

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
(General Services)

Notification

The 18th August, 1972

No. G.S.R. 195/Const./Art.318/72-In exercise of the Powers conferred by Article 318 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following regulations, namely :-

Short title commencement and application

1. (1) These regulations may be called the Haryana Public Service Commission (Conditions of Service) Regulations, 1973.
- (2) They shall come into force on the date of their publication in the official Gazette.
- (3) They shall also apply to members of the Commission holding office at the commencement of these regulations except in so far as they may have the effect of varying to the disadvantage of a member, the conditions of service to which he was entitled immediately before the Commencement of these regulations.

Definition

2. In these regulations, unless the context otherwise requires:-
 - (a) "Chairman" means the Chairman of the Commission and includes an acting Chairman appointed by the Governor under Article 316(IA) of the Constitution;
 - (b) "Commission" means the Haryana Public Service Commission;
 - (c) "Governor" means the Governor of the State of Haryana; and
 - (d) "Member" means a member of the Commission and includes the Chairman thereof.

Number of members Oaths

- *3. The Commission shall consist of a Chairman and *[eight] Members appointed by the Governor.

4. Every member shall on appointment be required to take oaths in the forms laid down in Appendix 'A' to these regulations.

5. A member who on the date of his appointment to the Commission was in Service of the Central or a State Government shall be deemed to have retired from such service with effect from the date of his appointment as member of the Commission.

Retirement from parent service on appointment as member

*6. (1) The Chairman shall receive a remuneration of *[twenty four thousand rupees] a month and each of the other Members a remuneration of *[twenty one thousand rupees] a month. They shall be entitled to such dearness allowances as may be admissible in future from time to time, to Government employees drawing the same pay.

(2). The Chairman or the Member if, at the time of his appointment as such, is a retired Government employee he will be entitled to the remuneration mentioned in sub regulation (1) in addition to the pension sanctioned to him.

Provided that the amount of remuneration plus the gross amount of pension or the pension equivalent to other forms of retirement benefits does not exceed the pay last drawn by him before his retirement or the remuneration mentioned in sub-regulation (1) which ever is higher:

Provided further that the total remuneration plus the gross amount of pension and the pension equivalent to other forms of retirement benefits, excluding the allowances, shall in no case *[exceed twenty six thousand rupees] per month.

**3. The Chairman or the Member who at the time of his appointment as such, is in the service of the Central or State Government and does not exercise Option under sub-regulation (1) of regulation 9 shall be paid the remuneration drawn by him immediately before his appointment as Chairman or Member, as the case may be, or the remuneration mentioned in sub-regulations (1) which-ever is higher, till the date of his retirement from Government Service in the normal course and thereafter his remuneration shall be regulated as provided in sub-regulation (2).

**4. A member, who in the absence of the Chairman on leave or otherwise, is asked to perform the additional duties of the Chairman, shall be entitled to an additional remuneration at the rate of two hundred rupees a month:

Provided that such additional duties are performed for a period of not less than fourteen days.

Leave admissible to a member in the service of the Central or a State Government

7. Notwithstanding anything contained in regulation 5, a member who at the time of his appointment to the Commission was in the service of the Central or a State Government:-

(a) may be granted leave by the Governor under the rules applicable to him immediately before his appointment and his service as member shall count for such leave; and

(b) the leave at the credit of any such member in his leave account shall not lapse on the date of his appointment as member but shall be carried forward and could be availed of during his tenure as member.

Leave admissible to a member who was not in the service of the Central or a State Government

8. (1) A member who, at the date of his appointment was not in the service of the Central or a State Government may be granted leave by the Governor as follow:-

(a) (i) Leave on leave-salary equivalent to full pay upto one twenty-fourth of the period spent on duty as a member, subject to a maximum of four months at any one time.

(ii) If the Member so elects, leave on leave salary equivalent to full pay (to be taken not more than once during his tenure of office) for a period not exceeding four months;

(b) Leave on Medical Certificate or on Private affairs at the rate of 20 days in respect of each completed year of service on leave salary equivalent to half-pay:

Provided that commuted leave on full pay not exceeding half the amount of half pay leave due may be granted, if the leave is taken on medical certificate and the

authority competent to sanction leave has reason to believe that the member will return to duty on its expiry; and

- (a) Extra ordinary leave, subject to a maximum of three months at any one time:

Provided that all or any two of these kinds of leave may be granted in combination upto a maximum of six months at any one time.

