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GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 8th August 2012

No. 18864—GAD-SC-RULES-0009/2011-Gen.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Odisha is pleased to make the following rules regulating the method of recruitment and conditions of service of the persons appointed to the Laboratory Attendant Service, namely:—

## PART I

### GENERAL

**1. Short title and commencement**—(1) These rules may be called the Odisha Laboratory Attendant Service, Group 'C' (Methods of Recruitment and Conditions of Service) Rules, 2012.

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

**2. Definitions**—(1) In these rules, unless the context otherwise requires—

- (a) "Committee" means the Departmental Promotion Committee constituted under Rule 7;
- (b) "Government" means the Government of Odisha;
- (c) "Scheduled Castes and Scheduled Tribes" means such Castes and Tribes as notified by the President of India from time to time under Articles 341 and 342 of the Constitution of India respectively;
- (d) "Service" means the Odisha Laboratory Attendant Service under different Departments of Government, Heads of Department and Districts and Subordinate Offices under the administrative control of each Department of Government ; and
- (e) "Year" means the Calendar Year.

(2) All other words and expressions used in these rules but not specifically defined shall, unless the context otherwise requires, have the same meaning as respectively assigned to them in the Odisha Service Code.

**3. Constitution of Cadre**—There shall be constituted separate cadres in respect of the posts of Laboratory Attendants in—

- (a) a Department of Government ;
- (b) a Heads of Department; and
- (c) a District and Subordinate Offices under the administrative control of each Department of Government.

## PART II

### RECRUITMENT

**4. Method of recruitment**—Recruitment to the post in the service shall be made only by promotion from amongst the Group 'D' employees in accordance with these rules.

**5. Eligibility criteria**—In order to be eligible for promotion, a candidate must—

- (a) have passed at least the Class 10 or an equivalent examination of a recognized Board, Council or University, as the case may be; and
- (b) have rendered at least 10 years of service in Group 'D' scale of pay.

**6. Gradation List**—If there are more than one cadre and/or isolated post in the same feeder grade in a District, Heads of Department, or Department of Government, a combined Gradation List of all the persons working in such cadres or isolated posts shall be prepared on the basis of their date of substantive appointment in the regular service for determining the zone of consideration for promotion:

Provided that in case more than one employee joined the service in the same grade or isolated posts on the same date, the employee, who is elder in age, shall be held senior.

## PART III

### PROMOTION

**7. Constitution of Committee**—(1) There shall be constituted, by order, by the Department concerned, separate Departmental Promotion Committees for each District, Heads of Department and Department of Government to consider the cases of promotion to the service.

(2) A Group 'A' officer not below the rank of Deputy Secretary to Government shall be the Chairman of the Committee:

Provided that the Collector of the District shall be the Chairman of the Committee in respect of the District level posts.

(3) The Committee shall consist of such number of other members as may be decided by the Secretary of the Department of Government concerned in respect of the posts under the Department of Government and Heads of Department and by the Collector concerned in respect of the District.

(4) The recommendation of the Committee shall be valid and can be operated upon notwithstanding the absence of anyone of its members other than the Chairman:

Provided that the member so absenting was duly invited to attend the meeting of the Committee and the majority of members of the Committee attended the meeting.

**8. Procedure for Selection by the Committee**—(1) The Committee shall meet at least once in a year preferably in the month of January to prepare a list of employees, suitable for promotion to the service taking into account the existing vacancies and the anticipated vacancies of the year.

(2) The Committee while considering the promotion cases of suitable employees shall follow the provisions of—

- (a) the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder, or any other law/rule in force at the relevant time;
- (b) the Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988;
- (c) the Odisha Civil Services (Criteria for Promotion) Rules, 1992; and
- (d) the Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.

(3) The employees shall be assessed by the Committee on the basis of their service records. A *viva voce* test shall also be conducted by the Committee for deciding his ability to read and write Odiya and English and for assessing his general intelligence.

**9. Select List**—(1) The list prepared by the Committee after being approved by the Secretary in respect of a Department, Director in respect of Heads of Department and Collector in respect of District and Subordinate Offices shall form the select list for appointment to the service.

(2) The select list shall ordinarily remain in force for a period of one year or until another select list is prepared afresh, whichever is earlier.

(3) Appointment to the service shall be made in the order in which the names of the persons appear in the select list.

#### PART IV

##### OTHER CONDITIONS OF SERVICE

**10. Probation and Confirmation**—(1) Every person appointed to the service shall be on probation for a period of one year from the date of joining the post :

Provided that the appointing authority may, if think fit, in any case or class of cases, extend the period of probation:

Provided further that such period of probation shall not include—

- (a) extraordinary leave;
- (b) period of unauthorized absence; or
- (c) any other period held to be not being on actual duty.

(2) The appointment of a probationer may for good and sufficient reasons to be recorded in writing, be terminated by the appointing authority at any time without previous notice during the period of probation including extension of such period, if any, and after such termination, the employee shall be deemed to be reverted to his/her parent Group 'D' post.

(3) A probationer after completing the period of probation to the satisfaction of the appointing authority shall be eligible for confirmation subject to the availability of substantive vacancy in the cadre.

**11. Inter se seniority**—The *inter se* seniority of the employees appointed to the service in a particular year shall be in the order in which their names appear in the select list.

## PART V

### MISCELLANEOUS

**12. Relaxation**—When it is considered by the Government that it is necessary or expedient so to do in the public interest, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of the employees.

**13. Repeal and Savings**—All rules, regulations, instructions or orders in force immediately before the commencement of these rules in respect of matters relating to the service and covered by these rules are hereby repealed:

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

**14. Interpretation**—If any question arises relating to the interpretation of these rules, it shall be referred to Government whose decision thereon shall be final.

**15. Power to issue Instructions**—The Government may also issue instructions not inconsistent with the provisions of these rules as they may consider necessary to regulate the matters not specifically covered by the provisions of these rules.

By order of the Governor

U. N. BEHERA

Special Secretary to Government