

[Authorised English Translation]

HARYANA GOVERNMENT  
PUBLIC WORKS DEPARTMENT  
(PUBLIC HEALTH BRANCH CIRCLE CADRE MINISTERIAL GROUP-D)  
Notification  
The 19th May, 1995.

No. GSR 43/const./Art.309/95.- In exercise of the powers conferred by the provision to article 309 of the constitution of India, the Governor of Haryana hereby makes the following rules regulating the recruitment and conditions of service of persons appointed to the Haryana Public Works Department, Public Health Branch, Circle Cadre ministerial (Group-D) Service, namely: -

**PART-I-GENERAL**

1. These rules may be called, the Haryana Public works department, Public Health Branch, Circle, Cadre Ministerial (Group-D) Service Rules 1995.
2. In these, unless the context otherwise requires,-
  - (a) "Superintending Engineer" means the Superintending Engineer of the Haryana Public Works Department, Public Health Circle;
  - (b) "Chief Engineer" means the Chief Engineer, Haryana Public Works Department, Public Health Branch;
  - (c) "direct recruitment" means an appointment made otherwise than by promotion from within the service or by transfer of an official already in the service of the Government of India or any State Government.;
  - (d) "Engineer-in-Chief" means the Engineer-in-Chief, Haryana, Public Works department, Public Health Branch;
  - (e) "Government" means the Haryana Government in the Administrative Department;
  - (f) "Service" means Haryana Public Works Department, Public Health Branch, Circle cadre Ministerial (Group-D) Service;

PART II- RECRUITMENT TO SERVICE

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

Provided that nothing in these rules shall affect the inherent right of the Government to make additions to, or reductions in, the number of such posts or to create new posts with different designations and scales of pay, either permanently or temporarily.

4. (1) No person shall be appointed to any post in the Service, unless he is,-

- (a) a citizen of India; or
- (b) a subject of Nepal; or
- (c) a subject of Bhutan; or
- (d) a Tibetan refugee who come over to India before the 1st day of January, 1962, with the intention of permanently settling in India; or
- (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or any of East African Countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India:

Provided that a person belonging to any of the categories (b), (c), (d), or (e), shall be person in whose favour a certificate of eligibility has been issued by the Government.

(2) A person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government.

(3) No person shall be appointed to any post in the Service by direct recruitment unless he produces a certificate of character from two responsible persons, not being his relatives, who are well acquainted with him in his private life.

5. No person shall be appointed to any post in the Service by direct recruitment who is less than sixteen years or more than thirty-five years of age on the last date of submission of application to the appointing authority.

6. Appointment to any post in the Service shall be made by the Superintending Engineer.

7. No person, shall be appointed to any post in the Service, unless he is in possession of qualifications and experience specified in Column 3 of the Appendix B to these rules in the case of direct recruitment and these specified in Column 4 of the aforesaid Appendix in the case of appointment other than by the direct recruitment.

8. No persons,-

(a) who has entered into or contracted a marriage with a person having a spouse living ; or

(b) who, having a spouse living has entered into or contracted a marriage with any person;

shall be eligible for appointment to any post in the Service:

Provided that the Govt. may, if satisfied, that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds, for so doing exempt any person from the operation of this rule.

(9) (1) recruitment to the Service shall be made,-

(a) in the case of Jamadars or Daftries-

(i) by promotion from amongst Peons, Ferro Khalasis; or

(ii) by transfer or deputation of an official already in the service of any State Govt. or the Govt. of India;

(b) in the case of Peons, Ferro Khalasis, Sweepers, Sweeper cum-Chiwkidars or Chowkidars,-

(i) by direct appointment; or

(ii) by transfer or deputation of an official already in the service of any State Govt. or the Govt. of India;

(2) Unless otherwise provided, when a vacancy occurs or is about to occur, the appointing authority shall determine the method by which the same shall be filled in.

(3) All promotions in the Service shall be made on seniority cum-fitness basis and seniority alone shall not confer any right to such promotions.

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

Provided that-

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

(b) any period of work in equivalent or higher rank, prior to appointment to any post in the Service may, in the case of an appointment by transfer, at the discretion of the appointing authority, be allowed to count towards the period of probation fixed under this rule; and

(c) any period of officiating appointment shall be reckoned as period spent on probation, but no person who has so officiated shall, on the completion of the prescribed period of probation be entitled to be confirmed, unless he is appointed against a permanent vacancy.

(2) If, in the opinion of the appointing authority the work or conduct of a person during the period of probation is not satisfactory, it may.-

- (a) if such person is appointed by direct recruitment, dispense with his services; and
  - (b) if such person is appointed otherwise than by direct recruitment,-
    - (i) revert him to his former post; or
    - (ii) deal with him in such other manner as the terms and conditions of previous appointment permit.
- (3) On the completion of the period of probation of a person, the appointing authority may,-
- (a) if his work or conduct has, in its opinion, been satisfactory,-
    - (i) confirm such person from the date of his appointment if appointed against a permanent vacancy; or
    - (ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against temporary vacancy; or
    - (iii) declare that he has completed his probation satisfactorily, if there is no permanent vacancy; or
  - (b) if his work or conduct has, in its opinions been not satisfactory,-
    - (i) dispense with his service, if appointed by direct recruitment if appointed otherwise, revert him to his former post or deal with him in such other manner as the terms and conditions of his previous appointment permit; or
    - (ii) extend his period of probation and thereafter pass such order, as it could have passed on the expiry of the period of probation;

Provided that the total period of probations, including extension, if any, shall not exceed three years.

