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DEPARTMENT OF HIGHER EDUCATION

NOTIFICATION

The 17th August 1999

No. 37807—III.HE/M-2/99-H. E.—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 the persons appointed to the ministerial service in the Offices of the Principals of Government Colleges, namely:—

Shorts title
commence-
ment and
application.

1. (1) These rules may be called the Orissa Government Colleges Ministerial Service (Method of Recruitment and Conditions of Service) Rules, 1999.

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

(3) They shall apply to all ministerial employees of the Government Colleges including Autonomous Colleges.

Definitions.

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

(a) "Appointing Authority" means the Director of Higher Education, Orissa;

(b) "College" means Autonomous Colleges, Government Colleges including Government Women's Colleges with Morning Shift/Evening Shift having + 2 Education, +3 Education and Postgraduate Courses under the control of Director, Higher Education, Orissa;

(c) "Common Cadre" means the common cadre of Ministerial employees of all Government and Autonomous Colleges;

(d) "Departmental Examination" means the Preliminary and Final Accounts Examination conducted by the Board of Revenue, Orissa, Cuttack or Madhusudan Institute of Accounts and Finance, Bhubaneswar;

(e) "Departmental Promotion Committee" means the committee constituted under rule 11;

(f) "Government" means the Government of Orissa in the Department of Higher Education;

(g) "Ministerial employee" shall have the same meaning as assigned to it under rule 29 of the Orissa Service Code;

(h) "Scheduled Castes and Scheduled Tribes" shall mean such Castes and Tribes as are notified by the President of India under articles 341 and 342 of the Constitution of India respectively ;

- (i) "Socially and Educationally backward class" means such class, as mentioned in Notification No. 25455 (TW), dated the 10th September 1993 issued by Government of Orissa in Welfare Department ;
- (j) "Select List" means the list prepared by the Departmental Promotion Committee or Collector, as the case may be, on the basis of merit in respect of posts to be filled up by way of promotion/direct recruitment respectively;
- (k) "Service" means Orissa Government Colleges Ministerial Service; and
- (l) "Year" means the Calendar Year.
- Constitution of service.** 3. The service shall constitute the following cadres, namely:—
- (i) Junior Clerk;
 - (ii) Senior Clerk;
 - (iii) Head Clerk; and
 - (iv) Office Superintendent.
- Direct Recruitment.** 4. Recruitment to the post of Junior Clerk shall be made through direct recruitment by means of competitive examination to be conducted by the Collector of the concerned district as per the provisions laid down in the Orissa Ministerial Services (Method of Recruitment to the posts of Junior Clerks in the District Offices) Rules, 1985.
- Intimation of vacancies.** 5. (1) The Principals of all Colleges shall every year in the month of January, report to the respective Collectors through the Director of Higher Education, indicating the number of vacancies in the post of Junior Clerks for selection.
- Select list and its validity.** (2) The Collector shall on receipt of the vacancy report conduct recruitment examination in accordance with the Orissa Ministerial Services (Method of Recruitment to the post of Junior Clerks in the District Offices) Rules, 1985 and shall prepare a list of successful candidates which shall be equal to the number of vacancies.
- (3) The list so prepared shall remain valid for a period of one year from the date of publication of the result or till the publication of the results of the next recruitment examination, whichever is earlier.
- Allotment of candidates.** 6. The Collector shall forward the select list of candidates drawn in order of merit to the Director of Higher Education as per the vacancy position intimated under rule 5.
- Appointment of Junior Clerk.** 7. (1) Appointment to the post of Junior Clerks shall be made by the Director of Higher Education in the order in which their names appear in the list of successful candidates prepared, under sub-rule (2) of rule 5 by the Collector of the concerned district.
- (2) The candidate on receipt of appointment order shall report to the Principal of the concerned College as per allotment made by the Director of Higher Education.
- Gradation list.** 8. (1) A gradation list of Ministerial employees in a particular grade shall be prepared by the Director of Higher Education and be revised by 15th January every year.
- (2) The date of joining of an employee in a particular grade shall determine his/her seniority in the common cadre to which he/she belongs.
- (3) *Inter se* seniority of the ministerial employees shall be determined according to their position in the select list drawn up in a particular recruitment year by the Collector of the respective district or by the Departmental Promotion Committee, as the case may be:
- Provided that *inter se* seniority of candidates belonging to different districts having same date of joining shall be determined on the basis of date of birth of the respective candidates. The person who is born earlier shall be senior to a person who is born latter.
- Probation** 9. (1) Every person shall, on appointment to a post in the service be on probation for a period of two years in case of appointment made by direct recruitment and one year in case of appointment made by promotion which shall be counted from the date of actual joining in the post:

