

The Haryana Staff Selection Commission Act, 2004

HARYANA

India

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Act 28 of 2004

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The Haryana Staff Selection Commission Act, 2004 Haryana Act No. 28 of 2004 Statement of Objects and Reasons. - The Subordinate Services Selection Board, Haryana was constituted under Article 309 of the Constitution of India vide Government notification No. 523-3GS-70/2068, dated 28.1.1970 and this notification was amended vide notification dated 9.12.1997 changing the name of the Subordinate Services Selection Board, Haryana to Haryana Staff Selection Commission. The Haryana Staff Selection Commission has been constituted under executive instructions by notification under Article 309 of the Constitution of India. To ensure its continuance as a permanent recruitment agency, it is considered necessary to legalise its status. Hence the Bill. Published vide Haryana Government Gazette (Extraordinary), dated the 2nd December, 2004, page 3493. No. Leg. 30/2004. - The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on 14th December, 2004, and is hereby published for general information :- An Act to grant statutory status to the Haryana Staff Selection Commission. Be it enacted by the Legislature of the State of Haryana in the Fifty-fifth Year of the Republic of India as follows :-

1. Short title and commencement.

(1) This Act may be called the Haryana Staff Selection Commission Act, 2004. (2) It shall be deemed to have come into force from the date to be notified by the Government in the Official Gazette.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "Commission" means the Haryana Staff Selections Commission constituted under Section 3 of this Act; (b) "Government" means the Government of the State of Haryana; (c) "member" means the member of the Commission and includes the Chairman.

3. Constitution of Commission.

- The Commission shall consist of seven members, including Chairman, out of whom at least two members shall be such as have held office for at least ten years, either under the Government of India or under the Government of a State.

4. Mode of appointment of Chairman and members.

- Appointment of Chairman and members of the Commission shall be made by the Government on the recommendations of the collegium which shall consist of a Minister of the Cabinet rank (to be nominated by the Chief Minister), the Chief Secretary to Government, Haryana and the Legal Remembrancer and Secretary to Government, Haryana, Legislative Department. The collegium shall evolve its own procedure in recommending the name/names of Chairman/members to the Chief Minister, who would make the final selection for the purpose of making the appointment by the Government.

5. Qualifications for appointment of Chairman/members.

- The Chairman/member must possess a minimum qualification of graduation from a recognised university.

6. Pay.

- The Chairman shall receive a salary of Rs. 20,000/- per mensem and member Rs. 16,000/- per mensem respectively. They will not be entitled to claim dearness allowance. In case of retired Government employee, the Chairman/member of the Commission shall get the aforesaid fixed amount of salary less the amount of pension granted to him.

7. House rent.

- The Chairman/member shall be entitled to house rent allowance as under:-

Chairman : Rs. 10,000/- per month

Member : Rs. 6,000/- per month

8. Term of office.

- The Chairman/member shall hold office for a period of three years. The Government can, however, extend the term of a Chairman/member for another period of two years :Provided that the Chairman or a member on attaining the age of 65 years shall cease to be a Chairman/member of the Commission, as the case may be :Provided further that the appointment of a Chairman/member may be terminated after holding an enquiry about his misconduct by an officer not below the rank of Financial Commissioner :Provided further that the Chairman or a member may tender their resignation to the Government at any time and it shall be effective from the date of its acceptance.

9. Leave, travelling and medical facilities.

- A member of the Commission shall be governed by the leave, travelling and medical rules applicable to Group A Government employee.

10. Functions.

- The functions of the Commission shall be as under :-(a)selection of candidates for appointments to Group C posts under the Government;(b)selection of candidates for appointments to posts carrying an initial pay of rupees three thousand and fifty per mensem or more but less than rupees eight thousand per mensem under a Municipal Council, Municipal Corporation, Town Improvement Trust, Zila Parishad or Panchayat Samiti except appointment of the Executive Officer of a Municipal Council or Municipal Corporation;(c)selection of candidates for appointments to posts carrying an initial pay of rupees three thousand and fifty per mensem or more but less than rupees eight thousand per mensem under the State Public Sector Undertakings, Boards, Corporations, Local Bodies or Co-operative Institutions etc. as may be entrusted to the Commission by such Boards, Corporations, Local Bodies or Co-operative Institutions etc. keeping in view the Acts and bye-laws governing them :Provided that the Government may at any time, exclude any Group C post or class of posts mentioned in clauses (a) to (c) above from the purview of the Commission;(d)it shall not be necessary to consult the Commission for suitability of candidates for appointment to -(i)a temporary post, the necessity for which is declared at the time of its creation to be unlikely to continue for more than six months;(ii)appointment to permanent post of a person temporarily for a period not exceeding six months, owing to emergent circumstances having arisen, if it is necessary in public interest to fill the vacancy immediately and there is likely to be undue delay in making appointment in consultation with the Commission; and(iii)a post to be filled in by promotion or transfer.

11. Headquarter.

- The headquarter of the Commission shall be at Chandigarh or at any other place as the Government may notify from time to time.

12. Power to make rules.

(1)The Government may, by notification in the Official Gazette, make rules for laying down the procedure required to be followed by the Commission and to regulate its functioning.(2)Every rule made under this section shall be laid as soon as may be after it is made before the House of the State Legislature while it is in session for a total period of 10 days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making modification in the rule or the House agrees that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

13. Saving.

(1)The existing Haryana Staff Selection Commission shall be deemed to have been constituted under this Act.(2)The existing Chairman and members of the Haryana Staff Selection Commission shall continue to hold their respective offices till the expiry of their term.(3)The provisions of this Act shall prevail if any provision of the earlier notifications issued in this regard by the Government from time to time contravenes any provision of this Act.