

**H.P.STATE CIVIL SUPPLIES CORPORATION
LIMITED**

(A State Government Undertaking)

SERVICE BYE-LAWS

AND

RECRUITMENT & PROMOTION RULES

HIMACHAL PRADESH STATE CIVIL SUPPLIES CORPORATION LTD.
(A H.P. GOVERNMENT UNDERTAKING)
REGD. OFFICE SDA COMMERCIAL COMPLEX, KASUMPTI, SHIMLA-9

By virtue of the powers vested in it under Section 291 of the Companies Act, 1956 read with clause 17(i) of Article 133 of the Memorandum and articles of Association of H.P. State Civil Supplies Corporation Limited, the Board of Directors of the aforesaid Corporation hereby make the following bye-laws to regulate the recruitment, emoluments, certain conditions of service and miscellaneous matters connected therewith the persons appointed as officers and other employees for service under the Corporation.

HIMACHAL PRADESH STATE CIVIL SUPPLIES CORPORATION LIMITED OFFICERS AND OTHER EMPLOYEES SERVICE BYE LAWS AND RULES GOVERNING MISCELLANEOUS MATTERS CONNECTED THEREWITH:

1. SHORT TITLE, COMMENCEMENT AND DEFINATIONS:

- (i) These bye-laws may be called the Himachal Pradesh State Civil Supplies Corporation Limited Officers and other employees Service Bye-Laws and Rules Governing Miscellaneous matters connected therewith.
- (ii) The Bye-laws and Rules shall take effect from the date of registration of the Corporation.
- (iii) These Bye-laws and Rules shall apply to all officers and employees of the Corporation, except employees whose conditions of service are governed by the factories Act.

2 In these Bye-laws and Rules, unless there is anything repugnant in the subject context:-

- (i) " **The Board**" means that Board of Director of the Himachal Pradesh State Civil Supplies Corporation Ltd., Shimla.
- (ii) "**Bye-laws**" means the Himachal Pradesh State Civil Supplies Corporation Limited Officer and other Employees Service Bye-laws and Rules governing miscellaneous matters connected therewith as amended from time to time.
- (iii) " **The Corporation**" means the Himachal Pradesh State Civil Supplies Corporation Limited, Shimla.
- (iv) " **Direct Recruitment**" means an appointment made otherwise then by promotion or transfer of a person already in the service of the Corporation or made by taking a person on deputation from the Government or any other Corporation/

Company/ any other source.

- (v) " **Duty**" means the period of service which counts for pay, leave and other benefits, but does not include any period of suspension or extraordinary leave.
- (vi) " **Appointing Authority**" means the Managing Director of the Corporation.
- (vii) " **Officers and other Employees**" means person (s) employed on any post under the Corporation; but does not include trainees/ management trainees/ apprentice and daily waged earners.
- (viii) " **The Government**" means the Himachal Pradesh Government.
- (ix) " **Managing Director**" means an officer appointed by the Government to be the Managing Director of the Corporation under Clause (5) of Article 102 of the Memorandum and Articles of Association of the Corporation.
- (x) " **Probation**" means a person employed on probation for a specific period as per terms of appointment
- (xi) " **Temporary Employee**" means a person appointed for a limited period or appointed against temporary post or appointed against a temporary post or vacancy for a specified or unspecified period.
- (xii) " **Post or Posts**" mean job/ jobs which may be created in the Corporation from time to time by the Board of Directors or any other authority authorised by the Board.
- (xiii) " **Pay-scale**" means the scale of pay attached to a post of the Corporation.
- (xiv) " **Pay**" means the amount drawn monthly by an employee as under :-
 - i) The pay other than special pay granted in view of personal qualifications which has been sanctioned for a post held by him substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre.
 - ii) Special Pay and Personal pay.
 - iii) Any other emoluments which may be specially classed as Pay by State Government from time to time.
- (xv) " **Allowances**" means, Dearness Allowance and local allowances which are sanctioned by the State Government from time to time for Government

Servants.

- (xvi) **"Family "** means, husband/ wife and dependent children and includes children adopted by a person.
- (xii) **"Substantive Pay"** means the minimum of stage pay in the time scale substantively held;
- (xviii) **"Personal Pay"** means an additional pay granted to an employee:-
 - i) to save him from loss due to revision of pay or reduction therein otherwise then as a disciplinary measure or
 - ii) in exceptional circumstances, or other personal considerations;
- (xix) **"Special Pay"** means additional pay granted in consideration of :-
 - i) The special arduous nature of duties or;
 - ii) a specific addition to work or responsibility.
- (xx) **"Award"** means a fixed amount awarded in recognition of meritorious work performed by any employee of the Corporation.

3. **Creation/ Abolition of Posts under the Corporation**

- 3 (i) The Board or any authority duly authorized by the Board in this behalf may create from time to time, such posts as may be expedient to the working of the Corporation.
- 3 (ii) For the purposes of these bye-laws the post under the Corporation shall be classified into the following categories viz.:
 - a) Regular
 - a) Contract
 - b) Daily Wage Earners
 - c) Apprentices
 - d) Trainees

- Note:**
- a) Regular means service in the Corporation against the post which at a point of time is expected to continue indefinitely.
 - b) Contract means service for the Corporation at fixed or sliding scale of payments given for a specified period.
 - c) Daily wage Earner means a person engaged on daily/ monthly wages fixed by the State Govt.
 - d) Apprentices mean a person having given stipend under the Apprenticeship

Act.

