

The Orissa Employment Officers' Service Rules, 1970

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Rule

THE-ORISSA-EMPLOYMENT-OFFICERS-SERVICE-RULES-1970 of 1970

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The Orissa Employment Officers' Service Rules, 1970 Published vide Notification No. S.R.O. No. 93/71, dated 6th February, 1971, Orissa Gazette Part-3/30.4.1971 Notification S. R. O. No. 93/71, dated the 6th February, 1971. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in pursuance of the decisions contained in Government Resolution No. 658-Lab., dated the 14th January, 1965 and No. 7731 -L.E.H., dated the 21st June, 1966, the Governor of Orissa is pleased to make the following rules to regulate the methods of recruitment and the conditions of service of persons appointed to the Orissa Employment Officers cadres, namely: Part-I General

1. Short title and commencement.

(a) These rules may be called the Orissa Employment Officers' Service Rules, 1970. (b) They shall come into force at once : Provided that nothing in these rules shall be construed as effecting or invalidating appointments already made or orders issued in accordance with the provisions of the Resolution of the Government of Orissa in the Labour, Employment and Housing Department No. 658-IIE-201/64-Lab., dated the 14th January, 1965, read with Resolution No. 7731-IIE 201/64-L.E.H., dated the 21st June, 1966 and that all such appointments and orders shall continue in force and shall be deemed to have been made or issued under the appropriate provisions of these rules.

2. Definitions.

- In these rules unless the context otherwise requires- (a) "Commission" means the Orissa Public Service Commission; (b) "Department" means the Labour, Employment and Housing Department of Government; (c) "Government" means the Government of Orissa; (d) "Governor" means the Governor

of Orissa;(e)"Scheduled Castes and Scheduled Tribes" means the scheduled castes and scheduled tribes respectively specified in the orders issued under Articles 341 and 342 of the Constitution;(f)"Service" means the Orissa Employment Officers' Service;(g)"State" means the State of Orissa.Part-II

3. Cadre.

- The Orissa Employment Officers' Service shall be gazetted and shall consist of the following officers of the Senior Branch and Junior Branch, namely :Senior Branch-(1)Assistant Directors.(2)Employment Officers.Junior Branch-(1)District Employment Officers.(2)Assistant Employment Officers.Provided that the service may consist of such number of superior administrative posts with such higher scales of pay and status as Government may from time to time determine.Part-III Recruitment

4. Source of recruitment.

(1)The recruitment to the service shall be made in consultation with the Commission-(a)by promotion in accordance with Rules 5 to 9 ; and(b)by direct recruitment in accordance with Rule 10.(2)Fixation of vacancies - Government shall ordinarily decide once in a calendar year preferably in the month of April, the number of vacancies in each branch of the service to be filled in that year.(3)The percentage to be recruited by way of promotion under Rule 5 or 6 in any year shall not be more than fifty per cent of the total number of vacancies in each branch of the service for the year.Promotion

5.

Promotion to the Senior Branch of the service shall ordinarily be made from amongst members of the Junior Branch of the service.

6.

Promotion to the Junior Branch of the service shall ordinarily be made from amongst members of the Junior Employment Officers (non-Gazetted).

7.

No officer shall ordinarily be eligible for promotion to the Senior Branch of the service unless -(a)he has completed five years of continuous service in the cadre from which promotion is proposed;(b)has been confirmed in the respective cadre; and(c)has passed the departmental examination, if any.

8.

No officer shall ordinarily be eligible for promotion to the Junior Branch of the service unless he - (a) has completed five years of continuous service in his parent cadre of Junior Employment Officer (non-Gazetted); (b) has been confirmed in his parent post; and (c) has passed departmental examination, if any.

9.

(1) All proposals for promotion of officers to either Branch of the service shall be referred to the Commission for advice. A list of officers nominated for promotion to either Branch of the service with their names arranged in order of seniority together with their up-to-date service particulars and records including the names and service records of those who are proposed to be superseded shall be sent to the Commission by Government. (2) The Commission shall consider the aforesaid lists of officers along with all the records and documents received from Government and recommend to Government lists of suitable candidates equal in number to the number of vacancies intimated to the Commission, on the basis of seniority subject to limitation of the unfit. (3) The list of candidates recommended by the Commission shall ordinarily remain valid for one year from the date of the recommendation. (4) The final selection of officers to be promoted during a year shall be made by Government after considering the recommendations of the Commission. Direct Recruitment

10.

