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LAW DEPARTMENT

NOTIFICATION

The 6th April 1976

S. R. O. No. 410/76—Whereas the draft Orissa Hindu Religious Endowments Service (Method of Recruitment and Conditions of Service of Class III Employees in the office of the Commissioner of Endowments, Orissa, Bhubaneswar) Rules, 1974, were published in the extraordinary issue of the *Orissa Gazette* No. 237, dated the 20th February 1976, as required by sub-section (3) of section 76 of the Orissa Hindu Religious Endowments Act, 1951 (Orissa Act II of 1952), under the notification of the Government of Orissa in the Law Department No. 2460-L., dated the 16th February 1976, inviting objections and suggestions from all persons likely to be affected within the period of fifteen days from the date of publication of the notification:

And whereas objections and suggestions received have been considered by the Government:

Now, therefore, in exercise of the powers conferred by clause (s) of sub-section (2) of section 76 read with sub-section (1) of section 6 of the Orissa Hindu Religious Endowments Act, 1951 (Orissa Act II of 1952), the State Government hereby make the following rules, namely:—

PART I

PRELIMINARY

Short title and commencement.

1. (1) These rules may be called the Orissa Hindu Religious Endowments Service (Method of Recruitment and Conditions of Service of Class III employees in the office of the Commissioner of Endowments, Orissa) Rules, 1976.

(2) They shall come into force on such date as the State Government may, by order, direct.

Definition.

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

- (a) "Administrative Department" means the Department of Government administering Hindu Religious Endowments.
- (b) "Commissioner" means the Commissioner of Hindu Religious Endowments, Orissa.
- (c) "Government" means Government of Orissa.
- (d) "Office" means the office of the Commissioner of Endowments and includes Divisional Offices, if any, attached to the office of the Commissioner of Endowments.
- (e) "Service" means all employments of Class III posts in the office of the Commissioner of Endowments and the offices attached to it.

(f) "Year" means the calendar year.

Cadre of posts.

✓ 3. (1) The service shall consist of the following cadres comprising different categories of posts. There shall be no separate cadre for the posts of Diarist, Despatcher, Copyist, Typist, Technical Inspector and Secretary to the Commissioner.

(i) Ministerial cadre, comprising Head Assistants, Upper Division Grade I Assistant including post of Accountant, Upper Division Grade II Assistant including Recorder and Lower Division Assistants or other ministerial officers holding the posts of assistants by whatever designation they are named.

(ii) Cadre of Inspectors comprising Divisional Inspector of Endowments and Inspector of Endowments.

(iii) Cadre of Auditors comprising Senior and Junior Auditors.

(iv) Cadre of Stenographers comprising Grade III, Grade II and Grade I Stenographers.

(2) The time scale pay attached to the aforesaid posts shall be such as may be determined by Government from time to time.

Method of Recruitment.

✓ 4. (1) (a) Recruitment to the posts in the services shall be by the following methods, namely:—

As nearly as but not less than fifty per cent of the total vacancies in a year in respect of posts of Lower Division Assistants, Inspector of Endowments and Junior Auditors shall be filled up by direct recruitment in accordance with rule 5 and the remaining vacancies may be filled up by employees of the office in the following manner, namely:—

(i) In case of Lower Division Assistants, from the employees of the office holding posts of Diarist, Despatcher, Copyist and Typist with minimum completed service of two years in their respective posts subject to success in a departmental test to be conducted by the Commissioner of Endowments.

(ii) In case of Inspector of Endowments from among employees holding posts of Grade II Assistants and Junior Auditors with minimum completed service of five years in their respective posts. Grade I Steno may also be appointed to the post of Inspector of Endowments.

✓ (iii) In case of Junior Auditors from among the employees holding posts of Lower Division Assistant with minimum completed service of three years and who has passed the Accounts Training Examination from the Accounts Training School, Bhubaneswar:

Provided that in case of appointment as aforesaid the employees have exercised their option for going over to a different cadre.

Provided further that in case no suitable employees of the office fulfilling the above qualifications is available for filling up any post, the vacancy shall be filled up by direct recruitment.

(b) The following posts in different cadres of the service shall be filled up by promotion in the manner indicated below, namely:—

✓ (i) Secretary to the Commissioner of Endowments from among the Divisional Inspectors of Endowments with three years experience of Head Assistant having at least one year experience in their respective posts.

Provided that on the report of the Commissioner that no suitable candidate for promotion to the post is available in the office the post may be filled up by person of the rank of Head Assistant of the Administrative Department having at least one year of experience as such, as directed by Government;

(ii) Head Assistant from Grade I Assistant;

(iii) Grade I Assistant from Grade II Assistant. A grade I Assistant who has not passed the Accounts Training Examination shall not be appointed as Accountant;

(iv) Grade II Assistant from Lower Division Assistant;

(v) Senior Auditor from Junior Auditor;

(vi) Grade I Stenographer from Grade II and Grade II Stenographer from Grade III;

Provided that when there is no Grade II Stenographer, a Grade III Stenographer may be promoted to Grade I if he is otherwise found suitable;

(vii) Divisional Inspector from Inspector of Endowments or from Senior Auditors:

Provided that promotion to all the above categories of post in the service shall be based on efficiency and merit with due regard to seniority.

(2) Save as otherwise provided in these rules all other posts in the service shall be filled up by direct recruitment by the Commissioner.

Direct recruitment.

5. (1) Direct recruitment to any post shall be made by competitive examination held periodically according to the number of vacancies in a year.

(2) The competitive examination shall be held by the Commissioner.

(3) The Educational qualification of the candidates for different categories of post for direct recruitment shall be as follows subject to modification made by Government from time to time.

