana, under clause (xxix) of sub-rule (1) and sub-rule (3) of rule 28 of the Rules of Business of the Government of Haryana, 1968, a copy of which was sent to them *vide* this Department's U.O. No. 4627-4GSI-75/ dated the 8th August, 1975 ?

2. The cases covered under the orders referred to in para 1 above, i.e. the cases of all Class I and those Class II Officers whose appointing authority is the State Government, regarding their retention in service beyond the age of 50/55 years are now required be submitted to the Chief Minister for orders through the Chief Secretary to Government Haryana. With a view to maintaining uniformity in this respect and to avoid delay, it has been decided that all such cases should, henceforth, be sent to the Chief Secretary to Government Haryana (General Services I Br.) in the proforma prescribed *vide* this Department's U.O. No. 3536-4GSI-75, dated the 30th June, 1975. (noting should be done in the proforma), after obtaining the views of the Minister concerned, for obtaining the orders of the Chief Minister

3. It is requested that these instructions may be brought to the notice of all officers/officials working under them for compliance.

क्रमांक 28/117/79-4 जी.एस. I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप मण्डल अधिकारी, हरियाणा।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश ।

दिनांक, चण्डीगढ़ 15 जून 1979

विषय :- **अनिवार्य सेवा निवृत्ति की आयु - सरकारी कर्मचारियों को 50/55 वर्ष की आयु से आगे सेवा में रखने की क्रियाविधि में परिवर्तन ।**

महोदय,

मुझे यह कहने का निर्देश हुआ है कि ध्यान हरियाणा सरकार के परिपत्र क्रमांक 953-3 जी. एस.-75, दिनांक 1 मई, 1975 द्वारा निर्णय लिया गया था कि वर्ष 1971-72 से पूर्व समय की गोपनीय रिपोर्टों में दी गई प्रतिकूल टिप्पणियों से, जो कर्मचारियों/अधिकारियों को सूचित नहीं की गई, उन्हें अब सूचित न किया जाये और इन पर बिना विचार किये उनके पदोन्नति, दक्षतारोध तथा 50/55 वी की आयु के पश्चात् सेवा में रहने के केसों पर निर्णय लिया जाये । परन्तु हरियाणा सरकार के पत्र क्रमांक 3575-4 जी.एस.- I-75/24237, दिनांक 9 अगस्त, 1975 के अनुसार श्रेणी - III तथा श्रेणी - II के कर्मचारियों/अधिकारियों (जो रिकार्ड के आधार पर 50/55 वर्ष की आयु के बाद सेवा में रखने योग्य हों पर उनके ईमानदारी कभी सदेहजनक रही हो) के मामले अन्तिम निर्णय लेने से पूर्व इंटैग्रीटी कमेटी के विचारार्थ प्रस्तुत किये जायें । अतः सामान्य प्रशासन विभाग में ऐसे कर्मचारियों/अधिकारियों के केस भी इंटैग्रीटी समिति के विचारार्थ रखने हेतु प्राप्त हो रहे हैं जिनको 1971/72 के पूर्व समय की रिपोर्टों में ईमानदारी के बारे में दी गई प्रतिकूल टिप्पणियों से सूचित नहीं किया गया था।

2. पुनः स्पष्ट किया जाता है कि उक्त सरकारी आदेश दिनांक 1 मई 1975 के अनुसार, 1971-72 से पूर्व समय की गोपनीय रिपोर्टों में ईमानदारी के बारे में दी गई प्रतिकूल टिप्पणियों, जो कर्मचारियों/अधिकारियों को सूचित नहीं की गई, पर विचार न किया जाये और उनके 50/55 वर्ष की आयु के बाद सेवा में रखने के केस सक्षम अधिकारी द्वारा सेवा रिकार्ड के आधार पर निपटायें जाये और यह इंटैग्रीटी कमेटी के सम्मुख रखने हेतु सामान्य प्रशासन विभाग को न भेजे जाएं ।

भवदीय,

हस्ता / -

अवर सचिव, सामान्य प्रासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

ORDER

Whereas it is considered necessary that all cases of Class I and those Class II Officers, whose appointing authority is the State Government, regarding their retention in service beyond the age of fifty/fifty five years be put up to me for orders;

Now, therefore, in exercise of the powers conferred on me by clause (xxix) of sub-rule (1) of rule 28 of the Rules of Business of the Government of Haryana, 1977, hereby order that the above cases should be put up to me for orders ;

Further, in exercise of the powers conferred by sub-rule (3) of rule 28, I hereby direct that all cases mentioned above should be submitted to me through the Chief Secretary.

Dated : Chandigarh
the 19th August, 1979.

(BHAJAN LAL)
CHIEF MINISTER

A copy is forwarded for information to the :—

Secretary to Governor, Haryana, Principal Secretary to Chief Minister, Haryana, Deputy Principal Secretary to Chief Minister, Haryana, Officer on Special Duty to Chief Minister, Haryana.

Sd/-
Deputy Secretary Political & Services,
for Chief Secretary to Government, Haryana.

U.O. No- 1686-Cabinet-79,

Dated, Chandigarh, the 4-9-1979.

क्रमांक 28/138/81-जी.एस.- I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मंडल, हरियाणा ।
2. सभी उपायुक्त तथा उपमण्डल अधिकारी (सिविल) हरियाणा ।
3. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश ।

दिनांक चण्डीगढ़, 4 सितम्बर, 1981

विषय : अनिवार्य सेवा निवृत्ति - सरकारी कर्मचारियों/अधिकारियों को 50/55 वर्ष की आयु से आगे सेवा में रखने की विधि में परिवर्तन ।

महोदय,

मुझे आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 3575-4 जी. एस.- I-75/24237, दिनांक 9 अगस्त, 1975 की ओर दिलाने और यह कहने का निर्देश हुआ है कि इस पत्र में दी गई हिदायतों के अनुसार श्रेणी- II के ऐसे अधिकारियों जिनका नियुक्ति प्राधिकारी सरकार नहीं है अर्थात् सरकार से नीचे के प्राधिकारी हैं, को 50/55 वर्ष तथा श्रेणी- III के कर्मचारियों को 55 वर्ष की आयु से आगे सेवा में रखने के बारे में निर्णय उनके नियुक्ति प्राधिकारी द्वारा स्वयं लिया जाना है । उन्हें इस सम्बन्ध में अपने से ऊपर के स्तर के प्राधिकारी की मन्त्रणा प्राप्त करने की आवश्यकता नहीं है । परन्तु ऐसे अधिकारियों/कर्मचारियों के मामले जो रिकार्ड के आधार पर तो सेवा में रखने योग्य हो पर उनकी ईमानदारी कभी भी सदेहजनक रही हो को अन्तिम निर्णय लेने से पूर्व इस सम्बन्ध में संगठित अधिकारी समिति के विचारार्थ रखे जाने हैं ।

2. यह देखने में आया है कि उपर्युक्त हिदायतों की पूर्णतया पालना नहीं की जा रही है । विभिन्न विभागों से बहुत से ऐसे मामले सामान्य सेवाएं शाखा - I में अधिकारी समिति के समक्ष प्रस्तुत करने के लिए प्राप्त होते रहते हैं जिन्हें हिदायतों के अनुसार अधिकारी समिति के विचारार्थ रखे जाने की कोई आवश्यकता नहीं होती । अतः आपसे अनुरोध है कि सरकार की हिदायतों के अनुसार ही मामले अधिकारी समिति को प्रस्तुत करने हेतु भेजे जाए ।

3. संयुक्त पंजाब के पत्र क्रमांक 4776-3 जी.एस (1)-64/15823 दिनांक 19/21 मई, 1964 में अंकित हिदायतों के अनुसार किसी अधिकारी/कर्मचारी को निश्चित आयु के बाद सेवा में कायम रखने का फैसला काफी समय पहले होना चाहिए ताकि आवश्यकता पड़ने पर सम्बन्धित कर्मचारी/अधिकारी को तीन मास का नोटिस उचित समय पर

दिया जा सके । परन्तु यह देखने में आया है कि बहुत से मामले मुख्य सचिव (सामान्य सेवाएं शाखा - I) को सम्बन्धित अधिकारी/कर्मचारी द्वारा निश्चित आयु प्राप्त करने के काफी समय के बाद भेजे जाते हैं । स्पष्टतः ऐसे मामलों में वांछित उद्देश्य की पूर्ति नहीं होती । इसलिए आपका ध्यान इन हिदायतों की ओर पुनः दिलाते हुए अनुरोध किया जाता है कि इस विभाग को भेजे जाने वाले सम्बन्धित अधिकारियों/कर्मचारियों के मामले उन द्वारा निर्धारित आयु प्राप्त करने से कम से कम 6 मास पूर्व भेजे जाएं ताकि निर्णय उपरान्त यदि आवश्यकता हो तो सम्बन्धित कर्मचारी/अधिकारी को निश्चित आयु पूरी होने से पहले 3 मास का नोटिस उचित समय पर दिया जा सके ।

4. आपसे अनुरोध किया जाता है कि कृपया उपर्युक्त हिदायतों की दृढ़ता से पालना की जाए और यह हिदायतें अपने अधीन सभी अधिकारियों के ध्यान में ला दी जाए ।

हस्ता / -

अवर सचिव, सामान्य प्रशासन विभाग,
कृते: मुख्य सचिव, हरियाणा सरकार।

एक प्रति सभी वित्तायुक्तों तथा प्रशासनिक सचिवों को सूचनार्थ एवं आवश्यक कार्यवाही के लिए भेजी जाती है । वे कृपया इन हिदायतों को अपने अधीन सभी सम्बन्धित के ध्यान में ला दें ।

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मंडल, हरियाणा ।
2. सभी उपायुक्त तथा उपमण्डल अधिकारी (सिविल) हरियाणा ।
3. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश ।

दिनांक चण्डीगढ़, 24 अगस्त, 1982

विषय : 50/55 वर्ष की आयु से आगे सेवा में रखना - अधिकारी समिति में भेजे जाने वाले केसों में सिफारिश करने के बारे।

महोदय,

मुझे आपका ध्यान हरियाणा सरकार के अशा. क्रमांक 5846-4 जी. एस.-I-74/27623, दिनांक 22-11-74 तथा 28/138/81-4 जी. एस. -I, दिनांक 4-9-81 की ओर दिला कर यह कहने का निदेश हुआ है कि राज्य सरकार यह महसूस करती है कि इन पत्रों में निहित हिदायतों की पूर्ण रूप से पालना नहीं की जा रही जिसके फलस्वरूप किसी भी प्रकार की कठिनाई उत्पन्न हो सकती है । अतः सरकार ने निर्णय लिया है कि ऐसे केसों को जहां अधिकारी सेवा रिकार्ड के आधार पर तो सेवा में रखे रहने योग्य हों परन्तु उसकी ईमानदारी पर समस्त सेवा के दौरान किसी भी समय संदेह व्यक्त किया गया हो, मुख्य सचिव (सामान्य सेवाएं शाखा-I) के माध्यम से, गठित अधिकारी समिति के सम्मुख प्रस्तुत किये जायें । परन्तु मुख्य सचिव (सामान्य सेवाएं शाखा-I) को ऐसे केसों को भेजने से पूर्व नियुक्ति प्राधिकारी अपनी सिफारिश करते समय स्वयं अपना (mind apply) करें और अधिकारी समिति की सिफारिश प्राप्त होने के बाद भी नियुक्ति प्राधिकारी आदेश (mechanically) पारित न करें बल्कि अधिकारी समिति की सिफारिश पर अपना (mind apply) करके स्वयं निर्णय लें कि क्या अमुक अधिकारी/कर्मचारी 50/55 वर्ष की आयु से आगे सेवा में रखा जा सकता है या नहीं ।

कृपया इन हिदायतों को दृढ़ता से पालना की जाये और सभी सम्बन्धित के ध्यान में ला दें ।

हस्ता/-

अवर सचिव, सामान्य प्रशासन विभाग,
कृते: मुख्य सचिव, हरियाणा सरकार।

एक प्रति सभी वित्तायुक्तों तथा प्रशासनिक सचिवों को सूचनार्थ एवं आवश्यक कार्यवाही के लिए भेजी जाती है । वे कृपया इन हिदायतों को अपने अधीन सभी सम्बन्धित के ध्यान में ला दें ।

क्रमांक 32/65/82-4-जी.एस.-I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मंडल, हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट चण्डीगढ़ ।

दिनांक चण्डीगढ़, 27 दिसम्बर, 1982

विषय :- 50/55 वर्ष की आयु से आगे सेवा में वृद्धि प्रदान करना - केसों को भेजने में अनावश्यक विलम्ब को रोकना ।

