

*[Authorised English Translation]***HARYANA GOVERNMENT****JAILS DEPARTMENT****Notification**

The 22nd March, 2019

No. G.S.R. 18/Const./Art. 309/2019.— In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Haryana hereby makes the following rules further to amend the Punjab Prisons Service (Class II) Rules, 1963, namely :-

1. These rules may be called the Punjab Prisons Service (Class II) Haryana Amendment Rules, 2019.
2. In the Punjab Prisons Service (Class II) Rules, 1963, in rule 7, in sub rule (1), for clause (b), the following clause shall be substituted, namely:-

“(b) to the posts specified in section II of Appendix A-

- (i) 25 % by direct recruitment; and
- (ii) 75 % by promotion from amongst Assistant Superintendent Jail having at least seven years experience ; or
- (iii) by transfer or deputation of an officer already in the service of any State Government or the Government of India.”.

DR. S. S. PRASAD,
Additional Chief Secretary to Government, Haryana,
Jails Department.

हरियाणा सरकार

जेल विभाग

अधिसूचना

दिनांक 22 मार्च, 2019

संख्या सांका०नि० 18/संवि०/अनु० 309/2019.— भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल, इसके द्वारा, पंजाब जेल सेवा (श्रेणी II) नियम, 1963, को आगे संशोधित करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :-

1. ये नियम पंजाब जेल सेवा (श्रेणी II) हरियाणा संशोधन नियम, 2019, कहे जा सकते हैं।
2. पंजाब जेल सेवा (श्रेणी II) नियम, 1963 में, नियम 7 में, उप नियम (1) में, खण्ड (ख) के स्थान पर, निम्नलिखित खण्ड प्रतिस्थापित किया जायेगा, अर्थात्

"(ख) परिशिष्ट क के भाग II में विनिर्दिष्ट पदों के लिए:-

- (i) 25% सीधी भर्ती द्वारा ; तथा
- (ii) 75% कम से कम सात वर्ष का अनुभव रखने वाले सहायक अधीक्षक जेल में से पदोन्नति द्वारा ;
अथवा
- (iii) किसी राज्य सरकार या भारत सरकार की सेवा में पहले से लगे किसी अधिकारी के स्थानान्तरण या प्रतिनियुक्ति द्वारा।"

डा० एस० एस० प्रसाद,
अपर मुख्य सचिव, हरियाणा सरकार,
जेल विभाग, हरियाणा।



JAIL DEPARTMENT, HARYANA

PUNJAB PRISONS SERVICE

(Class II)

Rules, 1963

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PART III
PUNJAB GOVERNMENT
HOME (JAILS) DEPARTMENT

NOTIFICATION

The 19th March, 1963

GSR 74/Const./Art. 309/63.—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 Punjab is pleased to make the following rules regulating the recruitment, and the conditions of service of persons appointed, to the Punjab Prisons Service (Class II), namely :—

1. *Short title, commencement and application.*—(1) These Rules may be called the Punjab Prisons Service (Class II) Rules, 1963.

(2) They shall come into force from the date of their publication in the Official Gazette.

(3) These rules shall apply to the posts specified in column 1 of Appendix 'A'.

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

(a) "Commission" means the Haryana* Public Service Commission;

(b) "Department" means the Haryana* Jails Department;

(c) "direct appointment" means an appointment made otherwise than by promotion or by transfer of an officer already in the service of the Government of India or of a State Government;

(d) "Government" means the Haryana* Government in the Administrative Department;

(e) "Inspector-General" means the Inspector-General of Prisons, Haryana;

(f) "recognised University" means any University—

(i) incorporated by law in any of the States of India;

(ii) in the case of degree or diploma obtained as a result of an examination held before the 15th August, 1947, the Punjab, Sind, or Dacca University; or

(iii) any other University which is declared by the Government to be a recognised University for the purposes of these rules;

(g) "Service" means the Haryana* Prisons Service (Class II).

3. *Number and character of Service and posts.*—The Service shall comprise the posts specified in Appendix 'A' to these rules :

*Substituted w.e.f. 4th July 1969

Provided that nothing in these rules shall affect the inherent right of Government to increase or reduce the number of such posts whether permanently or temporarily.

