

THE HARYANA SERVICE OF ENGINEERS, GROUP A,
PUBLIC WORKS (BUILDINGS AND ROADS) DEPARTMENT
ACT, 2010.

(Haryana Act No. 30 of 2010)

Table of contents

SECTIONS:

1. Short title, commencement and application.
2. Definitions.
3. Cadre and its strength.
4. Nationality and domicile of candidates.
5. Recruitment to Service.
6. Qualifications.
7. Age.
8. Appointment by promotion.
9. Promotion within Service.
10. Appointment by transfer.
11. Probation.
12. Seniority.
13. Pay.
14. Leave, pension and other matters.
15. Departmental examination.
16. Vaccination.
17. Discipline, penalty and appeal.
18. Oath of allegiance.
19. Liability to serve.
20. Publication of grounds of dismissal.
21. General.
22. Power to relax.
23. Reservations.
24. Power to make rules.
24. Repeal and savings.

Appendix A

Appendix B

424 SERVICE OF ENGINEERS, GROUP A, **[2010 : Hr. Act 31**
PUBLIC WORKS (BUILDINGS AND ROADS) DEPARTMENT

¹THE HARYANA SERVICE OF ENGINEERS, GROUP A,
PUBLIC WORKS (BUILDINGS AND ROADS) DEPARTMENT
ACT, 2010.

(Haryana Act No. 30 of 2010)

*[Received the assent of the Governor of Haryana on the
12th October, 2010, and first published for general information in the
Haryana Government Gazette (Extraordinary), Legislative Supplement
Part I of the 4th November, 2010]*

1	2	3	4
Year	No.	Short Title	Whether repealed or otherwise affected by legislation
2010	30	The Haryana Service of Engineers, Group A, Public works (Buildings and Roads) Department Act, 2010	Amended by Haryana Act 38 of 2019. ²

AN

ACT

*to regulate the recruitment and conditions of service of persons
appointed to the Haryana Service of Engineers, Group A,
Public Works (Buildings and Roads) Department.*

Be it enacted by the Legislature of the State of Haryana in the Sixty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Haryana Service of Engineers, Group A, Public Works (Buildings and Roads) Department Act, 2010. Short title,
commencement
and application.

³[(2) It shall be deemed to have come into force on the 4th November, 2010.

(3) It shall apply to the persons who are members of the Service and have been appointed on or after the 4th November, 2010.]

2. In this Act, unless the context otherwise requires,— Definitions.

(a) “appointment to the Service” means an appointment made to a cadre post in Service and includes an appointment,

1. For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), dated the 5th September, 2010, Page 6849.
2. For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), dated the 2nd November, 2019, Page 4171.
3. Substituted by Haryana Act 38 of 2019.

made according to the terms and provisions of this Act, to an officiating vacancy of a cadre post in Service;

- (b) “Assistant Executive Engineer” means a member of the Service in the junior scale of pay;
- (c) “Appendix” means Appendix annexed to this Act;
- (d) “cadre post” means a permanent post in the Service;
- (e) “Chief Engineer” means a Chief Engineer of the Department and includes a post declared by the Government as equivalent;
- (f) “Commission” means the Haryana Public Service Commission or any other authority notified by the Government;
- (g) “competent authority” means such officer or authority, as the Government may, by notification in the Official Gazette, appoint, to perform the functions of a competent authority under this Act;
- (h) “Department” means the Public Works (Buildings and Roads) Department;
- (i) “direct appointment” means an appointment by open competition but does not include—
 - (i) an appointment by promotion; and
 - (ii) an appointment by transfer of an officer already in the service of a State Government or Central Government;

Explanation.— A Group B Officer who enters the Service by open competitive selection, shall, for the purposes of this Act, be deemed to have entered the Service by direct appointment;

- (j) “Engineer-in-Chief” means an Engineer-in-Chief of the Department and includes a post declared by the Government as equivalent;
- (k) “ex-cadre post” means a temporary post not included in the Service, appointment on which confers no right to seniority;
- (l) “Executive Engineer” means an officer-in-charge of a Division;

