

The Himachal Pradesh Public
Service Commission
(Exemption from
Consultation) Regulations,
1973, as amended from time to
time i.e. upto 31-10-2017.

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.
