

No. PER (AP-C)-A-4(1)/95-Loose
Government of Himachal Pradesh
Department of Personnel (AP-III)

From

The Secretary (Personnel) to the
Government of Himachal Pradesh

To

1. All the Principal Secretaries/ Secretaries to the Government of Himachal Pradesh
2. All the Divisional Commissioners in Himachal Pradesh.
3. All the Heads of Department in Himachal Pradesh
4. All the Deputy Commissioners in Himachal Pradesh

Dated: Shimla-171002, the

7th July, 2008

Subject: -

Amendment in the Rules of Business of the Government of H.P. -Instructions regarding framing/amending the Recruitment and Promotion Rules.

Sir,

I am directed to refer to this Department letter No. PER (AP)-C-B (19)-2/98 dated the 22nd April, 1999 on the subject cited above and to say that presently in accordance with Rule-14 of the Rules of Business of the Government of Himachal Pradesh, 1971, the Recruitment and Promotion Rules framed under provisos to Article 309 of the Constitution of India, and the Recruitment and Promotion Rules requiring substantive amendments in case of Class-I & II Posts/Services are taken to Cabinet for their approval. However, in case of minor amendments like change of nomenclature of post, increase or decrease of number of posts and change of pay scales, as per delegation made by the Cabinet, such amendments are not required to be taken to the Cabinet for approval. Besides, the Recruitment and Promotion Rules in respect of Class-III & IV posts are also not taken to the Cabinet for approval and such Rules whether framing of new Rules or carrying out of amendments in these Rules, are notified by the concerned Administrative Departments after having obtained the approval of the Hon'ble Chief Minister and Minister-in-charge concerned respectively.

2. The matter regarding delegation of powers for framing/amendment of Recruitment and Promotion Rules of Class-II posts was

under consideration of the Government for quite some-time. Now the Government after taking into consideration all aspects, have amended Clause 2(c) of the Schedule under Rule-14 of the Rules of Business in the following manner: -

“(c) persons appointed to the Public Service and posts (Excepting Class-II, III & IV post(s) in connection with the Affairs of State:

Provided that minor amendments in the service rules of Class-I posts like-change of Pay scales, nomenclature of posts, number of posts and age limit for direct recruitment pursuant to the notification/instructions of the Department of Personnel shall be made by the concerned Administrative Department with the approval of the Minister-in-charge.

Provided further that the cases of Class-II & III posts involving difference of opinion with the Himachal Pradesh Public Service Commission and where there is departure from common rules shall be brought to the Council of Ministers. (Proviso to Article-309)”

3. In View of the aforesaid amendments in the Rules of Business of the Government of Himachal Pradesh, the following procedure should now be adopted for framing of Recruitment & Promotion Rules in future: -

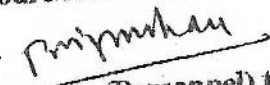
- 1) The formal prescribed procedure for framing of Recruitment & Promotion Rules for the present is that the Administrative Departments first of all obtain the clearance of the Department of Personnel and thereafter they seek clearance from the Law & Finance Departments.
- 2) In case all these Consulting Departments clear the cases of Recruitment & Promotion Rules, the Administrative Department are not required to come to the Rules Committee for their approval as was the practice in the past. As such they go to the H.P. Public Service Commission for obtaining their consent before taking the proposal to the Cabinet for their approval.
- 3) But, in case, if there is a difference of opinion of the Administrative Department either with any of the Consulting Departments or with the H.P. Public Service Commission, only in that case the Rules are taken to the Rules Committee to sort out the difference of opinion.
- 4) All Recruitment & Promotion Rules in respect of Class-I posts or amendments thereto should continue to be

brought before the Council of Ministers for their approval after following the existing procedure. However, minor amendments in the Recruitment & Promotion Rules of Class-I posts like change of Scale, nomenclature of posts, number of posts and age limits for direct recruitment in pursuance of Department of Personnel's notifications/ instructions issued, shall be made by the Administrative Departments with the approval of the Minister-in-charge concerned.

- 5) All Recruitment & Promotion Rules in respect of Class-II & III posts whether framing of new Rules or amendments thereto should not go to the Council of Ministers. The Administrative Departments should notify these Recruitment & Promotion Rules after having obtained the approval of the Hon'ble Chief Minister through the Minister-in-charge concerned. However, in cases where there is a difference of opinion with the H.P. Public Service Commission and where there is departure from common Rules, only such matter shall be brought before the Council of Ministers after having the approval of the Rules Committee in the matter.
- 6) All Recruitment & Promotion Rules in respect of Class-IV posts together with substantial changes/amendments thereto shall continue to be notified by the Administrative Department after having the approval of the Minister-in-Charge concerned, as heretofore.

4. These instructions may be brought to the notice of all concerned for strict compliance.

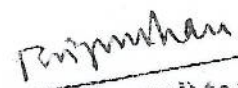
Yours faithfully,


Deputy Secretary (Personnel) to the
Government of Himachal Pradesh

No. PER (AP-C)-A-4(1)95-Loose Dated: Shimla-171002, the 7th July, 2008.

1. Copy to all the Section Officers in H.P. Secretariat Shimla-171002, for information and similar necessary action.

2. Guard file 100 copies.


Deputy Secretary (Personnel) to the
Government of Himachal Pradesh