- e) Trainees mean a person eligible to draw a stipend as per various training scheme of the Corporation.
- f) The Board/ Authority duly authorized by the BOD shall review the posts from time to time and abolish such post as have outlived their utility or are no longer required in the interest of efficient working of the Corporation.

4. Eligibility and age Limits:

- 4 (i) A candidate for appointment to any post must be
- a) A citizen of India, or
 - b) a citizen of Nepal, or
 - c) a subject of Bhutan, or
 - d) a Tibetan refugee who come over to India before the 1st January, 1962 with the intention of permanently settling in India, or
 - e) a person of India origin who has migrated from Pakistan, Burma, Lanka, West African Countries of Kenya, Uganda the United Republic of Tanzania (formerly Tanganyika and Zazibar) Zambia, Malwa, permanently settling in India.

Provided that a candidate belonging to categories (b), (c) and (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the State. A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of Himachal Pradesh/ Government of India.

- 4(ii) No person below the age of 18 years or above the age of 45 year on the 1st January of the year in which recruitment takes place shall be considered for direct recruitment taken place shall be considered for direct recruitment to any post under the Corporation. The rule amended by the State Govt. will apply to Corporation as and when amended from time to time.

Provided the above age limits shall be relaxed for the Scheduled Castes/Scheduled Tribes/ Ex-Servicemen/ Backward Classes to the extent as may be ordered by the Government from time to time.

Provided further that the above age limits may be relaxed by the Managing Director in genuine cases.

- 4(iii) No person who has been dismissed from Government service or Government Corporation/ Undertaking shall be considered for employment under the Corporation.
- 4(iv) Non person who has more than one living spouse shall be considered for recruitment in the Corporation.
- 4(v) No person who is found to be medically unfit shall be eligible for appointment under the Corporation

5. Methods of Recruitment:

- 5(i) Recruitment for various posts under the Corporation shall be made by the Managing Director by adopting any of the following method:-
- a) By deputation from the State/Central Govt. Deptts./ autonomous bodies/Corporations etc. and later absorption in the service of the Corporation.
 - b) By direct recruitment.
 - c) By promotion of existing personnel or by transfer from one post to another of existing personnel.
- 5(ii) While resorting to recruitment (Excluding class-III posts except the post of Driver) as prescribed in bye-laws 5(i) above, the Managing Director may adopt one or any of the following source of recruitment, provided that a requisition to the Employment Exchange shall always be sent in cases of direct recruitment of post carrying minimum of the pay scale up to Rs. 700/-.
- a) Insert an advertisement in some reputed newspapers.
 - b) Write to the Employment Exchanges.
 - c) Consider candidates already in the service of the Corporation.
 - d) Consider candidates who apply to the Corporation of their own accord.
 - e) Request State/Central Govt. Departments/ Autonomous Bodies/ Corporation etc. to sponsor suitable candidates already in their services.
 - f) Write to organizations/ associations of employees in accordance with the instructions of the Government; and
 - g) Take the advice/ service on hire/ payment of fee or otherwise of professional management consultants.
- 5(ii)(i) All class-III posts or service (including daily-wages in class-III except the post of Driver) shall be filled up through Subordinate Selection Board and provision of Service Bye-Laws 5(ii), 5(iv) and 5(vi) shall not be applicable to those class-III post or service under the Corporation except the following shall be made on the advice of the Board.
- i) Appointment to Class-III posts of wards of the Corporation employees who die in harness.
 - ii) Class-III posts/service recruitment to which is to be made against reserved vacancies for ex-servicemen including one dependent of defense service personnel killed in action or disabled in action and rendered unfit for civil employment and physically handicapped.
 - iii) Such other posts, as may from time to time be excluded by the Board of Directors from the purview of the Subordinate Service Selection Board of H.P.
- 5(iii) Such member of post as may be prescribed by the State Government from time to time shall be reserved for Scheduled Caste/ Scheduled Tribe/ Ex-Servicemen/ Backward Classes and other communities. However, no post shall be kept vacant in case suitable candidates belonging to these categories are not available in the respective method of recruitment. The reserved post so filled

from the candidates belong to the general category shall be carried forward to the subsequent recruitment(s) in accordance with the instructions of the Government(s).

Provided that no preference shall be claimed by employees of such categories at the time to lay off/ retrenchment

- 5(iv) After due consideration of all the applications, recommendations of the employment exchanges and after eliminating the candidates not fulfilling the basic qualifications, experience, personal interview/test as may be considered proper by the Managing Director shall be conducted.
- 5(v) The ratio of candidates called for test interview shall not normally exceed six times the number of vacancies to be filled at a time provided that if none of the candidates so called for test/ interview comes up to the required minimum standard as laid down for the respective post then the Managing Director may call other candidates in the same proportion. Provided further that this bye-law shall not be binding on the Managing Director and he may relax the standard so laid down and recruit/ appoint the best candidates out of the whole lot.
- 5(vi) The Managing Director may prescribe that anyone or all of the following tests will be conducted prior/ subsequent to the personal interview:-
- a) General Intelligence Test
 - b) Test of knowledge of the subject matter/ requirement of a job.
 - c) Aptitude test.
 - d) Performance test
 - e) Test of special interests; and
 - f) Personality test.
- 5(vii) The Managing Director may direct that a candidate selected for appointment in the Corporation shall deposit his original certificates/ testimonials in the Corporation for verification/ certification by the issuing authorities. Such documents shall be kept in the safe custody in a separate folder attached with the confidential file of the official concerned and shall be returned to the concerned incumbent when no longer required.
- 5(viii) Every candidate before his appointment in the service of the Corporation shall be required to produce a certificate acceptable to the Managing Director regarding his bearing a good moral character. The Managing Director may also make confidential inquiries from the previous employer (s) of the person regarding the work and integrity of the prospective employee.
- 5(ix) Every incumbent prior to his first direct recruitment in the service of the Corporation shall be required to undergo a medical test to be conducted by a Medical Officer so authorized by the Corporation. The standard of medical fitness may be relaxed in the case of physically handicapped person/ war injury/ army demobilized /discharged candidates to the extent to which it does not limit/ impair/ retard his efficiency at work.
- 5(x) Every selected candidate shall before entering upon his duties sign a declaration in the form as prescribed under Article 183 of the Memorandum

and Articles of the Association of the Corporation.

