

Haryana Public Service Commission (Conditions of Service) Regulations, 2018

HARYANA

India

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Rule

HARYANA-PUBLIC-SERVICE-COMMISSION-CONDITIONS-OF-SERVICE of 2018

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Haryana Public Service Commission (Conditions of Service) Regulations, 2018Published vide Notification No. G.S.R. 60/Const./Art. 318/2018, dated 17.12.2018Haryana GovernmentDepartment of Personnel(Services-III Branch)No. G.S.R. 60/Const./Art. 318/2018. - In exercise of the powers conferred by Article 318 of the Constitution of India, the Governor of Haryana hereby makes the following regulations, namely:-

1. Short title, commencement and application.

(1)These regulations may be called the Haryana Public Service Commission (Conditions of Service) Regulations, 2018.(2)They shall come into force with effect from 1st January, 2016.

2. Definitions.

(1)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 (1-A) of the Constitution of India;(b)"Commission" means the Haryana Public Service Commission;(c)"Governor" means the Governor of the State of Haryana;(d)"Member" means a member of the Commission and includes the Chairman thereof;(e)"Pensioner" means an Ex-Member who is drawing Pension under regulations 13 of these regulations and does not include to those ex-members who are drawing both retiring pension and additional pension;(2)The words and expressions not defined in these regulations but defined in Haryana Civil Services Rules, 2016 shall have the same meaning as respectively assigned to them in the said rules.

3. Number of Members.

- The Commission shall consist of a Chairman and eight Members to be appointed by the Governor.

4. Oaths.

- Every Member shall on appointment be required to take the Oaths in the forms laid down in Appendix A to these regulations.

5. Voluntary retirement from previous service on appointment as Member.

- A person who immediately before the date of his appointment as Member was in service in a Department or Constitutional/Statutory/Local or any other Body wholly or substantially owned or controlled by a State or Central Government shall seek voluntary retirement before assuming office as Member and be retired voluntarily by the competent authority with immediate effect by curtailing the notice period of three months. He shall be entitled to draw his retiring pension and other retiral benefits separately under the rules applicable to the service to which he belonged from the concerned department/organization from the following day of voluntary retirement.

6. Pay Scale.

- The pay scales of the Chairman and the Members shall be equal to that of the Chief Secretary to Government Haryana and the Principal Secretary to Government, Haryana, respectively.

7. Fixation of pay.

- (1) A person, who is drawing a retiring pension from any constitutional, statutory or any other body wholly or substantially owned or controlled by a State Government or Government of India, shall be entitled to draw pay from the date of his appointment as—(i) Chairman, equal to minimum of the prescribed pay level minus retiring pension (including commuted portion of pension, if any) fixed/revised from or after the 1st January, 2016 or from the date of appointment as Chairman, whichever is later; and (ii) Member, equal to minimum of the prescribed pay or last drawn pay, whichever is more, minus retiring pension (including commuted portion of pension, if any) fixed/revised from or after the 1st January 2016 or from the date of appointment as Member, whichever is later. If the same cell equal to last drawn pay is not available then the pay shall be fixed at the next cell in the pay level but not more than maximum of the prescribed pay level. Explanation.
- 'Last pay drawn' means basic pay in the pay scale/pay level only and does not include any other component, e.g. Non-Practising Allowance, Personal Pay, Special Pay, etc.
- (2) A Member who has availed the benefit of Contributory Provident Fund/ Employees Provident Fund/ New Pension Scheme or any other Scheme in lieu of normal pension for the period of qualifying service rendered by him in any constitutional, statutory or any other body wholly or substantially owned or controlled by a State Government or Government of India before his appointment in the Commission, the

amount equal to 50% of his last drawn pay shall be treated his deemed retiring pension for the purpose of fixation of pay under clause (1) above.(3)After fixation of initial pay of the Member under sub-clause (ii) of clause (1) of this regulation, an annual increment shall be admissible either on the 1st January or the 1st July subject to completion of minimum six months qualifying service before the due date of increment. No annual increment shall be admissible above the maximum of prescribed pay level.(4)A person who-(i)has retired from service while drawing pay in the pre-revised pay scale remained in existence prior to the 1st January, 2016; or(ii)is drawing a pre-revised retiring pension fixed prior to the 1st January, 2016, is appointed a Member, his last pre-revised pay and/or pre-revised pension shall notionally be re-fixed in the corresponding rules applicable to IAS Officers or Pensioners, as the case may be, for the purpose of fixation of pay under clause (1).

8. Dearness Allowances.

- The dearness allowance shall be admissible at the rate determine by the Government from time to time for IAS officers on the actual basic pay fixed under rule 7.

9. Pay on additional charge of Chairman.

- A member who, in the absence of the Chairman on leave or otherwise, performs the additional duties of the Chairman shall be entitled to draw pay admissible to Chairman for that period:Provided that such pay shall be admissible if additional duties are performed for a period of not less than fourteen days.

10. Leave admissible to a Member.

(1)Casual Leave of 20 days in a calendar year, Earned Leave of 15 days on 1st January and 1st July every year and Half Pay Leave of 20 days on completion of one year service as Member, shall be admissible.(2)Extraordinary leave shall be granted 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.(3)Commutated Leave, on full pay not exceeding half the amount of Half Pay Leave due, and Extraordinary Leave shall be admissible on production of medical certificate issued by the competent medical authority of a Government Hospital or Hospital approved by Health Department, Haryana, from time to time for the purpose of re-imbursement of medical expenses.(4)The competent authority for grant of leave shall be the Governor of Haryana.(5)This provision shall be applicable to all the Members irrespective of the fact he was already in service or not.(6)No benefit of carry forward of leave shall be admissible to a person who was already in service in Haryana Government or any other State Government or Government of India before his appointment as Member of the Commission.

