AUTHORITATIVE ENGLISH TEXT

THE HIMACHAL PRADESH MUNICIPAL SERVICES ACT, 1994

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THE HIMACHAL PRADESH MUNICIPAL SERVICES ACT, 1994

(ACT NO. 11 OF 1994)[1]

(Received the assent of the Governor, Himachal Pradesh on the 18th October, 1994 and was published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 18th October, 1994, pp. 3205-3226).

An Act to provide for the integration, recruitment and conditions of municipal services in the State of Himachal Pradesh and other matters connected therewith.

Amended, repealed or otherwise affected by,-

1.H.P. Act No. 2 of 2012[2] assented to by the Governor on the 18th January, 2012, published both in Hindi and English in the Rajpatra, Himachal Pradesh on the 28th January, 2012, pp. 5327-5328.

2.H.P. Act No. 14 of 2023[3] assented to by the Governor on the 22th November, 2023, published both in Hindi and English in the Rajpatra, Himachal Pradesh on the 1st December, 2023, pp. 10277-10283.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty fifth-Year of the Republic of India, as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Himachal Pradesh Municipal Services Act, 1994.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall and shall be deemed to have come into force on the 30th day of May, 1994.

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

(a) "appointing authority" means the authority empowered by the State Government to make appointments to the posts under the municipal services;

(b) "direct recruitment" means an appointment made by selection otherwise than by promotion from within the service or by transfer of an official already in the service of any State or

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 19th September, 1994, pp. 2462 and 2476.

2 Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh, dated 22nd December, 2011, pp. 4737-4738 and 4739.

3 Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh, dated 23th September, 2023, pp. 7735-7736 and 7739-7740.

Central Government or any Corporation, Board or any other local authority under the control of State Government;

(c) "Government" means the Government of Himachal Pradesh;

(d) "leave" includes earned leave, maternity leave, leave not due, leave on half pay, medical leave, commuted leave and extra-ordinary leave but does not include casual leave;

(e) "member" means a member of the State level municipal service constituted under this Act;

(f) "municipality" means an institution of self-Government,-

(a) a Nagar Panchayat and a Municipal Council constituted under the Himachal Pradesh Municipal Act, 1994; and

(b) a Municipal Corporation constituted under the Himachal Pradesh Municipal Corporation Act, 1994;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "service" in relation to municipalities means the municipal service constituted in the prescribed manner by the Government at the State level under the provisions of this Act; and

(i) "service selection committee" means the committee set-up by the State Government under section 6 of this Act.

3. Composition of service.- 1[(1) There shall be State Level Services comprising of the posts in Nagar Panchayats and Municipal Councils, constituted under the Himachal Pradesh Municipal Act, 1994, and as shown in the Schedule-I to this Act.]

2[(1-a) There shall be State Level Municipal Corporation Services comprising of the posts in Municipal Corporations, established under the Himachal Pradesh Municipal Corporation Act, 1994 (12 of 1994) and as shown in the Schedule-III of this Act.]

(2) The Government shall have the right of, by a notification published in the Official Gazette, make additions to, or deletion in, the posts in Schedule-I 3["or Schedule-III, as the case may be"] with

different designations and scales of pay, either permanently or temporarily.

(3) Subject to the provisions contained in the Act, the qualifications, method of recruitment, salaries, leave, allowances and other conditions of service [4][XXXXXXXXXXX] shall be such as may be prescribed.

1 Sub-section (1) substituted vide H.P. Act No. 2 of 2012.

2 Sub-section (1-a) inserted vide H.P. Act No. 14 of 2023.

3 The words, signs and number "or Schedule-III, as the case may be'' inserted vide H.P. Act No. 14 of 2023.

4 The words, sign, brackets and figure "referred to in sub-section (1)," deleted vide H.P. Act No. 2 of 2012.

(4) Notwithstanding anything contained to the contrary in this Act, a person appointed to the service under this Act shall not be deemed to have been appointed to any civil service or post under the State Government.

4. Integration of existing employees.- (1) The employees of the municipalities in the State of Himachal Pradesh and working on regular basis on the commencement of this Act, as may be notified by the Government, shall stand integrated in the service according to the procedure as may be laid down by the Government.

(2) There shall be no reduction in the basic pay of the member of the service which he was drawing immediately before the commencement of this Act, however, any special pay which such member of the service was receiving for any additional duties shall not be protected.

