

Part III

HARYANA GOVERNMENT

TOWN AND COUNTRY PLANNING DEPARTMENT

Notification

The 5th November, 1976

No. { G.S.R.241/Const./Art.309/76.—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 hereby makes the following rules regulating the recruitment, and the conditions of service of persons appointed to the Haryana Service of Town Planners (State Service Class I), namely :—

PART I—GENERAL

1. (i) These rules may be called the Haryana Service of Town Planners (State Service Class I) Rules, 1976. Short title and commencement.

(ii) They shall come into force at once.

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

Definitions.

(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) 'Planning Assistant' means an official who is working as such in the Town and Country Planning Department ;

(e) 'Recognised University' means—

(i) any University incorporated by law in any of the States of 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, Sindh 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 ;
and

(f) 'Service' means the Haryana Service of Town Planners.

(STATE SERVICE CLASS I)

Recruitment to Service

Number and
Character
of posts.

3. The service shall comprise the posts shown in Appendix 'A' to these rules ;

Provided that nothing in these rules shall affect 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 designation and scales of pay either permanently or temporarily.

Nationality,
domicile and
Character of
candidates
to the
service.

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 Bhuttan ; 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, Ceylon and East African Countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India ;

Provided that a person belonging to category (b), (c), (d) or (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India and if he belongs to category (e) the certificate of eligibility will be issued for a period of one year, after which such person will be retained in the service subject to his having acquired Indian citizenship.

(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 or his furnishing proof that he has applied for the certificates and he may also provisionally be appointed subject to the necessary certificate being issued to him by the Government of India.

(3) No person shall be appointed to 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 certificates 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.

Age.

5. No person shall be appointed to this service by direct recruitment who is less than twenty-one years or more than thirty-five years of age, on the last date fixed for submission of applications to the Commission.

Provided that in the case of candidates belonging to the Scheduled Castes and other Backward Class the maximum age limit shall be such as may be fixed by the Government, from time to time.

Appointing
Authority.

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

7. No person shall be appointed to the Service unless he is in possession of academic qualifications and experience specified in column 2 of Appendix 'B' to these rules in the case of direct recruitment or by transfer and those specified in column 3 of the aforesaid appendix in the case of recruitment by promotion. Qualifications.

8. (1) No person.—

Disqualifications.

(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.

(2) No person—

(a) who has more than two children and has not got himself/herself his or her spouse sterilised ; or

(b) who having not more than two children, does not give an undertaking not to have more than two children,

shall be allowed to join the Service.

(3) A breach of undertaking under clause (b) of sub-rule (2) shall render the Government employee liable to removal from Service.

9. (1) Recruitment to the Service shall be made in the following manner:—

Method of recruitment.

(a) in the case of Assistant Town Planners :

(i) seventy-five per cent of the posts by direct recruitment ; and

(ii) twenty-five per cent of the posts by promotion from amongst the Planning Assistants ;

(iii) when there is no suitable candidate available under sub-clauses (i) and (ii) above, any of the vacancies mentioned therein may be filled in by transfer or deputation of an officer already in the service of any State Government or of the Government of India ;

(b) In the case of District Town Planners:—

(i) by promotion from amongst the Assistant Town Planners

(ii) when there is no suitable candidate available under sub-clause (i) above, any of the vacancies mentioned therein may be filled in by transfer or deputation of an officer already in the service of any State Government or of the Government of India.

- (c) In case of Regional Town Planner, by promotion from amongst the District Town Planners :

Provided that if there is no suitable candidate with requisite academic qualifications and experience available amongst District Town Planners for promotion, then any of the vacancies may be filled in by transfer for deputation of an officer already in the service of any State Government or of the Government of India.

- (d) In the case of senior Town Planner, by promotion of a Regional Town Planner, but if a Regional Town Planner is not available or is not considered suitable, the post may be filled up from amongst the District Town Planners :

Provided that if there is no suitable candidate with requisite academic qualifications and experience, then any of the vacancies may be filled in by transfer or deputation of persons already in the service of the Government of India or any State Government.

- (2) All promotions to the posts in the Service shall be made on the basis of seniority-merit. If any officer with lesser experience than the one prescribed in Appendix 'B' is promoted in the exigencies of Public interest, then in such cases, the person concerned shall not be entitled to earn his annual increment in the scale to which he is promoted until he completes the prescribed period of experience.

PART III CONDITIONS OF SERVICE

10. 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) in the case of an appointment by transfer, any period of work in equivalent or higher ranks, prior to the appointment to the Service may, 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 to the Service 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 has been appointed by direct recruitment discontinue with his services ; and

(b) if such person has been 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, not been satisfactory:—

- (i) dispense with his services, if appointed by direct recruitment or 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.

11. Seniority, *inter se* of members of the service in each cadre shall be determined by the length of their continuous service on a post in that cadre of the Service: Seniority of members of the service.

Provided 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 and persons appointed as a result of an earlier selection shall be senior to those appointed as a result of a subsequent selection :

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, their seniority shall be determined according to the seniority of such members in the appointment 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 one.

Liability to
Serve.