महोदय,

मुझे आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 28/138/81-4 जी-एस -I, दिनांक 4 सितम्बर, 1981 की ओर दिलाने और यह कहने का निर्देश हुआ है कि इस पत्र के पैरा 3 में निहित हिदायतों की कड़ाई से पालना नहीं की जा रही है जबकि यह स्पष्ट किया गया था कि केस इस विभाग को अमुक अधिकारी/कर्मचारी की 50/55 वर्ष की आयु प्राप्ति से 6 मास पहले भेजा जाए क्योंकि यदि आवश्यक हो तो अधिकारी को सेवा निवृत्ति का 3 मास का नोटिस दिया जा सके ।

2. यह भी अनुभव किया गया है कि ऐसे केसों में देरी इसलिए भी हो जाती है क्योंकि प्रशासकीय सचिवों तथा विभागाध्यक्षों के कार्यालयों में ऐसी कोई सूची या सारणी maintain नहीं की जाती है । जिससे यह पता चल सके कि विभाग के कितने कर्मचारी/अधिकारी, कौन से वर्ष, कौन सी तिथि को 50/55 वर्ष की आयु पूरी कर लेंगे । यदि ऐसी सूची पहले ही बना कर रखी गई हो तो प्रत्येक कर्मचारी/अधिकारी के केस को समय पर रिव्यू करने में सुविधा होगी । अतः यह निर्णय लिया गया है कि वे संलग्न सूची के नमूने के अनुसार अपने कार्यालयों में सूचियां/सारणी बनवाएं जिनमें आगामी 2 वर्षों में 50/55 वर्ष की आयु प्राप्त करने वाले अधिकारियों/कर्मचारियों के केसों का रिव्यू किया जाना हो । इस सूची सारणी की एक प्रति अपने प्रशासकीय सचिवों को भी भेजी जाए ताकि वे भी इस सूची के अनुसार प्रत्येक केस पर नजर रख सकें । यह सूची हर वर्ष जनवरी के महीने में तैयार कर ली जावे ।

3. इसके अतिरिक्त यह भी स्पष्ट किया जाता है कि ऐसे केसों को तिथिबद्ध मार्क किया जाए ताकि हर एक स्तर पर केस को डील करने में देरी न हो और यदि स्मरण पत्र भी जारी करना पड़े तो वह भी अर्ध सरकारी पत्र ही जारी किया जाए ताकि अमुक केस सरकार को (सामान्य सेवाएं शाखा-I) में Crucial तिथि में 6 मास पहले पहुंच सके । कृपया यह हिदायतें सभी सम्बन्धित के ध्यान में ला दी जाएं ।

भवदीय

हस्ता / -

संयुक्त सचिव, सामान्य प्रशासन विभाग,
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति सभी वित्तायुक्तों तथा प्रशासनिक सचिवों को सूचनार्थ एवं आवश्यक कार्यवाही के लिए भेजी जाती है। वे कृपया इन हिदायतों को अपने अधीन सभी सम्बन्धित के ध्यान में ला दे।

सभी विभागध्यक्षों द्वारा मेनटेन की जाने वाली सूची/सारणी

क्रम. संख्या	कर्मचारी का नाम जन्म तिथि	50 वर्ष की आयु प्राप्त करने की तिथि	50 वर्ष की आयु प्राप्त करने से पूर्व 6 मास की तिथि जब केस सरकार को अवश्य भेजा जाना है।	55 वर्ष की आयु प्राप्त करने की तिथि	55 वर्ष की आयु प्राप्त करने से पूर्व जब केस सरकार को अवश्य में भेजा है
1	2	3	4	5	6

क्रमांक 32/198/83-4-जी.एस.-I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष, हरियाणा सरकार ।
 2. आयुक्त अम्बाला तथा हिसार मण्डल, हरियाणा, उप मण्डल अधिकारी (नागरिक) हरियाणा ।
 3. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट, चण्डीगढ़ ।
- दिनांक, चण्डीगढ़, 16 अगस्त, 1983

विषय :- 50/55 वर्ष की आयु के बाद सेवा में रखना-55 वर्ष की आयु के बाद सेवा में वृद्धि देने की पद्धति में परिवर्तन करना।

श्री मान जी,

मुझे आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 3556-4 जी. एस.-I-75, दिनांक 30-6-75 तथा पत्र क्रमांक 3575-4 जी. एस.-I-75/24237, दिनांक 9 अगस्त, 1975 की ओर दिलाने और यह कहने का निदेश हुआ है कि पत्र दिनांक 30-6-75 के साथ संलग्नित प्रोफार्मा की मद 10 अनुसार यह जानकारी देनी होती है कि क्या अधिकारी की 50 प्रतिशत गोपनीय रिपोर्ट्स अच्छी है ।

2. अब सरकार ने मामले पर पुनर्विचार करके यह निर्णय लिया है कि 55 वर्ष की आयु के बाद कर्मचारियों/अधिकारियों को सेवा वृद्धि उसी सूरत में दी जाये जब कि उनकी अन्तिम 10 वर्ष की गोपनीय रिपोर्ट्स में से 70 प्रतिशत या इन से अधिक का वर्गीकरण अच्छा या बेहतर हो । तदनुसार संशोधित प्रोफार्मा नत्थी किया जाता है ।

3. राजपत्रित अधिकारियों को 50 वर्ष की आयु के बाद सेवा वृद्धि देने हेतु मामला विचार करते समय पहले की भान्ति ही अन्तिम 10 वर्ष की रिपोर्ट्स का 50 प्रतिशत अच्छा या बेहतर होना जरूरी है । 'ऐवरेज रिपोर्टों' को अधिकारी को सूचित किया जावे और यदि कोई प्रतिवेदन, ऐसी रिपोर्ट के विरुद्ध 6 महीने के अन्दर आवे तो उस का फैसला किया जाये ।

4. कृपया इन हिदायतों के अनुसार भविष्य में कार्यवाही की जाये तथा इन को सभी संबन्धित के नोटिस में ला दिया जाए।

भवदीय

हस्ता / -

अवर सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति सभी वित्तायुक्तों तथा प्रशासनिक सचिवों को सूचनार्थ एवं आवश्यक कार्यवाही के लिए भेजी जाती है । वे कृपया इन हिदायतों को अपने अधीन सभी सम्बन्धित के ध्यान में ला दें ।

हस्ता / -

अवर सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

क्रमांक 32/276/85-4 जी. एस.

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

सभी विभागाध्यक्ष, हरियाणा सरकार,
आयुक्त अम्बाला तथा हिसार मण्डल,
रजिस्ट्रार पंजाब तथा हरियाणा हाई कोर्ट, चण्डीगढ़ ।

दिनांक चण्डीगढ़, 29, मई 1986

विषय :- 50/55 वर्ष की आयु से आगे सेवा में वृद्धि प्रदान करना-केसों को भेजने में अनावश्यक विलम्ब को रोकना ।

श्रीमान जी,

मुझे आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 28/138/81 जी. सी.-I दिनांक 4-9-91 तथा 32/65/82-4 जी. एस.-I, दिनांक 27-12-82 की ओर दिलाने और यह कहने का निर्देश हुआ है कि इन पत्रों में यह स्पष्ट किया गया था कि 50/55 वर्ष की आयु के बाद सेवा में रखे जाने वाले केसों को उनके रिव्यू की तिथि (अर्थात् जिस तिथि को कोई अधिकारी 50/55 वर्ष पूरे करता है) से 6 मास पहले इस विभाग को भेजे जाया करें ताकि यदि आवश्यक हो तो सम्बन्धित अधिकारी/कर्मचारी को उनकी निश्चित आयु पूरी होने की तिथि से पूर्व 3 मास का नोटिस उचित समय पर दिया जा सके। यह भी अनुरोध किया गया था कि अगले 2 वर्षों में रिव्यू होने वाले अधिकारियों/कर्मचारियों के केसों की सूची पहले ही बनाकर रख ली जाये ताकि केसों को उचित समय पर प्रस्तुत किया जा सके ।

2. परन्तु देखने में आया है कि उक्त हिदायतों की कड़ाई से पालना नहीं की जा रही है और बहुत से विभाग इस प्रकार के केसों को अब भी बहुत विलम्ब से भेज रहे हैं । ऐसा होने से ऐसे मामलों में वांछित उद्देश्य की पूर्ति नहीं होती । इसलिए पुनः अनुरोध किया जाता है कि इन हिदायतों की प्रत्येक स्तर पर दृढ़ता से पालना की जाये । भविष्य में कोताही करने वाले विभागों के कर्मचारियों/अधिकारियों के विरुद्ध अनुशासनिक कार्यवाही करने के लिए उनके प्रशासकीय सचिवों को लिख दिया जाएगा ।

3. कृपया उपयुक्त हिदायतों की दृढ़ता से पालना के लिए इन अनुदेशों को सभी सम्बन्धित अधिकारियों/कर्मचारियों के नोटिस में ला दिया जाये ।

भवदीय

हस्ता / -

अवर सचिव, सामान्य प्रशासन विभाग,
कृते: मुख्य सचिव, हरियाणा सरकार।

एक प्रति सभी वित्तायुक्तों तथा प्रशासकीय सचिवों को उनकी सूचनार्थ एवं आवश्यक कार्यवाही के लिए भेजी जाती है। वे कृपया इन हिदायतों को अपने अधीन सभी सम्बन्धित के ध्यान में ला दें।

हस्ता / -

अवर सचिव, सामान्य प्रशासन विभाग,
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

सभी वित्तायुक्त एवं प्रासकीय सचिव,
हरियाणा सरकार।

अशा: क्रमांक 32/276/85-4 जी.एस.-1,

दिनांक चण्डीगढ़ 29-5-86

प्रतियां मुख्य मंत्री/मंत्री/उपमंत्री/मुख्य संसदीय सचिव के प्रधान सचिव/सचिव/निजी सचिव को भेजकर अनुरोध किया जाता है कि वे इन हिदायतों को मुख्यमंत्री/मंत्री/उपमंत्री/मुख्य संसदीय सचिव/संसदीय सचिव के ध्यान में ला दें।

हस्ता / -

अवर सचिव, सामान्य प्रशासन विभाग,
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

मुख्य मंत्री/मंत्री/उपमंत्री/मुख्य संसदीय सचिव तथा संसदीय सचिव सचिव के प्रधान
सचिव/सचिव तथा निजी सचिव।

अशा: क्रमांक 32/276/85 जी.एस.-I,

दिनांक, चण्डीगढ़ 29-5-86

क्रमांक 32/15-ए/87-4 जी. एस.-I,

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, हरियाणा सरकार,
 2. आयुक्त हिसार तथा अम्बाला मण्डल, हरियाणा ।
 3. रजिस्ट्रार पंजाब तथा हरियाणा हाई कोर्ट, चण्डीगढ़
- दिनांक चण्डीगढ़, 6, जुलाई 1987

विषय :- 50/55 वर्ष की आयु के बाद सेवा में वृद्धि प्रदान करना केसों को भेजने में विलम्ब को रोकना ।

श्रीमान जी,

मुझे आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 32/65/82-4 जी. सी.-I दिनांक 27-12-82 की ओर दिलाने और यह कहने का निर्देश हुआ है कि इस पत्र में यह स्पष्ट किया गया था कि जिन अधिकारियों/कर्मचारियों के केसों का रिव्यू आगामी दो वर्षों में किया जाना हो उनकी एडवांस सूची बना कर विभागाध्यक्ष तथा अपने प्रशासकीय सचिवों के कमरों में रखें ताकि रिव्यू करने में सुविधा रहे तथा ऐसे प्रत्येक केस को Crucial तिथि से 6 मास पूर्व ही भेज दिया जाए क्योंकि यदि आवश्यक हो तो अधिकारी/कर्मचारी को उचित समय पर सेवा निवृत्त किया जा सके ।

2. परन्तु यह अनुभव किया गया है कि उक्त हिदायतों का कड़ाई से पालना नहीं की जा रही है और केस कई बार Crucial date के पश्चात प्राप्त होते हैं। मुख्य मंत्री महोदय ने इसका Serious View लिया है और यह चाहा है कि सभी विभागाध्यक्ष/प्रशासकीय सचिव यह सुनिश्चित करें कि भविष्य में किसी प्रकार की इन केसों में अनुचित देरी न हो । इस उद्देश्य को प्राप्त करने के लिये निम्नलिखित बिन्दुओं पर विशेष ध्यान दिया जाये और निर्देशों की पालना के लिये शीघ्र पग उठाए जाएं :-

