



# Haryana Government Gazette

## EXTRAORDINARY

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THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

### Notification

The 7th August, 2018

### **The Haryana Real Estate Regulatory Authority, Gurugram (Engagement of Staff on Contract Basis) Regulations, 2018.**

**No. 04/RERA GGM Regulations 2018.**— In exercise of the powers conferred on it under Section-85(1) of the Real Estate (Regulations and Development) Act, 2016 and all other powers enabling it in that behalf, the Real Estate Regulatory Authority, Gurugram hereby makes the following regulations: -

#### **Short Title, Object, Commencement and Extent:**

1. (a) These Regulations may be called the Haryana Real Estate Regulatory Authority, Gurugram, (Engagement of Staff on Contract Basis), Regulations, 2018.
- (b) These Regulations will come into force from the date of their publication in the Official Gazette.
- (c) These Regulations are meant to establish procedure for assessment of workload, creation of posts on contract basis, engagement of staff on contract basis and payment of remuneration to the staff engaged on contract basis required from time to time for smooth functioning of the Authority.

#### **Definitions**

2. (a) Unless the context otherwise requires in these regulations: -
  - (i) "Act" means the Real Estate (Regulations and Development) Act, 2016 as amended from time to time;
  - (ii) "Authority" means the Haryana Real Estate Regulatory Authority, Gurugram;
  - (iii) "Employee" means staff engaged on contract basis by the Authority in accordance with these Regulations;
  - (iv) "Regulations" means the Haryana Real Estate Regulatory Authority, Gurugram (Engagement of Staff on Contract Basis), Regulations, 2018 as amended from time to time;
  - (v) "Rules" means the Haryana Real Estate Regulatory Authority (Regulation and Development) Rules, 2017 as amended from time to time.
- (b) The words or expressions occurring in these Regulations and not defined herein but defined in the Act or the Rules shall bear the same meanings as assigned to them in the Act and the Rules.

**Assessment of workload and creation of posts to be engaged on contract basis**

3. The Authority may require staff to be engaged on contract basis against regular posts till these posts are filled up as per the service rules. The Authority may also require staff from time to time to be assessed on the basis of work load and to be engaged on contract basis without creating regular posts. The Haryana Real Estate Regulatory Authority (Group A) Service Rules, 2018, Haryana Real Estate Regulatory Authority (Group B) Service Rules, 2018, Haryana Real Estate Regulatory Authority (Group C) Service Rules, 2018, and Haryana Real Estate Regulatory Authority (Group D) Service Rules, 2018 are to be notified by the Government in due course. Based on the workload, Authority may require staff temporarily to discharge the functions and duties assigned to it and also to cope up with the increased workload from time to time and to be engaged on contract basis.

**Qualifications and experience of staff to be engaged on contract basis**

4. The qualifications and experience of the staff to be engaged on contract basis shall be the same as applicable for the similar posts in the Government. In case of some special requirements, the qualifications can be enhanced for engagement of staff for a particular post. The Authority has power to relax qualifications and experience in case of nonavailability of suitable staff to be engaged on contract basis.

**Mode of engagement**

5. Staff on contract basis shall be engaged by the Authority in any of the modes as under: -
- (i) engaging a person on contract basis who has retired from the State Government or Central Government or any of their Public Sector Undertakings either on nomination basis or through open advertisement;
  - (ii) engaging a person on contract basis directly by the Authority by issuing advertisement and following a transparent procedure; and
  - (iii) engaging a person on work contract basis through outsourcing agency.
  - (iv) engaging services of a professional firm to make available services of experts/professionals/consultants on mutually agreed terms and conditions.

**Remuneration to be paid to the staff on contract basis**

6. The staff to be engaged on contract shall be paid remuneration as under:-
- (i) (a) in case of a person engaged on contract basis retired from the State Government/Central Government or any of their Public Sector Undertakings, the remuneration shall be paid on the basis of last pay drawn minus uncommuted pension;
  - (b) in case a person engaged on contract basis retired from the higher post in the service of the State Government or Central Government or any of their Public-Sector Undertakings the remuneration shall not exceed emoluments at minimum of the pay scale/pay matrix of post against which such person engaged.
  - (ii) in case of a person engaged on contract basis directly by the Authority, the remuneration shall be paid as sum calculated on the minimum of the pay scales/pay matrix for professional/skilled staff or DC rates for others; and
  - (iii) in case of a person engaged on work contract basis through outsourcing agencies, remuneration shall be paid as sum calculated on minimum of the pay scales/pay matrix for professional/skilled staff or DC rates for others.

**Engaging a retired person - procedure**

7. (i) For making the Authority functional at the initial stage, the Authority may engage a person who is a retired employee of the State Government or Central Government or any of their Public Sector Undertakings on contract basis by way of nomination. For engaging a retired person on nomination basis, the Authority shall record justification thereof.
- (ii) The Authority may invite applications by issuing an advertisement in the newspapers in English and Hindi for engaging retired personnel for various posts.

**Engaging a person on contract basis by the Authority directly – procedure**

8. The post on contract basis by way of direct recruitment shall be filled up by following a transparent procedure of issuing advertisement and giving wide publicity of the vacancies and notifying therein the process of selection from amongst the applicants. The policy of the State Government regarding reservation of posts shall be applicable on the posts filled up by way of direct recruitment.

**Engaging a person on work contract basis through outsourcing agency procedure**

9. For engaging a person on work contract basis through outsourcing agency, the outsourcing agency will be required to give a list of suitable candidates post wise and forward the same to Haryana Real Estate Regulatory Authority, Gurugram, along with their biodata for adjudging their suitability by the Authority.
10. The Authority may engage through suitable outsourcing agencies manpower of any nature as it may deem appropriate.

**Age limits**

11. (a) The minimum and maximum age for engaging a person directly by the Authority shall be the same as prescribed by the State Government for its employees, -
- Provided that this age limit shall not be applicable on the persons who are appointed by way of deputation or transfer or for engaging a retired person on contract basis.
- (b) A person who has been engaged from amongst the retired employees of the State Government or Central Government or any of their Public Sector Undertakings may be appointed for a period of one year, and upon finding his work and conduct satisfactory the term of employment may be extended on year to year basis. Maximum age limit for engagement of retired persons shall be 68 years.
- (c) A person engaged by the Authority directly on contract basis shall be initially appointed for a period of one year and during this period if his work and conduct is found satisfactory, his services may be extended on year to year basis.

**Termination of contractual engagement**

12. Contractual services of an employee who has been engaged by the Authority after retirement from the State Government or Central Government or any of their Public Sector Undertakings or engaged directly by the Authority or engaged through outsourcing agency may be terminated by serving a notice of one month if his services are no longer needed/required or the services may be terminated without notice if his work and conduct is not found satisfactory at any stage of his engagement.

**Conduct, discipline and code of ethics of employees**

13. All employees *i.e.* staff engaged on contract basis by the Authority shall be subject to such rules of conduct, discipline and code of ethics as are prescribed by the Authority from time to time.

**Miscellaneous:**

14. (a) The Chairman may appoint a suitable Selection Committee comprised of Members and/or officers of the Authority for making recommendations for appointment against various posts.
- (b) The selection criteria for appointment by any mode may be decided by the Authority/Selection Committee from time to time subject to the condition that such criteria shall be fair and transparent.
- (c) All other terms and conditions of employment by any mode who have not been specified in these regulations shall be as notified by the Authority from time to time by way of Regulations.

DR. K. K. KHANDELWAL,  
Chairman,  
Haryana Real Estate Regulatory Authority, Gurugram.