

(19)

## THE ORISSA SERVICE OF ENGINEERS RULES, 1941\*

Notification No. 197-C.E., dated the 29th December, 1941 : In exercise of the powers conferred by Cl. (b) of sub-Ss. (1) and (2) of S. 241 of the Government of India Act, 1935, His Excellency the Governor is pleased to make the following rules for the regulation of recruitment and the conditions of service, pay, allowances and pension of the Orissa Service of Engineers.

1. **Short title:** (a) These rules may be called the Orissa Service of Engineers Rules, 1941.

(b) They shall come into force on the 1st day of January, 1942.

2. **Constitution:** The Orissa Service of Engineers is constituted for the purpose of replacing the present Orissa Engineering Service immediately and the Indian Service of Engineers gradually as vacancies arise in the cadre of that service.

3. **Definitions:** In these rules unless there is anything repugnant to the subject or context-

(a) "Service" means the Orissa Service of Engineers ;

[(b) "Promoted officer" means an officer promoted to the service from among the Junior Engineers ;]

(c) "Commission" means the Orissa Public Service Commission ;

(d) "Government" means the Government of Orissa ;

(e) "Scheduled Castes" and "Scheduled Tribes" means such Castes and such Tribes as are or may be so specified by the President under Arts. 341 and 342 of the Constitution of India respectively

(f) "Year" means a calendar year.

[(g) "Engineer-in-chief" means the engineer-in-chief appointed by Government in the Irrigation & Power Department ]

4. **Strength of cadre :-** From the date on which the Orissa Service of Engineers' (amendment) Rules, 1989 come into force the existing Orissa Engineering Service shall cease to exist and the new service shall include all posts in the existing service and the posts in the State borne in the cadre of the Orissa Engineering Service consisting of the following categories of class II and Class I posts and such other categories of posts as may be

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1. Substd by O.G.B No. 443 / 17 3 1989

2. Inserted by ibid

decided by the Government. The number of such posts both permanent and temporary and their pay scales shall be as may be decided by the Govt. from time to time

- Class I posts :-** (a) Assistant Executive Engineers (Junior Class I)  
 (b) Executive Engineer  
 (c) Superintending Engineer, Level II  
 (d) Superintending Engineer, Level I  
 (e) Chief Engineer

**Class I posts :- Assistant Engineer.**

5. [Recruitment to the Service : (1) First appointment to the Service shall ordinarily be made to the rank of Assistant Engineer

(2) Appointment to the rank of Chief Engineer, Superintending Engineer, Level-I, Superintending Engineer, Level-II, Executive Engineer, Assistant Executive Engineer (Junior Class-I) shall be made by the Government, in consultation with the Commission by promotion from the rank of Superintending Engineer, Level-I, Superintending Engineer, Level-II, Executive Engineer, Assistant Executive Engineer (Junior class-I) and Assistant Engineer respectively.

(3) The promotion shall be made by selection on the basis of merit and suitability of the officer in all respects with due regard to seniority:

Provided that any junior officer who in the opinion of the Departmental Promotion Committee is of exceptional merit and suitability may be assigned a place higher than that of the officers senior to him.

6. **Recruitment to the rank of Assistant Engineer :** [Recruitment to the rank of Assistant Engineers shall be made partly by direct recruitment in accordance with Rr. 8 to 15 and partly by promotion from the cadre of Junior Engineers in accordance with Rr. 16 to 18.]

7. [Government to decide the number of vacancies to be filled up in each year :- The vacancies to be filled up by promotion of Junior Engineers shall be so fixed that the promoted Junior Engineers don't exceed [33 per cent] of the total strength of permanent and temporary Assistant Engineers including the leave and training reserve at the time of each promotion. The remaining vacancies shall be filled up by direct recruitment ]

8. **Qualifications for appointment :** Except under the special orders of the Government, no person shall be appointed to the service unless he is-

1. Subst'd by O.G.E No. 443 / 17.3.1989

2. Subst'd by O.G.E No. 153/14.2.92

- (a) an Oriya, or
- (b) a British subject being the son of parents permanently domiciled in Orissa, or
- (c) an Anglo-Indian British subject born in the Province, provided that neither he nor his parents are permanently domiciled in any other Province, or
- (d) a subject of an Indian State who is eligible for appointment to the service by virtue of a declaration made under sub-S (2) of S. 262 of the Government of India Act, 1935.

