

(Authorised English Translation.)

HARYANA GOVERNMENT

LABOUR AND EMPLOYMENT DEPARTMENTS

Notification—

The 1st January, 1988

No. G.S.R. 4/Const./Art. 309/88.—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 B) Service, namely :—

PART I—GENERAL

Short title. 1. These rules may be called the Haryana Labour Department (Group B) Service Rules, 1987.

Definitions. 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 officer 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) 'Service' means the Haryana Labour Department (Group B) Service;
- (f) '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 15th August, 1947, the Punjab, Sind or Dacca University; or
 - (iii) any other university which is declared by the Government to be a recognised university for the purpose of these rules.

PART II-RECRUITMENT TO SERVICE

3. The Service shall comprise the posts shown in Appendix 'A' to these rules. Number and character of posts.

Provided that nothing in these rules shall affect the inherent right of the Government to make additions to, or reductions 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 the Service, unless he is,—

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

Nationality domicile and character of candidates appointed to the service.

(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 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 relatives, 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 twenty one years and more than forty years of age on or before the last date of submission of application to the Commission.

6. All appointments to the posts in the service shall be made by the Government. Appointing authority.

7. No person shall be appointed to any post in the Service, unless he is qualified in possession of qualifications and experience specified in column 3 of Appendix B to these rules in the case of direct recruitment and transfer or deputation and those specified in column 4 of the aforesaid Appendix in the case of appointment by promotion.

Provided that in the case of 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-service-men and Physically handicapped candidates, possessing the requisite experience, are not available to fill up the vacancies reserved for them, after recording reasons for so doing in writing.

Qualifications.

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,—

- (a) in case of Assistant Director Industrial Safety and Health, by direct recruitment;
- (b) in case of Chemical Inspector of Factories, by direct recruitment; and
- (c) in case of Medical Officer, Industrial Health, by direct recruitment;
- (d) in case of Labour Officer-cum-Conciliation Officer,—
 - (i) 50% by direct recruitment; and
 - (ii) 40% by promotion from amongst the Labour Inspectors and 10% by promotion from amongst Superintendents or Head Assistants or Legs Assistants; or
 - (iii) by transfer or deputation of an officer/official already in the service of any State Government or the Government of India;
- (e) in case of statistical Officer,—
 - (i) 50% by direct recruitment; and
 - (ii) 50% by promotion from amongst the Head Statistical Assistants; or
 - (iii) by transfer or deputation of an officer/official already in the service of any State Government or the Government of India;
- (f) in the case of Welfare Officer (Woman),—
 - (i) 50% by direct recruitment; and

(ii) 50% by promotion from amongst Women Labour Inspectors;
or

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

(g) in case of Labour Welfare Officer,—

(i) 50% by direct recruitment; and

(ii) 50% by promotion from amongst Superintendents or Head Assistants or Legal Assistants or Labour Inspectors; or

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

(h) in the case of Editor, by direct recruitment.

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

(3) For all promotions which are to be made from more than one cadre their *inter se* seniority for the purpose of promotion shall be determined by the date of continuous appointment in the respective cadres.

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 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 or conduct of a person during the period of probation is not satisfactory, it may,—

(a) if such person is appointed by direct recruitment, dispense with his services; and

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

(i) revert him to his former post; or

Probation.

(ii) deal with him in such other manner as the terms and conditions of the 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;

(ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against 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 not satisfactory,—

(i) dispense with his services, 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 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.

11. (1) The Labour Officer-cum-Conciliation Officer/Statistical Officer/Welfare Officer (Women)/Labour Welfare Officer/Editor appointed to the Service shall have to qualify the departmental examination of the field and technical staff of the Labour Department; if not already done as per syllabus and other conditions prescribed in Appendix E to these rules within a period of one year of appointment as such, failing which increment(s) falling due after the expiry of the said period shall not be allowed.

(2) If a person passes the departmental examination before the prescribed period, he would be given increment(s) which would have otherwise fallen due to him at the end of the prescribed period with effect from the last day on which the departmental examination was completed.

