

**THE
HIMACHAL
PRADESH PUBLIC
SERVICE
COMMISSION
HAND BOOK**

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PROVISIONS OF THE CONSTITUTION OF INDIA REGARDING SERVICES

Article 309. Recruitment and conditions of service of persons serving the Union or a State.

Subject to the provisions of this Constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State:

Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor of a State or such person as he may direct in the case of services and posts in connection with the affairs of the State, to make rules regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act.

Article 310. Tenure of office of persons serving the Union or a State.

- (1) Except as expressly provided by this Constitution, every person who is a member of a defence service or of a civil service of the Union or of an all India service or holds any post connected with defence or any civil post under the Union, holds office during the pleasure of the President, and every person who is a member of a civil service of a State or holds any civil post under a State holds office during the pleasure of the Governor of the State.
- (2) Notwithstanding that a person holding a civil post under the Union or a State holds office during the pleasure of the President or, as the case may be, of the Governor of the State, any contract under which a person, not being a member of a defence service or of an all India service or of a civil service of the Union or a State, is appointed under this Constitution to hold such a post may, if the President or the Governor as the case may be, deems it necessary in order to secure the services of a person having special qualifications, provide for the payment to him of compensation, if before the expiration of an agreed period, that post is abolished or he is, for reasons not connected with any misconduct on his part, required to vacate that post.

Article 311. Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State.

- (1) No person who is a member of a civil service of the Union or an all India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by a authority subordinate to that by which he was appointed.
- (2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges

Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed: Provided further that this clause shall not apply

- (a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or
 - (b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or
 - (c) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State, it is not expedient to hold such inquiry.
- (3) If, in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final.

PROVISIONS OF THE CONSTITUTION OF INDIA REGARDING PUBLIC SERVICE COMMISSIONS

Article 315. Public Service Commissions for the Union and for the States.

1. Subject to the provisions of this article, there shall be a Public Service Commission for the Union and a Public Service Commission for each State.
2. Two or more States may agree that there shall be one Public Service Commission for that group of States, and if a resolution to that effect is passed by the House or, where there are two Houses, by each House of the Legislature of each of those States, Parliament may by law provide for the appointment of a Joint State Public Service Commission (referred to in this Chapter as Joint Commission) to serve the needs of those States.
3. Any such law as aforesaid may contain such incidental and consequential provisions as may be necessary or desirable for giving effect to the purposes of the law.
4. The Public Service Commission for the Union, if requested so to do by the Governor of a State, may, with the approval of the President, agree to serve all or any of the needs of the State.
5. References in this Constitution to the Union Public Service Commission or a State Public Service Commission shall, unless the context otherwise requires, be construed as references to the Commission serving the needs of the Union or, as the case may be, the State as respects the particular matter in question.

Article 316. Appointment and term of office of members.

1. The Chairman and other members of a Public Service Commission shall be appointed, in the case of the Union Commission or a Joint Commission, by the President, and in the case of a State Commission, by the Governor of the State:

Provided that as nearly as may be one-half of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years either under the Government of India or under the Government of a State, and in computing the said period of ten years any period before the

commencement of this Constitution during which a person has held office under the Crown in India or under the Government of an Indian State shall be included.

- A. If the office of the Chairman of the Commission becomes vacant or if any such Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall, until some person appointed under clause (1) to the vacant office has entered on the duties thereof or, as the case may be, until the Chairman has resumed his duties, be performed by such one of the other members of the Commission as the President, in the case of the Union Commission or a Joint Commission, and the Governor of the State in the case of a State Commission, may appoint for the purpose.
2. A member of a Public Service Commission shall hold office for a term of six years from the date on which he enters upon his office or until he attains, in the case of the Union Commission, the age of sixty-five years, and in the case of a State Commission or a Joint Commission, the age of sixty-two years, whichever is earlier:

Provided that—

- (a) a member of a Public Service Commission may, by writing under his hand addressed, in the case of the Union Commission or a Joint Commission, to the President, and in the case of a State Commission, to the Governor of the State, resign his office;
- (b) a member of a Public Service Commission may be removed from his office in the manner provided in clause (1) or clause (3) of article 317.

A person who holds office as a member of a Public Service Commission shall, on the expiration of his term of office, be ineligible for reappointment to that office.

Article 317. Removal and suspension of a member of a Public Service Commission.

1. Subject to the provisions of clause (3), the Chairman or any other member of a Public Service Commission shall only be removed from his office by order of the President on the ground of misbehaviour after the Supreme Court, on reference being made to it by the President, has, on inquiry held

in accordance with the procedure prescribed in that behalf under article 145, reported that the Chairman or such other member, as the case may be, ought on any such ground to be removed.

2. The President, in the case of the Union Commission or a Joint Commission, and the Governor in the case of a State Commission, may suspend from office the Chairman or any other member of the Commission in respect of whom a reference has been made to the Supreme Court under clause (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.
3. Notwithstanding anything in clause (1), the President may by order remove from office the Chairman or any other member of a Public Service Commission if the Chairman or such other member, as the case may be,—
 - (a) is adjudged an insolvent; or
 - (b) engages during his term of office in any paid employment outside the duties of his office; or
 - (c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.
4. If the Chairman or any other member of a Public Service Commission is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of clause (1), be deemed to be guilty of misbehavior.

Article 318. Power to make regulations as to conditions of service of members and staff of the Commission.

In the case of the Union Commission or a Joint Commission, the President and, in the case of a State Commission, the Governor of the State may by regulations-

- (a) determine the number of members of the Commission and their conditions of service; and

- (b) make provision with respect to the number of members of the staff of the Commission and their conditions of service:

Provided that the conditions of service of a member of a Public Service Commission shall not be varied to his disadvantage after his appointment.

Article 319. Prohibition as to the holding of offices by members of Commission on ceasing to be such members.

On ceasing to hold office-

- (a) the Chairman of the Union Public Service Commission shall be ineligible for further employment either under the Government of India or under the Government of a State;
- (b) the Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman of any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State;
- (c) a member other than the Chairman of the Union Public Service Commission shall be eligible for appointment as the Chairman of the Union Public Service Commission or as the Chairman of a State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State;
- (d) a member other than the Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman of that or any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State.

Article 320. Functions of Public Service Commissions.

1. It shall be the duty of the Union and the State Public Service Commissions to conduct examinations for appointments to the services of the Union and the services of the State respectively.
2. It shall also be the duty of the Union Public Service Commission, if requested by any two or more States so to do, to assist those States in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.

3. The Union Public Service Commission or the State Public Service Commission, as the case may be, shall be consulted—
- (a) on all matters relating to methods of recruitment to civil services and for civil posts;
 - (b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers;
 - (c) on all disciplinary matters affecting a person serving under the Government of India or the Government of a State in a civil capacity, including memorials or petitions relating to such matters;
 - (d) on any claim by or in respect of a person who is serving or has served under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the Consolidated Fund of India, or, as the case may be, out of the Consolidated Fund of the State;
 - (e) on any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, and any question as to the amount of any such award,

and it shall be the duty of a Public Service Commission to advise on any matter so referred to them and on any other matter which the President, or, as the case may be, the Governor of the State, may refer to them:

Provided that the President as respects the all India services and also as respects other services and posts in connection with the affairs of the Union, and the Governor, as respects other services and posts in connection with the affairs of a State, may make regulations specifying the matters in which either generally, or in any particular class of case or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted.

4. Nothing in clause (3) shall require a Public Service Commission to be consulted as respects the manner in which any provision referred to in clause (4) of article 16 may be made or as respects the manner in which effect may be given to the provisions of article 335.
5. All regulations made under the proviso to clause (3) by the President or the Governor of a State shall be laid for not less than fourteen days before each House of Parliament or the House or each House of the Legislature of the State, as the case may be, as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as both Houses of Parliament or the House or both Houses of the Legislature of the State may make during the session in which they are so laid.

Article 321. Power to extend functions of Public Service Commissions.

An Act made by Parliament or, as the case may be, the Legislature of a State may provide for the exercise of additional functions by the Union Public Service Commission or the State Public Service Commission as respects the services of the Union or the State and also as respects the services of any local authority or other body corporate constituted by law or of any public institution.

Article 322. Expenses of Public Service Commissions.

The expenses of the Union or a State Public Service Commission, including any salaries, allowances and pensions payable to or in respect of the members or staff of the Commission, shall be charged on the Consolidated Fund of India or, as the case may be, the Consolidated Fund of the State.

Article 323. Reports of Public Service Commissions.

1. It shall be the duty of the Union Commission to present annually to the President a report as to the work done by the Commission and on receipt of such report the President shall cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before each House of Parliament.
2. It shall be the duty of a State Commission to present annually to the Governor of the State a report as to the work done by the Commission, and

it shall be the duty of a Joint Commission to present annually to the Governor of each of the States the needs of which are served by the Joint Commission a report as to the work done by the Commission in relation to that State, and in either case the Governor, shall, on receipt of such report, cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State.

**HIMACHAL PRADESH PUBLIC SERVICE COMMISSION
(MEMBERS) REGULATIONS, 1974**

No.8-3/72-DP (Apptt.-II)

Shimla-2, the 15th May, 1974

In exercise of the powers conferred by sub-clause (a) of Article 318 of the Constitution of India, and in supersession of the Department Notification No.1-OSD/PSC-71 dated 08th April, 1971, the Governor of Himachal Pradesh hereby makes the following Regulations, namely:-

1. SHORT TITLE AND COMMENCEMENT AND APPLICATIONS-
 - (i) These Regulations may be called the Himachal Pradesh Public Service Commission (Members) Regulations, 1974.
 - (ii) They shall come into force from 01st April, 1981.
2. DEFINITIONS: In these Regulations, unless the context otherwise requires:-
 - (a) 'Chairman' means Chairman of the Commission;
 - (b) 'Governor' means Governor of the State of Himachal Pradesh;
 - (c) 'Member' means Member of the Commission and includes the 'Chairman' thereof; and
 - (d) 'The Commission' means the Himachal Pradesh Public Service Commission; and
 - (e) 'The total monthly emoluments' means "Emoluments as defined by the Government from time to time".
3. NUMBER OF MEMBERS: The Commission shall consist of a Chairman and such number of members, not exceeding five.
4. OATHS: Every Member shall, on appointment, be required to take the oaths in the forms laid down in Appendix-'A' of these Regulations.

Appendix 'A'
(See Regulation 4)

FORM OF OATH OF ALLEGIANCE

I.....solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by Law established and that I will loyally carry out the duties of my office.

FORM OF OATH OF OFFICE

I.....appointed as a Member of the Himachal Pradesh Public Service Commission do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgement.

FORM OF OATH OF SECRECY

I.....solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as Member of the Himachal Pradesh Public Service Commission except as may be required for the discharge of my duties as such Member.

The oath to the Chairman / Members of the Himachal Pradesh Public Service Commission will be administered by the Governor in person in the presence of the Chief Secretary and that in case the Governor is not in a position to administer such oath due to any reasons whatsoever the oath to the Chairman will be administered by the senior most member of the Himachal Pradesh Public Service Commission available and that to a member by the Chairman or in his absence by the senior most member in the presence of the Chief Secretary.

5. The Chairman appointed to the parity with the Chief Secretary and Members shall have parity with Principal Secretary to the State Government only in respect of pay scales:

Provided that there shall be no parity in respect of Secretariat pay or other allowances payable to the Chief Secretary or to the Principal Secretary.

