

# **Haryana Service of Engineers, Group A, Irrigation and Water Resource Department Act, 2010**

HARYANA

India

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### **Act 21 of 2010**

- Published on 17 January 2019
- Commenced on 17 January 2019
- [This is the version of this document from 17 January 2019.]
- [Note: The original publication document is not available and this content could not be verified.]

Haryana Service of Engineers, Group A, Irrigation and Water Resource Department Act, 2010(Haryana Act No. 21 of 2010)An Act to regulate the recruitment and conditions of service of persons appointed to the Haryana Service of Engineers, Group A, [Irrigation and Water Resource Department] [Substituted ' Irrigation Department' by Haryana Act No. 3 of 2019, dated 17.1.2019.]. Be it enacted by the Legislature of the State of Haryana in the Sixty-first Year of the Republic of India as follows : -

### **1. Short title, commencement and application.**

(1)This Act may be called the Haryana Service of Engineers, Group A, [Irrigation and Water Resource Department] [Substituted ' Irrigation Department' by Haryana Act No. 3 of 2019, dated 17.1.2019.] Act, 2010.(2)It shall be deemed to have come into force on the [25th day of October, 2010] [Substituted '1st day of November, 1966' by Haryana Act No. 3 of 2019, dated 17.1.2019.].(3)It shall apply to the persons who are members of the Service but shall not include the persons who were appointed before the [25th day of October, 2010] [Substituted '1st day of November, 1966' by Haryana Act No. 3 of 2019, dated 17.1.2019.].

### **2. Definitions.**

- In this Act, unless the context otherwise requires, -(a)"appointment to the Service" means an appointment made to a cadre post in Service and includes an appointment, made according to the terms and provisions of this Act, to an officiating vacancy of a cadre post in Service;(b)"Appendix" means Appendix annexed to this Act;(c)"cadre post" means a permanent post in the Service;(d)"Chief Engineer" means a Chief Engineer of the Department and includes a post declared by the Government as equivalent;(e)"Commission" means the Haryana Public Service Commission

or any other authority notified by the Government;(f)"competent authority" means such officer or authority, as the Government may, by notification in the Official Gazette, appoint to perform the functions of a competent authority under this Act;(g)"Department" means the [Irrigation and Water Resource Department] [Substituted 'Irrigation Department' by Haryana Act No. 3 of 2019, dated 17.1.2019.];(h)"Engineer-in-Chief" means an Engineer-in-Chief of the Department and includes a post declared by the Government as equivalent;(i)"ex-cadre post" means a temporary post not included in the Service, appointment on which confers no right to seniority;(j)"Executive Engineer" means an officer-in-charge of a Division and includes a post declared by the Government as equivalent;(k)"Government" means the Government of the State of Haryana in the Administrative Department;(l)"Group B Service" means the Haryana Service of Engineers, Group B, in Irrigation Department;(m)"member of the Service" means an officer appointed substantively to a cadre post and includes, -(i)in the case of an appointment by promotion, an officer on probation or such an officer who, having successfully completed his probation, awaits appointment to a cadre post;(ii)in the case of an appointment by transfer, an officer on probation or such an officer who, having successfully completed his probation, awaits appointment to a cadre post, provided such officer does not have a lien on a substantive post in any Government Department.Explanation. - It is not necessary that a member of the Service shall at any given time be ordinarily doing the work of a cadre post. He may be working on an ex-cadre post for reasons of administrative convenience or while officiating against an ex-cadre post will be deemed to be performing the duties of a cadre post;(n)"prescribed" means prescribed by rules made under this Act;(o)"Service" means the Haryana Service of Engineers, Group A, Irrigation Department comprising separate cadres of Civil, Mechanical, Computer and Electrical;(p)"Superintending Engineer" means an officer-in-charge of a Circle and includes a post declared by the Government as equivalent;(q)"university" means -(i)any university incorporated by law in India;[\*\*\*] [Omitted 'clause (ii)' by Haryana Act No. 3 of 2019, dated 17.1.2019.](iii)any other university, which is declared by the Government to be a recognized or deemed university for the purposes of this Act.