4. *Nationality of candidates.*—(1) No person shall be appointed to the Service, unless he is—

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a subject of the State of Pondicherry, or
- (d) a person of Indian origin, who has migrated from Pakistan with the intention of permanently settling in India;

Provided that, subject to the issue of a certificate of eligibility in his favour, a subject of Nepal, or a Tibetan who came over to India before the first January, 1962, may also be appointed to the Service :

Provided further that if he belongs to category (c) or (d), he must be a person in whose favour a certificate of eligibility has been given by the Government of India and if he belongs to category (d) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

(2) A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or other recruiting authority and he may also be provisionally appointed subject to the necessary certificate being given to him by the Government of India.

5. *Appointing authority.*—All appointments to the Service shall be made by Government.

6. *Age.*—No person shall be recruited by direct appointment to the Service unless he is not less than 21 years and not more than 25 years of age or of such age as may, from time to time, be fixed by the Government generally for direct recruitment to Government service, on or before the 1st January, next succeeding the last date appointed by the Commission for the submission of applications :

Provided that the Government may, in special circumstances to be recorded in writing, relax the upper age limit :

Provided further that in the case of candidates belonging to Scheduled Castes, Scheduled Tribes or Backward Classes the maximum age limit shall be such as may be fixed by Government from time to time :

Provided further that in the case of a candidate who has not less than five years' service under Government the upper age limit shall be 35 years.

*7. *Method of appointment.*—(1) Appointments to the posts in the Service shall be made as under :—

- (a) to the posts specified in section 1 of Appendix A—
 - (i) by promotion from amongst persons holding posts speci-

*This effect from 22nd April, 1977

fied in section II of that Appendix who possess at least five years experience of working on any of the posts specified in section II of the said Appendix in the case of persons appointed to these posts by direct recruitment, and at least twelve years experience of working on any executive or ministerial post in the department including at least two years satisfactory service as Deputy Superintendent in the case of persons appointed by promotion; or

(ii) By transfer or deputation of an officer already in the service of any State Government or the Government of India;

(b) to the posts specified in section II of Appendix A—

(i) By direct recruitment; or

(ii) By promotion from amongst the probation Officers (Appointed under the Good Conduct Prisoners Probational Release Act, 1926), Assistant Superintendents, Welfare Officers, Jail and Probation Officers (appointed under the probation of Offenders Act, 1958), having at least seven years experience as such; or

(iii) By promotion from amongst the Superintendents (ministerial) in the department having at least twelve years' *"Service as Assistant including two years service as Superintendent" (ministerial) in the department;

Provided that the first seven vacancies of Deputy Superintendents shall be filled according to the method provided in sub-clauses (i) and (ii) and the eighth vacancy shall be filled from the Superintendents (ministerial) of the Department by promotion according to the method provided in sub-clause (iii);

(iv) By transfer or deputation of an officer already in the service of any State Government or the Government of India;

Provided that twenty five per cent of the total number of substantive posts shall be filled by method specified in sub-clause (i) and twelve and half per cent by the method specified in sub-clause (iii).

(2) All promotions, whether from one grade to another or from one class of service to another shall be made by selection based on seniority cum-merit and seniority alone shall not give any right to such appointment.

(3) Whenever any vacancy occurs, the appointing authority shall, subject to the provisions, of sub-rule (1), determine the manner in which it shall be filled.

8. *Disqualification for appointment.*—(1) No person who has more than one wife living or is married to a person already having a wife living, shall be eligible for appointment to any post in the Service unless the

*Substituted w.e.f. 26th April 1977

Government, after being satisfied that there are special grounds for doing so, exempts such person from the operation of this rule.

****(2) No person—

- (a) who has more than two children and has not got himself or herself or his or her spouse sterilised; or
- (b) who, having not more than two children, does not given 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 Govt. employee liable to removal from Service."

9. *Conditions for direct appointment.*—No person shall be eligible for direct appointment to the posts of Deputy Superintendent,* unless he—

- ***"(i) possesses a degree of a recognised university in arts or science. Preference will be given to candidates holding degrees or diplomas in criminology".
- (ii) has the following 'Height and chest measurements:—
 - (a) Height 5'—7" (5'—5" in case of Dogras and Gurkhas),
 - (b) Chest (i) 33" Unexpanded and (ii) 34½" expanded :

Provided that persons fulfilling the above conditions who are also sportsmen shall be given preference.

*****"Provided further that the physical standards prescribed in clause (ii) shall not be applicable in the case of women candidates".