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- 6(i) The pay scales of different post shall be as sanctioned by the Board of Directors from time to time. The educational and other qualifications and method of recruitment thereto shall be as contained in Annexure I to these bye-laws. It shall be within the competence of the Managing Director to relax any of the provisions of Annexure-I in genuine cases provided the said relaxation shall apply to all cases similarly situated at a particular time of recruitment.
- 6(ii) The knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh shall be a desirable qualification for all recruitment.
- 6(iii) Ad-hoc service shall be taken into account for the purposes of promotion and confirmation only.

Provided that in all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including ad-hoc one) in the feeder post all person senior to him in the respective category shall be deemed to be eligible for consideration and placed above the junior official in the field of consideration.

Provided further that all incumbents to be considered for promotion/ confirmation should possess the minimum qualifying service of at least three years or that prescribed in the relevant recruitment and promotion Rules (Annexure-I) whichever is greater.

Provided further that where a person becomes ineligible to be considered for promotion/ confirmation on account of the requirement prescribed in the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion/ confirmation.

- 6(iv) Promotion to the selection posts shall be made on the basis of merit-cum-seniority by following such procedure as may be adopted by the State Government for selection posts. Promotion to non-selection post shall be made on the basis of seniority subject to rejection of unfit and for determining suitability for promotion to the non-selection posts the same criterion as may be adopted by the State Government shall be followed. For adjudging merit and suitability of an employee for promotion to selection or non-selection posts the Managing Director may at his discretion give a written test to the eligible officials and the performance of the employee at such a test shall be given equal weight age in accordance with the criterion as may be decided by the Managing Director.

7. **Pay and Allowances:**

- 7(i) An employee appointed to a post under the Corporation shall on first

appointment be allowed minimum of the pay scale of the post provided that the Managing Director may in consideration of the special knowledge training or experience of an incumbent allow him a higher initial start.

- 7(ii) The appointing authority may grant a lower pay scale or a fixed salary to an incumbent appointed against the regular vacancy in a higher pay scale, if it may be considered so, on the basis of merits of the incumbent or otherwise. The appointing authority may subsequently revise/ release the original pay scale as attached to the post after such time as deemed proper.
- 7(iii) The Managing Director may, for special reasons to be recorded in writing and on proved exceptional performance of an employee grant him advance increments subject to a maximum of two increments within a period of one year, in addition to his regular increment, if any. **(Clause deleted vide Office Order No: HPSCSC/Admn.3-1/80-II-21076-21092 dated 7.10.2008)**
- 7(iv) An increment in a time scale may be drawn as a matter of course by an employee of the Corporation unless it is withheld or deferred by the appointing authority.
- 7(v) The fixation of pay of an employee of the Corporation on promotion or on appointment to different scale of pay shall be made as under :-
- a) When an employee is transferred from one post to another carrying a different scale of pay, but not involving assumption of higher duties and responsibilities, his initial pay scale in the new post shall be fixed as under :-
 - i) In case his substantive/ officiating pay in the old scale is lower than the minimum of the scale to which he is transferred, at the minimum of the new scale.
 - ii) In other cases, at a stage which is equal to his pay in the old scale or if there is no stage in the new scale, the stage next below the pay plus personal pay equal to the difference, such personal pay being drawn until such time as it is absorbed by subsequent increment in the new scale.
 - b) When an employee is transferred from one post to another carrying a different scale of pay and such appointment involves assumption of higher duties and responsibilities his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued.
- 7(vi) Deputation allowance as fixed by the State Govt. from time to time. Fixation of pay of deputationist as per govt. rule.
- 7(vii) The Managing Director shall hire residential accommodation for certain category of employees solely at his discretion and make payment of rent from the Corporation's funds. The employees for whom residential accommodation is so hired shall pay 10% of their pay to the Corporation.
- 7(viii) Dearness Allowance, Compensatory Allowance, House Rent and other Allowances.

Unless otherwise provided in these bye-laws or the terms of deputation mutually settled, the officers and other employees of the Corporation shall be

allowed the dearness allowance, compensatory allowance, house rent allowance and other allowances at the same rates and on the same conditions as sanctioned by the State Government for its officers and employees from time to time.

7(ix) **Bonus:**

Bonus as declared by the Board from time to time and regulated in accordance with Government directions/ orders/acts will be payable to all employees from time to time.

8. Probation:

- i) An employee directly recruited /promoted to any post of the Corporation shall be on probation for a period which shall not be less than two years and more than three years.
- ii) Employee other than those mentioned in sub-bye-laws (I) above shall, on their first appointment in the service of the Corporation be on probation, for atleast, one year. This clause will not however, apply to incumbents initially taken on deputation but subsequently absorbed in the service of the Corporation after three years service,
- iii) The period of probation of an employee may be extended by the appointing authority, after assessing his work but in no case will this period exceed three years.
- iv) The appointing authority may terminate the service of an employee during the period of probation. A permanent employee whose work and conduct in another higher post is not found satisfactory during the probation period, may be reverted to the lower post and such an employee shall not be considered for probation to a higher post before the expiry of two years from the date of such reversion.
- v) No employee shall be deemed to have been confirmed on a post unless a specific order to this effect is issued by the appointing authority.

