



**SERVICE RULES
OF
INDIAN RED CROSS
&
ST. JOHN AMBULANCE (INDIA)
DISTRICT BRANCHES, HARYANA**

**APPROVED BY HON'BLE GOVERNOR-CUM-PRESIDENT
INDIAN RED CROSS SOCIETY & ST. JOHN AMBULANCE (INDIA)
HARYANA STATE BRANCH
ON 27-02-2017**

THROUGH HUMANITY TO PEACE



Indian Red Cross Society



HARYANA STATE BRANCH

RED CROSS BHAWAN, SECTOR 16, CHANDIGARH 160016

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No.

Date

(No. Admn./G-14/2017/7937-7958 Dated: 2nd March, 2017)

Notification

The, 27th February, 2017

(Approved by Hon'ble Governor-cum-President, Indian Red Cross Society and St. John Ambulance (India), Haryana State Branch on 27-02-2017 vide dispatch No. HRB-GS-2017/1960 dated 28-02-2017)

To

All the Deputy Commissioners-cum-Presidents
District Red Cross Branches
In Haryana.

Subject: - Service Rules – District Red Cross & St. John Branches, Haryana.

It is intimated that the Service Rules for District Red Cross Branches, Haryana have been approved by the Hon'ble Governor-cum-President, Indian Red Cross Society and St. John Ambulance (India), Haryana State Branch, Chandigarh on 27-02-2017.

These Rules will be enforced w.e.f. 27-02-2017. The Service Rules is forwarded herewith for your kind information and compliance please.


General Secretary

Endst. No. Admn./G-14/2017/..... Dated: 2nd March, 2017

Copy forwarded to all the Secretaries, District Red Cross Branches, Haryana for information and immediate compliance. The Service Rules is forwarded herewith for your kind information and compliance please.


General Secretary

**INDIAN RED CROSS SOCIETY / ST. JOHN AMBULANCE
DISTRICT BRANCH**

PREAMBLE:

Whereas it is necessary to frame Rules of the employees of the Indian Red Cross Society/St. John Ambulance (India), District Red Cross Branch....., the Managing Committee/Executive Committee of the Indian Red Cross Society/St. John Ambulance (India), Haryana State Branch is pleased to make the following rules regarding the recruitment and conditions of services of persons appointed to the District Red Cross Branch/St. John Ambulance Branch,

**PART - I
GENERAL**

Short Title and Application	1	(i) These Rules may be called the Indian Red Cross Society/St. John Ambulance (India), District Red Cross Branch Staff Rules, 2017.
		(ii) They shall apply to all the employees in service of the Society except those governed by specific agreements:
		(iii) They shall be deemed to have come into force with effect from the date they are approved by the Managing Committee of the Indian Red Cross Society, Haryana State Branch/Executive Committee, St. Ambulance (India), Haryana State Branch.
Definitions	2	In these Rules unless the context otherwise requires:
		(a) “Act” means the Indian Red Cross Society Act XV of 1920. (As amended by Act No. 22 of 1956 and the adaptation of Laws (No. 4) Order 1957 and the Act 14 of 1992).
		(b) "Society" means the Indian Red Cross Society, District Branch
		(c) “St. John Ambulance” means St. John Ambulance (India), District Branch.
		(d) "Executive Committee” means the Executive Committee of the Indian Red Cross Society/St. John Ambulance (India), District Branch

	(d)	"President" means the President of the Indian Red Cross Society/ St. John Ambulance (India), District Branch
	(e)	"Vice-President" means the Vice-President of Indian Red Cross Society/St. John Ambulance (India), District Branch
	(f)	"Appointing Authority" means the appointing authority of the Indian Red Cross Society/ St. John Ambulance (India) District Branch as specified in the rule.
	(g)	"Direct Recruitment" means an appointment made otherwise than promotion from within the service of the Society.
	(h)	"Education Board" means the Board of school education, Haryana or any other education board established by law in any of the State of India.
	(i)	"Service" means service in the Indian Red Cross Society/St. John Ambulance (India), District Branch.
	(j)	"Recognized University" means: -
	(i)	Any University incorporated by law in India, or
	(ii)	Any other University which is declared by the Government of Haryana to be a recognized University.
	(k)	"Institution" means, any institution recognized by the Govt. of Haryana.
	(l)	"Technical Post" means a post which requires technical qualifications.
	(m)	"Non Technical Post" means a post which does not require technical qualifications.
	(n)	"Appendix" means an appendix of these rules.

PART-II

RECRUITMENT IN SERVICE:

<p>Number and Characters of posts</p>	<p>3. The service shall comprise the posts shown in Appendix A of these rules.</p> <p>Provided that nothing in these rules shall affect the inherent right of the Society to add or to reduce the number of such posts or to create new post(s) with different designation(s) either permanently or temporarily.</p>
<p>Nationality, domicile and character of candidates appointed to service.</p>	<p>4. (1) No person shall be appointed to any post in the service unless he/she is -</p> <ul style="list-style-type: none"> (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 of January, 1962 with the intention of permanent settling in India; or (e) A person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika & Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India. <p>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 issued by the government.</p>

		<p>(2) No person shall be appointed to any post in the service by direct recruitment, unless he/she produces</p> <p>(a) A certificate of character from the principal academic officer of the University, college, school or institution last attended, if any, and similar certificate from two other responsible persons, not being his/her relatives, who are well acquainted with him/her in his/her private life and are unconnected with his/her university, college, school or institution and ;</p> <p>(b) A medical certificate of physical fitness as required under rule 3.1. of the Punjab Civil Services Rules, Volume I, Part-I.</p>
Age	5.	<p>a) No person shall be appointed to the service by direct recruitment who is less than twenty one years of age or more than forty five years of age of the last date of receipt of applications.</p> <p>Provided that the lower and the upper age limit shall be such as may be fixed by the Managing Committee/ Executive Committee of Indian Red Cross Society/St. John Ambulance (India), Haryana State Branch from time to time.</p>
		<p>b) Provided further that in the case of candidates belonging to the Schedule Caste, Schedule Tribes, Ex-Servicemen, the upper age limit shall be such as may be fixed by the Managing Committee/Executive Committee Indian Red Cross Society/St. John Ambulance (India), Haryana State Branch from time to time.</p>
		<p>c) Provided further that there will be no age bar for the employees of this organization for applying to any post at District Red Cross Branch under Direct Recruitment provided they fulfill all the eligibility criteria and have Minimum 7 years service left before their retirement.</p>
Appointing Authority	6	<p>Appointments to the posts specified in column 2 of the table given below, in the service shall be made by the appointing authority mentioned against each in column 3 of the said table.</p>

Sr. No.	Designation of Post	Appointing Authority
1	2	3
1	Secretary	District President
2	Assistant Secretary	District President
3	District Training Officer	District President
4	Accountant, Assistant, Accounts Clerk & Clerk	District President
5	Driver, peon, Mali, Chowkidar, Safai Karamchari and Blind Master Trainers and any other class-IV employee.	District President
Qualifications	7	No person shall be appointed to any post in the Service unless he/she is in possession of qualifications and experience specified in column 5 of Appendix 'B' to these rules in the case of direct recruitment and those specified in column of the aforesaid Appendix in the case of appointment other than by direct recruitment.
Disqualifications	8	<p>No person:</p> <p>a. Who has entered into or contracted a marriage with a person having a spouse living : or</p> <p>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.</p> <p>Provided that the Society 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.</p>
Source of Recruitment	9	All direct recruitments shall be made through advertisement in the leading News papers.
Method of Recruitment	10.	(i) Recruitment shall be made by promotion or by direct recruitment to be decided by the competent authority.