10. *Departmental Examination.*—(1) Members of the Service shall be required to pass a departmental test within a period of two years from the date of their appointment or promotion to the Service, in accordance with the provisions of the Punjab Departmental Examination (Jail Department) Rules:

Provided that in the case of officers already working as Superintendents of Jails, Chief Probation Officer, Deputy Superintendents,*** and Probation Officers and who have not so far cleared the departmental examination, the period of two years within which they shall be required to pass it shall be reckoned from the date of commencement of these rules.

(2) In the case of an officer who does not pass the test within the period specified in sub-rule (1), the Government may—

- (a) supersede him in the matter of confirmation, or
- (b) revert him to the parent department if appointed by transfer from another department; or

*Grade II Omitted w.e.f. 22nd April 1977

***** Added w.e.f. 22nd April, 1977

**This effect from 15th June 1973.

***Grade I and II omitted w.e.f. 22nd April 1977.

****Inserted w.e.f. 21st Mar, 1976.

(c) discharge him from service if appointed by direct recruitment;
or

(d) stop his grade increment till he passes the test; and

(3) No officer shall be qualified for confirmation till he passes the test:

Provided that the Government may exempt any officer from taking the test or may extend the period prescribed for passing the same.

11. *Training.*—(1) The members of Service holding posts enumerated in Section I of Appendix A shall, within one year of their first appointment to the Service, receive training in the Judicial line at least for a period of one month. After the completion of that training they will have to obtain a certificate from the District Magistrate of the District where training is taken to the effect that they have successfully completed the same.

*(2) Members of the Service appointed on the posts specified in Section II of Appendix 'A' to these rules by direct recruitment or by selection from ministerial services or by transfer or deputation from other departments shall receive training for a period of thirty months (twenty four months at the Tata Institution of Social Sciences, Bombay, and six months in one of the field offices) immediately on their appointment to the Service or as soon as possible thereafter in the manner prescribed by Government from time to time. The members appointed as such shall during the period of their training, receive the minimum of the scale of the post and the training period shall not count towards their seniority and increments; and they shall execute a bond to serve the Government for a period of at least six years. Provided that the Government may, from time to time, increase or decrease the period of training".

12. *Probation.*—(1) Members of the Service shall on appointment remain on probation for a period of two years :

Provided that—

- (a) any period after appointment to the Service spent on deputation on a corresponding or a higher post shall count towards the period of probation fixed under this rule;
- (b) in the case of an appointment by transfer, any period of work in equivalent or higher rank prior to 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) an officiating appointment in the Service shall be reckoned as a period spent on probation but no member who has thus officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed unless he is appointed against a permanent post.

(2) If the work or conduct of any person, appointed to the Service, during the period of probation is, in the opinion of appointing authority,

*Substituted w.e.f. 20th Feb., 1976

not satisfactory, it may—

- (a) dispense with his services, if recruited by direct appointment; or
- (b) if recruited otherwise—

- (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 period of probation of a person, the appointing authority may—

- (a) confirm such person from the date of his appointment if a permanent vacancy exists ;

- (b) if no permanent vacancy exists, declare that he has completed his probation satisfactorily; or

- (c) if his work or conduct has, in its opinion, not been satisfactory, dispense with his services, if recruited by direct appointment, and if recruited 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

- (d) 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 three years.

13. *Seniority*.—The seniority *inter se* of members of the Service shall be determined by the dates of their continuous appointments in the service :

Provided that in the case of members appointed directly the order of merit determined by the Commission shall not be disturbed and the persons appointed as a result of early selection shall be senior to those appointed as a result of subsequent selection :

Provided further that in the case of two or more members appointed on the same date, the seniority shall be determined as follows :—

- (a) a member recruited by direct appointment shall be senior to a member recruited otherwise ;

- (b) a member recruited by promotion shall be senior to a person recruited by transfer ;

- (c) in the case of members recruited by promotion or transfer seniority shall be determined according to the seniority of such

members in the appointments from which they were promoted or transferred; and

- (d) in the case of members recruited by transfer from different cadre their seniority shall be determined according to their pays 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 service in those appointments and if the length of service is also the same, an older member shall be senior to a younger member.

Note—1 Omitted w.e.f. 21.5.76

Note—2 —do—

14. *Pay of members.*—Members of Service holding appointments specified in Appendix 'A' to these rules shall from the date of their appointment be entitled to draw pay in the scales shown in column 4 of the said appendix.

