

Head Office

[Published in the Haryana Government Gazette, Legislative Supplement, dated the 9th December, 1980]

Part III

HARYANA GOVERNMENT
EXCISE AND TAXATION DEPARTMENT

Notification

The 28th November, 1980

No. G.S.R.123/Const./Art.309/80.—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 Excise and Taxation Commissioner's Office (Group C) Service, namely :—

PART I—GENERAL

1. These rules may be called the Haryana Excise and Taxation Commissioner's Office (Group C) Service Rules, 1980. Short title
2. In these rules, unless the context otherwise requires,— Definitions.
 - (a) "Board" means the Subordinate Services Selection Board, Haryana ;
 - (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 Commissioner's Office (Group C) Service ;
 - (f) "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.

PART II—RECRUITMENT TO SERVICE

3. The service shall comprise the posts shown in Appendix A to these rules and the members of the Service shall draw pay in the scales of pay shown against these posts. Number and character of posts

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

Nationality,
domicile and
character of
candidates
recruited to
the 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 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 :

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 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 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 the Service by direct recruitment who is less than seventeen years or more than thirty years of age, on the last date of submission of applications to the Board :

Provided that in the case of candidates belonging to Scheduled Castes, Scheduled Tribes, Ex-Servicemen and Backward Classes, the upper age limit shall be such as may be fixed by the Government from time to time.

Appointing
Authority.

6. Appointments to any post in the Service shall be made by the Commissioner.

Qualifica-
tion.

7. No person shall be appointed to 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 recruitment, other than by direct recruitment.

8. No person,—

- (a) who has entered into or contracted a marriage with a person having a spouse living; or Disqualifi-
cations.
- (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. (1) Recruitment to the Service shall be made—

Method of
recruitment.

(a) in the case of Head Clerk,—

- (i) by promotion from amongst Junior Auditors, Clerks, Junior Scale Stenographers, or Steno-typists; or
- (ii) by transfer or deputation of an official already in the Service of any State Government or the Government of India;

(b) in the case of Assistants,—

- (i) by promotion from amongst Junior Auditors, Clerks, Junior Scale Stenographers, or Steno-typists; or
- (ii) by direct recruitment; or
- (iii) by transfer or deputation of an official already in the Service of any State Government or Government of India;

(c) in the case of Senior Scale Stenographers,—

- (i) by promotion from amongst Junior Scale Stenographers; or
- (ii) by direct appointment; or
- (iii) by transfer or deputation of an official already in the Service of any State Government or the Government of India;

(d) in the case of Junior Scale Stenographers,—

- (i) by promotion from amongst Steno-typists; or
- (ii) by direct appointment; or
- (iii) by transfer or deputation of an official already in the Service of any State Government or the Government of India;

(e) in the case of Librarian,—

- (i) by direct appointment; or

- (ii) by transfer or deputation of an official already in the Service of any State Government or the Government of India ;

(f) in the case of Steno-typists,—

- (i) by promotion from amongst Clerks in the Service ; or
- (ii) by direct appointment ; or
- (iii) by transfer or deputation of an official already in the Service of any State Government or the Government of India ;

(g) in the case of Munim,—

- (i) by direct appointment ; or
- (ii) by transfer or deputation of an official already in the Service of any State Government or the Government of India ;

(h) in the case of Clerks,—

- (i) by direct appointment ; or
- (ii) (a) by appointment on seniority-cum-fitness basis from amongst Restorers, Duplicating Operators and Potelars ; and
- (b) by promotion on seniority-cum-fitness basis from amongst Group D employees of the Commissioner's Office, and who possess educational qualifications specified in Appendix B for the post of Clerk and have rendered at least five years' service on such post, subject to the condition that not more than twenty per cent of the posts shall be filled in by this method ; or
- (iii) by transfer or deputation of an official already in the Service of any State Government or the Government of India ;

(i) in the case of Junior Auditors,—

- (i) by direct appointment ; or
- (ii) by promotion from amongst Clerks or Steno-typists ; or
- (iii) by transfer or deputation of an official already in the Service of any State Government or the Government of India ; and

(j) in the case of Restorers, Duplicating Operators and Potelars,—

- (i) by promotion from amongst Daftries or Jamadars or Group 'D' employees in the Commissioner's Office ; 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 ;

(2) When any vacancy occurs or is about to occur in the Service the appointing authority shall determine the manner in which it is to be filled.