- (m) “Government” means the Government of the State of Haryana in the Administrative Department;
- (n) “Group B Service” means the Haryana Service of Engineers, Group B in Public Works (Buildings and Roads) Department;
- (o) “member of the Service’ means an officer appointed substantively to a cadre post and includes,—
 - (i) in the case of a direct appointment, an officer on probation or such an officer who, having successfully completed his probation, awaits appointment to a cadre post;
 - (ii) in the case of an appointment by transfer, an officer on probation or such an officer who, having successfully completed his probation, awaits appointment to a cadre post, provided such officer does not have a lien on a substantive post in any Government Department;

Explanation.— It is not necessary that a member of the Service shall at any given time be ordinarily doing the work of a cadre post. He may be working on an ex-cadre post for reasons of administrative convenience or while officiating against an ex-cadre post will be deemed to be performing the duties of a cadre post;

- (p) “prescribed” means prescribed by rules made under this Act;
- (q) “Service” means the Haryana Service of Engineers, Group A, Public Works (Buildings and Roads) Department comprising three separate cadres of Civil, Electrical and Mechanical;
- (r) “Superintending Engineer” means an officer-in-charge of a Circle and includes a post declared by the Government as equivalent;
- (s) “university” means—
 - (i) any university incorporated by law in India;
 - (ii) in the case of degrees or diplomas obtained as a result of examination held before the 15th August, 1947, the Punjab, Sind or Dacca University; and

- (iii) any other university, which is declared by the Government to be a recognized or deemed university for the purposes of this Act.

Cadre and its strength.

3. (1) There shall be three cadres of Service, namely, Civil, Electrical and Mechanical comprising of various posts as may be determined separately for each cadre on the 1st day of January each year or as soon thereafter, as may be practicable according to the provisions of Appendix A. The strength of the respective cadre so determined shall remain in force till it is revised by the Government.

(2) The officers of Civil, Electrical and Mechanical cadres shall be posted or appointed only against the respective posts in their cadre.

Explanation.— Once an officer has been appointed as member of the Service, his promotion within the Service from one rank to another shall be regarded as promotion within the same cadre.

(3) Notwithstanding anything contained in sub-section (1), the Government may appoint a member of the Service to an ex-cadre post not included in the Service in accordance with the provisions of this Act, provided such post has been sanctioned.

Nationality and domicile of candidates.

4. (1) No person shall be appointed to the Service unless he is,—

- (a) a citizen of India; or
- (b) a subject of Sikkim; or
- (c) a subject of Nepal; or
- (d) a subject of Bhutan; or
- (e) a Tibetan refugee who came over to India before the 1st day of January, 1962, with the intention of permanently settling in India; or
- (f) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that a candidate belonging to any of the categories (c), (d), (e) or (f) shall be a person in whose favour a certificate of eligibility has been given by the competent authority and if he belongs to category (f), the certificate of eligibility will be issued for a period of one year, after which such a candidate will be retained in Service subject to his having acquired Indian citizenship.

(2) A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the

Commission on his furnishing proof that he has applied for the certificate and he may also provisionally be appointed subject to the necessary eligibility certificate being given to him by the competent authority.

5. (1) Recruitment to the Service in the respective cadre shall be made by the Government by any one or more of the following methods:— Recruitment to Service.

- (a) by direct appointment; or
- (b) by transfer of an officer already in the service of a State Government or the Central Government; or
- (c) by promotion from Group B Service of the respective cadre.

(2) Recruitment to the cadre post shall be so regulated that the number of posts in the respective cadre filled by promotion from Group B Service shall not exceed fifty percent of the cadre strength in respective cadre excluding the posts of Assistant Executive Engineers:

Provided that if adequate number of Assistant Executive Engineers, who are eligible and fit for promotion are not available, the cadre posts in the respective cadre even beyond fifty percent may be filled up by promotion of members of Group B Service or by transfer, as may be decided by the Government.