9. Seniority:

- i) Separate category (post)-wise seniority lists of persons employed in the service of the Corporation shall be maintained with reference to the date of confirmation and in the event of date of confirmation and in the event of date of confirmation of two or more increments being the same, the order of seniority drawn in accordance with the succeeding sub-clauses will prevail.
- ii) The seniority of direct recruits in a category shall be reckoned with reference to the merit drawn at the time of selection provided the incumbent has joined the post within the specified or extended period. The merit of the time of selection being equal, the older in age shall be senior.
Provided the incumbent selected in an earlier selection shall always be senior to

the others appointed as a result of subsequent selection. This provision will, however, apply to cases where selection at a time is spread over to different dates and or at different stations.

- iii) The senior of officers/ officials appointed by promotion shall be reckoned with reference to the order of selection for promotion.
- iv) The inter-se-seniority of direct recruits and promoted officials in the same trade/grade shall be maintained in the following manner:-
"The last of a batch of promoted officials shall be ranked senior to the first of the direct recruit. The seniority list will show the position of the junior most promoted official in any one calendar year as higher to the highest position held by a direct recruit of the same years".
- v) An officer/ Employee who joins the service of the Corporation initially on deputation basis, but subsequently gets absorbed in the service of the Corporation shall get seniority with reference to the date from which he is absorbed in the service of the Corporation. If the date of absorption in the service of the Corporation by such an employee happens to be the same as that of a promote or direct recruit of the same category then such an incumbent shall rank senior to both the promote and the direct recruit.
Provided that the inter-se-seniority in the parent Department (s) shall be maintained in respect of the officers/ officials of the same Department if they had initially joined the service of the Corporation within a period of six months of each other.
- vi) The seniority list so drawn and maintained by the Corporation shall be strictly adhered to at the time of lay off, retrenchment, abolition of posts etc.

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LEAVE HOLIDAYS AND WORKING HOURS

- i) Subject to these bye-laws and decision of the Board from time to time, the officers employees of the Corporation shall be entitled to different kinds of leave (including casual leave) as admissible to the State Government Employees and the relevant leave rules of the State Government employees as amended from time to time shall be applicable to the officers/ employees of the Corporation. For this purpose the following words referred to in the relevant State Rules shall have the meaning as indicate against each :-

Word in the Rules	Substituted word for the purpose of the Corporation
i) President/ Governor	Board of Directors.
ii) Head of the Department	Board of Directors.
iii) Central Govt./State Govt.	Board of Directors.
iv) Central Civil Service/State Service	Service of the Corporation
v) Service	Service of the Corporation

- ii) The power to grant leave to the officers/ employees of the Corporation shall rest in the Managing Director, who may delegate this power to each officer as deemed fit.
- iii) The Corporation Officers/ employees shall observe the holidays as are observed by the State Government officers/ employees, but the employees employed in the sales depots/ production units shall observe holidays in accordance with the provision of the H.P. Shops and Commercial establishment Act, 1969.
- iv) The working hours of all employees at the head quarter, offices of the Divisional Managers and the Area Managers of the Corporation shall be the same as applicable to State Government offices. However, the employees may be called upon to do their duty for extra hours as the exigencies of work demand and they shall not be entitled to any extra remuneration for the same. The working hours of the employees posts in Sales Depots/ production units will be governed under the H.P. shop and commercial establishment Act, 1969.
- v) The officers & employees of the Corporation will get leave encashment benefit on resignation only after he has served the Corporation for at least 5 years.

11**TRAVELLING ALLOWANCE**

- i) The officers and employees of the Corporation will be allowed travelling allowance on transfer on tour and on superannuation in accordance with the rules as applicable to the officers/ employees of the State Government as amended from time to time. For the purpose too the words referred to in the relevant State Rules shall have the same meaning as indicated in the bye-laws. Provided however, the Managing Director may in exceptional circumstances allow reimbursement of lodging charges to officers employees who do not get accommodation in Government rest house and the reimbursement of such expenses will always mean free provision of lodging for the purpose of grant of daily allowance.
- ii) The Managing Director shall allow higher class travel than that to which a person is otherwise entitled if it is considered necessary and expedient in the interest of the Corporation.
- iii) The Managing Director may sanction hiring of conveyance to officers and employees in connection with the business of the Corporation.

12**ADVANCES TO OFFICERS/ EMPLOYEES**

The officers and other employees of the Corporation will be allowed the same types of advances and on the same terms and conditions as are sanctioned by the State Government to its officers and employees. For this purpose the following words shall have the meanings as indicated against each

Words in the State Rules	Substitute word for the purpose of the Corporation
i) Government/ State Government	Board of Directors
ii) Sanctioning Authority/ Head of Department	Managing Director
iii) Service/State Service	Service of the Corporation