Provided further that the allowances already admissible to the Chairman and Members holding the post prior to coming into force of these regulations shall not be withdrawn or reduced.

6. If the Chairman or a Member, at the time of appointment as such is a person retired from Government, a Local Body, a University or any other body wholly or substantially owned or controlled by the Government he will be entitled to get such total monthly emoluments as last drawn, reduced by the amount of pension, if any, (excluding pension equivalent to DCRG). He will however, draw full amount of pension, if any in addition.

Note: The pay scales of the present incumbent of the posts will be protected.

7. If the Chairman or a Member of the Commission, at the time of appointment as such is a person serving under any Government he shall henceforth cease to be in the service of the Government and shall be entitled to draw pay, subject to provision of Paragraph 2 & 3 of Regulation 8 below.

Provided that the amount of pension if already determined on the basis of option given under Regulation 8 (1) shall be revised on the basis of the emoluments last drawn by him on attaining the age of actual superannuation.

8. (1) Such a person who at the time of appointment as Chairman, or a Member, as a person serving under any Government, shall be permitted to elect to draw his pension and other retirement benefits admissible to him under the relevant rules governing his service under the Government.

OR

Elect to count his service on the Commission qualifying service for the purpose of pension under the rules *ibid*. A time limit of six months from the date of his entry in office of the Commission or from the date of publication of regulations whichever is later may be allowed to exercise this option and the option so exercised shall be final.

- (2) If such a person elects to draw pension for the service rendered by him under the Government prior to his appointment on the Commission, his pay as Chairman or Member shall be fixed in the manner as prescribed in regulation No. 6 *ibid*.
- (3) If such a person elects to count his service in the Commission as qualifying service, the retirement benefits admissible to him will be subject to the overall ceiling of the amount of retirement benefits which such person would have drawn had he not been appointed to the Commission and continued in service under the Government. He shall, however, not be permitted to retire on the day of superannuation which otherwise he would have attained had he not been appointed in

the Commission, he will be entitled to get his retirement benefits only when he finally quits the Commission as a Chairman or a Member.

9. (1) If the Chairman or a Member at the time of appointment as such, is serving under local Body, a University or any other Body wholly or substantially owned controlled by the Government his pay shall be fixed in the following manners:-

If drawing pension from such body, he will be entitled to draw total monthly emoluments as last drawn, reduced by the amount of pension (excluding pension equivalent to DCRG).

Provided that if no pension has been drawn from such body, he shall be entitled to draw the total monthly emoluments last drawn, in the service of such corporation / Board etc.

- (2). Notwithstanding anything contained in these regulations the Chairman of the Commission shall be entitled to receive a fixed basic pay of ₹80,000/- and Members of the Commission shall be entitled to the pay scale of ₹67,000-79,000 (No Grade Pay);

Provided that the Chairman and the Members of the Commission holding the post prior to the coming into force of these regulations shall be eligible to draw the allowances payable to the Chief Secretary and Principal Secretary, respectively;

Provided further that if the Chairman or a Member, at the time of appointment as such is a person retired from Government, a local Body, a University or any other Body wholly or substantially owned or controlled by the Government and was drawing pay more than the maximum of the pay scales of Chairman and Member, in that case the last pay drawn by them shall be taken into consideration for fixation of pay subject to the condition that pay plus gross pension shall not exceed ₹80,000/- per month.

10. LEAVE:

A Member who at the time of appointment as such was in the service of the Government, a local body a University or any other body wholly or substantially owned or controlled by the Government may be granted leave by the Governor under the rules applicable to him immediately before his appointment to the Commission and his service as member shall count for

such leave. The leave at the credit of any such Member in his leave account shall not lapse on the date of his appointment as Member but shall be carried forward and could be availed of during his tenure as Member.

A member who on the date of his appointment to the Commission was not in the service of any Government in India may be granted leave by the Governor as provided for in Appendix-‘B’ to these Regulations.

10-A. PAYMENT OF COMPENSATION IN CERTAIN CASES OF REFUSAL OF LEAVE:

- (1) Leave at the credit of the Chairman / Member of the Commission shall lapse on the date on which he vacates office.

Provided that if, a Chairman / Member is or has been refused leave preparatory to the expiry of his term of Office, he may, for the hardship caused by such refusal, be granted compensation for leave so refused, subject to the condition that such compensation shall be granted in respect of not more than 120 days of leave refused, and the amount of such compensation shall be determined in the manner hereinafter set out and paid to the Member in equal monthly instalments not exceeding four.

- (2) For the purpose of determining the amount of compensation payable to a Member under Regulation 10-A (1) above, the total amount of (i) the leave salary that the member would have drawn if the leave had not been refused, and (ii) the pension (including the pension equivalent of other retirement benefits to which the Member is entitled from the date of vacation of Office for a period of equivalent to a period of leave refused, shall be calculated separately and the total amount of pension (including the pension equivalent of other retirement benefits) referred to in clause (ii) shall then be deducted from the total amount of leave salary referred to in clause (i) and the balance shall be the amount of compensation payable to the Member under sub regulation (1).

Notwithstanding anything to the contrary in these regulations in case a Chairman / Member had been refused leave preparatory to retirement from the service of the Government by the Government prior to his appointment as Chairman / Member, but was prevented from carrying

forward or availing of such leave after the date of his superannuation from the Government or was able to carry forward and or avail of only a portion of the leave refused, due to his appointment as Chairman / Member, such leave, or such expired portion of the leave, as the case may be, may also be taken into account for the purpose of determining the cash compensation payable under the Regulations.

11. PENSION:

In the case of a retired Government Servant service as member shall not count as qualifying service for the purpose of re-calculating his pension (and other retirement benefits) at the expiry of his tenure of office as Member.

11-A. The Chairman or a Member, who at the date of his appointment as such was not in the service of the Central Government or a State Government, a local authority, a University, a privately managed recognized school or affiliated college or any other body wholly or substantially owned or controlled by the State Government of Himachal Pradesh shall on his ceasing to hold office as Chairman or Member be paid a pension for his life at the rate of ₹300/- (Rupees three hundred per month) in the case of Chairman and ₹250/- (Rupees two hundred and fifty) per month in the case of Member for each completed year of service as Chairman or Member, as the case may be, subject to a maximum of ₹1800/- (Rupees one thousand eight hundred) only per month in the case of Chairman and ₹1500/- (Rupees one thousand five hundred) per month in the case of Member.

12. PROVIDENT FUND:

It shall be permissible for Member if he so elects to subscribe to the General Provident Fund in accordance with the General Provident Fund Rules in force from time to time in Himachal Pradesh. Members are also permitted to carry forward balance in their respective Provident Fund Account to the new Provident Fund Account in case of serving officers who are appointed to the Commission.

13. TRAVELLING ALLOWANCE:

(1) A Member of the Commission, for joining his office including the taking of oath and for travelling on duty, shall be entitled to Travelling

Allowance and mileage allowance at the rates admissible to an officer of Grade-I of the State Government. A Member, for joining his office including taking oath, shall also be entitled to TA / mileage allowance for members of his family and for transportation of personal effects at the rate / scale admissible to Grade-1 Officer.

(2) A Member, who on the date of his appointment was in the service on any Government in India, shall be entitled to travelling allowance as on transfer.

14. MEDICAL ATTENDANCE:

For the purpose of Medical Attendance, the Chairman / Member shall be governed by the Central Service (Medical Attendance) Rules, 1944, or any other rules applicable from time to time to the employees of the Himachal Pradesh Government, as the case may be.

15. CONDITIONS OF SERVICE IN RESIDUARY MATTERS:

In respect of any matters for which there is no provision in these Regulations the Chairman and other Members of the Commission shall be governed by the rules and orders for the time being applicable to such classes of Government servants as shall be specified by the Government.

16. POWER TO REMOVE DIFFICULTIES:

If any difficulty arises in giving effect to the provisions of these Regulations, the State Government may, by order to be published in the Official Gazette, make such provisions or give such directions as may appear to it to be necessary or expedient for removal of the difficulty.

APPENDIX 'B'
(See Regulation 10)

A Member who at the time of his appointment to the Commission was not in the service of the Government, a Local Body, a University or any other body wholly or substantially owned or controlled by the Government; may be granted leave by the Governor as follows:-

- (a) Earned leave at the rate of one-eleventh of the period spent on duty, on leave salary equivalent to full pay.
- (b) Leave on Medical Certificate or on private affairs at the rate of 20 days in respect of each completed year of service on leave salary equivalent to half pay.

Provided that commuted leave on full pay not exceeding half the amount of half pay leave due may be granted, if the leave is taken on medical certificate and the authority competent to sanction leave has reason to believe that the Member will return to duty on its expiry.

- (c) Extraordinary leave without allowance when no other leave is by rule admissible or when other leave is admissible, but the Member concerned applied in writing for the grant of extraordinary leave.

ORDER

Shimla-171 002; the 30th July, 1975

No.8-3/72-DP(Apptt.)II- In pursuance of the provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974 the Governor, Himachal Pradesh, is pleased to order that the Chairman and the Members of the Commission on their retirement / completion of tenure shall be entitled to travelling allowance from the last station of duty to their home towns as admissible to Grade-1 officers of the Himachal Pradesh Government under the instructions contained in Government of India, Ministry of Finance, Office Memorandum, No.5(109)-E-1V/57 dated the 11th July, 1960, as amended from time to time.

2. This issues in consultation with the Finance Department vide their U.O. No.11/7/74-Fin.(Reg.)1713 dated the 14th July, 1975.

Sd/-
Chief Secretary to the
Government of Himachal Pradesh

ORDER

Shimla-171 002, the 18th September, 1976

No.PER(AP-II-A(3)-6/76- In pursuance of provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the Governor, Himachal Pradesh is pleased to order that the Chairman and Member of the Commission shall be entitled for getting an advance from the Government for purchasing a conveyance and for purchasing or building a house as admissible to the Government Servants of the Himachal Pradesh Government under the provisions of rule 19.16 to 19.21 of the Himachal Pradesh Financial Rules, 1971(Vol-1).

2. This issues in consultation with the Finance Department-vide their U.O. No. 2352-Fin.(C)b(15)-21/76 dated 2-9-1976.

Sd/-
Chief Secretary to the
Government of Himachal Pradesh

ORDER

Shimla-171 002; the 07th October, 1978

No.PER(AP-II)-A(3)-6/76- In pursuance of the provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the Governor, Himachal Pradesh is pleased to order that the Chairman and the Member of the Commission shall be governed by the order contained in the office Memorandum No.Fin.(C)A(3)6/76 dated 15-12-1977 in the matter of grant of cash payment in lieu of un-utilized earned leave on the date of retirement as a Chairman or a Member, as the case may be, with effect from 30-09-1977.

2. This issue with concurrence of the Finance Department obtained vide their U.O. No.Fin.(C)A(3)10/78dated 1-8-1978.

Sd/-
Chief Secretary to the
Government of Himachal Pradesh

ORDER

Shimla-171 002; the 28th April, 1979

No.Per.(AP-II)A(3)6/76- In pursuance of the provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Member) Regulations, 1974, the Governor, Himachal Pradesh is pleased to order that a Member, who in the absence of the Chairman on leave or otherwise performs the additional duties of the Chairman shall be entitled to an additional pay at the rate of ₹200 a month.

