

AUTHORITATIVE ENGLISH TEXT

**THE HIMACHAL PRADESH PUBLIC SERVICE COMMISSION
(ADDITIONAL FUNCTIONS) ACT, 2018**

ARRANGEMENT OF SECTIONS

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THE SCHEDULE

**THE HIMACHAL PRADESH PUBLIC SERVICE COMMISSION
(ADDITIONAL FUNCTIONS) ACT, 2018**

(ACT NO. 9 OF 2018)¹

(Received the assent of the Governor on the 10th October, 2018 and published both in Hindi and English in the Rajpatra (e-Gazette), Himachal Pradesh on 17th October, 2018, pp. 5645-5654)

An Act to entrust the additional functions to the Himachal Pradesh Public Service Commission with regard to making recommendations for recruitment of persons and as respects the services of various institutions.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-ninth Year of the Republic of India as follows:-

1. Short title and commencement.- This Act may be called the Himachal Pradesh Public Service Commission (Additional Functions) Act, 2018.

¹ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra (e-Gazette) Himachal Pradesh, dated 1st September, 2018, pp. 4409-4410 and 4413.

(2) It shall come into force on such date as the State Government may, by notification¹ in the Rajpatra (e-Gazette), Himachal Pradesh, appoint.

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

- (a) “Commission” means the Himachal Pradesh Public Service Commission;
- (b) “Government” or “State Government” means the Government of Himachal Pradesh;
- (c) “Institution” means an authority, board, corporation, body corporate or any other institution as included in the SCHEDULE;
- (d) “notification” means a notification published in the Rajpatra (e-Gazette), Himachal Pradesh;
- (e) “prescribed” means prescribed by rules made under this Act;
- (f) “SCHEDULE” means the SCHEDULE appended to this Act; and
- (g) “State” means the State of Himachal Pradesh.

3. Additional functions of the Commission.- (1) Notwithstanding anything contained in any law relating to the appointment and conditions of service of employees of an institution,-

- (a) on request being so made through the Administrative Department concerned in the manner prescribed, it shall be the duty of the Commission to make recommendations for recruitment or to conduct examinations/interviews for making recruitment to the services to Group A, B or C of such institution;
- (b) the Commission may be consulted in the manner prescribed through the Administrative Department,-
 - (i) on all matters relating to recruitment and conditions of service of an institution;
 - (ii) on the principles to be followed in making appointments to services of an institution and in making promotions from one service to another and on the suitability of candidates for such appointments or promotions;

1. The Act came into force from 15th day of November, 2018 vide Notification No. Per (AP-B)-A(3)-2/2014, dated 14th November, 2018, published in the Rajpatra (e-Gazette), Himachal Pradesh dated 14th November, 2018, p. 6028.

- (iii) on all disciplinary matters affecting a person serving under an institution including memorials and petitions relating to such matters;
- (iv) on any claim by or in respect of a person who is serving or has served in the institution that any cost incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty, for paying out of the funds of such institution;
- (v) on any claim for the award of a pension in respect of injuries sustained by a person while serving in the institution and any question as to the amount of such award;

and it shall be the duty of the Commission to advise on any matter so referred to them and on any other matter relating to employees of the institutions which the Government may refer to them:

Provided that the Government may, by notification, specify the matters in which, either generally or in any particular class of cases or in any particular circumstances, it shall not be necessary to consult the Commission.

(2) In the case of any difference of opinion between the Commission and the institution on any matter, the institution concerned shall refer the matter to the Government and the decision of the Government thereon shall be final.

4. Revalidation of recruitment made for the Institutions.- The recommendations on recruitments made by the Commission with reference to any institution before coming into force of this Act shall be deemed to have been revalidated under this Act.

5. Commission to furnish returns etc. to the Government.- The Commission shall furnish such returns, records and information etc. to the Government as may prescribed.

6. Power to amend the SCHEDULE.- The State Government after consultation with the Commission, may, by notification in the Rajpatra (e-Gazette), Himachal Pradesh, add to or delete any entry of the SCHEDULE, or otherwise amend the SCHEDULE, and thereupon the SCHEDULE shall be deemed to have been amended.

7. Act to have overriding effect.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any

other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

8. Power to make rules.- (1) The Government in consultation with the Commission and after previous publication, may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

- (a) the procedure to be followed by the institution or any other competent authority for consultation with the Commission;
- (b) any matter which is incidental to, or necessary for, the purpose of consultation with the Commission;
- (c) the returns, records and information etc. to be furnished by the Commission; and
- (d) any other matter for which rules may be made under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be, after they are so made, before the State Legislative Assembly, while it is in session, for a period of not less than fifteen days, which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the Assembly makes any modification(s) in the rules or the Assembly decides that the rules should not be made, such rules shall have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything done earlier thereunder.

THE SCHEDULE

[Section 2(f) and Section 6]

1. Himachal Pradesh Road Transport Corporation (HRTC).
2. Himachal Pradesh Backward Classes Finance and Development Corporation (HPBCFDC).
3. Himachal Pradesh Financial Corporation (HPFC).
4. Himachal Pradesh General Industries Corporation (HPGIC).
5. Himachal Pradesh Horticulture Produce Marketing and Processing Corporation Limited.
6. Himachal Pradesh Kaushal Vikas Nigam (HPKBN).

7. Himachal Pradesh Minorities Finance and Development Corporation.
8. Himachal Pradesh Power Corporation Limited (HPPCL).
9. Himachal Pradesh Scheduled Caste and Scheduled Tribes Development Corporation Limited (HPSCSTDC).
10. Himachal Pradesh State Civil Supplies Corporation Limited (HPSCSC).
11. Himachal Pradesh State Electronics Development Corporation Limited (HPSEDC).
12. Himachal Pradesh Forest Corporation Limited (HPSFC).
13. Himachal Pradesh State Handicraft and Handloom Corporation Limited (HIMCRAFT).
14. Himachal Pradesh State Industrial Development Corporation Limited (HPSIDC).
15. Himachal Pradesh Road and other Infrastructure Dev. Corporation Limited (HPRIDC).
16. Himachal Pradesh Tourism Development Corporation (HPTDC).
17. Municipal Corporations in the State.
18. Himachal Pradesh Power Transmission Corporation Limited (HPPTCL).
19. Himachal Pradesh Agro Industries Corporation.
20. Himachal Pradesh State Co-operative Milk Producer Federation Limited.
21. Himachal Pradesh State Social Welfare Board.
22. Himachal Pradesh State Council for Child Welfare.
23. Himachal Pradesh Board of School Education, Dharamshala (HPBOSE).
24. Himachal Pradesh Building & other Construction Workers Welfare Board.
25. Himachal Pradesh Infrastructure Development Board.
26. Himachal Pradesh Khadi and Village Industries Board.
27. Himachal Pradesh Agriculture Marketing Board.

28. Himachal Pradesh State Electricity Board Limited (HPSEB).
 29. Himachal Pradesh State Pollution Control Board.
 30. Himachal Pradesh Takniki Shiksha Board, Dharamshala.
 31. Himachal Pradesh State Co-operative Marketing and Consumer's Federation.
 32. Himachal Pradesh Housing and Urban Development Authority.
 33. Himachal Pradesh State Co-operative Bank Limited.
 34. Jogindera State Co-operative Bank Limited.
 35. The Kangra Central Co-operative Bank Limited.
 36. Himachal Pradesh State Co-operative Agriculture and Rural Development Bank Limited.
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