**9. Qualifications for direct recruitment :** A candidate for direct recruitment to the service must-

- (a) not ordinarily be over 28 years of age and under 21 years of age on the first day of August of the year in which applications are invited :

Provided that the maximum age-limit may be relaxed in respect of the candidates belonging to the scheduled castes and scheduled tribes candidates with approved military service and such other categories, to such extent as the Government may by special order specify from time to time.

[Provided further that the maximum age-limit may be fully relaxed in respect of candidates who have entered State Government service as Junior Engineers within the prescribed age limit be without the qualification prescribed under Clause (d) of rule 9 and have subsequently acquired the same while serving as such]

- (b) be of good character ;
- (c) be of sound health, good physique and active habits and free from organic defects and bodily infirmity ; and
- (d)(i) hold a degree in Engineering from an Indian University or a diploma in Engineering from an Indian Engineering college ; or
- (ii) be an Associated Member of the Institution of Engineers (India); or
- (iii) hold a degree or diploma from one of the Universities or Civil Engineering Colleges in the United Kingdom enumerated in Appendix I to these rules, or have passed one of the examinations mentioned therein.

**10. Commission to invite applications :** The Commission shall announce in such manner, as they think fit the number of vacancies to be filled by direct appointment and shall invite applications from candidates eligible for appointment to the service.

*[Handwritten mark]*

Provided that if there are suitable temporary Assistant Engineers in service who, not more than one year ago, had been nominated by the Commission for appointment as direct recruits, they may be appointed by the State Government.

11. Applications : (a) Every candidate shall submit his application in his own handwriting in the prescribed form to the Secretary of the Commission, so as to reach him not later than such date as may be notified by the Commission in this behalf.

(b) The application shall be accompanied by a treasury challan of Rs. 5 as application fee, which will in no circumstance be refunded. The fee should be credited to the Government of ~~Gissa~~ under the head "XXXVI-Miscellaneous Departments-Miscellaneous Examination Fees-Public Service Commission". When the fee has been paid on a first application, no fee will be payable on a subsequent application for the service.

(c) With his application a candidate must submit-

- (i) evidence that he holds one of the educational qualifications referred to in Cl. (d) of Rule. 9;
- (ii) certificates of character and conduct from the heads of all colleges at which he has studied since he passed the Matriculation Examination;
- (iii) a report from the Magistrate of the district in which he ordinarily resides, or in which he claims to be domiciled, whether his character and antecedents are such as to render him suitable for appointment to the service;
- (iv) evidence of age, which should ordinarily be the Matriculation Certificate;
- (v) if he claims to be eligible for appointment as a "domiciled" person, a certificate of domicile granted by the Magistrate of the district in which he claims to be domiciled, and if he claims to be eligible for appointment under Cl. (c) of R. 8, evidence to show that he is so qualified;
- (vi) a certificate of health and fitness from a registered medical practitioner in the prescribed form obtainable from the Secretary to the Commission;
- (vii) if he claims to be eligible for appointment under Cl. (d) of R. 8, evidence that he is so qualified.

**Note 1.** Any attempt on the part of a candidate to enlist support for his application through persons of influence will disqualify him for appointment.

**Note 2.** The certificates and other documents should be submitted in original. If any certificate or other document required cannot for any reason be submitted in original, a true copy of it may be sent, but in that case the copy shall bear a certificate from a gazetted officer stating (a)

that he has seen the original and that the copy is a true copy, and (b) the reason why the original cannot be sent with the application.

**Note 3.** In the case of scheduled caste candidates, the fees prescribed in sub-rule. (b) of Rule. 11 shall be reduced to one-fourth.

**12. The Commission to consider applications and interview of candidates:** The Commission shall consider all applications received and shall interview such candidates as they consider likely to be suitable for appointment; provided that the Provincial Government may, if they think fit, appoint an officer to represent the department at the interview by the Commission. The officer so appointed shall advise the Commission on the fitness of the candidates, with reference to the special qualities required in the service, but he will not be responsible for the selection of the candidates.

**13. The Commission to prepare a list of selected candidates:** The Commission shall prepare a list of selected candidates, arranged in order of preference, the number of whom shall, unless the Government otherwise directs, ordinarily be  $1\frac{1}{3}$  times the number of vacancies to be filled by direct recruitment. The list will be submitted by the Commission, together with their recommendations, to the Government by such date as the Government may direct.

