

HARYANA GOVERNMENT
EXCISE AND TAXATION DEPARTMENT
NOTIFICATION.
The 24 January, 1969.

No. G.S.R. 35 /Const./Art.309/69 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 Excise and Taxation Commissioner's Office (Group-D) Service, namely:-

PART I- GENERAL

1. These rules may be called the Haryana Excise and Taxation Commissioner's office (Group-D) Service Rules, 1963.
2. In these rules, unless the context otherwise requires;-
 - (a) "Commissioner" means the Excise and Taxation Commissioner, Haryana.
 - (b) "Government" means the Haryana Government in the Administrative Department.
 - (c) "Head of Department" means the authority as defined in

rule 2.25 of the Haryana Civil Services rules,
Volume-I, Part-I and includes any other authority who
is specially appointed by the Government to exercise
the powers of a Head of Department for the purposes of
these rules.

(d) "Head of Office" means the authority as defined in rule
2.26 of the Punjab Civil Services Rules-I, Part-I &

(e) "Service" means the Haryana State (Class-IV) service.

3. All appointment to posts in the Service shall be made
by the Head of Department and Head of Offices, as the case may
be; provided that the Heads of Departments or the Heads of
Offices may delegate these powers to their subordinate officers
in respect of appointments to posts in their offices, for the
purpose of this rule.

4. (1) No person shall be appointed to the service if he is-

(i) a citizen of India; or

(ii) a subject of Sikkim; or

(iii) a subject of the State of Pondichery; or

(iv) Bhutan; or

(v) a person of Indian origin who has migrated from
Pakistan with the intention of permanently

settling in India:

Provided that, subject to the issue of a certificate of eligibility in his favour, a subject of Nepal or a Tibetan who came over to India before the 1st January, 1969, with the intention of permanently settling in India, may also be appointed to any post in the service;

Provided further that a candidate belonging to category (iii) of (iv) above must be a person in whose favour a certificate of eligibility has been given by the competent authority, and if he belongs to category (iv) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

(2) A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the recruiting authority on his furnishing proof that he has applied for the certificate and he may also provisionally be appointed subject to the necessary certificate being given him by the competent authority.

5. No person shall be recruited to the Service by direct

appointment unless he:-

Character (a) produces certificate of character from two responsible persons, not being his relatives, who are well acquainted with him in private life;

Age of other (b) Is not less than 16 years and not more than 35 years of age or the date of appointment;
ons (c) has not more than one wife living and in the case of a woman; is married to a person already having a living wife:

Provided that the Government may, if satisfied that there are special reasons for doing so exempt any person from the operation of this clause; and

(d) possesses the requisite knowledge of the regional languages and of English as may be prescribed by the Govt. from time to time;

Provided that the appointing authority may if it is of the opinion that the candidate is otherwise fit to discharge his duties satisfactorily regularly of the applications prescribed under this clause,

6. (1) Posts in the Service shall be filled-

(a) In the case of posts carrying the grades of 30-1-35

(i) by direct appointment; of

(ii) by transfer of deputation of an official already in the service of the Government; and

(b) In the case of other posts in the service carrying higher grades;

(i) by direct appointment; of

(ii) By promotion from the officials working in the next lower services; or

(iii) by transfer or deputation of an official already in the service of the Government:-

Provided that in the case of an appointment by promotion, the appointing authority shall satisfy, it self about the capability of the official to perform the duties of the post for which he is selected,

(2) The appointing authority shall ensure that the grounds of ignoring a senior official in favour of a junior one are

invariably recorded in writing and the proportion fixed by it for filling up the posts by promotion and otherwise is maintained.

(3) Then any vacancy occurs or is about to occur in the Service, the Head of Department or the Head of Office, as the case may be, shall determine the manner in which it shall be filled keeping in view the proportion fixed under clause (

(4) No official shall have any claim to appointment by promotion or transfer as of right.

7. The Service shall comprise the posts classified as Class in which in the service of rule 1.2 of Haryana Service Rules, Volume-I, Part-I or in these rules shall after the inherent right of the Government to make additions or reductions in the cadre of the Service either permanently or temporarily.

8. (1) Person appointed to the Service shall remain on probation for a period of two years:-

Provided that:-

- (a) any period after appointment to the service, spent on deputation or a corresponding of a higher post shall count toward the period of probation and under this

rule;

(b) In the case of an appointment by transfer, any period of work in similar rank or above, prior to appointment to the Service may, at the discretion of the Government be allowed to count towards the period of probation fixed under this rule; and

(c) An officiating appointment in the Service shall be reckoned as a period spent on probation but no member who has thus officiated shall, on the completion of the prescribed period of probation be entitled to be confirmed, unless he is appointed against a permanent

post.

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

(a) dispense with his service, if recruited by direct appointment; or

(b) if recruited otherwise-

- (i) revert him to his former post; or
- (ii) deal with him in such other manner as the terms and conditions of his previous appointment permit.