11. Leave encashment.

(1)Save as otherwise provided in these regulations, a Member shall be entitled to the benefit of leave

encashment of unutilized earned leave and half pay leave standing at his credit total upto 180 days on the date of ceasing to hold office or termination due to abolition of post provided the total benefit of leave encashment availed from any Department or Organization under any Government including Haryana Government at the time of quitting service from that Government shall not exceed 300 days or up to the limit specified by Government from time to time for IAS officers on their retirement on superannuation. (2) This benefit shall not be admissible in case of removal from service. (3) In case of resignation from service, leave encashment shall be restricted to the extent of half of the leave admissible under sub-rule (1) above.

12. No additional Pension payable to members who were in service.

- A person who was previously in pensionable or non-pensionable service in any Department or any constitutional, statutory or any other body wholly or substantially owned or controlled by a State Government or Central Government, shall not be entitled to any additional pension or gratuity for the period of service of the Commission. Further, he shall not be entitled to avail any benefit of past service towards pension or leave in the Commission.

13. Pension payable to members who were not in service.

(1) Subject to the provisions of these regulations, a person who before his appointment as Member was not in service in any Department or any constitutional, statutory or any other body wholly or substantially owned or controlled by a State Government or Central Government shall, on his ceasing to hold office be paid a pension for his life at the rate of 1/40th of the last drawn pay per month for each one year qualifying service as Chairman or Member subject to minimum nine months' qualifying service. The period of qualifying service equal to nine months and above shall be treated one year and period of three months' but less than 9 months will be treated half year's qualifying service and period less than three months qualifying service shall be ignored for the purpose of calculation of qualifying service. The pension worked out under this rule shall be rounded to next multiple of ten. Note. - The condition of minimum qualifying service for the purpose of pension and death-cum-retirement gratuity for IAS officers shall not be applicable. (2) Dearness relief on pension shall be admissible equal to the rate prescribed by Government from time to time for those who are drawing retiring pension from Haryana Government. (3) Retirement Gratuity shall, on ceasing to hold the office, be admissible @ 1/4 month's emoluments (last drawn pay plus dearness allowance) for each half year's qualifying service. (4) No pension and Retirement Gratuity shall be admissible in case of resignation, removal or dismissal from office. (5) No family pension shall be admissible to the family members in case of death of a Member while in service or after ceasing to hold the office. (6) An additional pension on attaining the age of 80, 85, 90, 95 and 100 year shall be admissible on the same terms and conditions as prescribed by Government in respect of the IAS pensioners. (7) Pension forms for sanction of pension shall be the same as applicable to Haryana Government employees.

14. Traveling Allowance.

- Travelling Allowance and Daily Allowance to Chairman and Members shall be admissible when travelling on duty, equal to the rate and terms and conditions as applicable to the Chief Secretary and Principal Secretary to Government, Haryana respectively.

15. House Rent Allowance or Government Accommodation.

- The Chairman and Members shall be entitled to Government accommodation of the same category and under the same terms and conditions applicable to the Chief Secretary to Government, Haryana and Principal Secretary to Government Haryana respectively. When a Member does not want to avail Government accommodation or residing in his own house or hire a private accommodation shall be entitled to house rent allowance at the rate and terms and conditions determined by the Government for IAS officers from time to time.

16. Medical Facility.

- The facility of medical re-imbursement for treatment shall be admissible to the Members and only those Ex-Members of the Commission who are pensioners under these regulations, equal to the rate and terms and conditions as applicable to IAS officers and IAS Pensioners of Haryana Government, as the case may be.

17. Travel Concession.

- Travel Concession to the Chairman and Members of the Commission shall be admissible equal to the rate and terms and conditions applicable to the Chief Secretary and Principal Secretary to Government, Haryana, respectively.

18. Staff Car.

- The Chairman and Members shall be entitled to an air-conditioned staff car on the same terms and conditions as are applicable to Chief Secretary to Government, Haryana and Principal Secretary to Government, Haryana respectively.

19. Staff.

(1)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.(2)The Secretary to the Commission shall belong to the cadre of the I.A.S. or H.C.S. Officers and shall be appointed by the Governor after consultation with the Commission.(3)Besides basic pay, the Secretary shall be entitled to such special pay, if any, as the Governor may fix.(4)In all matters relating to pay, leave, discipline, etc. the Secretary shall be governed by the rules of the service to which he belongs.

20. General.

- In respect of any matter pertaining to terms and conditions of service for which no provision has been made in these regulations, the Chairman and Member of the Commission shall be governed by the rules and orders applicable to the Chief Secretary to Government Haryana and Principal Secretary to Government Haryana, respectively or as specified by the Governor.

21. Repeal and Savings.

- The Haryana Public Service Commission (Conditions of Service) Regulations, 1972 are hereby repealed: Provided that anything done or any action taken under the regulations so repealed shall be deemed to have been done or taken under the corresponding provisions of these regulations.

Form of Oath of Allegiance I, ,solemnly affirm that I will be faithful and bear True allegiance to India and to the Constitution of India as by law established and that I will loyally carry out the duties of my office.

Form of Oath of Office I, , appointed a Member of the Haryana Public Service Commission do solemnly declare, that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgement.

Form of Oath of Secrecy I, , solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a member of the Haryana Public Service Commission, except as may be required for due discharge of my duties as such Member or as may be specially permitted by the Governor.

Note. - These oaths will be administered by the Governor in person in the presence of the Chief Secretary.