(3) In the case of persons who were members of the Service as on 1st day of November, 1966, it shall be assumed that the member recruited by promotion from Group B Service is in accordance with the provisions of sub-section (2) and future recruitment shall be based upon this assumption.

(4) All first direct appointments to the Service shall be made to the posts of Assistant Executive Engineers.

(5) An officer promoted from Group B Service shall be appointed to the post of Executive Engineer.

(6) Appointment by transfer of an officer shall ordinarily be made to the rank of Executive Engineer.

(7) The selection of candidates shall be made by the Commission, after holding competitive examination, the syllabus for which shall be such, as may be specified by Government, from time to time:

Provided that if the number of candidates is more than twenty times the number of vacancies advertised, the Commission may hold a screening test to shortlist the candidates for the competitive examination:

Provided further that a candidate shall not be considered qualified for appointment, unless he obtains not less than forty percent marks in each subject and also not less than fifty percent marks in the aggregate and no candidate who fails to obtain the qualifying marks shall be called for interview by the Commission:

Provided further that for a candidate belonging to Scheduled Castes/Scheduled Tribes, the requirement of aggregate marks shall be forty-five percent.

Explanation.— When so requested by the Government, the Commission may hold a combined competitive examination for selection to the Service as well as to any other engineering service or services of the State and in such an event, appointments shall be made in the order of merit indicated by the Commission, after allowing persons that are appointed to another service.

Qualifications.

6. No person shall be appointed to the Service on or after the date of publication of this Act in the Official Gazette, unless he,—

- (a) in case of appointment by direct recruitment, possesses one of the degrees or other qualifications in the respective engineering discipline from a university or from a technical institution approved by All India Council of Technical Education or has passed sections A and B of the Associate Membership Examination of the Institution of Engineers (India). The requisite qualifications shall be possessed by the candidate on or before the last day of submission of application to the Commission:

Provided that no degree obtained through correspondence or distance education mode from any university or technical institution shall be considered for appointment by any mode of recruitment to the Service. The degrees awarded must be approved by All India Council of Technical Education:

Provided further that the candidates to be appointed for Civil cadre shall be recruited with qualification in Civil Engineering, whereas those to be recruited in the Electrical cadre shall possess qualification in Electrical Engineering and whereas those to be recruited in Mechanical cadre shall be required to possess qualification in Mechanical Engineering;

- (b) in case of an appointment by promotion from Group B Service, has, in addition to the qualifications provided in clause (a), eight years completed service and passed the departmental examination of Group B Service:

Provided that the Government may relax the condition of eight years service in the case of an officer who has completed five years service and in such case, the officer shall earn the first increment as an Executive Engineer on the completion of nine years service.

Explanation.— For the purpose of computing eight years service, the service in Group B, as well as in Group A, shall be counted;

- (c) is a person with a satisfactory character and antecedents, verification in respect of which shall be arranged through appropriate Government agency, except in case where such verification may have already been made at the time of his entry into Government service;
- (d) has not more than one wife living or, in the case of a woman, is not married to a person already having a wife living:

Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this condition;

- (e) obtains from the Standing Medical Board, a certificate of physical fitness after being examined in accordance with the Punjab Civil Services Rules as applicable to the State of Haryana and is considered by the Standing Medical Board to be fit in all respects for active outdoor duties.

7. The minimum and maximum age for direct appointment shall be such, as may be notified by the Government. The cut off date for determining the minimum and maximum age shall be the First day of January of the calendar year in which the vacancies are advertised by the Commission. Age.

8. (1) A Committee comprising such members, as may be notified by the Government, shall be constituted to prepare a list of officers suitable for promotion to the senior scale of the Service separately for Civil, Electrical and Mechanical cadre. The selection for inclusion in such list shall be based on seniority-cum-merit. Appointment by promotion.

