

HARYANA GOVERNMENT
PUBLIC WORKS DEPARTMENT
(PUBLIC HEALTH BRANCH)
NOTIFICATION
THE 31ST MAY, 1996

No. G.S.R. 42/Const. /Art. 309/96, - In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the governor of Haryana hereby makes the following rules regulating the recruitment and conditions of service of person appointed to the Haryana Service of Chemist, Public Works Department (Public Health Branch) (Group B) service namely:-

PART- 1 GENERAL

Short title

1. These rules may be called the Haryana Service of Chemist, Public Works Department (Public Health Branch) (Group B) Service Rules, 1996.

Definitions.

2. In these rules, unless the context otherwise requires:-
 - (a) "Commission" means the Haryana Public Service Commission;
 - (b) "Direct recruitment" means an appointment made otherwise than by promotion from within the Service or by transfer of the of official already in the service of the government of India or any State Government;
 - (c) "Engineer-in-Chief" means the Engineer-in-Chief of the Haryana Public Works Department, Public Health Branch;
 - (d) "Government" means the Haryana Government in the administration Department; and
 - (e) "institution" means:-
 - (i) any institution establishment by law in force in the State of Haryana; or
 - (ii) any other institution recognised by the government for the purpose of these rules;
 - (f) "recognised university" means:-
 - (i) any university incorporated by law in India; or
 - (ii) in the case of degree, diploma or certificate obtained as a result of examination held before the 15th August 1947, the Punjab, Sind or Dacca university; or
 - (iii) any other university which is declared by the Government to be a recognised university for the purpose of these rules; and
 - (g) "Service" means the Haryana Public Works Department (Public Health Branch) (Group B) Service;

Number and Character of posts

3. The service shall comprise of the posts, shown in Appendix A to these rules.
Provided that nothing in these rules shall effect the inherent right of the Government to make additional to, or reductions in the number of such posts or to create new posts with different designation and scales of pay, either permanently or temporarily.

Nationality Domicile and Character of Candidates appointed to the service

4. (I) No person shall be appointed to any post in the Service, unless he is:-
 - (a) a citizen of India; or
 - (b) a subject of Nepal; or
 - (c) a subject of Bhutan ; or
 - (d) a Tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India: or

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

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

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

(3) No person shall be appointed to any post in the Service by direct recruitment, unless he produces a certificate of character from the principal academic officer of the university college school or institution last attended, if any, and similar certificates from two other responsible persons, not being his relatives, who are well acquainted with him in his private life and are unconnected with his university, college school or institution.

Age

5. No person shall be appointed to any post in the Service by direct recruitment who is less than twentyone years or more than thirty-five years of age, on or before the 1st day of August next preceeding the last day of submission of application to the Commission:-

Provided that-

- (a) in the case of candidates who are belonging to Scheduled Caste, Scheduled Tribes and other Backward Classes the upper age limit shall be such as may be fixed by Government in consultation with Finance Department from time to time, and
- (b) in the case of candidates possessing the requisite qualification who are already in the Service of the State Government that upper age limit shall be Forty Years,

Appointing Authority,

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

Qualifications

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

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

Disqualification

8. No person, -
- (a) who has entered into or contracted a marriage with a person having a spouse living ; or
- (b) who having a spouse living, has entered into or contracted a marriage with any person;
- shall be eligible for appointment to any post in the service:

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

Method of recruitment.

9. (I) Recruitment to the Service shall be made, in case of Chemist: -
- (i) 50% by direct recruitment ; or and
 - (ii) 50% by promotion from amongst Laboratory Assistant of the Haryana PWD Public Health Branch; or
 - (iii) by transfer or deputation of an officer already in the service of any State Government or the Government of India;

(2) Appointment by promotion to the service shall be made on the basis of merit based on seniority and seniority alone shall not give any right to such promotions.

Probation

10. (I) 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 rules ; 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;
- (b) if such person is appointed otherwise than by direct recruitment:-
 - (i) revert him to his former post; or
 - (ii) deal with him in such other manner as the terms and conditions of the previous appointment permit.

