

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
NOTIFICATION

The 16th November 1972

S.R.O No. 769/72—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 for the regulation of recruitment and conditions of service of persons appointed as Junior Engineers, namely :—

1. Short title and commencement—(1) These rules may be called "The Orissa Junior Engineers' Cadre (Recruitment and Conditions of Service) Rules, 1972.

(2) They shall be deemed to have come into force, with effect from the 1st January 1972.

2. Definitions—In these rules unless there is anything repugnant in the subject or context—

(a) 'Cadre' means a Cadre constituted in pursuance of rule 4 ;

(b) 'Committee' means the Committee referred to in sub-rule (2) of rule 5 ;

(c) 'Government' means the Government of Orissa in the Department referred to in sub-rule (1) of rule 4 ;

(d) 'Scheduled Castes' and 'Scheduled Tribes' means such castes and such tribes as may be so specified by the President under Articles 341 and 342 of the Constitution of India respectively ;

(e) 'Service' means the Orissa Junior Engineers Service ; and

(f) 'Year' means a calendar year.

3. Status of Service—The service shall be of non-gazetted rank and shall carry such scales of pay as Government may, from time to time, determine.

4. Cadre—(1) Each Department of Government which has a cadre of Assistant Engineers and a cadre of Sub-Assistant Engineers may constitute a cadre of Junior Engineers and, on the constitution of such a cadre, shall exercise the powers of Government under these rules in relation to that cadre.

(2) The strength of the cadre shall, except as otherwise provided in the proviso to sub-rule (3), at no time be more than twenty-five per cent of the strength of the Sub-Assistant Engineers cadre.

(3) The cadre of Junior Engineers of a Department shall initially be constituted with the existing Junior Engineers of the Department and the Sub-Assistant Engineers of that Department having a degree in Engineering or equivalent qualification and the strength of the Sub-Assistant Engineers cadre of that Department shall stand reduced by an equivalent number of posts:

Provided that the restriction that the strength of the cadre shall not exceed twenty-five per cent of the strength of the Sub-Assistant Engineers cadre of that Department shall not apply at the initial constitution

of the cadre, but the strength of the cadre shall not be increased unless such an increase is justified in accordance with the provisions of sub-rule (2) :

Provided further that in case the Junior Engineers Cadre strength is less than twenty-five per cent of the cadre strength of Sub-Assistant Engineers the vacancies arising in any year in both the cadres will be filled up fifty per cent by Junior Engineers and fifty per cent by Sub-Assistant Engineers and the cadre strength will be modified accordingly.

(4) Vacancies in the cadre shall be filled up in accordance with the provisions of rules 5 to 13.

5. Method of Recruitment—(1) All vacancies shall be filled up in the manner hereinafter indicated.

(2) There shall be a committee comprising the Chief Engineers, Roads & Buildings, Irrigation, Electricity, Public Health and Rural Engineering Organisation and the Director of Lift Irrigation and the Chairmanship of the Committee shall be determined according to the cadre to which recruitment is to be made.

Illustration—The Chief Engineer, Roads & Buildings shall be the Chairman of the Committee in so far as recruitment to the cadre of Junior Engineers under the Works Department is concerned. The other Chief Engineers shall, similarly, be Chairman in so far as recruitment to the cadres under their administrative control is concerned. The Chairman shall be the Convenor of the Committee.

(3) The Chairman of the Committee shall, in consultation with the Department he represents determine as far as may be by the 1st day of July each year the number of vacancies likely to be filled up in that year. After determining the number of vacancies the Chairman of the Committee shall report to all Employment Exchanges of the State the number of posts available and the qualification (including any special or particular qualification) required for the posts. The Employment Exchanges shall furnish the names along with other particulars of all qualified candidates appearing in the Live Registers or non-availability certificates for appointment as Junior Engineers to the Chairman within three weeks from the date of receipt of requisition. All appointments should be made from among the candidates sponsored by the Employment Exchanges. Only in cases where the Employment Exchanges fail to furnish suitable candidates within the specified period of three weeks recruitment from the open market should be resorted to issuing advertisements in the newspapers in accordance with the procedure for publication of the advertisements.

(4) The advertisement shall specify the conditions of eligibility of candidates desirous of appointment, the form in which the applications shall be submitted, the last date of submission of applications, the application fee payable and such other matters as are incidental to the recruitment of Junior Engineers under the Department.

6. Conditions of eligibility—In order to be eligible to be considered for appointment a candidate must satisfy the following conditions, namely:—

(a) He must be a citizen of India or a displaced person from the former East Pakistan who has migrated to India on or after the 1st January 1964 or a repatriate from Burma/Ceylon who has migrated to India on or after the 1st June 1963/1st November 1964 or a subject of Nepal, Bhutan or Sikkim.

NOTE—The eligibility of persons other than citizens of India shall cease on such date as Government may by order appoint in that behalf.