		From the date of enforcement of these rules, the recruitment for the post of Drivers, peons, Mali, Chowkidar, Safai karmachari or any other class-IV employee against the sanction posts only will be made on outsource basis on consolidated pay only.
	(ii)	In the case of direct recruitment, when ever any vacancy in the District Branch arises, the same shall be advertised in the leading newspapers so as to give adequate publicity. The applications so received shall be placed before the selection committee comprising the following (as mentioned at a & b) for conducting the interviews and recommending the suitable names. The recommendations of the Selection Committee for all the posts in the District Red Cross/St. John Branch would then be submitted to the Hon'ble Governor-cum-President, Indian Red Cross Society/St. John Ambulance (India), Haryana State Branch for approval through the General Secretary, Indian Red Cross Society/St. John Ambulance (India), Haryana State Branch.
(a)	For the post of Secretary, Assistant Secretary, District Red Cross Branches in Haryana, the selection committee will be as under:	
	(i)	Concerned Deputy Commissioner-cum-President, District Red Cross Branch. Chairman
	(ii)	General Secretary, Indian Red Cross Society, Haryana State Branch. Member Secretary
	(iii)	Civil Surgeon of concerned district. Member
(b)	For the post of District Training Officer, District St. John Branches and remaining posts i.e. Accountant, Assistant, Accounts Clerk, Clerk, Driver, Peon, Chowkidar, Mali, Safai Karamchhari and etc. at District Red Cross Branches would be filled up by a selection committee comprising of the followings:-	
	(i)	Concerned Deputy Commissioner-cum-President, District Red Cross Branch. Chairman
	(ii)	Representative of Indian Red Cross Society, Haryana State Branch. Member
	(iii)	Civil Surgeon of concerned district. Member
	(iv)	Secretary of concerned District Red Cross Branch. Member Secretary
In future the recruitment for the post of Drivers & the Class-IV will be made on outsource basis on consolidated salary.		
	(iii)	Any recruitment beyond the sanctioned post shall be made with the prior approval of the State President for which the indenting officer shall give the requirement in writing alongwith the justification for the same.

(iv)	The recruitment in the service shall be made as under in the case of the followings: -	
Sr. No.	Designation	Method of Recruitment
1.	Secretary	a) By Direct Recruitment or b) By Promotion amongst the Assistant Secretaries from the entire District Red Cross Branches of Haryana on seniority-cum-merit basis.
2.	Assistant Secretary	a) By Direct Recruitment or b) By Promotion from amongst the District Training Officers, Accountants and Assistants from the entire District Red Cross Branches of Haryana on seniority-cum-merit basis having five years experience on the feeder post.
3.	Programme Officer	Placed on Diminishing Cadre
4.	District Training Officer	a) By Direct Recruitment b) By promotion amongst the eligible/qualified candidates in the staff of District on seniority-cum-merit basis having three years experience in imparting training in First Aid & Home Nursing and qualified Lecturer in First Aid Home Nursing (St. John Ambulance)
5.	Accountant	a) By Direct Recruitment or b) By Promotion from Accounts Clerk, if eligible.
6.	Assistant	By Promotion amongst the Clerks.
7.	Accounts Clerk	By Direct Recruitment.
8.	Clerk	By Direct Recruitment.
9.	Driver	By outsource basis on consolidated salary
10.	Peon	By outsource basis on consolidated salary
11.	Chowkidar	By outsource basis on consolidated salary
12.	Mali	By outsource basis on consolidated salary
13.	Safai Karamchari	By outsource basis on consolidated salary
14.	Blind Master Trainers	By transfer from Haryana Govt. on diminishing cadre.

- Note:**
- * The posts of Secretary and Assistant Secretary are State Cadre posts whereas remaining posts at District Red Cross/St. John Branches are district cadre posts.
 - * The District Secretary can be promoted to the post of General Secretary, Indian Red Cross Society, Haryana State Branch from amongst the three senior Secretaries from the entire District Red Cross Branches of Haryana and Joint Secretary, State Branch on seniority-cum-merit basis. The merit will be decided on the basis of service record.
 - * All posts at District Red Cross/St. John Branches in Haryana will be filled up with the prior approval of State President through General Secretary, State Headquarters.

Procedure of Promotion	11	Promotion in respect of posts shall be made on the basis of seniority-cum-merit and seniority alone shall not confer any right to such promotions. Regular Annual Confidential Reports will be initiated for all employees for consideration of merit /performance as per norms fixed by the Society.
Probation	12	(1) Persons appointed to any post in the service except those appointed on contract basis shall remain on probation for a period of two years, if appointed by direct recruitment and for a period of one year, if appointed by promotion or otherwise: (Note- The persons appointed on contract basis shall be governed as per terms & conditions of their contract.) Provided that: -
		(a) Any period after such appointment spent on a higher post shall count towards the period of probation.
		(b) Any period of officiating appointment shall be reckoned as period spent on probation, but no person who has so officiated shall, on completion of the prescribed period of probation, be entitled to be confirmed, unless he/she 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) such person, is appointed by direct recruitment, dispense with his/her service; and
		(b) If such person is appointed otherwise than by direct recruitment,
		i) Deal with him/her in such other manner as the terms and conditions of the previous appointment permit.
		ii) Revert him/her to his/her former post; or
		Provided that reversion under (b) (ii) above shall not be deemed to be reduction to a lower post.

		(3) On the completion of the period of probation of a person, the appointing authority may,
		(a) If his work or conduct in his/her opinion has 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 temporary vacancy; or
		iii) Declare that he/she has completed his/her probation satisfactorily if there is no permanent vacancy; or
		(b) If his work or conduct has, in its opinion, been not satisfactory:-
		iv) Extend his/her period of probation and thereafter pass such order as it could have passed on the expiry of the first period of probation.
		v) Dispense with his/her services, if appointed by direct recruitment, and if appointed otherwise, revert him/her to his/her former post or deal with him in such other manner as the terms and conditions of previous appointment permit; or
		Provided that the total period of probation, shall not exceed three years.
Seniority	13	<p>Seniority interse of the members of the Service shall be determined by the length of continuous service on regularization on their post in the service:</p> <p>Provided that where there are different cadres in the service the seniority shall be determined separately for each cadre.</p> <p>Provided further that in the case of members appointed by direct recruitment, the order of merit determined by the selection committee, constituted for this purpose, shall not be disturbed in fixing the seniority:</p> <p>Provided further that in case of two or more members appointed on the same date, their seniority shall be determined as follows:</p>

	(a)	A member appointed by direct recruitment shall be senior to a member appointed by promotion;	
	(b)	In case of members appointed by promotion, seniority shall be determined according to the seniority of such members in the appointments from which they were promoted.	
	(c)	In the case of members appointed by promotion from different cadres, their seniority shall be determined according to pay, preference being given to a member, who was drawing in higher rate of pay in his/her previous appointment and if the rates of pay drawn are also the same, then by the length of their service from the date of promotion and if the length of such service is also the same, an older member shall be senior to a younger member.	
		<p>An updated seniority list of all regular employees will be maintained and circulated to all employees periodically to avoid any discrepancies.</p> <p>Note: Seniority of members of the service appointed on purely provisional basis or on daily wages/contractual person shall be determined as and when they are regularly appointed in view of the date of such regular appointment. In case of regularization of service of such members, period of contract/daily wages/outsourcing will not be counted for seniority.</p>	
Liability to Serve	14	A member of the Service shall be liable to serve at any place whether within or outside the State of Haryana, on orders issued by the Competent Authority.	
Pay, Leave, Provident Fund and other matters.	15	In respect of pay, leave, provident fund and all other matters not expressly provided for in these rules, the members of the service shall be governed by the Society Rules.	
	(i)	Leave	Employee of the Society shall be entitled to leave as per Haryana Government Leave Rules.

	(ii)	Contributory Provident Fund	<p>Every employee of the District Branch/ other than persons engaged on daily wages or on part-time basis against leave vacancies or under a specific contract/outsourced, shall contribute as per contributory Provident Fund Act 1925 (Amended upto 29th June, 1985) . The Society shall contribute to the fund every month an amount equal to the prescribed contribution of each member as per contributory Provident Fund rules of Haryana Government.</p> <p>Other rules regarding payments, withdrawals, advances, loans and recoveries etc. shall also be as per the contributory Provident Fund Rules applicable on Haryana Govt. employees.</p>
	(iii)	Gratuity, Leave Encashment	The employees of the District Branch shall be entitled to gratuity, leave encashment as per instructions issued from time to time by the competent authority.
	(iv)	Leave Travel Concession, Medical Allowance & TA/DA	Leave Travel Concession, Medical Allowance and TA/DA will be given as per instructions given from time to time, subject to availability of funds as considered appropriate by the competent authority.
	(v)	Ex-Gratia	In case of death during service of any employee, Ex-gratia rules of Haryana Government will be applicable.
Conduct, Discipline Penalties and Appeals.	16	Conduct, Discipline, penalties and Appeals and procedure thereon is enclosed at Appendix-‘C’ & ‘D’	

