

The Orissa



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IRRIGATION & POWER DEPARTMENT

NOTIFICATION

The 8th March 1989

S. R. O. No. 226/89—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules further to amend the Orissa Service of Engineers' Rules, 1941, namely:—

1. (1) These rules may be called 'the Orissa Service of Engineers' (Amendment) Rules, 1989.

(2) They shall be deemed to have come into force with effect from 15th May, 1982 (except this rule and rule 3 and rule 4 which shall come into force from the date of publication of this rule in the Official Gazette.)

2. In the Orissa Service of Engineers' Rules, 1941 (hereinafter referred to as the said rules), in rule 3) for clause (b), the following clause shall be substituted, namely:—

(b) "Promoted Officer" means an Officer promoted to the service from among the Junior Engineers".

(2) after clause (f), the following clause shall be added, namely:—

"(g) "Engineer-in-Chief" means the Engineer-in-Chief appointed by Government in the Irrigation & Power Department."

3. In the said rules, for rule 4, the following rule shall be substituted, namely:—

"4. Strength of the Cadre—

From the date on which the Orissa Service of Engineers' (Amendment) Rules, 1989 come into force 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 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 Government from time to time. Class I posts (a) Assistant Executive Engineer (Junior Class I).

(b) Executive Engineer

(c) Superintending Engineer, Level-II

(d) Superintending Engineer, Level-I

(e) Chief Engineer

Class—II Posts : Assistant Engineer.

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4. In the said rules, for rule 5, the following rule shall be substituted, namely:—

- 163/X/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 officer senior to him."

5. In the said rules, in rule 6, for the words "Subordinate Engineering Service and the Junior Engineer Service", the words "Cadre of Junior Engineers" shall be substituted.

6. In the said rules, for Rule 7, the following rule shall be substituted, namely:—

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 do not exceed 30 per cent of the total strength of permanent and temporary Assistant Engineers including the leave and training vacancies at the time of each promotion. The remaining vacancies shall be filled up by direct recruitment.

7. In the said rules, in rule 5, after the existing proviso to clause (a), the following proviso shall be added, namely:—

"Provided further that the maximum age limit may be fully relaxed in respect of candidates who have entered State Government services as Junior Engineers within the prescribed age limit but without the qualification prescribed in clause (d) of rule 9 and have subsequently acquired the same while serving as such."

8. In the said rules, for rule 16, the following rule shall be substituted, namely:—

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 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 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 scrutinise the cases of 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 in 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

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(c) 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."

9. In the said rules, rule 17 shall be deleted.

10. In the said rules, rule "17-A" shall be renumbered as rule "17".

11. In the said rules, in rule 18, for the words and figures "rule 17" the word and figures "rule 15" shall be substituted.

12. (In the said rules, the existing rules 22, 23, 24 and 25 shall be deleted)

X 13. In the said rules, for rule 26, now renumbered as rule 22, the following rule shall be substituted namely:—

"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.)"

X 14. In the said rules, for rule 27, now renumbered as rule 23, the following rule shall be substituted, namely:—

"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."

[No. 9905]

By order of the Governor

F. A. MOSES

Commissioner-cum-Secretary
to Government