(2) The Committee shall meet at intervals ordinarily not exceeding one year and consider the cases of all eligible officers for promotion to the senior scale of the Service, as on the First day of January of that year.

(3) The names of the officers included in this list shall be arranged in order of seniority in Group B Service separately for Civil, Electrical and Mechanical cadre.

(4) The list so prepared shall be revised every year.

(5) If, in the process of preparing the list or its revision, it is proposed to supersede any eligible candidate, the Committee shall draw up a list of such officers and may record its reasons for the proposed supersession.

(6) The list prepared or revised in accordance with the provisions of sub-sections (1), (3), (4) and (5) shall be forwarded to the Commission by the Government along with—

- (i) the records of all officers included in the list;
- (ii) the records of all officers proposed to be superseded as a result of the recommendations made by the Committee;
- (iii) the reasons, if any, recorded by the Committee for the proposed supersession of any officer; and
- (iv) the observations, if any, of the Government on the recommendations of the Committee.

(7) The Commission shall consider the list prepared by the Committee along with other documents received from the Government and, unless it considers any change necessary, approve the list.

(8) If the Commission considers it necessary to make any change in the list received from the Government, it shall inform the Government of the changes proposed and after taking into account the comments, if any, of the Government, may approve the list finally with such modifications, if any, as may, in its opinion, be just and proper.

(9) Appointments to the Service shall be made by the Government from the list in the order in which names have been mentioned by the Commission.

(10) Appointment by promotion may be made to the Service or to any post in the cadre in an officiating capacity from the list prepared under this section.

(11) It shall not ordinarily be necessary to consult the Commission before appointment under sub-section (9) or (10) is made, unless during the period intervening between the inclusion of the name of the officer in the list and the date of the proposed appointment, there occurs any deterioration in the work of the officer which in the opinion of the Government is such as to render him unsuitable for appointment to the Service.

9. (1) Subject to the provisions of sub-sections (2) and (3), members of the Service of the respective cadre shall be eligible for promotion to any of the posts within their respective cadre: Promotion within service.

Provided that a member of Group B Service who does not possess one of the degrees of a university or other qualifications as specified in section 6, shall not be eligible for promotion to the post of Executive Engineer till he has acquired the requisite qualifications:

¹[Provided further that there shall be a common cadre for promotion to the post of Engineer -in-Chief:

Provided further that there shall be separate post of Chief Engineer (Electrical) for Electrical cadre and Chief Engineer (Mechanical) for Mechanical cadre and same shall be filled up by the Committee constituted under section 8 on the basis of seniority-cum-merit. The seniority shall be determined by the length of Service on the post of Superintending Engineer in their respective cadre.

(2) Promotion shall be made by selection on the basis of seniority-cum-merit and suitability in all respects and a member of the Service shall not have any claim to such promotion as a matter of right or mere seniority.

(3) A member of the Service shall not be eligible for promotion to the rank of –

- (a) Executive Engineer, unless he has rendered five years Service as an Assistant Executive Engineer and has passed departmental examination as provided in section 15:

Provided that an officer who has rendered six years or more Service as an Assistant Executive Engineer shall, unless he is considered unsuitable for promotion, be given preference for such promotion over an eligible Group B officer;

1. Substituted by Haryana Act 38 of 2019.

- (b) Superintending Engineer, unless he has rendered seven years Service as an Executive Engineer;
- (c) Chief Engineer, unless he has rendered three years Service as Superintending Engineer;
- (d) Engineer-in-Chief, unless he has rendered two years Service as Chief Engineer:

Provided that if, it appears to be necessary to promote an officer who has successfully completed his probation, in public interest, the Government may, for reasons to be recorded in writing, either generally for a specified period or in any individual case, reduce the period specified in clauses (a), (b), (c) or (d) to such an extent, as it may deem proper.

Appointment
by transfer.

10. The Government may, in special circumstances, with the approval of the Commission, appoint an officer to the Service by transfer.

Probation.