(1) The Commission shall on receipt of necessary requisition from Government, announce in such manner as they think fit, the number of vacancies to be filled up in any year by direct recruitment and shall invite applications from candidates for appointment. (2) A candidate shall be under 25 years and over 21 years of age on the 31st day of December of the year in which applications are invited by the Commission ; provided that the maximum age-limit shall be raised by 5 years in case of candidates belonging to scheduled castes and scheduled tribes and up to 45 years in favour of repatriates from Burma and Ceylon who have migrated to India on or after the 1st June, 1963 or the 1st November, 1964, respectively and in case of bona fide displaced persons from East Pakistan who have migrated to India on or after the 1st January, 1964. Candidates with approved war service may deduct from their actual age the period for which they were in such service. In case of a candidate with approved military service from 1962 the upper age-limit will be relaxed by the period of his such military service and if after allowing the above concession the candidate is found still to exceed the said age-limit, Government may relax it further to make him eligible in case he is considered suitable for appointment : Provided that the aforesaid concession regarding age shall be admissible to such of the above-mentioned persons of privileged classes and up to such date as Government may from time to time decide. (3) A candidate shall - (a) be of good character; (b) be of sound mental and physical health, good physique and active habits and free from organic defects or physical infirmity; (c) hold a degree of a recognised University in Arts, Science or Commerce. Preference will be given to candidates having a Master's degree in Psychology or a degree in Labour Welfare or Law. A diploma in Public Administration may be considered as additional qualification; able to speak,

read and write Oriya and have-(i)passed the M. E. School examination conducted by the Board of Secondary Education or an equivalent examination or any higher examination conducted by the competent authority with Oriya as a language subject ; or(ii)passed Oriya as a language subject in the final examination of Class-VII or above (to be certified by the Headmaster or Principal of the concerned Secondary School recognised by the Board of Secondary Education or by any other competent authority) ; or(iii)had Oriya as medium of examination in non-language subjects at the Matriculation or equivalent examination which he has passed (to be certified by the Headmasters of the concerned High School recognised by the Board of Secondary Education); or(iv)passed a test in Oriya equivalent to M. E. School standard conducted by any District Inspector of Schools in the State of Orissa. Note - If a candidate does not fulfil any of the above alternative conditions he must pass a language test in Oriya equivalent to M. E. School standard to be conducted by the Commission before interview is held by the Commission for direct recruitment to the service.(4)Every candidate shall submit to the Secretary to the Commission his application in his own hand-writing in the prescribed form obtainable from the Secretary to the Commission on necessary payment so as to reach him not later than such date as may be notified by the Commission in this behalf, in the case of a candidate already in Government service the application must be submitted through his appointing authority. An advance copy of such application may be sent direct to the Secretary to the Commission along with all the required documents so as to reach him by the closing date fixed by the Commission for receipt of applications but it shall not be taken into consideration unless the original application is forwarded by the appointing authority and reaches the Commission within one week from the aforesaid closing date.(5)With the application a candidate shall submit-(a)a treasury chalan showing payment into any Government treasury of a sum of Rs. 5 (Rs.1.25 p. if a candidate belongs to any of the scheduled castes or scheduled tribes) credited to the Government of Orissa under the appropriate head of account as application fee which shall not ordinarily be refunded. Candidates having war service or approved military service are exempted from the payment of application fee and in the case of repatriates from Burma and Ceylon who have migrated to India on or after the 1st June, 1963 and the 1st November, 1964 respectively and displaced persons from East Pakistan who have migrated to India on or after the 1st January, 1964 the Commission- may remit the fee :Provided that the aforesaid concession relating to fees shall be admissible to such of the above mentioned persons of privileged classes and up to such date as Government may from time to time decide ;(b)degrees and diplomas in support of the educational qualifications prescribed in these rules ;(c)certificate of character from the Principal, Proctor, Dean or Professor in charge of the Department of teaching of the College at which he last studied ;(d)evidence of age which shall ordinarily be the Matriculation or Higher School Leaving Certificate or Cambridge Certificate. Note - Copies of the documents as required at (b), (c) and (d),above, duly attested by a Gazetted Officer of Government shall be submitted with the application but the originals thereof shall be produced at the time of interview.

