

Part III

HARYANA GOVERNMENT

EXCISE AND TAXATION DEPARTMENT

Notification

The 9th April, 1960

No. G. S. R. 40/Const./Art. 309/60.—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 as drivers in the Haryana Excise and Taxation Department, namely :—

PART I—GENERAL

1. These rules may be called the Haryana Excise and Taxation Department Drivers (State Service Group-C) Rules, 1960. Short title.

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

- (a) "Board" means the Haryana Subordinate Services Selection Board ; Definitions.  
(b) "Commissioner" means the Excise and Taxation Commissioner, Haryana ;  
(c) "direct recruitment" means an appointment made otherwise than by promotion from within the service or by transfer of an official already in the Service of the Government of India or any State Government ;  
(d) "Government" means the Haryana Government in the Administrative Department ;  
(e) "Service" means the Haryana Excise and Taxation Department Drivers (State Service Group-C) 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 Government to make additions to or reduction in the number of such posts or to create new posts with different designations and scales of pay, either permanently or temporarily. Number and Character of posts.

4. (1) No person shall be appointed to the Service, unless he is—

- (a) a citizen of India ; or Nationality, domicile and character of candidates appointed to the service.  
(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 and 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 categories (b), (c), (d) and (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 Board or any other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government.

(3) No person shall be appointed to 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 the Service by direct recruitment who is less than 17 years or more than 30 years of age, on or before the last date of submission of applications to the Board.

Appointing authority. 6. Appointments to the posts in the Service shall be made by the Commissioner.

Qualifications. 7. No person shall be appointed to the Service, unless he is in possession of qualifications and experience specified in column 2 of Appendix 'B' to these rules in the case of direct recruitment and those specified in column 3 of the aforesaid Appendix in the case of recruitment by promotion.

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 rule.

9. Recruitment to the Service shall be made—

Method of recruitment.

- (i) 30% by promotion from amongst the Peons, Restorers, Pottelars, Chowkidars, Dupliator Operators and Daftries working in the Excise and Taxation Department having worked as such for a minimum period of 4 years ;

- (ii) 50% by direct recruitment ; and

- (iii) 20% by transfer or on deputation of any Driver already in the service of any State Government or the Government of India.

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

Provided that—

- (a) any period after such appointment spent on deputation on a corresponding or a higher post shall count towards the period of probation ;
- (b) any period of work in equivalent or higher rank, prior to appointment to the Service may, in the case of an appointment by transfer, at the discretion of the appointing authority, be allowed to count towards the period of probation fixed under this rule ; and
- (c) any period of officiating appointment shall be reckoned as period spent on probation, but no person who has so officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy.

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

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

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

- (a) if his work or conduct has, in its opinion, been satisfactory—
- (i) confirm such person from the date of his appointment, if appointed against a permanent vacancy ; or
- (ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy ; or

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

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

(i) dispense with his 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 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, if any, shall not exceed three years.

Seniority of members of the service. 11. Seniority, *inter se* of members of the Service shall be determined by the length of continuous appointment in the Service :

Provided that in the case of members appointed by direct recruitment, the order of merit determined by the Board, shall not be disturbed in fixing the seniority :

Provided further that in the case of two or more members appointed on the same date, their seniority shall be determined as follows :—

(a) a member appointed by direct recruitment shall be senior to a member 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 rates of pay drawn are also the same, then by the length of their service in the appointments, and if the length of such service is also the same, the older member shall be senior to the younger member.

Liability to serve.

12. 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.

A member of Service may also be deputed for service as under :—

(i) a company, association or 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 within the State of Haryana ;



(ii) the Central Government or a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government; or

(iii) as 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 the Central or any other State Government or any organisation or body referred to in clauses (ii) and (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.

Leave, pension and other matters.

14. (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, as amended from time to time:

Discipline, penalties and appeals.

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 clauses (c) and (d) of sub-rule (1) of rule 10 of the said rules and the appellate authority shall also be as specified in Appendix 'D' to these rules.

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

Vaccination

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.

Oath of allegiance.

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.

Power of relaxation.

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.

Special Provisions.

19. Nothing contained in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes and other Backward Classes in accordance with the orders issued by the State Government in this regard from time to time under clause (1) of article 16 of the Constitution.

Reservations.

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:

Repeal and Savings.

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

APPENDIX 'A'  
(See rule 3)

| Designation of post | Number of posts |           | Total | Scale of pay                                                                                                                                                                                                                                                                               |
|---------------------|-----------------|-----------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | Permanent       | Temporary |       |                                                                                                                                                                                                                                                                                            |
| 1                   | 2               | 3         | 4     | 5                                                                                                                                                                                                                                                                                          |
| Driver              | 13              | 18        | 31    | B+ 450-500-550-600-650-700 (Two scales)<br>B+ 525-575-625-675-725-775 (Delusion Grade)<br>In case the scale of drivers in a department exceeds of 2 or more persons, S.G. would be given for 20 per cent of the posts available.<br>S.G. would be given on completion of 20 years service. |