### **3. Cadre and its strength.**

(1)There shall be separate cadres of Service, namely, Civil, Mechanical, Computer and Electrical comprising various posts as may be determined separately for each cadre on the 1st day of January each year or as soon thereafter, as may be practicable according to the provisions of Appendix A. The strength of the respective cadres so determined shall remain in force till it is revised by the Government.(2)The officers of Civil, Mechanical, Computer and Electrical cadres shall be promoted or appointed only against the respective post in their cadre.(3)Notwithstanding anything contained in sub-section (1), the Government may appoint a member of the Service to an ex-cadre post not included in the Service in accordance with the provisions of this Act, provided such post has been sanctioned.

### **4. Nationality and domicile candidates.**

(1)No person shall be appointed to the Service unless he is, -(a)a citizen of India; or[\*\*\*] [Omitted '(b) a subject of Sikkim; or' by Haryana Act No. 3 of 2019, dated 17.1.2019.](c)a subject of Nepal; or(d)a subject, of Bhutan; or(e)a Tibetan refugee who came over to India before the 1st day of

January, 1962, with the intention of permanently settling in India; or(f)a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:Provided that a candidate belonging to any of the categories (c), (d), (e) or (f) shall be a person in whose favour a certificate of eligibility has been given by the competent authority and if he belongs to category (f), the certificate of eligibility will be issued for a period of one year, after which such a candidate will be retained in Service subject to his having acquired Indian citizenship.(2)A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission on his furnishing proof that he has applied for the certificate and he may also provisionally be appointed subject to the necessary eligibility certificate being given to him by the competent authority.

## **5. Recruitment to Service.**

(1)Recruitment to the Service in the respective cadre shall be made by the Government by anyone or more of the following methods: -(a)by promotion from Group B Service of the respective cadre; or(b)by transfer of an officer already in the service of a State Government or the Central Government.(2)In the case of persons who were members of the Service as on [25th day of October, 2010] [Substituted '1st day of November, 1966' by Haryana Act No. 3 of 2019, dated 17.1.2019.], it shall be assumed that the member promoted as Executive Engineer from Group B Service is in accordance with the provisions of clause (a) of sub-section (1) and future promotion shall be based upon this assumption.

## **6. Qualification.**

- No person shall be promoted on or after the date of publication of this Act in the Official Gazette, unless he, -(a)possesses one of the degrees as a regular full time student from a university; or possesses degree of the Associate Membership Examination of the Institution of the Engineers (India); and(b)has rendered eight years service as Sub-Divisional Officer (Group B Service) and passed the departmental examination of Group B Service:Provided that the Government may relax the condition of eight years service in the case of an officer who has completed five years service;(c)has not more than one wife living or, in the case of a women, is not married to a person already having a wife living:Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this condition.

## **7. Appointment by Promotion.**

(1)A Committee comprising such members, as may be notified by the Government, shall be constituted to prepare a list of officers suitable for promotion to the senior scale of the Service separately for Civil, Mechanical, Computer and Electrical cadre. The selection for inclusion in such list shall be based on seniority-cum-merit.(2)The Committee shall meet at intervals ordinarily not exceeding one year and consider the cases of all eligible officers for promotion to the senior scale of the Service, as on the First day of January of that year.(3)The names of the officers included in this list shall be arranged in order of inter-se seniority in Group B Service separately for Civil, Mechanical, Computer and Electrical cadre.(4)The list so prepared shall be revised every year.(5)If,

