

Haryana Municipal Safai Mazdoor Service rules, 1976

Published vide Haryana Government Notification No. GSR83/HA 24/7/Ss 40 & 257/76, dated 9.4.76

1. Short title – (I) These rules may be called the Haryana Municipal Safai Mazdoor Service Rules, 1976.

(2) They shall apply to all the municipalities.

2. Definitions :- In these rules, unless the context otherwise requires:-

- a) "Appendix" means an Appendix to the rules.
- b) "Executive Officer" means the Executive Officer of a committee;
- c) "Government" means the Government of Haryana;
- d) "Municipal Accounts Code" means the Municipal Accounts Code, 1930 revised edition.
- e) "Secretary" means the Secretary of a committee;
- f) "Service" means the Municipal Safai Mazdoor Service of a committee;
- g)

3. Number of posts:- The number of posts in the Service shall be such as a committee may, from time to time with approval of the Deputy Commissioner, determine.

4. Appointing Authority :- Appointments to the posts in the Service shall be made by [Executive Officer, Secretary or the Administrator, as the case may be].

[5. Nationality and age:- No person shall be appointed to the service.

- a) If he is not a citizen of India; and
- b) If he is less than seventeen years or more than thirty five years of age.]

6. Method of recruitment:- Appointment to posts in the Service shall be made:-

- a) By transfer from amongst Safai Mazdoors employed in any other local body;
or
- b) by direct recruitment.

7. Probation :- (I) Persons appointed to be posts in the Service shall remain on probation for a period of one year.

(2) If, in the opinion of the appointing authority, the work or conduct of a person during the period of probation is not satisfactory, it may;-

- (a) If such person is appointed by direct recruitment, dispense with this services;
or
- (b) if such person is appointed by transfer, deal with him in such manner as the terms and conditions of the previous appointment permit.

(3) On the completion of probation of a person, the appointing, authority may,-

- (a) if his work or conduct has, in his opinion, been satisfactory-
 - i) confirm such person from the date of his appointment, if appointed against a permanent vacancy; or
 - ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy;
 - iii) declare that he has completed his probation satisfactorily, if there is no permanent vacancy; or
- (c) if his work and conduct has, in its opinion, been not satisfactory –
 - i) dispense with his services, if appointed by direct recruitment; 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 orders 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 two years.

8. Seniority inter se. – (1) Seniority inter se of members of the Service shall be determined by the length of continuous service on a post in the service:

Provided that in the case of two or more members appointed on the same day, the seniority shall be determined as follows –

- (a) a member appointed by direct recruitment shall be senior to a member appointed by transfer;
- (b) in the case of members appointed by transfer, seniority shall be determined according to the seniority of such members in the appointments from which they were transferred;
- (c) in the case of members appointed by transfer from different local bodies, their seniority shall be determined according to pay, preference being given to a member, who was drawing higher rate pay in this previous appointment, and if the rates of pay drawing are also the same, then by length of their service in the previous appointment, and if the length of such service is also the same the elder member shall be senior to the younger member.

(2) Every committee shall maintain printed seniority list which shall be brought upto date once a year and circulated to the members of the Service.

[9. Promotion – The member of the Service appointed against permanent posts having the knowledge of Hindi shall be eligible for promotion to the post of Head Sweeper / Sanitation Mates / Daroga – Sanitation / Conservatory Mates / Sanitary Petrol / Jamadar / Sanitation Jamadar / Sanitary Orderlies (Jamadar) on the basis of seniority cum merit.]

Rule 10 and 11 [omitted.]

12. Retirement – A member of the Service shall stand retired on completion of the age of sixty years : Provided that a member of the Service may be re-employed after his retirement for a period of one year at a time if he continues to be fit for service, but no such member shall be retained after the age of 62 years.

13. Part-time employment – No committee shall employ part time Safai Mazdoors unless there are special reasons for doing so and previous approval to that effect has been obtained from the Deputy Commissioner. The Safai Mazdoors so employed shall be entitled to such remuneration as may, from time to time, be specified by the Deputy Commissioner.