Provided that such additional duties are performed for a period of not less than fourteen days.

2. This order shall be deemed to have come into force from 1st January, 1979.
3. This issues with the concurrence of Finance Department obtained vide their U.O. No.762-Fin.B(15)-21/79 dated 17-4-1979.

Sd/-

Joint Secretary (Personnel) to the
Government of Himachal Pradesh

ORDER

Shimla-171 002, the 6th September, 1979

No.PER.(AP-II)A(3)-6/76- In pursuance of the provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the Governor, Himachal Pradesh is pleased to order that the Chairman and Member of the Commission shall be entitled to draw Dearness Allowance and Additional Dearness Allowance as admissible from time to time to the officers of the State of Himachal Pradesh drawing pay equivalent to the amounts specified in Regulation 5 of the aforesaid Regulations in addition to the pay / emoluments fixed under Regulations 5,6,7 & 8, as the case may be, subject to the condition that the amount of D.A. and or Additional D.A shall further be reduced by the amount of D. A. and Additional D.A.as might have been taken into account for the purpose of fixation of pay/emolument under Regulations 6, 7 or 8 of these Regulations.

2. This order shall be deemed to have come into force with effect from 1-9-1974.

3. This issued with the concurrence of the Finance Department obtained vide their U.O. No.1784 dated 3-9-1979.
4. This is in supersession of this Departments order of even number dated the 20th August, 1979.

Sd/-
Chief Secretary to the
Government of Himachal Pradesh

ORDER

Shimla-171 002 the 28th April, 1979

No.PER(AP-II)-A(3)-6/76- In pursuance of the provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974 the Governor of Himachal Pradesh is order that the Chairman and Member of the Commission shall be governed by the orders contained in Office Memorandum No.2-4/71-Fin(Reg)-11 dated 30th March, 1974 and Office Memorandum No.7-4/74-Fin. (Reg.) dated 06th January,1975 and subsequent modifications made therein relating to Leave Travel Concession to visit home town once in a block of two years and any place in India once in a block of four years.

2. This concession shall be deemed to be admissible with effect from 1st January, 1979 and for this purpose the first block shall be for the period from 1-1-1978 to 31-12-1981.
3. This issues with the concurrence of the Finance Department obtained vide their U.O. No.Fin.(C)B(15)21/75 dated 17th April, 1979.

Sd/-
Chief Secretary to the
Government of Himachal Pradesh

ORDER

Shimla-171 002, the 2nd September, 1987

No.PER(AP-II)A(3)-6/76-II- In pursuance of the provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the Governor, Himachal Pradesh is pleased to order that the Chairman of the Himachal Pradesh Public Service Commission shall be entitled to sumptuary allowance at the rate of ₹400/- per month from the date of issue of this order.

2. This issues with the prior concurrence of the Finance Department obtained vide their Dy.No.1367-Fin(C)-B(15)-2/82 dated the 2nd September, 1987.

Sd/-
Secretary (Personnel) to the
Government of Himachal Pradesh

ORDER

Shimla-171 002, the 24th September,1987

No.PER.(AP-II)A(3)-6/76-II- In pursuance of the provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the Governor, Himachal Pradesh is pleased to order that the Chairman and Members of the Himachal Pradesh Public Service Commission shall be entitled to Capital Allowance as is admissible to the officers of the State of Himachal Pradesh with effect from 01-06-1986.

2. This issues with the prior concurrence of the Finance Department obtained vide their Dy.No.1176 dated 31st July, 1987.

Sd/-
Secretary (Personnel) to the
Government of Himachal Pradesh

ORDER

Shimla-171 002, the 24th September,1987

No.PER.(AP-II)-A(3)-6/76-II- In pursuance of the provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Members) Regulations,1974, the Governor of Himachal Pradesh is pleased to order that the Chairman and Members of the Himachal Pradesh Public Service Commission shall be entitled to Compensatory Allowance as is admissible to the Officers of Himachal Pradesh Government with effect from 01-09-1984.

2. This issues with the prior concurrence of the Finance Department obtained vide their Dy. No.1176, dated 31st July,1976.

Sd/-
Chief Secretary to the
Government of Himachal Pradesh

ORDER

Shimla-171002, the 10th November, 1987

No.PER.(AP-II)A(3)-6/76-II- In pursuance of the provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974 and in supersession of this Department order of even number dated 7-10-1978, the Governor, Himachal Pradesh is pleased to order that the Chairman and the Members of the Commission shall be entitled to the grant of cash payment in lieu of unutilised earned leave due on the date of retirement a Chairman and Member subject to a maximum of 240 days (including the period for which the encashment was allowed at the time of retirement from the service of the Government, a local body, a University, or any body wholly or substantially owned or controlled by the Government.

2. This order will be deemed to be effective from 01-07-1986.

3. This issues with the concurrence of the Finance Department obtained vide their Dy. No.1419-Fin.(C)-B(7)-54/80 dated 09-09-1987.

Sd/-

Secretary (Personnel) to the
Government of Himachal Pradesh

ORDER

Shimla-171 002, the 8th March, 1988

No.PER.(AP-II)A(3)-6/76-II- In pursuance of the provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Members) Regulation and consequent upon the grant of interim relief of 15% of the pay to the Himachal Pradesh State Employees w.e.f. 01-01- 1986, the Governor, Himachal Pradesh is pleased to order that Chairman and Members of the Commission shall be entitled to this relief of 15% of the pay as prescribed under Regulations No.(5) of the Himachal Pradesh Public Service Commission (Members) Regulations subject to the following conditions-

1. Chairman / Members of the Commission who prior to their appointment were in the service of the Government and who were appointed as such after revision of pay-scale w.e.f. 01-01- 1986 shall not be entitled for the grant of this relief.

2. Those appointed as such before 01-01-1986 shall be entitled to the above interim relief subject to the condition that the amount of interim relief shall further be reduced by the amount of interim relief which might have been taken into account in emoluments for purpose of fixation of pay under Regulation 6, 7 and 8 of Himachal Pradesh Public Service Commission (Members) Regulations, 1974.
3. This order will be deemed to have come into force with effect from 01-01-1986.
4. This issues with the concurrence of the Finance Department obtained vide their U.O. No.1840-Fin(C)B/(7)-54/80 dated 09-12-1987.

Sd/-
Secretary (Personnel) to the
Government of Himachal Pradesh

ORDER

Shimla-171 002, the 09th November, 1998

No.Per(AP-II)A(6)-1/98 - In pursuance of the provisions of Regulation 15 of the H.P. Public Service Commission (Members) Regulations, 1974 and in supersession of this Department order of even number dated 10th November, 1987, the Governor of Himachal Pradesh is pleased to order that the Chairman and Members of the Commission shall be entitled to the grant of cash payment in lieu of unutilised earned leave due on the date of retirement as Chairman and Member subject to a maximum of 300 days (including the period for which the encashment was allowed at the time of retirement from the service of the Government, a local body, a University, or any other body wholly or substantially owned or controlled by the Government).

2. The Chairman and Members of the Commission shall also be entitled to encash 10 days earned leave at the time of availing of L.T.C. subject to the following conditions that:-

- a) the total leave so en-cashed during the entire career (including the period for which encashment was allowed for LTC during the earlier service under Government, local body, University or any other body wholly or substantially owned or controlled by the Government does not exceed 60 days in the aggregate;

- b) earned leave atleast an equivalent duration is also availed of simultaneously by the employees ;
 - c) a balance of atleast 30 days of earned leave is still available to the credit of employee after taking into account the period of encashment as well as leave;
 - d) the period of leave encashed shall be deducted from the quantum of leave that can be normally encashed by him at the time of superannuation / termination of employment as mentioned in para-1 above.
3. The order in paragraph 1 above shall take effect from 01-01-1997 and paragraph 2 shall take effect from 06thMay,1998.
 4. This issue with the concurrence of the Finance Department obtained vide their Diary No. Fin(C)B(15)-4/96 dated 23-10-1998.

Sd/-

Commr.-cum-Secretary (Personnel) to the
Government of Himachal Pradesh

ORDER

Shimla-171 002, the 15th July, 2015

No.Per(AP-B)B(7)-2/2015 In supersession of this Department Order No.Per(AP-II)A(30)-6/76-II dated 2nd September, 1987 and in pursuance of the provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the Governor, Himachal Pradesh, is pleased to order that the Chairman of the Himachal Pradesh Public Service Commission shall be entitled to sumptuary allowance at the rate of ₹5000/- (five thousand) per month with prospective effect i.e. from the date of issue of this order.

2. This is being issued with the prior concurrence of the Finance Department obtained vide No.Fin(C)-B(7)-1/2013-53200307 dated the 14th July, 2015.

Sd/-

Additional Chief Secretary (Personnel) to the
Government of Himachal Pradesh

ORDER

Shimla-171 002, the 12th August, 2015

No.Per(AP-B)B(7)-2/2015 In supersession of this Department Order No.Per(AP-B)B(7)-2/2015 dated 15-07-2015 and in pursuance of the provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the Governor, Himachal Pradesh, is pleased to order that the Chairman of the Himachal Pradesh Public Service Commission shall be entitled to sumptuary allowance at the rate of ₹5000/- (five thousand) only per month w.e.f. 06-12-2013 and the Members of the HPPSC shall be entitled to sumptuary allowance at the rate of ₹3600/- (three thousand and six hundred) w.e.f. 16-07-2015.

2. This issues with the prior concurrence of the Finance Department obtained vide No.Fin(C)-B(7)-1/2013-53308241 dated 07-08-2015.

Sd/-

Additional Chief Secretary (Personnel) to the
Government of Himachal Pradesh

ORDER

Shimla-171 002, the 19th December, 2015

No.Per(AP-B)B(7)-2/2015 In pursuance of the provisions of Regulation 15 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the Governor, Himachal Pradesh is pleased to order that the Chairman of the Himachal Pradesh Public Service Commission shall be entitled to sumptuary allowance at the rate of ₹3600/- per month w.e.f. 04-07-2013 to 05-12-2013 subject to the deduction of amount already paid as sumptuary allowance during the said above period.

2. This is being issued with the prior concurrence of the Finance Department obtained on 19-12-2015.

Sd/-

Additional Chief Secretary (Personnel) to the
Government of Himachal Pradesh

AMENDMENTS CARRIED OUT IN THE HIMACHAL PRADESH PUBLIC SERVICE
COMMISSION (MEMBERS) REGULATIONS, 1974 TILL 15-01-2018.

NOTIFICATION

No.Per(AP-II)-B(4)-2/81

Dated; Shimla-171 002; the 5th April, 1982

Clause (e) of Regulation (2) of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974 shall be substituted as under:-

“Total monthly emoluments last drawn means pay, special pay, specialist pay (in the case of Army Officers), Non-Practicing allowance (in the case of Medical Officer), honorarium, Dearness pay, Dearness allowance, Interim Relief, Project allowance, Compensatory allowance, conveyance allowance and additional dearness allowance.”

(6th Amendment)

No.Karmik{Ni-II}Ka}3{6/76-II

Dated; Shimla-171 002; the 26th November, 1984

For the existing Regulation 5 of the H.P. Public Service Commission (Members) Regulations, 1974, the following Regulation shall be substituted, namely:

“The Chairman shall receive pay at the rate of Rs.3000/- and each of the Members shall receive a pay of Rs.2500/- per month.”