Vaccination	17	Every member of service shall get himself vaccinated or revaccinated as and when the Government directs by a special general order.
Oath of Allegiance.	18	Every member of service, unless he/she 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.
Special Provisions	19	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.
Change of Cadre	20	Appointing authority shall have the discretionary powers to change the cadre of a member of service provided that the option to change the cadre can be exercised only once in the whole service by a member.
Resignation from service	21	<p>If a member of the service wants to resign he/she shall give one month's notice in case of temporary employee and three months notice in case of confirmed employee in writing to the appointing authority. If the member fails to give such notice of a month/three months or a shorter period, the appointing authority shall be entitled to recover one month's salary with usual allowance or salary with usual allowances to the extent of such remaining period of one/three months, as the case may be, in lieu of notice.</p> <p>Provided that such notice may be waived off in part or full by the appointing authority. In case of breach or the provisions of this sub-rules by an employee, he/she shall be liable to pay the Branch, a sum equal to his salary (total emoluments) for the period of notice required of him/her or the period by which the notice falls short, which sum may be deducted from the amount of money due to him/her.</p>

<p>Power Relaxation of 22</p>	<p>Where the State President is of the opinion that it is necessary to expedient to do so, it may, by order, relax any of the provisions of these rules with respect to any class or category of persons, or an individual, as the case may be.</p> <p>Provided that relaxation so considered by the President will be ratified by the Managing Committee of the Indian Red Cross Society, Haryana State Branch.</p>
<p>Matter expressly provided these rules. not in 23</p>	<p>In respect of the 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 / amended or made by the Managing Committee of the Indian Red Cross Society, Haryana State Branch (State Headquarters).</p>
<p>Repeal and savings. and 24</p>	<p>The Existing Rules adopted by the District Red Cross / St. John Branch will be repealed from the date of enforcement of these rules.</p> <p>Provided that any order or action taken under the rule so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules. Further provided that all rights which have already accrued to the employees under the above stated repealed rules shall continue to be protected till they remain in service.</p>
<p>Superannuation and Retirement 25</p>	<p>An employee shall retire on attaining the age of 58 years. Provided that an employee may seek voluntary retirement before attaining the age of 58 years, after completing 20 years service, and giving 3 months clear notice of his/her intention to do so. In that case, he/she shall be entitled to benefits admissible to him/her under the Rules according to his/her length of service.</p> <p><u>Provided that an employee, may, however, be permitted to withdraw his notice during the notice period with the approval of the competent authority.</u></p> <p>The date of retirement of the employees except those whose date of birth falls on the 1st day of the month, will be the afternoon of the last day of the month, in which the date of their retirement falls instead of the actual date of their superannuation. In the case of those employees whose date of birth falls on the 1st day of the month, the date of retirement will be the afternoon of the last day of the month preceding the month in which their date of birth falls. (However, in the case of Blind Master Trainers, the retirement age will be 60 years as per approval of Social Justice & Empowerment Department letter No. 22652/एच-1/वि०क०/एस०जे०ई०/2013 dated 30-12-2013)</p>

Amendment	26	The Managing Committee of the Indian Red Cross Society, Haryana State Branch by 2/3 majority present and voting shall be competent to amend, alter, rescind or modify any or all of the provisions of these Rules. However, in case of emergent situation the State President shall be competent to amend, alter, rescind or modify any or all of the provisions of these Rules subject to the ratification by the Managing Committee of the Indian Red Cross Society, Haryana State Branch (State Headquarters).
Residuary Powers	27	In case of anything remaining uncovered under these Rules, the decision of the State President shall be final.
Dispute Regarding interpretation.	28	The State President shall be competent to decide disputes regarding interpretations of these Rules and whose decision on such interpretation shall be binding on all concerned.
Power to Implement	29	The General Secretary, Indian Red Cross Secretary, Haryana State Branch may issue such instructions or directions from time to time as may be necessary to give effect to carry out the provisions of these Rules in order to secure the effective control over the staff employed in the service.
Powers to Transfer District Secretaries/ Assistant Secretaries	30	a) The President, Indian Red Cross Society, Haryana State Branch have full power to transfer any District Secretary/Assistant Secretary from his/her place of posting to any other District Red Cross Branch in Haryana State, keeping in view the welfare of the organization and public interest.
Power to transfer any employee of District Red Cross/St. John		b) The President, Indian Red Cross Society, Haryana State Branch shall have full power to transfer/transfer against vacant post/transfer on administrative grounds/on deputation of any employee of the District Red Cross Branch from his/her place to any District Red Cross Branch in Haryana for reasons of economy, rationalization of manpower or any other grounds as deemed fit.
Power to Mutual transfer/transfer against vacant post		c) The President Indian Red Cross Society, Haryana State Branch shall have full powers to mutual transfer/transfer against vacant post of any District employee from his/her place of posting to any other District Red Cross Branch in the Haryana State with the mutual consent of both the concerned District Presidents, keeping in view the welfare of the organization and public interest.
Power to transfer of State Red Cross Employees		d) The President, Indian Red Cross Society, Haryana State Branch shall have full power to transfer/transfer against vacant post/transfer on administrative grounds/on deputation of any employee of the State Branch from his/her place to any District Red Cross Branch in Haryana and vice-versa for reasons of economy and rationalization of manpower or any other grounds as deemed fit.

<p>Staff employed under Grant-in-Aid.</p>	<p>31</p>	<p>All Staff employed in different project of Red Cross at District Headquarter under the grant-in-aid from Haryana Government or Govt. of India. New Delhi, shall be Governed by Rules of services of employees as per norms of the project scheme. Hence it is clarified that their services shall continue as long as grant exists. When grant is stopped/reduced/withheld by State/Centre Government, the service of the employees shall be liable to be discontinued from services accordingly.</p>
<p>Staff employed under the various Projects being run by the District Red Cross Branches by its own funds.</p>	<p>32</p>	<p>The number of all staff employed under the various projects being run by the District Red Cross Branches by its own funds will be decided by the respective executive committee of the district branch under the frame work of these rules. The recommendations of the executive committee of the district branch will be submitted to Hon'ble Governor-cum-President, Indian Red Cross Society, Haryana State Branch for approval through the General Secretary, Indian Red Cross Society, Haryana State Branch.</p>
<p>Extension and Reappointment after Superannuation and Retirement</p>	<p>33</p>	<p>a) Extension in service may be given for one year to the State Awardees and two years to the National awardees (One year at one time) after attaining the age of superannuation/retirement as per pattern of Haryana Government.</p>
		<p>b) The employees who are in service and rendered outstanding performance can be re-appointed after superannuation on the basis of satisfactory performance and medical fitness on a contract of year to year basis by the competent authority on a fixed 50% of the last pay drawn. Initially he/she will be re-appointed on contract upto one year and may be extended (not more than one year at one time) upto sixty five years of age by the competent authority.</p>
<p></p>	<p></p>	<p>As per resolution No. 17 passed by the Managing Body in its meeting held on 25-07-2013.</p>
<p>Means of Redress</p>	<p>34</p>	<p>(a) Every employee shall have a right to appeal to the appellate authority specified in Appendix-‘C’ against any order passed under Rule 16.</p>

APPENDIX- "A"**(See Rule No.3)**

S. No.	Designation of Post	Number of Posts	Scale of Pay (As per 6 th pay commission)
1	2	3	4
1	Secretary	1	9300-34800 + 5400 Grade Pay
2	Assistant Secretary	1	9300-34800 + 4200 Grade Pay
3	Programme Officer (Diminishing Cadre)	1	9300-34800 + 4200 Grade Pay
4	District Training Officer	1	9300+34800 + 3600 Grade Pay
5	Accountant	1	9300-34800 + 3600 Grade Pay
6	Assistant	1	9300-34800 + 3600 Grade Pay
7	Accounts Clerk	1	5200-20200 + 1900 Grade Pay
8	Clerk	2	5200-20200 + 1900 Grade Pay
9	Driver	One or more as per state of vehicles	5200-20200 + 2400 Grade Pay (For existing Staff only)
10	Peon	3	4440-7440 + 1300 Grade Pay (For existing Staff only)
11	Mali	1	4440-7440 + 1300 Grade Pay (For existing Staff only)
12	Chowkidar	1	4440-7440 + 1300 Grade Pay (For existing Staff only)
13	Safai karamchari	1	4440-7440 + 1300 Grade Pay (For existing Staff only)
14	Blind Master Trainers	Allocation as per the directions by the Haryana Govt.	4440-74440+1300 Grade Pay (for existing staff only)

Note: i) The pay scale as shown from Sr. No. 1 to 14 have been mentioned as per the 6th Pay Commission. The same will be converted into the new pay scales as are/will granted under 7th pay commission.

ii) The scale of pay is applicable only for existing staff (Driver, Peon, Mali, Chaowkidar and Safai Karamchari). In future, w.e.f. the enforcement of these rules, the post of Driver, Peon, Mali, Chaowkidar and Safai Karamchari will be filled up on outsource basis on consolidated salary on retirement of the existing incumbents.

iii) The services of Blind Master Trainers have been transferred by the Director, Social Justice & Empowerment Department vide their letter No. 34998/एच-1/बिठका/एसओजेई/2009 dated 24-09-2009 under Haryana Govt. notification No. 1469-10d0(1) dated 31-08-2009. Pay & allowances and all other retiral benefits will be borne by the Haryana Govt. . There will be no further transfer/appointment of the said post from Govt.. The existing staff has been placed under diminishing cadre. Their retirement will also be as per the rules of the Haryana Govt. (At present the retirement age is 60 years).