in the process of preparing the list or its revision, it is proposed to supersede any eligible candidate, the Committee shall draw up a list of such officers and may record its reasons for the proposed supersession.(6)The list prepared or revised in accordance with the provisions of sub-sections (1), (3), (4) and (5) shall be forwarded to the Commission by the Government along with.(i)the records of all officers included in the list;(ii)the records of all officers proposed to be superseded as a result of the recommendations made by the Committee;(iii)the reasons, if any, recorded by the Committee for the proposed supersession of any officer; and(iv)the observations, if any, of the Government on the recommendations of the Committee.(7)The Commission shall consider the list prepared by the Committee alongwith other documents received from the Government and, unless it considers any change necessary, approve the list.(8)If the Commission considers it necessary to make any change in the list received from the Government, it shall inform the Government of the changes proposed and after taking into account the comments, if any, of the Promotion Service. Government, may approve the list finally with such modification, if any, as may, in its opinion, be just and proper.(9)Appointment by promotion may be made to the Service or to any post in the cadre in an officiating capacity from the list prepared under this section.(10)It shall not ordinarily be necessary to consult the Commission before promotion under sub-section (9) is made, unless during the period intervening between the inclusion of the name of the officer in the list and the date of the proposed promotion, there occurs any deterioration in the work of the officer which in the opinion of the Government is such as to render him unsuitable for promotion to the Service.

## **8. Promotion within Service.**

- [(1) Subject to the provisions of sub-sections (2) and (3), members of the Service of the respective cadre shall be eligible for promotion on the basis of degree required for initial appointment to any of the post within their respective cadres:Provided that a member of Group B Service who does not possess one of the degrees of a university or other qualifications as specified in section 6 shall not be eligible for promotion to the post of Executive Engineer till he has acquired the requisite qualification:Provided further that promotion to the post of Engineer-in-Chief shall be made from amongst the Chief Engineers on the basis of seniority. Where two or more Chief Engineers from different cadres have equal seniority at the level of Chief Engineer, promotion shall be done on the basis of recommendation of a committee to be constituted by the Government for this purpose. While constituting the committee, the Government shall specify the criteria to be adopted.] [Substituted by Haryana Act No. 3 of 2019, dated 17.1.2019.](2)Promotion shall be made by selection on the basis of seniority-cum-merit and suitability in all respects and a member of the Service shall not have any claim to such promotion as a matter of right or mere seniority.(3)A member of the Service shall not be eligible for promotion to the rank of -(a)Superintending Engineer, unless he has rendered seven years Service as an Executive Engineer;(b)Chief Engineer, unless he has rendered three years Service as Superintending Engineer;(c)Engineer-in-Chief, unless he has rendered two years Service as Chief Engineer:Provided that if, it appears to be necessary to promote an officer who has successfully completed his probation, in public interest, the Government may, for reasons to be recorded in writing, either generally for a specified period or in any individual case, reduce the period specified in clauses (a), (b) or (c) to such an extent, as it may deem proper.[Note. [Added by Haryana Act No. 3 of 2019, dated 17.1.2019.] - Promotion at every stage in the cadre up to the post of Chief Engineer is done on seniority-cum-merit basis. For promotion to

the post of Engineer-in-Chief, merit shall not be considered.]

## **9. Appointment by transfer.**

- The Government may, in special circumstances, with the approval of the Commission, appoint an officer to the Service by transfer.

## **10. Probation.**

(1)The officer appointed to the Service shall remain on probation for a period of one year:Provided that -(a)any period after appointment to the Service spent on deputation on a corresponding or a higher post shall count towards the period of probation fixed under this section;(b)in the case of an appointment by transfer, any period of work in the rank of Executive Engineer or above, prior to appointment to the Service may, at the discretion of the Government, be allowed to be counted towards the period of probation fixed under this section; and(c)an officiating appointment in the Service shall be reckoned as a period spent on probation but no member of Service who has thus officiated shall, on the completion of the specified period of probation, be entitled to be confirmed, unless he is appointed against a cadre post.(2)If the work or conduct of an officer appointed to the Service during the period of probation is, in the opinion of the Government, not satisfactory, it may -(a)revert him from to his former post; or(b)deal with him in such other manner, as the terms and conditions of his previous appointment permit; or(c)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.(3)On the completion of the period of probation of an officer, the Government may, if his work or conduct has, in its opinion, been satisfactory, -(a)confirm such person in his appointment; or(b)if no cadre post is vacant for him, declare that he has completed his probation satisfactorily.