(2) On the first occasion when a Member proceeds on leave other than leave on Medical Certificate or extraordinary leave, he shall be required to state whether he elects to be governed by sub-clause (i) of sub-clause (ii) of clause (a) of the preceding sub-regulation (1) and the option once exercised shall be final.

Pension payable to members who were in the service of the Central or a State Government

*9 (1) A member who at the time of his appointment as such was in the service of the Central or State Government, shall at his option to be exercise within a period of six months from the date of his appointment, be entitled to draw his pension and other retirement benefits under the rules applicable to the service to which he belonged with effect from the date of his appointment as Member:

Provided that in such an event, he shall be paid remuneration in accordance with the provisions contained in sub-regulation (2) of regulation 6.

(2) A Member who at the time of his appointment as such, was in the service of the Central or State Government and does not exercise the option under sub-regulation (1), shall count his service as Member, upto date on which he would have otherwise retired on superannuation in the normal course but for his appointment in the Commission, for pension and retirement benefits under the rules applicable to the service to which he belonged before such appointment. Provided that if the amount of pension under this sub-regulation works out to be less than the amount of pension admissible under regulation 9-A, he can at his option to be exercised in writing addressed to the Governor during his tenure as Member, come under the pension scheme under regulate on 9-A.

Pension payable to members who were in the service of the Central or a State Government

9. A (1) Subject to the provisions of these regulation every Member, who at the date of appointment as such, was not in the service of the Central or a State Govt. shall, on his ceasing to hold office be paid a pension for his life at the rate of three hundred & seventy five rupees in the case of Chairman and Two Hundred and Eighty Five rupees in the case of any other Member per mensem for each completed year of service as Chairman or the Member, as the case may be, subject to a Maximum of one thousand and eight hundred rupees and one thousand and five hundred rupees per mensem respectively. O dearness allowance shall be admissible on pension:

Provided that no such pension shall be payable tot the Chairman or the Member:-

- (i) unless he has completed one year's service as such; or
- (ii) if he has been removed from his office:

Provided further that no pension shall be payable during the period for which the Chairman may after his retirement as such, holds office as the Chairman may after his retirement as such, holds office as the Chairman or Member of the Union Public Service Commission or as the Chairman of any other State Public Service Commission and the Member may, after his retirement as such, holds office as the Chairman or Member of the Union Public Service Commission of any other State Public Service Commission.

(2) A Member who was in the service of the Central or a State Government at any time before his appointment as such and was in receipt of pension, the amount of which is less than the amount admissible under sub-regulation (1) can, at his option to be exercised in writing addressed to the Governor during his tenure as Member, come under the pension scheme under sub-regulation (1)

Provided that, in such an event, if he has got commuted any portion of his pension, he will not be entitled to draw the pension under sub-regulation unless commuted amount of pension in excess of the amount of pension which he would have drawn till the date of his appointment as Member is refunded to Government in lump sum.

Explanation:- After the completion of service for pension, fraction of a year of less than six months shall be ignored and fraction after six months or more shall be treated as one complete year.

(3) For the purposes of this regulation, Member means a member, who on the date of his appointment as such, was not in the service of the Central or a State Government.

Pension when not payable

9. B(1) No pension shall be payable under these regulations to a Member:-

- (i) who at the date of his appointment as such, was in the service of a local body or any other body wholly or substantially owned or controlled by Govt; or
- (ii) who, on the date of his appointment as such had retired from service under local body or any other body wholly or substantially owned or controlled by Govt., if he is in receipt of, has received or has become entitled to receive any retirement benefits by way of pension, gratuity, payment from any Contributory Provident Fund or otherwise, but such a Member may, at his option, come under the pension scheme under these regulations, if the amount of the pension equivalent to the retirement benefits or both admissible to him in accordance with the rules and orders of the service to which he belonged are less than the pension admissible to him under sub-regulation (1) of regulation 9-A

B (2) A member holding office as such shall commuted the option referred to in sub-regulation (1) in writing addressed to the Governor during his tenure as such. The option once exercised shall be final:

Provided that, in such an event, if he has got commuted any portion of his pensions, he will not be entitled to draw the pension under sub-regulation (1) of regulation 9-A unless the commuted amount of pension in excess of the amount of pension which he would have drawn till the date of his appointment as member is refunded to Government in lump sum.