- (1) ऐसे केसिज स्टीम में डील न किये जाय करें । इन्हें डील करने वाला प्रत्येक कर्मचारी अपने उच्च अधिकारी को केस निजी स्तर पर पहुंचाए और उनसे बाकायदा हस्ताक्षर प्राप्त करें । स्पष्ट है कि लिपिक अपनी कार्यवाही समाप्त करने के बाद अपने सहायक को केस निजी स्तर पर देकर उसके हस्ताक्षर लें । इसी प्रकार सहायक केस को डील करके निजी स्तर पर अपने अधीक्षक/उपाधीक्षक को Handover करके उसके हस्ताक्षर लें । इसी प्रकार कार्यवाही करते हुये केस निदेशक द्वारा कलीयर करके विशेष-वाहक द्वारा सचिवालय भिजवाया जाये । ऐसी ही कार्यवाही प्रशासकीय विभाग द्वारा की जाये और निजी स्तर पर केस सामान्य सेवाएं शाखा में डिलीवर करके हस्ताक्षर प्राप्त किये जाये और आगे की कार्यवाही सामान्य सेवाएं शाखा - I, द्वारा भी ऐसे की जाये ।
- (2) ऐसे केसिज पर कर्मचारी/अधिकारी “Speak” या “बात करे” न लिखे । अगर किसी स्तर पर किसी सूचना की आवश्यकता हो तो सम्बन्धित व्यक्ति से सम्पर्क स्थापित करके निजी स्तर पर ही निपटान करे ।
- (3) यदि extention सम्बन्धी कोई केस देरी में initiate किया जाता है तो उसके लिये सम्बन्धित विभागाध्यक्ष तथा उसका डीलिंग हैंड Personally जिम्मेवार ठहराया जाये ।

- (4) यदि किसी कारणवश कर्मचारी/अधिकारी की किन्हीं वर्षों की गोपनीय रिपोर्ट्स उपलब्ध न हो, जैसा कि सामान्य सेवाएं -1 शाखा द्वारा पूर्व निर्धारित प्रोफार्मा के क्रमांक-8 भाग (ख) में व्यवस्था की गई है के इस कालम में यह भी प्रमाणित किया जाया करे कि संबंधित अधिकारी द्वारा अपने अधीन अधिकारी/कर्मचारी से सम्बंधित कर्मचारी की अनुपलब्ध गोपनीय रिपोर्ट को उपलब्ध कराने के लिये उन से व्यक्तिगत तौर पर पूरी छानबीन कर ली गई है ताकि इस बारे में और किसी प्रकार का संदेह न रहे ।
- (5) जो कर्मचारी/अधिकारी अपने विभाग के कर्मचारियों/अधिकारियों की गोपनीय रिपोर्ट्स मिसलें मेनटेन करता है और यदि उनकी गोपनीय रिपोर्ट्स उसकी कस्टडी से गुम हो जाये तो इसके लिये उसे उत्तरदायी ठहराया जाये, जिसके लिये उसके विरुद्ध कड़ी अनुशासनिक कार्यवाही की जाये। इसके अतिरिक्त यदि किसी कर्मचारी की गोपनीय रिपोर्ट मिसल से किसी वर्ष की रिपोर्ट किसी स्तर पर misplace होती है तो इसके लिये जिस कर्मचारी/अधिकारी के स्तर पर यह रिपोर्ट Misplace हुई हो तो उसे उत्तरदायी ठहराते हुए उस के विरुद्ध भी कड़ी अनुशासनिक कार्यवाही की जाये ।

कृपया यह हिदायतें सभी संबंधित के ध्यान में ला दी जाये ।

भवदीय,

हस्ता / -

संयुक्त सचिव, सामान्य प्रशासन विभाग

कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति सभी वित्तायुक्तों तथा प्रशासनिक सचिवों को सूचनार्थ एवं आवश्यक कार्यवाही के लिये भेजी जाती है । कृपया वे इन हिदायतों को अपने अधीन सभी संबंधित के ध्यान में ला दें ।

हस्ता / -

संयुक्त सचिव, सामान्य प्रशासन विभाग

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

सभी वित्तायुक्त एवं प्रशासनिक सचिव, हरियाणा सरकार ।

अशा: क्रमांक 32/15-ए/87 जी. एस. - I,

दिनांक 6 जुलाई, 1987 ।

प्रतियां मुख्यमंत्री/मंत्री के प्रधान सचिव/सचिव/निजी सचिव को भेजकर अनुरोध किया जाता है कि वे इन हिदायतों को मुख्यमंत्री/मंत्री के ध्यान में ला दें ।

हस्ता / -

संयुक्त सचिव, सामान्य प्रशासन विभाग

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

मुख्यमंत्री/मंत्री के प्रधान सचिव/सचिव/निजी सचिव ।

अशा: क्रमांक 32/15ए/87 जी.एस.- I,

दिनांक 6 जुलाई, 1987

क्रमांक 32/342/87-जी. एस- I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, हरियाणा,
आयुक्त अम्बाला तथा हिसार मण्डल
सभी उपायुक्त तथा उपमण्डल अधिकारी (ना.) हरियाणा,
2. रजिस्ट्रार पंजाब तथा हरियाणा हाईकोर्ट ।

दिनांक चण्डीगढ़, 10 नवम्बर, 1987

विषय :- 50/55 वर्ष की आयु के बाद सेवा में रखना को भेजने में त्रुटियों को दूर करना ।

श्रीमान जी,

उपरोक्त विषय की ओर मुझे आपका ध्यान दिलाने तथा यह कहने का निर्देश हुआ है कि कुछ समय से देखने से आया है कि 50/55 की आयु पर रिव्यु करने वाले केस जोकि अधिकारी समिति में रखे जाने होते हैं, को भेजते समय प्रशासकीय विभाग कई कमियां छोड़ देते हैं जिसकी वजह से विभाग को केस पुनः लौटाने पड़ते हैं । स्पष्ट है कि ऐसा करने से केस में अनावश्यक देरी हो जाती है ।

2. अब विचारोपरांत यह निर्णय लिया है कि भविष्य में रिव्यु के केस भेजते समय निम्न बातों की ओर ध्यान दिया जाए तथा इनकी सूचना साथ ही भेज दी जायें ।

1. अधिकारी समिति में रखे जाने वाले केसों में ज्ञापन प्रशासकीय विभाग द्वारा स्वयं बनाये जाये तथा सक्षम अधिकारी द्वारा हस्ताक्षर करवाये जाये ।
2. ज्ञापन साईकलोस्टाईल करवाया जाये तथा 7-7 प्रतियां भेजी जायें ।
3. ज्ञापन में प्रतिकूल टिप्पणी का वर्णन ज्यों का त्यों किया जाये और यह भी लिखा जाये कि अमुक अधिकारी/कर्मचारी ने इन प्रतिकूल रिमार्क्स के विरुद्ध प्रतिवेदन दिया है कि नहीं ।
4. यदि अनुशासनिक कार्यवाही का कोई केस लम्बित हो तो उसका विस्तृत विवरण ज्ञापन में दिया जाए तथा केस की नवीनतम स्थिति भी दर्शाई जाये ।
5. नवीनतम गोपनीय रिपोर्ट साथ लगाई जाये ।
6. 55 वर्ष की आयु पर रिव्यु होने वाले केसों में यह भी बताया जाए कि क्या इस अधिकारी के केस का 50 वर्ष की आयु पर रिव्यु हुआ था कि नहीं ।
7. क्या अधिकारी वर्तमान पद पर स्थाई है या अस्थायी (यदि केस 50 वर्ष की आयु पर रिव्यु के लिए भेजा जाना हो ।)

यह हिदायत सभी सम्बन्धित के ध्यान में ला दी जाए, ताकि इनकी पालना की जा सके ।

भवदीय,

हस्ता / -

संयुक्त सचिव, सामान्य प्रशासन विभाग

कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति सभी वित्तायुक्तों तथा प्रशासनिक सचिवों को सूचनार्थ एवं आवश्यक कार्यवाही के लिए भेजी जाती है । वे कृपया इन हिदायतों को अपने अधीन के सभी सम्बन्धित के ध्यान में ला दे ।

हस्ता / -

संयुक्त सचिव, सामान्य प्रशासन विभाग

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

सभी वित्तायुक्त एवं प्रशासनिक सचिव,
हरियाणा सरकार ।

अशा: क्रमांक 32/342/87-4 जी. एस.-I,

दिनांक चण्डीगढ़ 10 नवम्बर, 1987

प्रतियां मुख्य मंत्री/मंत्री/राज्य मंत्री/मुख्य संसदीय सचिव/संसदीय सचिव के प्रधान सचिव/सचिव/निजी सचिव को भेजकर अनुरोध किया जाता है कि वे इन हिदायतों को मुख्य मंत्री/मंत्री/राज्य मंत्री/मुख्य संसदीय सचिव/संसदीय सचिव के ध्यान में ला दें ।

हस्ता / -

संयुक्त सचिव, सामान्य प्रशासन विभाग

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

मुख्य मंत्री/मंत्री/राज्य मंत्री/मुख्य संसदीय सचिव तथा
संसदीय सचिव के प्रधान सचिव/सचिव/निजी सचिव ।

अशा: क्रमांक 32/342/87-4 जी. एस.-I,

दिनांक चण्डीगढ़, 10 नवम्बर, 1987

No. 32/279/89-4GSI

From

The Chief Secretary to Government, Haryana.

1. All Heads of Departments.
2. Commissiooers of Ambala and Hissar Division.
3. Registrar, Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the 2nd November, 1988

Subject :— Grant of extension in service beyond the age of super-anuation in case of blind Government Servants'

I am directed to refer to the subject noted above and to say that the question of grant of extension in service beyond the age of retirement to the blind employees upto the age of 60 years has been under consideration of Government. It has now been decided to grant extension in service upto the age of 60 years to the blind Government employees beyond the age of superannuation subject to the condition that only such employees would be eligible for extension in service who joined Government service after attaining the age of 30 years and were blind at the time of entry in to service. It is requested that action in individual cases of extension in service of blind employees may be taken in accordance with the advice of C.S. (in General Services-1 Branch).

This issues with the concurrence of Finance Department received vide their U.O. No. 1/41/3-FG II-88/220, dated 19-8-88.

Yours faithfully,

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to the :—

1. All the Financial Commissioners, Haryana, and
2. All the Administrative Secretaries to Government Haryana.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

1. All the Financial Commissioners, Haryana.
2. All Administrative Secretaries to Government,, Haryana-

U.O. No, 32/279/88-4GSI,

dated Chandigarh the 2-11-88.

Extension

A copy is forwarded to the Principal Secretary/Additional Principal Secretary/O.S.D.-to Chief Minister, Secretaries /Private Secretaries to all Ministers and State Ministers for information of the Chief Minister, Ministers/State Ministers, Chief Parliamentary Secretaries, Haryana.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

The Principal Secretary/Addl. Principal Secretary/O.S.D to Chief Minister, Secretaries/Private Secretaries to all Ministers and State Ministers, Chief Parliamentary Secretary.

U.O. No. 32/279/88-4GSI,

dated Chandigarh the 2-11-88.

क्रमांक 32/440/88-जी. एस.-I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, हरियाणा ।
 2. सभी उपायुक्त हरियाणा तथा मण्डल अधिकारी (नागरिक) हरियाणा ।
 3. राजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ ।
- दिनांक, चण्डीगढ़ 4-1-1989.

विषय : **अनिवार्य सेवा निवृत्ति-सेवावृद्धि केसों में देरी रोकना ।**

श्रीमान जी,

मुझे आपको ध्यान हरियाणा सरकार द्वारा जारी किए गये परिपत्रों क्रमांक 28/138/81-जी.एस.-I, दिनांक 4-9-81, 32/65/82-जी.एस. I, दिनांक 4-9-82 तथा 32/15-ए/87-4 जी.एस., दिनांक 6-7-87 की ओर दिलाने तथा वह कहने का निर्देश हुआ है कि, यह अनुभव किया गया है कि सेवा वृद्धि वाले केसों में देरी प्रायः अधिकारियों द्वारा गोपनीय रिपोर्ट्स समय पर लिखने तथा समय पर न भेजने के कारण होती है । इसलिए सभी विभागों को पुनः अनुरोध किया जाता है कि उक्त हिदायतों की कड़ाई से पालना की जाये और निम्नलिखित बातों का भी ध्यान रखा जाये ताकि सेवा वृद्धि वाले केसों में किसी प्रकार का विलम्ब न हो ।

1. आगामी दो वर्षों में 50/55 वर्ष की आयु पर रिव्यू होने वाले केसों की सूची advance में बनाकर विभागाध्यक्ष प्रशासकीय सचिवों के कक्षों में लटकाई जाये। सम्बन्धित विभागाध्यक्ष स्वयं इस सूची में रुचि लेकर केस भिजवायें।
2. यदि किसी अधिकारी/कर्मचारी की गोपनीय रिपोर्ट किसी अधिकारी द्वारा समय पर न भेजने/न लिखने अथवा प्रतिहस्ताक्षरित न करने के कारण देरी हुई हो तो व्यक्तिगत स्तर पर इन्हें पूर्ण कराने की कार्यवाही की जाये।
3. सेवा वृद्धि वाले केसों को date-bound मार्क किया जाये और पत्र व्यवहार करते समय अर्ध सरकारी पत्र ही लिखा जाये ।
4. विभागाध्यक्ष केस को समय पर भिजावाने के लिए स्वयं उत्तरदायी होंगे।
5. प्रत्येक केस निश्चित तिथि से 6 मास पहले अवश्य ही भेजा जाये । यदि पदोन्नति व सेवा वृद्धि साथ-साथ आ जाये तो पहले सेवा वृद्धि केस में कार्यवाही की जाए ।
6. यदि केस निर्धारित तिथि तक तैयार करने में देरी हो जाये तो प्रत्येक स्तर पर की गई देरी का विवरण बनाया जाये तथा उसके लिए जिम्मेदार कर्मचारी के विरुद्ध अनुशासनिक कार्यवाही की जाए ।

भवदीय,

हस्ता / -

अवर सचिव, सामान्य प्रशासन विभाग,

कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति निम्नलिखित को सूचना तथा आवश्यक कार्यवाही के लिए भेजी जाती है।

1. सभी वित्तायुक्त एवं सचिव सभी प्रशासकीय सचिव, हरियाणा सरकार ।

हस्ता / -

अधीक्षक, सामान्य सेवाएं- I,
कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी वित्तायुक्त एवं सचिव
2. सभी वित्तायुक्त एवं सभी प्रशासकीय सचिव, हरियाणा सरकार ।

कमांक 32/440/88 - जी०एस० I

दिनांक 4-1-1989.