**14. Government may require the Commission to report:** (a) The Government may require the Commission to report the names of the best candidates belonging to any particular class or community irrespective of the number of candidates fixed under R. 13-

(b) In submitting a report in accordance with Cl. (i) of this rule, the Commission shall state in the case of each candidate, who has not been selected by them, under R. 13-

(i) whether the candidate is in their opinion fit for appointment to the service, and

(ii) to what extent he is inferior to the candidates selected under R. 13.

**[14-A. Reservation for candidates belonging to the scheduled castes and scheduled tribes:** (1) Such percentage of vacancies in any year as may be determined by the Government from time to time by any general or special order shall be reserved for candidates belonging to the scheduled castes and scheduled tribes subject to the condition that such candidates satisfy the minimum standard of suitability fixed by the Commission for appointment to the service.

*Explanation:* The method of filling up the reserved vacancies shall be as may be determined by the Government from time to time.

(2) In filling up the vacancies so reserved, candidates who are members of the scheduled castes or scheduled tribes shall be considered for appointment in the order in which their names appear in the list referred to in R. 13 irrespective of their relative ranks as compared with other candidates

13. If a sufficient number of candidates who are members of the scheduled castes or scheduled tribes is not available for filling up the vacancies so reserved, the remaining vacancies shall be filled up by other candidates in the list. The unfilled vacancies shall be carried forward to subsequent occasions of recruitment subject to the condition that on no such subsequent occasion shall be the number of reserved vacancies together with the carried forward vacancies exceed fifty per centum of the total number of vacancies :

Provided that the unfilled vacancies of any year shall not be carried forward for more than three years.

Provided further that in the third year to which vacancies are carried forward, such of the vacancies as are reserved for candidates belonging either to the scheduled castes or the scheduled tribes shall be filled up by candidates belonging to the Scheduled Tribes and Scheduled Castes respectively in the event candidates belonging to the category for which the vacancies are reserved are not available.

15. Final selection in cases of direct recruitment : (a) The final selection of candidates shall be made by the Government from amongst those who have been included in the list submitted by the Commission under rule 13, or in respect of whom a report has been submitted in accordance with rule 14.

(b) Every candidate so selected shall be examined by a Medical Board. A candidate who fails to satisfy the Medical Board shall not be appointed.

16. Criteria for promotion : (a) The Engineer-in-Chief or Chief Engineer of the concerned Department as the case may be, shall recommend officers from the cadre of junior engineers for appointment to the service in the vacancies to be filled up by promotion in the particular year.

The basis of recommendation by the Engineer-in-Chief or Chief Engineer as the case may be shall be merit-cum-suitability of the officer with due regard to seniority :-

Provided that Junior Engineers who are not diploma holders in Engineering or Junior Engineers who are diploma-holders in Engineering but have not completed at least 10 years of service of the first day of August of the year during which the vacancy arises shall not be considered for promotion.

Provided further that no person who has not passed the Departmental Examination as may be prescribed by Government from time to time shall be considered for promotion.

(b) The Engineer-in-Chief or the concerned Chief Engineer shall send the list of officers recommended by him for promotion to Government together

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with all relevant papers relating to officers, if any, whom it is proposed to supersede, before the 31st July in each year and the Government shall send the same to the Commission preferably before the 31st August of each year

(c) The Departmental Promotion Committee constituted in the concerned Department of Government to examine the cases of candidates for promotion shall scrutinize the cases of all the officers recommended by the engineer-in-chief or the Chief Engineer all the officers recommended by the Engineer-in-Chief or the Chief Engineer as the case may be, for promotion and those proposed to be superseded after going through the relevant records and interviewing the officers, if necessary, and shall prepare a list of junior Engineers considered suitable by the Committee for promotion during the year.

(d) The names of officers included in the list shall be arranged in order of seniority as maintained by the cadre of Junior Engineers:

Provided that any junior officer, who in the opinion of the Departmental Promotion Committee, is of exceptional merit and suitability may be assigned a place in the list higher than the officers senior to him.

(e) The recommendation of the Departmental Promotion Committee shall be submitted to the commission along with complete and up-to-date Confidential Character Rolls and other relevant documents and information which may be required by them. The Commission, after considering the same, shall formulate their views on the recommendation to the Departmental Promotion Committee and submit its final recommendation to Government.

Note:- this amendment shall not affect any action taken by the Selection Board or Departmental Promotion Committee constituted as per erstwhile defunct Political and Services Department Memorandum No. 14020 dated 23rd May 1979 till 25th June 1983, the date modifying constitution thereof.]

