

# **The Orissa Fisheries Ministerial Service Rules, 1976**

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### **Rule**

### **THE-ORISSA-FISHERIES-MINISTERIAL-SERVICE-RULES-1976 of 1976**

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The Orissa Fisheries Ministerial Service Rules, 1976Published vide Notification No. S.R.O. 1239/76, dated 7th December, 1976, Orissa Gazette Extraordinary No. 43/13.1.1977Notification No. S.R.O. 1239/76, dated 7th December, 1976. - In exercise of the power conferred by the proviso to Article 309 of the Constitution of India the governor of Orissa is pleased to make the following rules regulating the methods of recruitment and conditions of service of the persons appointed to the posts of clerk of subordinate offices and assistant of the office of the Director of Fisheries, namely:Part-I Preliminary

### **1. Short title and commencement.**

(1)These rules may be called the Orissa Fisheries Ministerial Service Rules, 1976.(2)They shall come into force at once.

### **2. Definitions.**

- In these rules, unless the context otherwise requires-(a)"Board" means the Selection Board constituted under Sub-rule (1) of Rule 19;(b)"Departmental Examination" means the preliminary and final accounts examination held by the Board of Revenue;(c)"Director" means the Director of Fisheries Orissa;(d)"Government" means the Government of Orissa;(e)"Head Assistant" means Head Assistant, Senior Assistant, Senior Assistant-cum-Budget Head Assistant;(f)"Office of the Head of Department" means the Office of the Director of Fisheries, Orissa;(g)"Subordinate Offices" means the offices of the Deputy Director of Fisheries, Assistant Director of Fisheries, Superintendent of Fisheries and such other offices under the administrative control of the Director of Fisheries, Orissa as are not borne in the establishment of the office of the Head of Department;(h)"Senior Upper Division Clerk" means Head Clerk, Head Clerk-cum-Accounts,

Accounts-cum-Cashier and Storekeeper in the Subordinate Offices;(i)"Scheduled Castes" and "Scheduled Tribes" mean such castes and such tribes as may be specified by the President under Articles 341 and 342 of the Constitution of India respectively;(j)"Upper Division Clerk" means Upper Division Clerk and Accountant and includes Accountant-cum-Cashier in subordinate offices;(k)"Upper Division Grade II Assistant" Means Grade II Assistant, Accountant-cum-Cashier, Grade II Accountant, Store-keeper and Assistant Store-keeper in the office of Head of the Department.(l)"Year" means a calendar year.Part-II Subordinate offices

### **3. Cadre of posts in subordinate offices and time-scale of pay.**

(1)The Ministerial service of subordinate offices under the Jurisdiction of a Deputy Director of Fisheries shall form one cadre. The cadre of the said service shall consist of such number of Senior Upper Division Clerks. Upper Division Clerks and Lower Division Clerks as the Government may determine from time to time.(2)The time-scale of pay attached to the aforesaid posts shall be such as may be determined by Government from time to time.

### **4.**

(1)Recruitment to the posts in the ministerial service of the subordinate offices shall be made by the following methods, namely :(a)In respect of Lower Division Clerk by recruitment from out of the candidates who fulfil the following conditions :(i)The candidates should have passed at least Matriculation or equivalent examination of a recognised University or the Board of Secondary Education, Orissa;(ii)The candidate shall be over eighteen years and below twenty-eight years of age on the 1st day of April of the year :Provided that the upper age-limit shall be relaxed up to a maximum period of five years in the case of a candidate belonging to Scheduled Castes or Scheduled Tribes;(iii)The candidate shall come out successful in the competitive examination conduct by the Director of Fisheries :Provided that in case a vacancy in the cadre of Lower Division Clerk occurs after the list of successful candidates has been exhausted before announcement of results of the next examination, such vacancy may be filled up by a successful candidate from the list of the previous year subject to the condition that his age does not exceed the maximum limit prescribed in Sub-clause (ii) :Provided further that if no successful candidate of the previous examination is available the vacancy may be filled up by any suitable candidate who fulfils the conditions laid down in Sub-clause (i) and (ii) and whose name finds place in the list of candidates sponsored by the employment exchange. The appointment of such a candidate shall be provisional and-shall continue to be so until he qualifies in the competitive examination to be conducted by the Director of Fisheries or passed candidate is available to replace him whichever is earlier and the period of service during the period of ad hoc appointment will not count for seniority till the person concerned qualified himself subsequently by passing the recruitment test;(iv)The candidate should be of good character and should possess sound health, good physique and be free from any organic defects or bodily infirmity;(v)The candidate shall not have more than one spouse living or in the case of lady candidates have not married a person who has wife living ;Provided that the State Government may, if satisfied that there are special reasons for doing so, exempt any person from the operation of this sub-clause if such exemption is permissible under law;(vi)Be able to speak, read and write Oriya and have-(1)passed Middle English School Examination with Oriya as language