(3) Without prejudice to the provisions of sub-section (2), the pay of a member of the service shall be adjusted and fixed in the scale of pay of the post included in the Scheduled-I [1][Schedule-III] in accordance with the provisions of the Fundamental Rules, as applicable to the State Government employees.

5. Power to take over municipal services by the Government. - (1) Notwithstanding anything contained in this Act, any other law inforce, rules made thereunder and contracts executed and orders made, the State Government if it thinks fit that it is expedient and necessary to do so, may, by notification in the Official Gazette, take over all or any class of employees working in a municipality, specified in the Schedule-II [2][or Schedule-IV].

(2) Where any class of employees are taken over under sub-section (1), such employees will become the employees of the State Government and shall be entitled to such remuneration and shall be governed by such rules and regulations as are applicable, to the employees of the State Government on equivalent post.

(3) Where any class of employees the taken over by the State Government under sub-section (1), they shall be merged with the employees of that Department of the Government to which the State Government may order:

Provided that where such employees are so taken over from a municipality, the corresponding posts in the municipality shall be filled in by deputation out of cadre of the Government Department concerned and the expenditure on account of payment of salary and allowances etc., shall be born by the municipality concerned.

(4) Any service rendered by such class of employees under a municipality before taking over such service shall be deemed to be service

1. The word, sign and number "Schedule-III" inserted vide H.P. Act Number 14 of 2023.

2. The words, signs and number "or Schedule-IV" inserted vide H.P. Act Number 14 of 2023.

rendered under the State Government:

Provided that where any class of employees are taken over by the State Government under sub-section (1), the employees whose services have been taken over shall be governed by the pensionary regulations as made applicable to the Government employees, provided they exercise their option to surrender their contribution of Contributory Provident Fund alongwith interest thereon which amount will be deposited in their General Provident Fund Account in the Department concerned of the State Government, and the share of the municipality alongwith interest thereon shall be credited to the Consolidated Fund of the State of Himachal Pradesh.

(5) Nothing contained in sub-sections (1) to (4) shall apply to any employee, who, by notice in writing in that behalf to the State Government within a period of two months from the date of such taking over, intimates his option for not becoming an employee of the State Government, and where any employee gives such notice, his service under the municipality shall stand terminated with effect from such date of taking over, and he shall be entitled to compensation from the municipality, which shall be as follows:-

(a) in the case of a permanent employee, a sum equivalent to his salary (including allowances) for a period of three months or for the remaining period of his service, whichever is less;

(b) in the case of a temporary employee, a sum equivalent to his salary (including all allowances) for one month or for the remaining period of his service, whichever is less.

6. Recruitment to the service.- (1) Save as provided under sub-section (2), the recruitm rvice shall be made

on the recommendation of the service selection committee constituted at the State level by the State Government to conduct examinations, and interviews for recruitment to various posts in the service.

(2) Nothing contained in this section shall apply for the appointment of-

(i) the Commissioner, Joint Commissioner and Assistant Commissioners under sections 45 and 46 of the Himachal Pradesh Municipal Corporation Act, 1994;

(ii) the Executive Officer of a Municipal Council and the Secretary of a Nagar Panchayat under section 305 of the Himachal Pradesh Municipal Act, 1994;

(iii) promotions to the posts in the service for a period not exceeding six months; and

(iv) municipal services taken over by the State Government under section 5.

7. Probation.- (1) A person appointed to any post in a service shall remain on probation for a period of two years:

Provided that-

(a) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation; and

(b) any period of officiating appointment shall be reckoned as the period spent on probation, but no person who has so officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy.

(2) If, in the opinion of the appointing authority, the work, or conduct of a person appointed to any post in the service during the period of his probation is not satisfactory, it may -

(a) if such person is appointed by direct recruitment, dispense with his service;

(b) if such person is appointed by promotion,-

(i) revert him to his former post; or

(ii) deal with him in such a manner as the terms and conditions of the previous appointment permit; or

(iii) extend his period of probation and thereafter pass such order 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 three years.

(3) On the completion of the period of probation of a person, the appointing authority may, if his work or conduct has, in its 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.

8. Liability to transfer.- The member of the State level municipal service shall be liable to serve at any place in the State of Himachal Pradesh.

