

The Orissa



Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 774 CUTTACK, MONDAY, JUNE 18, 1990/JAISTHA 28, 1912

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 2nd May 1990

S. R. O. No. 221/90—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules for regulating the Method of Recruitment and Conditions of Service of Persons appointed to the posts of Mulia, Mali and Grafter under the Aboriculture Organisation of the General Administration Department namely:—

PART I

PRELIMINARY

Short title
and Comm-
encement.

1. (1) These rules may be called the Recruitment and Conditions of service of Mulia, Mali and Grafter (Working under Aboriculture, Organisation of the General Administration Department) Rules, 1990.

(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) "Board" means the Recruitment Board constituted under rule 5;

(b) "Committee" means the Departmental Promotion Committee constituted under rule 14;

(c) "Director" means Director of Estates and *ex officio* Joint Secretary to Government General Administration Department;

(d) "Government" means the Government of Orissa

(e) "Grade" means any of the grades specified in rule 3;

"Scheduled Castes and Scheduled Tribes" means such Castes and Tribes as notified from time to time by the President of India under Article 341 and Article 342 respectively of the Constitution of India;

g) "Year" means the calendar year

PART II

COMPOSITION OF CADRE AND METHOD OF RECRUITMENT

Composition
of the cadre-

3. (1) The posts of Mulia, Mali and Grafter of the Aboriculture Organisation of the General Administration Department shall constitute a single cadre,

(2) The cadre shall consist of the following posts, namely:—

- (i) Mulia;
- (ii) Mali; and
- (iii) Grafter

(3) Each category of posts as specified in sub-rule (2) shall constitute a separate grade.

(4) The posts of Mulia and Mali shall be in Class IV and the post of Grafter shall be in Class III within the meaning of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

Method of
Recruitment

4. Recruitment to the posts in the cadre shall be made by the following methods, namely:—

- (1) The post of Mulia shall be filled up by direct recruitment through the Selection Board
- (2) The posts of Mali shall be filled up by promotion from amongst the Mulias through the Selection Board.
- (3) The post of Grafter shall be filled up by promotion from amongst the Malis through the Departmental Promotion Committee.

Constitution
of Selection
Board

5. (1) There shall be a Selection Board consisting of the following members to (a) select persons for direct appointment in the post of Mulia and (b) for selection of Mulia for promotion to the post of Mali, namely —

- (i) Director of Estates & *ex-officio* Joint/Deputy Secretary to Government, .. Chairman
General Administration Department.
- (ii) Deputy Estate Officer, *cum*-Under Secretary to Government, General .. Member
Administration Department.
- (iii) Deputy Director, Aboriculture. .. Member
Convenor

Eligibility of
Candidates
for the post
of Mulia

6. (1) A candidate in order to be eligible for appearing at the competitive tests, shall—

- (a) be a citizen of India,
- (b) have registered his/her name in any Employment Exchange in the district.
- (c) have passed M. E. Examination.
- (d) not be less than twenty-one years and not more than thirty years of age on first day of April of the year in which recruitment is made:

Provided that the maximum age-limit shall be relaxed by five years in case of candidates belonging to the Scheduled Caste and the Scheduled Tribes, ten years in case of physically handicapped persons and to such extent in case of candidates of other categories as Government may, by general or special order or by rules specify from time to time:

- (e) be of good character:
- (f) be of sound health, good physique, active habits.
- (g) be able to speak, read and write Oriya and shall have to pass a test in Oriya equivalent to the M. E. Standard.

2. No person who has more than one spouse living shall be eligible for appearing at the competitive tests.

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

Procedure for
Pre-recruitment

7. (1) The year in which vacancies in the post of Mulia are required to be filled up, the Director shall preferably in the month of April notify the vacancies including those expected to occur during the subsequent months of that year to the local Employment Exchange to sponsor the names of eligible persons indicating the number of reserved vacancies for the purpose of conducting the competitive tests.

(2) On receipt of the names the Member-Convenor shall scrutinise the documents of the candidates and place them before the Chairman.

(3) The Chairman of the Board shall be competent to determine the time, date and place of the tests.

(4) On receipt of the list of candidates from the Member-Convenor, the Chairman of the Board shall arrange to hold the competitive tests.

(5) The date, time and place of the tests shall be intimated to the candidates by the board.

(6) The Competitive tests shall consist of a written test of objective type question to test the candidates' intelligence, alertness, general knowledge and clear thinking. The candidate should be physically fit to undertake strenuous physical labour—50 marks shall be allotted to written test and 50 marks to physical endurance test.

(7) The candidates' names shall be arranged in order of merit on the basis of marks secured by them in the tests conducted by the Board. The list of successful candidates drawn in order of merit shall not ordinarily exceed double the number of vacancies as determined under sub-rule (1) and shall be placed before the Chairman for approval.

Appointment
of successful
candidates.

8. The appointment orders shall be issued to the successful candidates by the appointing authority in the order in which their names appear in the list approved by the Chairman under sub-rule (7) of rule 7.

Striking off
of the names
who do not
accept posts.

9. The names of the candidates who do not accept the order of appointment within the stipulated or extended time shall be struck off from the list.

NOTE:—Failure on the part of a candidate to join the assignment by the date specified in the order of his appointment, in the absence of any extension of such date by the appointing authority, shall amount to forfeiture of his claim for such appointment.

Validity of
list.

