

REGULATIONS

GOVERNMENT OF HIMACHAL PRADESH

Industries Department

NOTIFICATION

Shimla-2, the 4th February, 1970

No. 2-142/69-SI (KVIB).—In exercise of the powers conferred by section 36 of the Himachal Pradesh Khadi and Village Industries Board Act, 1966 (Act No. 8 of 1966), the Board hereby makes, with the previous sanctions of the Administrator, Secretary (Industries) to the Government of Himachal Pradesh the following Regulations namely :—

1. *Short title and commencement.*—(i) These regulations may be called the Himachal Pradesh Khadi and Village Industries Board and (Amendments) Regulations, 1981.

2. *Definitions.*—In these regulations, unless the context otherwise requires,—(ii) They shall come into force with immediate effect:—

- (a) "The Act" means the Himachal Pradesh Khadi and Village Industries Board Act, 1966 (Act No. 8 of 1966).
- (b) "The Rules" means the Rules made by the Government under Section 35 of the Act.
- (c) "Appointing Authority" means the Chairman of Himachal Pradesh Khadi and Village Industries Board or any other member or officer of the Board so designated by the Board.
- (d) "Head of Office" means an Officer declared as such by the Board.
- (e) Words and expressions used but not defined in these Regulations and defined in the Act and the Rules made thereunder, shall have the meanings respectively assigned to them in the Act and the Rules.

EMPLOYEES OF THE BOARD :

3. General Provisions.—(1) The services of all the employees of the Industries Department, Himachal Pradesh Government transferred alongwith the

units/Centers/Offices, who agree to serve the Board and to be governed by the Act and the Rules and Regulations made thereunder as for the time being in force will be transferred to the Board.

(2) The employees so transferred shall work in a temporary capacity under the Board on their existing scale of pay with allowances attached thereto. The Board would, however be free to institute consolidated scales of pay for all or any of the post without dearness or other allowances and to fix the pay of the existing incumbents in such scales so that they do not suffer any reduction in their total emoluments.

(3) All the persons transferred to the Board shall be governed by such service rules and conditions as may be framed by the Board for this purpose from time to time with the prior approval of the Government.

(4) The Board may adopt for this employees scales of pay and allowances after taking into account the rates fixed by the Government of Himachal Pradesh for its employees of similar categories borne on the Punjab pay-scales, provided that the prior sanction of the Administrator shall be taken in fixing scales of pay in respect of posts, the maximum of the pay scale of which exceeds Rs. 600/- per month.

(5) The Board shall have four main classes of employees classes I to IV who may be further classified into grades and will issue orders prescribing duties and responsibilities of its employees from time to time.

(6) The Board may employ person, wherever necessary on fixed monthly remuneration (including allowances) or on daily wages. Prior sanction of the Administrator in such cases shall be taken if such monthly remuneration exceeds Rs. 300/- per month or daily wages exceeds Rs. 10/-.

(7) Subject to the provisions of the Act, Rules and these regulations the Board shall lay down the terms and conditions of service of all its employee with the prior approval of the Government *inter alia* these terms and conditions shall cover matters such as age limits at the time of recruitment, minimum qualifications and experience required in the case of any employee or class of employees, etc. The Board may by order in writing relax any of these terms and conditions where ever it thinks it necessary to do so in the interest of the work of the Board.

(8) In the case of permanent servants of the Central Government or any State Government whose services are lent to the Board the terms and conditions of

service (including their pay, travelling and daily allowances, leave, provident funds leave salary and pension contribution) shall be such as may be laid down at the time of that deputation to the Board.

(9) The Board may grant study leave to its employees in order to enable them to undertake study or research to obtain specialised training in scientific, technical or economic subject connected with the work of the Board, on such terms and condition as may be prescribed by the Board.

(10) The Board may, with the prior approval of the Administrator make regulations regarding :—

- (i) the grant of gratuity to its permanent servants;
- (ii) medical aid to be given to its employees from the funds of the Board;
- (iii) the institution of contributory provident fund for the employees; and
- (iv) conduct and discipline of its employees and appeals from orders in relation thereto.

(11) (i) Every employee of the Board shall produce a medical certificate of health from such authority as may be prescribed by the Board from time to time. Such certificate shall be produced within one month from the date of appointment :

Provided that an employee transferred from the Himachal Pradesh Government shall not be required to produced such certificate, if he has already produced it during the period of his service under that Government.