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CONDUCT AND DISCIPLINE

- (i) Unless in any case it be otherwise distinctly provided the whole time of an officer/employee shall be at the disposal of the Corporation and he shall serve the Corporation in its business in such capacity and as such places as he/she may from time to time be directed.
- (ii) Every officer/ employee shall confirm to and abide by these bye-laws and shall observe, comply with an obey all orders and directions which may from time to time be given to him by any person or person or persons under whose jurisdiction, superintendence or control he / she may for the time being be placed
- (iii) Every officer/ employee shall maintain strict secrecy regarding the Corporation's affairs and the affairs of its constituents and shall not divulge, directly or indirectly, any information of a confidential nature either to a member of the public or to the Corporation's staff unless compelled to do so by judicial or other authority or unless instructed to do so by a superior officer in the discharge of his duties.
- (iv) Every officer employee shall serve the Corporation honestly and faithfully and shall use his utmost endure to promote the interest of the Corporation and shall show courtesy and attention in all transactions and discussions with the officers of the Government and the Corporation constituents.
- (v) No officer/ employee shall take active part in politics or in any political demonstration, or stand for election as a member for a municipal committee, district board or any legislative body.
- (vi) Every Officer/ employee of the Corporation shall file with the Corporation a return giving details of all landed property in his name. Such return will also indicate subsequent immovable/ liquid assets held by him, if any. The return will be filed in the prescribed proforma.
- (vii) No officer/employee shall acquire movable and immovable property without prior approval of the Managing Director.
 Provided that no approval will be required in the case of immovable property whose total cost does not exceed Rs.1000/-.
 Provided further that such approval will not be necessary and only intimation be sent to the Managing Director in the case of movable property and immovable property whose cost is up to Rs. 5,000/- if the purchase has been made through

- a reputed dealer and at the prevailing market rate.
- (viii) No officer/ employee may contribute an article to the press without the prior permission of the Managing Director or without such permission, make public speech or publish any document, paper, or information which may come into his possession in his official capacity.
 - (ix) No officer/ employee shall accept solicit or seek any outside employment or office whether stipendiary or honorary, without the previous permission of the Managing Director.
 - (x) No officer/ employee shall undertake part time work for a private or public body or a private person or accept fee therefore without the prior permission of the Managing Director who may grant it only in exceptional cases when is satisfied that the work can be undertaken without detriment to his/ her official duties and responsibilities. The Managing Director may in cases in which he thinks fit to grant such permission stipulated that 1/3rd of any such fees received by the employees for undertaking the work shall be paid to the Corporation.
 - (xi)(a) An officer/employee shall not absent him/herself from his/her duties without having first obtaining the permission of the Managing Director nor shall he/she absent him/herself in case of sickness or accident without submitting medical certificate.
 Provided that in the case of temporary indisposition the production of a medical certificate may at the absolute discretion of the Managing Director, he dispensed with.
 - (b) An officer/employee who absents himself from duty without leave or overstays his leave except under circumstances beyond his control for which he must tender a satisfactory explanation, shall not be entitled to draw any emoluments in respect of the period of such absence or overstays, and shall further be liable to such disciplinary action as the Managing Director may deem proper. The period of such absence or overstays may treated as period spent on casual, ordinary such or extra-ordinary leave as the Managing Director may determine.
 - (c) An officer/ employee who is habitually late in attendance shall in addition to such other disciplinary action as the Managing Director may deem fit to initiate, have one day of casual leave forfeited for every two days he is late in a month. Where such an officer/ employee has no casual leave due to him, the period of leave to be so forfeited may be treated as earned or extraordinary leave as the Managing Director may determine in each case.
 - (xii) An officer/ employee, if so required by the Managing Director, shall not absent himself/herself from his/ her station overnight without obtaining the previous permission of the Managing Director.
 - (xiii) An officer/ employee shall not solicit or accept any gift from a constituent of the Corporation or from any subordinate employee or a firm /person without which the Corporation have dealings.
 - (xiv) No officer/ employee shall engage in any commercial business or permit either

on his/ her own account or as agent for others nor act as an agent for life insurance Corporation or an Insurance Company, nor shall be connected with the formation or management of a joint stock company or a firm, provided that the Managing Director may permit him/ her in writing to do so.

- (xv) An officer/ employee shall not speculate in stocks, shares, securities or commodities of any description provided that nothing in this bye-law, shall be deemed to prohibit an employee from making a bonafide investment of his own funds in such manner as may he/she may consider necessary.
- (xvi)(i) An officer/employee shall not borrow money from or in any way place himself under a pecuniary obligation to a broker or an officer/ employee of the Corporation subordinate to him/her or any firm or person having dealing with the Corporation.
- (ii) No officer/ employee shall make any investment likely to embarrass or influence him/her in the discharge of his/her official duties.
- (xvii) An officer/ employee in debt shall furnish to the Managing Director a signed statement of his position half yearly on the 31st March and 30th September and shall indicate in the statement the steps he is taking to rectify his position. An employee who make a false statement under this bye-law or who fails to submit the prescribed statement or appears unable to liquidate his debts within a reasonable time or applied for the protection of an insolvency court shall be liable to dismissal.

EXPLANATION

- (I) For the purpose of this bye-law an employee shall be deemed to be in debt if his total liabilities exclusive of those which are fully secured by tangible assets exceed his total emoluments for 12 months.
- (II) An employee shall be deemed to be unable to liquidate his debts within a reasonable time if it appears having regard to this personal resources and unavoidable current expenses that he will not cease to be in debt within a period of two years. Unless the contrary is proved to the satisfaction of the Managing Director it shall be presumed that an employee cannot provide more than one quarter of his emoluments towards the liquidation of his debts.

- 14** (i) An employee who is arrested for debt or on a criminal charge shall be considered as under suspension from the date of his arrest and shall be considered as under suspension until the termination of the proceedings against him, when an adjustment of his emoluments shall be made according to the circumstances of the case and in the light of the decision as to whether his absence is to be treated as a period of duty or leave the full emoluments being given only in the event of the employee being acquitted of all blame and treated as on duty during the period of this absence.