(3) All promotions in the Service shall be made on seniority-cum-fitness basis.

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 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, or revert him to his former post or deal with him in such other

- (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.

11. Seniority, *inter se* of 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 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) 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 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 their length of 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. (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 as 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 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.

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 ^{Pay, Leave, Pension or} 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 matters, ^{rule by} any law for the time being in force made by the State Legislature.

14. (1) In matters relating to discipline, penalties and appeals, members ^{Discipline, Penalties and Appeals} of the Service shall be governed by the Punjab Civil Services (Punishment and Appeals) Rules, 1952, 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 (1) of rule 70 of the Punjab Civil Services (Punishment and Appeals) Rules, 1952 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-vaccination, ^{examined if and when the Government so directs by a special or general order.}

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

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

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

19. Nothing contained in these rules shall affect reservations and other ^{Reserva-} extensions required to be provided for Scheduled Castes, Scheduled Tribes and ^{tions.} other Backward Classes, in accordance with the orders issued by the Government in this regard from time to time, under clause (4) of article 16 of the Constitution of India.

20. The Punjab Excise and Taxation Commissioner's Office (State ^{State} Service Class-III) Rules, 1954, are hereby repealed : ^{Repeal and savings.}

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

(See Rule 3)

Designation of Post	Number of posts		Scale of Pay	
	Perma- nent	Temporary	Total	
1	2	3	4	5
1. Head Clerk	1	1		Rs 525-15-600-20-660/ 700-30-850-EB- 890-40-1,050
2. Assistant	23	11	34	525-15-600-20-660/ 700-30-850-EB- 890-40-1,050
3. Senior Scale Stenographer	2	6	8	525-15-600-20-660/ 700-30-850-EB- 890-40-1,050
4. Junior Scale Stenographer	1	2	3	480-15-600-EB- 20-700-30-760
5. Steno-typist	2	6	8	400-10-490/540-15- 600-EB-20-660 + Rs. 25 as Special Pay
6. Clerk	44	18	62	400-10-490/540-15- 600-EB-20-660 (Selection Grade for 20% of posts in the grade of Rs. 480-15-600- EB-20-700-30-760)
7. Librarian	1	1	1	600-20-700-30-850/ 900-40-1,100
8. Munim	1	1	1	525-15-600-20-660/ 700-30-850-EB- 890-40-1,050
9. Junior Auditor	1	1	2	525-15-600-20-660/ 700-30-850-EB- 890-40-1,050
10. Restorer	1	1	1	400-10-490/540-15- 600-EB-20-660
11. Duplicating Operator	1	1	1	400-10-490/540-15- 600-EB-20-660
12. Potesdar	1	1	1	90-3-120/4-140 (Old Scale)

Serial No.	Designation of the post	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	Head Clerk		(i) Three years' service as a Junior Auditor ; or (ii) Five years' Government Service as a Clerk ; or (iii) Five years' Government Service as Junior Scale Stenographer or Steno-typist including that of a regular Clerk.
2	Assistant	Graduate of a recognised university or its equivalent (Knowledge of Hindi upto Matric Standard)	(i) Three years' service as a Junior Auditor ; or (ii), Five years' Government Service as a Clerk ; or (iii) Five years' Government service as Junior Scale Stenographer or Steno-typist including that of a regular Clerk.
3	Senior Scale Stenographer	1. Matric, 1st Division/ Higher Secondary, Second Division/Intermediate, Second Division/ Graduate of a recognised university or equivalent. (For Ex-serviceman, Matric only), 2. Knowledge of Hindi upto Matric Standard;	Five years' service as Junior Scale Stenographer/Steno-typist, having English/Hindi speed in shorthand at 100/90 words per minute and transcription thereof at 20/15 words per minute respectively. 4% mistakes on the typed material will be allowed