Provident Fund

10. (1) Every member, may at his option subscribe to the General Provident Fund, in accordance with the rules or orders governing that Fund:

Provided that a member who at the date of his appointment was in the service of the Central or a State Government and who had been admitted to the benefits of any other Provident Fund, may instead be allowed to continue to subscribe to that

Fund in accordance with the rules or regulations applicable to that Fund until he reaches the date on which he must compulsorily retire from service in accordance with the rules applicable to him in his service. On that date his accumulated balance in that Provident Fund, including the Government's contribution, if any, shall, if the member has exercised his option in favor of subscribing to General Provident Fund be transferred to the said Fund.

(2). A member who at the date of his appointment to the Commission was in the service of the Central or a State Government and who had been admitted to the benefits of a Contributory Provident Fund, may continue to subscribe to that Fund until the date on which he must compulsorily retire according to the rules applicable to him in his service. The employer's contribution payable to the Fund shall, as from the date of the member's appointment to the Commission be payable by the State Government on the basis of the emoluments which he would have drawn in the post which he held immediately before such appointment.

Traveling allowance to members who were in the service of the Central or a State Govt.

11. A member who on the date of his appointment was in the service of the Central or a State Government may draw traveling allowance at the rates provided for a journey on transfer under the rules applicable to him immediately before his appointment.

Traveling allowance when traveling on duty Government Accommodation

12. A member of the Commission when traveling on duty shall be entitled to traveling allowance and mileage allowance at the rates admissible to an officer of grade-I of Haryana Government.

*12. (a) The Chairman and Members who are not provided with Government accommodation shall be allowed to hire private accommodation, the rent of which shall be limited to Rs. 8000/- per mensem subject to the condition that 10% of the pay will be charged as rent from them for this accommodation.

Medical Allowance

13. For purposes of Medical attendance on them, Members of the Commission will be governed by the Punjab Services (Medical Attendance) Rules, 1940, as adopted by the Haryana State.

Staff

14. The staff of the Commission shall consist of a Secretary and such number of other officials on such scales of pay as the Governor may from time to time determine and their conditions of service shall be such as may be determined by the Service Rules framed for the purpose.

15. (1) The Secretary to the Commission shall belong to the cadre of I.A.S. or H.C.S. Officers and shall be appointed by the Governor after consultation with the Commission.

(2). Besides his grade pay, he shall be entitled to such special pay, if any, as the Governor may fix.

(3). In all matters relating to pay, leave, discipline, etc. the Secretary shall be governed by the rules of the service to which he belongs.

General

16. In respect of any matter for which special provision is not made by these regulations, the conditions of service of a person serving as a member of the Commission or of its staff shall be governed by the rules and orders for the time being applicable to such classes of Government servants as may be specified by the Governor.

Repeal and Savings

17. (1) The Punjab State Public Service Commission (Conditions of Service) Regulations, 1958, as adopted in Haryana State are hereby repealed.

(2) Nothing contained in these Regulations shall have effect to as to give to a Member who is serving as such at the commencement of these Regulations less favorable terms in respect of his allowances or his rights in respect of leave or absence or pension than those to which he would have been entitled if these Regulations had not been made.

M. L. Batra

Chief Secretary to Govt. Haryana.

Special Orders

ORDER

Under the provisions contained in regulation 16 of the Haryana Public Service Commission (Conditions of Service) Regulations, 1972, the Governor of Haryana hereby specifies that the forms prescribed in Punjab Civil Service Rules, Volume II for the grant of pension to Govt. employees shall be applicable in cases of Members of the Haryana Public Service Commission.

Sd/-

S. D. Bhambri

Chief Secretary to Govt. Haryana

Dated Chndigarh,
the 25th April, 1978

No. 16-8-73-GSI

dated Chandigarh, the 25th April, 1978