

The Orissa Council of Sports (Service Condition) Rules, 1993

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Rule

THE-ORISSA-COUNCIL-OF-SPORTS-SERVICE-CONDITION-RULES-1993 of 1993

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The Orissa Council of Sports (Service Condition) Rules, 1993Published vide Notification Orissa Gazette Extraordinary No. 44/29.10.1993-Resolution/26.7.1993The question of framing the rules of service condition for the employees of Orissa Council of Sports, Cuttack was under active consideration of Government for some time past. The Hon'ble High Court has also passed orders in a writ petition named O.J.C. No. 7010 of 1992 finalise the said rules before end of July, 1993. Therefore, Government after careful consideration have been pleased to make rules indicating in detail the service condition so of the employees of Orissa Council of Sports, namely :Chapter-I

1. Short title and commencement.

- (i) These rules shall be called the Orissa Council of Sports (Service Condition) Rules, 1993.(ii)They shall come into force from the date of their publication in the Orissa Gazette.

2. Application.

- These Rules shall apply to all employees of the Orissa Council of Sports.

3. Definitions.

(1)In these rules unless the context otherwise requires-(a)"appointing authority" in relation to any post under the Council, means the authority competent to make appointments to that post as specified in Schedule II;(b)"Chairman, Vice-Chairman and Secretary" means Chairman, Vice-Chairman and Secretary of Orissa Council of Sports, respectively;(c)"Council" means the Orissa

Council of Sports;(d)"Deputationist" means an employee of any other organisation whose services are borrowed by the Council;(e)"employee" means a person serving the Council in any post specified in Schedule I;(f)"Foreign service" means service for which an employee receives his pay from any source other than the funds of the Council with the approval of the appointing authority;(g)"Government" means Government of Orissa in Sports Culture and Youth Services Department;(h)"pay" means the amount drawn monthly by an employee as -(i)the pay other than special pay or pay granted in view of his personal qualifications which has been sanctioned for a post held by him substantively or in an officiating capacity or to which he is entitled by reason of his position in the cadre,(ii)Special pay and personal pay, and(iii)any other recurring emoluments which may be specially classed as pay by the appointing authority;(i)"Sanctioning authority" means the Government in the Sports and Youth Services Department;(j)"Schedule" means a Schedule appended to these rules;(k)"Selection Committee" means Committee appointed by Orissa Council of Sports for selection of person for appointment to posts specified in Schedule I;(2)All words and expressions used, but not defined in these rules and defined in the rules and regulations of the Council shall have the meaning respectively assigned to them in the said rules and regulations.

Chapter-II Grades and Categories of Posts

4. Grades and categories of posts.

- (i) The posts under the Council shall be of the grades and categories specified in Schedule I and can be revised from time to time by the Government.(ii)The Chairman, subject to approval of the Government may direct creation or abolition of any post.

5. Methods of recruitment.

(1)Recruitment to a post under the Council may be made by -(i)Direct recruitment ; or(ii)Promotion ; or(iii)Deputation ; or(iv)Contract for a specified period of technical personnel on specific terms as approved by Government.(2)The appointing authority shall, in each case, determine the method by which vacancies shall be filled by any of the above methods. In doing so, the appointing authority shall pay due regard to, (i) the provisions of the Employment Exchange rules and (ii) orders for reservation in services for Scheduled Castes, Scheduled Tribes, ex-Servicemen, Sports persons, women, Handicapped and any other categories, as may be notified by the Government of Orissa from time to time; and (iii) any other norms, as may be decided by the General Body in individual cases, having special regard to the situation or requirement.

6. Recruitment by promotion.

(1)Appointment to a post in any grade by promotion shall be made, whether in a substantive or officiating capacity from amongst employees serving in the next lower grade in the Council on recommendations of Departmental Promotion Committee, having due regard to seniority-cum-merit.

7. Direct recruitment.

(1) Save in exceptional circumstances and subject to approval of Government for appointment to any post may be made by direct recruitment on the recommendation of a Selection Committee from amongst - (i) Candidates recommended by the Employment Exchange on requisition in respect of categories of employees of which recruitment has to be made through the Employment Exchange and/or; (ii) from amongst the candidates applying in response to an advertisement, or otherwise. (2) The candidates must be within the age-group of 18 years to 32 years: Provided that the upper age-limit is relatable by 5 more years in case of S.T./S.C. candidates.