(ii) The Board may for sufficient cause extend the period within which the medical certificate has to be produced.

(iii) An employee discharged due to inability to secure the necessary medical certificate shall not be re-employed under the Board without his producing such a certificate in advance.

4. Probation and trial periods Confirmation & Superannuation.—(1) All employees of the Board recruited against permanent vacancies shall be on probation

for 12 months and all such employees recruited against temporary vacancies shall be no a period of trial for three months. Such period of probation or trial may be extended by six months in individual cases by the appointing authority if he considers it necessary to do so.

(2) (a) After satisfactory completion of the trial period employees will be continued in the temporary posts.

(b) Employees recruited against permanent vacancies will be confirmed therein after satisfactory completion of probation.

(3) (a) All employees of the Board (other than permanent Government servants) shall ordinarily retire on the date of completion of the age of 58 or as may be prescribed by the Himachal Pradesh Government for its employee from time to time :

Provided that the Board may extend their services upto the age of 60 years, by a special resolution, in each case, or re-employ them on specific fresh terms of service upto the age of 60 years with the prior approval of the Government :

Provided further that the period of extension of service or reemployment after the age of 58 years shall not exceeded one year at a time.

Notwith standing contained in clause:

(a) (i) the Board may at any time require any employee who has attained the age of 55 years to retire by giving such employee 3 months notice in accordance with the rules and orders applicable to the employees of Himachal Pradesh Government.

(ii) any employee of the Board may at any time after completing the age of 55 years voluntarily retire after giving three months notice to the Board in accordance with the rules or orders applicable to the employees of Himachal Pradesh Government.

(b) The Board may also make fresh appointments of persons aged over 58 years but not over 60 years with the prior approval of the Government.

5. *Termination of Services.* (1) During the period of trial, the services of a temporary employee may be terminated by the appointing authority without notice and without assigning any reasons.

(2) After satisfactory completion of the period of trial, the services of a temporary employee may be terminated without assigning any reason by notice of one month or by payment of salary of one month (with allowances) in lieu of notice.

(3) The services of an employee appointed on probation against a permanent post may be terminated by the appointing authority during the period of probation without notice and without assigning any reasons.

(4) After satisfactory completion of the period of probation, the services of an employee in permanent employment may be terminated if his post is abolished :

Provided that the services of an employee in permanent service shall not be liable to termination under this regulation so long as any post of the same grade and class or cadre and under the same appointing authority continues to be held by any persons junior to him •

Provided further that such an employee may be offered an alternative appointment if vacant, suitable to his qualifications and experience and if he accepts that appointment, his services shall not be terminated.

Provided also that when owing to the abolition of a permanent post an employee in the permanent service of the Board is discharged from Board's service he shall be given three calendar months notice signifying the Board's intention to terminate his appointment or, in lieu thereof, a sum equivalent to his pay for the period by which the notice actually give falls short of the prescribed period.

(5) No employee in permanent service shall quit his service under the Board without first having his resignation accepted by the competent authority.

6. *Travelling & daily Allowances.*—*Employees* of the Board shall be eligible for travelling and daily allowances for journeys on tour or on transfer at such rates and according to such conditions as may be prescribed by the Board with the prior approval of the Administrator. Until such rates and conditions are prescribed by the Board, the employee of the Board shall draw travelling and daily allowances at rates and conditions prescribed by the Himachal Pradesh Government for employees of corresponding grades.

7. *Controlling Officer.*—(a) The Chairman of the Board shall be the Controlling Officer in respect of his own travelling and daily allowance bills.

(b) The Chairman shall be the Controlling Officer in respect of travelling and daily allowances bills of the Secretary, the Chief Executive Officer, the Financial Advisor and Accounts Officer and members of the Board.

(c) The Chief Accounts Officer shall be the Controlling Officer in respect of the travelling and daily allowances of the bills of Employees of the Board.

(d) The Board or the Chairman may, by order in writing direct that the power of the Controlling Officer for the purpose of travelling and daily allowances shall be exercised by any other Officer of the Board, provided that the Officer is not declared his own Controlling Officer.

(e) Heads of Offices will be the Controlling Officers in respect of employees of III and IV classes.

8. *Daily Allowances.*—*Daily* allowances shall not be drawn at full rate by any of employees of the Board for a continuous halt of more than 10 days at one place while on tour and shall draw at the rates applicable to the employees of the Himachal Pradesh Government.