*15. *Liability to serve.*—(1) 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.

(2) 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) and (iii) except with his consent.

16. *Leave and Pension.*—In respect of leave, pension and other cognate matters, not specifically mentioned in these rules, the members of the Service shall be governed by such rules and regulations as may have been or may hereafter be framed by competent authority under Article 309 of the Constitution of India or any law or any rules under such law.

17. *Discipline.*—(1) In matters relating to discipline, penalties and appeals, the members of the Service holding posts specified in Section I of Appendix 'A' of these rules shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1952 and those holding posts specified in Section II of that Appendix shall be governed by the rules laid down in the Punjab Jail Department Executive Staff (Punishment and Appeal) Rules, as amended from time to time, subject to the provision that the nature of the

*Substituted w.e.f. May 1975

penalties that may be imposed, the authority competent to impose such penalties and the appellate authority shall be as described in Appendix 'B' to these rules.

(2) The authority competent to pass an order under clauses (c) and (d) of rule 10 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952, and the corresponding rules in the Punjab Jails Department Executive Staff (Punishment and Appeal Rules) and the appellate authority shall be as specified in Appendix 'C' to these rules.

18. *Liability for vaccination and revaccination.*—Every member of the Service shall get himself vaccinated and revaccinated when Government so directs by a special or general order.

**19. *Power of relaxation.*—Where the Government is of the opinion that it is necessary or expedient so to do, 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.

***20. *Special provisions.*—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".

—Substituted w.e.f. June 1965

***Inserted w.e.f. 24th Oct., 1977

APPENDIX 'A'

(See in rule 3)

Designation	Number of posts			Scale of pay	
	Permanent	Temporary	Total	Total	
1	2	3	4	4	5

SECTION I

Superintendent Jails/Principal of
Jails Training School cum
Superintendent Jail/Chief Probation
Officer

6 1 7 Rs. 550-30-700/40-
1000

SECTION II

Deputy Superintendent Jails/
District Probation Officers

14 3 17 Rs. 300-25-550/30-
700

Note :—Appendix "A", "B" & "C" substituted w.e.f. 22nd April, 1977 vide Notification No. GSR 68/Const./Art. 309/Amd. (2)/77 The 22nd April, 1977.

APPENDIX 'B'

(See rule 17(i))

Designation	Appointing authority	Penalty	Authority empowered to impose penalty	Appellate authority
1	2	3	4	5
1. Superintendent Jail/Chief Probation Officer/Principal Jails Training School cum Superintendent Jail.	Government	(a) Censure (b) Warning with a copy on the personal file (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 by negligence or breach of orders; (e) reduction to a lower post in the time scale or to lower stage in the time-scale; (f) removal from service which does not disqualify from future employment; (g) dismissal from service which does ordinarily disqualify from future employment	Inspector General of Prisons	Government
2. Deputy Superintendent/District Probation Officer		(a) Censure; (b) warning with a copy on the personal file (c) in the case of such officer who is subject to discipline as in the army extra drill upto a maximum period of one hour a day for not more than seven consecutive days; or confinement to barracks for a period of not exceeding seven days in a month; (d) deprivation or stoppage of leave for any period except leave on medical grounds; (e) entry of black marks; (f) withholding of increments or promotion, including stoppage at an efficiency bar, if any; (g) recovery from pay of whole or part of any pecuniary loss caused to Govt. by negligence on breach of orders;	Inspector General of Prisons	Government
			Do	Nil.
			Do	
			Do	
			Do	Do
			Do	Do
			Do	Do

1	2	3	4	5
		(h) reduction to a lower post or time scale or to a lower stage in a time scale;	Government	Nil
		(i) removal from the service which does not disqualify from future employment.	Do	
		(j) dismissal from the service which does ordinarily disqualify from future employment;	Do	

APPENDIX "C"

(See rule 17(2))

Designation	Nature of the orders	Authority empowered
1	2	3
Superintendent Jail/Chief Probation Officer/Principal Jail Training School cum Superintendent, Jail, Deputy Superintendents/District Probation Officers	(i) Reducing or with holding the amount of ordinary/additional pension admissible under the rules Governing pension. (ii) Terminating the appointment of a member of the service otherwise than on his attaining the age fixed for superannuation.	Government Government

A.N. KASHYAP
Commissioner for Home Affairs and
Secretary to Government Punjab
Home Department.