प्रति प्रधान सचिव/मुख्यमंत्री/अतिरिक्त प्रधान सचिव/विशेष कार्यभारी अधिकारी/मुख्यमंत्री, सचिव, निजि सचिव/सभी मंत्रीगण राज्यमंत्री तथा मुख्य पार्लियामेन्ट्री सचिव को मुख्य मन्त्री की सूचना के लिए भेजी जाती है।

हस्ता / -

अधीक्षक, सामान्य सेवाएं- I,
कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

प्रधान सचिव/अतिरिक्त प्रधान सचिव/विशेष कार्यभारी अधिकारी मुख्य मंत्री महोदय, सभी सचिव/निजि सचिव/मंत्रीगण एवं राज्य मंत्री तथा मुख्य संसदीय सचिव, हरियाणा ।

अशा० कमांक 32/440/88/जी०एस० I

दिनांक 4-1-1989.

No. 32/10/89-GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments of Haryana/
The Commissioners, Ambala & Hissar Divisions.
2. All the Deputy Commissioners/ Sub Divisional Officers (C).
3. Registrar, Punjab & Haryana High Court, Chandigarh.

Dated Chandigarh, the 9th January, 1989.

Subject :— Age of compulsory retirement-change of policy regarding

Sir,

I am directed to refer to instructions issued by State Government vide letter No. 4884-GSI74/22627, dated the 24th July, 1974 and 3574-4GSI-75/24237, dated 9th August, 1975 on the subject noted above, in which it was mentioned that the cases of Class I and II officers regarding their premature retirement at the age of 50/55 years may be referred to this department for advice. The matter has been further examined and it has now been decided that the cases of Class-II officers in which 50/70 percent or more annual confidential reports are good or above category and there are no adverse remarks about integrity and no disciplinary proceeding/court proceedings reflection on the integrity of the officer are pending, shall be dealt with at Administrative Departments. All other cases, including the cases of the following nature, will continue to be dealt with as per the present practice and will be submitted to this department for advice :—

1. Border-line cases,
2. Where integrity has been doubted,
3. Where disciplinary proceedings are pending,
4. Where down grading/up-grading of ACR's is involved.
3. These instructions may please be brought to the notice of all concerned for strict compliance.

Yours Faithfully

Sd/-

Under Secretary, General Admn.
for Chief Secretary to Govt., Haryana.

क्रमांक 32/352/88 - जी.एस - I,

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

सभी वित्तायुक्त, आयुक्त एवं प्रशासकीय सचिव,
हरियाणा सरकार, चण्डीगढ़ ।

दिनांक चण्डीगढ़, 2 जून 1989.

विषय :- 50/55 वर्ष की आयु के बाद सेवा में वृद्धि प्रदान करना - केसों को भेजने में अनावश्यक विलम्ब को रोकना

महोदय,

उपरोक्त विषय पर मुझे आपका ध्यान इस विभाग द्वारा जारी किये गये पत्र क्रमांक 32/342/87 - जी. एस - I, दिनांक 10 नवम्बर, 1987 की ओर दिलाने तथा यह कहने का निदेश हुआ है कि उक्त पत्र में निहित हिदायतों के अनुसार अधिकारी समिति में रखे जाने वाले केसों में ज्ञापन प्रशासकीय विभाग द्वारा स्वयं बनाये जाने चाहिए तथा सक्षम अधिकारी द्वारा हस्ताक्षर करवाये जाने चाहिये । परन्तु यह देखने में आया है कि इन हिदायतों की पालना नहीं की जा रही है जिसके कारण 50/55 वर्ष की आयु के बाद सेवा में वृद्धि प्रदान करने वाले केसों को अधिकारी समिति में रखने में विलम्ब होता है ।

2. इसलिए पुनः अनुरोध किया जाता है कि उस पत्र में निहित सभी शर्तों की कड़ाई से पालना की जाये ताकि भविष्य में अधिकारी समिति में प्रस्तुत किये जाने वाले केसों में प्रशासकीय विभाग के स्तर पर सचिवालय में विलम्ब न हों ।

कृपया इन हिदायतों को सभी सम्बन्धित के ध्यान में ला दें ।

भवदीय,

हस्ता / -

संयुक्त सचिव, सामान्य प्रशासन विभाग ।

कृते: मुख्य सचिव, हरियाणा सरकार ।

क्रमांक 32/352/88 - जी.सी. - I,

दिनांक चण्डीगढ़, 2 जून, 1989,

एक प्रति हरियाणा सरकार के सभी विभागाध्यक्षों को सूचनार्थ एवं आगामी कार्यवाही के लिये भेजी जाती है ।

हस्ता / -

संयुक्त सचिव, सामान्य प्रशासन विभाग ।

कृते: मुख्य सचिव, हरियाणा सरकार ।

Subject :— Grant of Extension in service to/re-employment of Haryana Government employees after the age of 58 years.

Will all the Financial Commissioner/Commissioners and Secretaries to Government, Haryana kindly refer to this department's U.O- No. 32/226/GSI, dated 16-8-83 on the subject noted above, under which, *inter alia* it has been laid down that no employee should hence-forth be granted extension in service or be re-employed after the age of 58 years ?

2. It is stated that in exceptional cases, extension in service/re-employment "after the age of 58 years has been allowed by Chief Secretary after obtaining relaxation in these instructions from the Council of Ministers. The matter has further been considered and it has been decided that in future the memorandum to the Council of Ministers for grant of relaxation in the instructions, referred to above, shall be submitted by the concerned department and the advice of Chief Secretary would be obtained by the concerned department before submitting the case to Chief Minister for placing it before the Council of Ministers.

It is requested that these instructions may kindly be complied with meticulously.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

All Financial Commissioners/Commissioner & Secretary to Govt., Haryana.

U.O. No. 32/313/89-4GSI, dated Chandigarh, the 15th January, 1990.

One copy is forwarded to each of the following :—

Principal Secretary/Spl, Secretary to Chief Minister, Additional Principal Secretary Dy. Secretary/OSD & Secretary to Chief Minister & Secretary/Private Secretaries to Dy. C.M., Minister; Dy. Ministers and Chief Parliamentary Secretary.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana,

To

Principal Secretary/Spl. Secy./Addl. Principal Secy. Dy. Secy. OSD/Secy, to Chief Minister. Secretary/private Secretaries to Dy. Chief Minister. Ministers/Deputy Ministers/Chief

U.O. No 32/343/89-4GSI dated the Chandigarh 15-1-90.

No. 32/179/89-4GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments of Haryana/
The Commissioners, Ambala, Hissar, Rohtak and Gurgaon Divisions.
2. All the Deputy Commissioners/ Sub Divisional Officers (C) in Haryana
3. Registrar, Punjab & Haryana High Court, Chandigarh.
Dated Chandigarh, the 21-2-90.

Subject : — **Age of compulsory retirement-change of policy reg.**

Sir,

I am directed to refer to the restrictions issued by State Government vide letter No. 32/10/89-GSI, dated the 9th January 1989 on the subject noted above, wherein it has been laid down that the cases of Class-II officers having 50/70 percent or more good or better reports and where there are no adverse remarks about integrity and no disciplinary/court proceedings reflection on integrity are pending will be decided by the Administrative Departments at their own level for retention in service beyond the age of 50/70 years age, after obtaining the orders of the Minister-in-charge.

2. The matter has been further examined and it has been decided that in future, the cases of such Class-II officers who are not eligible for retention in service beyond the age if 50/55 years on the basis of record will also be decided at the level of administrative Department and decision will be taken under the order of the Minister-in-charge. All other cases of Class-II officers which fall in four categories below will continue to be dealt with as per the present practice:

1. Border-line cases,
2. Where integrity has been doubted.
3. Where disciplinary proceedings are pending.
4. Where down grading/up-grading of ACR's is involved.
3. These instructions may please be brought to the notice of all concerned for information and necessary action.

Yours Faithfully

Sd/-

Under Secretary, General Admn.
For Chief Secretary to Govt., Haryana.

No. 32/194/89-4GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments Commissioners, Ambala, Hissar, Rohtak and Gurgaon Divisions and all the Deputy Commissioners in the State.

2. Registrar, Punjab and Haryana High Court, Chandigarh.

Dated, Chandigarh, the 29-3-1990.

Subject :— Age of compulsory retirement-change of policy reg.

Sir,

I am directed to refer to the instructions contained in Haryana Govt. letter Nos. 5663-4GSI-73/26498 dated 23/24-10-73, 5846-4GSI-74/27622, dated 22-11-74 and 3575-4GSI-75/24237, dated 9-8-75 on the subject noted above in which it was laid down that as far as integrity of an employee is concerned, the record of his whole career should be taken into consideration while considering the cases of Government employee for setention in Government Service beyond the age of 50/55 years. The matter has further been considered by the State Government and it has been decided that while coosidering the cases of retention in service beyond the age of 50/55 years, the reports of doubtfull integrity of an employee pertaining to the period beyond the last ten years, may be ignored. However, the instructions regarding placing the cases of those employees whose integrity has been suspect within this period will continue to be in force and such cases would be placed before the Officers' Committee consisting of the Chief Secretary to Government Haryana, the Financial Commissioner, the Administrative Secretary and Head of Department concerned.

These instructions may kindly be brought to the notice of all concerned for compllance.

Yours Faithfully

Sd/-

Under Secretary, General Administration,
For Chief Secretary to Govt., Haryana.

A copy each is forwarded for information and necessary action to all Financial Commissioners/ Commissioners and Administrative Secretaries to Government, Haryana.

Sd/-

Under Secretary, General Administration,
For Chief Secretary to Govt., Haryana.

To

All the Financial Commissioners/Commissioners
and Administrative Secretary to Government, Haryana.

U.O. No. 32/194/89-GSI,

Chandigarh, the 22-3-90

Extension

A copy is forwarded to the Principal/Special Secretary/Addl. Principal Secy./Officer on Special Duty/Under Secretary/Secretaries & Private Secretaries to the Chief Minister Dy. Chief Minister, Ministers, State Ministers and Chief Parliamentary Secretary for the information of Chief Ministers/ Dy. Chief Minister/Ministers/State Ministers and Parliamentary Secretary, Haryana.

Sd/-

Under Secretary, General Administration,
For Chief Secretary to Govt., Haryana.

To

The Principal Secretary/Special Secretary/Addl. Principal Secretary/Officer on Special Duty/ Under Secretary/Secretaries to the Chief Minister, Dy. Chief Minister, Ministers, State Ministers, and Chief Parliamentary Secretary, Haryana.

U.O. No. 32/194/89, GSI,

Chandigarh, the 22-3-1990

Subject :— Grant of extension in service to/re-employment of Haryana Govt. employees after the age of 58 years.

Will all the Financial Commissioners/Commissioners and Secretaries to Government Haryana kindly refer to this department U.O. No. 32/373/90-4GSI dated 15-1-90 on the subject noted above, under which, interalia it has been laid down that before submitting the case to the Chief Minister for placing it before the Council of Ministers for the grant of relaxation in the instructions dated 16-8-83, the prior approval of the C.S. would be obtained ?

2. It has come to the notice of the State Government that these instruction are being followed strictly and cases are referred to C.S. after the proposal has been approved by the Council of Ministers. Governments have taken a serious views of this, and its is again emphasized that before submitting the case to Chief Minister/Governor for placing the matter before C.M./Governor in Council for relaxing the instructions for grant of extensions in service/re-employment, the prior advice of CS may be obtained invariably. Any violation of these instructions would be viewed seriously.

It is also stated that no re-employment or extension in service beyond the age of 58 years be given as a matter of routine.

These instructions may be brought to the notice of all concerned for strict compliance.

Sd/-
Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners and
Secretaries to Government, Haryana.

U.O. No. 33/4/91-4GSI,

dated Chandighr the, 7th April, 1991

A copy is forwarded to the Secretary to Governor Haryana for information.