9. Seniority.- The seniority inter-se of the members of the service shall be determined separately for every category by the length of their continuous service on a post in the said category:

Provided that in the case of members appointed by direct recruitment, their inter-se seniority shall be in the order of merit determined by the service selection committee or of any authority, as the case may be:

Provided further that in the case of two or more members appointed on the same date, a member appointed by direct recruitment shall be senior to a member appointed otherwise.

10. Punishments and appeals.- (1) Every member of the service, shall be liable to have his increments or promotion withheld or to be censured, reduced in rank, compulsorily retired, reverted or dismissed for breach of any departmental rules/regulations or of discipline or for carelessness, unfitness, neglect of duty or office misconduct by such authority as may be prescribed by rules made in this behalf :

Provided that no such member of the service, as aforesaid, shall be reduced in rank, compulsorily retired, removed, or dismissed by an authority subordinate to that by which he was appointed.

(2) No member of the service shall be punished under sub-section (1) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that this sub-section, shall not apply,-

(a) where a member of service is removed or dismissed on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the authority empowered to remove or dismiss such a member of the service is satisfied that for such reasons to be recorded by that authority, it is not reasonably practicable to give that person an opportunity of showing cause;

(c) where the Governor is satisfied that in the interest of security of the State it is not expedient to give a member of the service an opportunity of showing cause; and

(d) if any question arises whether it is reasonably practicable to give a member of the service an opportunity of showing cause under this sub-section the decision thereon of authority empowered to remove or dismiss him, shall be final.

(3) The member of the service upon whom a punishment has been inflicted under this section may, within such time and in such manner, appeal to such officer or authority as may be prescribed.

(4) The authority empowered to impose penalties and the appellate authority in respect of a category of posts in services shall be such as may be prescribed.

(5) The Central Civil Services Rules, including the Central Civil Services (Classification, Control and Appeal) Rules; and the Central Civil Services (Conduct) Rules, as amended from time to time and made applicable to the employees of the State Government, shall apply to the members of the service, constituted under this Act, so far as they are not inconsistent with the provisions of this Act and the rules made thereunder.

11. Resignation from service.- If the member of the service wishes to resign from service he shall give one month's notice in writing to the appointing authority. If the member of the service fails to give such a notice, or gives a shorter notice, the appointing authority may recover one month’s salary with usual allowances or the salary and allowances for the period by which the notice falls short of one month, as the case may be, from such member, in lieu of the notice.

12. Retirement from service.- Members of the service shall retire on the afternoon of the last day of the month in which they attain the age of fifty-eight years; except the workman, who will retire on attaining the age of sixty years.

Explanation.- For the purpose of this section, the expression "workman" means a skilled, semi-skilled or un-skilled, artisan employed on monthly rate of pay in the service and includes a peon, chowkidar, safai karamchari, mali, cook and other servants declared by the Government to be the workman :

Provided that –

(i) the appointing authority shall, if it is of the opinion that it is in public interest to do so, have the absolute right, by giving an employee prior notice in writing, retire that employee on the date on which he completes thirty years of service or such period of service as the State Government may prescribe for its employees from time to time or attains fifty-five years of age or such age as the State Government may prescribe for its employees from time to time or on any date thereafter to be specified in the notice;

(ii) the period of such notice shall not be less than one month and in case at least one month's notice is not given or notice for a period of less than one month is given, the employee shall be entitled to claim a sum equivalent to the amount of his pay and allowances, at the same rate at which he was drawing them immediately before the date of retirement, for a period of one month or, as the case may be, for the period by which such notice falls short of one month;

(iii) any employee may, after giving at least one month's previous notice in writing to the appointing authority, retire from service on the date on which he completes twenty years of service or such period of service as the State Government may prescribe for its employees from time to time, or attains fifty years of age or such age as the State Government may prescribe for its employees from time to time or from any date thereafter to be specified in the notice, but no employee under suspension shall retire from service except with the specific approval of the appointing authority.

13. Extraordinary pension and gratuity.- (1) With the prior approval of the Government the municipality may give extraordinary pension or gratuity-

(a) to an employee injured in the discharge of his duties;

(b) to the family of an employee who is killed in the discharge of his duties.

(2) The extraordinary pension or the gratuity shall not exceed the sum to which such member of service or his family would be entitled if he was an employee under the State Government.

