

The Orissa



Gazette

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 937 CUTTACK THURSDAY AUGUST 8, 1991/SRAVANA 17, 1913

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 24th July 1991

No. 19100-2R/1-8/91-Gen.—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 to regulate recruitment to the posts of Establishment Officer of the Offices of Heads of Departments, namely :—

1. *Short title and commencement—*

- (1) These rules may be called the Orissa Heads of Departments (Establishment Officers) Recruitment Rules, 1991.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions—*

In these rules, unless the context otherwise requires—

- (a) "Commission" means the Orissa Public Service Commission ;
- (b) "Committee" means the Departmental Promotion Committee constituted under rule 4 ;
- (c) "Department" means the respective Administrative Department of the Secretariat as prescribed in the Orissa Government Rules of Business framed under clause (3) of Article 166 of the Constitution of India ;
- (d) "Government" means the Government of Orissa ;
- (e) "Heads of Department" means the Heads of Department as mentioned in Appendix-3 of the Orissa Service Code ;
- (f) "Post" means the post of Establishment Officer which is filled up by promotion from among the Section Officer, Level-I ;
- (g) "Select List" means the list approved under rule 8.

3. *Eligibility—*

The post of Establishment Officer in the Offices of a Heads of Department shall be filled up by selection from among the permanent and officiating Section Officers, Level-I of that establishment who have completed 3 years of continuous service in the said rank of that establishment on or before the 1st January of the year in which the vacancy occurs.

4. *Constitution of Departmental Promotion Committee—*

- (1) There shall be constituted a Departmental Promotion Committee for selection of suitable Officers for promotion to the post of Establishment Officer.

(2) The Committee shall consist of the following members, namely—

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| (i) Secretary to Government in the Administrative Department | .. | Chairman |
| (ii) Head of the Heads of Department concerned | .. | Member |
| (iii) Joint Secretary/Deputy Secretary of the Administrative Department | .. | Member |
- (3) An Officer of the Heads of the Department not below the rank of Class-I to be nominated by the concerned Head of the Department to act as the Secretary of the Committee without participating in its deliberations and decisions.
- (4) The recommendation of the Committee shall be valid and can be acted upon notwithstanding the absence of any of its members :

Provided that the member so absenting was duly invited to attend the meeting and the majority of the members of the Committee were present at such meeting.

5. *Meeting of the Committee—*

The Committee, whenever the vacancy in the post of Establishment Officer will arise, shall meet to consider the suitability of eligible Officers and prepare a list of Officers in order of merit who are found suitable for such promotion :

Provided that the Committee may meet more than once in a year if the select list has been exhausted or for any other good and sufficient reason so be recorded in writing.

6. *Preparation of Select List :—*

- (1) The zone of consideration, to fill up the vacancies by the general candidates shall be such as specified in the Orissa Civil Service (Zone of Consideration) Rules, 1988 and in respect of vacancies reserved for S. C. & S. T. community shall be such as specified in the Orissa Reservation of vacancies in posts and services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules framed thereunder from time to time.
- (2) The Committee shall ordinarily recommend the names of Officers equal to double the number of vacancies referred to in sub-rule (1).
- (3) The sealed cover procedure shall be followed in respect of employees who are placed under suspension.
- (4) Selection of Officers for inclusion in the list referred to in rule 5 shall be based on merit and suitability in all respects with due regard to seniority.
- (5) The names of Officers considered fit for promotion to the service shall ordinarily be arranged in the order of their respective seniority in the rank of Section Officer, Level-I :

Provided that any Section Officer, Level-I, who is of exceptional merit may be assigned a place higher than that of the Officers senior to him in the said rank with reasons recorded for such supersession.

7. *Consultation with Commission—*

- (1) The list prepared by the Committee under rule 8 shall be submitted to Government in the Administrative Department who shall refer the matter to the Commission together with the following documents, namely :—
 - (a) gradation list of the Section Officers, Level-I, whose cases are considered by the Committee and their dates of birth ;
 - (b) particulars of all Officers recommended by the Committee under Rule 6 together with a separate list and particulars of those officers not recommended by the Committee for inclusion in the list so prepared ;

and

(c) confidential character rolls of all Officers considered by the Committee under rule 6.

- (2) The position of representations against adverse remarks and position about disciplinary proceedings, if any, pending against the Officers considered for promotion shall be stated.

- (3) The Commission shall consider the list so received under sub-rule (1) with reference to the documents and shall furnish its recommendation to the Government in the Administrative Department. The Commission shall follow the principle specified in rule 6 (4) in making its recommendations.

8. *Approval of Select List by Government*

- (1) The Government shall consider the recommendations of the Commission and approve the same with or without any modification, if deemed proper, and upon such approval the list shall form the Select List for promotion to the post. The Select List shall be equal to the number of vacancies reported.
- (2) The Select List shall remain in force for a period of one year from the date of its approval by the Government under sub-rule (1).

9. *Appointment to Service*

- (1) Appointment to the post shall be made by the Competent Authority in the order in which the names appear in the Select List.
- (2) When a Select List is not in force or has been exhausted and it is necessary to make appointments urgently, appointment may be made in the post on *ad hoc* basis for a period not exceeding one year on the basis of the list prepared by the Committee under rule 6 :

Provided that the period of Service rendered in *ad hoc* appointments made under sub-rule (2) shall not count towards seniority.

10. *Probation & Training*

- (1) Officers appointed to the Service for the first time on the basis of the Select List shall be on probation for a period of one year :

Provided that the period of *ad hoc* appointment made under sub-rule (2) of Rule 9 shall not count towards the period of probation.

- (2) Government may, for good and sufficient reason to be recorded in writing, extend the period of probation of any officer for another year so that the period of probation shall not exceed two years in any case.
- (3) If the performance of any Officer is not found satisfactory during the period of probation or during the extended period, he shall be reverted back to his parent post in the next lower rank.
- (4) The Establishment Officer (s) of each Heads of Department may be required to undergo such training as may be directed by Government from time to time.

11. *Inter se Seniority :*

The *Inter se* Seniority of Officers appointed to the post shall be in the order in which their names are arranged in the select list from which they are appointed.

12. *Confirmation*

After successful completion of probation, a person shall be confirmed in his post if a permanent post is available.

13. *Repeal and Saving*

All rules, orders, instructions corresponding to these rules insofar as they relate to recruitment to the post of Office Superintendent, Superintendent, Personal Assistant (Non-technical), Additional Personal Assistant (Non-technical), Establishment Officer, Additional Establishment Officer and Assistant Establishment Officer in the Office of Heads of Department and in force immediately before the commencement of these rules are hereby repealed :

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

14. *Interpretation*

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

By order of the Governor

C. NARAYANASWAMY

Special Secretary to Government