In the existing Regulations 6, 7 & 9 of the H.P. Public Service Commission (Members) Regulation, 1974, the words and figures of “Rs.2750/- and Rs.2250/- wherever occur shall be substituted by the words and figures “Rs.3000/- and Rs.2500/-.”

(7th Amendment)

NOTIFICATION

No.Karmik{Ni-II}Ka}3{6/76-II

Dated; Shimla-171 002; the 17th January, 1985

The existing Regulation No.3 of the H.P. Public Service Commission (Members) Regulations, 1974 shall be substituted as under:-

“Number of members:- The Commission shall consist of a Chairman and such number of Members not exceeding three, as may be appointed by the Governor.”

(8th Amendment)

NOTIFICATION

No.PER(AP-II)A(3)6/76-II

Dated; Shimla-171 002; the 13th September, 1985

In clause (e) of Regulation (2) of the H.P. Public Service Commission (Members) Regulations, 1974, the words ‘Honorarium’ appearing between the words ‘Non-Practicing

allowance (In case of Medical Officers), and Dearness Pay' the words and sign, 'Project allowance', Compensatory allowance, Conveyance allowance', appearing between the words 'Interim Relief' and Additional dearness allowance' shall be deleted.

(9th Amendment)

NOTIFICATION

No.PER(AP-II)A(3) 6/76-II

Dated; Shimla-171 002; the 6th February, 1986

“2. After Clause (e) regulation (2) of the H.P. Public Service Commission (Members) Regulation, 1974, amended by this Government Notification of even number dated 12-09-1985, the following proviso shall be inserted:-

“Provided that the amendment shall not apply to a person who was a member of H.P. Public Service Commission on 12-09-1985.”

(10th Amendment)

NOTIFICATION

No.Karmik{Ni.-II}Ka}3}-6/76-II

Dated; Shimla-171 002; the 10th November, 1987

“2. In clause (e) of Regulation 2 of the H.P. Public Service Commission (Members) Regulations, 1974, after the words, “Interim Relief”, the words, “Adhoc Dearness allowance”, shall be inserted.”

(11th Amendment)

NOTIFICATION

No.PER{Ni.-II}Ka}3}-6/76-II

Dated; Shimla-171 002; the 17th December, 1983

For the existing Regulations 6, 8 (2) & 9 of the H.P. Public Service Commission (Members) Regulations, 1974, the following Regulations 6, 8 (2) & 9 shall be substituted, namely;

“6. If the Chairman or a Member, at the time of appointment as such is a person retired from service under the Govt., a local body, a University or any other body wholly or substantially owned or controlled by the Government, he will draw pay as prescribed in Regulation No.5 or such total monthly emoluments as last drawn, reduced in both cases by the amount of pension (excluding pension equivalent to DCRG). He will however draw full amount of pension in addition.

8 (2). If such a person elects to draw pension for the service rendered by him under the Government prior to his appointment on the Commission, his pay as Chairman or a Member shall be fixed in the manner as prescribed in Regulation No.6 *ibid*.

9. If the Chairman or Member at the time of appointment as such, is serving under a local body, a University or any other body wholly or substantially owned or controlled by the Government, his pay shall be fixed in the following manner:

If drawing pension from such body, he will be entitled to draw pay as prescribed in Regulation No.5 or total monthly emoluments as last drawn, reduced in both cases by the amount of pension (excluding pension equivalent to DCRG).

Provided further that if no pension has been drawn from such body, he shall be entitled to draw pay as prescribed in Regulation No.5 or the total monthly emoluments last drawn in the service of such corporation / Board etc., whichever is higher.”

(12th Amendment)

NOTIFICATION

No.PER{Ni.-II}Ka{3}-6/76-III

Dated; Shimla-171 002; the 8th November, 1989

The existing Regulation No.13 of the H.P. Public Service Commission (Members) Regulations, 1974 shall be substituted and shall always be deemed to have been substituted w.e.f. 01-05-1989, as under:-

“Travelling Allowance:

- (1) A member of the Commission, for joining his office including the taking of oath and for travelling on duty, shall be entitled to Travelling Allowance and mileage allowance at the rates admissible to an officer of Gd. I of the State Govt. A Member, for joining his office including taking oath, shall also be entitled to TA / mileage allowance for members of his family and for transportation of personal effects at the rate / scale admissible to Grade-I officer.
- (2) A Member, who on the date of his appointment was in the service of any Govt. in India, shall be entitled to travelling allowance as on transfer.”

(13th Amendment)

NOTIFICATION

No.Karmik{Ni.-II}-Ka{3}-2/76-II

Dated; Shimla-171002; the 22nd December, 1990

For the existing Regulation 5 of the HP Public Service Public Service Commission (Members) Regulations, 1974, the following Regulation shall be substituted, namely:

“The Chairman shall receive pay in the pay scale of Rs.7300-100-7600 and other Members in the pay scale of Rs.5900-200-6700 and in addition thereto they shall

also be entitled to get such other allowances as may be admissible from time to time to Government employees getting similar pay.

In the existing Regulations 6, 7 & 9 of the H.P. Public Service Commission (Members) Regulation 1974, the words and figures of Rs.3000/- and Rs.2500/- wherever actual shall be substituted by the words and figures Rs.7300/- & Rs.5000/-.”

(14th Amendment)

NOTIFICATION

No.Per(AP.II) A (3)-1/77

Dated; Shimla-171 002; the 21st September, 1998

2. For clause (e) of Regulation 2 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974 (hereinafter referred to as the said regulations) the following shall be substituted, namely;

“(e) – The Total Monthly Emoluments means “emolument” as defined by the Government from time to time.”

3. For regulations 5, 6, 7 and 9 of the said regulations, the following shall respectively be substituted, namely-

5 – The Chairman and Members appointed to Commission shall receive pay and allowances as admissible to the Financial Commissioner and Commissioners respectively under the State Government from time to time.

6 – If the Chairman or a Member, at the time of appointment as such is a person retired from Government, a Local Body, a University or any other body wholly or substantially owned or controlled by the Government he will be entitled to get such total monthly emoluments as last drawn, reduced by the amount of pension, if any, (excluding pension equivalent to DCRG). He will however, draw full amount of pension, if any in addition.

Note:- The pay scales of the present incumbent of the posts will be protected.

7 – If the Chairman or Member of the Commission, at the time of appointment as such is a person serving under any Govt. he shall henceforth cease to be in the service of the Government and shall be entitled to draw pay subject to provision of paragraph 2 & 3 of Regulation 8 below:

Provided that the amount of pension if already determined on the basis of option given under Regulation 8 (1) shall be revised on the basis of the emoluments last drawn by him on attaining the age of actual superannuation.

- 9 (1) –If the Chairman or a Member at the time of appointment, as such, is serving under Local Body, a University or any other Body wholly or substantially owned or controlled by the Government his pay shall be fixed in the following manners. If drawing pension from such body, he will be entitled to draw total monthly emoluments as last drawn, reduced by the amount of pension (excluding pension equivalent to DCRG);

Provided that if no pension has been drawn from such body, he shall be entitled to draw the total monthly emoluments last drawn in the service of such Corporation / Board etc.

- (2) Notwithstanding anything contained in these regulations, the sitting Chairman and Members as on 31-07-1998 shall be entitled to receive the pay scales of Rs.22400-525-24500 and Rs.18400-500-22400 respectively on Central pattern subject to the condition that the pay plus gross pension shall not exceed Rs.26,000/- per month.

(16th Amendment)

NOTIFICATION

No.PER(AP-II)A(6)-1/98

Dated; Shimla-171 002; the 28th February, 2002

In the Schedule attached to the H.P. Public Service Commission (Members) Regulations, 1974, the existing Regulation 9 (2) shall be substituted as under:-

“Notwithstanding anything contained in these regulations the pay and drawl of increment in respect of re-employed pensioners appointed to the post of Chairman / Member of H.P. Public Service Commission shall be fixed and drawn in accordance with provisions of H.P. State Civil Services (Fixation of pay of re-employed pensioner) Orders, 1988 issued by the Finance (Regulations) Deptt. vide O.M. No.Fin (C)B(7)-10/84 dated 01-12-1988 as amended from time to time.”

(17th Amendment)

NOTIFICATION

No.PER(AP-II)A(6)-1/98

Dated; Shimla-171 002;the 16th September, 2002

For existing paras (A) & (B) of Appendix ‘A’ read with Regulation-4 of H.P. Public Service Commission (Members) Regulations, 1974, the following shall be substituted, namely:-

“The oath to the Chairman / Members of the H.P. Public Service Commission will be administered by the Governor in person in the presence of the Chief Secretary provided that in case the Governor is not in a position to administer such oath due to any reasons whatsoever the oath to the Chairman will be administered by the senior

most member of the H.P. Public Service Commission available and that to a member by the Chairman or in his absence by the senior most member in the presence of the Chief Secretary.”

(18th Amendment)

NOTIFICATION

No.Per(AP.II)A(6)-1/98

Dated; Shimla-171 002; the 23rd September, 2003

“In Regulation 3 of the Himachal Pradesh Public Service Commission (Members) Regulation, 1974, for the word “Three”, the word “Four” shall be substituted.”

(19th Amendment)

NOTIFICATION

No.Per(AP-B)A(6)-1/98

Dated; Shimla-171 002; the 12th March, 2004

After the existing Regulation-11 of Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the following new Regulation shall be inserted, namely:-

“11-A:- The Chairman or a Member, who at the date of his appointment as such was not in the service of the Central Government or a State Government, a local authority, a University, a privately managed recognized school or affiliated college or any other body wholly or substantially owned or controlled by the Government of Himachal Pradesh shall on his ceasing to hold office as Chairman or Member be paid a pension for his life at the rate of Rs.300/- (Rupees three hundred) per month in the case of Chairman and Rs.250/- (Rupees two hundred and fifty) per month in the case of Member for each completed year of service as Chairman or Member, as the case may be, subject to a maximum of Rs.1800/- (Rupees one thousand & eight hundred) only per month in the case of Chairman and Rs.1500/- (Rupees one thousand five hundred) per month in the case of Member.”

(20th Amendment)

NOTIFICATION

No.Per(AP.-II)A(6)-1/98

Dated; Shimla-171 002; the 28th September, 2005

In Regulation 3 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, for the word “Four” the word “Three” shall be substituted.

(21st Amendment)

NOTIFICATION

No.Per(AP-B)B(2)-1/2005

Dated; Shimla-171 002; the 06th August, 2007

For the existing Regulation 9 (2) of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the following shall be substituted namely:-

“Notwithstanding anything contained in these regulations the Chairman / Member of H.P. Public Service Commission shall be entitled to the pay scale of Rs.22400-500-24500 and Rs.18400-500-22400 respectively.

Provided that if the Chairman or Member, at the time of appointment as such is person retired from Government, a local Body, a University or any other Body wholly or substantially owned or controlled by the Government and was drawing pay more than the maximum of the pay scales of Chairman and Member in that case the last pay drawn by them shall be taken into consideration for fixation of pay subject to the condition that pay plus gross pension shall not exceed Rs.26000/- per month.”