## **11. Seniority.**

(1)The seniority of the members of the Service shall be determined separately for the Civil, Mechanical, Computer and Electrical cadre.(2)[ In the case of Executive Engineers promoted from Group B Service and those appointed by transfer on the same day, promoted Executive Engineers shall be senior.] [Substituted by Haryana Act No. 3 of 2019, dated 17.1.2019.](3)In the case of the Executive Engineers 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.(4)Where a member of the Service, for a cause which the Government considers to be sufficient, is unable to join the Service or continues with the Government's approval on deputation outside the Service, it shall be open to the Government to allow him credit for such service as if it was a Service rendered under this Act for the purposes of the fixation of his seniority.Explanation. - All employment on deputation after a member has joined the Service and has had his seniority fixed under this Act, shall count as if it was employment in the Service and shall not in any way affect the seniority already fixed, except to the extent that such

seniority would in any case have been affected, had the member of the Service continued to work in the Department.

## **12. Pay.**

- The members of the Service shall be entitled to such scales of pay including special pay, as may be notified in the Official Gazette by the Government.

## **13. Leave, pension and other matters.**

- The terms and conditions in respect of leave, pension and other cognate matters not expressly provided for this Act, shall be such, as may be prescribed.

## **14. Vaccination.**

- Every member of the Service shall get himself vaccinated and revaccinated as and when the Government so directs by special or general order.

## **15. Discipline, penalty and appeal.**

- In matters relating to discipline, penalties and appeals, members of the Service shall be governed by the Civil Service (Punishment and Appeal) Rules, as may be framed by the Government, from time to time.

## **16. Oath of allegiance.**

- 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.

## **17. Liability to serve.**

(1)A member of the Service shall be liable to serve under the Government at any place whether within or outside the State of Haryana.(2)A member of the Service may also be deputed to serve under, -(i)Bhakra Beas Management Board, Upper Yamuna River Board or Central Water Commission or any other Board or Corporation, as may be notified by the Government;(ii)a company, an association or a body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by the Government, a municipal corporation or a local authority within the State of Haryana;(iii)the Central Government or a company, an association or a body of individuals whether incorporated or not, which is wholly one substantially owned or controlled by the Central Government; or(iv)any other State Government, an international organization, 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 Government or any other State Government or any organization or body referred to in clauses (iii) and (iv) except with his consent.(3)Every person

appointed to the Service shall, if so required, serve in any defence service or post connected with the defence of India for a period not less than four years including the period spent on training, if any: Provided that such person -(a) shall not be required to serve as aforesaid after the expiry of ten years from the date of appointment to the Service; and (b) shall not ordinarily be required to serve as aforesaid after attaining the age of forty years.

## **18. Publication of grounds of dismissal.**

- If a member of the Service is dismissed by the Government or other competent authority as a result of a departmental enquiry or an enquiry under the Public Servants (Inquiries) Act, 1850 (Act 37 of 1850) or on conviction on a criminal charge by a Court, the Government may publish in the Official Gazette, the reasons for such dismissal, if it is of the opinion that such publication is desirable in the public interest.

## **19. General.**

- In all matters not expressly provided for in this Act, the members of the Service shall be governed by such general or special rules as may have been, or may hereafter be, framed by Government, from time to time.

## **20. Power to relax.**

- Where the Government is satisfied that the operation of any of the provisions of this Act causes undue hardship in any particular case, it may, by order, dispense with or relax the requirements of that provision to such an extent, and subject to such conditions, as it may consider necessary for dealing with the case in a just and equitable manner.