[17.] Special provision for scheduled castes and scheduled tribes officers in the matter of promotion : Notwithstanding anything contained in the foregoing rules, the reservation of vacancies set apart for being filled up by promotion in favour of officers belonging to scheduled castes and scheduled tribes and the method of filling up the reserved vacancies shall be as may be determined by the Government from time to time

18. Final selection in case of recruitment by promotion :- The final selection of officers to be promoted shall be made by the Government after considering the recommendations made by the Commission under [R 16]

19. Training and probation of recruits by direct appointment and by promotion : Persons appointed by direct recruitment shall be on probation for two years and those appointed by promotion shall undergo a

1. Deleted and renumbered by O.G.E No. 483/17.1.1989

2. Substd by ibid

period of probation for one year, provided that the Government may extend the period of probation in any particular case. At any time during the probationary period, the Government may dispense with the services of an officer appointed by direct recruitment, after giving him a month's notice and may revert a promoted officer to his substantive appointment; in neither case will the officer be entitled to any compensation.

**20. Requisites for confirmation :** A probationer shall be confirmed in his appointment when-

- (i) he has completed the prescribed period of probation ;
- (ii) he has passed the prescribed departmental examinations and
- (iii) the Government is satisfied that he is fit for confirmation.

**21. Professional examinations :** Every member of the service shall be liable to pass the prescribed professional examination within 3 years of the date of appointment. An officer failing to pass the examination within the said period, shall be liable to have his increment withheld.

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**22. Seniority :** (1) When officers are recruited by promotion and by direct recruitment during the same year, the promoted officers shall be considered senior to the officers directly recruited irrespective of their dates of joining.

(2) Subject to provisions of sub-rule (1), the *inter-se* seniority of officers shall be determined in accordance with the order in which their names appear in the list prepared by the Commission and approved by the Government.]

**23. Relaxation :** Where the Government are of opinion that it is necessary or expedient so to do in the interest of public service they may, by order and for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of persons.]

#### APPENDIX I

List of Engineering degrees from Universities of the United Kingdom and examinations which will be accepted by the Government of Orissa as qualifying for appointment to the Orissa Service of Engineers

(1) Engineering Degrees-

Oxford	B. A. with Honours in the Engineering Science Final Honours School.
Cambridge	B. A. with Honours in Mechanical Science Tripos.

1. Deleted by O.G.E No. 443/17.3.1989

2. Renumbered and Substd by ibid.

St. Andrews	B.Sc. in Engineering.
Glasgow	B.Sc. in engineering.
Edinburgh	B.Sc. in Engineering.
Dublin	B.A.I. (ordinary or with Honours in Engineering).
Durham Naval Architecture	B.Sc. in Civil or Mechanical Engineering or in (Honours or ordinary degree.)
London	B.Sc. (Internal) in Engineering, ordinary or with Honours [not including the B.Sc. in Engineering (Mining) or the B.Sc. in Engineering (Metallurgy)]
	The external degree is also accepted to the same extent, provided it is recognised by the Institution of Civil Engineers as exempting from sections A and B of the A.M.I.C.E. examination.
Victoria University	B.Sc. with Honours in Engineering. B.Sc. Technical in Mechanical or Electrical Engineering (Honours Division in the final examination).
Birmingham	B.Sc. in Civil, Mechanical or Electrical Engineering Honours or ordinary degree).
Liverpool	B.Engineering in Civil, Mechanical, Electrical or Marine Engineering or Naval Architecture (Honours or ordinary degree).
Leeds	B.Sc. in Civil, Mechanical or Electrical Engineering (Honours or ordinary degree).
Sheffield	B.Engineering in Civil, Mechanical or Electrical Engineering (Honours degree or ordinary degree with a first class in the final examination).
Bristol	B.Sc. in Civil or Mechanical Engineering (Honours or ordinary degree).
University of Wales	B.Sc. (in Civil, Mechanical or Electrical Engineering).
National University of Ireland	B.E.
Queen's University Belfast	B.Sc. in Engineering

Note:- The above degrees will be accepted only if taken after three years' study and the passing of the regular examination in the several Universities. The rule requiring three years' study will not, however, apply to Indians, who, having taken an Indian degree which exempts them from part of the University course, have taken one of the above degrees in less than three years in accordance with the regulations of the University concerned.

(2)

(2) A pass in sections A and B at the Associate Membership Examination of the Institute of Civil Engineers ; or

(3) Associate ship examination of the City and Guilds Institute (Imperial College of Science and Technology, South Kensington) in Civil Engineering.

(4) A pass in sections A and B at the Associate Membership examination of the Institution of Engineers (India).

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