(3) If a person passes the departmental examination after the prescribed period, then the increment for the period subsequent to that within which the departmental examination was to be passed would be released to him from the date following the last day on which the departmental examination was completed. The increment(s) would be released with retrospective effect from the date it was otherwise due but no arrears would be paid for the passed period.

(4) If a person fails to pass the departmental examination and is subsequently exempted by the competent authority from passing the examination, his increment(s) for the period subsequent to that within which the departmental examination was to be passed, would be released from the date he is given such exemption. The increment(s) would be released with retrospective effect from the date it was otherwise due but no arrears would be paid for the past period.

(5) They shall also be liable to undergo and qualify in the intensive course of social work at the Calcutta University or any other recognised university or institution, if not already done as and when so deputed by the Government.

(6) In the case of Medical Officer, Industrial Health as and when required by the Government, he shall have to qualify in the short/long term course on Industrial Hygiene at Calcutta/Bombay in any of the approved institution. Failure to qualify in the said course shall entail with holding of his annual increment which became due to him subsequent to the date of completion of examination in which he appeared for the first time after appointment but failed to qualify it. The increment will be allowed from the date of completion of examination, which he qualifies but he will not be entitled to get arrears of increments for the period these remained withheld.

12. Seniority, interest of the members of Service shall be determined by the length of continuous service on any post in the Service: Seniority.

Provided that where there are different cadres in the Service, the seniority shall be determined separately for each cadre:

Provided further that in the case of members appointed by direct recruitment, the order of merit determined by the Commission shall not be disturbed in fixing the seniority:

Provided further that 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 members 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 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. Liability to serve.

(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.

Pay, leave, pension and other matters. 14. In respect of pay, leave, pension and all other matters, not 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 hereafter 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 Appeal) Rules, 1987 as amended from time to time.

Provided that the nature of penalties which may be imposed, 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 to pass an order under clause (c) or clause (d) of sub-rule (1) of rule 9 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 and the appellate authority shall also be as specified in Appendix D to these rules.

Vaccination. 16. Every member of the Service, shall get himself vaccinated and revaccinated if and when the Government so directs by a special or general order.

Oath of allegiance. 17. 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.

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 provision. 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.

Reservation. 20. Nothing contained in these rules shall effect reservations and other concessions required to be provided for Scheduled Castes, Backward Classes, Ex-servicemen, physically handicapped persons or any 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.

21. The Punjab Labour Service (Class I and II) Rules, 1955 are hereby repealed : Repeal and savings.

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)

Serial Nos.	Designation of posts	Number of posts			Scale of pay
		Perma- nent	Tempo- rary	Total	
1	2	3	4	5	6
1	Assistant Director Industrial Safety and Health	7	4	11	Rs. 2,000-60-2,300-EB-75-3,200-100-3,500
2	Chemical Inspector of Factories	..	1	1	
3	Medical Officer, Industrial Health	1	1	2	
4	Labour Officer-cum-Conciliation Officer	7	6	13	Rs. 2,000-60-2,300-EB-75-3,200
5	Statistical Officer	..	1	1	
6	Welfare Officer (Woman)	..	1	1	
7	Labour Welfare Officer	..	1	1	
8	Editor	..	1	1	

APPENDIX B
(See rule 1)