APPENDIX 'B'  
(See rule 11)

| Designation of post | Academic qualifications and experience, if any, for direct recruitment                         |   | Academic qualifications and experience, if any, for appointment after class by direct recruitment |
|---------------------|------------------------------------------------------------------------------------------------|---|---------------------------------------------------------------------------------------------------|
|                     | 1                                                                                              | 2 |                                                                                                   |
| Driver              | The candidate should be at least Middle class and should have a light vehicle driving license. |   | Candidate should be Hindi and English and should have a driving license.                          |

# APPENDIX 'C'

(See rule 14(1))

| Designation of post | Appellate authority | Nature of penalty                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Authority empowered to impose penalty                                                                                                                                                                               | Appellate authority                      | Special and final appellate authority, if any |
|---------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-----------------------------------------------|
| 1                   | 2                   | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 4                                                                                                                                                                                                                   | 5                                        | 6                                             |
| Driver              | Commissioner        | (a) Writing with a stamp on personal file;<br>(b) Censure;<br>(c) Withholding of increments or promotion, including stoppage at an effective date;<br>(d) Reduction from top of the scale or part of any pecuniary advantage to Government by suspension or breach of contract;<br>(e) Reduction to a lower post or place scale or to a lower stage in a new scale;<br>(f) Removal from the service which does not disqualify from future employment;<br>(g) Dismissal from the service which does not disqualify from future employment. | (i) Commissioner in respect of drivers in the Head Office.<br>(ii) District Officer & Tahsildar, District Officer Deputy Commissioner, Commissioner (District) in respect of the drivers posted in their Districts. | Government<br>Commissioner<br>Government | Nil<br>Government<br>Nil                      |

# APPENDIX 'D'

(See rule 14(2))

| Designation of post | Nature of order                                                                                                                                                                                                                                       | Authority empowered to make the order | Appellate authority            | Special and final appellate authority, if any |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------|-----------------------------------------------|
| 1                   | 2                                                                                                                                                                                                                                                     | 3                                     | 4                              | 5                                             |
| Driver              | (a) Reducing or withdrawing the amount of salary or additional pension allowed to order for rules providing pension.<br>(b) Terminating the appointment of a member of the service otherwise than on the expiry of the term fixed for superannuation. | Commissioner<br>District Officer      | Government<br>District Officer | Nil<br>District Officer                       |

L. C. GUPTA,  
Secretary to Government, Services,  
Home and Finance Department.

EX-100  
Commissioner's Office, Haryana  
Sector 17-C, Chandigarh

27 SEP 2005

Receipt No. 1252

No. 25/18/2005-4GSII

From:

The Chief Secretary to Government Haryana.

To:

1. All Heads of Departments in Haryana
2. Commissioner, Ambala, Hisar, Rohtak and Gurgaon Divisions.
3. The Registrar, Punjab & Haryana High Court.
4. All Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
5. The Registrars, M.D.U. Rohtak/K.U.Kurukshetra/ Ch. Charan Singh H.A.U.Hisar/ G.J.U. Hisar/Ch.Devi Lal University (Sirsa).

Dated Chandigarh, the 13.9.2005

Subject: Promotional avenues to the Group 'C' and 'D' employees on the posts of Drivers.

Sir,

EV  
I am directed to address you on the subject noted above and to say that it has been observed that in most of the service rules of Group 'C' employees of the departments, provision exists for promotion of Group 'D' and Group 'C' employees to the post of Driver if he has a valid driving licence to drive a jeep/car etc. and has atleast five years service on a Group 'D' or 'C' post. No maximum age for an employee to qualify for promotion under this rule has been prescribed in the service rules of the departments.

The matter has been considered by the Government and it has been decided that the maximum age for an employee to qualify for promotion as Driver under the aforesaid rules shall be restricted to 50 years. In addition, he should have driving licence of driving cars and jeeps which is atleast 5 years old.

You are requested to take immediate necessary action to carry out necessary amendment in the relevant Group 'C' service rules governing the post of Drivers of your department, wherever such a provision for promotion exists in the service rules.

These instructions should be brought to the notice of all concerned for their information and strict compliance.

The receipt of this communication may kindly be acknowledged.

Yours faithfully,

*[Signature]*  
Deputy Secretary General Administration,  
for Chief Secretary to Government Haryana.

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

- 1) All the Financial Commissioner & Principal Secretary to Government, Haryana.
- 2) All the Administrative Secretaries to Government, Haryana.
- 3) Senior Special Private Secretaries/ Senior Private Secretaries/ Private



- 2 -

- 4) All Superintendents/Deputy Superintendents of Branches Haryana Civil Secretariat and F.C. Office.

*on mah*  
Deputy Secretary General Administration,  
for Chief Secretary to Government Haryana.

To

- 1) All the Financial Commissioner & Principal Secretary to Government, Haryana.
- 2) All the Administrative Secretaries to Government, Haryana.
- 3) Senior Special Private Secretaries/ Senior Private Secretaries/ Private Secretaries to Chief Minister / Ministers.
- 4) All Superintendents/Deputy Superintendents of Branches Haryana Civil Secretariat and F.C. Office

U.O.No. 25/18/2005-4GSII  
Endst.No. 25/18/2005-4GSII

Dated Chandigarh, the 13.9.2005  
Dated Chandigarh, the 13.9.2005

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

*on mah*  
Deputy Secretary General Administration,  
for Chief Secretary to Government Haryana.