

No. 6/4/90-5GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of the Departments.
2. Commissioners, Ambala, Hisar, Rohtak and
Gurgaon Divisions and all Deputy Commissioners
and Sub Divisional Officers (Civil) in Haryana.

3. Registrar,
Punjab and Haryana High Court,
Chandigarh.

Dated Chandigarh, the 28th April, 1997.

Subject :—Regularisation of ad hoc Class III employees with effect from 1-11-86 and 30-9-88 in view of the various judgements of Hon'ble Supreme Court and High Court.

Sir,

I am directed to invite your attention to the subject noted above and to say that vide Haryana Government letter No. 50/22/84-5GSI, dated 16th Feb., 1987, Haryana Government had issued a policy that the services of ad hoc employees other than teachers working against the posts which had been taken out of the purview of S.S.S. Board, Haryana may be regularized as have completed two years service on 1-11-86 and were in service on that day subject to the following conditions :—

- (i) That the employees belonging to reserved categories shall be regularized only against the posts/vacancies which stand reserved for such categories.
- (ii) that the employees would have been recruited through the Employment Exchange or directly appointed by the appointing authority after obtaining N.A.C. from the Employment Exchange, on the basis of the recommendations of the Departmental Selection Committees.
- (iii) that the work and conduct of such employees is unblemished and is of overall good quality and no disciplinary proceedings are pending against them; and
- (iv) that the employees possess the prescribed qualifications for the post at the time of their appointment on ad hoc basis.

2. In view of various judgements of the Apex Court as well as the Punjab and Haryana High Court the matter has been further considered and it has been decided that the condition "working against the posts which have been taken out of the purview of the Board" be deleted from the letter referred to above. Accordingly all class-III ad hoc employees who were eligible for regularisation with effect from 1-11-86 may be regularized from that date, if they fulfil the other conditions prescribed therein.

3. A policy frame bearing No. 6/4/90-2GSI, dated nil for regularising the ad hoc class-III employees with effect from 30-9-88 was submitted to the Supreme Court in connection with the Special Leave Petition—State of Haryana Vs. Piara Singh and other. The salient features of this policy were as under :—

Category—I Ad hoc Employees

- (i) Only such ad hoc Class-III employees, who have completed two years service on 30-9-1988, shall be regularized to the extent of available regular posts/vacancies on that date.
- (ii) The work and conduct of such employees should have been overall good category and no disciplinary proceedings are pending against them.
- (iii) The employees possess the prescribed qualifications for the post at the time of their appointment on ad hoc basis.
- (iv) The regularisation will be against the posts/vacancies of the relevant categories only and in case, the employees belonging to general category have been appointed against

reserved category posts/vacancies the services of such ad hoc appointees shall not be regularized and their services shall be terminated in case no general category vacancy/post(s) is available on 30-9-88.

- (v) The recommendees of the S.S.S. Board shall be absorbed against the remaining vacancies, if any. The names of such remaining recommendees as cannot be absorbed shall be returned to the Board to enable it to recommend their names to other departments for appointment against the clear vacancies.
- (vi) After regularization of ad hoc employees under the policy, if some posts/vacancies still remain unfilled, these shall be filled in from the recommendees of the S.S.S. Board, if any. If some shortfall remains even after that, the procedure laid down in the instructions issued vide No. 50/35/88-5GSI, dated 5-2-90 shall be followed, for making up the shortfall, if felt necessary.
- (vii) The employees, who are not covered under the above policy, their services shall be terminated.
- (viii) The seniority of the ad hoc class-III employees so regularised viz-a-viz class-III employees appointed on regular basis shall be determined w.e.f. 30-9-88. The inter-se-seniority of such ad hoc class-III employees shall be determined in accordance with the date of joining the post on adhoc basis. If the date of joining the post(s), on ad hoc basis by such ad hoc employees was the same, then the elder employee shall rank senior to an employees younger in age. If the date of joining the direct recruit and the date of regularization is the same, the direct recruit shall be senior.

4. During the pendency of the said S.L.P. Haryana Government issued an other policy vide its notification No. GSRII/Const/Art/309/91, dated 28-2-91 for regularizing the services of ad hoc class-III employees with effect from 31-12-90 subject to the fulfilment of conditions enunciated therein. The policy frame mentioned above submitted to the Apex Court was not issued.

5. This matter has also been considered in the light of certain judgments and Government has now decided that all those ad hoc employees who had completed two years of service on 30-9-88 should be regularized in accordance with the draft policy of the State Government mentioned above.

6. The necessary notification taking those class-III posts out of the purview of the S.S.S. Board, Haryana is being issued separately.

Yours faithfully,

Sd/—

(Jyoti Arora)

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to all the Financial Commissioners/Commissioners and Secretaries to Government, Haryana.

Sd/—

Joint Secretary General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners
and Secretaries to Government Haryana.

U.O. No. 6/4/90-5GSI

Dated Chandigarh, the 28th April, 1997

Endst. No. 6/4/90-5GSI

Dated Chandigarh, the 28th April, 1997

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Haryana for information and necessary action.

Sd/—

Joint Secretary General Administration,
, for Chief Secretary to Government, Haryana.