11. (1) The officer appointed to the Service shall remain on probation for a period of two years, if recruited by direct appointment and one year, if recruited otherwise:

Provided that –

- (a) any period after appointment to the Service spent on deputation on a corresponding or a higher post shall count towards the period of probation fixed under this section;
- (b) in the case of an appointment by transfer, any period of work in the rank of Executive Engineer or above, prior to appointment to the Service may, at the discretion of the Government, be allowed to be counted towards the period of probation fixed under this section; and
- (c) an officiating appointment in the Service shall be reckoned as a period spent on probation but no member of Service who has thus officiated shall, on the completion of the specified period of probation, be entitled to be confirmed, unless he is appointed against a cadre post.

(2) If the work or conduct of an officer appointed to the Service during the period of probation is, in the opinion of the Government, not satisfactory, it may –

- (a) dispense with his Services, if recruited by direct appointment; and

(b) if recruited otherwise—

- (i) revert him to his former post; or
- (ii) deal with him in such other manner as the terms and conditions of his previous appointment permit.

(3) On the completion of the period of probation of an officer, the Government may,—

(a) if his work or conduct has, in its opinion, been satisfactory —

- (i) confirm such person in his appointment; or
- (ii) if no cadre post is vacant for him, declare that he has completed his probation satisfactorily; or

(b) if his work or conduct has in its opinion, been not satisfactory,-

(i) dispense with his Service, if recruited by direct recruitment; or

(ii) if recruited otherwise—

- (I) revert him to his former post; or
- (II) deal with him in such other manner as the terms and conditions of his previous appointment permit; or

(iii) extend his period of probation and thereafter pass such order, as it could have passed on the expiry of the first period of probation:

Provided that the total period of probation, including extension, if any, shall not exceed three years.

12. (1) The seniority of the members of Service shall be determined Seniority. separately for the Civil, Electrical and Mechanical cadre.

(2) In the case of Assistant Executive Engineers, the order of merit determined by the Commission shall not be disturbed in fixing the inter-se seniority amongst them.

(3) The inter-se seniority of the members of the Service appointed as Executive Engineers shall be determined by the length of continuous service on the cadre post of Executive Engineer:

Provided that in case of Executive Engineers directly appointed or promoted from Assistant Executive Engineers or promoted from Group B Service against cadre posts or appointed by transfer against cadre posts on the same date, their inter-se seniority shall be determined in the following order:—

- (a) Executive Engineer promoted from Assistant Executive Engineer shall be senior to the Executive Engineer promoted from Group B Service or appointed by transfer; and
- (b) Executive Engineer promoted from Group B Service shall be senior to the Executive Engineer appointed by transfer.

(4) In the case of the Executive Engineers appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member, who was drawing a higher rate of pay in his previous appointment, and if the rates of pay drawn are also the same, then by the length of their service in the appointments; and if the length of such service is also the same, the older member shall be senior to the younger member.

(5) Where a member of the Service, for a cause which the Government considers to be sufficient, is unable to join the Service or continues with the Government's approval on deputation outside the Service, it shall be open to the Government to allow him credit for such service as if it was a Service rendered under this Act for the purposes of the fixation of his seniority.

Explanation.— All employment on deputation after a member has joined the Service and has had his seniority fixed under this Act, shall count as if it was employment in the Service and shall not in any way affect the seniority already fixed, except to the extent that such seniority would in any case have been affected, had the member of the Service continued to work in the Department.

Pay. **13.** The members of the Service shall be entitled to such scales of pay including special pay, as may be notified in the Official Gazette by the Government.

Leave, pension and other matters. **14.** The terms and conditions in respect of leave, pension and other cognate matters not expressly provided for in this Act, shall be such, as may be prescribed.

Departmental examination. **15.** (1) The officer appointed to the Service, unless he has already done so, shall pass such departmental examination and within such period, as may be specified by the Government :

Provided that the Government in addition to such departmental examination may, from time to time, specify any other test or examination to be passed before an officer can be considered eligible for promotion or appointment to any rank in the Service:

Provided further that the Government may, for any sufficient cause extend the period within which any member is required to pass the departmental examination.

