

1989 Rules - 2

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REVENUE DEPARTMENT

NOTIFICATION

The 6th July 1989

S. R. O. No. 505/89—In exercise of the powers conferred by the proviso to Article 16 of the Constitution of India, the Governor of Orissa is pleased to make the following rules, namely :—

Short title and commencement.

1. (1) These rules may be called the Orissa Administrative Service, Class-II (Probationary Departmental Examination) Rules, 1989.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

Definitions

2. In these rules, unless the context otherwise requires—

(a) "Departmental Examination" means the examinations described in the Schedule to these rules ;

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

(c) "Probationer" means an officer appointed to the Orissa Administrative Service, Class-II on probation ;

(d) "Service" means the Orissa Administrative Service, Class-II ; and

(e) "Time scale" means the time scale of pay determined for the Service by Government from time to time.

Probation

3. (1) Every person on being appointed to the Service shall be on probation for a period of two years from the date he/she joins the post :

Provided that Government may, if they so think fit, extend the probation in any case by such period as they may deem necessary :

Provided further that the probation of a member of the Service shall be deemed to have been extended till the date of his confirmation as specified in the order issued in that behalf :

Provided also that Government may, in exceptional circumstances after consulting the Orissa Public Service Commission, reduce the period of probation of a member of the Service appointed by promotion or selection.

(2) If Government are satisfied, during the probation or extended probation of a member of the Service, that his continuance in the Service will not be in public interest or that he has not applied himself earnestly to the training he was required to undergo or that he has failed to pass the Departmental Examination completely or submit the case records referred to in sub-rule (1) of rule 6 to the satisfaction of the Revenue Divisional Commissioner, they may order the termination of the probation.

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(3) Consequent upon the passing of an order referred to in sub-rule (2), the probationer shall—

(a) if recruited directly, be deemed to have been removed from the Service; and

(b) if appointed to the Service by promotion or selection, be deemed to have been reverted to the post, Service or cadre from which he was promoted or selected, as the case may be;

Explanation:—Government shall be the judge of a probationer's performance and its consistency with public interest.

Training

4. Every member of the Service shall, during the period of probation, undergo such training as Government may from time to time determine:

Provided that Government may, in consideration of his experience in Government Service, exempt any member of the Service from undergoing the training or any part thereof.

Departmental Examination

5. Every member of the Service shall, during the period of his probation, pass the Departmental Examination:

Provided that a member of the Service who, prior to his appointment to the Service, has passed such examination or any part thereof or any other examination as may be declared equivalent to such examination or any part thereof, may be exempted from passing the Departmental Examination or any part thereof.

Submission of case records.

6. (1) Every member of the Service shall, during the period of probation, prepare full, complete and careful record of—

(a) a case under sections 107 to 110 or sections 133, 144 or 145 of the Code of Criminal Procedure, 1973, and

(b) a case under the Land Acquisition Act, 1894, or the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956, or the Orissa Public Demands Recovery Act, 1962, or the Orissa Land Reforms Act, 1960, or the Orissa Prevention of Land Encroachment Act, 1972.

Explanation—If any of the Acts referred to in clause (b) is repealed and replaced by another Act, the case record shall thereupon relate to that replaced Act.

(2) The case records shall be submitted to the Collector of the district in which the probationer is posted for purposes of field training. The Collector shall forward the case records to the Revenue Divisional Commissioner concerned together with his comments. If the Revenue Divisional Commissioner is of the opinion that the case records have been carefully prepared and the probationer's comprehension of the law is sound; he shall inform the Secretary, Revenue Department accordingly. If however, he considers either the case records or the probationer's comprehension of law or both to be unsatisfactory, he shall direct the probationer, through the Collector, to resubmit the same and shall keep the Secretary, Revenue Department informed of his decision.

Confirmation

7. A probationer shall be eligible for confirmation if he/she—

(a) has passed the Departmental Examination completely;

(b) has, in the opinion of Government, completed the institutional and field training satisfactorily;

(c) has submitted, to the satisfaction of the Revenue Divisional Commissioner, the case records referred to in sub-rule (1) of rule 6; and

(d) is considered by Government to be fit for confirmation.

Drawal of increments.

8. (1) A member of the Service shall draw the first annual increment in the time scale on completion of one year of service.

(2) No member of the Service shall draw the second annual increment in the time scale until he/she has been confirmed in the Service.

(3) A member of the Service shall be allowed to draw subsequent annual increments in the time-scale on due dates as a matter of course unless it is withheld as a measure of punishment:

Provided that where an efficiency bar has been prescribed in the time-scale, the increment next above the bar shall not be allowed to a member of the Service without the specific sanction of the Government allowing him/her to cross the said bar:

Provided further that a member of the service whose initial pay is fixed at a stage above the efficiency bar or bars in pursuance of any Rule in that behalf shall be deemed to have been allowed to cross such bar or bars.