Sd/-
Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

U.O. No. 33/4/91-4GSI,

dated Chandighr the, 7th April, 1991

**HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
CABINET SECRETARIAT**

ORDER

Whereas it is considered necessary that all cases of Class-I Officer, whose appointing authority is the State Government, regarding their retention in service beyond the age of 50/55 years be put up to me for orders.

2. And whereas it is considered necessary that the following types of cases of Class-II Officers, whose appointing authority is the State Government regarding the retention in service beyond the age of 50/55 years be put up to me for orders:-

1. Border line cases.
2. Where integrity has been doubted.
3. Where disciplinary proceeding are pending.
4. Where down grading/upgrading of ACRs is involved.

3. Now, therefore, in exercise of the powers conferred on me by clause (xxxix) of sub-rule (1) of rule 28 of the Rules of Business of the Government of Haryana, 1977. I hereby order that the above case should be put up to me for orders.

4. Further, in exercise of the powers conferred by Sub-rule (3) of rule 28, I hereby direct the all cases mentioned above should be submitted to me through the Chief Secretary.

Dated Chandigarh
the 9th July, 1991

BHAJAN LAL
Chief Minister, Haryana

No. 32/167/86-4GSI

From

The Chief Secretary to Govt. Haryana.

To

1. All Heads of Departments Commissioners,
Ambala, Hissar, Rohtak and Gurgaon Divisions ,
Deputy Commissioners and all Sub Divisional Officers ©
2. Registrar, Punjab and Haryana High Court &
District & Sessions Judges Haryana.

Dated, Chandigarh, the 19th November, 1991

Subject :— Premature/Compulsory retirement on attaining the age of 50/55 years of service-guidelines regarding.

Sir,

I am directed to refer to Haryana Govt. letter No. 33/198/83-4GSI, dated 16-8-83 on the subject noted above and to say that Hon'ble Punjab and Haryana High Court in CWP No. 4180 of 1986-K.K. Vaid V/s State of Haryana has held these instructions to be violative of rule 3.26(a) and (d) of CSR Vol. I Part-I, Rule 3.26 (a) provides that every Govt. employee shall retire from service on the last day of month, in which he attains the age of 58 years. An exemption to this rule has been provided in Sub Clause (d), under which the appointing authority has the absolute right, if it is of the opinion that it is in the public interest so to do to retire any Govt. employee other than Class-IV employee by giving him notice of the less than three-months in writing or three month' pay in lieu of such notice :—

- (i) If he is in Class-I or Class-II service or the post and had entered Govt., service before attaining the age of 35 years after he has attained the age of 50 years; and
- (ii) (a) if he is in class-II service or post or
(b) if he is class-I or Class-II or post and entered Govt. service after attaining the age of 35 years.

After he has attained the age of fifty years.

The provision contained in 3.26(d), commonly referred to as the rule of premature retirement is based on sound policy and in public interest. Judicial pronouncements have also accepted the fact that such compulsory/premature retirement is not a punishment nor does it involve a stain or stigma and its provisions in the rules is necessary in public interest. The higher the level reached by a Govt. servant, the higher will be the responsibilities entrusted to him and hence higher will be expectations of Govt. that there responsibilities are discharged with exemplary-competence, efficiency and effectiveness. It is with a view to assessing whether such expectations are being fulfilled or not that a procedure for reviewing the performance of Govt., servants who have attained the age of 50/55 years or have rendered 30 years qualifying service, has been laid down for the retirement of those Govt. servants who do not fulfill this expectation, it is essential that employee must have earned at least 50%,

Extension

70% good or above reports during the last 10 years, as the case may be and there is not entry regarding doubtful integrity during this period.

The procedure for review of cases of compulsory/premature retirement has been laid down in Haryana Govt., letter No. 5846-4GSI-74/27662, dated 22-11-74 and No. 3575-4GSI-75/2437, dated 9-8-75, letter No. 32/10/89-GSI, dated 9-1-89 and letter No. 32/179/89-4GSI, dated 21-2-90. It is therefore, requested that the cases of compulsory/premature retirement at the age of 50/55 years may be examined in the light of these instructions.

Yours faithfully,

Sd/-

Under Secretary, General Administration,
For Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to all Financial Commissioners/Commissioners and Secretaries to Govt., Haryana.

Sd/-

Under Secretary, General Administration,
For Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners and
Secretaries to Government, Haryana.

U.O. No. 32/167/86-GSI,

dated Chandigarh, 19-11-91

A copy is forwarded to the Principal Secretary/Additional Principal Secretary/ OSD to Chief Minister/Secretaries/Private Secretaries to Ministers/Ministers of State/Chief Parliamentary Secretary and Parliamentary Secretary for information of the Chief Ministers/Ministers of States/Chief Parliamentary Secretary and Parliamentary Secretary.

Sd/-

Under Secretary, General Administration,
For Chief Secretary to Government, Haryana.

To

The Principal Secretary/Additional Principal Secretary/OSD to C.M. /Secretaries/Private Secretaries to Ministers/Ministers of State/Chief Parliamentary Secretary and Parliamentary Secretary.

U.O. No. 32/167/86-GSI,

dated Chandigarh, 19-11-91

क्रमांक 32/103/93-4 जी०एस० - I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष ।
 2. आयुक्त अम्बाला, हिसार, रोहतक एवं गड़गाँव मण्डल।
 3. सभी उपायुक्त एवं उप मण्डल अधिकारी (ना) हरियाणा राज्य में
 4. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट चण्डीगढ़।
- दिनांक, चण्डीगढ़ 27-8-93

विषय :- **50/55 वर्ष की आयु के बाद सेवा में रखना - विलम्ब की रोकथाम करना।**

महोदय,

मुझे आपका ध्यान उपरोक्त विषय पर हरियाणा सरकार के पत्र क्रमांक 32/65/82-2 जी०एस० - I, दिनांक 27-12-82 एवं 32/342/87-जी. एस. I दिनांक 10-11-1987 की ओर दिलाने और यह कहने का निर्देश हुआ है कि इन पत्रों में यह स्पष्ट किया गया था कि इस मामले से सम्बन्धित केस इस विभाग को अमूक अधिकारी / कर्मचारी को 50/55 वर्ष की आयु की प्राप्ति से 6 मास से पहले भेजा जाये क्योंकि यदि आवश्यक हो तो नियम अनुसार अधिकारी की सेवा निवृत्ति का तीन मास का नोटिस दिया जा सके। इसके अतिरिक्त यह भी स्पष्ट किया गया था कि केस भेजते समय यह भी उल्लेख किया जाये कि अधिकारी का केस 50 वर्ष की आयु के बाद रिव्यू किया गया है अथवा नहीं। यह अनुभव किया गया है कि इन हिदायतों को कड़ाई से पालना नहीं की जा रही है और ऐसे केसों में अनावश्यक देरी की जाती है और निर्धारित समय पर केस मुख्य सचिव (सामान्य सेवाएं शाखा - I) को रिव्यू के लिए नहीं भेजे जाते। बल्कि कई केस तो निर्धारित आयु 60/55 वर्ष पूरी होने के पश्चात हो इस विभाग को भेजे जाते हैं जोकि एक बड़ी अनियमितता है।

2. आपसे पुनः अनुरोध है कि यह सुनिश्चित किया जाए कि अधिकारी की 50/55 वर्ष की आयु प्राप्ति से 6 मास पहले ऐसे केस पूर्ण गोपनीय रिकार्ड सहित इस विभाग को भेजे जाये ताकि यदि आवश्यक हो तो सम्बन्धित अधिकारी / कर्मचारी को तीन मास का नोटिस दिया जा सके। इन हिदायतों की पालना न करने पर अनुशासनिक कार्यवाही की जायेगी।

कृपया इन हिदायतों को सभी के ध्यान में ला दिया जाये।

हस्ता / -

अवर सचिव, सामान्य प्रशासन,
कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति सभी वित्तायुक्त/आयुक्त एवं सचिव, हरियाणा सरकार को सूचनार्थ एवं आवश्यक कार्यवाही हेतु भेजी जाती है।

हस्ता/-

अवर सचिव, सामान्य प्रशासन,
कृते : मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष/आयुक्त एवं सचिव, हरियाणा सरकार

अशा० क्रमांक 32/103/93-4 जी० एस० I

दिनांक 27-8-93,

सेवा में,

सभी वित्तायुक्त, आयुक्त एवं सचिव, हरियाणा सरकार ।

अशा. क्रमांक 32/103/93-4 जी. एस. - I,

दिनांक, चण्डीगढ़ 27.8.93.

क्रमांक 32/219/95-4 जी०एस०-I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष ।
2. आयुक्त अम्बाला, हिसार, रोहतक एवं गड़गौंव मण्डल।
3. सभी उपायुक्त एवं उप मण्डल अधिकारी (ना) हरियाणा राज्य में
4. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट चण्डीगढ़।

दिनांक, चण्डीगढ़ 7, जनवरी 1996

विषय : 50/55 वर्ष की आयु के बाद सेवा में रखना - विलम्ब की रोकथाम करना।

महोदय,

मुझे आपका ध्यान उपरोक्त विषय पर हरियाणा सरकार के पत्र क्रमांक 32/65/82-2 जी०एस०-I, दिनांक 27-12-82 जी. एस. I दिनांक 10-11-87 एवं 32/342/87 एवं 7-8-93 की ओर दिलाने और यह कहने का निर्देश हुआ है कि इन पत्रों में यह स्पष्ट किया गया था कि इस मामले से सम्बन्धित केस इस विभाग को अमूक अधिकारी/कर्मचारी को 50/55 वर्ष की आयु की प्राप्ति से 6 मास से पहले भेजा जाये क्योंकि यदि आवश्यक हो तो नियम अनुसार अधिकारी की सेवा निवृत्ति को तीन मास का नोटिस दिया जा सके। इसके अतिरिक्त यह भी स्पष्ट किया गया था कि केस भेजते समय यह भी उल्लेख किया जाये कि अधिकारी का केस 50 वर्ष की आयु के बाद रिव्यू किया गया है अथवा नहीं। यह अनुभव किया गया है कि इन हिदायतों को कड़ाई से पालना नहीं की जा रही है और ऐसे केसों में अनावश्यक देरी की जाती है और निर्धारित समय पर केस मुख्य सचिव (सामान्य सेवाएं शाखा-I) को रिव्यू के लिए नहीं भेजे जाते। बल्कि कई केस तो निर्धारित आयु 60/55 वर्ष पूरी होने के पश्चात हो इस विभाग को भेजे जाते हैं जोकि एक बड़ी अनियमितता है।

2. आपसे पुनः अनुरोध है कि यह सुनिश्चित किया जाए कि अधिकारी की 50/55 वर्ष की आयु प्राप्ति से 6 मास पहले ऐसे केस पूर्ण गोपनीय रिकार्ड सहित इस विभाग को भेजे जाये ताकि यदि आवश्यक हो तो सम्बन्धित अधिकारी/कर्मचारी को तीन मास का नोटिस दिया जा सके। इन हिदायतों की पालना न करने पर अनुशासनिक कार्यवाही की जायेगी।

कृपया इन हिदायतों को सभी के ध्यान में ला दिया जाये।

हस्ता/-

अवर सचिव, सामान्य प्रशासन,
कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति सभी वित्तायुक्त/आयुक्त एवं सचिव, हरियाणा सरकार को सूचनार्थ एवं आवश्यक कार्यवाही हेतु भेजी जाती है।

हस्ता / -

अवर सचिव, सामान्य प्रशासन,
कृते : मुख्य सचिव, हरियाणा सरकार ।

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष/आयुक्त एवं सचिव, हरियाणा सरकार

अशा० क्रमांक 32/219/95-4 जी० एस० I

दिनांक 7-2-96,

प्रतियां मुख्य मंत्री/ मंत्री/ राज्य मंत्री / मुख्य संसदीय सचिव/ संसदीय सचिव के प्रधान सचिव/ सचिव/ निजी सचिव / को भेज कर अनुरोध किया जाता है कि वे इन हिदायतों को सभी के ध्यान में ला दें।

हस्ता / -

अवर सचिव, सामान्य प्रशासन,
कृते : मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

मुख्य मंत्री/ मंत्री/मंत्रीगण/ राज्य मंत्री / मुख्य संसदीय सचिव/ संसदीय सचिव के प्रधान सचिव/ सचिव/ निजी सचिव / को अशा० क्रमांक 32/219/95-4 जी० एस० I दिनांक 7-1-96

No. 34/10/95-IGSI

From

The Chief Secretary to Government, Haryana.

To

1. All the Heads of Departments, Commissioners, Ambala, Hissar, Rohtak and Gurgaon Divisions.
2. All the Deputy Commissioner and Sub-Divisional Office (Civil) in Haryana.
3. The Registrar, Punjab and Haryana High Court, Chandigarh,

Dated Chandigarh, the 18th March, 1996

Subject:— Raising the age of retirement of the blind Government employees from 58 to 60 year.

Sir.

