

No.Per(AP)C-B(19)-2/98
Government of Himachal Pradesh
Department of Personnel(AP-III)

From

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

To

- 1.All the Secretaries to the
Government of Himachal Pradesh.
2. All Heads of Departments in
Himachal Pradesh.
3. Divisional Commissioners,
Shimla, Mandi ,Kangra at Dharamsala.
4. All the Deputy Commissioners in
Himachal Pradesh.

Dated Shimla the 22nd April,1999

Subject:- Amendment in the Rules of Business of the Government
of H.P.-Instructions regarding framing/amending the
R & P Rules.

Sir,

I am directed to say that presently in accordance with Rule-14 of the Rules of Business of the Govt. of Himachal Pradesh,1971,the R & P Rules framed under provisos to Article 309 of the Constitution of India, and the R & P Rules requiring substantive amendments in case of Class-I,II & III 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 & Promotion Rules in respect of Class-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 Minister-in-charge concerned.

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2. The matter regarding delegation of powers for

framing/ amendment of Recruitment & Promotion Rules/ 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-III and IV posts) in connection with the State Affairs:

Provided that minor amendments in the

recruitment and the condition of service rules of

Class-I and Class-II posts like change of Pay Scales,

nomenclature of posts, number of posts and age limits

for direct recruitment pursuant to the notifications/

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

recruitment and condition of service of Class-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 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 Departments 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 & II 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 & II posts like change of Scales, 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-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.

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

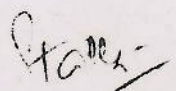
Yours faithfully,


Joint Secretary(Pers.) to the
Government of Himachal Pradesh.

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Dated Shimla the 22nd April, 1999.

1. Copy to all the Section Officers in H.P.Secretariat Shimla-2 for information and similar necessary action.
2. Guard file 300 copies.


Joint Secretary(Pers.) to the
Government of Himachal Pradesh.

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