

PART III

HARYANA GOVERNMENT

EXCISE AND TAXATION DEPARTMENT

The 3rd March, 1982

No. G.S.R. 33/Const./Art.309/82.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules, regulating the recruitment and the conditions of service of persons appointed to the Haryana Excise and Taxation Department (Group A) Service, namely :—

PART I—GENERAL

1. These rules may be called the Haryana Excise and Taxation Department (Group A) Service Rules, 1982. Short title.
2. In these rules, unless the context otherwise requires,— Definition:
 - (a) "Appendix" means an Appendix to these rules ;
 - (b) "Commission" means the Haryana Public Service Commission ;
 - (c) "Government" means the Haryana Government in the Administrative Department ;
 - (d) "Service" means the Haryana Excise and Taxation Department, (Group A) Service.

PART II—RECRUITMENT TO SERVICE

3. The Service shall comprise the posts shown in Appendix A : Number and Character of posts.

Provided that nothing in these rules shall effect the 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 scale of pay, either permanently or temporarily.

4. Appointments to the posts in the Service shall be made by the Government. Appointing authority.
5. (1) Recruitment to the Service shall be made— Method of recruitment.
 - (a) in the case of Joint Excise and Taxation Commissioner,—
 - (i) by promotion from amongst the Deputy Excise and Taxation Commissioners having worked as such for a minimum period of two years ; or
 - (ii) by transfer or deputation of an officer already in the service of Government of India or of the State Government ;

(b) in the case of Deputy Excise and Taxation Commissioner,—

- (i) by promotion from amongst Excise and Taxation Officers having worked as such for a minimum period of five years ; or
- (ii) by transfer or deputation of an officer already in the service of the Government of India or of a State Government.

(2) Appointment by promotion to any post in the Service shall be made on merit basis with due regard to seniority.

Disqualifi-
cations.

6. (1) 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.

Probation.

7. (1) Persons appointed to any post in the Service shall remain on probation for a period of one year :

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 the appointment to 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 and conduct of a person during the period of probation is not satisfactory, it may revert him to his former post or 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,

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- (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 not satisfactory :—

- (i) 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 orders 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 two years.

8. Seniority interse or members of the Service shall be determined seniority 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 that in the case of two or more members appointed on the same day, the seniority shall be determined as follows :—

(a) a member appointed by promotion shall be senior to a member appointed by transfer ;

(b) 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

(c) 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 the 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.

9. A member of the Service shall be liable to serve under the State Government at any place whether within or outside the State of Haryana, on being ordered so to do by the Government. Liability to service.

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 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 clauses (ii) or (iii) except with his consent.

10. 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.

11. (1) In matters relating to discipline, penalties and appeals members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1952, as amended from time to time :

Provided that the nature of penalties which may be imposed, the authority empowered to impose such penalties 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 B.

(2) The authority competent to pass an order under clause (c) or clause (d) of sub-rule (1) of rule 10 of the said rules shall be as specified in Appendix C.

12. Every member, of the Service shall get himself vaccinated and re-vaccinated if and when the Government so directs by a special or general order.

13. 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.

14. Where the Government is of the opinion that it is necessary of 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.

12. The provisions contained in the Punjab Excise and Taxation Department (State Service Class-II) Rules, 1956, in so far as they apply to the post of Deputy Excise and Taxation Commissioner, 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 provision of these rules.

16. 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.

APPENDIX A

(See rule 3)

Serial No.	Description of posts	Number of posts			Scale of pay
		Perma- nent	Tempo- rary	Total	
1	2	3	4	5	6
1	Joint Excise and Taxation Commissioner	2	2	4	Rs. 1,700-60-2,000- 75-2,150 plus Rs. 200 Special Pay for Jt. E.T.C. (H.Q.) and Principal Train- ing School.
2	Deputy Excise and Taxation Commissioner	9	7	16	Rs. 1,400-50-1,500- 60-1,860 plus Rs. 150 Special Pay for D.E.T.Cs. posted at H. Qs.

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APPENDIX B

[See rule 11(1)]

Serial No.	Description of posts	Appointing authority	Nature of penalty	Authority empowered to impose penalty
1	Joint Excise and Taxation Commissioner	Government	(a) Warning with a copy on personal file ;	Government
2	Deputy Excise and Taxation Commissioner		(b) censure ;	
			(c) withholding of increments or promotion including stoppage at an efficiency bar ;	
			(d) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders ;	
			(e) reduction to a lower post or to a time scale or to a lower stage in a time scale ;	
			(f) removal from the service which does not disqualify from future employment ;	
			(g) dismissal from the service which does-ordinarily disqualify from future employment	