subject; or(2)passed Matriculation or equivalent examination with Oriya as medium of examination in non-language subject; or(3)passed in Oriya as language subject in the final examination of Class VIII or above, or(4)passed the test in Oriya Middle English School Standard conducted by the Education Department.(b)In respect of Posts other than Lower Division Clerks-by promotion in accordance with Rule 8.(2)(a)The competitive examination for recruitment to the posts of Lower division Clerks in the subordinate offices shall be conducted by the Director once a year.(b)The dates on which and the places at which the examination shall be held be fixed by the Director.(3)The Deputy Director shall issue appointment orders to the candidates in order of priority indicated in the list furnished by the Director.

## **5.**

Instructions regarding the conduct of examination including setting of question papers, evaluation of answer papers, registration of candidates for examination, publication of results, remuneration for the question setters and examiners will be laid down by the authority responsible for the conduct of the examination with the approval of Government.

## **6. Probation and confirmation.**

(1)All appointments to the permanent posts of Lower Division Clerks shall be made on probations for a period of two years from the date of appointment :Provided that if during the period of probation the incumbent's work or conduct is found unsatisfactory or his work shows that he is unlikely to become efficient, the appointing authority may either discharge him from service or extend the period of probation for such further period as he may think fit:Provided further that in no case shall the period of probation be extended beyond four years from the date of appointment.(2)No person shall be confirmed in the permanent post of Lower Division Clerk unless he has satisfactorily completed the probationary period as aforesaid.

## **7. Seniority of lower division clerks and upper division clerks.**

(1)The seniority of Lower Division Clerks inter se shall be determined in accordance with the position secured by them in the competitive examination of a particular year. But where a candidate of a particular year could not be appointed in that year and is selected under the proviso to Sub-clause (iii) of Clause (a) of Sub-rule (1) of Rule 4 for appointment in the subsequent year he shall under the circumstances, take rank just below the successful candidate of the year in which he is appointed.(2)The seniority inter se the Upper Division Clerks shall be determined with reference to the date of issue of the order of their promotion to the posts of Upper Division Clerks-Provided that if the date of the issue of the order of promotion is the same in respect of two or more such clerks, their seniority inter se shall be determined according to the total length of their service under Government.(3)If the persons appointed provisionally under the second proviso to Sub-clause (ii) of Clause (a) of Sub-rule (1) of Rule 4, pass the competitive examination subsequently, they shall take rank in the cadre of Lower Division Clerks with effect from the date of passing the said examination, regard being had to their position in the list of successful candidates.(4)The seniority inter se of Upper Division Clerks and Senior Upper Division Clerks shall be determined with reference to the

date of issue of the order of their promotion to the post of Upper Division Clerks, or Senior Upper Division Clerks, as the case may be :Provided that if the date of the order of promotion is the same in respect of two or more clerks, their seniority inter se shall be determined in consideration of the Position held by them respectively in the immediate lower grade from which they have been promoted.(5)Every upper Division Clerk and Senior Upper Division Clerk shall remain on probation for a period of one year from the date of appointment to the post :Provided that if during the period of probation the incumbent's work or conduct is found unsatisfactory or his work shows that he is unlikely to be efficient the appointing authority may either extend his period of probation for such period as he thinks fit not exceeding one year, or revert him to the post from which he has been promoted. No one shall be confirmed in the post unless he has satisfactorily completed the period of probation.