1	2	3	4
	3. English Shorthand at 100 Words per minute and transcription thereof at 20 words per minute ; and		
	4. Hindi shorthand at 80 words per minute and transcription thereof at 15 words per minute. 4% mistakes on the typed material will be allowed		
4 - Junior Scale Stenographer	1. Matric, 1st Division/ Higher Secondary, Second Division/Intermediate, 2nd Division/ Graduate of a recognised university or equivalent (for Ex-serviceman Matric only); 2. Knowledge of Hindi upto matric standard ; 3. English shorthand at 100 w.p.m. and transcription thereof at 20 w.p.m. ; and 4. Hindi Shorthand at 80 w.p.m. and transcription thereof at 15 w.p.m. 8% mistakes on the typed material will be allowed	One year service as Stenotypist in the service having English/Hindi speed in Shorthand at 100/30 w. p. m. and transcription thereof at 20/15 w.p.m. respectively. 8% mistakes on the typed material will be allowed.	
5 Librarian	Graduate of a recognised University or its equivalent and holds diploma in Library Science of a recognised university. Knowledge of Hindi upto Matric Standard	Graduate of a recognised university or its equivalent and holds diploma in Library Science of a recognised University. Knowledge of Hindi upto Matric Standard.	
6 Junior Auditor	Graduate of a recognised University or its equivalent (Knowledge of Hindi upto matric standard)	Three years' experience as Clerk	
7 Munim	Matriculation with knowledge in Amritsari and Mahajani Landa Script (Knowledge of Hindi upto Matric Standard)	Matriculation with knowledge in Amritsari and Mahajani Landa script (Knowledge of Hindi upto Matric Standard)	

1	2	3	4
8. Steno-typist	1. Matric 1st Division/ Higher Secondary 2nd Division/Intermediate 2nd Division/Graduate of a recognised university or equivalent. (For Ex-servicemen Matric only) 2. Knowledge of Hindi upto Matric standard 3. English shorthand at 80 w.p.m. and transcription thereof at 15 w.p.m. 4. Hindi shorthand at 64 w.p.m. and transcription thereof at 11 w.p.m. 8% mistakes on the typed material will be allowed.	One year service as a Clerk having English/ Hindi speed in shorthand at 80/64 w.p.m. and transcription thereof at 15/11 w.p.m., respectively. 8% mistakes on the typed material will be allowed.	
9. Clerk	1. Matric 1st Division/ Higher Secondary 2nd Division/Intermediate 2nd Division/Graduate of a recognised university or equivalent (for ex-servicemen Matric only). 2. Knowledge of Hindi upto Matric standard. 3. Should pass the prescribed test in Hindi or English typing at the speed of 25 w.p.m. or 30 w.p.m., respectively within a period of one year of the appointment.	(i) Five years service as Restorer or Duplicating Operator or Potedar or Group D employees who possess Matriculation or its equivalent qualifications. (ii) Three years service as Clerk in another Government or Department.	
10. Restorer, Duplicating Operator and Potedar	Matriculation of a recognised University or Board or its equivalent. (Knowledge of Hindi upto Matric standard)	Three years service as Group D employees having passed middle class examination or its equivalent.	

[See rule 14(1)]

Designation of posts	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority
1	2	3	4	5
1. Head Clerk	Commissioner	(a) Censure ;	Commissioner	Government
2. Assistant *		(b) warning with a copy on the personal file ;		
3. Senior Scale Stenographer		(c) with-holding of increments or promotion, including stoppage at an efficiency bar ;		
4. Junior Scale Stenographer				
5. Steno-typist				
6. Clerk		(d) recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders ;		
7. Librarian				
8. Munim				
9. Junior Auditor				
10. Restorer		(e) reduction to a lower post or time scale or to a lower stage in a time scale ;		
11. Duplicating Operator				
12. Potedar				
		(f) removal from the Service which does not disqualify from future employment ;		
		(g) dismissal from the Service which does ordinarily disqualify from future employment.		

APPENDIX D

[See rule 14 (2)]

Designation of posts	Nature of order	Authority empowered to make the order	Appellate authority		
1	2	3	4		
1. Head Clerk	(i) Reducing or withholding the amount of ordinary/ additional pension admissible under the rules governing pension ; and	Commissioner	Government.		
2. Assistant					
3. Senior Scale Stenographer	(ii) terminating the appointment of a member of the Service otherwise than on his attaining the age fixed for superannuation.				
4. Junior Scale Stenographer					
5. Steno-typist					
6. Clerk					
7. Librarian					
8. Munim					
9. Junior Auditor					
10. Restorer					
11. Duplicating Operator					
12. Potedar					

L.C. GUPTA.

Secretary to Government, Haryana,
Excise and Taxation Department.