(2) If an officer fails to pass the departmental examination within the specified or within the extended period, if any, he shall not earn his future grade increments till such time, as he passes it when the increments shall be released retrospectively:

Provided that he shall not be entitled to get any arrears of the released grade increments for the period during which he could not pass the examination.

(3) If an officer passes the departmental examination in first attempt before the specified period, he shall be given all increments which would have otherwise fallen due to him at the end of such period from the following day on which the departmental examination was completed. The above advantage conferred by this stipulation is not of cumulative nature and later increments shall become due on the dates on which they would have become otherwise due.

16. Every member of the Service shall get himself vaccinated and revaccinated as and when the Government so directs by special or general order. Vaccination.

17. In matters relating to discipline, penalties and appeals, members of the Service shall be governed by the Civil Services (Punishment and Appeal) Rules, as may be framed by the Government, from time to time. Discipline, penalty and appeal.

18. Every member of the Service, unless he has already done so, shall be required to take the oath of allegiance to India and to the Constitution of India as by law established in the Form of Oath / Affirmation given in Appendix B. Oath of allegiance.

19. (1) A member of the Service shall be liable to serve under the Government at any place whether within or outside the State of Haryana. Liability to serve.

(2) A member of the Service may also be deputed to serve under:—

- (i) a company, an association or a body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by the Government, a municipal corporation or a local authority within the State of Haryana;

- (ii) the Central Government or a company, an association or a body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government; or
- (iii) any other State Government, an international organization, an autonomous body not controlled by the Government or a private body:

Provided that no member of the Service shall be deputed to serve the Central Government or any other State Government or any organization or body referred to in clauses (ii) and (iii) except with his consent.

(3) Every person appointed to the Service shall, if so required, serve in any defence service or post connected with the defence of India for a period not less than four years including the period spent on training, if any:

Provided that such person—

- (a) shall not be required to serve as aforesaid after the expiry of 10 years from the date of appointment to the Service; and
- (b) shall not ordinarily be required to serve as aforesaid after attaining the age of 40 years.

Publication of grounds of dismissal.

20. If a member of the Service is dismissed by the Government or other competent authority as a result of a departmental enquiry or an enquiry under the Public Servants (Inquiries) Act, 1850 (Act 37 of 1850) or on conviction on a criminal charge by a Court, the Government may publish in the Official Gazette, the reasons for such dismissal, if it is of the opinion that such publication is desirable in the public interest.

General.

21. In all matters not expressly provided for in this Act, the members of the Service shall be governed by such general or special rules as may have been, or may hereafter be, framed by Government, from time to time.

Power to relax.

22. Where the Government is satisfied that the operation of any of the provisions of this Act causes undue hardship in any particular case, it may, by order, dispense with or relax the requirements of that provision to such an extent, and subject to such conditions, as it may consider necessary for dealing with the case in a just and equitable manner.

Reservations.

23. Nothing contained in this Act shall affect reservations and other concessions required to be provided for Scheduled Castes, Scheduled

Tribes, Backward Classes, Other Backward Classes, Ex-Servicemen, persons with disabilities or any other class or category of persons in accordance with the orders issued by the Government in this regard.

24. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session.

25. The Haryana Service of Engineers, Class I, Public Works Department (Buildings and Roads Branch), (Public Health Branch) and (Irrigation Branch) respectively Act, 1995 (20 of 1995), in its application to the Buildings and Roads Branch now Public Works (Buildings and Roads) Department, is hereby repealed: Repeal and savings.

