



LABOUR DEPARTMENT HARYANA

श्रम विभाग हरियाणा



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 ऑफिस: 30 बेज बिल्डिंग, प्रथम तल, सेक्टर 17-बी, चण्डीगढ़ - 160017 (भारत) दूरभाष: 91(0172)2701337 फैक्स: 91(0172)2701266

OFFICE ORDER

Sh. Mahabir, Assistant O/o Assistant Director, Industrial Safety and Health, Circle-02, Faridabad was promoted to the post of Deputy Superintendent vide office order bearing No. Estt./02/2024/26797-868 dated 15.10.2024. The said official has not joined on the promotional post of Deputy Superintendent. and submitted his written request (dated 21.10.2024) regarding unwillingness to join on the said post. The official was summoned by the Labour Commissioner for a personal hearing on dated 26.11.2024, but the employee did not appear. It has been informed by the employee vide letter dated 19.11.2024 that he has decided not to take promotion to the post of Deputy Superintendent only after properly reading and understanding the terms contained in the promotion order dated 15.10.2024 issued by the headquarters. Further, it has also been informed by the official that he has no objection to the Haryana Civil Services (ACP) Rules, 2016 and the instructions dated 02.11.1992 (Debar) issued by the Chief Secretary, Government of Haryana, to carry out the proceedings as per rules.

2. The written unwillingness of the official has been examined in light of instructions of worthy Chief Secretary, Haryana issued vide U.O No. 2/21/92-2 GS1 dated 02.11.1992 and as per Rule-14 of Haryana Civil Service (ACP) Rule-2016. In the said instructions, it has been clarified that when an official forgoes his promotion his name may not be re-considered for at-least one year and the person promoted during this period will rank to senior to him.

Further, as per Rule-14 of Haryana Civil Service (ACP) Rule-2016, the pay of the said official who forgoes promotion will be re-fixed as per HCS (ACP) Rule-2016, which provides as under:-

14. Ceasing of entitlement of ACP Level.—

(1) A Government employee who foregoes his promotion in the line of hierarchy or seeks reversion on his own accord to feeder post on any ground whatsoever, while drawing pay in—

- (a) 3rd ACP Level, the pay shall be re-fixed in 2nd ACP Level;
- (b) 2nd ACP Level, the pay shall be re-fixed in the 1st ACP Level;
- (c) 1st ACP Level, the pay shall be re-fixed in the Functional pay structure,

equal to the presumptive pay which shall have been admissible had he not been granted 3rd/2nd/1st ACP Level, as the case may be.

(2) If such Government employee becomes ready to accept promotion, in such case the period of service between the date of foregoing promotion/reversion and date of application indicating readiness to accept the promotion, subject to minimum one year, shall be excluded from the regular satisfactory service for the purpose of grant of ACP Level. On assuming the charge of promotional post the pay shall be re-fixed equal to the pay drawn

in ACP Pay structure immediately before foregoing promotion or fixation of pay of the promotional post under normal rules, whichever is higher:

Provided that the request for seeking reversion or foregoing promotion once accepted by the competent authority shall not be withdrawn. Once a Government employee has foregone his promotion or sought reversion to a feeder post, such foregoing/reversion shall remain in force for a minimum period of one year or up to the period he gives in writing to re-consider his name for promotion, whichever is later.

In view of the above position, rules and instructions, the aforesaid promotion of Sh. Mahabir, Assistant has been deferred for one year, subject to condition that his name for promotion shall not be considered for one year and any person junior to them promoted during the said period will rank senior to him.

Dated: 04.12.2024

MANI RAM SHARMA, IAS
LABOUR COMMISSIONER, HARYANA

Endst. No.: Estt./02/2024/ 3267 - 24

Dated: 11/12/24

A copy is forwarded to the following for information and necessary action:-

1. PS/Labour Commissioner, Haryana, Chandigarh.
2. JSS/Joint Labour Commissioner (Admn.), Haryana, Chandigarh.
3. Deputy Director, Industrial Safety & Health, Faridabad with the request to take action as per HCS Rule-2016 of the aforesaid official.
4. Assistant Director, Industrial Safety & Health-02, Faridabad.
5. Account Officer, Headquarters
6. Concerned official.
7. Office Order file.

of Assistant Labour Commissioner, Hqrs.
for Labour Commissioner, Haryana