(22nd Amendment)

NOTIFICATION

No.Per(AP-B)A(3)-11/2013

Dated; Shimla-171 002; the 5th December, 2013

For the existing Regulation 5 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the following shall be substituted namely:-

“5. The Chairman and Members appointed to Commission shall receive pay and allowances as admissible to the Chief Secretary and the Secretary respectively under the State Government from time to time.”

For the existing Regulation 9 (2) of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the following shall be substituted namely:-

“2. Notwithstanding anything contained in these regulations the Chairman of H.P. Public Service Commission shall be entitled to receive a fixed basic pay of ₹80,000/- plus other admissible allowances at par with the Chief Secretary and Members of the Commission shall be entitled to the pay scale of ₹37,400-67,000 + ₹10,000 Grade Pay.

Provided that if the Chairman or a Member, at the time of appointment as such is a person retired from Government, a local Body, a University or any other Body wholly or substantially owned or controlled by the Government and was drawing pay more than the maximum of the pay scales of Chairman and Members in that case the last pay drawn by him shall be taken into consideration for fixation of pay subject to the condition that pay plus gross pension shall not exceed ₹80,000/- per month.”

(23rd Amendment)

NOTIFICATION

No.Per(AP-B)A(3)-11/2013

Dated; Shimla-171 002; the 15th July, 2015

For the existing Regulation 5 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the following shall be substituted namely:-

- “5. The Chairman and Members appointed to Commission shall receive pay and allowances as admissible to the Chief Secretary and Principal Secretary respectively under the State Government from time to time.”

For the existing Regulation 9 (2) of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, the following shall be substituted namely:-

- “2. Notwithstanding anything contained in these regulations the Chairman of H.P. Public Service Commission shall be entitled to receive a fixed basic pay of ₹80,000/- plus other admissible allowances at par with the Chief Secretary and Members of the Commission shall be entitled to the pay scale of ₹67,000-79,000 (No Grade Pay):

Provided that if the Chairman or a Member, at the time of appointment as such is a person retired from Government, a local Body, a University or any other Body wholly or substantially owned or controlled by the Government and was drawing pay more than the maximum of the pay scales of Chairman and Members in that case the last pay drawn by them shall be taken into consideration for fixation of pay subject to the condition that pay plus gross pension shall not exceed ₹80,000/- per month.”

(24th Amendment)

NOTIFICATION

No.Per(AP-B)A(3)-11/2013

Dated; Shimla-171 002; the 30th April, 2016

For the existing regulation 5 of the Himachal Pradesh Public Service Commission (Members) (hereinafter referred to as the ‘said regulations’) the following shall be substituted, namely:

- “5. The Chairman appointed to the parity with the Chief Secretary and Members shall have parity with Principal Secretary to the State Government only in respect of pay scales:

Provided that there shall be no parity in respect of Secretariat pay or other allowances payable to the Chief Secretary or to the Principal Secretary.

Provided further that the allowances already admissible to the Chairman and Members holding the post prior to coming into force of these regulations shall not be withdrawn or reduced.”

For the existing regulation 9 (2) of the following shall be substituted, namely:

“(2). Notwithstanding anything contained in these regulations the Chairman of the Commission shall be entitled to receive a fixed basic pay of ₹80,000/- and Members of the Commission shall be entitled to the pay scale of ₹67,000-79,000 (No Grade Pay);

Provided that the Chairman and the Members of the Commission holding the post prior to the coming into force of these regulations shall be eligible to draw the allowances payable to the Chief Secretary and Principal Secretary, respectively;

Provided further that if the Chairman or a Member, at the time of appointment as such is a person retired from Government, a local Body, a University or any other Body wholly or substantially owned or controlled by the Government and was drawing pay more than the maximum of the pay scales of Chairman and Member, in that case the last pay drawn by them shall be taken into consideration for fixation of pay subject to the condition that pay plus gross pension shall not exceed ₹80,000/- per month.”

(25th Amendment)

NOTIFICATION

No.Per(AP.B)A(6)-1/2018

Dated; Shimla-171 002; the 15th January, 2018

In Regulation 3 of the Himachal Pradesh Public Service Commission (Members) Regulations, 1974, for the word “three” the word “five” shall be substituted.

(26th Amendment)

THE HIMACHAL PRADESH PUBLIC SERVICE COMMISSION
(EXEMPTION FROM CONSULTATION) REGULATIONS, 1973
NOTIFICATION

Shimla-171 002, the 20th September, 1973

No.2-6/71-DP(Apptt.-II) - In exercise of the powers conferred by the proviso of clause (3) of Article 320 of the Constitution of India, the Governor of Himachal Pradesh makes the following Regulations, namely:-

1. (A) These Regulations may be called the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973.
(B) These Regulations shall come into force with immediate effect.
2. In these Regulations, unless the context otherwise require:-
 - (a) 'Commission' means the Himachal Pradesh Public Service Commission,
 - (b) 'Constitution' means the Constitution of India,
 - (c) 'Governor' means the Governor of the State of Himachal Pradesh.
3. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clause (a) and (b) of clause (3) of Article 320 of the Constitution in the case of services and posts specified in the Schedule to these Regulations.

Provided that it shall not be necessary for the Commission to be consulted in regard to promotion or transfer to a post other than those mentioned in the Schedule, if the promotion or transfer takes place in the same class and in the same Department.
4. It shall not be necessary to consult the Commission in respects of any of the matters mentioned in sub-clause (a) to (e) of clause (3) of Article 320 of the Constitution in the case of officers of the Armed Forces of the Union holding posts in connection with the affairs of the State of Himachal Pradesh.
5. It shall not be necessary to consult the Commission on the suitability of candidates for:-
 - a) appointment to a temporary post for a period not exceeding six months;
 - b) appointment to a permanent post of a person temporarily for a period not exceeding six months if owing to an emergency having arisen, it is necessary in the public interest to fill the vacancy immediately and

there is likely to be undue delay in making the appointment after consultation with the Commission.

- c) Promotion to non-selection posts.
6. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clauses (a) to (e) of clause (3) of Article 320 of the Constitution in respect of Members of All India Services.
7. It shall not be necessary to consult the Commission for appointment of:-
- a) an I.A.S. Officer or a Member of the State Civil Service on the select list prepared and maintained under the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, to an ex-cadre post.
 - b) an H.A.S. Officer to an ex-cadre post;

Explanation:

- i) For the purpose of Regulation 7 (a) an ex-cadre post shall mean a temporary post created in any scale of the I.A.S. outside the I.A.S. cadre.
 - ii) For purpose of Regulation 7 (b), an ex-cadre post shall mean a temporary post created in either the time scale of the selection grade of H.A.S. outside the H.A.S. cadre.
8. It shall not be necessary to consult the Commission in regard to confirmation of a Government servant in any Post or service.
9. It shall not be necessary to consult the Commission in regard to the making of any order in any disciplinary case other than:
- (a) An original order by the Governor imposing any of the following penalties:-
 - i) withholding of increments with cumulative effect;
 - ii) reduction to a lower service, grade or post or to a time scale or to a lower stage in time scale;
 - iii) compulsory retirement;
 - iv) removal from service ; and
 - v) dismissal from service.
 - (b) An order by the Governor on an appeal against an order imposing any of the penalties mentioned at (a) above.

- (c) An order by the Governor imposing any of penalties mentioned at (a) above, in exercise of his power of review and in modification of an order under which none of the said penalties has been imposed; and
- (d) An order by the Governor over-ruling or modifying after consideration of any petition or memorial or otherwise an order imposing any of the penalties mentioned at (a) above made by the Governor or by a subordinate authority.
10. Nothing contained in Regulation 9 shall be deemed to make it necessary for the Government to consult the Commission in any case in which the Commission has, at any previous stage, given advice in regard to the order to be passed and no fresh question has thereafter arisen for determination.
11. The Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1971, as amended from time to time i.e. upto 31st October, 2017) are hereby repealed.

SCHEDULE
(See Regulation 3)

1. Posts in respect of which the authority to appoint is specifically conferred on the President of India or on the Governor of Himachal Pradesh by the Constitution.
2. Posts of Chairman or Members of any Board, Tribunal, Commission or other similar body created by or under the provisions of a Statute.
3. Posts of Chairman or Member of any Board, Tribunal, Commission, Committee or other similar body created or appointed by or under the authority of a Resolution of the House of Legislature or by a resolution of Government for the purpose of conducting any investigation or enquiry into or advising Government, on specified matters.
4. Posts on the personal staff attached to the holders of the posts mentioned in items 1 to 3 above.
5. Posts in the Secretariat of the Vidhan Sabha.
6. Posts of officers and servants of the High Court till Rules are issued by the Governor under Article 229 of the Constitution.

7. Any post which is not a whole time post.
8. (i) Process of selection and recommendations for making recruitment to all Class-III posts (except to the posts of Post Graduate Teacher (School Cadre-all subjects), Excise & Taxation Inspector, Cooperative Inspector, Food & Civil Supplies Inspector, Police Inspector, Election Kanungo, Extension Officer (Industries), Inspector (Weight & Measures), Inspector (Panchayats), Mukhya Sevika & Physiotherapist).
- (ii) All Class-IV posts.
- (iii) Posts of Comptroller Governor's Household Class-1.
- (iv) All posts under the Himachal Pradesh Administrative Tribunal.
- (v) 50% posts of direct recruitment of Horticulture Department Officer (Class-I-Gazetted) recruitment to which is made on batch-wise basis.
- (vi) 50% posts of direct recruitment of Planning Officer of Town and Country Planning
10. All Executive posts up to rank of Inspector in the Police Department when filled in by promotion.
11. Appointment of staff with requisite qualifications who have been in-service for one year or more in the non-governmental institutions already taken over or to be taken over in future by the Educational Department.
12. Any service or post or class of posts in respect of which the Commission has agreed that it shall not be necessary for it to be consulted.
13. 50% posts of direct recruitment of Teachers, Engineers and Doctors in Health & Family Welfare (except the posts of Medical Officers (Dental)), Ayurveda and Animal Husbandry Departments, Himachal Pradesh (Class- I and II) recruitment to which is made on batch wise basis.

**DETAIL OF AMENDMENTS CARRIED OUT FROM TIME TO TIME IN
THE H.P.P.S.C. (EXEMPTION FROM CONSULTATION) REGULATIONS,
1973.**

NOTIFICATION

No.Per(AP-II)-A(3)-1/77

Dated; Shimla-171 002; the 28th February, 1981

In the existing Schedule attached to the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973, the following shall be added as Serial No.12 and the existing serial No.12 shall be re-numbered as serial No.13:-

“12- Post of Assistant Public Prosecutor in the Directorate of Prosecution, Himachal Pradesh.”

(1st Amendment)

NOTIFICATION

No.Per(AP-II)-A(3)-1/77

Dated; Shimla-171 002; the 23rd December, 1981

In SCHEDULE attached to the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973, the existing provision against item No.8 shall be substituted by the following:-

“Class-III and IV posts.”

(2nd Amendment)

NOTIFICATION

No.Per(AP-II)-A(3)-1/77

Dated; Shimla-171 002; the 4th February, 1984

In the Schedule attached to the H. P. Public Service Commission (Exemption from Consultation) Regulations, 1973, the existing item No.8 shall be substituted as under:-

- “(i) Posts of Drivers, Patwaris, Constables, Pharmacists, Forest Guards, Staff Nurses and Midwives;
- (ii) 50% Class-III posts recruitment to which is made on batch-wise basis (e.g. J.B.T. teachers & Trained Graduates in Education Department and Junior Engineers in PWD).
- (iii) Appointment to Class-III posts of wards of Government servants who die in harness.
- (iv) Promotions to Class-III posts.
- (v) Class-IV posts.