APPENDIX- "B"

Sr. No.	Designation	No. of post	Age	Qualification for Direct Recruitment/promotion		Pay Scale (As per 6 th pay commission)
1.	2.	3.	4.	5.		6.
	(see rule No.3)	(see rule No.3)	(see rule No.5)	(see rule No. 7,10 & 11)		(see rule No.3)
1.	Secretary a) By Promotion	one	---	a)	From amongst the Assistant Secretaries from the entire District Red Cross Branches of Haryana on seniority-cum-merit basis.	9300-34800 with the grade pay of Rs. 5400/- .
					Essential Qualification	
	b)By Direct Recruitment		25-45 years	b)	(i) Graduation and knowledge of Hindi/Sanskrit/Urdu/ Punjabi upto Matric standard.	
					(ii) Five years experience in Social and development activities with record in dealing with different projects and assignments and qualities of initiative and leadership.	
					Age: 25-45 years Relaxation of 5 years in case of SC/ST/BC) <i>The candidate of ex-servicemen category be recruited upto the age of 45 years plus continue military service added by three years.</i>	
					Pay Scale: 9300-34800	

2.	Assistant Secretary a) By Promotion	One	---	a)	(i) From amongst the District Training Officers, Accountants and Assistants from the entire District Red Cross Branches of Haryana on seniority-cum-merit basis having five years experience on the feeder post.	9300-34800 with the grade pay of Rs. 4200/-.
	b) By Direct Recruitment		25-45 years		i) Graduate from a recognized University.	
					ii) Five years experience in Social and development activities with record in dealing with different projects and assignments and qualities of initiative and leadership.	
					Knowledge of Hindi/Sanskrit/Urdu/Punjabi upto Matric standard.	
					Age: 25-45 years. (Relaxation of 5 years in case of SC/ST/BC) <i>The candidate of ex-servicemen category be recruited upto the age of 45 years plus continuous military service added by three years.</i>	
					Pay Scale: 9300-34800	
3.	Programme Officer	One		Placed on Diminishing Cadre.		9300-34800 with the grade pay of Rs. 4200/- under Pay Band-II.

3.	District Training Officer a) By Direct Recruitment	1	25-45 years	i)	Graduate from recognized University.	9300 - 34800 with the grade pay of Rs. 3600/-.
				ii)	Qualified lecturer in First Aid & Home Nursing (St. John Ambulance) with three years experience in imparting training in these subjects.	
					There should be lecturer and practical demonstration for five to ten minutes for each candidate on First Aid and Home Nursing.	
					The videography is mandatory.	
				iii)	Knowledge of English/Hindi/ Punjabi upto Matric standard.	
				iv)	Age: 25-45 years. (Relaxation of 5 years in case of SC/ST/BC) The candidate of ex-servicemen category is recruited upto the age of 45 years plus continuous military service added by three years.	
				v)	The serving employees in this organization having required qualifications & experience may also apply for this post for which there should not be any age bar and if selected, their seniority should not be effected.	
					Note: Only those candidates will be called for interview who will qualify Lecture and practical demonstration.	
4.	b) By Promotion				By promotion amongst the eligible/qualified candidates in the staff of District on seniority-cum-merit basis having three years experience in imparting training in First Aid & Home Nursing and qualified Lecturer in First Aid Home Nursing (St. John Ambulance)	

4.	Accountant a) By Promotion	One		a)	i)	The Accounts Clerks having five years experience on the feeder post on the basis of seniority-cum-merit basis.	9300-34800 with the grade pay of Rs. 3600/-.
	b)By Direct recruitment		25 – 45 years.	b)	i)	B.Com from recognized University.	
					ii)	5 Years experience in the field of commercial accounts and budget formulation.	
					iii)	Knowledge of English/Hindi / Punjabi upto Matric Standard.	
					iv)	Knowledge of computer Tally Accounting and MS Office from any recognized institution.	
					v)	Age: 25-45 years. ((Relaxation of 5 years in case of SC/ST/BC)) <i>The candidate of ex-servicemen category be recruited upto the age of 45 years plus continuous military service added by three years.</i>	
5.	Assistant (By Promotion)	One			i)	From amongst the Clerks on seniority-cum-merit basis having five years experience on the feeder post.	9300-34800 with the grade pay of Rs. 3600/-.
6.	Accounts Clerk (By Direct recruitment)	One	21-45 years		i)	B.Com from recognized University	5200-20200 with the grade pay of Rs. 1900.
					ii)	Having five years experience in accounts desirable.	
					iii)	Knowledge of English/Hindi / Punjabi upto Matric Standard.	
					iv)	Knowledge of computer (MS Office & Tally from any recognized institution)	

					v)	Age: 21-45 years (Relaxation of 5 years in case of SC/ST/BC) <i>The candidate of ex-servicemen category be recruited upto the age of 45 years plus continuous military service added by three years.</i>	
7	Clerk b) By Direct Recruitment	two	21-45 years	b)	(i)	Graduate from any recognized university or its equivalent.	5200-20200 with the grade pay of Rs. 1900 under Pay Band-I.
					(ii)	Knowledge of Hindi @ 25 words per minute on computer with commonly used word processing software.	
					(iii)	Knowledge of English @ 30 words per minute on computer with commonly used word processing software.	
					(iv)	Knowledge of English/Hindi/ Punjabi upto Matric Standard.	
					(v)	Knowledge of computer (MS Office from any recognized institution.)	
					(vi)	Age-21-45 years. (Relaxation of 5 years in case of SC/ST/BC) <i>The candidate of ex-servicemen category is recruited upto the age of 45 years plus continuous military service added by three years.</i>	
					(vii)	5 years experience as a clerk-typist.	

8.	Driver (By outsourcing basis only)	One or More as per need	21-45 years	(i) (ii) (iii) (iv) (v)	Matric with Hindi He should have valid driving license, at-least 3 years old. He should have passed the driving test. He should not be coloured blind Age-21-45 years. (Relaxation of 5 years in case of SC/ST/BC) The candidate of ex-servicemen category be recruited upto the age of 45 years plus continuous military service added by three years.	Consolidated salary on outsource basis.
9.	Peon, (By outsourcing basis only)	Three	21-45 years.		Middle Standard	Consolidated salary on outsource basis.
10.	Mali, Chowkidar and Safai Wala. (By outsourcing basis only)	One each	21-45 years.		Middle Standard	Consolidated salary on outsource basis.
11.	Blind Master Trainers (Direct Recruitment as directions of Haryana Govt.)	One time appointment under diminishing cadre. Allocation as per the directions of Haryana Govt.)	As per direction of the Haryana Govt., no further appointment will be made		Existing staff under diminishing cadre. No further appointment will be made as per directions of Haryana Govt.	4440-74440+1300 Grade pay

Note:-

1. The additional staff required in various projects, their appointment strength will be decided as per norms of the project(s).
2. Any additional Staff required other then specified in the rules considering worthy of District Branch, same will be projected to State Headquarters by District President for obtaining prior approval of the President.
3. The persons working against the post other then mentioned above are declared surplus and their post are placed on diminishing cadre.