An employee who is committed to prison for debt or is convicted of any offence involving moral turpitude shall be liable to dismissal.

EXPLANATION:

- (I) In this bye-law the expression "termination of proceedings" shall mean the decision of the lowest court which first finally disposes of the case committal or conviction shall mean committal or conviction by the lowest court or any of the appellate courts and it shall be open to the Corporation to dismiss an officer/ employee who is committed to prison or who is convicted of a criminal charge as from the date of the order of the Court that convicts him.
- (II) Where a conviction of an employee is set aside by a higher court, and the employee is acquitted honorably he may be re-instated in service.
- (III) The appointing authority or any authority to which it is subordinate or any other authority empowered in that behalf by the Managing Director may place an officer/ employee of the Corporation under suspension.
 - (a) Where disciplinary proceeding against him/ her is contemplated or is pending or
 - (b) Where in the opinion of the authority aforesaid he/she has engaged himself in activities prejudicial to the interest of the Corporation / security of the State: or
 - (c) Where a case against him/ her in respect of any criminal offence is under investigation, inquiry or trial.

Provided that where an order of suspension is made by an order of the authority lower than the Managing Director such authority shall forthwith report to the Managing Director, the circumstances in which the order was made.

(IV) An order of suspension made or deemed to have been made under these provisions, shall continue to remain in force until it is modified or revoked by the Managing Director.

(V) An officer/ employee shall, during the period of his suspension be paid only one half of his total monthly emoluments as subsistence allowance which is adjustable in the same manner as provided in bye-law 14(i).

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- (i) Without prejudice to the provision of other bye-laws all officers/ employees except where specified who commit a breach of any of the bye-laws of the Corporation, or who displays negligence, inefficiency or indolence, or who knowingly does anything detrimental to the interests or prestige of the Corporation or in conflict with its instruction or who commits a breach of discipline or is guilty of any other action of mis-conduct or misbehavior shall be liable to the following penalties:-

- (a) Warning or reprimand or censure.
 - (b) Recovery from pay of loss caused to the Corporation.
 - (c) With-holding of increment or increments with or without commutative effect.
 - (d) With-holding of promotion for a specified period.
 - (e) Dis-allowing of up to 50% commission on sales to the SDI's for a specified period not exceeding 3 years.
 - (f) Reduction to lower grade of pay.
 - (g) Reduction to lower post.
 - (h) Removal or dismissal from service.
- (ii) No officer/ employee shall after the commencement of these bye-laws be imposed any of the penalties specified in sub bye-law (i) above except by an order in writing signed by the Managing Director.

16

APPEALS:

- (i) An employee shall have a right of appeal against any order passed by a superior authority which injuriously affects his interests.
- (ii) An appeal shall lie :-
 - (a) Against any orders passed by an authority in exercise of powers conferred on him by or under these regulations, to the Managing Director.
 - (b) Against the orders of the Managing Director to the Board of Director.

No appeal shall lie against an order passed on an appeal.

- (iii) Every appeal shall comply with the following requirements:-
 - (a) It shall be written in English or if not written in English be accompanied by a translated copy in English and shall be signed.
 - (b) It shall be couched in polite and respectful language and shall be free from unnecessary padding or superfluous verbiage.
 - (c) It shall specify the relief desired.
 - (d) It shall be submitted through the proper channel. It shall contain all material statements and arguments relief on and shall be complete in itself including copies of all documents referred to in the appeal.

17

- (i) **An appeal may be withheld by the concerned authority, if :-**

- (a) It does not comply with the requirement of regulations.
- (b) It is illegible or is unintelligible.
- (c) It deals with a matter which does not concern the employee personally.

- (d) It repeat an appeal already rejected by the authority to whom the appeal is addressed and does not in the opinion of the concerned authority disclose any points or circumstances which afford grounds for consideration.
- (e) It is not preferred within six months of the date of the order against which the appeal is made and no reasonable cause is shown for the delay or ;
- (f) It is addressed to an authority to which no appeal lies under these regulations.
- (ii) In every case in which an appeal is withheld the authority withholding the appeal shall inform the applicant the fact of with-holding the appeal and the reasons for withholding it.
- (iii) An appeal which is not withheld under bye-law 17(I) shall be forwarded to the appellate authority with the comments of the concerned authority as soon as possible.
- (iv) No appeal shall lie against an order withholding an appeal.
- (v) Appeal shall not be addressed to the Ministers or officials of the State Government or to the Director of Board personally and any such action shall be deemed a breach of discipline.

18

RULES TO REGULATE THE USE OF STATE CARS/ JEEPS OF THE CORPORATION

- (1) All staff cars/ jeeps of the Corporation will be under the administrative control of an officer empowered by the Managing Director. Such an officer will be responsible for having the following records maintained properly:-
 - (a) Log-book showing particulars of duty and non-duty journeys performed by the officers/ employees of the Corporation in the Staff cars/ jeeps.
 - (b) A record of petrol, M. Oil and other lubricants purchased from time to time and also all receipts for expenditure.
 - (c) A record of repairs and replacements vehicle-wise along with the cost thereof,
 - (d) An inventory of accessories and spares, vehicle-wise.
- (2) The officer incharge of staff cars/ jeeps will examine and check the record every week and take action to any loss arising out of negligence / fault recovered promptly from the person concerned.
- (3) At the time of transfer, the officer mentioned in sub-bye-law (2) above as also the driver of the vehicle will ensure that vehicle (s) is / are handed over to his successor with complete equipment and spare parts, spare wheels, tyres and tools as shown in the register and have the fact mentioned in his charge report.
- (4) The staff care / jeep are intended primarily for use by the Managing Director and officers/ employees of the Corporation for journeys connected with the work and on behalf of the Corporation for use of the staff car/ jeep for purposes other than such work the previous permission of the Managing Director or of the officer authorized under sub bye-law 18(I) shall be required.