2. Deletion of Item No.12 of the schedule.

The existing Item No.12 of the Schedule attached to the H.P. Public Service Commission (Exemption from Consultation) Regulations, 1973, shall be deleted and after doing so, the existing Item No.13 shall be re-numbered as Item No.12.”

(3rd Amendment)

NOTIFICATION

No.Per(AP-II)-A(3)-1/77-II

Dated; Shimla-171 002; the 28th April, 1984

In the Schedule attached to the H. P. Public Service Commission (Exemption from Consultation) Regulations, 1973, following sub-Items (vi) to (vii) be added:

- “(vi) Class-III posts for which minimum educational qualification prescribed is under matric;
- (vii) Class-III posts / services where the recruitment is to be made against reserved vacancies for ex-servicemen and physically handicapped persons.”

(4th Amendment)

NOTIFICATION

No.1-13/73-D-P-AP-II

Dated; Shimla-171 002; the 14th November, 1984

In regulation No.5 (b) of the H.P. Public Service Commission (Exemption from Consultation) Regulations, 1973, for the sign “,” occurring as at the end, the sign “,” shall be substituted and thereafter following sub regulation (c) shall be inserted namely:- “(c) Promotion to Non selection post where the post is also defined in recruitment & promotion rules governing the said post irrespective of the Class or Category of the post.”

(6th Amendment)

NOTIFICATION

No.PER(AP-II)A(3)-1/77-III

Dated; Shimla-171 002; the 13th September, 1985

In the schedule attached to the H.P. Public Service Commission (Exemption from Consultation) Regulations, 1973, shall be substituted as under:-

“In Item No.8 (1) the category of ‘Female Health Worker’ shall be substituted by the category ‘Male / Female Health Worker’.

(7th Amendment)

NOTIFICATION

No.PER(AP-II)A(3)-1/77-III

Dated; Shimla-171 002; the 13th September, 1985

In the schedule attached to the H.P. Public Service Commission (Exemption from Consultation) Regulations, 1973, shall be substituted as under:-

“In Item No.8 (1) the category of ‘Female Health Worker’ shall be substituted by the category ‘Male / Female Health Worker’.

(7th Amendment)

NOTIFICATION

No.PER{Ni.-II}{A}3}-1/77-III

Dated; Shimla-171 002; the 03rd December, 1986

In the item No.8 (i) of the schedule attached to the H.P. Public Service Commission (Exemption from Consultation) Regulations, 1973:-

- (a) For the word ‘Pharmacist’, the words & sign ‘Pharmacists / Veterinary Pharmacists / Compounders of any Government Department’ ix Post of Controller (House hold) Class-I in the personal staff of the Governor, H.P.”
- (b) In the end, for the sign “.”, the words & sign, ‘and Fireman’ shall be substituted.

(9th Amendment)

NOTIFICATION

No.PER{Ni.-II}{A}3}-1/77-III

Dated; Shimla-171 002; the 06-02-1987

In the schedule attached to the H.P. Public Service Commission (Exemption from Consultation) Regulations, 1973 the following sub item (ix) shall be added below Sr. No.8:-

“ix - Post of Controller (House hold) Class-I in the personal staff of the Governor, H.P.”

(10th Amendment)

NOTIFICATION

No.PER{Ni.-II}{A}3}-1/77-III

Dated; Shimla-171 002; the 19th September, 1987

In the schedule to the H.P. Public Service Commission (Exemption from Consultation) Regulations, 1973:-

- “x) All posts under the Himachal Pradesh Administrative Tribunal.
xi) 37½% posts of Ayurvedic Chikitsa Adhikaries (Gazetted Class-II) recruitment to which is made on batch wise basis.”

(11th Amendment)

NOTIFICATION

No.PER{Ni.-II}A}3}-1/77-III

Dated; Shimla-171 002; the 10th May, 1988

For the existing item No.8 (ix) of the schedule attached to the H.P. Public Service Commission (Exemption from Consultation) Regulations, 1973, the following shall be substituted namely:-

- “ix) Post of Comptroller Governor’s House hold (Class-I).”

(12th Amendment)

NOTIFICATION

No.PER{Ni.-II}A}3}-1/77-III

Dated; Shimla-171 002; the 21st November, 1988

In item No.8 (ii) of the schedule attached to the H.P. Public Service Commission (Exemption from Consultation) Regulations, 1973:-

- “ the existing words ‘JBT Teachers and’ occurring in brackets shall be deleted.”

(13th Amendment)

NOTIFICATION

No.PER{Ni.-II}A}3}-1/77-III

Dated; Shimla-171 002; the 31st March, 1989

In item No.8 (vii) of the schedule attached to the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973, for the word “Ex-servicemen”, the words “Ex-servicemen including one dependent of the Defence Service Personnel killed in action or disabled in action and rendered unfit for civil employment” shall be substituted.

(14th Amendment)

NOTIFICATION

No.PER{Ni.-II}A}-3}-1/77-III

Dated; Shimla-171 002; the 23rd February, 1991

After sub item (xi) of the Schedule attached to the H.P. Public Service Commission (Exemption from Consultation) Regulations, 1973 the following sub-item (xii) of item No.8 shall be added, namely:-

“ Recruitment of Junior Basic Trained Teacher in Education Deptt. to be made on merit and batchwise basis.”

(15th Amendment)

NOTIFICATION

No.PER{AP-II}A}-3}-1/77-IV

Dated; Shimla-171 002; the 6th October, 1998

In the Schedule attached to the H.P. Public Service Commission (Exemption from Consultation) Regulations, 1973, the existing item No.8 shall be substituted as under:-

- “(i) All Class-III posts.
- (ii) All Class-IV posts. ”

(17th Amendment)

NOTIFICATION

No.PER{AP-II}A}-3}-1/77-V

Dated; Shimla-171 002; the 18th December, 1998

In the Schedule attached to the H.P. Public Service Commission (Exemption from Consultation) Regulations, 1973, the existing item No.8 the following {iii} has been including after {ii} as under:-

“iii 50% posts of direct recruitment of Horticulture Development Officer, Class-I (Gazetted) recruitment to which is made on batch-wise basis.”

(18th Amendment)

NOTIFICATION

No.PER(AP.II)A(3)-1/77-IV

Dated; Shimla-171 002; the 16th January, 1999

In the Schedule attached to the H.P. Public Service Commission (Exemption from Consultation) Regulations, 1973, the existing item No.8 (i) shall be substituted by the following, namely:-

“Process of selection and recommendations for making Recruitment to all Class-III posts.”

(19th Amendment)

NOTIFICATION

No.PER(AP-II)A(3)-1/77-IV

Dated; Shimla-171 002; the 30th July, 1999

After sub-item iii of item 8 of the Schedule to the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973, the following sub-item (iv) shall be added namely:-

- “(iv) 50% posts of direct recruitment of Unani Chikitsa Adhikari and Homeopathic Doctor of Ayurveda Department, Himachal Pradesh Class-II (Gazetted) and Planning Officer of Town & Country Planning Department, Himachal Pradesh Class-II (Gazetted) recruitment to which is made on batchwise basis.”

(20th Amendment)

NOTIFICATION

No.PER(AP.B)A(3)-7/2003

Dated; Shimla-171 002; the 01st September, 2003

In the Schedule attached to the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973, the existing item No.8 (i) the following shall be substituted, namely:-

- “Process of selection and recommendations for making Recruitment to all Class-III posts; excepting those having the time scale, starting from Rs.5000/- and above.”

(21st Amendment)

NOTIFICATION

No.PER(AP.B)A(3)-7/2003

Dated; Shimla-171 002; the 02nd June, 2004

In the Schedule attached to the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973, for the existing item No.8 (i) the following shall be substituted, namely:-

- “Process of selection and recommendations for making Recruitment to all Class-III posts.”

(22nd Amendment)

NOTIFICATION

No.PER(AP-B)A(3)-7/2003

Dated; Shimla-171 002; the 30th July, 2005

The Himachal Pradesh Public Service Commission (Exemption from consultation Regulations, 1973 the following shall be added in the schedule:-

SCHEDULE
(See Regulation 3)

1. Posts in respect of which the authority to appoint is specifically conferred on the President of India or on the Governor of Himachal Pradesh by the Constitution.
2. Posts of Chairman of Members of any Board, Tribunal, Commission or other similar body created by or under the provisions of a Statute.
3. Posts of Chairman or Member or any Board, Tribunal, Commission, Committee or other similar body created or appointed by or under the authority or a Resolution of the House of Legislature or by resolution of Government for the purpose of conducting any investigation or enquiry into or advising Government, on specified matters.
4. Post of the personal staff attached to the holder of the posts mentioned in item No.1 to 3 above.
5. Posts in the Secretariat of the Vidhan Sabha.
6. Posts of officers and servants of the High Court till rules are issued by the Governor under Article 229 of the Constitution.
7. Any post which is not a whole time post.
8. (i) Process of selection and recommendations for making recruitment to all Class-III posts.
(ii) All Class-IV posts.
(iii) Posts of Comptroller Governor's Household Class-I.
(iv) All posts under the Himachal Pradesh Administrative Tribunal.
(v) 50% posts of direct recruitment of Horticulture Development Officer (Class-I-Gazetted) recruitment to which is made on batch-wise basis.
(vi) 50% posts of direct recruitment of Planning Officer of Town and Country Planning Department, Himachal Pradesh (Class-II-Gazetted) recruitment to which is made on batch-wise basis.
9. Work-charged staff.
10. All Executive posts upto the rank of Inspector in the Police Department when filled in by promotion.
11. Appointment of staff with requisite qualifications who have been in service for one year or more in the non-governmental institutions already taken over or to be taken over in future by the educational Department.
12. Any service or post or class of posts in respect of which the Commission has agreed that it shall not be necessary for it to be consulted.”

(23rd Amendment)

NOTIFICATION

No.Per(AP-B)A(3)-7/2003

Dated; Shimla-171 002; the 31st July, 2006

After existing Item No.12 of the schedule attached to the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973, the new item No.13 shall be inserted, namely:-

“13. All Class-I & II posts appointments to which are to be made on contract basis.”

(24th Amendment)

NOTIFICATION

No.Per(AP-B)A(3)-7/2003

Dated; Shimla-171 002; the 19th August, 2006

In the Schedule attached to the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973, the existing item No.13 shall be deleted.

(25th Amendment)

NOTIFICATION

No.Per(AP-B)A(3)-7/2003

Dated; Shimla-171 002; the 10th September, 2008

After existing Item No.12 of the schedule attached to the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973, the following new item No.13 shall be inserted, namely:-

“13. 50% posts of direct recruitment of Teachers, Engineers and Doctors in Health & Family Welfare, Ayurveda & Animal Husbandry Departments, Himachal Pradesh, (Class-I & II) recruitment to which is made on batch wise basis.”