- (i) Diarist Despatcher, Typist and Copist ... a candidate should have passed the Matriculation or an examination equivalent thereto and in case of Typist minimum speed of 40 words per minute in addition.
- (ii) Lower Division Assistant ... A pass in the Intermediate examination in Arts, Science or Commerce, or an examination equivalent thereto.
- (iii) Inspector of Endowments ... A Degree in Arts, Science, Commerce or Law
- (iv) Junior Auditor ... A Degree in Commerce
- (v) Technical Inspector ... Passed Diploma in Engineering
- (vi) Stenographer Grade III ... A pass in the Matriculation or an examination equivalent thereto with minimum speed of 40 words per minute in typing and 80 words per minute in shorthand.

(4) The candidate shall be—

(a) Over twenty-one years and below twenty-eight years of age on the date, fixed by the Commissioner:

Provided that the upper age limit shall be relaxed up to a maximum of five years if a candidate belongs to a Scheduled Caste or a Scheduled Tribe.

(b) Be of good character;

(c) Be of sound health, good physique and free from organic defect or bodily infirmity

(d) Have not more than one spouse living;

Provided that the State Government may if satisfied that there are special reasons for doing so, exempt any candidate from the operation of this clause if such exemption is permitted by law.

(e) Be able to speak, read and write Oriya and have—

(i) passed M. E. School Examination with Oriya as language subject; or

(ii) Have passed Matriculation or Equivalent Examination with Oriya as medium of examination in non-language subject; or

(iii) Passed in Oriya as language subject in the final examination of Class VII or above; or

(iv) Passed a test in Oriya in M. E. School standard conducted by the Education Department.

(5) The Standard and the subject of examination shall be fixed by the Commissioner who shall also see to impartial holding of the examination.

(6) Notwithstanding anything in sub-rules (1) to (5) Government may direct that recruitment to the post of Lower Division Assistants shall be regulated according to the provisions of the Orissa Ministerial Service (Method of recruitment to posts of Lower Division Assistants in the offices of the Heads of Departments) Rules, 1975.

Probation and confirmation.

6. (1) All appointments to the posts shall be on probation for a period of two years in case of direct recruitment and one year in case of promotion from the date of appointment.

Provided that if during the period of probation a candidate's work or conduct is found unsatisfactory or shows that he is unlikely to become efficient, the Commissioner may either extend his period of probation for such further period as he may think fit or discharge him or revert him to his former posts, as the case may be.

(2) No person shall be confirmed in any permanent post unless he has satisfactorily completed the probation period as aforesaid.

Passing of Accounts Training.

7. No Upper Division Grade I Assistant or Senior Auditor shall be confirmed in his post or considered for promotion to higher posts unless he has passed the Accounts Training Examination conducted by the Principal of Accounts Training School, Bhubaneswar.

Seniority

8. (1) The *inter se* seniority of Lower Division Assistant, Inspector of Endowments, Junior Auditor and other posts filled up at a time by direct recruitment, shall be determined in accordance with the position secured by them in the respective competitive examination, otherwise the same shall be determined in accordance with the date of appointment to the post.

(2) Employees of the office appointed to the categories of posts mentioned in sub-rule (1) in any particular year, shall rank above those categories of employees appointed through the competitive examination during that year.

(3) The seniority *inter se* in case of promotees shall be determined with reference to the date of issue of the order of promotion to the respective posts :

Provided that if the date of issue of the order of promotion is the same in respect of two or more, their seniority *inter se* shall be determined in accordance with their seniority in the posts from which they were so promoted.

Success in the examination confers no right to appointment.

9. Success in the examination confers no right to appointment unless the Commissioner is satisfied after such enquiry as may be necessary that a candidate is suitable in all respects for appointment to the public service.

Reserved

10. Reservation of vacancies set apart for being filled up by direct recruitment or promotion in favour of candidates belonging to Scheduled Castes and Scheduled Tribes and the method of filling up the reserved vacancies shall be such as may be prescribed by Government from time to time.

PART II

Departmental examination.

11. Lower Division Assistants, Inspector of Endowments and Junior Auditors shall be required to pass the departmental examination to be held by Commissioner within two years of their service in altogether four chances:

Provided that where any of the employees holding the above posts could not appear in the said examination within the required period due to unavoidable circumstances he may be allowed two further chances by the Commissioner to appear at the aforesaid examination.

(2) No one shall be exempted from passing the departmental examination.

Failure to pass the Department I examination.

12. When any Lower Division Assistant, Inspector of Endowments, Junior Auditor fails to pass the departmental examination within the required period he shall not be allowed to cross the efficiency bar in the time-scale of pay and shall be debarred from promotion to higher posts.

Graduation list.

13. There shall be maintained a gradation list of persons appointed to the service, cadre-wise, and the said list shall be revised by 15th of January every year.

Other Service conditions

14. The conditions of service of the employees in respect of matters which are not specifically mentioned in these rules, shall be the same as are applicable to Government Servants of similar grades.

Repeals and savings.

15. Provisions in the Orissa Hindu Religious Endowment Rules, 1959 in so far as they are repugnant to the express provisions of these rules are hereby repealed :

Provided that any order or appointment made, action taken or things done under the rules, so repealed shall be deemed to have been made, taken or done under these rules.

Application of Rules.

16. If any doubt arises as to the application of these Rules to any category of employees or as to the interpretation of any of the provisions of the Rules, the same shall be referred by the Commissioner to the State Government for their decision.

[No. 532:(A) - End.-166/75-L.]

By order of the Governor

L. MOHAPATRA

Secretary to Government