

HARYANA GOVT GAZ., FEB. 9, 1999
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[Authorised English Translation]

HARYANA GOVERNMENT
REVENUE DEPARTMENT

Notification

The 3rd July, 1998

No. GSR-15/Const./Art/309/98.--In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Haryana hereby makes the following rules regulating the recruitment and conditions of service of persons appointed to the Haryana Financial Commissioner's Office (Group C) Service, namely :--

PART I--GENERAL

Short title and Commencement :

1. (1) Those rules may be called the Haryana Financial Commissioner's Office (Group C) Service Rules, 1998.

(2) They shall come into force on the date of its publication in the official Gazettee.

Definitions :

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

- (a) "Commission" means the Haryana Staff Selection Commission ;
- (b) "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 ;
- (c) "Financial Commissioner" means the Financial Commissioner and Secretary to Government, Haryana, Revenue Department ;
- (d) "Government" means the Haryana Government in the Administrative Department ;
- (e) "institution" means,--
 - (i) any institution established by law in force in the State of Haryana ; or
 - (ii) any other institution recognised by the Government for the purpose of these rules ;
- (f) "Joint Secretary" means the Joint Secretary to Government, Haryana, Revenue Department ;

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- (g) "recognised University" means,--
- (i) any university incorporated by law in India ; or
 - (ii) in the case of a degree, diploma or certificate obtained as a result of an examination held before the 15th August, 1947, the Punjab, Sind or Dacca University ; or
 - (iii) any other university which is declared by the Government to be a recognised university for the purpose of these rules ;
- (h) "Service" means the Haryana Financial Commissioner's Office (Group C) Service ;
- (i) "Under Secretary" means the Under Secretary to Government, Haryana, Revenue Department.

PART II--RECRUITMENT TO SERVICE

Number and Character of Posts :

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

Provided that nothing in these rules shall affect the inherent right of 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.

Nationality, domicile and character of candidates appointed to Service :

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

- (a) a citizen of India ; or
- (b) a subject of Nepal ; or
- (c) a subject of Bhutan ; or
- (d) a Tibetan refugee who came over to India before the 1st 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 the East African Countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India :

B. B. Rawat

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 but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government.

(3) No person shall be appointed to any post in the Service by direct recruitment, unless he produces a certificate of character from the Principal Academic Officer of the University, College, School or Institution last attended, if any, and similar certificate from two other responsible persons not being his relatives, who are well acquainted with him in his private life and are unconnected with his University, College, School or Institution.

Age :

5. No person shall be appointed to any post in the Service by direct recruitment who is less than 17 years or more than 35 years of age, on or before the 1st day of the month next preceding the last date of submission of application to the Commission.

Appointing Authority :

6. Appointments to the posts shall be made by the appointing authorities mentioned in Column 3 of Appendix C.

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 otherwise 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% at the discretion of the Commission 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.

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Disqualifications :

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

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

Method of Recruitment :

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

(1) in the case of Deputy Superintendent,--

- (i) by promotion from amongst Assistants, Senior Scale Stenographers ; or
- (ii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;

(ii) in the case of Personal Assistant,--

- (i) by promotion from amongst Senior Scale Stenographers ; or
- (ii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;

(iii) in the case of Senior Scale Stenographer,--

- (i) 80% by promotion from amongst Junior Scale Stenographers ; and
- (ii) 20% by direct recruitment ; or
- (iii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;

(iv) in the case of Assistant,--

- (i) by promotion from amongst Junior Scale Stenographers Steno-typists or Clerks ; or

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- (ii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;
- (v) in the case of Senior Revenue Accountant,--
- (i) by promotion from amongst Junior Revenue Accountants ; or
- (ii) by transfer or deputation from amongst District Revenue Accountants, Sadar Kanungoes, Tehsil Revenue Accountants, Wasil Baqi Nawis and Kanungoes already in the service of any State Government or the Government of India ;
- (vi) in the case of Junior Revenue Accountant,--
- (i) by promotion from amongst Clerks working with Land Revenue Audit Party ; or
- (ii) by transfer or deputation from amongst Tehsil Revenue Accountants or Kanungoes or Wasil Baqi Nawis already in the service of any State Government or the Government of India ;
- (vii) in the case of Out-Board Mechanic,--
- (i) by direct recruitment ; or
- (ii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;
- (viii) in the case of Stamp Auditor,--
- (i) by promotion from amongst Junior Scale Stenographers, Steno-typists or Clerks ; or
- (ii) by transfer or deputation from amongst Wasil Baqi Nawis of District Office or Steno-typists, Reader, or Clerks employed in Civil/Criminal and Revenue Courts already in the service of any State Government or the Government of India ;
- (ix) in the case of Supervisor (Drivers),--
- (i) by promotion from amongst drivers ; or
- (ii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;

B. D. Rawal

- (x) in the case of Driver,--
- (i) by direct recruitment ; or
 - (ii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;
- (xi) in the case of Junior Scale Stenographer,--
- (i) 60% by promotion from amongst Steno-typists ; and
 - (ii) 40% by direct recruitment ; or
 - (iii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;
- (xii) in the case of Electrician,--
- (i) by promotion from amongst Restorers, Peons, Chowkidars, Frash etc ; or
 - (ii) by direct recruitment ; or
 - (iii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;
- (xiii) in the case of Steno-typist,--
- (i) 20% by promotion from amongst Clerks ; and
 - (ii) 80% by direct recruitment ; or
 - (iii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;
- (xiv) in the case of Junior Translator,--
- (i) by promotion from amongst Clerks ; or
 - (ii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;
- (xv) in the case of Clerk,--
- (i) 20% by promotion or seniority-cum-fitness basis from amongst the Group-C Restorers, Duplicating Machine Operators and amongst Group-D Peons,

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Chowkidars or Frash etc. of the Service having scales equal or less than those of Clerks and are otherwise eligible in accordance with the instructions issued by the Government from time to time ; and

- (ii) 80% by direct recruitment ; or
 - (iii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;
- (xvi) in the case of Clerk (Land Revenue Audit Party),--
- (i) by direct recruitment ; or
 - (ii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;
- (xvii) in the case of Potedar,--
- (i) by promotion from amongst Supervisors (Record)/ Restorers ; or
 - (ii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;
- (xviii) in the case of Supervisor (Record),--
- (i) by promotion from amongst Restorers ; or
 - (ii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;
- (xix) in the case of Restorer,--
- (i) 50% by promotion from amongst Stampers and Daftries ; and
 - (ii) 50% by direct recruitment ; or
 - (iii) by transfer or deputation of an official already in the service of any State Government or the Government of India ;
- (xx) in the case of Book Binder,--
- (i) by direct recruitment ; or
 - (ii) by transfer or deputation of an official already in the service of any State Government or the Government of India.

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

Probation :

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

Provided that,--

- (a) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation ;
- (b) any period of work in equivalent or higher rank, prior to appointment to 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 the person during the period of probation is not satisfactory, it may,--

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

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

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

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- (i) confirm such person from the date of his appointment, if appointed against a permanent vacancy ; or
 - (ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy ; or
 - (iii) declare that he has completed his probation satisfactorily, if there is no permanent vacancy ; or
- (b) if his work or conduct has, in its opinion, been not satisfactory,--
- (i) dispense with his services, 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 expiry of the first period of probation :

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

Seniority :

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 the case of members 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 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 ;

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

Liability to Serve :

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

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

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

Pay, Leave, Pension and other Matters :

13. In respect of Pay, Leave, Pension and all other matters, not expressly provided for in these rules, the members

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