I am directed to invite a reference to Haryana Government letter No. 32/279/88-4GSI dated the 2nd November, 1988 on the subject noted above wherein it was *interalia* laid down that the blind Government employees will be given extension in service for 2 years after the age of superannuation up to the age of 60 years subject to the condition that only such blind employees would be eligible for extension in service who have joined Government service after attaining the age of 30 years and were blind at the time of their entry in to service and to say that this matter has further been examined and after careful consideration it has been decided to raise the normal age of retirement of blind employees to 60 year.

3. Accordingly, henceforth the retirement age of the blind State Government employees should be 60 years.

These instructions may please be brought to the notice of all concerned.

Yours faithfully,

Sd/-

Under Secretary General Administration
for Chief Secretary to Government, Haryana.

A copy is forwarded to all the Financial Commissioners/Commissioners & Secretaries to Government Haryana for information and necessary action.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government, Haryana.

Extension

To

All the Financial Commissioners/Commissioners and Secretary to Government Haryana

U.O.No. 34/10/95-4GSI

Dated Chandigarh, the 18th March, 1996.

A copy is forwarded to the Principal Secretary/Spl. Principal Secretary/Dy. Principal Secretary/O.S.D. to Chief Minister/Secretaries/Private Secretaries to Chief Minister/Ministers/Ministers of State/Chief Parliamentary Secretary and Parliamentary Secretary.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government, Haryana.

To

The Principal Secretary/Spl. Principal Secretary/Dy. Principal Secretary & O.S.D. to Chief-Minister Secretary/ Private Secretaries to Chief Minister, Ministers/Chief Parliamentary Secretary and Parliamentary Secretary.

U.O. No- 34/10/95-4GSI

Dated Chandigarh, the 18th March, 1996

A copy is forwarded to the Financial Commissioner and Secretary to Government Haryana, Finance Department (in F.G. II Branch with reference to this U.O. No. 12/56/95-3FGII, dated 12-2-96 information only.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government, Haryana.

To

The Financial Commissioner and Secretary to Government Haryana, Finance Department (in F.G.II Br)

U.O. No. 34/10/95-4GSI

Dated Chandigarh. the 18th March, 1996

No. 32/274/88-GSI

From

The Chief Secretary to Government, Haryana Chandigarh

To

1. All Heads of Department
2. Commissioners of Ambala and Hisar Divisions,
3. Registrar, Punjab and Haryana High Court.

Dated Chandigarh, the 12th December, 1998

Subject :— Age of compulsory retirement-Change of criteria.

Sir,

I am directed to invited your attention to the instruction issued vide this Department letters Nos. 5846-4GSI-74/27622, dated 22-11-74 and No. 3575-4GSI-75/24237, dated 9-8-75 on the subject noted above according to which for integrity of an employee, the record of his whole career is required to be taken in consideration and if integrity has been suspected at any stage of his career, the case should be placed before the Officers Committee for decision. The matter regarding laying down the criteria for deterring the element of integrity in the disciplinary cases pending against the officials has further been considered by Government. It has been decided that in the following kind of cases of disciplinary proceedings, the integrity may be considered as doubtful and the cases may be placed before the Officer Committee:-

1. The cases in which, charge sheet have been issued/Court cases are pending, where the charged are such which cast as pertions on the integrity of the employee;
2. The case, in which, punishment have been awarded on the basis of charge, which reflect on integrity of employee: and
3. The cases where integrity has been doubted at any stage of the career and mention there of has been made in the A.C.R.

These instructions may please be brought to the notice of all concerned for strict compliance.

The receipt of the letter may please be acknowledged.

Yours Faithfully,

Sd/-

Under Secretary, General Admn.
For Chief Secretary to Govt., Haryana.

No.32/33-SP/99-4GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads, of Departments, Commissioners Ambala, Hisar, Gurgaon and Rohtak Division.
 2. All Deputy Commissioners and Sub-Divisional Officers (Civil) in Haryana.
 3. The Registrar, Punjab and Haryana High Court, Chandigarh.
- Dated Chandigarh the 21-10-1999.

Subjects :— Age of compulsory retirement-change of criteria.

Sir,

I am directed to invite your attention to the Government instructions issued vide letter 'No. 32/274/88-4GSI, dated 12-12-88, on the subject noted above and to say that according to these instructions the following cases of enquiry are to be placed before the Officers Committee to retain or retire the officer/official beyond the age of 50/55 years :—

1. The cases in which chargesheet have been issued/court cases are pending, where the charges are such which cast aspersions on the integrity of the employee;
2. The cases, in which, punishment have been awarded on the basis of charges, which reflect on integrity of employee; and
3. The cases where integrity has been doubted at any stage of the career and mention thereof has been made in the A.C.R.

Till now it was the general practice to place all the enquiry cases pending against the officers/officials under rule-7 and 8 in the officers meeting. But it has been felt that cases of chargesheet pending under rule-8 which is of a minor punishment should not be placed before the officer's committee because it attracts a very minor penalty. Therefore, is decided that in future no such cases of minor penalty, be put up in the officers committee meeting and only the cases pending under rule-7 of major penalty will be discussed in the meeting.

These instructions may please be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Govt., Haryana,

A copy is forwarded for similar-action to all Financial Commissioners/Administrative Secretaries to Govt., Haryana for information and necessary action.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Govt., Haryana,

To

All Financial Commissioners/Commissioners and Administrative Secretary to Govt., Haryana.

U.O. No. 32/33-SP/99-4GSI

Dated Chandigarh. the 21-10-1999.

क्रमांक 32/142/2000-4 जी.एस. III

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, हरियाणा सरकार, हिसार,
अम्बाला गुड़गांव तथा रोहतक मण्डल, हरियाणा ।
2. राजिस्ट्रार, पंजाब तथा हरियाणा हाईकोर्ट,
चण्डीगढ़ तथा हरियाणा के सभी ज़िला सत्र न्यायाधीश ।
3. सभी उपायुक्त तथा उप मण्डल अधिकारी, सिविल, हरियाणा ।

दिनांक, चण्डीगढ़ 20.7.2000

विषय :- 50/55 वर्ष की आयु से आगे सेवा में वृद्धि प्रदान करना – केसों को भेजने में अनावश्यक विलम्ब को रोकना ।

श्री मान जी,

मुझे आपको ध्यान हरियाणा सरकार के पत्र क्रमांक 20/138/81- 4 जी.एस. I, दिनांक 4 सितम्बर, 1931 तथा 32/85/82-4 जी.एस. I, दिनांक 27 दिसम्बर, 1982 को ओर दिलाने और यह कहने का पुनरु निर्देश हुआ है कि इस पत्र में निहित हिदायतों को कड़ाई से पालना नहीं की जा रही जबकि यह स्पष्ट किया गया था कि केस इस विभाग की अमुक अधिकारी/कर्मचारी को 50/55 वर्ष की आयु की प्राप्ति से 6 मास पहले भेजा जाए क्योंकि यदि आवश्यक हो तो अधिकारी की सेवा निवृत्ति का 3 मास का नोटिस दिया जा सके । यह भी लिखा गया था कि प्रत्येक विभागाध्यक्ष अपने अधीन कर्मचारियों/अधिकारियों की एक सूची बना कर अपने कार्यालय में रखे जिससे पता चल सके कि उनके विभाग के अमुक कर्मचारी/अधिकारी 50 तथा 55 वर्ष की आयु प्राप्त कर रहे हैं ताकि उनके केस सेवा वृद्धि के लिए मुख्य सचिव की निश्चित अवधि में भेजे जाएं ।

2. परन्तु अनुभव किया गया है कि ऐसे केसों में देरी इसलिए भी हो जाती है क्योंकि प्रशासकीय सचिव तथा विभागाध्यक्षों के कार्यालयों में ऐसी कोई सूची Maintain नहीं की जाती जिससे यह पता चल सके कि विभाग के कितने कर्मचारी/अधिकारी कौन से वर्ष, कौन सी तिथि की 50/55 वर्ष की आयु पूरी कर रहे हैं । यदि ऐसी सूची पहले ही बनाकर रखी गई हो जो प्रत्येक कर्मचारी/अधिकारी के केस को समय पर रिव्यू करने में सुविधा होगी । अतः यह निर्णय लिया गया है कि प्रत्येक विभागाध्यक्ष सूची अपने कार्यालय में बनवाएं जिनमें आगामी 2 वर्षों में 50/55 वर्ष की आयु प्राप्त करने वाले अधिकारियों/कर्मचारियों के केसों का रिव्यू किया जाना हो । इस सूची की एक प्रति अपने प्रशासकीय सचिवों को भी भेजी जाए ताकि इस सूची के अनुसार प्रत्येक केस पर नज़र रख सकें । यह सूची हर वर्ष जनवरी के महीने में तैयार कर ली जाए ।

3. इसके अतिरिक्त यह भी स्पष्ट किया जाता है कि ऐसे केसों की तिथि बद्ध मार्क किया जाए ताकि हरेक स्तर पर केस को डील करने में देरी न हो और यदि स्मरण पत्र भी जारी करना पड़े तो यह भी अर्ध सरकारी पत्र ही जारी किया जाए ताकि अमुक केस सरकार को सामान्य सेवाएं शाखा - III में Crucial तिथि से 6 मास पहले पहुंच सके ।

कृपया यह हिदायतें सभी सम्बन्धित के ध्यान में ला दी जाएं ।

भवदीय,

संयुक्त सचिव, सामान्य प्रशासन विभाग,
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति सभी वित्तायुक्तों तथा प्रशासनिक सचिवों की सूचनार्थ एवं आवयक कार्यवाही के लिए भेजी जाती हैं । वे कृपया इन हिदायतों की अपने अधीन सभी सम्बन्धित के ध्यान में ला दें ।

संयुक्त सचिव, सामान्य प्रासन विभाग,
कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी वित्तायुक्त एवं सचिव, हरियाणा सरकार ।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार ।

अशा क्रमांक 32/142/2000 - 4जी.एस. III

दिनांक : 20.7.2000

No. 32/84/2001-4GIII

From

The Chief Secretary to Government , Haryana.

To

1. All Heads of Departments, Commissioners of Divisions Amabala, Rohtak, Gurgaon and Hissar.
2. The Registrar,
Punjab and Haryana High Court, Chandigarh
3. All Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana State.

Dated Chandigarh, the 6th December, 2001

Subject :— Confidential Reports.

Sir,

I am directed to invite your attention to the instructions contained in the Haryana Government letter No. 61/11/96-S(I), dated 14.5.96 on the subject noted above, where in it has been laid down that in the cases of promotion, crossing of efficiency Bar and retention in service beyond the age of 50/55 years certain annual confidential reports are to be kept in view for deciding such cases. In order to avoid references on this point it was also made clear that the period for which ACR has not been written for any reason like suspension, absence due to leave or illness, termination of service or for any other reason, ACR for the period should be treated as blank and the case be examined on the basis of available record.

2. While implementing these instructions some difficulties were being faced in assessing the last 10 years record for granting extension in service cases beyond 50/55 years in cases where some reports of last 10 years were missing. With a view to solve this problem, it has now been decided that in such cases one should go to the previous years and include the ACRs of previous years so that case is examined on the basis of total 10 years available record. Instructions dated 14.5.96 may be treated to have been modified to the above extent.

3. These instructions may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Under Secretary General Administration
for Chief Secretary to Govt. Haryana.

Extension

A copy each is forward to :—

1. All the Financial Commissioners, Haryana.
2. All the Administrative Secretaries to Govt. Haryana for information and necessary action.

Sd/-

Under Secretary General Administration
for Chief Secretary to Govt. Haryana.

