

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

NOTIFICATION

The 9th September 1977

No. 16315-Gen.—In pursuance of the proviso to Article 309 of the Constitution of India, the Governor of Orissa, is pleased to make the following rules for regulation of recruitment and appointment by promotion to the Orissa Administrative Service, Class I (Junior Branch), namely :—

1. *Short title and commencement* —

(1) These rules may be called the Orissa Administrative Service, Class I (Junior Branch)

(Recruitment and Appointment by Promotion) Rules, 1977

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

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

(a) "Commission" means the Orissa Public Service Commission

(b) "Service" means the Orissa Administrative Service, Class-I (Junior Branch)

(c) "Government" means the State Government of Orissa

(d) "Selection Board" means the Board constituted under rule 4 of this rule

(e) "Select List" means the list finally approved by Government under rule 8

(f) "Probationer" means a person appointed to the Service on probation and shall include a person appointed to officiate in the Orissa Administrative Service, Class I. (Junior Branch) prior to commencement of these rules.

(g) All other words and expressions which have not been defined in these rules shall have the same meaning, respectively assigned to them in the Orissa Service Code.

3. *Method of Recruitment* —Recruitment to the service shall be made by Government by promotion from among the members of the Orissa Administrative Service, Class II in accordance with these rules.

4. *Constitution of Selection Board* —

(i) There shall be constituted a Board for selection of Officers for promotion to the Orissa Administrative Service, Class I (Junior Branch).

(ii) The Selection Board shall consist of —

(a) Member, Board of Revenue;

(b) All Revenue Divisional Commissioners; and

(c) Secretary to Government, Revenue Department

(iii) The Member, Board of Revenue shall preside at the meetings of the Selection Board

(iv) The Secretary to Government, Revenue Department shall act as Member-Secretary to the Selection Board.

5. *Conditions of eligibility for promotion* —

(1) The Selection Board shall ordinarily meet at intervals of not less than six months and not more than one year and prepare a list of such members of Orissa Administrative Service, Class II as are held by them to be suitable for appointment to the service. The number of members of the Orissa Administrative Service, Class II, included in the List shall not be more than twice the number of vacancies anticipated in the course of a period of twelve months commencing from the date of preparation of the list or ten per cent of the posts available in the cadre, whichever is greater.

(2) The Selection Board shall consider for inclusion in the said list the cases of the members of the Orissa Administrative Service, Class II, in order of seniority, up to a number not more than thrice the number referred to in sub-rule (1):

Provided that the Selection Board shall not consider the case of a member of the Orissa Administrative Service, Class II unless on the first day of January of the year when it meets, he is substantive in the Orissa Administrative Service, Class II and has completed not less than six years of service (whether officiating or substantive) in a post of Orissa Administrative Service, Class II:

Provided further that a member of Orissa Administrative Service, Class II who has already been appointed as "Probationer" in the Orissa Administrative Service, Class I (Junior) or appointed to officiate in the Orissa Administrative Service, Class I shall not be considered by the Selection Board for their appointment to the Orissa Administrative Service, Class I (Junior Branch).

- (3) The Selection for inclusion in the list shall be based on merit and suitability in all respects with due regard to seniority.
- (4) The names of the officers included in the list shall be arranged in order of seniority in the Orissa Administrative Service, Class II: Provided that any junior officer who in the opinion of the Selection Board, is of exceptional merit and suitability may be assigned a place in the list higher than that of officers senior to him.
- (5) The list shall be reviewed and revised every year.
- (6) If in the process of selection, review or revision it is proposed to supersede any member of the Orissa Administrative Service, Class II, the Selection Board shall record its reason for the proposed supersession.

6. Consultation with the Commission—

The list prepared in accordance with these rules shall then be forwarded to the Commission by the Government along with —

- (i) the list of eligible officers considered under Rule 5;
- (ii) the records of all members of the Orissa Administrative Service, Class II included in the list;
- (iii) the records of all members of the Orissa Administrative Service, Class II who are proposed to be superseded by the recommendations made in the list; and
- (iv) the reasons as recorded by the Selection Board for the proposed supersession of any member of the Orissa Administrative Service, Class II.

7. Recommendations of the Commission —

- (1) The Commission shall consider the list prepared by the Selection Board along with other documents received from the Government and unless it considers any change necessary, approve the list.
- (2) If the Commission considers it necessary to make any change in the list received from the Government the Commission shall inform the Government of the changes proposed and after taking into account such comments, Government may approve the list with such modification, if any, as may in its opinion be just and proper.
- (3) The Commission shall follow the principles, set out in rule 5 in making their recommendations:

Provided that if the Commission recommend supersession of any senior member of the Orissa Administrative Service, Class II by any of his juniors it shall assign specific reasons for the same.

8. *Select List*—The recommendations of the Commission made in accordance with rule 7 shall be placed before the Government and after approval by Government with modification, if any, subject to provisions of sub-rule (3) of rule 10, shall form the Select List for appointment to the Service. The Select List finally approved by the Government shall ordinarily be in force until a fresh Select List is prepared under these rules:

Provided that the Government may, in consultation with the Commission, for a grave lapse in the conduct or deterioration in the standard of performance of the duties on the part of any member of the Orissa Administrative Service, Class II included in the Select List remove the name of the member from such list.

9. Recruitment to the Service —

- (1) Every person recruited to the service shall be appointed on probation for a period of one year. Provided that the Government may, if it thinks fit in any case or class of cases, extend the period of probation by one year.
- (2) The appointment as probationer may, for good and sufficient reasons be terminated by Government at any time without previous notice during the period of probation including extension of such period, if any.

10. *Appointment to the Orissa Administrative Service, Class I (Junior Branch)—*

- (1) Appointment to the service shall be made in the order in which the names of the members of the Orissa Administrative Service, Class II appear in the Select List.
- (2) The *inter se* seniority of officers appointed to the service shall be determined by the order indicated in the Select List.
- (3) Notwithstanding anything contained in this rule, all persons appointed to officiate in Orissa Administrative Service, Class I shall be deemed to have been included in the Select List and placed above the officers included in the Select List under rule 8, according to their *inter se* seniority in Orissa Administrative Service, Class I and shall also be deemed to have been confirmed in the Orissa Administrative Service, Class I (Junior Branch) in the same order.

11. *Reservations for Scheduled Castes and Scheduled Tribes :—*

Notwithstanding anything contained in these rules, vacancies shall be reserved for promotion in favour of candidates belonging to Scheduled Castes and Scheduled Tribes in accordance with the existing laws in force.

12. *Confirmation*—Where a probationer has completed his period of probation to the satisfaction of Government he shall, be confirmed against a permanent post in the service at the end of his period of probation.

13. *Relaxation*—Whenever it is considered necessary in the special circumstances for the interest of the public service, the State Government may, in consultation with the Commission relax all or any of the provisions of these rules.

14. *Repeal and saving*—All rules and instructions corresponding to the provisions of these rules as in force before the commencement of these rules are hereby repealed:

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

15. *Interpretation*—If any question arises relating to the interpretation of these rules it shall be referred to Government for decision.

By order of the Governor
K. C. MOHAPATRA
Deputy Secretary to Government