(26th Amendment)

NOTIFICATION

No.Per(AP-B)(A)(3)-2/2014

Dated; Shimla-171 002; the 10th February, 2014

In SCHEDULE attached to the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973, for the existing item No.8 (i) the following shall be substituted, namely:-

“8(i) Process of selection and recommendations for making recruitment to all Class-III posts except the posts of Post Graduate Teachers (School cadre, all subjects), Excise & Taxation Inspectors, Cooperative Inspectors, Food & Civil Supplies Inspectors, Police Inspectors, Election Kanungo, Extension Officers (Industries) and Inspectors (Weight & Measures).”

(27th Amendment)

NOTIFICATION

No.Per(AP-B)(A)(3)-2/2014

Dated; Shimla-171 002; the 13th November, 2014

In SCHEDULE attached to the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973, for the existing item No.8 (i) the following shall be substituted, namely:-

“8 (i) Post Graduate Teachers (School Cadre—all subjects), Excise & Taxation Inspectors, Co-operative Inspectors, Food & Civil Supplies Inspectors, Police Inspectors, Election Kanungo, Extension Officers (Industries), Inspectors (Weight & Measures), Inspectors (Panchayat), Mukhya Sevikas & Drug Inspectors”

(28th Amendment)

NOTIFICATION

No.Per(AP-B)A(3)-2/2014

Dated; Shimla-171 002; the 10th February, 2015

In SCHEDULE attached to the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973, for the existing item No.13 the following shall be substituted, namely:-

"13. 50% posts of direct recruitment of Teachers, Engineers and Doctors in Health & Family Welfare (except the posts of Medical Officers (Dental)), Ayurveda and Animal Husbandry Departments, Himachal Pradesh (Class- I and II) recruitment to which is made on batch wise basis."

(29th Amendment)

NOTIFICATION

No.Per(AP-B)A(3)-2/2014

Dated; Shimla-171 002; the 19th May, 2017

In SCHEDULE attached to the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973, for the existing item No.8 (i) the following shall be substituted, namely:-

"8(i) Process of selection and recommendations making recruitment to all Class-III posts, except the posts of Post Graduate Teachers (School cadre-all subjects), Excise & Taxation Inspectors, Cooperative Inspectors, Food & Civil Supplies Inspectors, Police Inspectors, Election Kanungo, Extension Officers (Industries), Inspectors (Weight and Measures), Inspector (Panchayats), Mukhya Sevikas, Drug Inspector and Physiotherapist."

(30th Amendment)

HIMACHAL PRADESH PUBLIC SERVICE COMMISSION (STAFF)
REGULATIONS, 1971

NOTIFICATION

Shimla-171 002, the 07th September, 1971

No.7-20/71-DP (APPTT.)- In exercise of the powers conferred by clause (b) of Article 318 of the Constitution, the Governor of Himachal Pradesh is pleased to make the following Regulations, namely :-

1. Short title and commencement:

(1) These Regulations may be called the Himachal Pradesh Public Service Commission (Staff) Regulations, 1971.

(2) They shall be deemed to come into force from the 25th April, 1971.

2. Definitions: Unless otherwise provided in these Regulations

a) "Governor" means the Governor of Himachal Pradesh.

b) "Chairman" means the Chairman of the Himachal Pradesh Public Service Commission.

c) "Commission" means the Himachal Pradesh Public Service Commission.

d) "Secretary" means the Secretary to Himachal Pradesh Public Service Commission.

e) "Government" means the Government of Himachal Pradesh.

3. Details of officers and staff: The staff of the Himachal Pradesh Public Service Commission shall consist of a Secretary and such number of other officers and employees as the Governor may, from time to time, determine.

4. (1) The Secretary shall be a member of the Indian Administrative Service and shall be appointed by the Governor in Consultation with the Commission.

(2) The Secretary shall be subject to the same conditions of service of Special Secretary / Additional Secretary / Joint Secretary or the Deputy Secretary to the Government of Himachal Pradesh, as the case may be.

5. (a) The Under Secretary / Deputy Secretary / Joint Secretary / Additional Secretary (HPAS cadre) shall be appointed by the government as the case may be.
(b) The Deputy Secretary and the Under Secretary (Non-HPAS cadre) shall be appointed by the Commission.
6. The Secretary of the IAS cadre and the Additional Secretary / Joint Secretary / Deputy Secretary / Under Secretary of HPAS cadre shall be paid special allowance at such rates as may be allowed by the Government from time to time.
7. Details of the present sanctioned posts of the Commission are given in Schedule-I to these regulations.
8. The staff of the Commission shall be appointed in accordance with the Recruitment and Promotion Rules for different categories of posts / services issued by the Government in consultation with the Commission from time to time.
9. The expenditure on pay and allowances etc. of such staff as is detailed to work under the Commission shall be charged to the respective head of account of the Service Commission.
10. General conditions of Service: All the officers and the employees of the Commission shall be subject to the same conditions of service as are applicable from time to time to the corresponding categories of officers and employees of the Himachal Pradesh Secretariat.
11. Discipline: In respect of discipline / punishment and appeal, the officers (excluding the Secretary of IAS cadre and the Additional Secretary / Joint Secretary / Deputy Secretary / Under Secretary of HPAS cadre) and other employees of the Commission shall be governed by the provisions of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the Central Civil Services (Conduct) Rules, 1964 and Central Civil Services (Temporary) Services Rules, 1965, as amended from time to time, or such other rules as are made applicable to the corresponding categories of officers and other employees of the Himachal Pradesh Secretariat. For this purpose, powers of Appointing / Disciplinary / Appellate / Reviewing Authority shall be as under:-

For minor penalties upon Class-I & II (Gazetted / Non-Gazetted) officers				
	Appointing Authority	Disciplinary Authority	Appellate Authority	Reviewing Authority
Class-I (Gazetted) Service	Chairman	Chairman	Commission	Commission
Class-II (Gazetted / Non-Gazetted) Service	Chairman	Senior most Member of the Commission	Chairman	Commission
For major penalties upon Class-I & II (Gazetted / Non-Gazetted) officers				
Class-I (Gazetted) Service	Chairman	Chairman	Commission	Commission
Class-II (Gazetted / Non-Gazetted) Service	Chairman	Chairman	Chairman	Commission
For minor / major penalties upon Class-III & IV (Non-Gazetted) officials				
	Appointing Authority	Disciplinary Authority	Appellate Authority	Reviewing Authority
Class-III (Non-Gazetted) Service	Secretary	Secretary	Senior most Member of the Commission	Chairman
Class-IV (Non-Gazetted) Service	Secretary	Secretary	Senior most Member of the Commission	Chairman

SCHEDULE-I

SANCTIONED STRENGTH OF THE STAFF OF THE HIMACHAL PRADESH PUBLIC SERVICE COMMISSION (AS ON 31-10-2017)

Sr. No.	Designation of the post	Pay scale of the post	No. of post
COMMISSION			

1	Chairman	₹80,000/- (fixed)	01
2	Member	₹67000-79000	03
CLASS-I (GAZETTED) POSTS			
1	Secretary	₹37400-67000 + ₹8700/- Grade Pay	01
2	Additional Secretary /Joint Secretary / Deputy Secretary / Under Secretary (HPAS cadre)	₹15600-39100 + ₹5400/- Grade Pay + ₹2500/- Secretariat Allowance	01
3	Deputy Secretary (Non-HPAS cadre)	₹15600-39100 + ₹7600/- Grade Pay + ₹2500/- Secretariat Allowance	01
4	Under Secretary (Non-HPAS cadre)	₹15600-39100 + ₹6600/- Grade Pay + ₹2500/- Secretariat Allowance	03
5	Section Officer	₹15600-39100 + ₹5400/- Grade Pay + ₹2000/- Secretariat Allowance	07
6	Private Secretary	₹15600-39100 + ₹5400/- Grade Pay + ₹2000/- Secretariat Allowance	01
7	Computer Programmer	₹10300-34800 + ₹5000/- Grade Pay	01
CLASS-II (GAZETTED / NON-GAZETTED) POSTS			
1	Research Officer	₹10300-34800 + ₹4200/- Grade Pay	01
2	Programme Planning Officer	₹10300-34800 + ₹4200/- Grade Pay	01
3	Superintendent Grade-II	₹10300-34800 + ₹4800/- Grade Pay + ₹1200/- Secretariat Allowance	11
4	Personal Assistant	₹10300-34800 + ₹4800/- Grade Pay + ₹1200/- Secretariat Allowance	04
CLASS-III (NON-GAZETTED) POSTS			
1	Senior Assistant	₹10300-34800 + ₹4400/- Grade Pay + ₹900/- Secretariat Allowance	18
2	Senior Scale Stenographer	₹10300-34800 + ₹3800/- Grade Pay + ₹900/- Secretariat Allowance	01

3	Computer Operator	₹10300-34800 + ₹3200/- Grade Pay + ₹300/- Secretariat Allowance	01
4	Junior Scale Stenographer	₹5910-20200 + ₹2800/- Grade Pay + ₹500/- Secretariat Allowance	02
5	Assistant Librarian	₹5910-20200 + ₹2400/- Grade Pay	01
6	Junior Assistant / Clerk	₹5910-20200 + ₹3200/- Grade Pay + ₹500/- Secretariat Allowance / ₹5910-20200 + ₹1900/- Grade Pay + ₹400/- Secretariat Allowance	12
7	Junior Office Assistant	₹5910-20200 + ₹1950/- Grade Pay	07
8	Driver	₹5910-20200 + ₹2000/- Grade Pay + ₹1400/- Secretariat Allowance	07
9	Restorer	₹5910-20200 + ₹1900/- Grade Pay + ₹240/- Secretariat Allowance	01
CLASS-IV (NON-GAZETTED) POSTS			
1	Gestetner Operator	₹4900-10680 + ₹1650/- Grade Pay + ₹240/- Secretariat Allowance	01
2	Daftri	₹4900-10680 + ₹1650/- Grade Pay + ₹320/- Secretariat Allowance	01
3	Jamadar	₹4900-10680 + ₹1800/- Grade Pay + ₹240/- Secretariat Allowance	04
4	Frash	₹4900-10680 + ₹1300/- Grade Pay + ₹240/- Secretariat Allowance	01
5	Peon	₹4900-10680 + ₹1300/- Grade Pay + ₹240/- Secretariat Allowance	12
6	Chowkidar / Gateman-cum-Mali	₹4900-10680 + ₹1300/- Grade Pay + ₹240/- Secretariat Allowance	02
TOTAL			107

PART – III

IMPORTANT NOTES AND FORMS

The Classes of cases in which references are to be made to the Himachal Pradesh Public Service Commission are laid down in Article 320 (3) of the Constitution of India as modified by Article 320 (4) of the Constitution aforesaid and by the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973.

2. METHODS OF RECRUITMENT ETC.: Subject to the provisions of the Himachal Pradesh Public Service Commission (Exemption from Consultation Regulations), 1973 the Commission is required to be consulted on all matters relating to methods of recruitment to civil services and for civil posts and on the principles to be followed in making appointment to civil services and posts and in making promotions and transfers from one service to another. Such matters and principles are generally prescribed by rules issued under the proviso of Article 309 of the Constitution of India, but sometimes such matters and principles may be laid down by executive instructions. The Commission has to be consulted in regard to the formulation of such matters and principles irrespective of the mode and form of formulation thereof.
3. A proposal to make statutory rules in this behalf should be referred to the Commission in H.P.P.S.C. Form 21 (Annexure-I) and should be supported by information in H.P.P.S.C. Form 21-A.
4. Any change(s) / amendment(s) in the existing Recruitment & Promotion Rules referred to in the preceding paras also fall(s) within the province of the advisory functions of the Commission. Therefore a proposal to amend the rules in respect of a matter covered by sub clause (a) and (b) of clause (3) of Article 320 of the Constitution of India should be referred to the Commission. Such references should be made in H.P.P.S.C. Form-22.
5. Ordinarily statutory rules should be formulated before a post is filled. However, in certain circumstances, it may become necessary to fill a post before framing statutory rules. In cases of this type, when falling within the purview of the Commission the methods of recruitment and the principles to be followed in making appointments, etc. should be decided in

consultation with the Commission, generally, before sending to the Commission as requisition or other proposal to fill the post.