Provided that such repeal shall not affect—

- (a) any penalty or punishment imposed as a result of disciplinary proceedings under the Act so repealed;
- (b) any disciplinary action or proceedings initiated or pending under the Act so repealed;
- (c) any relaxation in qualifications granted to any member of the Service under the Act so repealed;
- (d) the benefits availed of by the persons who have retired from service during the period commencing from the 1st day of November, 1966 and ending with the date of publication of this Act in the Official Gazette;
- (e) the qualifications of persons already recruited and of those for whom the process of recruitment has been initiated under the Act so repealed ;

¹[(f) the officers promoted, recruited or appointed, in the Buildings and Roads Branch now called Public Works (Buildings and Roads) Department, prior to the notification of this Act shall continue to be governed and regulated by the Haryana Service of Engineer, Class I, Public Works Department (Building and Roads Branch), (Public Health Branch) and (Irrigation Branch) respectively) Act, 1995 (20 of 1995).]

and the Punjab Service of Engineers, Class I, P.W.D. (Buildings and Roads Branch) Rules, 1960 shall continue to be in force as if the same had not been repealed for the persons who were members of Service before the 1st day of November, 1966.

1. Substituted by Haryana Act 38 of 2019.

APPENDIX A

[See section 3(1)]

The cadre strength of the Service shall be determined each year for Civil, Electrical and Mechanical Cadre separately in the following manner:-

I. Senior posts (Executive Engineers and above) —

The number of senior posts shall be calculated as under:—

(a) first add—

(1) permanent posts [three years and over posts, i.e. posts which have existed continuously for three years or more prior to the First day of January];

(2) notional posts to be determined as follows:-

(i) enumerate posts which have existed during the last three years, preceding the First day of January, detailing the number of months for which they have existed; all periods of 15 days or above counted as a whole month;

(ii) add the total number of months computed at (i) above;

(iii) divide (ii) by 36 to the nearest whole number to obtain the number of notional posts to be included;

(3) deputation posts [these shall be equivalent to the number of officers on deputation, whether in the State or outside, on the First day of January];

(b) to the total of items (1), (2) and (3) (to be called 'X'), further add seven and a half per cent of 'X' as leave reserves (the total thus arrived to be called 'Y');

(c) the cadre strength shall, for the year in question be 'Y' minus fifteen per cent of 'Y' calculated to the nearest whole number. The balance of 'Y' minus cadre posts as calculated above shall represent ex-cadre posts:

Provided that—

(i) the number of cadre posts for the year shall in no case be less than the number of officers confirmed against such posts;

- (ii) where as a result of the application of clause (i) of the proviso, the number of senior cadre posts becomes larger than the number worked out, the excess number shall be reduced as and when confirmed officers retire, or leave the Service otherwise;
- (iii) the number of ex-cadre senior posts corresponding to the excess number, if any, arrived at under clause (i), shall be reduced;

Explanation.— The Government shall not appoint officers against ex-cadre posts except to the extent that divisional or higher posts exist at any given time;

- (d) of the senior posts thus determined, the number of cadre posts of Superintending Engineers and above shall be determined from time to time by the Government in consultation with the Finance Department. All other senior cadre posts shall be in the rank of Executive Engineer:

Provided that there may be ex-cadre posts of Executive Engineer or of higher ranks depending upon the actual requirements of the Department.

- II. Junior Scale posts (Assistant Executive Engineers) :— The number of junior posts for the year shall be -

- (a) cadre posts [the posts determined by dividing the figure ‘Y’ as calculated according to the provisions of Part I above by figure 2 and multiplying the resulting figure by the fraction $\frac{7}{23}$];

Provided that the number of cadre posts for the year shall not be less than the number of cadre posts of the year preceding it;

- (b) ex-cadre posts [the number of posts shall be increased by such number as may be necessary to ensure at least one direct appointment to the post of Assistant Executive Engineer each year].

APPENDIX B

(See section 18)

FORM OF OATH/ AFFIRMATION

I _____, do swear / solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will carry out the duties of my office with loyalty, honesty and impartiality.

‘So help me God’

(Conscientious objectors of oath taking may make a solemn affirmation in the form indicated above)

Name and designation of the officer
undertaking the oath / affirmation.

Countersigned

Name and designation of the officer in whose
presence the oath / affirmation undertaken.