4. The number of staff employed under the various projects being run by the District Branches on its own funds will be decided by the respective Executive Committee of the District Branch under the frame work of the rule No. 32.
5. In future, w.e.f. the enforcement of the rules, the post of Driver, Peon, Mali, Chowkidar and Safai Karamchhari will be filled up on outsource basis on consolidated salary on retirement of the existing incumbents.
6. Age: There will be no age bar for the employees of this organization for applying to any post under Direct Recruitment – Provided they are left with minimum of seven years of service before retirement.
7. In addition to the above post, Blind Master Trainers have been transferred/allocated by the Social Justice & Empowerment Department vide their letter No. 34998/एच-1/वि०क०/एस०जे०ई०/2009 dated 24-09-2009 under Haryana Govt. notification No. 1469स०क०(1) dated 31-08-2009 to District Red Cross Branches through Indian Red Cross Society, Haryana State Branch (State Headquarters). The said posts have been placed on diminishing cadre.

APPENDIX- "C"

(See rule No.16)

AUTHORITIES TO IMPOSE PENALTIES AND APPELLATE AUTHORITY

S. No.	Designation of Post		Appointing Authority	Nature of penalty	Punishing Authority	Appellate Authority
	1		3	4	5	6
I	1	Secretary	District President	Minor & Major Penalties	District President	State President
	2	Assistant Secretary				
II	3	Programme Officer (Diminishing Cadre)	District President	Minor & Major Penalties	District President	Vice-Chairman State Branch
	4	District Training Officer				
III	5	Accountant	District President	Minor Penalties	District Secretary	General Secretary
	6	Assistant		Major Penalties	District President	Vice-Chairman State Branch
IV	7	Accounts Clerk	District President	Minor Penalties	District Secretary	General Secretary
	8	Clerk		Major Penalties	District President	Vice-Chairman State Branch
	9	Driver				
	10	Peon,				
	11	Mali,				
	12	Safai Karamchari				
	13	Blind Master Trainers				

Note: - * In case where the President is not the Appellate Authority then any employee may file memorial to President, Indian Red Cross Society, Haryana State Branch against the Appellate Authority which will be final.

All posts at District Red Cross/St. John Branches in Haryana will be filled up with the prior approval of State President through General Secretary, State Headquarters.

APPENDIX-‘D’

CONDUCT AND DISCIPLINARY PROCEEDINGS :

16 CONDUCT, DISCIPLINE PENALTIES PROCEDURE AND APPEALS: -

During the services of the Society or during the period of specific service agreement, if any, as the case may be an employee shall devote his/her whole-time and energy exclusively to the work and interest of the Society and shall not correspond or otherwise negotiate, directly or indirectly with any other prospective employer except with the prior knowledge and approval of the Society, in writing. An employee shall at all the time conduct himself/herself soberly and temperately while on work premises of the Society and shall show proper respect to promote the interest of the Society and to maintain and promote the good reputation thereof. The employee shall keep secret all documents, information and instructions which may be imparted to him/her by the Society in the course of this employment and he/she shall not divulge the same, directly or indirectly to any one except in right-full discharge of duties assigned to him/her by the Society.

Misconduct and penalties thereof (including procedures) are as detailed Below:-

1. Without prejudice to the generality of the term "misconduct" it shall include but shall not be limited to the following acts of Omissions and Commissions:
 - (a) Willful insubordination or insult to superiors or disobedience, whether alone or in combination with another or others, of lawful and reasonable orders of the administration or of a superior;
 - (b) Habitual irregularity in attendance or absence without leave or over-staying the sanctioned leave without sufficient cause or proper or satisfactory explanation; leaving Headquarters without informing the administration or without sufficient cause; making a false statement in the application for leave;

- (c) Theft or fraud or dishonesty in connection with Society's/Association's affairs or property including falsification of the Society's / Association's records, mis-appropriation of Society's / Association's funds;
- (d) Riotous or disorderly, behavior, threatening, intimidating, coercing other employee or employees, interfering with the work of other employee or employees, assault or threat to assault other provoked or otherwise, any act of moral turpitude within the Society premises or outside and Commission of any act having subversive effect on Society discipline or reputation in connection with the affairs of the Society.
- (e) Conduct prejudicial to the Society's/Association's reputation and/or Society's/Association's work and sabotage of any description;
- (f) Conviction by a Court of Law for any criminal offence;
- (g) Taking up employment elsewhere by an employee whilst still in the service of the Society/Association;
- (h) Striking work and/or inciting other employees to strike work in contravention of the provisions of any law or rule having the force of law. This will also include willful slowing-down, in performance of work or abetment or instigation thereof;
- (i) Shortage found in stock/cash entrusted to an officer/official;

- (j) Borrowing money or incurring debts from individuals or habitual indebtedness, declaration by any competent authority as involvement, unless the employee can prove that the indebtedness or insolvency was the result of circumstances beyond his/her control and does not proceed from extravagance or dissipation;
- k) Making any false statement for employment or misrepresentation regarding any other matter prejudicial to the Society's/Association's interest.
- l) Failure to carry out work in accordance with general or specific instructions given by the officers of the Society directly or through delegated authority.
- m) Demanding, offering or accepting bribes or any illegal gratification.
- n) Soliciting or collecting contributions for any purpose whatsoever at any time in the Society without permission of the authority.
- o) Engaging in private work or trade within the Society or engaging in other employee whilst still in the service of the Society without the permission of the authority.
- p) Drunkenness, intoxication or indecent behavior inside the Society premises or the persists thereof.
- q) Gambling within the Society's premises.
- r) Smoking within the Society's premises in places where it is prohibited.
- s) Refusal to accept a charge sheet, Office order or other communication served either in accordance with the Service Rules or in the interests of discipline.

- t) Giving false information regarding his/her name, age, father's name, qualifications or previous service at the time of employment or thereafter.
- u) Unauthorized use or forcible occupation of the Society's quarters.
- v) Money lending with interest or any gains amongst Society employees and borrowing from any subordinates.
- w) The commission of a minor misdemeanor after two previous warnings, fines or suspension or the habitual breach of any law or rule applicable to the Society.
- x) Indecent behavior, obscene jokes, passing of filthy remarks or by jusculation behaving in an objectionable manner towards a woman employee and vise-verse.

Depending upon the gravity of the offence, misconduct shall be punishable by:

1.1

Minor Penalties

- (i) Warning with a copy in the personal file. (Character roll):
- (ii) Censure:
- (iii) Withholding of promotions:
- (iv) Recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders, to the Central Government or a State Government or to a Company and Association or a body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by the Society or to a local authority or University set up by an Act of Parliament or of the legislature of a State: and
- (v) Withholding of increments of pay without cumulative effect.

1.2 Major Penalties

- (i) Withholding of increments of pay with cumulative effect.
- (ii) Reduction to a lower stage in the time scale of pay or a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay:
- (iii) Reduction to a lower scale of pay, grade, post of service which shall ordinarily be a bar to the promotion of the employee to the timescale of pay, grade, post or service from which he/she was reduced with or without further directions regarding conditions or restoration to the grade or post or service from which the employee was reduced and his/her seniority and pay on such restoration to that grade, post or service.
- (iv) Compulsory retirement:
- (v) Removal from service which shall not be a disqualification for future employment under the Red Cross/St. John Ambulance.
- (vi) Dismissal from service which shall ordinarily be a disqualification for future employment under the Red Cross/St. John Ambulance.

Explanation: - the following shall not amount to a penalty within the meaning of this rule namely:-

- (i) Withholding of increments of pay of an employee for his failure to pass any departmental examination in accordance with the rules or orders governing the service to which he belongs or post which he/she holds or the terms of his/her appointment;
- (ii) Stoppage of an employee at the efficiency bar in the time scale of pay on the ground of his/her unfitness to cross the bar;
- (iii) Non-promotion of an employee, whether in a substantive or officiating capacity, after consideration of his/her case, to a service grade or post for promotion to which he/she is eligible;

- (iv) Reversion of an employee officiating in a higher service, grade or post to a lower service, grade or post, on the ground that he/she is considered to be unsuitable for such higher service, grade or post on any administrative ground unconnected with his/her conduct;
- (v) Reversion of an employee appointed on probation to any other service, grade or post to his/her permanent service, grade or post during or at the end of the period of probation in accordance with the terms of his/her appointment or the rules and orders governing such probation;
- (vi) Compulsory retirement of an employee in accordance with the provisions relating to his/her superannuation or retirement;
- (vii) **Termination of the service-**
 - (a) Of an employee appointed on probation during or at the end of the period of probation in accordance with the terms of appointment or the rules and orders governing such probations; or
 - (b) Of a temporary employee appointed otherwise than under contract, on the expiration of the period of the appointment, or on the abolition of the post or before the due time in accordance with the terms of appointment; or
 - (c) Of an employee employed under an agreement in accordance with the terms of such agreement.