11.

Such percentage of the vacancies as the State Government may, from time to time fix, shall be reserved for the candidates belonging to scheduled caste and scheduled tribes subject to the condition that the candidates of such castes and tribes satisfy the minimum standard of suitability as specified in Rule 10 and as may be fixed by the Commission for appointment to the post.

12.

(1)The Commission shall consider all applications received and shall interview such candidates as they consider likely to be suitable for appointment. The Government may, if they so desire or upon being requested by the Commission in that behalf depute either the concerned Head of Department or an officer of the Labour Employment and Housing Department to be present at the interview of candidates. Where the Commission feels that the advice of an expert having technical and specialised knowledge is necessary, the Commission may invite at their own discretion an expert to assist them as expert advisor at the interview of candidates. In any case the departmental representative and/or the technical expert shall be present only in an advisory capacity but shall not be responsible for the decision or recommendation of the Commission.(2)From among the candidates interviewed the Commission shall nominate and arrange in order of merit a list of candidates equal in number to the number of vacancies to be filled up subject to availability of suitable candidates and submit the same to the State Government along with its re-report.(3)The list of candidates recommended by the Commission shall ordinarily remain valid for one year from the date of the recommendation.

13.

The final selection of candidates for appointment shall be made by the Government from amongst those recommended by the Commission after Government are satisfied on such enquiries as may be considered necessary that the candidates are suitable in all respects for appointment to the service.

14. Medical fitness.

- No candidate shall be appointed to the service who after such medical examination as the State Government may prescribe is not found to be in good mental and physical health and free from any communicable disease and mental or physical defect likely to interfere with the discharge of the duties he will have to perform on his appointment.

15.

(1)No person who has more than one wife living shall be eligible to be a candidate and no female shall be eligible to be a candidate if she has married a person who, at the time of such marriage had one or more than one wife living :Provided that the State Government may (exempt any candidate from the operation of the sub-rule if under the personal law applicable to him or, in the case a female candidate, to her husband having more than one wife is permissible.(2)A candidate, who is or has been declared by the Commission guilty of impersonation or of submitting fabricated documents or documents which have been tampered with or if making statements which are incorrect or false or suppressing material information or of using or attempting to use any unfair means or otherwise resorting to any other irregular or improper means for obtaining support for his candidature may, in addition to rendering himself liable to criminal prosecution, be debarred either permanently or for a specific period-(i)by the Commission from admission to any examination or

from appearance at any interview held by them for selection of candidates ; or(ii)by the State Government from employment under them.Probation and Confirmation

16.

(1)Persons on appointment to the cadre shall be on probation for 2 years in case of direct recruits and one year in the case of promotees.(2)The period of probation in each case shall count from the date of joining :Provided that the whole or any part of the period during which a person has held continuous officiating or temporary appointment in a post included in the cadre or service may be allowed by Government to count towards the period of probation prescribed by this rule.(3)Government may in any special case extend the period of probation by such further period as they may deem fit.

17. Confirmation.

- Subject to the provisions of Sub-rule (3) or Rule 16 an officer appointed under probation shall be confirmed at the end of his probation if the Government consider him fit for confirmation.Part-IV Seniority

18. Seniority.

(1)When officers are recruited by promotion and by direct recruitment during one calendar year the promotee officers shall be considered senior to the officer, directly recruited irrespective of the dates of their appointment.(2)The inter se seniority of officers appointed whether by promotion or by direct recruitment to either branch of the service in the same calendar year shall be in the order in which their names have been arranged by the Commission.

19. Relaxation.

- Where the State Government are satisfied that the operation of any provision contained in these rules causes undue hardship in any particular case, the State Government, with a view to remove such hardship and in particular to remove any anomaly or to set right any injustice in the matter or promotion to the service under those rules, may in respect of such case after previous consultation with the Commission, dispense with or relax the requirements of the said provision.

20. Other conditions of service.

- Save as otherwise provided in these rules, the pay, allowance, leave, pension and other conditions of service of the members of the service, shall be regulated by the rules applicable to the members of other corresponding services in the State in such matters from time to time.