Serial No.	Designation of post	Academic qualifications and experience, if any, for direct recruitment or transfer or separation.	Academic qualifications and experience, if any, for appointment by promotion
1	2	3	4
1	Assistant Director Industrial Safety and Health	(1) Degree in any branch of Engineering/Technology or Associated Member of Institute of Engineers. (2) Adequate knowledge of Hindi. (3) Two years practical experience in a factory of repute.	Amended as per notification dated 16-12-88 attached.
2	Chemical Inspector of Factories	(1) A degree in Chemical Engineering of a recognised university. (2) Adequate knowledge of Hindi. (3) Two years practical experience relating to Chemical Engineering in factory of repute.	
3	Medical Officer, Industrial Health	(1) Degree of M.B.B.S. or its equivalent qualifications recognised by Medical Council of India. (2) Adequate knowledge of Hindi. (3) Candidates having experience of Industrial Occupational diseases/occupational experience in Industrial Hygiene in factories and practical experience of working in factories will be preferred.	
4	Labour Officer-cum-Conciliation Officer	(1) Graduate from a recognised university with Economics or Public Administration or Commerce or Sociology or Psychology or L.A. Degree with Labour Laws as one of the subjects. (2) Degree or Diploma in Social Work or Labour Welfare or its equivalent from any recognised university or institution. (3) Adequate knowledge of Hindi.	(1) Graduate from a recognised university. (2) Degree or Diploma in Social Work or Labour Welfare or its equivalent from any recognised university or institution. (3) Three years experience as Superintendent or Head Assistant or Legal Assistant or Labour Inspector. (4) Adequate knowledge of Hindi.

1	2	3	4
5	Statistical Officer	(1) M. Sc. in Statistics or M.A. in Mathematics or Economics or Social work with Statistics as one of the papers in the last three cases. (2) Three years experience in labour statistics/labour surveys. (3) Adequate knowledge of Hindi.	(1) B.Sc. or B.A. with Economics or Mathematics from a recognised university. (2) Three years experience as Head Statistical Assistant. (3) Adequate knowledge of Hindi.
6	Welfare Officer (Woman)	(1) Graduate from a recognised university with Economics or Public Administration or Commerce or Sociology or Psychology or Law Degree with Labour Laws as one of the subjects. (2) Degree or Diploma in Social Work or Labour Welfare or its equivalent from any recognised university or institution. (3) Adequate knowledge of Hindi.	(1) Graduate from a recognised university. (2) Degree or Diploma in Social Work or Labour Welfare or its equivalent from a recognised university or institution. (3) Three years experience as Woman Labour Inspector. (4) Adequate knowledge of Hindi.
7	Labour Welfare Officer	(1) Graduate from a recognised university with Economics or Public Administration or Commerce or Sociology or Psychology or Law Degree with Labour Laws as one of the subjects. (2) Degree or Diploma in Social Work or Labour Welfare or its equivalent from any recognised university or institution. (3) Adequate knowledge of Hindi.	(1) Graduate from a recognised university. (2) Degree or Diploma in Social Work or Labour Welfare or its equivalent from any recognised university or institution. (3) Three years experience as Superintendent or Head Assistant or Legal Assistant or Labour Inspector. (4) Adequate knowledge of Hindi.
8	Editor	(1) Graduate from a recognised university with Economics or Public Administration or Commerce or Sociology or Law Degree with Labour Laws as one of the subjects. (2) Degree or Diploma in Journalism from any recognised university or institution. (3) Adequate knowledge of Hindi.	

Note: For all appointments requisite experience shall be counted after attainment of qualifications/training.

APPENDIX C
[See rule 15(1)]

[See rule 13(1)]

Serial No.	Designation of person	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate Authority		
1	2	3	4	5	6		
			Minor Penalties				
1	Assistant Director, Industrial Safety and Health	Government	(a) Warning with a copy in the personal file (character roll);	Government			
2	Chemical Inspector of Factories		(b) Censure;				
3	Medical Officer Industrial Health		(c) Withholding of promotion;				
4	Labour Officer-cum-Coordination Officer		(d) recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of order;				
5	Statistical Officer		(e) withholding of increments of pay;				
6	Welfare Officer (Welfare)		Major penalties				
7	Labour Welfare Officer		(f) reduction to a lower stage in a time scale of pay;				
8	Editor		(g) reduction to a lower scale of pay, grade, post or service;				
			(h) compulsory retirement;				
			(i) removal from the service which does not disqualify from future employment;				
			(j) dismissal from the service which does ordinarily disqualify from future employment				

Note.—Aforesaid penalties shall be as defined in sub-rule (1) of rule 4 of the Haryana Civil Services (Punishment and Appeal) Rules, 1981.

