

[Extract from the Chd. Admin. Gaz. (Extra.), dated the 24th September, 2004]

CHANDIGARH ADMINISTRATION

HOME DEPARTMENT

Notification

The 24th September, 2004

No. 7/2/52-IH(8)-2004/17521.—In exercise of the powers conferred by clause (iii) of Section 24-B, read with sub-section (2) of Section 24-B of the Consumer Protection Act, 1986 (68 of 1986) and all other powers enabling him in this behalf, the Administrator, Union Territory, Chandigarh, hereby makes the following regulations governing the recruitment and general conditions of service of persons appointed to Group 'A' services in the State Commission, Union Territory, Chandigarh, namely :—

1. Short title, commencement and application.—(1) These regulations may be called the State Commission, Union Territory, Chandigarh Group 'A' Service Regulations, 2004.

- (2) They shall come into force at once.
- (3) They shall apply to the Group 'A' post i.e. the post of Secretary in the State Commission, Union Territory, Chandigarh.

2. Definitions.—In these regulations, unless the context otherwise requires :—

- (a) "appellate authority" means the Ministry of Consumer Affairs, Government of India, New Delhi.
- (b) "appointing authority" means the Administrator, Union Territory, Chandigarh.
- (c) "Commission" means the State Consumer Disputes Redressal Commission, Union Territory, Chandigarh.
- (d) "direct appointment" means an appointment made otherwise than by promotion or by transfer of a person already in the service of Government of India or of a State Government; or the Chandigarh Administration.
- (e) "Government" means the Administrator, Union Territory, Chandigarh, appointed under Article 239 of the Constitution.
- (f) "recognized University or Institution" means :—
 - (i) any University or Institution incorporated by law in any of the State of India; or
 - (ii) any other University or Institution which is declared by the Government to be a recognized University or Institution for the purpose of recruitment to various services or posts under its control;
- (g) "Service" means Group 'A' service in the State Commission, Union Territory, Chandigarh, as specified in the Schedule.

3. Nationality, domicile and character of persons appointed to Service.—(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 Bhutan; or
- (d) a Tibetan refugee who came over to India before the 1st day of January, 1962 with the intention of permanently settling in India; or

(e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or any of the East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire, Ethiopia and Vietnam with the intention of permanently settling in India;

Provided that a person belonging to any of the categories (b), (c), (d) and (e), shall be a person in whose favour a certificate of eligibility has been given by the Home Secretary, Union Territory, Chandigarh.

(2) A person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Administration on his furnishing proof that he has applied for the certificate but he shall not be appointed to the Service unless the necessary certificate is given to him by the Home Secretary, Union Territory, Chandigarh.

4. Method of appointment.—Appointment to the post of Secretary by promotion shall be made on the recommendations of the D.P.C. by the appointing authority strictly on the basis of selection as specified in the Schedule and no person shall have the right for promotion on the basis of seniority alone.

5. Probation.—(1) Persons appointed to the post in the service shall remain on probation for a period of one year 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;
- (b) any period of officiating appointment to the post in the service shall be reckoned as period spent on probation, but no member who has so officiated shall, on the completion of the prescribed period of the probation, be entitled to be confirmed, unless he is appointed against a permanent post.

(2) If, during the period of probation, the work or conduct of a person appointed to the service in the opinion of the Appointing Authority is not, satisfactory, it may—

- (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.

6. Disqualifications.—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 the 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 that there are other grounds for so doing, exempt any person from the operation of these regulations.

7. Seniority.—The seniority *inter-se* of the members of the Service of the same cadre, shall be determined separately in that very group by the length of their continuous appointment on the post in the service.

Note I : These Regulations shall not apply to members appointed purely on provisional basis.

Note II : In the case of members whose period of probation is extended under regulations, the date of appointment for the purpose of these regulations shall be deemed to have been deferred to the extent the period of probation is extended.

8. Pay and Allowances.—Members of the service shall be entitled to such scales of pay including special pay, as may be sanctioned by the Government from time to time. The scale of pay and special pay at present in force in respect of the post included in the service are shown in the Schedule annexed herewith.

9. Liability of members of Service to transfer.—A member of the Service may be transferred to any post whether included in any other service or not, on the same terms and conditions as are specified in rule 3.17 of the Punjab Civil Service Rules, Volume-I, Part-I.

10. Liability to serve.—A member of the service shall be liable to serve at any place, whether within or out of the Union Territory of Chandigarh, on being ordered so to do, by the appointing authority or the State Commission.

11. Leave, pension and other matters.—In respect of pay, leave, pension and all other matters not expressly provided for in these regulations, a member of the service shall be governed by such rules and regulations as are applicable to the employees of the Chandigarh Administration.

12. Discipline, penalties and appeals.—In the matter of discipline, penalties and appeals, a member of the service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970 as amended from time to time, subject to control of the State Commission. The appeal or revision against the order of the penalty passed by the appointing authority shall lie to the Ministry of Consumer Affairs, Government of India, New Delhi, whose order will be final.

13. Liability for vaccination and re-vaccination.—Every member of the service shall get himself vaccinated or re-vaccinated when so directed by a special or general order.

14. Oath of allegiance.—Every member of the Service, unless he has already done so, shall be required to take oath of allegiance to India and to the Constitution of India as by law established.

15. Debarring for consideration for promotion of an employee who refuses to accept promotion.—In the event of refusal to accept promotion by a member of the Service, he shall be debarred by the appointing authority from consideration for promotion for all the consecutive chances which may occur in future within a period of two years from the date of such refusal to accept promotion :

Provided that in a case where the appointing authority is satisfied that a member of the service has refused to accept promotion due to circumstances beyond his control, it may exempt, such a member, for reasons to be recorded, therefore, in writing, from the operation of these regulations.

16. Power to relax.—Where the Administrator, Union Territory, Chandigarh is of the opinion that it is necessary or expedient so to do in public interest, he may by order, for reasons to be recorded in writing, relax any of the provisions of these regulations with respect to any class or category of persons :

Provided that the provisions relating to educational qualifications and experience, if any shall not be relaxed.

17. Interpretation.—If any question arises as to the interpretation of these regulations, the Administrator, Union Territory, Chandigarh, shall decide the same.

R. S. GUJRAL,
Home Secretary,
Chandigarh Administration.

SCHEDULE

Name of Post/ No. of Post	Classification	Selection or Non-Selection	Method of Recruitment	Pay Scale	Mode of Recruitment	Period of Probation	Composition of DPC for Group 'A' post
Secretary (One Post)	Gazetted (Group A)	Selection	By promotion, failing which by deputation	Rs. 10,025-275- 10,300-340-12,000- 375-13,500-400- 15,100 + Rs. 1000 Special Pay	<p>(I) By Promotion : From Private Secretary of the State Commission, Union Territory, Chandigarh having experience of working on either or both of the posts of Private Secretary and Personal Assistant for a minimum period of five years out of which at least four years experience shall be as Private Secretary.</p> <p>(II) By Deputation : From the officers of State Governments of Punjab/Haryana and Union Territory Administration of Chandigarh, holding analogous posts on regular basis and carrying the same or identical scale of pay. [The period of deputation including the period of deputation in another ex- cadre post held immediately preceding this appointment in the same or some other organization/department shall ordinarily not exceed three years].</p>	One year	(1) Home Secretary, Chandigarh Administration— Chairman (2) Finance Secretary, Chandigarh Administration— Member (3) Senior Member, State Commission, Union Territory, Chandigarh— Member