10. The merit list shall remain valid for a period of one year from the date of its approval by the Chairman or till the finalisation of the list of the next tests is published, whichever is earlier.

Success in
examination
conferring
no right of
appointment.

11. Success in the tests confers no right to appointment unless Government are satisfied after such enquiry as may be considered necessary that a candidate is suitable in all respects for appointment to the cadre.

Appointment
to the post
of Mali.

12. (1) The vacancies arising in the rank of Mali shall be filled up by eligible Mulias on the basis of suitability with due regard to seniority.

(2) No Mulia shall be eligible for promotion to the rank of Mali unless he has rendered five years of continuous service as Mulia under the Aborigiculture Organisation of General Administration Department.

(3) The Board shall consider the cases of eligible Mulias and prepare a list of persons found suitable for promotion to the post of Mali and furnish the same to the Director for appointment in the order in which their names appear in the list.

Appointment
to post of
Grafter.

13. (1) The vacancies in the rank of Grafter shall be filled up by the eligible Malis of the Aborigiculture Organisation on being selected by a Departmental Promotion Committee.

(2) No Mali shall be eligible for promotion to the post of Grafter unless he has rendered ten years of continuous service under the Aborigiculture Organisation including three years service in the post of Mali.

(3) He should be literate and possess sufficient technical knowledge in grafting. He should possess rudimentary knowledge in Aborigiculture and Horticulture sciences.

Constitution
of Departmental
Promotion
Committee.

14. (1) The Departmental Promotion Committee for promotion to the post of Grafter shall consist of the following members, namely:—

(i) Director of Estates & *ex-officio* Joint Secretary to Government, General Administration Department—Chairman.

- (ii) An Officer of the Horticulture Directorate not below the rank of Joint—Director—Member
- (iii) The Chief Executive of the Plant Resources Centre, Bhubaneswar Member or his nominee having a rank equivalent to Deputy Director of Horticulture.
- (iv) Deputy Director, Arboriculture Member-Convenor

(2) The Committee shall consider the cases of eligible Malis and prepare a list of suitable Malis for promotion to the post of Grafter.

(3) The Committee shall follow the principle of merit with due regard to seniority in preparing the list under sub-rule (2).

(4) The list prepared under sub-rule (2) shall be placed before the Director who shall appoint persons out of the said list in the order in which the names appear.

PART III GENERAL

Reservation
of vacancies,

15. Notwithstanding anything contained in these rules vacancies shall be reserved for,—

- (a) candidates belonging to the Scheduled Castes and Scheduled Tribes in accordance with the provisions contained in the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules framed thereunder and the procedure laid down in them shall also be followed in filling such vacancies ;
- (b) direct recruitment of physically handicapped persons at the rate of three per cent, as provided in the Resolution of the Government in the General Administration Department No. 15338/Gen., dated the 4th May 1981 ;
- (c) ex-servicemen, at the rate of three per cent of the vacancies required to be filled by direct recruitment as provided in the Orissa Ex-Servicemen (Recruitment to State Civil Services and Posts) Rules, 1985 ;
- (d) sportsmen, at the rate of one per cent of the vacancies required to be filled up by direct recruitment as provided in the Resolution of Government of Orissa in the General Administration Department No. 24808-Gen, dated the 18th November 1985, and
- (e) candidates of such other categories and at such rate or rates as the Government may from time to time, direct ;

Provided that the total number of vacancies reserved under this rule shall, in no case exceed fifty per cent of the total number of vacancies arising in any particular year.

Probation

16. (1) Every person recruited to the post of Mulia shall be on probation for a period of two years from the date he actually joins the post :

Provided that the appointing authority may terminate the services of a probationer or extend his probation for such further period as he may consider necessary if during the period of probation the candidate's work or conduct is found to be unsatisfactory or there are reasons to believe that the candidate will not become efficient.

(2) Every person appointed to the post of Mali or Grafter shall be on probation for a period of one year from the date of his appointment. If during or at the end of the said period he is found unfit to continue further he shall be reverted to his former post.

Training and
Departmental
Examinations/
Tests.

17. A person appointed in any post of the cadre shall be required to undergo such training, and to pass such tests or departmental examinations as may be prescribed by the Government from time to time.

Appointment
under Re-ha-
bilitation
Assistance-
Scheme.

18. Notwithstanding anything contained in these rules a member of the family of a Government servant who dies or is permanently incapacitated while in Government service shall be appointed to the post of Mulia as a measure of rehabilitation assistance.

Zone of
Consideration.

19. (1) Promotion against general vacancies shall be made from among the employees who are within the Zone of Consideration as prescribed in the Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988.

(2) The Zone of Consideration for promotion to the vacancies reserved for Scheduled Castes and Scheduled Tribes shall be such as prescribed in the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and rules framed thereunder.

Seniority

20. The relative seniority of persons appointed to each grade in a particular year shall be determined on the basis of his position assigned in the list from which he is appointed.

Relaxation

21. When it is considered by the Government that it is necessary or expedient so to do in the public interest, it 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.

Repeal and
saving.

22. All rules, instructions and orders corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed:

Provided that any order made or action taken under the rules, instructions or orders so repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

Interpre-
tation-

23. If any question arises relating to the interpretation of these rules, it shall be referred to Government in the General Administration Department for decision.

[No. 11747—SC/6-13/90-Gen.]

By order of the Governor

R. K. NAYAK

Special Secretary to Government