## **8. Promotion to the higher posts in the cadre of subordinate offices.**

- promotion to higher posts in the cadre of Ministerial service of the subordinate Offices' shall be subject to the passing of departmental examination and shall be based on merit and suitability in all respects with due regard to seniority and shall be made in the following manner, namely  
:(a)Promotion to the posts of Upper Division Clerks shall be made from amongst the Lower Division Clerks who have passed the preliminary Accounts Examination in accordance with Rule 16  
:Provided that if no Lower Division Clerks as aforesaid is available, a Lower Division Clerk who has passed the competitive examination conducted by Director and has put in not less than five years of service as such and is otherwise suitable may be promoted to the post of Upper Division Clerk on temporary basis subject to the condition that he shall not be allowed any increment in the time scale of pay of the said post and shall be reverted as soon as a Lower Division Clerk who has passed the preliminary Accounts Examination is available. In no case shall he continue in the Upper Division posts as aforesaid for more than two years without passing the preliminary Accounts Examination.(b)Promotion to the posts of Senior Upper Division Clerks shall be made from amongst the Upper Division Clerks of all subordinate offices who have passed the final accounts examination or the basis of selection made by the Selection Board constituted in accordance with Rule 19 :Provided that if there are no suitable clerks in a particular grade for promotion to the next grade cases of clerk next below shall be considered.

## **9. Transfer and penalties.**

(1)Any clerk in the Lower Division or Upper Division or Senior Upper Division may be transferred from one office to another within the administrative control of the Deputy Director of Fisheries, concerned.(2)If any Lower Division Clerk or Upper Division Clerk without satisfactory reasons within such time as may be allowed in that behalf to join the office to which he is transferred in pursuance of the provision of this rule he may be liable to disciplinary proceedings.(3)The Director shall be competent to transfer permanently any clerk in the Lower Division or Upper Division Senior Upper Division from the jurisdiction of one Deputy Director of Fisheries to another under his administrative control :Provided that the transfer of any clerk in the lower Division or Upper Division or senior Upper Division may be made from the jurisdiction of one Deputy Director of Fisheries to another with the written mutual consent of the concerned clerks :Provided further that

the position of such clerks as are transferred from the jurisdiction of one Deputy Director of Fisheries to another shall be determined in the cadre to which they are transferred with reference to the date of their original appointment in the grade.(4)In the case of transfer whether permanently or temporarily of any Ministerial Officer from one cadre to another the appointing authority of the cadre to which he is transferred shall be deemed to be his appointing authority from the date of his joining the new post.(5)The Deputy Director of Fisheries shall be competent to order interchange of duties of different grades of clerks within the same categories, within the same cadre and without prejudice to the scales of pay.

## **10. Transfer of clerks from one seat to another.**

- Any clerk in the Lower Division or Upper Division or Senior Upper Division continuously working for a period three years in any particular seat of any subordinate office shall ordinarily be transferred to any other seat in that office or any other subordinate office within the jurisdiction of the Deputy Director of Fisheries concerned :Provided that any clerk as aforesaid may be transferred before completion of three years in any particular seat in the interest of public service.Part-III Office of the Head of Department

## **11. Cadre of posts In the Office of the Heads of Department.**

(1)The Ministerial service of the Office of the Head of Department shall form a separate cadre. The cadre of the said service shall consist of one post of Office Superintendent (non-Gazetted) and such number of posts of Head Assistant, Upper Division Grade I Assistants, Upper Division Grade II Assistant and Lower Division Assistants as Government may from time to time determine.(2)The time-scale of pay attached to the aforesaid posts shall be such as may be determined by Government from time to time.

## **12. Method of recruitment.**

- Recruitment to the posts in the Ministerial service of the Office of the Heads of Department shall be made by the following methods, namely :(a)In the matter of recruitment and conditions of service Lower Division Assistants-in the Offices of Heads of Departments the provisions contained in Orissa Ministerial Service (Method of Recruitment to the Posts of Lower Division Assistants in the Office of Heads of Department) Rules, 1975 shall be followed.(b)In respect of posts other than Lower Division Assistants-by promotion in accordance with Rule 14.