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

- (a) if he was appointed against a permanent vacancy confirm such person from the date of his appointment or if he was not so appointed, confirm him from any date following such appointment from which a permanent vacancy exists; or
- (b) If there is no permanent vacancy, declare that he has completed his probation satisfactorily; or
- (c) If his work or conduct has, in its opinion, not been satisfactory;
 - (i) dispense with his service, if recruited by direct appointment; or
 - (ii) if recruited otherwise revert him to his former post, or

- (iii) deal with him in such other manner as the terms and conditions of his previous appointment permit; or
- (d) extend his period of probation and thereafter pass such orders as it would 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.

9. The seniority inter se of members of the Service holding the posts in the same grade, shall be determined with reference to the date of their appointment to such posts;

Provided that after joining they have continuously served on such posts; and

Provided further that if two or more member are appointed in the same grade on the same date, their seniority shall be determined as follows:-

- (a) a member recruited by direct appointment shall be

- senior to a member recruited otherwise;
- (b) a member recruited by promotion shall be senior to a person recruited by transfer;
 - (c) in the case of members who are recruited by promotion seniority shall be determined according to their seniority in the appointments
 - (d) in the case of member recruited transfer from the same office, seniority shall be determined according to seniority in the appointments previously held in that cadre;
 - (e) in the case of members who are recruited by transfer from different departments or offices of the Government, 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 be the same, an older member shall be senior to a younger member:

Provided that in the case of members recruited by direct appointment the order of merit, if any, drawn up at the time of the selection shall not be disbursed and persons recruited as a

result of an earlier selection shall be senior to those appointed as a result of a subsequent selection.

Provided further that in the case of members whose period of probation is extended under rule 7 the date of appointment or the purposes of this rule shall be deemed to have been deferred to the extent the period of probation is extended.

10. Member of the Service shall be entitled to such scales of pay as may be sanctioned from time to time for the posts to which they are appointed.

11. In response of leave, pension and other cognate matter not specifically mentioned in these rules, the members of the service shall be governed by the Haryana Civil Services Rules or such other rules as are from time to time framed or issued under the proviso to article 309 of the Constitution of India.

12. Every member of the service shall be liable to transfer under the orders of the appointing authority prescribed in rule 3 from posts within their respective classes of appointment to other posts in the Department and also anywhere within the

jurisdiction of such authority.

13. (1) In matter relating to discipline, penalties and appeals, members of the Service shall be governed by the Haryana Civil Services (Punishment and Appeals) Rules, 1952:

Provided that the nature of penalties which may be imposed the authority empowered to impose such penalties and the appellate authority shall subject to the provisions of law or rules made under Article, 309 of the Constitution of if India be as specified in Appendix `A' to these rules;

(2) The authority competent to pass an order reducing or withholding the maximum pension admissible under the rules governing pension and terminating the appointment otherwise that upon reaching the age fixed for superannuation and the appellate

authority shall be as specified in Appendix `B' to these rules;

14. Every member of the Service shall have himself vaccinated or re-vaccinated when the Government so directs by a special or general order.

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

16. Where the Government is satisfied that the operation of any of these rules cause undue hardship in any particular case, it may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

APPENDIX `A`

(See Rule 13(I))

Designation of officials	Appointing Authority	Nature of penalty	Authority Appellate empowered authority to impose penalty.	Appellate Authority
All Class IV servants employed in Govt. Department	Head of Department concerned	(a) Censure (b) Withholding of increments or promotion; (c) Recovery from pay of whole or part of any pecuniary loss caused to Government by	Head of Department concerned.	Government

		<p>negligence of breach or order;</p> <p>(d) Reduction to a lower post or time scale or to a lower scale in a time scale;</p> <p>(e) Suspension;</p> <p>(f) Removal from service which does not disqualify for further employment;</p> <p>(g) Dismissal from service which ordinarily disqualifies from further employment.</p>		
All Class IV Servants employed in Government offices.	Head of office concerned.	All the above penalties from (a) to (g)	Head of office concerned.	Heads of Deptt. concerned.

Appendix `B`

Designation of official	Appointing Authority	Name of order	Authority empowered to pass original orders	Appellate Authority
All Class IV Servants Employed in Govt. Department	Head of Deptt. concerned.	(1) Reducing the maximum amount of ordinary pension admissible under the rules governing pensions.	Head of Deptt. concerned.	Government.
Servant employed in Govt. offices	Head of office concerned.	Above orders (i-ii)	Head of office concerned.	Head of Department concerned.

No. 7843-10GS-63/2007, dated the 23rd May

Saroop Krishan
Financial Commissioner,
Additional Chief Secy. to Govt.,
Punjab.

No. 7886-10GS-63/2007, dated the 23rd May

Copies are forwarded to all Heads of Departments the Registrar, Punjab High Court, Commissioners of Ambala, Patiala and Jullundher Divisions, District and Sessions Judges and all Deputy Commissioner in Punjab, for information and necessary action.

By order
Sd/-
Deputy Secretary, Emergency Works,

for Financial Commissioner, Planning
and Additional Chief Secy. to Govt.
Punjab.