- (5) The officer concerned will be responsible for paying motor vehicle tax and insurance of the staff car/ jeep regularly.
- (6) Officers using the staff car/ jeep should note in the log-book whether the journeys cars on duty or otherwise and also the mileage at the start and at the completion of their trips.
- (7) The detailed particulars such as place and purpose of legal journeys performed by the staff car/ jeep as also timing of departure and arrival of each journey need not be recorded in the log-book and that only brief particulars of journey beyond the city limits may be recorded in the log-book.
- (8) The Managing Director shall be empowered to sanction the monthly actual expenditure to cover the cost of petrol, oil and servicing.
- (9) No person excepting the driver to whom the particular vehicle is allotted will drive it. However, in special circumstances, the Managing Director may permit another driver to drive the vehicle, provided the said person possess a valid driving license. The Managing Director and other senior officers in possession of a valid driving license may also drive the vehicle if they so desire or when the exigency of the service so requires.
- (10) (a) The charges for the use of Corporation vehicle by the Officers/ Employees for service for private purpose will be as fixed by the State Government from time to time in this behalf.
 (b) Detention charges will be as per Government rates.
 (c) The amount due for non-duty journey shall be recovered promptly and credited to the funds of the Corporation under staff car/ jeep expense account.
- (11) In case of doubt as to whether a particular journey be treated as duty or non-duty, the officer concerned will obtain the orders of the Managing Director.
- (12) The following journey performed in staff car may be treated as journey performed on duty and all other trips be treated as non-duty journeys:-
 - i) Car/jeep used by the Director for attending Board/ executive committee meetings including trips to the airport/ railway station/ Bus Stand for receiving/dropping them.
 - ii) Inspection of sales Depots/ Divisional/ Area Offices etc.
 - iii) Visits to various production units/ concerns from whom purchases are to be made.
 - iv) Visits to various organizations/ agencies to whom sales are to be made.
 - v) Visits to various places in connection with the recruitment of staff.
 - vi) Visits to Secretariat and other State Government and Govt. of India offices, Income Tax Department, Accountant General office, Auditors/ Lawyers/ Medical officer/ Taxation Experts and other offices, General Post office, Telegraph office, Petrol Pumps for drawing fuel etc., parking place and banks, etc. on official business.
 - vii) Meetings with representative of Co-operative Federations/ Unions, Depot Holders for promoting business.

- Viii) Trips made by the Managing Director and other officers to meet the Directors and officers of the Government or officers of the Bank within or outside Himachal Pradesh.
- ix) Transportation of office record from Shimla to some other place of the State or outside.
- x) Visits to Banks for collection/ deposit of cash cheques / drafts etc.
- xi) Attending all official functions whether on Corporation or otherwise
- xii) Servicing and repairs of the vehicle
- xiii) Visits to airline offices and other transport office for booking of office records, seats etc. in connection with official work
- xiv) Trips made for purchase of miscellaneous articles for office use.
- xv) From the residence of the Managing Director to his office and back.
- xvi) Visits made by the Medical Officer of the Corporation to the residence of the Corporation Officers/ employees for which he/she will not get any conveyance charges and also visits made by the officers/ employees of the Corporation to Medical Officer's clinic/ Hospital on the advice of the Medical officer.
- xvii) Any other visit duly certified by the Managing Director / officer concerned for official purpose.
- xviii) For dropping officers/ employees on their residence if the exigency of work warrants that they keep late hours in the office after 7.00 PM in winter (November to March) and after 8.00 PM in summer (April to October).
- xix) For picking up and dropping officers/ employees from the residence to office on closed days provided they are called to attend office by the competent authority.
- xx) From garage to office and back to garage.
- xxi) Trips made for filling in petrol etc.
- (13) The staff car/ jeep of the Corporation will be condemned after it has covered at least 1,00,000 K.M. and is certified to be not fit for economical use.
- (14) A history-sheet showing the dates and particulars of the repairs carried out/ replacement made will be kept by the officers authorized under bye-laws 18(1) vehicle-wise.

19

SUPPLY OF LIVERIES

- (i) Liveries will be supplied to the employees of the Corporation at the scale/ rate and in accordance with the rules prescribed by the State Government for their employees and as amended by the State Government from time to time.
- (ii) The categories of employees eligible for liveries shall be those as are eligible in the State Government.

20 **MEDICAL ATTENDANCE RULES**

The officers and other employees of the Corporation shall be eligible for medical attendance/reimbursement of medical expenses in accordance with the rules/ instructions of the State Government as amended from time to time. For this purpose the words referred to in the State Government rules/orders/ instructions shall have the same meaning as indicated in bye-laws 19(1) of these bye-laws.

21 **TERMINATION OF SERVICE**

The services of an employee of the Corporation may be terminated by the Appointing Authority.

- (i) In the case of permanent employee, by giving three months notice on either side or in lieu thereof emoluments for the period the notice fall short of three months.
- (ii) In case of temporary employee by giving one month's notice on either side or, in lieu thereof emoluments for the period the notice falls short of one month.
- (iii) In the case of an employee on deputation from the Government or any other Corporation by reverting him to his parent service.
- (iv) In the case of employees who prior to joining Corporation were in the employment of Himachal Pradesh Government, their services, irrespective of the facts whether permanent or temporary, can only be terminated by giving 3 months/ one month's notice as the case may be with the prior approval of the Government of Himachal Pradesh.
- (v) In the case of employees on probation, if their work is found unsatisfactory their services can be terminated without giving notice.
- (vi) In the case of employees on probation, if they resign before the expiry of the probation period it will be at the discretion of the appointing authority whether to ask such employees to deposit one month's emoluments in lieu of one month's notice or to accept their resignation without asking them to deposit one month's emoluments.

