

[Authorised English Translation]

HARYANA GOVERNMENT

LABOUR DEPARTMENT

Notification

The 4th October, 1996

No. G.S.R. 91/Const./Art. 309/96.—In exercise of the powers conferred by the proviso 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 Labour Department (Group A) Service, namely:—

PART I—GENERAL

1. (1) These rules may be called the Haryana Labour Department Group 'A' Service Rules, 1996.

2. In these rules, unless the context otherwise requires,—

(a) "Commission" means the Haryana Public Service Commission;

(b) "direct recruitment" means an appointment made otherwise than by promotion from within the service or by transfer of an official already in the Service of the Government of India or any State Government;

(c) "Government" means the Haryana Government in the Administrative Department;

(d) "Institution" means —

(i) any institution established by law in force in the State of Haryana; or

(ii) any other institution recognised by the Government for the purpose of these rules;

(e) "Recognised university" means,—

(i) any university incorporated by law in India; or

(ii) in the case of a degree, diploma or certificate obtained as a result of an examination held before the 15th August, 1947, the Punjab, Sind or Dacca University.

(iii) any other University which is declared by the Government to be a recognised University for the purpose of these rules.

(f) "Service" means the Haryana Labour Department (Group A) Service.

The Service shall comprise the posts shown in Appendix A to these Rules;

Provided that nothing in these rules shall effect the inherent right of the Government to make additions to, or reduction in, the number of such posts or to create new posts with different designations and scales of pay, either permanently or temporarily.

4. (1) No person shall be appointed to any post in the Service, unless he is,—

- (a) a citizen of India; or
- (b) a subject of Nepal; or
- (c) a subject of Bhutan; or

(d) a Tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India; or

(e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or any of the East African Countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India :

Provided that a person belonging to any of the categories (b), (c), (d) or (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government

(2) A person in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview conducted by the Commission or any other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government.

(3) No person shall be appointed to any post in the Service by direct recruitment, unless he produces a certificate of character from the Principal, Academic Officer of the University, College, School or Institution last attended, if any, and similar certificate from two other responsible persons, not being his relative who are well acquainted with him in his private life and are unconnected with his University, College, School or Institution.

5. No person shall be appointed to any post in the Service by direct recruitment who is less than 21 years or more than 40 years on the last date of submission of application to the Commission.

6. Appointment to any post in the Service shall be made by the Government.

7. No person shall be appointed to any post in the Service, unless he is in possession of qualifications and experience specified in column 3 of Appendix B to these rules in the case of direct recruitment and those specified in column 4 of the aforesaid Appendix in the case persons appointed other than by direct recruitment :

Provided that in the case of appointment by direct recruitment, the qualifications regarding experience shall be relaxable to the extent of 50% at the discretion of the Commission or any other recruiting authority in case sufficient number of candidates belonging to Scheduled Castes, Backward Classes, Ex-servicemen and physically handicapped categories, possessing the requisite experience, are not available to fill up the vacancies reserved for them, after recording reasons for so doing in writing.

Nationality,
domicile and
character of
candidates
appointed to
Service.

Age.

Appointing
authority.

Qualification.

Disqualification

8. No person, —

- (a) Who has entered into or contracted a marriage with a person having a spouse living; or
- (b) who having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to any post in the Service.

Provided that the Government may, if satisfied, that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

Method of Recruitment

9. (1) Recruitment to the Service shall be made, —

I. Factory wing

(a) in the case of Chief Inspector of Factories, —

- (i) by promotion from amongst the Deputy Director, Industrial Safety and Health and Senior Assistant Director, Industrial Safety and Health;

Provided that the Senior Assistant Director, Industrial Safety and Health, shall be considered for promotion only if no suitable Deputy Director, Industrial Safety and Health is available; or

(ii) by direct recruitment; or

(iii) by transfer or deputation of any officer already in the service of any State Government or the Government of India;

(b) in the case of Deputy Director, Industrial Safety and Health: —

- (i) by promotion from amongst the Senior Assistant Director, Industrial Safety and Health and Assistant Director, Industrial Safety and Health;

Provided that the Assistant Director, Industrial Safety and Health shall be considered for promotion only if no suitable Senior Assistant Director, Industrial Safety and Health is available; or

(ii) by direct recruitment; or

(iii) by transfer or deputation of an officer already in the service of any State Government or the Government of India;

(c) in the case of Senior Assistant Director, Industrial Safety and Health: —

- (i) by promotion from amongst the Assistant Director, Industrial Safety and Health; or

(ii) by direct recruitment; or

(iii) by transfer or deputation of any officer already in the service of any State Government or the Government of India

(d) in the case of Certifying Surgeon: —

- (i) by promotion from amongst the Medical Officer, Industrial Health, or

- (ii) by direct recruitment; or
- (iii) by transfer or deputation of an officer already in the service of any State Government or the Government of India.