2.

PROCEDURE: Preliminary enquiry (General)

(a) It is not obligatory in every case to hold a preliminary or what is known as a fact finding enquiry. However, when a complaint is received against an employee or otherwise some act of commission or omission on the part of the employee comes to the notice of the appropriate authority, it may be desirable to know as to how far the imputations or allegations leveled against the employee concerned have some substance and warrant initiation of

disciplinary action against him/her. With this end in view, a preliminary enquiry may be conducted. The sole purpose of preliminary enquiry is to decide whether or not there is a *prima facie* case against the employee for proceeding against him.

(b) This object can be achieved by holding a preliminary enquiry in different ways. It may be done by asking for the explanation of the employees concerned or by holding an enquiry through a departmental officer.

(c) The circumstance in which a preliminary enquiry should be held cannot be exhaustively enumerated. However, to illustrate the point, it may be said that in the following cases such an enquiry can be held with advantage:-

- (i) Where it is not immediately known as to who was responsible for a particular loss.
- (ii) Where it is considered desirable before initiating departmental proceedings to have *prima facie* evidence against the official concerned.
- (iii) Where the allegations are vague or indefinite and it is necessary to find out all the acts of commission or omission to form the basis of the charges.

3. **Action on preliminary enquiry report.**

The competent authority should examine the report and should decide whether action should be taken for imposing one of the major penalties. In the absence of specific provision in the Service Rules to the contrary, the competent authority shall mean the Punishing Authority. If it is so decided then an enquiry into the allegations against the employee should be held, keeping in view the clause No. 16-1.2 of the Indian Red Cross Society/St. John Ambulance (India), Haryana State Branch, Service Rules, 2016

4. (I) Issue of Statement of charges and allegations.

The grounds on which it is proposed to initiate formal departmental proceedings should be reduced to the form of definite charge or charges. The charges should not be vague and should be expressed in a language that is clearly understandable. These should give full details of the incident. The charges should be communicated in writing to the delinquent together with statement of allegations on which each charge is based. The delinquent should be required to submit, in writing, his/her explanation, if any, within a reasonable time (say fifteen days) and to state whether he/she desires to be heard in person. For the purpose of preparation of his/her explanation, he/she should also be permitted to inspect documents relevant to the enquiry and to take extract there from provided that such permission may be refused in respect of a document if the Punishing Authority for special reasons considers it against the public interest to allow access thereof. The charge-sheet and the statement of allegations should be sent to the delinquent along with the forwarding memorandum.

(2) Requisites of valid charges.

The charge should be based either on breach of the Employee (Conduct) under **clause 16-1** or on “good and sufficient reasons”. What is good and sufficient reason is, of course for the competent authority to decide.

(3) Facilities for copies of records and statement

(a) The employee may like to inspect or require copies of the documents for submitting his/her explanation to the charge sheet. Competent authority is not bound to supply copies of documents where the employees have been granted permission to inspect and take extracts from documents. He/she should be permitted to inspect and take extract from such official records as he/she may specify.

The competent authority may refuse to allow inspection of such records or the taking of such extracts as are not relevant for the purpose of enquiry or are not to be used against him/her. Privilege can also be claimed in respect of certain documents. The main purpose of this is to apprise the employee regarding the material which is being used against him/her in the enquiry and thus to afford him/her reasonable opportunity to defend himself/herself.

(b) The employee cannot make a blank demand for copies of “all statements recorded during the preliminary enquiry”. He/she is called upon to discredit only those witnesses who are to be examined in the departmental enquiry and can ask for copies of their statement only.

(c) The employee involved in the departmental proceedings usually asks for copies of or access to –

- (i) Documents to which reference has been made in the statement of allegations.
- (ii) Documents and records not so referred to in the statement of allegations but which the employees considers relevant for purpose of his/her defense:
- (iii) Statements of witness recorded in the course of-
 - (a) A preliminary enquiry conducted by the department ; or
 - (b) An investigation made by the police;

(iv) Reports submitted to the or other competent authority (including the disciplinary authority) by an officer appointed to hold a preliminary enquiry to ascertain facts;

(v) Reports submitted to the competent authority (including the disciplinary authority) by the police after investigation;

(d) doubts often arise regarding documents at (iv) and (v) above, Reports made after preliminary enquiry or investigation are usually confidential and the employee has no right to have access to them. It is, therefore, necessary to avoid strictly any reference to such reports in the statement of allegations.

(5) **Reply of the delinquent and its examination.**

(a) The delinquent official has to submit his/her written reply within the time specified, unless it is extended by the competent authority. It is not incumbent on the competent authority to wait indefinitely for the reply or to give extension of time whenever requested. It is open to such authority to proceed to hold the enquiry in the absence of any reply.

(b) In the reply the official is expected to meet the various allegations on the basis of which the charges had been framed and to give his/her own version. If he/she admits the charges and asks for mercy, there is an end of the matter and no enquiry need be held. If the Punishing Authority decides not to award any penalty, the proceedings should be dropped. If, however necessary to give the delinquent a second show cause notice in order to afford him/her an opportunity to urge against the proposed penalty.

- (c) The explanation of the employee to the charge sheet should be scrutinized with the utmost care. Charge in respect of which the explanation is satisfactory should be dropped. Thereafter, if in the opinion of the punishing authority, the imposition of a major penalty is not warranted and that it would meet the ends of justice, if sum minor penalty is awarded then straightway an order awarding one of the minor penalties be passed and no show cause notice is necessary. If the Punishing authority after considering the explanation of the employee to the charge sheet, however, decides that he/she deserves the imposition of a major penalty then an enquiry officer should be appointed to hold a regular departmental enquiry in respect of charges which are not admitted and in respect of which a satisfactory explanation is not forthcoming.
- (d) After the receipt of the reply to the charge sheet the delinquent should personally heard if he/she has so requested. This should be done before it is decided to hold a regular departmental enquiry.

5.

(1) **Appointment of enquiry officer and the procedure to be followed-**

(a) The Punishing Authority may himself/herself conduct the enquiry in which case all the principals applicable to the enquiry officer as a tribunal will apply to it or, as is often the case, it may appoint another officer to enquire into the charges. Care should be taken in selecting the enquiry officer so as to avoid any genuine suspicion of bias. The enquiry officer must be an impartial officer. The appointment of an enquiry officer shall be made under clause No. 16-1.2 of the Indian Red Cross Society/St. John Ambulance (India) Haryana State Branch Service Rules, 2016.

(b) The Punishing Authority should supply to the enquiry officer a copy of the charge-sheet and the explanation of the employee. The relevant record should be placed by the departmental representative before the enquiry officer during the course of enquiry in the presence of the delinquent without any interference or instructions or pressure from any quarter.

(c) Due notice of the time, date and place of enquiry should be given to the delinquent. This notice should be communicated at least a week before the date fixed for the enquiry. It should be made clear in the notice that if the delinquent does not attend at the time and place mentioned in the notice. The enquiry would be held *exparte*. If the employee concerned, avoids service, or is not available for service of notice, or refuses to accept service, then a copy of the notice should be affixed at his/her permanent address and at his/her last known address and a notice at both the addresses should also be sent by Registered post A.D. the enquiry officer should, however, satisfy himself that service, In the above manner has been affected and an order in writing should be made to that effect. If the official concerned does not appear at the time of the enquiry and due notice has been given as indicated above, the enquiry may held *exparte*. If for any reason the service of the notice is not affected about a week before the date of enquiry it would be expedient to adjourn the enquiry, if the delinquent makes a request in that behalf.

(d) Similarly when a show cause notice at the second stage is issued calling upon the delinquent to show cause why the proposed penalty should not be imposed, the service of the shows cause notice should be affected in the manner indicated above.

(e) It would, however, be the discretion of the enquiry officer to adjourn the enquiry if he/she deems it proper for any sufficient reason. If the enquiry officer declines to adjourn the enquiry at the request of the delinquent, he/she should pass an order stating briefly the reasons therefore.