14. Pay and allowances and method of payment – The members of the Service shall be entitled to such pay and allowances as may, from time to time, be admissible to the Safai Mazdoors in the Service of the State Government. The procedure for payment of pay and allowances shall be as laid down in Appendix I to these rules.

15. Leave. – (1) Every member of the service shall be entitled to such leave as is admissible to an official of Class IV service under the Revised Leave Rules, 1936, as continued in Section III of Chapter VIII of the Punjab Civil Service Rules, Volume I, Part I, as applicable to the State of Haryana.

16. Maternity allowance. – Every female Safai Mazdoor shall, for the first two children, be paid a maternity allowance at the rate of fifty rupees per delivery.

17. Holidays. - (1) Every member of the Service shall have –

- (a) a paid holiday once a week,
- (b) such other paid holidays as may be declared by the –

- (i) State Government under the Negotiable Instruments Acts, 1881, and
- (ii) Deputy Commissioner on account of special festivals of the community.

(2) Notwithstanding anything contained in sub-section (1), any member of the Service may be required to work on a holiday on payment of additional wage at the rate of single time his wage for a day.

18. Compensation. – The member of the Service shall be entitled to workmen's compensation as provided under the Workmen's Compensation Act, 1923.

[19. Allowances.- The member of the Service who work exclusively as scavengers. The members, who are required to keep a Jhota and those who are required to keep a donkey, shall be paid an allowance at the rate fixed by the Government from time to time]

20. Gratuity. – (1) Every member of the Service shall be entitled to gratuity equivalent to half month's [salary] for each completed year of service as follows ;-

(i) in case of his death while in service or on his becoming incapable of serving due to physical or mental disability;

(ii) in case of his resignation after having put in twenty years continuous service or in case of his resignation due to his becoming unfit to serve further on account of old age or protracted illness;

(iii) in case of termination of his services a committee for reasons other than misconduct, including retirement on attaining the age of superannuation, after he has put in five years' service.

(2) In case of termination of the service of a member by a committee for misconduct after he has put in five years' service, the gratuity payable will be one-fourth of one month's [salary] for each completed year of service:

Provided that in the case of termination of his service on account of misconduct involving financial loss to a committee, the committee shall be entitled to set off the above loss against the amount of gratuity payable to a member.

(3) The maximum amount of gratuity payable under sub-rule (1) or sub-rule (2) not exceed [twenty month's] [.....] salary.

(4) The benefit to gratuity shall be available from the date of continuous service in a municipality.

(5) The verification of claim in respect of the amount of gratuity payable to an employee shall be made by the Examiner, Local Fund Accounts, Haryana.

(6) In case of nomination in respect of the provident fund of a member, the procedure prescribed in the relevant rule of the Municipal Account Code as applicable to the State of Haryana in relation to provident fund shall be adopted.

[Explanation. – For the purpose of determining the amount of gratuity the term salary shall mean and include basic pay and other allowances which are classes as pay in the Municipal Account Code, 1930, and is counted for the purpose of calculation Contributory Provident Fund.

[20-A. Pension – Every member of the Service shall be entitled to pension as per provisions contained in the Haryana Municipal Employees Pension and General Provident Fund Rules, 1993.]

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1. Substituted by Haryana Government Notification No. GSR72/HA24/73/s.257 and 40/96 dated 23.08.1996.
 2. Substituted for "consolidated pay" vide HG No GSR87/HA24/73/S.40 and 257 and (2)/79 dated 10.08.79.
 3. Substituted for "Consolidated wages" by *ibid*.
 4. Word "consolidated" deleted vide *ibid*.
 5. Explanation to rule 20(6) added vide GSR 87/...Amd. (2)/79, dated 10.08.79

21. **Appliance.** – Every member of the Service shall be provided free of cost with such appliances as may be necessary for the due performance of his duties. The life of such appliances shall be determined and it shall be the duty of the Sanitary Inspector of a committee to ensure that each member has adequate appliances to enable him to perform his duties efficiently.

Note. – The appliances required shall generally be Bucket, Tasla, Basket, Kassi, Large handled broom, Scrappers, wheel-barrows, etc. Dark glasses shall be provided to those members who are required to work on dumping pits on trolleys for carrying night soil etc.

