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LEGISLATIVE SUPPLEMENT

CONTENTS

PART-I	ACTS	PAGES
	NIL	
PART-II	ORDINANCES	
	THE HARYANA CONTRACTUAL EMPLOYEES (SECURITY OF SERVICE) ORDINANCE, 2024 (HARYANA ORDINANCE NO. 1 OF 2024)	1—5
PART-III	DELEGATED LEGISLATION	
	अधिसूचना संख्या का०आ० 54/ह०अ० 11/1994/धा० 209/2024, दिनांक 14 अगस्त, 2024— हरियाणा पंचायती राज वित्त, बजट, लेखा, लेखा-परीक्षा, कराधान तथा संकर्म (संशोधन) नियम, 2024.	199—200
PART-IV	CORRECTION SLIPS, REPUBLICATIONS AND REPLACEMENTS	
	NIL	

PART-II**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 14th August, 2024

No. Leg. 14/2024.— The following Ordinance of the Governor of Haryana promulgated under clause (1) of article 213 of the Constitution of India, on the 14th August, 2024, is hereby published for general information:-

HARYANA ORDINANCE NO. 1 OF 2024**THE HARYANA CONTRACTUAL EMPLOYEES (SECURITY OF SERVICE)
ORDINANCE, 2024****AN****ORDINANCE**

to provide security of service to contractual employees and for the matters connected therewith or incidental thereto.

Promulgated by the Governor of Haryana in the Seventy-fifth Year of the Republic of India.

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

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

1. (1) This Ordinance may be called the Haryana Contractual Employees (Security of Service) Ordinance, 2024. Short title, commencement and extent.
 - (2) It shall come into force from the date of its publication in the Official Gazette.
 - (3) It shall extend to the whole of the State of Haryana.
2. In this Ordinance, unless the context otherwise requires, Definitions.
 - (a) "appointed date" means the 15th August, 2024;
 - (b) "appropriate authority" means such appointing authority, as may be notified by the Government for the Government Organization;
 - (c) "appellate authority" means such appellate authority, as may be notified by the Government for the Government Organization;
 - (d) "eligible contractual employee" means an employee engaged on contract, adhoc or outsource basis in the Government Organization on the appointed date;
 - (e) "Government" means the Government of the State of Haryana in the Human Resources Department;
 - (f) "Government Organization" means a department, board, corporation or authority under which the eligible contractual employee was working on the date of the commencement of this Ordinance;
 - (g) "prescribed" means prescribed by the rules made under this Ordinance;
 - (h) "Schedule" means the Schedule appended to this Ordinance;
 - (i) "superannuation" means such age of superannuation, as may be notified by the Government.
3. The eligible contractual employee shall be an employee who, Eligibility conditions.
 - (i) (a) has been engaged on contract by the Government Organization and is in the service of such Government Organization on the appointed date and receiving remuneration upto Rs. 50,000/- per month; or

	<p>(b) is deployed by the Haryana Kaushal Rozgar Nigam under the Deployment of Contractual Persons Policy, 2022 and is in the service of a Government Organization on the appointed date;</p> <p>(ii) has completed at least five years service in the Government Organization on full time basis as on the appointed date.</p> <p>Explanation 1.- The period of service shall be considered as the period for which remuneration was made, directly or indirectly, by the Government Organization to the eligible contractual employee and shall include the period of any leave approved by the competent authority.</p> <p>Explanation 2.- For the purposes of calculation of the number of years of engagement, a contractual employee who has received remuneration for at least 240 days in a calendar year shall be deemed to have worked for the entire year, but shall not include an employee who,-</p> <p>(i) has been engaged under Centrally Sponsored Schemes paid in part or full by the Central Government; or</p> <p>(ii) has been engaged on honorarium basis; or</p> <p>(iii) has been paid remuneration for service rendered on a part time basis by the Government Organization; or</p> <p>(iv) has attained the age of fifty-eight years on the appointed date; or</p> <p>(v) has been terminated or removed by the appropriate authority on or before the date of commencement of this Ordinance.</p>
Tenure of engagement.	<p>4. The eligible contractual employee shall continue to work in the Government Organization till he attains the age of superannuation.</p>
Remuneration.	<p>5. (1) The eligible contractual employee shall receive a consolidated monthly remuneration equal to the entry pay in the pay level of the corresponding post along with additional remuneration as specified in the First Schedule based on the year of service rendered in the Government Organization:</p> <p>Provided that where the Government Organization is unable to determine the corresponding post, the matter shall be referred to the Chief Secretary, who in consultation with the Additional Chief Secretary to Government, Haryana, Finance Department, shall determine the corresponding post for the purposes of this sub-section.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the consolidated monthly remuneration including the additional remuneration specified in the First Schedule shall not be less than the remuneration drawn by the eligible contractual employee on the appointed date.</p> <p>(3) The eligible contractual employee shall also receive such additional benefits, as specified in the First Schedule.</p> <p>(4) The consolidated monthly remuneration shall be increased with effect from the first day of January and the first day of July every year corresponding to the increase in Dearness Allowance.</p> <p>(5) The Government may notify an increment on the consolidated monthly remuneration on the completion of the first year from the date of commencement of this Ordinance and every year thereafter.</p>
Power to amend Schedule.	<p>6. (1) The Government may, by notification in the Official Gazette, amend or revise the Schedule.</p> <p>(2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before the State Legislature.</p>
Discipline, penalties, appeals and other matters.	<p>7. In the matters relating to discipline, penalties, appeals and other matters not specifically provided under this Ordinance, an eligible contractual employee shall be governed by such rules, as may be prescribed.</p>

8. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:

Power to remove difficulty.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Ordinance.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

9. No suit, prosecution or other legal proceeding shall lie against the Government or any officer or employee of the Government or any other person or authority authorized by the Government for anything which is in good faith done or intended to be done in pursuance of this Ordinance or of any rules or orders made thereunder.

Protection of action taken in good faith.

10. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Ordinance.

Power to make rules.

(2) Every rule made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

11. The provisions of the Haryana Guest Teachers Service Act, 2019 (13 of 2019) shall be amended as specified in the Second Schedule.

Amendment of Haryana Act 13 of 2019.

FIRST SCHEDULE

(see section 5)

1.	<p>The additional remuneration shall be fixed as follows, namely:-</p> <table border="1" data-bbox="359 425 1342 712"> <thead> <tr> <th data-bbox="359 425 475 528">Serial Number</th> <th data-bbox="475 425 884 528">Number of years of engagement on the appointed date</th> <th data-bbox="884 425 1342 528">Additional remuneration over and above the entry pay in the pay level on the appointed date</th> </tr> </thead> <tbody> <tr> <td data-bbox="359 528 475 573">(i)</td> <td data-bbox="475 528 884 573">Over 10 years</td> <td data-bbox="884 528 1342 573">15 percent of entry pay in the pay level</td> </tr> <tr> <td data-bbox="359 573 475 674">(ii)</td> <td data-bbox="475 573 884 674">Over 8 years but upto 10 years</td> <td data-bbox="884 573 1342 674">10 percent of entry pay in the pay level</td> </tr> <tr> <td data-bbox="359 674 475 712">(iii)</td> <td data-bbox="475 674 884 712">Over 5 years but upto 8 years</td> <td data-bbox="884 674 1342 712">5 percent of entry pay in the pay level</td> </tr> </tbody> </table>	Serial Number	Number of years of engagement on the appointed date	Additional remuneration over and above the entry pay in the pay level on the appointed date	(i)	Over 10 years	15 percent of entry pay in the pay level	(ii)	Over 8 years but upto 10 years	10 percent of entry pay in the pay level	(iii)	Over 5 years but upto 8 years	5 percent of entry pay in the pay level
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2.	Health care benefits as notified under the Pradhan Mantri–Jan Arogya Yojna (PM-JAY) CHIRAYU Extension Scheme or as revised by the Government.												
3.	Death-cum-Retirement Gratuity at equivalent rates specified in the Code on Social Security, 2020 (Central Act 36 of 2020).												
4.	Maternity Benefit as per the provisions of the Code on Social Security, 2020 (Central Act 36 of 2020).												
5.	Benefit of ex-gratia compassionate financial assistance or compassionate appointment in Haryana Kaushal Rozgar Nigam in accordance with such policy, as may be notified by Government.												

SECOND SCHEDULE

(see section 11)

AMENDMENT OF THE HARYANA GUEST TEACHERS SERVICE ACT, 2019

(13 of 2019)

1. In section 4 of the Haryana Guest Teachers Service Act, 2019 (13 of 2019) (hereinafter called the principal Act), the words and sign “However, such consolidated honorarium shall not exceed the minimum of the pay-scale (at the lowest grade, in the regular pay scale), extended to corresponding regular teacher of the Department.”, shall be omitted.

2. After section 4 of the principal Act, the following section shall be inserted, namely:-

“4A, Other benefits.- A guest teacher shall be eligible to receive the benefits under items (2), (3), (4) and (5) of the First Schedule to the Haryana Contractual Employees (Security of Service) Ordinance, 2024, with effect from the appointed date.”.

CHANDIGARH:
THE 14TH AUGUST, 2024

BANDARU DATTATRAYA
GOVERNOR OF HARYANA

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RITU GARG,
ADMINISTRATIVE SECRETARY TO GOVERNMENT, HARYANA,
LAW AND LEGISLATIVE DEPARTMENT.