(2) **Official conducting the prosecution**

The punishing authority may nominate any person to present the case in support of the charges before the enquiry officer.

(3) **Legal Assistant for defense.**

No person in the service of the Society who is called upon to produce his/her defence to the charges against him shall be allowed to engage a counsel; provided that if the charge or charges are likely to result in his/her dismissal, the employee may, with the permission of the enquiry officer be represented by a counsel. If a counsel is engaged on behalf of the department, the employee shall be entitled to engage a counsel.

(4) **Attendance and examination of witness.**

The processes to be issued for causing attendance of witnesses in all these enquiries may as nearly as practicable be in the form prescribed for a summons under the code of Criminal Procedure.

(5) **Report and Findings**

- (a) After the close of the enquiry, the enquiry officer should prepare his/her report which should inter-alia indicate the following:-
 - (i) The statement of charges and the allegations framed against the employees of the Society.
 - (ii) His/her explanation, if any;
 - (iii) The oral and documentary evidence produced in support of the charges;
 - (iv) The oral and documentary evidence led in defense;
 - (vi) Findings on the charges.

(b) The enquiry officer should give clear findings on each of the charges so that the employee should know from the findings on what ground he/she has been found guilty. Each finding must be supported by evidence and reasons thereof. The findings are in the nature of a report to the competent authority to enable it to pass final orders. Such findings are to assist but do not bind him. He/she alone has to come to a final decision. Moreover, the enquiry should not in any case recommended or propose any penalty.

(c) When the competent authority gives a finding on any of the charges contrary to the findings of the enquiry officer, he/she will give detailed reasons therefore. However, in cases of the agreement with the findings of he enquiry officer, no separate reasons need be recorded unless he/she wishes to support the findings of the enquiry officer by supplementary reasons available from the record of the enquiry. While concurring with the findings of the enquiry officer, though no reasons need be recorded by the punishing authority but his/her order should show that he/she has applied his/her mind to the matter. It is the Punishing Authority who must be satisfied that the charges against the delinquent are approved and then he/she must tentatively decide about the penalty to be inflicted on the employee. It is only thereafter that the second such cause notice should be issued.

(d) When the report of the enquiry officer is received, the Punishing Authority should pass an order after applying his/her own mind to the whole case and should come to his/her own independent conclusions un-influenced by any other person. Mere acceptance of the proposal made in the noting by the subordinates will no be sufficient and such an order will not stand the scrutiny of the court.

(e)Where after the receipt of the report, he/she is of the opinion that a minor penalty is sufficient than a show cause notice indicating therein the particular penalty to be imposed together with a copy of the report of the enquiry officer should be served upon the delinquent and after considering his/her explanation, the penalty should be inflicted.

6. (1) **Show Cause notice.**

(a) Where the Punishing Authority decides that one of the major penalties i.e. dismissal, removal or reduction in rank, reduction to a lower stage in the time scale of pay or compulsory retirement should be awarded, he/she should proceed to give the second show cause notice mentioning there in the proposed penalty. A copy of the enquiry report should accompany the show cause notice. Moreover, where the competent authority disagrees with any findings of the enquiry of the enquiry officer recorded in favour of the delinquent, the notice of dissent recorded by the competent authority should also accompany the show cause notice. So also the additional reasons, if any, given by the competent authority in support of the finding arrived at by the enquiry officer, should be communicated to the delinquent. The show cause notice must be issued and signed by the competent authority who is to take action against the employee. The employee should be given reasonable time (say fifteen days) to submit his reply.

(b) On receipt of the reply the show cause notice, the competent authority should examine it carefully and if he/she wishes to inspect any document or to examine any witness in order to dispose of the explanation effectively he/she has the power to do so. The delinquent has no right to adduce any oral evidence. However, if, he/she produces any document along with the reply, the competent authority is not precluded from considering it, if it has any relevance.

6 (2) **Comments on para 6-I(b) regarding reference to Legal opinion.**

After the reply to the second show cause notice has been received, the matter should be referred to the Legal Advisor for consultation wherever it may be necessary in accordance with the preceding provisions. In doing so, the competent authority should give its own view point regarding the establishment of the charges and his/her quantum of the penalty to facilitate the examination of the case by Legal Advisor.

6 (3) **Consideration of the past record.**

A competent authority while passing a final order imposing a penalty on a delinquent after the charges have been proved, some times makes a reference and takes into consideration his/her past record in order to justify, the awarding of a severe penalty, but it is not permissible unless in the show cause notice, a mention of the past record calling for a severe penalty had been made. Thus where a Competent Authority is of the opinion that the past record of an employee should be taken into consideration for awarding a severe penalty, he/she must mention it in the show cause notice.

7. **Penalty**

On receipt of the advice, the Competent Authority should consider the whole matter including the advice of Legal Advisor and determine the actual penalty to be imposed. It is in the discretion of the Punishing Authority to award any penalty but a graver penalty cannot be awarded than proposed in the show cause notice.

8. **Final Order**

The order of penalty is struck down by courts many a times for not being a speaking one i.e. not supported by reasons. This is necessary as the delinquent may have to file an appeal or revision before the higher administrative authority or he/she may desire to invoke the writ jurisdiction of the High Court. He/she will not be able to decide whether to take further action in the matter unless he/she knows the grounds on which the impugned order was based. This is also necessary for proper disposal of an appeal or revision against the order because the appellate authority or the revision authority should be able to find out by reading the order the grounds on which the order is based, in the reply to the show cause notice, the delinquent may put forward some explanation or point out some defects in the enquiry causing prejudice to him/her. All such objections should be disposed of by the Punishing Authorities by a process of reasoning, so that it is clear that the authority had fully applied their mind to the case.

It should be possible to find out from the order the approach and mind of the Punishing authority and the grounds on which the impugned order was passed. The basic idea is that from perusal of the order it should be obvious that the Punishing Authority had applied its own mind fully to all the aspects of the case.

9.

Speaking order

There is no prescribed form for a speaking order but it should fulfill the requirements of para 8 and should be self-contained. It should indicate clearly the points for consideration, the decisions thereon, and the reasons on which those decisions are based.

If it appears that it would be inconvenient to record a self contained order, a brief order awarding the penalty may be passed but it should be accompanied by a note giving detailed reasons in support of the order.

10

Minor Penalties

Apart from major penalties the rules provide for the imposition of minor penalties, which are set out at serial No. (i), (ii),(iii), (iv) and (v) of clause No. 16-1.1 of the Indian Red Cross Society/ St. John Ambulance (India) Service Rules, 2016, referred to earlier.

Without prejudice to the provisions of Clause No. 16-1.2 no order for imposing a minor penalty shall be passed on an employee unless he/she has been given an adequate opportunity of making any representation that he/she may desire to make, and such representation has been taken into consideration:

Provided that this condition shall not apply in a case where an order based on facts has led to his/her conviction in a criminal court or an order has been passed superseding him/her for promotion to higher post on the grounds of his/her unfitness for that post on account of the existence of unsatisfactory record.

Provided further that the requirements of his/her rule may, for sufficient reasons to be recorded in writing be waived where it is not practicable to observe them and where they can be waived without injustice to the employee concerned.

Comments regarding minor penalties.

- (a) It is clear from the above rule that a minor penalty can be imposed after calling for the explanation of the employee and two opportunities as in the case of major penalty are not necessary. “Under this rule the only requirement is that the employee concerned should be given an adequate opportunity of making representation that he/she may desire to make. There is no provision for cross-examination of witness and furnishing a copy of the report, all requirements which we find in **clause 16-1.2**. **Clause 16-1.1** does not require anything more than that the allegation on the basis of which the concerned is charged should be made known to him/her and should be given an opportunity to make representation with regard to them. He/she need not be told the Punishment which is sought to be imposed on him/her either at the time the charge-sheet is served on him/her or at any other stage. There is no question of his/her being given an opportunity a second time after the enquiry is completed in respect of the punishment sought to be imposed on him/her unlike in a case covered by **clause 16-1.2** .
- (b) Thus where a penalty under **clause 16-1.1** is to be imposed it is sufficient to serve a show-cause notice containing a statement of allegations on which the charges are based. It is not necessary to mention to specific punishment which is sought to be imposed or to give a second show-cause notice mentioning therein the quantum of punishment. The Punishing Authority can make a fact finding enquiry if it is deemed necessary, but no reference of it should be made in the show-cause notice. If any reference is made to any document or of an enquiry in the show cause notice it would be necessary to show these documents (enquiry report) and to supply the copies of the same to the employee if it may feasible. After the receipt of the reply to the show cause notice the Punishing authority may some time feel the necessity of making further enquiry regarding the points raised in the reply in order to satisfy itself as to whether the same are tenable and if so, to what extent.