Provided that the Chairman may, by order in writing grant exemption from operation of this regulation if he thinks that prolonged halts are necessary in the interest of the work of the Board in accordance with the rules and orders applicable to employees of Himachal Pradesh Government:

9. *Advances for training & Daily allowances.*—*The* Controlling Officer may issue orders in respect of granting advances to employees and members of the Board for journeys which are to be performed by them in connection with their official work.

10. *Leave & Leave Allowance.*—*Leave* and Leave allowances of employees of the Board shall be regulated according to the rules and orders applicable to the employees of Himachal Pradesh Government who are in receipt of corresponding scales of pay :

Provided that the Board may, with the prior approval of the Administrator, either frame fresh rules on the subject or make necessary changes in rules and orders aforesaid.

11. *Promotion & advance Increments.*—(1) (a) Ordinary promotion shall be made strictly on the basis of seniority subject to rejection of the unfit.

(b) The Board may frame rules to declare any post or class of posts as selection posts with the prior approval of the Government. Promotion to selection posts shall be made on the basis of merit in accordance with the rules and orders applicable to the employees of the Himachal Pradesh Government.

(2) The Board may grant higher initial salary or sanction advance increments subsequently in cases in which it is competent to create the post provided that in cases where more than three advance increments are involved the approval of the Government shall be obtained.

12. *Deputation abroad in connection with the work of the Board.*—The Board may, with the prior sanction of the Administrator and of Government of India, depute any member of the Board or any its employees to proceed outside India in connection with its work. The Board may issue orders, with the prior approval of the Administrator regarding the grant of funds to persons deputed outside India.

13. *Appointment of Committees for specific purposes.*—The Board may, appoint Committee consisting of one or more of its Members or any other persons or of both, for specific purposes to assist or advice the Board in complying with any of the provisions of the Act.

14. *Notice of meetings and list of business.*—The Chairman shall decide the date, time and place of every meeting of Board and this will be communicated by the Secretary to other Members of the Board, the Chief Executive Officer, the Financial Advisor and Accounts Officers and any other officer deputed by the Administrator to attend the meeting of the Board. A list of business to be transacted will also be supplied to the members and other persons aforesaid by the Secretary in advance. Business other than that shown in the list can, however be transacted with the permission of the Chairman.

15. (1) Three members of the Board shall form a quorum for meetings of the Board.

(2) If at any meeting of the Board there is no quorum, the Chairman or any other person presiding at such a meeting shall adjourn the meeting to another date and it shall the reupon be lawful to dispose of the business at such an adjourned meeting irrespective of numbers of members attending at the adjourned meeting :

Provided that the adjourned meeting is fixed for a date not less than 7 days later and that all the members are informed of the date, time & place of such adjourned meeting.

16. Casting of Votes.—All votes shall be taken by voice or by show of hands unless the Chairman of meeting decides that votes shall be taken by ballot in particular cases.

17. Resolution by circulation.—Any resolution of urgent and important nature may be passed by circulation amongst members of the Board, with the approval of the Chairman.

18. Minutes of the meetings of the Board.—Proceedings of the meetings of the Board shall be recorded under the general supervision and control of the Secretary, Standing Finance Committee.

19. (1) The functions of the Standing Finance Committee shall mainly be :

- (i) Scrutiny of the budget estimates;
- (ii) Procurement of Finances;
- (iii) Scrutiny of Annual Programme;
- (iv) Watching progress of expenditure;
- (v) Study and evaluation of progress made and result achieved.

(2) The date, time and place of every meeting of a Standing Finance Committee fixed by its Chairman shall be communicated by the Chief Executive Officer to all members of the Committee and the Financial Advisor together with a list of business to be transacted at the meeting and no business which is not shown in the list may be transacted except with the permission of the Chairman of the Committee.

(3) Two members of a Standing Finance Committee shall form a quorum for meeting except at any adjourned meeting for which no quorum shall be necessary; if at any meetings, there is no quorum, the Chairman or the persons presiding at such meeting shall adjourn the meeting and fix any other time on the same day or another day for the adjourned meeting.

(4) The proceedings of the meeting of a Standing Finance Committee shall be recorded by the Chief Executive Officer who shall also compile the minutes of each meeting and get them approved by the members present at that meeting. Copies of the minutes thus approved shall be placed before the Board.