22. **Uniforms.** –(1) The members of the Service shall be entitled to free supply of uniforms at the scale given in Appendix II.

(2) In addition to uniforms referred to in sub-rule (1) raincoats or Barsatis, gloves, headgear shall be provided to those members who are required to work during rains on dumping grounds, under – grounds sewerage etc.

Note. (1) Summer uniform shall be provided before the 15th of April every year and winter uniform before the 15th of November every year.

(2) A washing allowance of two rupees per month shall be given to those employees who are given uniforms.

23. **Duties.** – The member of the Service shall perform the following duties namely : -

- (a) sweeping of public roads and other public places;
- (b) removal of night soil;
- (c) removal of household refuse;
- (d) incineration or disposal of night soil and other refuse;
- (e) cleaning of public latrines and urinals and other public places;
- (f) removal of animals' carcasses;
- (g) washing of drains, streets, latrines and other public places;
- (h) lighting of fireplaces;
- (i) other similar duties as may be assigned.

24. **Area to be served.** – (1) No member of the Service shall be allotted more than three furlongs (600.70 meters) of puccs road, street or bazar length or one quarter of mile (400.40 meters) of kutchra road, kutchra street or kutchra bazar to clean. If appointed on cleaning drainage, his beat shall not be more than three furlongs (600.60 meters) of drain length or intramural drain and not more than two furlongs (400.40 meters) of intercepting drain and not more than a furlong (200.20 meters) of a sewer.

When employed to clean premises there should be one member of the Service for not more than two hundred inhabitants if the premises are contiguous and for not more than one hundred inhabitants, if the premises are situated far apart; provided that total walking distance from premises to premises by the shortest available route does not exceed 1-1/2 miles (2.40 kilometers). If a member of the Service is employed for removal of rubbish the load to be carried in one trip shall not exceed twenty seers (11.662 Kilograms) and the total beat shall not exceed two miles (3.20 Kilometres)

(2) The above areas shall be subject to the condition that the width of road, street or bazar, to be cleaned does not exceed twenty feet (6.06 meters):

Provided that if the width of a road exceeds twenty feet (6.06 meters) the area shall be reduced proportionately.

(3) While fixing areas, special allowance shall be given in case of congested areas like grain markets, vegetable markets etc.

1. Inserted by Haryana Government Notification No. GSR70/HA24/73/s.257/94 dated 17.11.1994.

2. Figure "600.70" as shown in Gazette may be clerical error for "6000.60", and

25. Weekly working hours. – (1) No member of the Service shall be required or allowed to work for more than the hours laid down below: -

(i) for scavenging work per day, five hours;

(ii) both scavenging and sweeping per day, Four hours on scavenging and two hours on sweeping.

(iii) sweeping hours per day, seven hours.

(2) The work shall be taken in one continuous session in the morning with a rest for half an hour after a continuous period of work of four hours for sweeping and three hours for scavenging.

26. Penalties:- (1) The authorities specified in column 3 of Appendix III shall be competent to impose upon any member of the Service mentioned in column I, such of the penalties as are shown in column 2 of the Appendix against each.

(2) No member of the Service shall be dismissed or removed until he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him:

Provided that this sub-rule shall not apply where a person is dismissed or removed on the ground of conduct which has led to his conviction or, where an authority empowered to dismiss or remove him is satisfied that for the reasons to be recorded in writing by that authority, it is not reasonably practicable or expedient to give him an opportunity to show cause.

(3) If any question arises as to whether it is reasonably practicable or expedient to give any member of the Service, an opportunity of showing cause under sub-rule (2), the decision thereon of the authority, empowered to dismiss or remove such member, as the case may be, shall be final.

27. Right to appeal. – The members of the Service upon whom any penalty has been imposed by the authority specified in column 3 of Appendix III shall be entitled to make an appeal to the authority specified in column 4 of the Appendix against the authority in column 3 thereof.

28. Provident fund. – (1) The members of the Service shall subscribe to the Contributory Provident Fund in accordance with rules as laid down in this behalf in the Municipal Account Code as applicable to the State of Haryana.