14. Pension in lieu of Contributory Provident Fund.- (1) A member of the service may, in lieu of the Contributory Provident Fund benefits admissible to him under the Provident Fund Act, 1925, opt for service and family pensions and in that event he will be governed by the

rules, as are applicable to the employees of the State Government; and such a person shall contribute to the General Provident Fund:

Provided that -

(a) the share of money contribution by the municipality alongwith interest accrued thereon, to the credit of such a person in his Contributory Provident Fund, shall be credited to the Pension and Gratuity Fund; established for this purpose;

(b) the share of money, alongwith interest accrued thereon, to the credit of such a person in the Contributory Provident Fund on account of his own contribution, shall be transferred to his credit in the General Provident Fund established for the purpose; and any loss caused to the municipality through withdrawals during the service shall be made good by him.

(2) The municipality shall, in relation to the members of the service who have exercised the option for pension under sub-section (1), shall credit its contributions regularly but not later than fifth day of the month following the month to which the contribution relate, into the Pension and Gratuity Fund.

(3) The "Pension and Gratuity Fund" and “General Provident Fund” referred to in sub-section (1), shall be established and maintained by the Director, Urban Local Bodies, Himachal Pradesh in such manner, as may be prescribed.

(4) Notwithstanding anything to the contrary contained in this Act, the persons, who were in the regular service of any municipality as on 1st April, 1992 and had retired before the 30th day of May, 1994, provided they opt for service and family pensions under this section, and refund to the Director, within such period as may be specified, the employer's contribution to the Provident Fund including interest received by them from the employer together with simple interest at six per cent per annum from the date of its

withdrawal till the date of repayment, will also be eligible for service and family pensions payable under this Act.

15. Departmental examination.- The Government may, by notification, direct that the persons appointed to any post in a service, as may be specified, shall be required to pass a departmental examination, the details and syllabus for which and the consequences for failure to pass it shall be, as may be prescribed by the Government.

16. Leave, travelling allowance, joining time, suspension, medical facilities, fees, and honoraria and other matters.- In respect of leave, travelling allowance, joining time, suspension, leave, medical facilities, fees, honora dearness allowance,

fixation of pay, grant of increment, deputation and other matters not expressly provided in this Act, the member of the service shall be governed by the corresponding provisions contained in the rules applicable to the State Government employees :

Provided that leave salary shall be payable to a member of the service by a municipality where he happens to serve at the time of proceeding on leave:

Provided further that a person on transfer shall draw his travelling allowance and joining time benefits from the municipality to which he is transferred.

17. Record of service.- (1) There shall be maintained a personal file for every member in which shall be placed all papers, record and other documents relating to his service. The file shall contain in particular a service book giving the date of birth, history of service from the date of his appointment, particulars of increment, promotion, reward, punishment and all other special events of his career. The service book shall also contain the leave account form showing a complete record of leave except causal leave.

(2) The date of birth shall be recorded in the service book maintained under sub-section (1), in red ink both in words and figures and duly signed by the concerned member of the service and authenticated in the case of the Municipal Corporation by the Commissioner, in the case of Municipal Corporation by the Commissioner, in the case of Municipal Council by the Executive Officer and in the case of a Nagar Panchayat by the Secretary; and said entry of date of birth shall be deemed to be the conclusive proof and shall not be questioned in any court of law.

(3) A confidential file shall be maintained for each member:

Provided that the Government may, if it so decides, make such arrangements, as it may deem necessary to maintain, in addition, a centralised record of leave, pay and service of members in the manner prescribed.

18. Oath of allegiance. -Every member, unless he has already done so, shall be required to take an oath of allegiance to the Constitution of India as by law established.

19. Reservations.- Nothing contained in this Act shall effect the reservations and other concessions required to be provided for Scheduled Castes, Scheduled Tribes, Backward Classes, Ex-servicemen, physically handicapped persons or any other class or category of persons in accordance with the orders issued by the Government in this regard from time to time:

Provided that the total percentage of the reservations so made shall not exceed fifty percent at any time.

20. Power to amend Schedules.- The Government may, by notification publish in the Official Gazette, amend by way of addition, omission or variation any of the items of the [1][Schedule-I, II, III and IV] to this Act, and when the Schedule is so amended, such addition, omission or variation shall have the effect as if it had been made by this Act.

21. Power to make rules.- (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the matters which under the provisions of this Act are required to be prescribed or to be provided for in the rules.

(3) All rules made under this Act shall be subject to the conditions of previous publication.

(4) All rules framed under this section shall be laid on the Table of the Legislative Assembly.