22 **RECORD OF SERVICE**

The following record or service of every employee shall be maintained:-

- (i) Personal files.
- (ii) Service Book.
- (iii) C.R. File.

Note:- File at No (I) and (ii) shall be maintained by the office and the file at No. (iii) shall remain in the personal custody of the officer nominated for the purpose by the Managing Director.

SUPRANNUATION AND RETIREMENT

- a)(i) Every employee of the Corporation excluding Class -IV employees shall retire on attaining the age of 58 years.
- (a)(ii) All the Class-IV employees shall retire from the service of the Corporation on attaining the age of 60 years. **(This provision amended vide Office Order No: HPSCSC/Admn.3-1/80-II-21093-21109 dated 7.10.2008).**
- b) The Board of Director shall, if it is of the opinion that it is in the interest of the Company to do so have the absolute right to retire any officer or other employee by giving him notice of not less than 3 months in writing or three months pay and allowances in lieu of such notice i.e.
 - i) On completion of 30 years of service or attaining the age of 50 years who entered the service of the Company before attaining the age of 35 years and 55 years in the case of those who entered in the service of the Company after attaining the age of 35 years;

Provided that where at least three month notice is not given or notice for a period less than three months is given the officer/employee shall be entitled to claim a sum equivalent to the amount of his pay and allowance at the same rate at which he was drawing these immediately before the date of retirement for a period of three months or as the case may be for the period by which such notice falls short of three months.

Provided further that the appropriate authority may at any time before the expiry of the notice period substitute for the whole or part of the unexpected period of notice pay in lieu thereof and retire the officer/ employee forthwith on making such payment.

- (ii) Provided that any officer/ employee of the Company with satisfactory service record may, after giving at least three months previous notice in writing to the appropriate authority i.e. Managing Director at the discretion of the Managing Director be allowed to retire from service on completion of 20 years of service or 45 years of age. Any officer/ employee of the Company who seeks retirement under this provision will be allowed an additional credit of 5 years service will be restricted to the maximum service which an incumbent could render before attaining the age of retirement under the normal rules.
- (iii) No officer/ employee under suspension shall retire from service of the Company except with the specific approval of the Board of Directors.
- (iv) Every officer/ employee of the Company who prematurely retired shall be entitled for gratuity under bye-law 24(a).
- (v) All the Officers/ employees of the Company would retire whether on

superannuation or pre-mature retirement on the last day of the month in which he/she attains the age of 50,55 or 58 as the case may be.

24

GRATUITY AND PRE-MATURE DEATH-CUM-DISABILITY BENEFITS

- (a) Every officer and employee of the Corporation shall on attaining the age of superannuation or earlier retirement on abolition of the post or becoming physically handicapped and unable to earn his livelihood be entitled to a gratuity at the same rates and subject to the same condition as applicable to the State Government officers/ employees.
- b (i) If an officer/ employee in the service of the Corporation dies at any time prior to attaining the age of superannuation the legally wedded wife/ husband of the deceased employee will be entitled to receive the following death benefits :-
 - (a) Gratuity as per rules.
 - (b) Employment to one of the dependents of the deceased. In this case the minimum qualification age, physical fitness, standards etc. will be relaxable at the discretion of the Managing Director.
 - (c) Contributory Provident fund as per rules of the Corporation.
 - (ii) The Corporation shall require the employee to file a statement showing the names and age with date of birth of the wife/ husband and children.
 - (iii) The benefits as provided under Bye-law 24(b)(i) shall be payable only to the legally wedded wife/ husband. In cases where the officer/ employee is a bechelor, the benefits under Bye-law 24(b) shall be payable to his father/mother
 - (iv) In case where both husband and wife die leaving minor children, benefits as payable under provision of bye-laws 24(b)(i) shall be turned over to a trust, which shall be charged with the responsibility of looking after the children properly. The constitution of the trust will be notified by the Managing Director in due course of time.
 - (v) If the children of a deceased employee are looked after by the trust in terms of the provisions of bye-law No. 24(b)(iv) the benefits payable under provision of bye-law No. 24(b)(I) which have so far been held by the trust will be turned over to those children in equal proportion on the children attaining the age of 18 years.

25

COMPULSORY CONTRIBUTORY PROVIDENT FUND

Every employee of the Corporation shall be entitled to the membership of the scheme of Contributory provident fund under and in accordance with any law for the time being in force.

26

RESIDUAL MATTERS

- (1) The Board may confer on the Managing Director, or any other officers of the Corporation any of its power under these bye-laws by a resolution.
 - (2) The Managing Director may confer on a whole time officer/ employee of the Corporation any of the powers which are exercised by him under these bye-laws provided that such power, as have been delegated by the Board to the Managing Director/ any other officers with specific condition for not being further delegated shall not be further delegated.
 - (3) Service of an officer/employee of the Corporation is purely at the pleasure of the Corporation and can be dispensed with at any time without assigning any reason therefor.
 - (4) In case of any dispute regarding the interpretation or otherwise of the provisions of these bye-laws, the interpretation of the Board shall be final and binding on all concerned.
 - (5) In all other matter where specific provision has not been made in these bye-laws, the Acts, Rules, Instructions as issued by the State Government from time to time will apply.
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