Explanation—Delay in passing the Departmental Examination completely or crossing efficiency bar shall not have the effect of postponing the increment cumulatively but arrear incremental dues shall not be allowed.

Relaxation { 9. Where Government are satisfied that the operation of any of the provisions of these rules causes undue hardship in any particular case, they may dispense with or relax the requirements of the said provisions to such extent and subject to such conditions as may be necessary for dealing with the case in a just and equitable manner.

Removal of difficulties and interpretation. 10. If any difficulty arises in carrying out the purposes of these rules or any question relating to the interpretation of these rules, the same shall be referred to Government for decision.

Repeal and savings. 11. The Orissa Administrative Service, Class-II (Conditions of Service) Rules, 1931 and Orissa Administrative Service, Class-II (Departmental Examination) Regulations, 1951 are hereby repealed:

Provided that any order made or action taken under the rules and regulations so repealed shall be deemed to have been made or taken under the provisions of these rules.

SCHEDULE

DEPARTMENTAL EXAMINATION FOR PROBATIONERS IN THE ORISSA ADMINISTRATIVE SERVICE, CLASS II.

Board of Revenue to conduct the Examination. 1. The Departmental Examination shall be conducted under the overall control and supervision of the Member, Board of Revenue. He will be assisted by such Gazetted and non-Gazetted staff as Government may, from time to time, decide. One of the officers, for purposes of the provisions in this Schedule, either exclusively or in addition to his other duties, be designated as the Director of Examination.

Programme of the Examination and Admission of Candidates. 2. (1) The examination shall be held,—
(a) twice in every calendar year at intervals of at least 4 months, and
(b) at such place or places and on such dates as the Board of Revenue may decide.

(2) The Director of Examinations shall, with the approval of the Member, Board of Revenue, notify in the *Orissa Gazette* and in at least one Oriya newspaper published in the State, the programme and place of the examination and the last date by which applications for admission into the examination are to be received. The notice shall be published at least 6 weeks before the date of commencement of the examination.

(3) The application for admission into the examination shall be in the form set forth in Appendix I and shall be submitted either by registered post or in person to the officer specified in the notice referred to in sub-paragraph (2).

(4) The Director of Examinations shall prepare a list of probationers who have been admitted into the examination and no person whose name does not appear in the said list shall be allowed to sit in the examination.

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 3. The subjects of examination and the maximum marks for each subject shall be indicated in the following statement :-

Sl. No.	Subjects of Examination	Maximum marks for the written test	Maximum marks for the <i>viva voce</i> test	Total maximum marks
(1)	(2)	(3)	(4)	(5)
1.	Oriya	70	30	100
2.	Revenue Laws	100	50	150
3.	Criminal and Excise Laws.	40	10	50
4.	General and Civil Laws	40	10	50
5.	Accounts, Service Conditions and Manuals	50		50
Total		300	100	400

4. The syllabus for examination in different subjects (other than Oriya) shall be as described in Appendix II to this Schedule.

Examination in Oriya.

5. (1) The examination in Oriya shall consist of—

(a) a First Paper which shall be of one hour's duration, carry 40 marks, and consist of—

(i) two passages in Oriya to be translated into English, and

(ii) two passages in English to be translated into Oriya;

(b) a Second Paper which shall be of 45 minutes' duration, carry 30 marks, and specify a subject on which a short essay of about 150 words would have to be written; and

(c) a *viva voce* test which shall be of 10 to 15 minutes' duration, carry 30 marks and shall aim at testing the candidate's proficiency in reading printed matter as well as manuscript and in conversation in Oriya.

(2) A probationer who has passed the High School Certificate Examination conducted by the Board of Secondary Education, Orissa or an examination equivalent or Superior thereto in Oriya medium or with Oriya as one of the subjects shall on application to the Director of Examinations in that behalf and production of proof of such passing, be exempted from passing the examination in Oriya.

Examination in Revenue Laws.

6. (1) The written examination in Revenue Laws shall be of 3 hours' duration. There shall be a single paper consisting of questions designed to test the candidate's knowledge of laws and comprehension of methods of their practical application. It should be ensured that the candidates are not required to attempt all questions and have some option in selecting questions. The candidates will be allowed to use bare Acts and Rules or unannotated compilations.

(2) The *viva voce* test will be of 10 to 15 minutes' duration and shall aim at assessing the candidate's awareness of important provisions of the laws and rules.

Examination in Criminal and Excise Laws.

7. (1) The written examination in Criminal and Excise Laws shall be of 2 hours' duration. There shall be a single paper consisting of questions designed to test the candidate's knowledge of the laws and, wherever necessary, of procedures. As in the case of the examination in Revenue Laws, the candidates should be given some option in answering questions and should be allowed to use bare Acts.

(2) The *viva voce* test will be of about 10 minutes' duration and shall aim at assessing the candidate's awareness of the important provisions of the laws.