12. (1) A member of the service shall be liable to serve under the Government at any place whether within or outside the State of Haryana.

(2) A member of the service shall 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; or
- (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 the Central or any other State Government or any organisation or body referred to in clauses (ii) and (iii) except with his consent.

Leave, Pen-
sion and
other matters.

13. 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 other law for the time being in force.

Discipl-
ine, Penalties
and appeals.

14. (1) In matters relating to discipline, penalties and appeal members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeals) 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 'C' to these rules.

(2) The authority competent to pass an order under clauses (c) and (d) of sub-rule (i) of rule 10 of the said rules shall be as specified in Appendix 'D' to these rules.

Liability for
vaccination.

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

Oath of all-
giance.

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.

Power of
relaxation.

17. 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.

APPENDIX 'A'

(See Rule 3)

Serial No.	Designation of post	Number of posts			Scale of pay
		Perma- nent	Tem- porary	Total	
1	2	3	4	5	6
1	Assistant Town Planners	13	26	39	Rs 400—30—580/40— 780/40—1,100
2	District Town Planner	5	7	12	Rs 750—50—1,000/ 50—1,300
3	District Town Planner (Selection Grade)	..	1	1	Rs 1,300—50—1,600
4	Regional Town Planner	..	1	1	Rs 1,300—50—1,600
5	Senior Town Planner	1	2	3	Rs 1,600—50—1,800— 100—2,000

(ii) Adequate knowledge of Hindi as prescribed by the Government.

(ii) Adequate knowledge of Hindi as prescribed by the Government.

BY PROMOTION

A person having five years experience as Planning Assistant in the Department.

BY TRANSFER

(i) A post-graduate degree or diploma in Town Planning from a recognised University/institution making the holder eligible for the Associate membership of the Institute of Town Planners (India) followed by six years experience as Assistant Town Planner or equivalent capacity in Town Planning.

OR ;

A degree in Civil Engineering or a degree or diploma in Architecture recognised by the Institute of Engineers (India) and the Institute of Architects (India) respectively or their membership followed by nine years experience in Town Planning out of which at least six years should be as Assistant Town Planner or equivalent capacity.

(ii) Adequate knowledge of Hindi as prescribed by the Government.

1. District Town Planner

Not applicable

1

2

3

BY PROMOTION

Academic qualifications prescribed for appointment as Assistant Town Planner by direct recruitment and a minimum experience of six years as Assistant Town Planner.

BY TRANSFER

A post-graduate degree/diploma in Town Planning from a recognised University/ Institution making the holder eligible for Associate membership of the Institute of Town Planners (India) followed by at least 11 years experience out of which at least 5 years should be as District Town Planner or in equivalent post.

OR

A degree in Civil Engg. or a degree or diploma in Architecture recognised by the Institute of Engineers (India) and the Institute of Architects (India), respectively for their membership, followed by 14 years experience in Town Planning out of which at least 5 years experience should be as District Town Planner or an equivalent post.

1. Regional Town Planner

Not applicable

1. Senior Town Planner

Not applicable

BY PROMOTION

Five years experience as District Town Planner.

BY TRANSFER

(i) A post-graduate degree or diploma in Town Planning from a recognised University/Institution making the holder eligible for Associate membership of the Institute of Town Planners (India).

(ii) 16 years experience in Town Planning out of which 10 years should be on the post of District Town Planner or an equivalent post in Town Planning.

OR

A degree in Civil Engg. or a degree or diploma in Architecture recognised by the Institute of Engineers (India) and the Institute of Architects (India) respectively for their membership followed by 19 years experience in Town Planning out of which 10 years should be on the post of District Town Planner or an equivalent post in Town Planning.

BY PROMOTION

10 years experience on the post of District Town Planner/Regional Town Planner.

HARYANA GOVT GAZ. NOV. 9, 1976
(KRTK. 18, 1976 SAKA)

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APPENDIX 'C'

Designation of the post	Appointing Authority	Nature of penalty	Authority empowered to impose penalty
<p>1. Assistant Town Planner. 2. District Town Planner. 3. Regional Town Planner. 4. Senior Town Planner.</p>	<p>Government.</p>	<p>(a) Censure ; (b) withholding of increment or promotion including stoppage at an efficiency bar; (c) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders; (d) reduction to a lower post or time scale or to a lower stage in a time scale; (e) removal from the service which does not disqualify from future employments; (g) dismissal from the service which does ordinarily disqualify from future employment.</p>	<p>Government.</p>

APPENDIX 'D'

[See Rule 14(2)]

Designation of post	Nature of order	authority empowered to make the orders
1. Assistant Town Planner.	(i) Reducing or withholding the amount of ordinary/additional pension admissible under the rules governing pension.	Government.
2. District Town Planner.		
3. Regional Town Planner.	(ii) Terminating the appointment of a member of the service otherwise than on his attaining the age fixed for superannuation.	Government.
4. Senior Town Planner.		

A. BANERJEE,
 Secretary to Government, Haryana,
 Town and Country Planning Department.

HARYANA GOVT GAZ., NOV. 9, 1976
 (KRTK. 18, 1898 SAKA)