APPENDIX D

[(See rule 13(2))]

Serial Nos.	Designation of posts	Nature of Order	Authority empowered to make the order
1	2	3	4
1	Assistant Director Industrial Safety and Health	(i) Reducing or withholding the amount or ordinary/additional pension admissible under rules governing pension	Government
2	Chemical Inspector of Factories		
3	Medical Officer, Industrial Health		
4	Labour Officer-cum-Conciliation Officer	(ii) Terminating the appointment of a member of the Service otherwise than on his attaining the age fixed for superannuation	
5	Statistical Officer		
6	Welfare Officer (Woman)		
7	Labour Welfare Officer		
8	Editor		

APPENDIX E

(See rule 11)

1. A departmental examination shall be held half-yearly about the fourth week of April and second week of November every year.

2. The Labour Commissioner shall conduct the departmental examination.

3. The exact date, time and place of the examination shall be fixed by the Labour Commissioner at least one month before the commencement of the examination.

4. The question papers shall be set, answer books examined and marks awarded by the examiners appointed by the Labour Commissioner.

5. The Officer conducting the examination shall,—

(i) prepare the question papers and cause them to be typed or cyclo-

(ii) superintend the examination; and

(iii) examine the papers and forward the result to Government who shall notify the result of the examination in order of merit, in the *Haryana Government Gazette*.

6. There shall be three papers with the following syllabus :—

First Paper

(i) The Trade Unions Act, 1926 and the regulations made thereunder.

(ii) The Minimum Wages Act, 1948 and the rules made thereunder.

(iii) The Payment of Wages Act, 1936 and the rules made thereunder.

(iv) The Workmen's Compensation Act, 1923 and the rules made thereunder.

(v) The Employees' State Insurance Act, 1948.

(vi) The Maternity Benefit Act, 1961 and the rules made thereunder.

(vii) The Weekly Holidays Act, 1947.

(viii) The Employment of Children Act, 1938.

(ix) The Children (Pledging of Labour) Act, 1933.

(x) The Plantations' Labour Act, 1951.

(xi) The Employees' Provident Funds Act, 1952 and the scheme made thereunder.

- (xii) The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.
- (xiii) The Motor Transport Workers Act, 1961 and the rules made thereunder.
- (xiv) The Punjab Industrial Housing Act, 1956 and the rules made thereunder.
- (xv) The Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1965.
- (xvi) The protection of Civil Rights Act, 1955.
- (xvii) Payment of Gratuity Act, 1972 and rules made thereunder.
- (xviii) Contract Labour (Regulation and Abolition) Act, 1970 and the rules made thereunder.

Second Paper

- (i) The Industrial Disputes Act, 1947 and the rules made thereunder.
- (ii) The Industrial Employment (Standing Order) Act, 1946.
- (iii) The Collection of Statistics Act, 1953.
- (iv) The Factories Act, 1948 and the rules made thereunder.
- (v) The Punjab Shops and Commercial Establishments Act, 1958, and the rules made thereunder.
- (vi) The Bonded Labour System (Abolition) Act, 1976 and rules made thereunder.
- (vii) The Equal Remuneration Act, 1976 and the rules made thereunder.
- (viii) Sales promotion Employees (Conditions of Service) Act, 1976.

Third Paper

- (i) Method of approach for avigation of industrial disputes.
- (ii) Labour Welfare.
- (iii) Questions pertaining to practical work.
7. Each paper shall carry 100 marks.
8. Time allowed for each paper shall be 2½ hours.
9. The answer books and other stationery for the examination shall be provided by the Labour Commissioner.
10. No books shall be supplied or allowed to be consulted during the examination, except bare Acts.
11. No candidate shall be considered to have qualified the examination unless he obtained 50% marks in each paper.
12. A candidate may appear in all or any one or more papers at a time.
13. A candidate not qualifying the departmental examination in four chances shall be liable to be discharged or reverted.

MEENAXI ANAND CHAUDHRY,

Secretary to Government, Haryana,
Labour and Employment Departments.