## **13. Seniority of U.D. Assistants and Head Assistants.**

- The Seniority inter se of Upper Division Grade II Assistants or Upper Division Grade I Assistants or Head Assistants shall be determined with reference to the date of issue of the order of their promotion to the posts of Upper, Division Grade II Assistants or Grade I Assistants or Head Assistants, as the case may be :Provided that if the date of issue of the order of promotion is the same in respect of two or more such Assistants, their seniority, inter se shall be determined

according to the total length of their respective service under Government.

#### **14. Promotion to the higher posts in the cadre of Head of the Department.**

- Promotion to the higher post in the cadre of the Ministerial Service of the Office of the head of Department shall be subject to the passing of the departmental examination and shall be based on merit and suitability in all respects with due regard to seniority and be made on the basis of selection by the Selection Board constituted in accordance with Rule 19 in the following manner, namely : (a) Promotion to the posts of Upper Division Grade II Assistants shall be made from amongst Lower Division Assistants and Upper Division Clerks of the district and subordinate offices in the following manner, namely : Seventy-five per cent of the vacancies in the Posts of Upper Division Grade II Assistants shall be filled up by promotion from amongst Lower Division Assistants and twenty-five per cent by promotion from amongst Upper Division Clerks of the concerned district and subordinate offices who have rendered at least five years' continuous service in the respective cadre and passed the preliminary accounts examinations conducted by the Board of Revenue. (b) Promotion to the posts of Upper Division Grade I Assistants shall be made from amongst the Upper Division Grade II Assistants. (c) Promotion to the posts of Head Assistant shall be made from amongst the Upper Division Grade I Assistants. (d) Promotion to the post of Office Superintendent (non-Gazetted) shall be made from amongst the Head Assistants-

#### **15. Reservation of vacancies for Scheduled Castes and Scheduled Tribes.**

- The reservation of vacancies set apart for being filled up by direct recruitment or promotion in favour of officers belonging to Scheduled Castes and Scheduled Tribes and the method of filling up the reserved vacancies shall be in accordance with the provisions laid down in the Orissa Reservation of Vacancies shall be in accordance with the provisions laid down in the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules thereunder.

#### **16. Departmental examination.**

(1) The Lower Division Clerks of the subordinate offices and Lower Division Assistants of the Office of the Head of Department shall be required to pass the preliminary Accounts Examination which is held by the Board of Revenue within a period of five years from the date of their appointment or from the introduction of these rules whichever is later, and the Upper Division Clerks of subordinate offices and Upper Division Grade II Assistants of the Office of the Head of Department shall be required to pass the Final Accounts Examination which is held by the Board of Revenue within five years from the date of their promotion or from the date of introduction of these rules, whichever is later : Provided that where any clerk or assistant as aforesaid is unable to appear at the said Accounts Examination within the required period due to circumstances beyond his control, he shall be allowed two more chances to appear and pass the aforesaid examination. (2) Clerks or Assistants who have not passed the required Accounts Examination but have not exhausted the period prescribed in Sub-rule (1) may be provisionally promoted to next higher post only if passed candidates are not available. The promotion of such un passed clerk or assistant shall be on the basis of seniority and