However, a copy of the report of such an enquiry is not required to be supplied to the delinquent. It may be made clear here that the order imposing the penalty should be based on the basis of allegations mentioned in the show-cause notice already served on the employee and no reference in respect of any additional allegations or changed nature of allegations, following from the enquiry referred to above should be made, but if it is felt that the reference is necessary a fresh show-cause notice shall have to be given to the employee.

(C) However, it may be pointed out that where an employee has been charge sheeted under **clause 16-1.2** and on receipt of the reply it is considered that the imposition of a minor penalty would be appropriate, an order awarding one of the minor penalties be passed without issuing any show-cause notice. However, where an enquiry has been initiated and the enquiry report has been received, then a show-cause notice indicating therein the particular penalty to be imposed together with a copy of report should be supplied to the delinquent and after considering his/her explanation the penalty should be inflicted.

SUSPENSION

11.

The appointing authority or any other authority to which it is subordinate or the punishing authority empowered in that behalf by the President by general or special order, may place an employee under suspension-

- (a) Where a disciplinary proceedings against him/her is completed or is pending, or
- (b) Where a case against him/her in respect of any criminal offence is under investigation, inquiry or trial;

[Provided that where an employee against whom disciplinary proceedings are contemplated is suspended, such suspension shall be valid, unless before the expiry of a period of ninety days from the date from which the employee was suspended, disciplinary proceedings are initiated against him/her:

Provided further that the competent authority in the matter may, at any time before the expiry of the said period of ninety days and after considering the special circumstances for not initiating disciplinary proceedings, to be recorded in writing and after seeking the approval of next higher authority allow continuance of the suspension beyond the period of ninety days without the disciplinary proceedings being initiated:

Provided further that where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

(2) An employee shall be deemed to have been placed under suspension by the order of the appointing authority.

- (a) With effect from the date of his/her detention, if he/she is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty-eight hours:
- (b) With effect from the date of his/her conviction, if in the event of a conviction for an offence, he/she is sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed or compulsory retired consequent to such conviction.

Explanation: - The period of forty-eight ours referred to in clause (b) of this sub-rule shall be computed from the commencement of imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his/her suspension shall be deemed to have continued, in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the punishing authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him/her on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(6) Where an employee is suspended or is deemed to have been suspended, whether in connection with any disciplinary proceedings or otherwise, and any suspension the authority competent to place him/her under suspension may, for reasons to be recorded by it in writing, direct that an employee shall continue to be under suspension until the termination of all or any of such proceedings.

(12) **Allowances during the period of suspension:-**

In the case of any other employee:-

A subsistence allowance at an amount equal to the leave salary which an employee would have drawn if he/she had been on leave on half pay and in addition dearness allowance, if admissible, on the basis of such leave salary:

Provided that where the period of suspension exceeds six months, the authority which made or is deemed to have made the Order of suspension shall be Competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:-

- (i) The amount of subsistence allowance may be increased by a suitable amount not exceeding 50 percent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the employee;
- (ii) The amount of subsistence allowance may be reduced by a suitable amount not exceeding 50 percent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons to be recorded in writing, directly attributable to the employee;
- (iii) The rate of dearness allowance will be based on the increased or as the case may be, the decreased amount of subsistence allowance admissible under clause (i) and (ii) above;

Any other compensatory allowances admissible from time to time on the basis of pay of which the employee was in receipt on the date of suspension subject to the fulfillment of other conditions laid down for the drawal of such allowances.

(13) **Allowances on re-instatement:-**

(1) When an employee who has been dismissed, removed, compulsorily retired or suspended, is reinstated, or would have been reinstated but for his/her retirement on superannuation the authority competent to order the reinstatement shall consider and make a specific order:-

(a) Regarding the pay and allowances to be paid to the employee for the period of his/her absence from duty, occasioned by suspension and or dismissal, removal or compulsory retirement ending with his/her reinstatement on or the date of his/her retirement on superannuation as the case may be; and

(b) Whether or not the said period shall be treated as period spent on duty.

(2) Where the authority mentioned in sub-rule (1) is of the opinion that the employee has been fully exonerated or, in the case of suspension, that it was wholly unjustified, the employee shall be given the fully pay and allowances to which he would have been entitled, had he not been dismissed, removed, compulsorily retired or suspended, as the case may be.

(3) In other cases, the employee shall be given such proportion of such pay and allowances as such competent authority may prescribe:

Provided that the payment of allowances under sub-clause (2) or (3) shall be subject to all other conditions under which such allowances are admissible:

Provided further that such proportion of such pay and allowances shall not be less than the subsistence and other allowances admissible under sub-clause (2).

(4) In a case falling under sub-clause (2) the period of absence from duty shall be treated as a period spent on duty for all purpose.

(5) In a case falling under sub-clause (3) the period of absence from duty shall not be treated as a period spent on duty unless such competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that if the employee so desires, such authority may direct that the period of absence from duty shall be converted into leave of any kind due and admissible to the employee.

(6) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

(14) **Promotion pending Departmental Proceedings:**

- (a) Accordingly to the instructions issued by the Society, the cases of promotion of the employee against whom disciplinary proceedings under clause 1(2) are pending should be considered but he/she should not be promoted till disciplinary enquiry has been completed and he/she has been exonerated. In a case in which the employee has been charge-sheeted but his/her explanation in response to the charge-sheet has not been received, the case of promotion should be kept pending and should be decided after the decision as to whether regular departmental proceedings should or should not be promoted until he/she has been exonerated. If he/she is ultimately exonerated of all the charges without the imposition of any penalty and is otherwise fit for promotion in every respect, he/she should be promoted with retrospective effect, i.e. from the date on which he/she was due for promotion and an official junior to him was promoted.
- (b) In the case of an employee against whom action is proposed to be taken under clause (1), the matter should be considered in the light of the nature of allegations and the quantum of penalty that is proposed to be awarded. The criterion should be whether or not if the allegation were to be proved and the proposed penalty was to be imposed.

- (c) Promotion of the employee would still be justified on the basis of his/her entire record. In other words promotion should not be withheld only because disciplinary action under clause 1(1) is pending against the employee. If promotion is withheld on that basis, but on completion of the departmental proceedings of the employee is exonerated without imposition of a penalty or is administered a warning then he/she should, if he/she is otherwise fit for promotion in every respect, be promoted with retrospective effect i.e. from the date on which he/she was due for promotion and an official junior to him was promoted.
- (d) It should, however, be kept in mind that while deciding a case of promotion, it would be incumbent to consider for promotion those employees as well against whom enquiry proceedings are contemplated or are pending, but the decision should be taken according to the instructions stated in the above paras.

15. **Right of appeal** - Every person to whom these rules apply, shall be entitled to appeal, as hereinafter provided to such superior authority, as may be prescribed by Society in the rules, regulating his/her conditions of services against an order. In case where the President is not the appellate Authority then any employee may file memorial to President, Indian Red Cross Society, Haryana State Branch against the Appellate Authority which will be final.

16. **Period of limitations of appeal** – No appeal preferred under clause 15 shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant:

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

17. **Order which may be passed by appellate authority –**

(1) In the case of appeal against an order under clause 15 or any penalty specified in clause 1-1.1 & 1.2, the appellate authority shall consider –

- (a) Whether the facts on which the order was based have been established;
- (b) Whether the facts establishment afford sufficient ground for taking action; and
- (c) Whether the penalty is excessive, adequate or inadequate and after such consideration, shall pass such order as it thinks proper:

Provided that no penalty shall be increased unless opportunity is given to the person concerned to show cause why such penalty should not be increased-

- (2) An authority from whose order, an appeal is preferred under these rules, shall give effect to any order made by the appellate authority.

20. If anything remain silent in these rules, the guidelines regarding procedure in disciplinary cases of the Haryana Civil Service (Punishment and appeal) Rules 1987 will be followed.