Provided that during the period of probation if the work and conduct is found unsatisfactory or there is reason to believe that he/she is not likely to become efficient, the Appointing Authority may extend the period of probation for such further period as he may deem necessary.

(2) If during or at the end of the said period, he is found unfit to continue further—

- (i) his service shall be terminated if he is a direct recruitment, and
- (ii) he shall be reverted to his former post if he is a promotee.

(3) The following period shall not be counted towards the period of probation, namely:—

- (i) period of extraordinary leave;
- (ii) period of unauthorised absence; and
- (iii) any other period during which the candidate is not on duty.

Promotion

10. (1) Promotion to the posts of Senior Clerk shall be made from amongst the Junior Clerks of the Common Gradation list of that cadre who have—

- (i) rendered at least four years of continuous service as such; and
- (ii) passed the Preliminary Accounts Examinations.

(2) Promotion to the post of Head Clerk shall be made from amongst the Senior Clerks of the Common Gradation list of that cadre who have—

- (i) rendered at least eight years of service as Senior Clerk; and
- (ii) passed the Final Accounts Examination.

(3) Promotion to the post of Office Superintendent shall be made from the common gradation list of the Head Clerks who have rendered at least four years of service as such.

Departmental Promotion Committee.

11. (1) There shall be constituted a Departmental Promotion Committee to decide promotions consisting of the following:—

- (i) Director, Higher Education, Orissa, Bhubaneswar .. Chairman
- (ii) Deputy Secretary/Joint Secretary to Government in Higher Education Department dealing with matters relating to Degree Colleges. .. Member
- (iii) Two Senior Principals to be nominated by the Director of Higher Education. .. Member
- (iv) Deputy Director, Government College Branch of the Directorate of Higher Education. .. Member-Convenor.

(2) The Departmental Promotion Committee shall meet once a year to decide promotions to various posts in Ministerial Cadre on the basis of merit and suitability in all respects with due regard to seniority.

Appointment

12. The Appointing Authority shall issue orders of appointments in promotional posts strictly in accordance with the merit list recommended by the Departmental Promotion Committee against the vacancies available in the Cadre in any College:

Provided that promotion from one grade to the next higher grade shall be made keeping in view the provisions of Orissa Reservation of Vacancies in Posts and Services for Scheduled Castes and Scheduled Tribes Act, 1975 and the Rules framed thereunder, Orissa Civil Services (Zone of Consideration) Rules, 1988, Orissa Civil Services (Criteria for promotion) Rules, 1992 and General Administration Department Office Memorandum No. 3928-Gen., dated the 18th February 1994, No. 14640, dated the 4th July 1995 and No. 29699, dated the 1st November 1997, No. 1598-Gen., dated the 15th January 1999.

Transfer

13. (1) The Appointing Authority shall have the power to transfer Ministerial employees of Colleges born in the Common Cadre from one College to another as and when deemed necessary.

(2) No employee having less than three years of service in a particular College shall ordinarily be transferred:

Provided that such an employee may be transferred before completion of three years of service in the College in the public interest or on administrative exigencies.

Savings

14. All appointments made, action taken, before commencement of these rules shall be deemed to have been made, taken or done under these rules.

Relaxation

15. When the Government are of the opinion that it is necessary or expedient to do so, they may, by order and for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of persons in public interest.

Interpretation.

16. If any question arises relating to the interpretation of these rules, it shall be referred to Government in the Department of Higher Education for decision.

By order of the Governor

S. C. HOTA

Principal Secretary to Government