suitability and subject to the condition that he shall be replaced by a passed candidate when available. Those promoted un passed clerks and assistants shall not be confirmed in the posts in which they are promoted.(3)No one shall ordinarily be exempted from passing the departmental examination :Provided that Government may in any suitable case, exempt individual clerks or assistants from passing the departmental examination in which case such person shall be deemed to have passed such examination.(4)Persons appointed to the posts of Upper Division Assistants or Head Assistants in the Office of the Head of Department and to the posts of Upper Division or Senior Upper Division Clerks in the subordinate offices on a date prior to introduction of these rules and continuing as such and without passing the departmental examination prescribed for the posts they hold, shall not be further promoted to any higher posts unless they fully qualify themselves for the present posts and for such higher posts.(5)The Upper Division Assistants or Head Assistants in the Office of the Head of Department and Upper Division or Senior Upper Division Clerks in the subordinate offices shall be required to pass the prescribed departmental examination within a period of two years from the date of introduction of these rules failing which such persons if they have not been confirmed in the posts they hold, shall be reverted to lower posts for which they are suitable according to their qualification or to posts which they held immediately before their appointment :Provided that such persons may be allowed to continue in the present post till qualified persons are available to replace them :Provided further that if such reverted persons pass the prescribed departmental examination on a later date the case of such persons shall be considered for promotion along with other qualified candidates as and when vacancies arise. No benefit shall accrue to them for the service rendered in the higher posts before being qualified to hold such posts.(6)Any person continuing in the post of Lower Division Assistant in the Office of the Head of Department or a Lower Division Clerk in any subordinate office on the date of introduction of these rules but not having passed competitive examination shall be required to pass the competitive examination within a period of two years from the date of commencement of these rules failing which he shall be liable to be discharged from service, provided he has not been confirmed in that post. The Director shall be competent to waive the age of restriction for sitting for the competitive examination-Provided that their inter se seniority shall be determined with reference to the year of passing and the position secured in the examination.(7)Where a Lower Division Assistant or a Lower Division Clerk fails to pass the competitive examination within the period prescribed under Sub-rule (6) and where an Upper Division or Senior Upper Division Clerk or an Upper Division Assistants or a Head Assistant fails to pass the prescribed departmental examination within the period prescribed under Sub-rule (5) he shall not be allowed to draw any increment from the third year of the commencement of these rules.

## **17. Failure to pass the departmental examination.**

- Where any lower Division Clerk or Lower Division Assistant and any Upper Division Clerk or Upper Division Grade II Assistant fails to pass the departmental examination under Sub-rule (1) of Rule 16 within the required period he shall not be allowed to cross the efficiency bar in the time-scale of pay or draw any increment from the sixth year of his service in the post :Provided that if a clerk or an assistant as aforesaid passes the prescribed departmental examination after the lapse of the prescribed period or the extended period prescribed in proviso to Sub-rule (1) of Rule 16, his date of next increment will be fixed as if he had passed on due date, but he shall not be allowed any

arrear of pay.

## **18. Gradation list.**

(1) A gradation list of the persons appointed in the ministerial service in the subordinate offices under the jurisdiction of each Deputy Director of Fisheries shall be maintained and the said list shall be revised by the 15th January of each year. Before final publication of this gradation list it shall be circulated amongst all concerned inviting objection, if any, thereto. (2) A gradation list of persons appointed to the ministerial service in the Office of the Head of Department shall be maintained and the said list shall be revised by the 15th January of each year. Before final publication of this gradation list it shall be circulated to all concerned inviting objections, if any, thereto.

## **19. Constitution of Selection Board.**

(1) There shall be constituted a Selection Board consisting of the Director of Fisheries as the Chairman, Joint Director of Fisheries and the Range Deputy Directors of Fisheries as Members. The Personal Assistant to the Director shall act as the Secretary to the Board. (2) The Board shall meet on or about the 15th April of each year and prepare lists of clerks and assistants suitable for promotion in accordance with Clause (b) of Rule 8 and Rule 14.

## **20. Failure to join a post on promotion.**

- Without prejudice to any other liability that may be incurred under any of the provision of these rules, if any member of the Ministerial Service in the subordinate offices or in the Offices of Head of Department, who, on being promoted to a higher post in accordance with the provisions of these rules fails within such time as may be allowed in that behalf to join the new post, he shall be liable to be debarred from being eligible for any such promotion in future.

## **21. Repeal and savings.**

- All orders, executive instructions corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed ; Provided that an order or appointment made, action taken or things done under the orders or executive instructions so repealed shall be deemed to have been validly made taken or done under these rules.

## **22. Application of rules.**

- For removal of doubts; it is hereby declared that nothing in these rules shall apply to Cost Accounts, Senior Auditor, Supervisor of Accounts, Senior Statistical Assistant, Junior Statistical Assistant, Junior Auditor and all other similar posts which are not included within the cadre of Ministerial Services.



## **23. Interpretation.**

- If any question arises relating to the interpretation of these rules, it shall be referred to the State Government for decision.