## **21. Reservations.**

- Nothing contained in this Act shall affect reservations and other concessions required to be provided for Scheduled Castes, Scheduled Tribes, Backward Classes, Other Backward Classes, Ex-Servicemen, persons with disabilities or any other class or category of persons in accordance with the orders issued by the Government in this regard.

## **22. Power to make rules.**

(1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session.

## 23. Repeal and savings.

- The Haryana Service of Engineers, Class 1, Public Works Department (Building and Roads Branch), (Public Health Branch) and (Irrigation Branch) respectively Act, 1995 (20 of 1995), in its application to the Irrigation Branch, now [Irrigation and Water Resource Department] [Substituted 'Irrigation Department' by Haryana Act No. 3 of 2019, dated 17.1.2019.], is hereby repealed: Provided that such repeal shall not affect - (a) [the person who became member of Service before the 25th October, 2010 shall be governed by the provisions of the Haryana Service of Engineers, Class I, Public Works Department (Building and Roads Branch), (Public Health Branch) and (Irrigation Branch) Respectively Act, 1995 (20 of 1995) till his retirement.] [Substituted by Haryana Act No. 3 of 2019, dated 17.1.2019.] (b) any disciplinary action or proceedings initiated or pending under the Act so repealed; (c) any relaxation in qualifications granted to any member of the Service under the Act so repealed; (d) the benefits availed of by the persons who have retired from service during the period commencing from the 1st day of November, 1966 and ending with the date of publication of this Act in the Official Gazette; (e) the qualifications of persons already recruited and of those for whom the process of recruitment has been initiated under the Act so repealed; (f) the officers already promoted, and the Punjab Service of Engineers, Class I, Public Works Department (Irrigation Branch) Rules, 1964 shall continue to be in force as if the same had not been repealed for the persons who were members of the Service before the 1st day of November, 1966. Appendix A [See section 3(1)] The cadre strength of the Service shall be determined each year for Civil, Mechanical, Computer and Electrical cadre separately in the following manner: - The number of posts shall be calculated as under: - (a) first add - (1) permanent posts [three years and over posts, i.e. posts which have existed continuously for three years or more prior to the first day of January]; (2) notional posts to be determined as follow: - (i) enumerate posts which have existed during the last three years, preceding the first day of January, detailing the number of months for which they have existed; all periods of 15 days or above counted as a whole month; (ii) add the total number of months computed at (i) above; (iii) divide (ii) by 36 to the nearest whole number to obtain the number of notional posts to be included; (3) deputation posts [these shall be equivalent to the number of officers on deputation, whether in the State or outside, on the first day of January]; (b) to the total of items (1), (2) and (3) (to be called 'X'), further add seven and a half percent of 'X' as leave reserves (the total thus arrived to be called 'Y'); (c) the cadre strength shall, for the year in question be 'Y' minus fifteen per cent of 'Y' calculated to the nearest whole number. The balance of 'Y' minus cadre posts as calculated above shall represent ex-cadre posts: Provided that - (i) the number of cadres posts for the year in no case be less than the number of officers confirmed against such posts; (ii) where as a result of the application of clause (i) of the proviso, the number of senior cadre posts becomes larger than the number worked out, the excess number shall be reduced as and when confirmed officers retire, or leave the Service otherwise; (iii) the number of ex-cadre senior posts corresponding to the excess number, if any arrived at under clause (i), shall be reduced. Explanation. - The Government shall not appoint officers against ex-cadre posts except to the extent that divisional or higher posts exist at any given time; (d) of the senior posts thus determined, the number of cadre posts of Superintending Engineers and above shall be determined from time to time by the Government in consultation with the Finance Department. All other senior cadres posts shall be in the rank of Executive Engineer: Provided that there may be ex-cadre posts of Executive Engineer or of higher ranks depending upon the actual requirements of the Department.