

PART II
HARYANA GOVERNMENT
LEGISLATIVE DEPARTMENT

Notification

The 10th December, 2013

No. Leg. 35/2013.—The following Ordinance of the Governor of Haryana promulgated under clause (1) of article 213 of the Constitution of India, on the 10th December, 2013 and is hereby published for general information :—

HARYANA ORDINANCE NO. 6 OF 2013

**THE HARYANA (ABOLITION OF DISTINCTION OF PAY SCALE
BETWEEN TECHNICAL AND NON-TECHNICAL POSTS)
ORDINANCE, 2013**

AN

ORDINANCE

*to abolish the distinction in the pay scales prescribed for technical
and non-technical posts.*

Promulgated by the Governor of Haryana in the Sixty-fourth Year of the Republic of India.

Whereas, the higher pay scale was granted with effect from 1.2.1981 to the persons having technical qualifications and whereas thereafter all these persons covered under serial number 3 under common category posts in the annexure to instructions bearing No. 1/54/2PR(FD)-82, dated 30.03.1982, serial number 40 in annexure A to instructions bearing No. 6/23/3PR (FD)-88, dated 23.08.1990, No. 6/23/3PR(FD)-88, dated 26.07.1991 and No. 6/83/2009-3PR(FD), dated 09.08.2010 have been given pay scales as per qualification held by the incumbent under the relevant service rules;

And, whereas, it is expedient to withdraw the instructions with respect to entry at serial number 3, under 'common category posts' in the annexure to instructions bearing No. 1/54/2PR(FD)-82, dated 30.03.1982; at serial number 40 in annexure A to instructions bearing No. 6/23/3PR(FD)-88, dated 23.08.1990, No. 6/23/3PR(FD)-88, dated 26.07.1991 and No. 6/83/2009-3PR(FD), dated 09.08.2010 whereby on the basis of the prescribed qualifications of technical nature, a distinction had been created between the posts with regard to admissibility of pay scale;

And, whereas, the Legislature of the State of Haryana is not in session and the Governor is satisfied that such circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Haryana hereby promulgates the following Ordinance :—

Short title,
application and
commencement.

1. (1) This Ordinance may be called the Haryana (Abolition of Distinction of Pay Scale between Technical and Non-technical Posts) Ordinance, 2013.

(2) It shall be applicable on all the services under the State of Haryana.

(3) It shall be deemed to have come into force with effect from 1st February, 1981.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(a) "prescribed pay scale" means the pay scale prescribed for any post under the provisions of the relevant service rules applicable to different services under various Departments, Boards or Corporations of the State, as revised/modified/amended/specified from time to time by way of notification/instruction/office order of the Finance Department;

(b) "person" means a person appointed to a post in connection with the affairs of the Government of Haryana, under various department, boards or corporations, under the administrative control of the Government of Haryana;

(c) "post" means a post falling under Group C or Group D Service in different Government Departments, Boards or Corporations

(d) "pre-revised pay scale" means pay scale of Rs. 480-760, prescribed by the Haryana Government for certain posts with effect from 1.2.1981, 1200-2040 w.e.f. 1.1.1986, 4000-6000 w.e.f. 1.1.1996 and PB-1, 5200-20200 GP 2400 w.e.f. 1.1.2006 and 950-1400 w.e.f. 1.5.1990, 3050-4350 w.e.f. 1.1.1996 and PB-1 5200-20200 GP.1800 w.e.f. 1.1.2006;

(e) "Services" means Civil Services of Group C or Group D posts in connection with the affairs of the Government of Haryana falling under various departments, boards or corporations;

(f) "State" means the State of Haryana in the administrative department;

(g) "technical qualification" means Matric with ITI/Polytechnic or Non-Matric with ITI/Polytechnic whichever is prescribed for appointment to a post in the Services.

Entitlement to
pay scales.

3. Notwithstanding anything contrary contained in any service rules, instructions etc., all persons serving on various posts in different Services under the State shall be entitled to get the pay scales prescribed for those posts only under the relevant service rules, notifications and instructions issued from time to time and no person who is serving or has served on any post in any Service under the State, shall be entitled to a higher pay scale on account of possessing a technical qualification, or on account of serving or having served on a post for which the

prescribed qualification is/was of technical nature i.e. Matric with ITI/Polytechnic or Non-Matric with ITI/Polytechnic.

4. The entry at serial number 3, under 'common category posts' in the annexure to instructions bearing No. 1/54/2PR(FD)-82, dated 30.03.1982, at serial number 40 in annexure A to instructions bearing No. 6/23/3PR(FD)-88, dated 23.08.1990, No. 6/23/3PR(FD)-88, dated 26.07.1991 and No. 6/83/2009-3PR(FD), dated 09.08.2010 are hereby withdrawn and shall be deemed to have been withdrawn with effect from the date of their coming into force:

Withdrawal of instructions.

Provided that all those persons who had been granted the up-graded pre-revised pay scale under the aforesaid instructions or by virtue of any order of the Court before coming into force of this Ordinance, shall continue to draw these pay scales.

5. Notwithstanding anything contained in any instructions, rules or other law for the time being in force or any judgment, decree, order or decision of any Court, Tribunal or Authority, all the employees appointed to a post in connection with the affairs of the Government of Haryana under various departments, boards or corporations, shall be entitled only to the pay scales of the posts held by them, which were granted to them under the relevant service rules, notifications and instructions issued from time to time, irrespective of their qualifications.

Grant of pay scales as per relevant rules and notifications.

6. No suit, prosecution or any legal proceedings shall lie against the State Government, Board or Corporation or any officer or employee of the State Government, Board or Corporation for anything, which is done or intended to be done in good faith under this Ordinance.

Immunity for action taken in good faith.

7. No Civil Court shall have the jurisdiction to entertain any suit or proceedings in respect of any matter arising under or connected with this Ordinance.

Bar of jurisdiction.

8. The Government shall be competent to issue such directions, as may be necessary, for the proper enforcement of the provisions of this Ordinance.

Power to issue directions.

9. If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order published in the Official Gazette, make such provisions or give such directions not inconsistent with the provisions of this Ordinance, as appears necessary or expedient for removing such difficulty.

Power to remove difficulties.

10. Notwithstanding such withdrawal, anything already done or any action taken under the above instructions referred to in section 4 of this Ordinance, shall be deemed to have been validly done or taken under the corresponding provisions of this Ordinance.

Savings.

Chandigarh :
The 10th December, 2013.

JAGANNATH PAHADIA,
GOVERNOR OF HARYANA.

RAJ RAHUL GARG,
Secretary to Government Haryana,
Law and Legislative Department.