(2) Notwithstanding anything to the contrary contained in the Municipal Account Code, all employees after completing one year's service shall contribute to the Provident Fund.

(3) A statement of annual balance in Provident Fund shall be circulated to every member of the Service while disbursing his salary in the month of April every year.

(4) The deduction on account of Provident Fund from the salary of the member of the Service shall be deposited in a Scheduled Bank or a Cooperative Bank recognized by the Government within a period of seven days of the deduction. In case of default, the committee shall be responsible for compensating the member for loss of interest to the member concerned.

29. Residential accommodation . - Every member of the service shall be entitled to allotment of a house for which rent at the rate of ten percent if his emoluments shall be charged or in lieu thereof the percentage of rent allowed from time to time to the employees of the Government subject to such terms and conditions as are applicable to Government employees.

30. Creche. – Every committee having population above 50,000 shall endeavor to set up a crèche for the benefit of children of women members of the Service in case their number exceeds twenty.

31. Preventive measures to safeguard against health hazards. – Every committee shall get an annual medical check up made of all of the members of the members of the Service to safeguard their health against diseases to which they are specially prone. In case a member is found suffering from any serious disease, the committee shall arrange with the Health Department of the Government for his proper treatment. The committee shall also initiate preventive measures to safeguard the health of the members.

32. Repeal and savings - All rules relating to the service of the Safai Mazdoor in force in the municipalities immediately before the commencement of these rules shall stand repealed.

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

APPENDIX I

(See rule 14)

MODE OF PAYMENT

- (a) Disbursement of salary shall be by wage slip system as laid down in the Minimum Wages Act, 1948.
- (b) Disbursement of salaries should be personally supervised by the [Executive Officer, Secretary or the Administrator, as the case may be]
- (c) Disbursement of salaries shall be made before the 7th day of each month.
- (d) In case of termination service/dismissal, retirement etc., of a member of the Service, his dues hall be paid before his service are actually terminated.

APPENDIX II

(See rule 22)

A. SCALE OF UNIFORMS FOR MALE MEMBERS

| SUMMER | | WINTER | |
|------------------------------|---------------------------------------|-------------------|------------------|
| 1. Full Sleeves Khaki Shirts | 2 | Khaki serge Pant | One in two years |
| 2. Khaki Drill Pants | Every Year | Khaki serge Coats | One in two years |
| 3. Khaki Pugrees | 2 | Jersey | Every Year |
| 4. Chappals pair | 1 Shoes one pair once in two years | Socks pair 1 | Every year |

SCALE OF UNIFORMS FOR FEMALE MEMBERS

| SUMMER | | | WINTER | | |
|-------------------------|---|------------|-----------------------------|---|---------------------|
| 1. Khaki Cotton Shirt | 1 | Every Year | Woolen Coat or woolen shirt | 1 | Every two years |
| 2. Khaki Cotton Salwars | 2 | Every Year | Woolen Socks | 1 | Pair every year |
| 3. Dyed Dupatas | 2 | Every Year | Woolen Salwar | 1 | Every two years |
| 4. Sandals Pair | 1 | Every Year | Woolen Jersey | 1 | Every year |
| | | | Ladies Shoes | 1 | Pair every two year |

* Substituted by Notification No. GSR 66/HA24/73/S.257/87, dated 28.08.1987.

[APPENDIX III]

(See rule 26)

| Designation of post | Nature of Penalty | Appointing authority / authority competent to impose penalty | Appellate Authority |
|----------------------------------|----------------------------|--|---------------------|
| 1 | 2 | 3 | 4 |
| 1. Safai Mazdoor | (i) Removal | Executive Officer | Deputy commissioner |
| 2. Head Sweeper | (ii) Dismissal | Secretary or the Administrator as the case may be | |
| 3. Sanitation mates | (iii) Suspension | | |
| 4. Daroga Sanitation | (iv) Stoppage of increment | | |
| 5. Conservatory mates | (v) Other punishment | | |
| 6. Sanitation Patrol | | | |
| 7. Jamadar | | | |
| 8. Sanitation Jamadar | | | |
| 9. Sanitation Orderlies Jamadar] | | | |