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भाग-III

हरियाणा सरकार

आवकारी तथा कराधान विभाग

अधिसूचना

दिनांक 26 जून, 1983

सं० सा०का०नि० 44. संविधान/अनुच्छेद 309/83.—भारतीय संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदान की गई शक्तियों तथा इस निमित्त उन्हें समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए हरियाणा के राज्यपाल, हरियाणा आवकारी तथा कराधान विभाग (ग्रुप क) सेवा नियम, 1982, को आगे संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. ये नियम हरियाणा आवकारी तथा कराधान विभाग (ग्रुप क) सेवा (प्रथम संशोधन) नियम, 1983, कहे जा सकते हैं।
2. हरियाणा आवकारी तथा कराधान विभाग (ग्रुप क) सेवा नियम, 1982, (जिसे इसमें इसके बाद उक्त नियम कहा गया है) के नियम 5 में उपनियम (1) में, विद्यमान खण्ड (क) को खण्ड (कक) के रूप में पुनः संख्यांकित किया जायेगा और इस प्रकार पुनः संख्यांकित खण्ड (कक) से पूर्व निम्न खण्ड अन्तः स्थापित किया जाएगा, अर्थात्:—
“(क) अपर आवकारी तथा कराधान आयुक्त की दशा में,—
(i) उन संयुक्त आवकारी तथा कराधान आयुक्तों में से पदोन्नति द्वारा जिन्होंने इस रूप में कम से कम दो वर्ष तक काम किया हो; या
(ii) पहले से भारत सरकार की या राज्य सरकार की सेवाएँ किसी अधिकारी के अन्तरण या प्रतिनियुक्ति द्वारा।”
3. उक्त नियमों में, परिशिष्ट क में विद्यमान क्रमांक 1 तथा 2 को, क्रमशः 2 तथा 3 के रूप में पुनः संख्यांकित किया जाएगा और इस प्रकार पुनः संख्यांकित 2 से पूर्व निम्नलिखित क्रमांक तथा उसके सामने प्रविष्टियाँ अन्तः स्थापित की जाएंगी, अर्थात्:—

क्रमांक	पदों का व्यौरा	पदों की संख्या		जोड़	वेतनमान
		स्थायी	अस्थायी		
1	2	3	4	5	6
1	अपर आवकारी तथा कराधान आयुक्त	—	1	1	2,000—2,500 रु० जमा 200 रु० विशेष वेतन

1. उक्त नियमों में, परिशिष्ट (ख) में विद्यमान क्रमांक 1 तथा 2 को, क्रमशः 2 तथा 3 के रूप में पुनः संख्यांकित किया जाएगा और इस प्रकार पुनः संख्यांकित क्रमांक 2 से पूर्व निम्नलिखित क्रमांक तथा उनके सामने प्रविष्टि अन्तः स्थापित की जाएगी :-

क्रमांक पदों का विवरण

“1 गगन श्रावकारी तथा कराधान श्रावक 1”

5. उक्त नियमों में, परिशिष्ट ग में विद्यमान क्रमांक 1 तथा 2 को, क्रमशः 2 तथा 3 के रूप में पुनः संख्यांकित किया जाएगा और इस प्रकार पुनः संख्यांकित क्रमांक 2 से पूर्व निम्नलिखित क्रमांक तथा उनके सामने प्रविष्टि अन्तः स्थापित की जाएगी, अर्थात् :-

क्रमांक पदों का विवरण

1 2

“1 गगन श्रावकारी तथा कराधान श्रावक 1”

एल० सी० गुप्ता,

मन्त्र, हरियाणा सरकार,

श्रावकारी तथा कराधान विभाग ।

(Authorised English translation)

HARYANA GOVERNMENT

EXCISE AND TAXATION DEPARTMENT

Notification

The 24th June, 1983

No. GSR 44-constitution/Article 309/83.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana makes the following rules further to amend the Haryana Excise and Taxation Department (Group A) Service Rules, 1982, namely:—

- These rules may be called the Haryana Excise and Taxation Department (Group A) Service (First Amendment) Rules 1983.
- In the Haryana Excise and Taxation Department (Group A) Service Rules, 1982 (hereinafter called the said Rules), in rule 5, in sub-rule (1), the existing clause (a) shall be renumbered as clause (aa) and before clause (aa) as so renumbered, the following clause shall be inserted, namely:—

“(a) in the case of Additional Excise and Taxation Commissioner—

- by promotion from amongst the Joint Excise and Taxation Commissioners having worked as such for minimum period of two years; or
- by transfer or deputation of an officer already in the service of the Government of India or of the State Government.”

3. in the said rules, in Appendix A, the existing serial numbers 1 and 2 shall be re-numbered as 2 and 3, respectively, and before serial number 2 as so renumbered, the following serial number and entries there against shall be inserted, namely:—

Serial No.	Description of posts	Number of posts		Total	Scale of pay
		Permanent	Temporary		
1	2	3	4	5	6
1	Additional Excise and Taxation Commissioner	—	1	1	Rs 2,000— 2,500 plus Rs 200 special pay

4. In the said rules, in Appendix B, the existing serial numbers 1 and 2 shall be renumbered as 2 and 3, respectively and before serial number 2 as so renumbered the following serial number and entry there against shall be inserted, namely :—

Serial
No.

Description of posts

1

2

"1

Additional Excise and Taxation
Commissioner."

5. In the said rules, in Appendix C, existing serial numbers 1 and 2 shall be renumbered as 2 and 3 respectively, and before serial number 2 as so renumbered the following serial number and entry there against shall be inserted, namely :—

Serial
No.

Description of posts

1

2

"1

Additional Excise and Taxation
Commissioner".

L. C. GUPTA,

Secretary to Government, Haryana,
Excise and Taxation Department.