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

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, their seniority shall be determined as follows: -

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

service in the appointments and if the length of such service is also the same, the older members shall be senior to the younger member.

12. (1) A member of the Service shall be liable to serve at any place, whether within or outside the State of Haryana being ordered so to do by appointing authority.

(2) A member of the service may also be deputed to serve under: -

- (i) a company, an association or a body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by the State Govt., municipal corporation or a local authority or university within the State of Haryana;
- (ii) the Central Govt. or a company, an association or a body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Govt.; or
- (iii) any other State Govt., an international organisation or an autonomous body not controlled by the Govt. or a private body:

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

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

14. (1) In matters relating to discipline, penalties and appeals members of the authority empowered to impose such penalties and appellate authority shall, subject to the provision of any law or rules made under article 309 of the Constitution of India, be such as are specified in Appendix C to these rules.

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

15. Every member of the Service shall get himself vaccinated and re-vaccinated as and when the Govt. so directs by a special or general order:

16. Every member of the Service, unless he has already done so, shall be required to take the oath of allegiance to India and to the Constitution of India as by law established.

17. Where the Govt. is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of person.

18. Notwithstanding anything contained in these rules, the appointing authority may impose special terms and conditions in the order of appointment if it is deemed expedient to do so.

19. Nothing contained in these rules, shall affect reservations and other concessions required to be provided for Scheduled Castes, backward Classes, Ex-

Servicemen, physically handicapped persons or any other class or category or persons in accordance with the orders issued by the State Govt. in this regard from time to time:

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

20. The Punjab State (Class IV) Service Rules, 1963, in their application to the State of Haryana are hereby repealed:

Provided that any order made or action taken under the rules so repealed be deemed to have been made or taken under the corresponding provisions of these rules.

APPENDIX A  
(See rule 3)

Sr. No.	Designation of posts	Number of posts			Scale of pay
		Permanent	Temporary	Total	
1	2	3	4	5	6
1	Jamadar	10	6	16	Rs. 800-15-1010-EB-20-1150
2	Daftri	7	3	10	Rs. 800-15-1010-EB-20-1150
3	Peon	367	108	475	Rs. 750-12-879-EB-14-940
4	Ferro Khalasi	59	5	64	Rs. 750-12-870-EB-14-940
5	Sweeper	126	38	164	Rs. 750-12-879-EB-14-940
6	Sweeper-cum-Chowkidar	..	..	..	Rs. 750-12-870-EB-14-940
7	Chowkidar	146	60	206	Rs. 750-12-870-EB-14-940

## APPENDIX A B

(See rule 7)

Sr. No.	Designation of posts	Academic qualifications and experience, if any, for direct recruitment	Academic qualifications and experience, if any, for appointment other than by direct recruitment
1	2	3	4
1	Jamadar	..	Five years experience as Peon or Ferro Khalsi
2	Daftri	..	Five years experience as Peon or Ferro Khalsi
3	Peon	Knowledge of Hindi and English	Knowledge of Hindi and English
4	Ferro Khalasi	Knowledge of Hindi and English	Knowledge of Hindi and English
5	Sweeper	Knowledge of Hindi and English and Field test	Knowledge of Hindi and English and Field test
6	Sweeper-cum-Chowkidar	Knowledge of Hindi and English and Field test	Knowledge of Hindi and English and Field test
7	Chowkidar	Knowledge of Hindi and English	Knowledge of Hindi and English

APPENDIX A B  
[(See rule 14 (I))]

Sr. No.	Designation of posts	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority	Second and final appellate authority, if any
1	2	3	4	5	6	7
1	Jamadar	Superintending Engineer	(i) warning with a copy the personal file (Character roll)	Superintending Engineer	Chief Engineer	Engineer-in-Chief
2	Daftri		(ii) Censure;			
3	Peon		(iii)withholding of promotion;			
4	Ferro Khalasi		(iv)recovery from pay of			
5	Sweeper		the whole or			
6	Sweeper-cum-Chowkidar		pary of any pecuniary loss caused by			

7	Chowkidar		<p>negligance or breach of orders, to the Central Govt. or to a company and associations or a body of individuals whether is wholly or substantially owned or controlled by the Govt. to a local authority or University set up by an Act of Parliament of the Legislature of a State; and</p> <p>(v) withholding of increments of pay without cuments of pay without cumulative effect;</p> <p>2 Major penalties (v-a) withholding of increments of pay without cumulative effect</p> <p>(vi)reduction to a lower stage in the time scale of pay of a specified period with further directions as to whether or not the Govt. employee will earn increment of pay during</p>		
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			<p>Increment of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the further increments of his pay;</p> <p>(vii) reduction to lower scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the Govt. employee to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the Govt. employee was reduced and his seniority and pay on such seniority and pay on such restoration to that grade, post or service;</p> <p>(vii)</p>			
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			(viii) Compulsory retirement; (ix) removal from service which shall not be a qualification for future employment under the Government; (x) dismissal from service which shall ordinarily be future employment under the Government.			
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**APPENDIX D****[See rule 14(2)]**

Sr. No.	Designation of posts	Nature of order	Authority empowered to make order	Appellate authority	Second and final appellate authority if any
1	2	(1)			
1	Jamadar Daftri	(i) reducing or with holding the amount of ordinary or additional pension admissible under the rule governing pension;	Superintending Engineer	Chief Engineer	Engineer-in-Chief
2					
3	Peon				
4	Ferro Khalasi	(ii) terminating the appointment otherwise than on his attaining age fixed for superannuation			
5	Sweeper				
6	Sweeper-cum-Chowkidar				
7	Chowkidar				

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