22. Savings.- (1) All corresponding provisions contained in any enactment, rules, regulations and bye-laws relating to the municipal services in force in the municipalities immediately before the commencement of this Act, shall stand repealed:

Provided that any order made or action taken under the Act, rules, regulations or bye-laws so repealed shall deemed to have been made under the corresponding provisions of this Act.

(2) Nothing contained in this Act shall apply to the officers or officials of the State Government working on deputation basis with a municipality.

23. Repeal of Ordinance No.4 of 1994.- (1) The Himachal Pradesh Municipal Services Ordinance, 1994 is hereby repealed.

(2) Notwithstanding the repeal of the Himachal Pradesh Municipal Services Ordinance, 1994, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

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1. Substituted for the words, signs, and number "Schedule I and II" vide H.P. Act No. 14 of 2023.

SCHEDULE-I

[See section 3(1)]

Sl. No. 1	Name of the Service 2
	HIMACHAL PRADESH STATE LEVEL SERVICES OF-
1.	Superintendent Grade-I
2.	Superintendent Grade-II
[1][3.	**********
4.	**********
5.	**********
6.	**********
7.	**********
8.	**********
9.	**********
10.	**********
11.	**********
12.	**********
13.	**********
14.	**********
15.	**********]

[2]SCHEDULE-II

[See section 5(1)]

Sr. No. 1	Name of service 2
1.	Health Officers.
2.	Executive Engineers.
3.	Assistant Engineers.
4.	Junior Engineers.
5.	Market Superintendents.

1. Sr. No. 3 to 15 omitted vide Notification No. LSG-B(1)-2/95 dated 19th September, 2000, published in the Rajpatra, Himachal Pradesh (Extra-ordinary) dated 27th September, 2000, pp. 3182-3183.

2. SCHEDULE-II substituted vide Notification No. LSG-B(1)-2/95 dated 19th September, 2000, published in the Rajpatra, Himachal Pradesh (Extra-ordinary) dated 27th September, 2000, pp. 3182-3183.

6.	Draughtsmen.
7.	Assistant Draughtsmen.
8.	Patwaries.
9.	Divisional Forest Officers.
10.	Range Officers.
11.	Deputy Forest Rangers.
12.	Forest Guards.
13.	Assistants/Accountants
14.	Tax Inspectors
15.	Sanitary Inspectors.
16.	Surveyors.
17.	Laboratory Technicians.
18.	Sanitary Supervisors.
19.	Clerks].

[1]["SCHEDULE-III

[See section 3(1-a)]

SI No.	Name of Service
1	2
HIMACHAL PRADESH STATE LEVEL MUNICIPAL CORPORATION SERVICES OF-	
1.Executive Engineer	
2.Assistant Engineer	
3.Administrative Officer	
4.Superintendent Grade-I	
5.Superintendent Grade-II	
6.Chief Accountant	
7.Chief Sanitary Inspector	
8.Private Secretary	
9.Personal Assistant	
10.Secretary	
11.Junior Engineer	
12.Draughtsman	

1. Schedule-III and Schedule-IV Inserted vide H.P. Act No. 14 of 2023.

13.Senior Assistant	
14.Statistical Assistant	
15.Accountant	
16.Junior Accountant	
17.Sanitary Inspector	
18.Community Organizer	
19.Stenographer	
20.Steno Typist	
21.Surveyor	
22.Sanitary Super	

23.Work Supervisor{Redesigned as Technician(Supervisor)}
24.Computer Assistant
25.Driver
26.Meter Reader
27.Meter Mechanic
28.Technical Mechanic
29.Junior Office Assistant(IT)
30.Junior Draughtsman/Assistant Draughtsman
31.Clerk/Junior Assistant
32.Data Entry Operator
33.Ferro Printer
34.Laboratory Technician
35.Technician(Carpenter,Mason,Blacksmith,Electrician,Fitter/Plumber, & Mechanic)
36.Male and Female Health Worker
37.Tailoring Teacher

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SCHEDULE-IV

[See Section 5(1)]

SI No.	Name of Service
1	2
1.	Architect Planner
2.	Corporation Health Officer/Health Officer
3.	Town Planner
4.	Veterinary Public Health Officer
5.	Law Officer
6.	Planning Officer
7.	Naib Tehsildar
8.	Veterinary Pharmacist
9.	Deputy Controller Accounts
10.	Section Officer (F&A)
11.	Assistant Architect Planner
12.	Kanungo
13.	Patwari.