

PART I

LEGISLATIVE DEPARTMENT

Notification

The 27th March, 2002

No. Leg. 4/2002.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 27th March, 2002, and is hereby published for general information :—

Haryana Act No. 4 of 2002

THE HARYANA CIVIL SERVICES (EXECUTIVE BRANCH)
AND ALLIED SERVICES AND OTHER SERVICES
COMMON/COMBINED EXAMINATION
ACT, 2002

AN

ACT

to provide for holding of Common/Combined Examination of direct recruitment to Haryana Civil Services (Executive Branch) and Allied Services and Other Services.

BE it enacted by the Legislature of the State of Haryana in the Fifty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Haryana Civil Services (Executive Branch) and Allied Services and other Services Common/Combined Examination Act, 2002.

Short title,
commencement
and application.

(2) It shall be deemed to have come into force with effect from the 29th August, 1989 and shall cover recommendations made by the Commission after that date except section 5 of this Act which shall come into force at once.

(3) It shall apply to those persons who have been or are appointed or offered appointment to the services/posts recruitment to which is made by holding Common/Combined Examination.

2. In this Act, unless the context otherwise requires,—

Definitions.

- (i) "Allied Services" means the Services shown in Appendix-A;
- (ii) "Appendix" means an Appendix appended to this Act;
- (iii) "Commission" means the Haryana Public Service Commission or Haryana Staff Selection Commission or both and shall include Subordinate Services Selection Board, Haryana;

- (iv) "Common/Combined Examination" means the competitive examination conducted by the Commission which may be comprising of written examination and/or interview/viva voce/ personality test or any other method adopted by the Commission for recruitment to services/posts of more than one category;
- (v) "Other Services" means the services/posts recruitment to which is made by holding Common/Combined Examination, but does not include the services/posts shown in Appendix A;
- (vi) "Haryana Civil Services (Executive Branch)" means the State Civil Services (Executive Branch) or Extra Assistant Commissioner (Under Training), as the case may be;
- (vii) "Direct Recruitment" means in the case of Haryana Civil Services (Executive Branch) out of register B of Punjab Civil Services (Executive Branch) Rules, 1930, as applicable to the State of Haryana and in the case of Allied Services and Other Services, recruitment by open competition but does not include—
 - (a) appointment by promotion; or
 - (b) appointment by transfer of an officer already in the service of any State Government or the Government of India;
- (viii) "State Government" means the Government of the State of Haryana;
- (ix) "waiting list" means recommendation(s) of additional name(s) by the Commission for appointment to a service/post over and above the advertised posts.

Repeal.

3. The executive instructions contained in circulars No. 814-GS-37/3237-S, dated June, 1937, No. 4596/1178-GS-37/9276, dated 10th September, 1937, No. 475 P.S.C. 37, dated 12th July, 1937, No. 1673 -G-II 56, dated 22nd March, 1957, No. 2311-GSE-72/16727, dated 26th May, 1972, No. 66/32/88-7GSI, dated 28th October, 1993 and No. 66/80/97-7GSI, dated 27th February, 1998 and the notification No. G.S.R./Const. Art. 309/2002, dated 28th March, 2001, are hereby repealed.

Bar to
appointment
beyond the
number of
advertised posts.

4. (1) No appointment shall be made to any post or service to which this Act applies beyond the number of posts advertised.

(2) Notwithstanding anything to the contrary contained in any judgement, order, decree or decision of a court of law, Act, rule, regulation or executive instructions, no candidate, from the date of commencement of this Act, shall, on the basis of his merit or placement in a Common/Combined Examination, have right to seek appointment to Haryana Civil Services (Executive Branch) and Allied Services or Other Services beyond the number of advertised posts.

(3) The State Government shall not be competent to offer appointment to a candidate, who is placed in the waiting list or who claims himself to be in the waiting list on the basis of Common/Combined Examination, for a post for which his name was not recommended by the Commission :

Provided that if a candidate has been appointed or offered appointment over and above advertised posts for any reason, the services of such candidate shall be dispensed with. However, he shall be entitled to be appointed to the service/post, if any, for which his name was originally recommended by the Commission :

Provided further that no recovery of higher salary, emoluments or any other financial benefits drawn by such candidate as a result of his appointment in excess of the advertised posts, shall be made from him but his pay shall be fixed in the scale of the post to which he is found entitled for appointment under this Act.

(4) The State Government may offer appointment to the candidates to Haryana Civil Services (Executive Branch) and Allied Services or Other Services, as the case may be, to the extent of number of advertised posts only. However, no candidate shall be offered appointment even to the extent of number of advertised posts, if his name is not recommended by the Commission or if he does not fulfil the eligibility condition laid down by the State Government for appointment to that service/post by way of service rules, regulations or executive instructions, as the case may be.

5. (1) The State Government may, by notification in Official Gazette, make rules for laying down the procedure required to be followed by the Commission for holding Common/Combined Examination.

Power to make rules.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions immediately following Legislative Assembly agrees that the rules should be either modified or annulled, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under those rules.

6. Notwithstanding any judgement, decree, decision or order of any court, anything done or action taken under the Haryana Civil Services Holding of Common/Combined Examination for the Direct Recruitment to the posts of Haryana Civil Services (Executive Branch) and Allied Services and Other Services Rules, 2001, which is not inconsistent with the provisions of this Act shall be deemed to be valid and effective as if such thing or action has been done or taken under the corresponding provisions of this Act.

Validation.

Appendix A

[See Section 1(3) and 2(i) (v) (vi)]

1. Excise and Taxation Officer
2. District Food and Supplies Controller
3. 'A' Class Tehsildar
4. Assistant Registrar, Co-operative Societies
5. Assistant Excise and Taxation Officer
6. Block Development and Panchayat Officer
7. Traffic Manager
8. District Food and Supplies Officer
9. Assistant Employment Officer

L. N. MITTAL,
Secretary to Government Haryana,
Legislative Department.