20. Powers and Duties of the Chief Executive Officer.—The Chief Executive Officer shall work under the control of the Chairman or under the directions of the Secretary where he exercises such powers and perform such duties as may have been delegated to him by the Chairman :

- (i) the powers and duties of the Chief Executive Officer shall be to coordinate, supervise and control the work, Officers and establishment of the Board;

- (ii) to implement the decisions taken by the Board;
- (iii) to frame annual budget estimates and supplementary budget estimates under the directions of the Secretary and in consultation with the Financial Advisor and Accounts Officers, who will scrutinize and exercise such supervision over the preparation as he considers necessary before the budget is placed before the Board;
- (iv) to administer the Contributory Provident Fund of the Board;
- (v) to sanction contingent expenditure, to the extent of powers delegated to him by the Board, from time to time;
- (vi) to examine applications for assistance (both grants and loans) and place them before the Board for sanction; and
- (vii) to undertake such other duties and exercise such other powers as may be assigned to him by the Board or the Chairman.

21. *Procedure of payments, deposits and investments on behalf of the Board.*—(1) All payments others than payments relating to salaries, wages and allowances by or on behalf of the Board shall be made by cheques drawn against the current account of the Board; payments in respect of individual claims not exceeding Rs. 200/- may however be made in cash.

(2) All cheque drawn against the current account of the Board and all orders for making investments for or the withdrawal of same or for the disposal in any other manner of the funds of the Board shall :

- (a) When the value of the cheque drawn does not exceed Rs. 5000/- (Rupees five thousands only) be signed by the Chief Executive Officer or any one of the Officers nominated by the Board by a resolution passed in this behalf.
- (b) When the value of the cheque exceeds Rs. 5000/- be signed jointly by the Financial Advisor and the Chief Executive Officer of the Board. Pending appointment of the Financial Advisor such cheques shall be jointly signed by the Chief Executive Officer and one of the members of the Board so authorised by the Board.

(3) Placing of moneys belonging to the Board in fixed deposits and their investment or disposal in any other manner shall require approval of the Board.

Custody of money required for current expenditure of the Board and investment of money not so required.

22. (1) The Board may authorise any of the Officers of the board to maintain a separate current account in the state Bank of India for depositing funds placed at its disposal in connection with the work of the Board;

(2) The petty cash required for meeting current expenditure shall be in the custody of the Chief Executive Officer or an officer nominated by him in writing in this behalf. The Board may decide the amount of the petty cash; thus maintained from time to time.

(3) The Board may advance as impropriate small amounts of money not exceeding Rs. 500/- in any one case to any of the officers for incurring petty expenditure within the powers delegated to them. The Officers to whom such amounts are advanced shall be personally responsible for them and they shall also be responsible for maintaining proper account, in the form prescribed by the Board.

(4) ~~The Chair~~ ___ man may place the requisite cash at disposal of Incharges of various Centers/Institutions/Offices of the Board, for running day-to-day work of the said Centres/Institutions/Offices provided that the amount does not exceed Rs. 200/- in any individual case. In such case where amount exceeding Rs. 200/- is required, the prior approval of the Board shall be necessary.

23. *Maintenance of Accounts.*—(1) The Chief Executive Officer shall maintain or cause to be maintained an account of receipts and expenditure of the Board, in the prescribed form."

(2) He shall be responsible for ensuring that no expenditure is made from the funds of the Board unless provisions for such expenditure has been made in the budget and funds are available for incurring the expenditure.

(3) He shall also prepare or cause to be prepared such statements of accounts and records and subsidiary accounts as may be required by the Board, the Administrator or the Commission, from time to time.

(4) He shall, in consultation with the Financial Advisor, conduct necessary internal audit of the expenditure made out of the funds of the Board in order to ensure that the expenditure is incurred strictly according to the rules and regulations under the Act and in accordance with the orders and instructions issued by the Administrator, the Commission and other competent authorities from time to time.

24. *Financial Powers.*—*The* Board may delegate necessary financial powers to its officers for ensuring expeditious disposal of work and smooth and efficient functioning of the organization. The Board may make suitable rules in this behalf for the guidance of its staff in order to ensure that these powers are judiciously used by the Officers concerned.

P. K. MATTO,
Secretary,
to the Government of Himachal Pradesh.