To

1. All the Financial Commissioners, Haryana.
2. All the Administrative Secretaries to Govt. Haryana

U.O. No. 32/84/2001-4GSIII,

Dated Chandigarh, the 6th December, 2001

क्रमांक 32/234/2001-4 जी.एस. III

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष,
2. रजिस्ट्रार, पंजाब एवं हरियाणा हाईकोर्ट, चण्डीगढ़
3. आयुक्त अम्बाला, हिसार, रोहतक, एवं गुड़गांव मण्डल, हरियाणा,
4. सभी उपायुक्त एवं उप-मण्डल अधिकारी हरियाणा ।

दिनांक, चण्डीगढ़ दिसम्बर 7, 2001

विषय :- 50/55 वर्ष की आयु के बाद सेवा में रखना - विलम्ब की रोकथाम करना ।

महोदय,

मुझे आपका ध्यान उपरोक्त विषय पर हरियाणा सरकार के पत्र क्रमांक 32/65/82-जी.एस. I, दिनांक 27.12.82 एवं 32/342/87-जी.एस. I, दिनांक 18.11.87 तथा 32/103/93-जी.एस. I, दिनांक 27.8.93 की ओर दिलाने और यह कहने का निर्देश हुआ है कि इन पत्रों में यह स्पष्ट किया गया था कि इस मामले से सम्बन्धित केस इस विभाग को अधिकारी/कर्मचारी की 50/55 वर्ष की आयु को प्राप्ति से 6 मास पहले से भेजा जाए ताकि यदि आवश्यक हो तो नियम अनुसार अधिकारी की सेवा निवृत्ति का तीन मास का नोटिस दिया जा सके । अब यह अनुभव किया गया है कि हिदायतों की कड़ाई से पालना नहीं की जा रही और ऐसे केसों में अनावश्यक देरी की जाती है और निर्धारित समय पर केस मुख्य सचिव सामान्य सेवायें शाखा III को रिव्यू के लिए नहीं भेजे जाते । बल्कि कई केस तो निर्धारित आयु 50/55 वर्ष पूरी होने के पश्चात ही इस विभाग को भेजे जाते हैं जोकि एक बहुत बड़ी अनियमितता है।

2. सरकार ने इसको गंभीरता से लिया है तथा निर्देश दिया है कि 50/55 वर्ष की आयु के बाद अधिकारी समिति में प्रस्तुत किये जाने वाले केस निर्धारित आयु से 6 मास पूर्व इस कार्यालय में भिजवाएं ताकि यदि आवश्यक हो तो तीन मास का नोटिस दिया जा सके। ऐसे केसों में कोताही के लिए सम्बन्धित वरिष्ठ अधिकारी उत्तरदायी होंगे।

भवदीय

अवर सचिव सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति सभी वित्तायुक्त/आयुक्त एवं सचिव, हरियाणा सरकार को सूचनार्थ एवं आवश्यक कार्यवाही हेतु भेजी जाती है।

अवर सचिव सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

सेवा में

सभी वित्तायुक्त/आयुक्त एवं सचिव, हरियाणा सरकार ।

अशा : क्रमांक 32/234/2001-4 जी.एस. II

दिनांक, चण्डीगढ़ 7.12.2001

No. 32/189/2000-4GSIII

From

The Chief Secretary to Government Haryana.

To

1. All the Heads of Departments in Haryana.
2. The Registrar, Punjab and Haryana High Court.
3. All the Deputy Commissioner in Haryana and
Commissioners Rohtak, Gurgaon, Hisar and Ambala Divisions.

Dated Chandigarh, the 31st May, 2002

Subject :— Retention in service beyond age of 50/55 years -cutting of delay.

Sir,

I am directed to refer to the Haryana Government instructions noted in the margin regarding submission of retention in service cases beyond the age of 50/55 years to Chief Secretary (in G.S.-III branch) in stipulated period. According to these instructions, it was made clear that the cases of retention in service are of great importance and should be sent to this Department six months before the crucial date of 50/55 years as the case may be but it is felt that these instructions are not being followed in letter and spirit by various departments. It was also observed that many cases were submitted to this department when the officer concerned has actually attained the age of retirement.

2. Taking serious view of such cases, it is reiterated that Administrative Secretaries and Head of Departments must ensure that all such proposal should be sent to this department six months before an officer attains the age of 50/55 years as the case may be. Whenever there is delay in submitting such cases, the responsibility should be fixed and all those responsible for delay should be charged for major punishment. No laxity in such cases should be tolerated and strict action may be initiated against the defaulting officer/official.

3. These instruction may be brought to the notice of all concerned.

Yours faithfully,

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

A copy is forward to all the Financial Commisioners & Principal Secretaries and all the Administrative Secretaries to Govt., Haryana for information and necessary action.

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

Compendium of Instructions on Service Carrier — Vol. III

To

All the Financial Commissioners and Principal Secretaries and
Administrative Secretaries to Government Haryana.

U.O. No. 32/189/2000-4GSIII,

Dated Chandigahr, the 31st May, 2002

A copy is forwarded to the Principal Secretaries/Secretaries/Private Secretaries to the Chief Minister/Ministers/Ministers of State of information of the Chief Minister/Ministers/Ministers of State, Haryana.

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

To

The Principal Secretary/Secretaries/Private Secretaries
to Chief Minister/Ministers/Ministers of State, Haryana.

U.O. No. 32/189/2000-4GSIII,

Dated Chandigarh, the 31st May, 2002

A copy is forward to all the Branch Officers/Superintendent/Deputy Superintendents of Chief Secretary/F.C. officer for information and necessary action.

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

To

All the Branch Officers/Superintendents/Deputy Superintendents
of Chief Secretary/F.C. Office.

U.O. No. 32/189/2000-4GSIII,

Dated Chandigarh, the 31st May, 2002.

No. 32/257/2002-4GSIII

From

The Chief Secretary to Government Haryana

To

1. All the Heads of Departments in Haryana.
2. The Registrar, Punjab and Haryana High Court.
3. All the Deputy Commissioner in Haryana and Commissioners Rohtak, Gurgaon, Hisar and Ambala Divisions.

Dated Chandigarh, the 27th September, 2002

Subject :— Retention in service beyond age of 50/55 years-cutting of delay.

Sir,

I am directed to refer to Haryana Government instructions No. 32/189/2000-4GSIII dated 31.5.2002 on the subject noted above wherein It was laid down that the cases of retention in service are of great importance and should be sent to this department six months before the crucial date of 50/55 years as the case may be. But this is not being followed meticulously. It has also come to notice of Government that in some cases of retention in service beyond 50/55 years, the cases are received near the age of retirement and some times even after attaining the age of retirement.

2. A very serious view of such cases of delay has been taken and it is again reiterated that Administrative Secretaries and Heads of Departments must ensure that all such proposal should be sent to this department six months before an officer attains the relevant age as the case may be. All Heads of Departments must review the progress of cases of retention in service beyond the age of 50/55 years with their Departmental officers every month, and report the progress to their respective Administrative Secretaries.

3. The Administrative secretaries should arrange a quarterly meeting with their Heads of Departments to monitor the latest position of review cases and ensure timely preparation of the cases to be submitted to the office of Chief Secretary for retention/retirement.

4. The case to be reviewed by the Officers Committee should be given top priority so that where necessary there is sufficient time to service three months notice of retirement required statutorily.

5. In case of delay and non-compliance of these instructions the matter shall be viewed seriously. Responsibility of Officers/Officials for delays and lapses in this regard working in your charge should be affixed by you and no laxity in such cases should be tolerated.

These instructions may be brought to the notice of all concerned.

Yours faithfully,

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

Compendium of Instructions on Service Carrier — Vol. III

A copy is forward to all the Financial Commisioners & Principal Secretaries and all the Administrative Secretaries to Govt., Haryana for information and necessary action.

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

To

All the Financial Commissioners and Principles Secretaries and all
Administrative Secretaries to Government Haryana.

U.O. No. 32/257/2002-4GSIII,

Dated Chandigarh, the 27th September, 2002

A copy is forward to all the Principal Secretaries/Secretaries/Secretaries/Private Secretaries to the Cheif Minister/Ministers/Ministers of States for information of the chief Minister/Ministers/Ministers of State, Haryana.

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

To

The Principal Secretary/Secretaries/Private Secretaries
to Chief Minister/Ministers/Ministers of State, Haryana

U.O. No. 32/257/2002-4GSIII,

Dated Chandigarh, the 27th September, 2002

A copy is forward to all the Branch officers/Superintendent/Deputy Superintendents of Chief Secretary / F.C. office for information and necessary action

Under Secretary General Administration,
for Chief Secretary to Government Haryana.

To

All the Branch Officers/Superintendents/Deputy Superintendents
of Chief Secretary / F.C. Office.

U.O. No. 32/257/2002-4GSIII,

Dated Chandigarh, the 27th September, 2002

क्रमांक 32/02/2005/4 - जी०एस० ।

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष ।
2. आयुक्त, अम्बाला, हिसार, रोहतक एवं गुडगावां मण्डल ।
3. रजिस्ट्रार, पंजाब एवं हरियाणा उच्च न्यायालय, चण्डीगढ़ ।
4. हरियाणा राज्य के सभी उपायुक्त ।

दिनांक, चण्डीगढ़ 11.04.2005

विषय :- **श्रेणी-I के अधिकारियों को 50/55 वर्ष की आयु के बाद सेवा में रखने की क्रिया विधि में परिवर्तन करने बारे ।**

महोदय,

मुझे आपको ध्यान उपरोक्त विषय पर सरकार के पत्र क्रमांक 32/10/89 - 4जी०एस० ।, दिनांक 09 जनवरी, 1989 तथा क्रमांक 32/179/89 - 4 जी०एस० ।, दिनांक 21 फरवरी, 1990 की ओर दिलाने तथा यह कहने को निर्देश हुआ है कि उक्त पत्रों द्वारा यह निर्णय लिया गया है कि श्रेणी- II अधिकारियों के ऐसे मामले, जिसमें अधिकारी की 50/70 प्रतिशत अथवा उससे अधिक वार्षिक गोपनीय रिपोर्ट्स अच्छे दर्जे अथवा उससे अधिक अच्छी हों और उसकी इमानदारी सदेहजनक न हो तथा ऐसी कोई अनुशासनिक कार्यवाही/न्यायालय में मामला लम्बित न हो जिसमें अधिकारी की ईमानदारी पर सदेह किया गया हो, प्रशासकीय विभाग के स्तर पर विचारे जायें तथा ऐसे मामलों में कार्यभारी मंत्री के आदेश प्राप्त करके निर्णय लिया जाये । श्रेणी- II अधिकारियों के ऐसे मामलों में भी प्रशासकीय विभाग के स्तर पर ही निर्णय लिया जाये जिनमें अधिकारी सेवा-रिकार्ड के आधार पर 50/55 वर्ष की आयु के पश्चात सेवा में रखने योग्य न पाया जाये ।

2. सरकार द्वारा मामले पर आगे विचार किया गया है तथा अब यह निर्णय लिया गया है कि श्रेणी- II अधिकारियों की तरह ही, श्रेणी- I अधिकारियों के 50/55 वर्ष की आयु के पश्चात सेवा में रखे जाने सम्बन्धी उक्त प्रकार के मामले भी प्रशासकीय विभाग के स्तर पर विचारे जायें तथा मामलों में भी कार्यभारी मंत्री के आदेश प्राप्त करके निर्णय लिया जाये । अतः भविष्य में श्रेणी- I तथा श्रेणी- II अधिकारियों के केवल निम्नलिखित प्रकार के मामले ही मुख्य सचिव, हरियाणा सरकार (सामान्य सेवाएं शाखा- I) को भेजे जायें :-

1. ऐसे मामले जिनमें अधिकारी को नियम-7 के तहत आरोप पत्र जारी किया गया हो आरोप पत्र की प्रति सहित भेजे जायें ।
2. ऐसे मामले जिनमें अधिकारी के विरुद्ध कोई अनुशासनिक कार्यवाही/न्यायालय में मामला लम्बित हो ।
3. जिस समय केस पर विचार किया जा रहा है उस से पिछले दस वर्षों की गोपनीय रिपोर्ट्स में यदि कभी इमानदारी सन्देह जनक रही हो तो प्रतिकूल टिप्पणी कन्वे करने तथा उस पर

निर्णयोपरान्त निर्णय की प्रति सहित मामला भेजें ।

4. ऐसे मामले जिनमें गोपनीय रिपोर्ट में समस्त मूल्यांकन को डाउनग्रेड/अपग्रेड किया गया हो ।
 5. सीमांकित मामले (Border Line cases) ।
3. आपसे अनुरोध है हक इन हिदायतों को सभी सम्बन्धित के ध्यान में ला दिया जाये तथा इनकी दृढ़ता से पालन की जाये ।

भवदीय

उप सचिव, सामान्य प्रशासन

कृते: मुख्य सचिव, हरियाणा सरकार ।

इसकी एक-एक प्रति हरियाणा सरकार के सभी वित्तियुक्तों एवं प्रधान सचिवों सभी अयुक्त एवं सचिवों को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

उप सचिव, सामान्य प्रशासन

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

सभी वित्तियुक्त एवं प्रधान सचिव/आयुक्त एवं सचिव, हरियाणा सरकार ।

अशा० क्रमांक 32/02/2005-4जी०एस० I

दिनांक, चण्डीगढ़ 11.04.2005

इसकी एक-एक प्रति मुख्य मंत्री के प्रधान सचिव/अतिरिक्त प्रधान सचिव/ अतिरिक्त प्रधान सचिव - I/अतिरिक्त प्रधान सचिव - II / विशेष कार्याधिकारी - I व II को तथा मुख्य मंत्री/उप मुख्य मन्त्री/मन्त्रीयों के सचिवों/ निजि सचिवों को सूचनार्थ प्रेषित की जाती है।

उप सचिव, सामान्य प्रशासन

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

मुख्य मंत्री के प्रधान सचिव/ अतिरिक्त प्रधान सचिव - I/अतिरिक्त प्रधान सचिव - II / वि कार्याधि कारी - I व II तथा मुख्य मंत्री/मन्त्रीयों के निजि सचिवों को मुख्य मंत्री/उप मुख्य मन्त्री/मन्त्रीयों, हरियाणा ।

आ० क्रमांक 32/02/2005-4जी०एस० I

दिनांक, चण्डीगढ़ 11.04.2005

No 34/1/2006-4GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners, Ambala, Rohtak, Gurgaon and Hisar Divisions.
2. The Registrar, Punjab and Haryana High Court, Chandigarh.
3. All the Deputy Commissioners and Sub Divisional Officers in Haryana.
4. All the Managing Directors of Board, Corporation, Public Undertaking.
5. The Registrars, HAU, Hisar, KUK, Kurukshetra, MDU, Rohtak, Guru Jambheshwar University, Hisar and Ch. Devi Lal University, Sirsa.