II LABOUR WING

(e) In the case of Joint Labour Commissioner and Chief Conciliation Officer :—

- (i) by promotion from amongst the Deputy Labour Commissioner : or
- (ii) by direct recruitment; or
- (iii) by transfer or deputation of an officer already in the service of any State Government or the Government of India

(f) in the case of Deputy Labour Commissioner :—

- (i) by promotion from amongst the Labour Officer-Cum-Conciliation Officer, Statistical Officer, Welfare Officer (Women) and Labour Welfare Officer : or
- (ii) by direct recruitment; or
- (iii) the by transfer or deputation of an officer already in service of any State Government or the Government of India.

(2) If suitable eligible candidates are not available for appointment by promotion the post in question shall be filled by means of direct recruitment or transfer or deputation.

(3) All promotions unless otherwise provided, shall be made on seniority-cum-merit basis and seniority alone shall not confer any right to such promotions.

10. (1) Persons appointed to any post in the Service shall remain on probation for a period of two years, if appointed by direct recruitment, and one year, if appointed otherwise :

Provided that :—

(a) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation ;

(b) any period of work in equivalent or higher rank, prior to appointment to any post in the Service, may, in the case of an appointment by transfer, at the discretion of the appointing authority, be allowed to count towards the period of probation fixed under this rule; and

(c) any period of officiating appointment shall be reckoned as period spent on probation, but no person who has so officiated shall, on the completion of the prescribed period of probation be entitled to be confirmed, unless he is appointed against a permanent vacancy.

(2) If, in the opinion of the appointing authority, the work conduct of a person during the period of probation is not satisfactory, may,—

(a) If such person is appointed by direct recruitment, discharge him with his services; and

(b) if such person is appointed otherwise, than by direct recruitment,—

(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 his work or conduct has, in its opinion, been satisfactory,—

(i) confirm such person from the date of his appointment, if appointed against a permanent vacancy; or

(ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy; or

(iii) declare that he has completed his probation satisfactorily, if there is no permanent vacancy; or

(b) if his work or conduct has, in its opinion, been unsatisfactory,—

(i) dispense with his Service, if appointed by direct recruitment, if appointed otherwise, revert him to his former post or deal with him in such other manner as the terms and conditions of his previous appointment permit; or

(ii) 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.

Departmental
examination etc.

11 (1) Before becoming eligible for confirmation, the Joint Labour Commissioner and Chief Conciliation Officer and Deputy Labour Commissioner shall have to qualify the departmental examination as prescribed in the Haryana Labour Department (Group B) Service Rules, 1987, for the Field and Technical Staff of the Labour Department, if not already done.

(2) The Joint Labour Commissioner and Chief Conciliation Officer and Deputy Labour Commissioner shall have to undergo and qualify in the intensive course of social work at Calcutta or any other recognised University or institution, if not already done.

(3) As and when required by the Government, the Certifying Surgeon shall have to qualify in the short and long terms course on industrial hygienists within such period as may be specified, at Calcutta or Bombay or in any other approved institution. Failure to qualify in said course within the specified period shall entail with-holding of his annual increment which would become due to him subsequent to the date of completion of examination in which he appeared but failed to qualify it. The increment will be allowed from the date of completion of examination which he qualified but he will not be entitled to get arrears of increment for the period, the same remained with held.

12. Seniority, *inter se* of members of the Service shall be determined by the length of continuous Service on any post in the Service. Provided that where there are different cadres in the Service, the seniority shall be determined separately for each cadre.

Provided further in the case of members appointed by direct recruitment the order of merit determined by the Commissions shall not be disturbed in fixing the seniority.

Provided further in the case of two or more members appointed on the same date, their seniority shall be determined as follows:—

- (a) a member appointed by direct recruitment shall be senior to a member appointed by promotion or by transfer;
- (b) a member appointed by promotion shall be senior to a member appointed by transfer;
- (c) in the case of a member appointed by promotion or by transfer seniority shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred; and
- (d) in the case of members 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 a 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.

13. (1) A member of the Service shall be liable to serve at any place, whether within or outside the State of Haryana, on being ordered so to do by the appointing authority.