6. DETERMINING SUITABILITY OF CANDIDATES: The Commission has to be consulted on the suitability of the candidates for appointments, promotions or transfers to posts / services falling within the consultative jurisdiction to the Commission.

7. Direct recruitment:

(a) A proposal to recruit candidates from the open market should be referred to the Commission by sending a requisition in H.P.P.S.C. Form-23. Once a requisition is sent to the Commission, it should normally not be withdrawn.

(b) The Commission is keen to analyse in retrospect efficacy of the interview techniques adopted by it and therefore, it is necessary in knowing the performance of the open market candidates selected by it for a period of two years from the date of their joining the posts after such selection. The Commission, therefore, requires assessment reports in respect of such officers for a period of two years. These reports are to be written in H.P.P.S.C. Form 24.

8. Promotion:

Proposals for determining the suitability of the officers for appointment by promotion may be submitted to the Commission in H.P.P.S.C. Form 25. As indicated in the form, the proposal must accompany detailed Memorandum for consideration of DPC (including year-wise break up of vacancies with reservation of posts for SC / ST categories, if any), an updated copy of Recruitment & Promotion Rules of the concerned post, latest final seniority list of feeder category(ies), lists of eligible & ineligible officials / officers, vigilance clearance and integrity certificates, detail of the vigilance / departmental cases pending against the official(s) / officer(s), if any, constitution of the DPC & up-to-date ACR dossiers of eligible officers / officials.

9. Appointment by deputation (now secondment) or transfer:

For referring proposals of appointment by deputation (now on secondment) or transfer, a combined form has been devised. This form appears as H.P.P.S.C. Form 26.

10. Re-employment:

Whereas the Commission is not required to be consulted in cases relating to extension of service to an officer beyond the date of superannuation, consultation with the Commission is necessary in cases involving re-employment. Proposals relating to re-employment should be sent to the Commission in H.P.P.S.C. Form 27.

11. Adhoc appointment:

Proposals of adhoc appointment requiring consultation with the Commission should be referred to the Commission's office in H.P.P.S.C. Form 28. A reference of this type would be made at least six weeks before the expiry of the period in which the Government is competent to make an adhoc appointment without consulting the Commission or six weeks before the expiry of the approved adhoc appointment in consultation with the Commission.

An adhoc appointment may be made in a permanent post (for a period not exceeding six months) without consulting the Commission only if, owing to an emergency having arisen, it is necessary in the Public interest to fill the vacancy immediately, and there is likely to be undue delay in making the appointment after consultation with the Commission. Where these conditions are not satisfied, consultation with the Commission is obligatory before making an adhoc appointment in a permanent post. This however does not apply to adhoc appointment in a temporary post for a period not exceeding six months.

In cases where the method of recruitment has not been decided for filling up of a particular post in consultation with the Commission, the Departments are not competent to take a recourse to the Exemption provisions made in Regulation No.5 of the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973 and such appointments, even though for a short duration or even against a tenure post, should invariably be made in consultation with the Commission at the very initial stage.

12. Disciplinary matters:

It is necessary to consult the Commission in disciplinary cases in regard to the following matters:-

- (a) an original order by the Governor imposing any of the following penalties;
 - (i) withholding of increments with cumulative effect,
 - (ii) reduction to a lower service, grade or post or to a time scale or to a lower stage in a time scale,
 - (iii) compulsory retirement,
 - (iv) removal from service, and
 - (v) dismissal from service.
- (b) an order by the Governor on an appeal against and order imposing any of the penalties mentioned at (a) above;
- (c) an order by the Governor imposing any of the penalties mentioned at (a) above, in exercise of his power of review and in modification of an order under which none of the said penalties has been imposed; and
- (d) an order by the Governor over-ruling or modifying after consideration of any petition or memorial or otherwise, an order imposing any of the penalties mentioned at (a) above made by the Governor or by a subordinate authority.

NOTE: THE WORD “GOVERNOR” IMPLIES STATE GOVERNMENT

- 13. It is not necessary to consult the Commission in regard to the matters indicated in para above if the order is issued by an authority other than the Governor. It is also not necessary to consult the Commission before imposing a penalty not mentioned in a para above, whether or not such a penalty is inflicted by order of the Governor or by a subordinate authority.
- 14. It may also be mentioned that generally the following actions are not considered penalty in character, namely:-
 - a) withholding of increments of pay of a Government servant for his failure to pass departmental examination in accordance with the rules or orders governing the service to which he belongs or post which he holds or the terms of his appointment;
 - b) stoppage of a Government servant at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;

- c) non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible;
- d) reversion of a Government servant, officiating in a higher service, grade, or post to a lower service, grade or post on the ground that he is considered to be unsuitable for such higher service, grade or post or on any administrative ground unconnected with his conduct ;
- e) reversion of a Government servant, appointed on probation to any other service, grade or post to his permanent service, grade or post during or at the end of the period or probation in accordance with the terms of his appointment of the rules and orders governing such probation;
- f) replacement of the services of a Government servant, whose services had been borrowed at the disposal of the authority or Department from the services of such Government servant had been borrowed.
- g) Compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;
- h) Termination of the service:
 - (i) of a Government servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation;
 - (ii) of a temporary servant in accordance with the provisions of the sub-rule (1) of Rule 5 of the Central Civil Services (Temporary) Rules,1965;or
 - (iii) of a Government servant, employed under an agreement, in accordance with the terms of such agreement.

This being so, the Commission, is not required to be consulted in passing any of the above-mentioned orders. Of course, things would be different, if any such order is, on account of certain other circumstances and consideration, held to be an order passed by way of punishment.

15. The Himachal Pradesh Public Service Commission is to be consulted at the stage and by supply of the papers as required in the concerned proforma.

Sr. No	Type of disciplinary case	Stage at which Public Service Commission is to be consulted	Paper(s) to be sent to the Commission	Other documents/papers that can be sent alongwith
1.	An original order by the Governor withholding increments with cumulative effect.	If an inquiry is held, after receipt of the Inquiry Report and before imposing penalty.	Documents mentioned in column 8 (a) of the H.P.P.S.C. Form-29	Clarifications / Comments (where necessary) to explain any factual / procedural points in the light of any remarks contained in the inquiry report.
2.	An original order by the Governor imposing any of the major penalties after holding the inquiry.	After the issue of notice under clause (1) of sub-rule (4) of Rule 15 of the CCS (CC&A) Rules, 1965 and receipt of representation made by the Government servant, but before imposing penalty.	Record of inquiry, a copy of notice given under clause (1) of sub-rule (4) of Rule 15 of the CCS (CC&A) Rules, 1965 and the representation made in pursuance of such notice.	A separate note giving clarifications, remarks or any factual or procedural points which may have been raised in the Government servant's reply to the notice under Rule 15 (4) (i) of the CCS (CC&A) Rules, 1965. Merits of the case and findings on the charges and opinion regarding the penalty to be imposed not to be indicated in this note.
3.	An original order by the Governor imposing any of the major penalties without holding an inquiry.	Before imposing penalty.	As required by Column 9 (a), 9 (b) or 9 (c), as the case may be, of H.P.P.S.C. Form-29.	A separate note giving clarifications, remarks or any factual or procedural points which have been raised in the Government servant's reply to the explanation.
4.	An order by the Governor or an appeal against an order imposing any of the major penalties.	Before issue of order in all cases. In cases covered under provisos (iii) and (iv) of Rule 27 (2) of the CCS (CC&A) Rules, 1965 the Commission will be consulted after the issue of notice as prescribed therein and on receipt of a representation of the	Record of inquiry, a copy of the notice issued under provisions (iii) and (iv) of Rule 27 (2) of the CCS (CC&A) Rules, 1965 and representation of the	No opinion is to be expressed.

		Government thereto.	Government servant.	
5.	An order by the Governor imposing any of the penalties at Sr. No.1 and 2 above in exercise of his powers of review and in modification of an order under which none of the said penalties has been imposed.	Before issue of orders in all cases. In cases covered under 1 st proviso to Rule 29 (1) of the CCS (CC&A) Rules, 1965 Commission shall be consulted after an inquiry has been conducted, if necessary, and Government servant has been given an opportunity of making a representation against the proposed penalty.	Record of inquiry, show cause notice, as required under first proviso to Rule 29 (2) of the CCS (CC&A) Rules, 1965 and representation of the Government servant in reply thereto	A note containing Government's comments or any factual procedural points raised by the Government servant in reply to the show cause notice without expressing any views regarding the findings or the penalty to be imposed.
6.	An order by the Governor overruling or modifying after consideration of any petition / memorial or otherwise an order imposing any of the penalties mentioned at Sr. No.1 & 2 above made by the Government or by a subordinate authority.	Before issue of orders.	A separate note or the forwarding letter indicating the considerations on account of which a modification or the order already passed is called for	-----

16. While referring cases to the Himachal Pradesh Public Service Commission, detailed particulars of the Government servant and the case should be sent to the Commission in H.P.P.S.C. Form 29.

17. CLAIMS FOR RE-IMBURSEMENT OF EXPENDITURE:

Article 320 (3) (d) of the Constitution of India enjoins that the Public Service Commission will be consulted on any claim, by or in respect of a person who is serving or has served under the Government of Himachal Pradesh in a civil capacity, that the cost incurred by him in defending legal

proceedings instituted against him in respect of acts done or purporting to done in the execution of his duties may be paid out of the Consolidated Fund of the State of Himachal Pradesh. A proposal relating to such a claim should be referred to the Commission in H.P.P.S.C. Form 30.

18. CONSULTATION FOR AWARD OF PENSION IN RESPECT OF INJURIES:

Under clause (3) (e) of Article 320 of the Constitution, it is obligatory to consult the Public Service Commission in regard to a claim for the award of a pension in respect of injury sustained by a person while serving under the Government of Himachal Pradesh in a civil capacity and on any question as to the amount of such award. Of course, this does not apply to claims by Officers of the Armed Forces of the Union or members of the All-India Services holding posts in connection with the affairs of the Government of Himachal Pradesh Proposals relating to such claims may be referred to the Commission in H.P.P.S.C. Form 31.

19. General:

The words “Consultation with the Commission” imply that the rules ultimately to be notified by the Department must have been brought to the notice of the Public Service Commission. Even in cases in which the Department concerned decides to differ from the advice of the Public Service Commission, it is desirable that the Department makes another attempt at narrowing down the area of difference between the Commission and itself by making another reference to the Commission. In all cases in which it is proposed not to accept the advice or recommendations of the Commission; the matter has to be brought before the Council of Ministers, as required under the provisions of the Government of Himachal Pradesh Rules of Business, 1971, for their orders.