Dated Chandigarh, the 31st January, 2006

Subject :- Raising the age of retirement of the Physical Handicapped Government employees from 58 to 60 years.

Sir,

I am directed to invite your attention to rule 3.26 (a) of the Punjab Civil Service Rules Volume-I, Part I, which interalia provides for the age of superannuation of Haryana Government Employees as 58 years except in the case of Judicial Officers, Group IV and Blind Employees in whose case such age has been prescribed as 60 years.

2. With a view to maintaining uniformity in the matter of retirement age in respect of Handicapped employees, The Government, on further consideration of the matter, has decided to raise the normal retirement age of such disabled Group 'A' to Group 'D' employees who possess the minimum degree of disability of 70% from 58 years to 60 years.

3. This decision shall come into force at once. this decision may please be brought to the notice of all concerned for compliance.

Yours Faithfully

Sd/-

Deputy Secretary General Administration
for Chief Secretary to Government Haryana

A copy is forwarded to all Financial Commissioners and Principal Secretaries/Commissioners and Secretaries to Government Haryana for information and necessary action.

Deputy Secretary General Administration
for Chief Secretary to Government Haryana

To

All the Financial Commissioners and Principal Secretaries/Commissioners and Secretaries to Government Haryana.

U.O.No. 3434/1/2006-4GSI

Dated Chandigarh, the 31st January, 2006

(To be substituted for the letter bearing same No. and date)

34/1/2006-4GSI

From

The Chief Secretary to Government Haryana.

To

1. All Heads of Departments, Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions
2. The Registrar, Punjab and Haryana High Court.
3. All the Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
4. All the Managing Directors of Boards/Corporations Public Undertaking.
5. The Registrar HAU, Hisar, Kurukshetra University, Kurukshetra, MDU, Rohtak, GJU, Hisar and Ch. Devi Lal University, Sirsa.

Dated, Chandigarh 28th March, 2006

Subject :— Raising the age of retirement of the Physical Handicapped Govt. Employees from 58 to 60-Certificate thereof.

Sir,

I am directed to invite your attention to Haryana Govt. instructions issued vide letter No. 34/1/2006-4GSI, dated 31.1.2006 by which the retirement age of the physically handicapped Government employees, who possess the minimum degree of disability to the extent of 70% or above, has been raised from 58 to 60 years.

2. Some of the departments have sought clarifications on the following points:-
 - (a) Who would be the competent authority for the issue of a Medical Certificate?
 - (b) The time limit up to which the disability certificate would require to be submitted?

The matter has been considered by the State Government and it has been decided, as for as point at (a) above is concerned, the authority competent to issue the medical certificate in this regard for entry / appointment to Govt. service would be the competent authority to issue a medical certificate for this purpose too. This would mean the Medical Board constituted. The of CMO of the District competent authority to issue such certificates.

3. Regarding issue no. (b) technically any employee who submits the papers even up to the date of retirement can seek advantage of the instructions. However it would be normally expected that

Extension

the employee should submit the requisite certificate at least 3 months before the date of retirement to enable the department to carry out the requisite verification in time. However, a disability occurring later than due date of application can be considered up to the date of acquiring of 58 years of age by the employees concerned.

This decision may please be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Deputy Secretary General Administration
for Chief Secretary to Government Haryana

A copy is forwarded to all Financial Commissioners and Principal Secretaries/Commissioners and Secretaries to Government Haryana for information and necessary action.

Deputy Secretary General Administration
for Chief Secretary to Government Haryana

To

All the Financial Commissioners and Principal Secretaries/
Commissioners and Secretaries to Government Haryana.

U.O. No. 34/1/2006-4GSI

Dated, Chandigarh the 28th March, 2006

A copy is forwarded to Principal Secretary/Addl. Principal Secretary-I-II/OSD I-II/Senior Special Private Secretary/Senior Secretary/Private Secretary to Chief Minister/Deputy Chief Minister/Ministers for information.

Sd/-

Deputy Secretary General Administration
for Chief Secretary to Government Haryana

To

The Principal Secretary/Add. Principal Secretary-I-II/OSD I-II/
Senior Special Private Secretary/Senior Secretary/Private Secretary
to Chief Minister/Deputy Chief Minister Ministers

U.O. No. 34/1/2006-4GSI

Dated, Chandigarh the 28th March, 2006

Endst. No. 34/1/2006-4GSI

Dated, Chandigarh the 28th March, 2006

A copy is forwarded to the following for information :—

1. The Resident Commissioner, Haryana Bhawan Copernicus Marg, New Delhi.
2. The Member Secretary, Haryana Bureau of Public Enterprises, Chandigarh

Sd/-

Deputy Secretary General Administration
for Chief Secretary to Government Haryana

A copy is forwarded to all Superintendents/Section Officers/Deputy Superintendents and other Officers in Haryana Civil Secretariat and FC office for information and necessary action.

Deputy Secretary General Administration
for Chief Secretary to Government Haryana

To

All Superintendents/Section Officers Deputy Superintendents and other
Officers in Haryana Civil Secretariat and FC office.

U.O. No. 34/1/2006-4GSI

Dated, Chandigarh the 28th March, 2006

No. 34/1/2006-4GSI

From

The Chief Secretary to Government Haryana.

To

1. All Heads of Departments, Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions
2. The Registrar, Punjab and Haryana High Court.
3. All the Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.

Dated, Chandigarh 21st April, 2008.

Subject :— Extension in service to the physically disabled employees beyond the age of 58 years- Competent authority to issue of Medical Certificate to the handicapped employees.

Sir,

I am directed to invite your attention to Haryana Government instructions issued vide letters No. 34/1/2006-4GSI, dated 31st January, 2006 on the subject noted above by which the retirement age of the physically disabled Government employees, who possess the minimum degree of disability to the extent of 70% or above, has been raised from 58 to 60 years. Further, it was decided by the Government vide letter No. 34/1/2006-4GSI, dated 28th March, 2006 that the Medical Board constituted under the Chairmanship of C.M.O of the district will be competent to issue medical certificate for the purpose of disability for extension in service beyond 58 years to the physically disabled employees.

2. The matter has been reconsidered by the State Government and it has been decided that for the purpose of giving extension beyond 58 years in the case of physically disabled employees, the Medical Board of P.G.I.M.S. Rohtak shall be designated as the Medical Board for the State and its Director shall personally head the said Board. Accordingly, all such cases, where extension in service beyond the age of 58 years is sought on the grounds of physical disability, be referred to the said Board for the issue of Medical Certificate of disability to the such employees. However, on receipt of the medical report from the Board, the Competent Authority shall take a decision to grant or not to grant the extension in service to such physically disabled employees.

3. These instructions shall come into force immediately. This decision may please be brought to the notice of all concerned for strict compliance.

4. A copy of this letter is also being hosted on the State Government website www.haryana.gov.in.

Yours faithfully,

Sd/-

Deputy Secretary General Administration
for Chief Secretary to Government Haryana

Compendium of Instructions on Service Carrier — Vol. III

A copy is forwarded to all Financial Commissioners and Principal Secretaries/Commissioners and Secretaries to Government Haryana for information and necessary action.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government Haryana

To

All Financial Commissioners and Principal Secretaries/
Commissioners and Secretaries to Government Haryana.

U.O. No. 34/1/2006-4GSI

Dated, Chandigarh, the 21st April, 2008.

A copy is forwarded to Principal Secretary /Addl. Principal Secretary-I,II/OSD I-II & III/
Senior Special Private Secretary/Senior Secretary/Private Secretary to Chief Minister/ Deputy Chief
Minister/ Ministers for information.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government Haryana

To

The Principal Secretary/Addl. Principal Secretary-I, II/OSD I-II & III/Senior Special
Private Secretary/ Senior Secretary/Private secretary to Chief Minister/ Deputy Chief
Minister/ Ministers.

U.O. No. 34/1/2006-4GSI

Dated, Chandigarh, the 21st April, 2008.

Endst. No. 34/1/2006-4GSI

Dated, Chandigarh, the 21st April, 2008.

A copy is forwarded to the following for information :—

1. The Resident Commissioner, Haryana Bhawan, Copernicus Marg, New Delhi.
2. The Member Secretary, Haryana Bureau of Public Enterprises, Chandigarh.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government Haryana

Endst. No. 34/1/2006-4GSI

Dated, Chandigarh, the 21st April, 2008.

A copy is forwarded to the Director, P.G.I.M.S. Rotak for his information and necessary
action.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government Haryana

Extension

Endst. No. 34/1/2006-4GSI

Dated, Chandigarh, the 21st April, 2008.

A copy is forwarded to all the Managing Directors of Boards/Corporations/Public Undertakings for information and necessary action.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government Haryana

Endst. No. 34/1/2006-4GSI

Dated, Chandigarh, the 21st April, 2008.

A copy is forwarded to the Registrar, HAU Hisar, Registrar, Kurukshetra University, MDU Rohtak, Guru Jambheshwar University, Hisar and Ch. Devi Lal University, Sirsa their information.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government Haryana

Endst. No. 34/1/2006-4GSI

Dated, Chandigarh, the 21st April, 2008.

A copy is forwarded to the Director, Public Relations Haryana, Chandigarh for his information for issuing a press release.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government Haryana

A copy is forwarded to all Superintendents/Section Officer/Deputy Superintendents and other Officers in Haryana Civil Secretariat and F.C.R. officer for information and necessary action.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government Haryana

To

All Superintendents/Section Officers/Deputy Superintendents and other Officers in Haryana Civil Secretariat and F.C.R. office.

Endst. No. 34/1/2006-4GSI

Dated, Chandigarh, the 21st April, 2008.

A copy is forwarded to Shri G.S. Bansal, State Informative officer, N.I.C. Haryana, Chandigarh for uploading on the Website of the State Government.

Sd/-

Under Secretary General Administration
for Chief Secretary to Government Haryana

To

Shri G.S. Bansal,
State Informatic Officer, NIC, Haryana, Chandigarh.

Endst. No. 34/1/2006-4GSI

Dated, Chandigarh, the 21st April, 2008.

Government of Haryana
General Administration Department
General Services-1 Branch
No. 32/01/2009-4GSI

Chandigarh, dated the 17th February, 2009

To

1. All the Financial Commissioners and Principal Secretaries/Commissioners and Secretaries to Government of Haryana.
2. All Heads of Departments, Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions
3. The Registrar, Punjab & Haryana High Court, Chandigarh
4. All Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
5. All the Chief Administrators/Managing Director of Boards/Corporations/Public Undertakings.

Subject :— Retention in service to Group-C of Haryana Government employees beyond the age of 55 years.

Sir/Madam,

I am directed to invite your attention to the Haryana Government instructions issued vide letters No. 3575-4GS-I-75/24237, dated 9.8.1975 on the subject noted above in which it was mentioned that in the cases of Group-C employees on the basis of their confidential record and whose integrity has not been doubted, the Appointing Authority will take a decision at their own level to retain them in Government service beyond the age of 55 years but where the integrity of an employee is doubtful, such cases may be referred to the General Administration Department for placing the matter before the Officers' Committee for consideration. Thereafter, the Government had reviewed the aforesaid instructions and decided that the Heads of Department are the Appointing Authority of Class-III employee and they will take a decision at their own level in such cases for retaining them in service beyond the age of 55 years. This position was clarified by the Government vide circular letter No. 32/01/2005-4GSI, dated 11.04.2005.

2. However, it has been observed that the instructions dated 11.04.2005 are not being followed meticulously and the cases are still being referred to the General Administration Department for advice. You are, therefore, requested to ensure that instructions issued vide letter No. 32/01/2005-4GSI, dated 11.04.2005 are complied with and cases are not referred to this department.

3. You are also requested to bring these instructions to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

(Sushil Kumar Jain)

Under Secretary to Government of Haryana.

Extension

Endst. No. 32/01/2009-4GSI

Chandigarh, dated the 17th February, 2009

A copy is forwarded to the following for information and necessary action :—

1. Member Secretary, Haryana Bureau of Public Enterprises , Chandigarh
2. Director, Public Relations, Haryana, Chandigarh for wide publicity.
3. State Informatics Officer, NIC, Haryana, Region for placing the same on the website of Haryana Government /CS Haryana and also for sending by e-mail to all concerned.

Sd/-

Under Secretary to Government of Haryana

INTERNAL DISTRIBUTION :—

PS/CS.

PA/JSGA.