(b) He is able to speak, read and write Oriya and had Oriya as a subject in the examination at the end of Class VII or any equivalent examination.

(c) He is under twenty-eight years and over twenty-one years of age, on the 1st day of August of the year in which applications are invited:

Provided that the maximum age-limit may be relaxed in respect of candidates belonging to the Scheduled Castes and the Scheduled Tribes and to such other categories to such an extent as Government may by general or special orders specify from time to time:

Provided further that the maximum age-limit shall not be applicable to persons already in the service of Government as Sub-Assistant Engineers.

(d) He must—

(i) hold a degree in Engineering in the concerned subject (i.e.) Civil, Electrical or Mechanical from a recognised University in India; or

(ii) have passed sections A and B of the Associate membership of the Institute of Engineers (India); or

(iii) hold a degree or diploma from one of the Universities or Engineering Colleges in other Countries which has been declared as equivalent to a degree in Engineering.

(e) He must be of good character and shall submit along with his application certificate of good character from—

(i) the Principal or a Professor of the Institution in which he last studied; and

(ii) two respectable person (not being relations) who are well acquainted with him in private life and are unconnected with his College or University career.

NOTE—In case of Sub-Assistant Engineers in the service of Government it shall not be necessary to submit the certificate of good character; the applications however should be submitted through the proper channel. Advance copies of application may be entertained on the condition that original copies are forwarded by the competent authority and are received before the selection.

2. The candidates shall furnish with their applications copies of certificates of their academic qualifications beginning with and including the High School certificate or equivalent examination and of

good character and mark lists of their degrees or equivalent examination. The copies must be attested by a Gazetted Officer and the candidates shall have to produce the originals of these certificates at the time of the selection failing which they shall be disqualified.

(f) A candidate must be of sound health, good physique and active habits and free from organic defects, physical as well as mental infirmity and shall be required to undergo such medical examination as the Committee may decide.

7. Disqualifications—(1) A candidate shall be disqualified for consideration for selection if—

(a) There is an attempt on his part to obtain support for his candidature, or

(b) he has not paid, except where Government by order have reduced or waived it, a non-refundable application fee of Rupees five (Rupees one and paise twenty-five only if the candidate belongs to any of the Scheduled Castes or Tribes).

NOTE—The fees referred to in clause (b) above shall be deposited in a Government Treasury or Sub-Treasury under such head of account as may be indicated in the advertisement inviting applications. The treasury chalan in respect of the applications fee shall be enclosed to the application of the candidate.

(2) No person who—

(a) has more than one wife living, or

(b) being a woman candidate has married a person who has one or more than one wife living at the time of such marriage shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that there are special reasons for doing so, exempt any person from the operation of this sub-rule.

(3) The decision of the Committee as to the eligibility or otherwise of a candidate for consideration for selection shall be final.

8. Admission to the Examination—(1) A candidate found eligible for consideration shall receive from the Chairman of the Committee or an Officer authorised by him in that behalf an intimation as to the date and place of the selection.

(2) The intimation referred to in sub-rule (1) shall be produced by the candidate before being admitted for consideration for selection.

9. Conduct of the selection—The Committee shall put questions to the candidate with a view to ascertaining the soundness of his technical knowledge, the range of his outlook and his intelligence, and shall also assess his personality, demeanour and extra curricular activities.

NOTE—The full marks shall be 100 of which 10 marks for the candidate's range of outlook and intelligence and a further 15 marks for his personality and demeanour as well as his extra curricular activities shall be earmarked. The remaining 75 marks are meant for assessment of his technical knowledge. Of these, 50 marks would be reserved for evaluating his academic attainment. Candidates

who have passed by the First Class or who have passed Sections A and B of the Associate Membership of the Institute of Engineers (India) shall be awarded fifty marks and candidates who have passed by the Second Class shall be awarded forty marks. The balance of 25 marks shall be used for assessing the soundness of his technical knowledge as evidenced by his replies to questions put to him in the course of the selection. The minimum pass marks shall be 65. The *inter se* ranking among candidates who have secured equal marks will be according to the marks secured by them in their degree or equivalent examination.

10. Preparation and publication of the list by the Committee—(1) The Committee shall prepare a list arranged in order of merit of candidates who have secured the minimum marks and shall indicate by suitable symbols, the candidates in the said list who belong to the Scheduled Castes and Scheduled Tribes.

(2) The list referred to in sub-rule (1) shall be published for general information in the manner the Committee consider appropriate and a copy of the said list shall also be submitted to Government.

11. Filling up of vacancies—(1) Subject to the provisions of sub-rules (2) to (5) candidates, will, in the order in which their names appear in the list referred to in rule 10, be considered for appointment to the service by the Chief Engineer.