(2) A member of the Service may also be deputed to serve under:—

- (i) a company, an association or a body of individuals whether incorporated or not, which is wholly or substantially owned, or controlled by the State Government, a Municipal Corporation or a local authority or University within the State of Haryana;
- (ii) the Central Government or a company, an association or a body of individuals, whether incorporated or not which is wholly or substantially owned or controlled by the Central Government; or
- (iii) any other State Government an international Organisation, 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 or any other State Government or any organisation or body referred to in clause (ii) or clause (iii) except with his consent.

Seniority

Liability to serve.

Pay, leave,
pension
and other
matters.

14. In respect of pay, leave, pension and all other matters expressly provided for in these rules, the members of the Service shall be governed by such rules and regulations as may have been, or may after be adopted or made by the competent authority under the Constitution of India or under any law for the time being in force made by the State Legislature.

Discipline,
penalties
and appeals.

15. (1) In matters relating to discipline, penalties and appeals members of the service shall be governed by the Haryana Civil Services (Punishment and Appeals) Rules, 1987, as amended from time to time :

Provided that the nature of penalties which may be imposed by the authority empowered to impose such penalties and appellate authority shall, subject to the provisions of any law or rules made under article 309 of the Constitution of India, be such as are specified in Appendix C to these rules.

(2) The authority competent to pass an order under clause (d) of sub-rule (1) of rule 9 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 and appellate authority shall be as specified in Appendix D to these rules.

Oath of
allegiance.

16. 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.

Vaccination.

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

Power of
relaxation.

18. Where the Government is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

Special
provisions.

19. Notwithstanding anything contained in these rules, the appointing authority may impose special terms and conditions in the order of appointment if it is deemed expedient to do so.

Reservations.

20. Nothing contained in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes, Backward Classes, Ex-Servicemen, Physically Handicapped persons or other class or category of persons in accordance with the orders issued by the State Government in this regard, from time to time :

Provided that the total percentage of reservations so made shall not exceed fifty per cent, at any time.

Repeal and
savings.

21. The Punjab Labour Service (Class I) Rules, 1955, in their application to State of Haryana are hereby repealed :

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

APPENDIX A

(See rule 3)

Sr. No.	Designation of posts	Number of Posts			Scale of pay
		Per- manent	Tempo- rary	Total	
1	2	3	4	5	6
	Factory Wing				
1	Chief Inspector of Factories	1	..	1	Rs. 3,700—125—4,200—150—5,000
2	Deputy Director of Industrial Safety and Health	1	..	1	Rs. 3,200—100—3,700—125—4,700—200 special pay
3	Senior Assistant Director, Industrial Safety and Health	..	3	3	Rs. 3,000—100—3,500—125—4,500
4	Certifying Surgeon	1	..	1	Rs. 3,000—100—3,500—125—4,500
	II. Labour Wing				
5	Joint Labour Commissioner and Chief Conciliation Officer	1	1	2	Rs. 3,000—100—3,500—125—4,500
6	Deputy Labour Commissioner	2	2	4	Rs. 2,200—75—2,800—EB—100—4,000

APPENDIX B

(See rule 7)

Sr. No.	Designation of posts	Academic qualifications and experience, if any, for direct recruitment.	Academic qualifications and experience, if any, for recruitment other than direct recruitment.
1	2	3	4
I. Factory Wing			
		For promotion	
1	Chief Inspector of Factories	(a) Degree or equivalent from a recognised University in any branch of Engineering/Technology or Associated Members of Institute of Engineers in any branch ; (b) Knowledge of Hindi upto Matric (c) Eight years practical experience of administration of Factories Act, 1948	(a) Three years experience as Deputy Director, Industrial Safety and Health or five years experience as Senior Assistant Director, Industrial Safety and Health For Transfer/Deputation (a) Degree or equivalent from a recognised University in any Branch of Engineering/Technology or Associated Members of Institute of Engineers in any branch (b) Knowledge of Hindi upto Matric (c) Eight years practical experience of administration of Factories Act, 1948
		For Promotion	
2	Deputy Director, Industrial Safety and Health	(a) Degree or equivalent from a recognised University in any branch of Engineering/Technology or Associate Members of Institute of Engineers in any branch ; (b) Knowledge of Hindi upto Matric ; (c) 4 years practical experience of Administration of Factories Act, 1948	One year experience as Senior Assistant Director, Industrial Safety and Health or Five years experience as Assistant Director, Industrial Safety and Health For Transfer/Deputation (a) Degree or equivalent from a recognised University in any branch of Engineering/Technology or Associate Members of Institute of Engineers in any branch

1 2 3 4

(b) Knowledge of Hindi upto Matric ;
(c) 4 years practical experience of Administration of Factories Act, 1948.

