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SHRI N. K. PANDA, I.A.S.
CHIEF SECRETARY-
AND
DEVELOPMENT COMMISSIONER, ORISSA



D.O. 805 (110) /CS

BHUBANESWAR-751001

The 10th May, 1988

To

All Departments of Government,
All Heads of Department/R.D.Cs
All Collectors.

Issued
in LEE DEPT
file

Sub: Recruitment through Employment Exchanges.

Sir,

I need not mention that the practice of making appointments on adhoc basis by-passing the normal agency of Employment Exchange is contrary to Government instructions. The Employment Exchanges (C.N.V.) Act, 1959 requires that the vacancies occurring in the establishments coming within the purview of the Act should be notified to the local Employment Exchange. With a view to carrying forward the purpose of the Act, the State Government have issued a series of instructions directing Government Departments, Local bodies, Quasi Government Agencies and Statutory bodies not only to notify all categories of vacancy but also to utilise the agency of the Employment Exchanges for actual recruitments.

2. In this regard a reference may be made to the following circulars :

- (i) P & S Deptt. Memo No. 18489 (77) dated 24.12.1962
- (ii) P & S Deptt. Memo No. 3613(88) dated 10.3.1964
- (iii) L.E & H. Deptt. Memo No. 6525(50) dated 21.4.1970
- (iv) L.E. & H. Deptt. Resolution No. 19479 dt. 19.11.75
- (v) L & E Department Circular No.14099(70) dt. 7.12.1985.
- (vi) L & E Deptt. Letter No. 9565(80) dated 2.5.1986.

3. Here I would like to quote the following observations of the Supreme Court on the subject (Union of India and others Vrs. N. Har Gopal and others).

"In the case of public employment it is necessary to eliminate arbitrariness and favouritism and introduce uniformity of standards and orderlines in the matter of employment. There has to be an element of procedural fairness in recruitment. If a public employer chooses to receive applications for employment where and when he pleases and chooses to make appointment as he likes, a grave element of arbitrariness is certainly introduced. This must necessarily be avoided if Articles 14 and 16 have to be given any meaning. We, therefore, consider that insistence of recruitment through Employment Exchanges advances rather than restricts the rights guaranteed by Articles 14 and 16 of the Constitution

4. Thus, the Supreme Court have adjudged the Employment Exchanges to be the best medium of recruitment in the present context.

5. In the light of Supreme Court's observations, Government of India have also insisted to ensure full utilisation of the Employment Exchange network for recruitment. While making notification of vacancies to the Employment Exchanges compulsory, the Employment Exchange (C.N.V.) Act itself does not enjoin an obligation to recruit through the Employment Exchange; it is true that the Act does not put legal fetters on the private employers from a much wider perspective. All the same, it, in no way bars or restricts adoption of, and adherence to, the procedure of recruitment through the Employment Exchange as prescribed by Government. It is, in any case, imperative that

all appointing authorities under Government as well as the Quasi-Government bodies, local and Statutory bodies scrupulously follow the Government directive to make recruitment only through the Employment Exchanges to fill up the vacancies, whether it is temporary or leave vacancy or a vacancy in posts of seasonal nature. The practice of adhoc appointments must totally be stopped henceforward.

6. All subordinate offices under your control may please be impressed upon to strictly follow these instructions.

7. A line in confirmation would be useful for recording and reviewing implementation.

Yours faithfully,



CHIEF SECRETARY:ORISSA.