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PART III-A

Regulations, Orders, Notifications, Rules, etc., issued by the Governor, Heads of Departments and High Court

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 23rd May 2000

No. 17902—S. C./3-2/99 (Pt. I)/Gen.—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 rule further to amend the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962, namely:—

1. (1) These rules may be called the Orissa Civil Service (Classification, Control and Appeal) Amendment Rules, 2000.
- (2) They shall come into force on the date of their publication in the *Orissa Gazette*

2. In the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 (hereinafter referred to as the said rules) for rule 6, the following rule shall be substituted, namely:—

“6. Classification of Services—The Civil Services of the State shall be classified as follows—

- (i) State Civil Services, Group—A
- (ii) State Civil Services, Group—B
- (iii) State Civil Services, Group—C

If a service consists of more than one grade, the different grades may be included in different Groups.”

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

“7. Constitution of State Civil Services—The State Civil Services, Group—A, Group—B or Group—C shall consist of such services as specified by a general or special order of the Governor in this behalf and shall consist of such grades and such posts as may be created in each such service from time to time.

Provided that if, after issue of the order of the Governor, any new State Civil Service is constituted it shall, till it is classified by another order of the Governor, be deemed to be a State Civil Service of the class to which another classified State Civil Service carrying a comparable scale of pay belongs.”

4. In the said rules, in rule 8, for sub-rule (1) the following sub-rule shall be substituted, namely:

“(i) Civil Posts under the State other than those ordinarily held by persons to whom these rules do not apply or included in any State Civil Service, shall, by a general or special order of the Governor, issued in this behalf, be classified as follows:—

- (i) State Civil Posts, Group—A;
- (ii) State Civil Posts, Group—B;
- (iii) State Civil Posts, Group—C;
- (iv) State Civil Posts, Group—D.”

5. In the said rules, after rule 8, the following rule shall be inserted, namely:—

“8-A. Reference to State Civil Services and State Civil Posts—All reference State Civil Services/State Civil posts, Class-I, Class-II, Class-III and to Class-IV in all Rules, Orders, Schedules, Notifications, Regulations, Instructions in force, immediately before the commencement of these rules shall be construed as references to State Civil Services/State Civil Posts Group—A, Group—B, Group—C and Group—D as the case may be, and any reference to “class or Classes” therein in this context shall be construed as reference to “Group or Groups” as the case may be.

6. In the said rules, in rule 10, for the words and figures “Class-I” wherever they occur the words “Group—A” shall be substituted.

7. In the said rules, in rule 11, for the words and figures “Class I, Class II, Class III and Class IV,” the words “Group—A, Group—B, Group—C and Group—D” shall respectively be substituted.

8. In the said rules, the words and figures “Class-I, Class-II Class-III and Class-IV” wherever they occur, the words “Group-A, Group-B, Group-C and Group-D” shall respectively be substituted.

9. In the said rules, in sub-rule (10) of rule 15, for clause (i) the following clause shall be substituted namely:—

“(i) (a) If the inquiring officer is not the disciplinary authority, the disciplinary authority shall furnish to the delinquent Government servant a copy of the report of the inquiring officer and give him notice by registered post or otherwise calling upon him to submit within a period of fifteen days such representation as he may wish to make against findings of the Inquiring Authority;f;

(b) On receipt of the representation referred to in sub-clause (a) the disciplinary authority having regard to the findings on the charges, is of the opinion that any of the penalties specified in clauses (vi) to (x) of rule 13 should be imposed, he shall furnish to the delinquent Government servant a statement of its findings alongwith brief reasons for disagreement, if any, with the findings of the inquiring officer and give him a notice by Registered post or otherwise stating the penalty proposed to be imposed on him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed penalty:

Provided that in every case in which it is necessary to consult the Commission under the provision of the Constitution of India and the Orissa Public Service Commission (Limitation of Functions) Regulation, 1989 the record of Inquiry together with a copy of the notice given under sub-clause (a) and the representation if any, received within the specified time in response to such notice shall be forwarded by the disciplinary authority to the Commission for its advice.

(c) On receipt of the advice from the Commission the disciplinary authority shall consider the representation, if any, made by the Government Servant and the advice given by the Commission and shall pass appropriate orders in the case.

(d) In any case in which it is not necessary to consult the Orissa Public Service Commission, the disciplinary authority shall consider the representation, if any, made by the Government servant in response to the notice under sub-clause (b) and pass appropriate order in the case.”

By order of the Governor

S. B. AGNIHOTRI

Special Secretary to Government