For promotion

Senior Assistant Director, Industrial Safety and Health
(a) Degree or equivalent from a recognised University in any branch of Engineering/Technology or Associate Members of Institute of Engineers in any branch of Engineering
(a) Four years experience as Assistant Director, Industrial Safety and Health

For Transfer/Deputation

(b) Knowledge of Hindi upto Matric ;
(c) Four years practical experience of the Administration of Factories Act, 1948
(a) Degree or equivalent from a recognised University in any branch of Engineering/Technology or Associate Members of Institute of Engineers in any branch of Engineering ;

(b) Knowledge of Hindi upto Matric ;

(c) Four years practical experience of the Administration of Factories Act, 1948

For promotion

Certifying Surgeon
(a) Degree of M.B.B.S. or equivalent qualification recognised by Medical Council of India ;
(a) Five years experience as Medical Officer, Industrial Health

For Transfer/Deputation

(b) Knowledge of Hindi upto Matric ;
(c) Five years experience of Industrial Occupational diseases including as Medical Officer, Health
(a) Degree of M.B.B.S. or equivalent qualification recognised by Medical Council of India ;

(b) Knowledge of Hindi upto Matric ;

(c) Five years experience of Industrial Occupational diseases including as Medical Officer Industrial Health ;

1.	2	3	4
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II. Labour Wing

5 Joint Labour Commissioner and Chief Conciliation Officer

(a) Graduate of recognised University with one of the social sciences such as Economics or Public Administration, Commerce and Sociology as one of the subject

(b) Post Graduate Degree or Diploma in Social Welfare or Personnel Administration and Labour Welfare of any recognised University or Institution

OR

Post Graduate degree in Public Administration with specialisation in Labour Laws or degree in law with Labour Law as one of the papers;

(c) eight years experience in Labour matters including Labour Management or Administration and Labour Welfare in a responsible position in the Government Department or in any Industry of repute or a public sector Undertaking or 8 years experience as practising Lawyer in the field of Labour Laws;

(d) Knowledge of Hindi upto Matric;

6 Deputy Labour Commissioner

(a) Graduate of a recognised University with one of the Social Sciences such as Economics, Public

For promotion

(a) Five years experience as Deputy Labour Commissioner.

For Transfer/Deputation

(a) Graduate of recognised University with one of the Social Sciences such as Economics, Public Administration, Commerce and Sociology as one of the subject;

(b) Post Graduate Degree or Diploma in Social Welfare or Personnel Administration and Labour Welfare of any recognised University or Institution

OR

Post Graduate degree in Public Administration with specialisation in Labour Law with Labour Law as one of the papers;

(c) eight years experience in Labour matters including Labour Management or Administration and Labour Welfare in a responsible position in the Government Department or in any Industry or repute or a public sector undertaking or 8 years experience as practising Lawyer in the field of Labour Laws;

(d) knowledge of Hindi upto Matric;

For Promotion

Three years experience as Labour Officer-cum-Conciliation Officers, Statistical Officer, Welfare Officer (Women);

1

2

3

4

Administration, Commerce and Sociology as one of the subjects ;

Labour Welfare Officer

OR

For Transfer/Deputation

(a) Post Graduate or diploma in Social Welfare or Personnel Administration and Labour Welfare of any recognised university or Institution

(a) Graduate of a recognised University with one of the Social Science such as Economics Public Administration Commerce and Sociology as one of the subjects

OR

(b) Post Graduate Degree in Public Administration with specialisation in Labour Laws or degree in Law with Labour law as one of the papers ;

(b) Post Graduate Degree or Diploma in Social Welfare and/or Personnel Administration and Labour Welfare of any recognised University or institution ;

OR

(b) 5 years experience in Labour matters including Labour management or administration and Labour Welfare in a responsible position in a Government Department or in any Industry of repute or a Public Sector Undertaking or five years experience as practising Lawyer in the field of Labour Laws ;

(b) Post Graduate Degree in Public Administration with specialisation in Labour Laws or degree in Law with Labour Law as one of the papers ;

(c) Knowledge of Hindi up to Matric ;

(c) 5 years experience in Labour matters including Labour Management or Administration and Labour Welfare in a responsible position in a Government Department or in an Industry of repute or a Public Sector undertaking or five years experience as practising Lawyer in the field of Labour laws ;

(d) Knowledge of Hindi upto Matric ;