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

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

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

Seniority

11. Seniority, inter se of the member of the Service shall be determined by the length of continuous Service on any post in the Service;

Provided that where there are different cadres in the Service; the seniority shall be determined separately for each cadre;

Provided further that in the case of member appointed by direct recruitment, the order of merit determined by the commission shall not be disturbed in fixing the seniority;

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

Liability to serve

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

(2) A member of Service may also be deputed to serve under-

- (i) a company, an association or a body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the State Government, a Municipal Corporation or a lead authority or university within the State of Haryana;
- (ii) the Central Government or a company, an association or a body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government; or
- (iii) any other State Government, an international organisations, an autonomous body not controlled by the Government or a private body;

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

Pay, leave, pension and other matters.

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

Discipline, penalties and appeals.

14. (I) In matters relating to discipline, penalties and appeals, members of the Service shall be governed by the Haryana Civil Services (Punishment and appeal) Rules, 1987 as amended from time to time;

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

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

Vaccination.

15. Every member of the Service, shall get himself vaccinated or revaccinated as and when the Government so directs by a special or general order.

Oath of allegiance

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

Power of relaxation.

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

Special provisions

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.

Reservation

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

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

Repeal and savings

20. Any rule applicable to the Service and corresponding to any of these rules which is in force immediately before the commencement of these rules, is hereby repealed.

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

APPENDIX A

(See rule 3)

Serial No.	Designation of post	Number of posts		Total	Scale of Pay
		Permanent	Temporary		
1	2	3	4	5	6
1	Chemist	----	4	4	Rs. 2,000-60-2,300-EB-75-2,900-EB-100-3,500

APPENDIX B
(See rule7)

Serial No.	Designation of post	Academic qualification and experience if any, for direct Recruitment	Academic qualification and experience, if any appointment other than by direct recruitment
1	2	3	4
1	Chemist	(a) B.Sc., 2 nd Division With chemistry as One of the subject; Or M.Sc. in Chemistry (b) Hindi upto Matric standard	(a) By Transfer---- (i) B.Sc. 2 nd Division with Chemistry as one of the Subject; Or M.Sc. in Chemistry (ii) 5 years experience as Chemist (b)By promotion Ten years experience on the post of Laboratory Assistant with qualification of 10+2 with Chemistry as one of subjects.

APPENDIX C
(See rule 14(1))

Serial No.	Designation of post	Appointing Authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority
1	2	3	4	5	6
			Minor Penalties :		
1.	Chemist	Government	(i) Warning with a copy on the personal file (character roll) ; (ii) Censure; (iii) Withholding of promotion; (iv) recovery from pay of the whole or part of any pecuniary loss caused by negligence on a breach of orders, to the Central Government or State Company and Association or a body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by the Government or to a local authority of university set up by an Act of Parliament or of the Legislature of a State ; and (v) withholding of increments of pay without cumulative effect;	Engineer-in-Chief, Government	
			Major Penalties;		
			(vi) withholding of increments of pay with cumulative effect;	Government	

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(vii) reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the Government employee will earn increments of pay during the period of such reduction and whether on the enquiry of such period, the reduction will or will not have the effect of postponing the further increments of his pay;

(viii) reduction to a lower scale of pay grade, post or service which shall ordinarily be a bar to the promotion of the Government employee to the time scale of pay grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the Government employee was reduced and his seniority and pay on such restoration to that grade, post or service;

(ix) Compulsory retirement;

(x) Removal from service which shall not be disqualification to future employment under the Government;

(xi) Dismissal from service which shall ordinarily be a disqualification for future employment under the Government.

APPENDIX D
(See rule 14(2))

Sr. No.	Designation of post	Nature of Order	Authority empowered to make the order	Appellate authority
1	2	3	4	5
1.	Chemist	(i) reducing or withholding the amount of ordinary of Or additional pension Admissible under the rules Governing pension; (ii) terminating the appointment otherwise than upon his reaching the age fixed for superannuation.	Government	----

L.M. JAIN,

Financial Commissioner and Secretary to Government, Haryana,
P.W.D. Public Health Branch, Chandigarh.