(2) Such percentage of vacancies in any year as may be determined by Government, from time to time by way of general or special order shall be reserved for candidates belonging to the Scheduled Castes and Scheduled Tribes subject to the conditions that such candidates have secured the minimum marks prescribed for selection.

(3) 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 rule 10 irrespective of their relative ranks as compared with other candidates.

(4) If a sufficient number of candidates who are members of the Scheduled Castes or the Scheduled Tribes is not available for filling up all the vacancies so reserved, the remaining vacancies shall be filled up by other candidates in the said list and an equivalent number of additional vacancies shall be reserved for candidates belonging to the Scheduled Castes and the Scheduled Tribes to be filled up on the result of the next Examination:

Provided that the reserved vacancies and the additional vacancies of the Scheduled Castes or Scheduled Tribes together shall not exceed forty-five per cent of the total number of vacancies occurring in a particular year:

Provided further that if a sufficient number of suitable candidates belonging to the Scheduled Castes and the Scheduled Tribes is not available as a result of the said next examination to fill all the reserved vacancies including the additional vacancies, the additional vacancies or such of them as are not filled shall lapse.

(5) The list shall ordinarily be in force for one year from the date of its receipt by Government.

12. Penalty—A candidate who is or has been declared by the Committee guilty of impersonation or of submitting fabricated document or documents which have been tampered with or of making statements which are false or incorrect or of suppressing material information or of resorting to any irregular or improper means for being admitted for consideration for selection or for attempting to obtain support in his favour by any means may, in addition to rendering himself liable to criminal prosecution be debarred either permanently or for a specified period—

(a) by the Committee from admission to any selection held by the Committee, and

(b) by the Government from any employment under the Government.

13. Inclusion in the list confers no right to appointment—The inclusion of a candidate's name in the list referred to in rule 10 shall confer no right to appointment unless, after such enquiry as may be considered necessary, it is proved that the candidate is suitable in all respects for appointment to the Service.

14. Probation and Probationers—(i) Every person recruited to the Service shall be appointed to the Service on probation which shall be for two years inclusive of such period of training, if any, as specified by Government from the date he actually joins the post:

Provided that the Chief Engineer may, if he so thinks fit extend the period of probation in any case or class of cases.

(2) If the Chief Engineer is satisfied at the end of the period of probation of an officer that his continuance in the service would not be in public interest he may order the termination of the probation where upon the person concerned shall be deemed to have been no longer in employment under Government from the date of termination of probation.

Explanation—The Chief Engineer shall be the sole judge of a probationer's performance and its consistency with public interest.

Explanation II—In the absence of an order declaring the probation to have been satisfactorily completed, the probation shall be deemed to have been extended till the date of order or the date specified in the said order, as the case may be.

15. Departmental and professional examination—(1) Every member of the service shall be liable to pass such departmental and professional examination within such time as Government may by order specify.

(2) The failure to pass the departmental and professional examination within the time specified in the order issued under sub-rule (1) shall have the effect of withholding the increments due thereafter :

Provided that on the passing of the departmental examination at any later date, the pay that would ordinarily have been drawn by him had he passed the said examination within the time specified in the order issued under sub-rule (1) shall be allowed but the amount on account of increments withheld shall not be paid.

16. Seniority—(1) The *inter se* seniority of Junior Engineers in a cadre shall be determined as follows, namely:—

(a) persons appointed in any year shall *en bloc* be senior to person appointed in any subsequent year; and

(b) persons appointed in a year shall be ranked in the order in which they are appointed to the service.

(2) The *inter se* seniority of Junior Engineers appointed in any year prior to the commencement of these rules shall be determined as follows; namely:—

(a) persons appointed as Junior Engineers in any year shall *en bloc* be senior to persons appointed in any subsequent year;

(b) Graduate Engineers appointed in a year shall be ranked in the order in which they have been appointed as Junior Engineers;

(c) Sub-Assistant Engineers who become Associate Members of the Institute of Engineers (India) shall be ranked according to the date of their becoming such members and *inter se* seniority among them shall be fixed accordingly irrespective of their rank in the cadre of Sub-Assistant Engineers;

(d) As among Graduate Engineers and Sub-Assistant Engineers who are members of the Institute of Engineers (India) appointed to a cadre in any year the latter shall *en bloc* be senior to the former.

17. Repeal and Savings—All rules, orders and instructions pertaining to the appointment of Junior Engineers are hereby repealed :

Provided that any order made or action taken under the rules, orders and instructions so repealed shall save as otherwise provided in these rules, continue to have force and effect.

18. Relaxation—Where the Government are of the opinion that it is necessary or expedient so to do they may, by order for reasons to be recorded in writing relax any of the provisions of these rules in respect of any class or category of persons.

19. Interpretation—If any question arises relating to the interpretation of these rules, the decision of the Government thereon shall be final.

[No. 18953-Gen.]

By order of the Governor
M. RAMAKRISHNAYYA
Chief Secretary, to Government