8. Appointment by deputation.

- Appointment may be made on deputation basis on such terms and conditions as may be agreed to between the lending authority and the Council with the approval of Government.

9. Qualification.

- The qualifications of appointment to any post shall be such as may be prescribed by the Council subject to approval of Government.

10. Disqualification.

- No person shall be appointed to any post by direct recruitment unless - (i) he is found medically fit by a doctor approved by the appointing authority ; and (ii) the appointing authority is satisfied that he/she possesses good character and antecedents.

11.

No person, who having a spouse living has either married or has entered into contract to marry any person, shall be eligible for appointment to any post in the Council. Provided that the Council may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party of the marriage and that there are other grounds for so doing, exempt any person from the purview of this rule.

Chapter-III Tenure

12. Probation.

(1) Every person appointed to a post under the Council after the commencement of these rules, whether by promotion or by direct recruitment, shall be on probation in such post for a period of two years : Provided that the appointing authority may in any individual case extend the period of probation by a maximum period of one year. (2) Where a person appointed to a post under the Council on probation is during his period of probation found unsuitable for holding that post, or has not completed his period of probation satisfactorily, the appointing authority may - (i) in case of promotion revert him to the post held by him/her immediately before such appointment ; (ii) in the

case of direct recruitment terminate his/her services under the Council without notice.(3)A person appointed to permanent post under the Council by promotion or direct recruitment shall be eligible for substantive appointment to that post on completing satisfactorily his period of probation.

13. Temporary and permanent service.

- An employee shall be a temporary employee of the Council until he is appointed substantively to a permanent post under the Council.

14. Confirmation.

- An employee who has completed the period of probation to the satisfaction of the Council shall be confirmed against the post to which he has been appointed except in cases where the appointment has been made against the post created for a specified period.

15. Termination of service.

- Subject to the approval of Government-(i)The services of a temporary employee may be terminated by the appointing authority without assigning any reason at any time during the period of probation.(ii)The services of a permanent employee may be terminated by the appointing authority by giving a notice of three months or without notice on payment of emoluments and other dues of three months; or with notice of less than 3 months on payment of emoluments and dues as may be required if the post to which he/she is appointed is abolished.(iii)The services of a temporary employee may be terminated on the application made by the employee himself giving one month's notice or on payment of his pay emoluments and other dues of one month.

16. Retirement.

- An employee shall retire from the service of the Council in the afternoon of the last day of the month when he/she attains the age of 58 (fifty-eight) years : provided that in the case of an employee in Class-IV post he/she shall retire from service in the afternoon of the last day of the month when he/she .attains the age of 60 (sixty) years.Note. - In the case of person appointed on contract or on honorarium basis or as Adviser, these provisions about retirement-age will not apply;Provided further that a review shall be conducted in his/her 55th years age in order to determine whether he/she should be allowed to remain in service up to the date of completion of age of 58 years or allowed to retire on completing the age of 55 years in public interest :Provided also that an employee of the Council may retire from service at any time after completing thirty years of service or on attaining the age of fifty years by giving a notice in writing to the appropriate authority at least three months before the date on which he/she wishes to retire or by giving the said notice to the said authority before such shorter period as the appointing authority may allow in any case. It shall be open to the appropriate authority to withhold permission to the employee who seeks to retire under this rule, if he/she is under suspension or if enquiries against him/her are in progress. The appropriate authority may also require any officer to retire in public interest at any time after

he/she has completed thirty years' service or attained the age of fifty years, by giving a notice in writing to the employee at least three months before the date on which he/she is required to retire or by giving three months' pay and allowances in lieu of such notice.

17. Resignation.

(1)An employee may, by giving one month's notice in writing or one month's pay in lieu thereof in case of temporary appointment and 3 months' notice or 3 months' pay in lieu thereof in case of permanent employment, to the appointing authority, may resign from the service of the Council. In deciding case of resignation the orders as applicable to State Government employees shall be followed. The resignation shall entail forfeiture of past service of the employee, which shall be communicated to him/her.(2)The appointing authority may, if it deems proper in any special circumstances, permit an employee to resign from the service of the Council by giving notice of less than a month or less than three months, as the case may be.

18. Scale of pay.

- The scales of pay for the posts under the Council shall be as prevalent in the State Government from time to time :Provided that an employee in permanent employment before such revision of pay shall have the option to retain the existing scale of pay.

19. Initial pay.

(1)An employee shall, on his/her appointment to a post on a time-scale of pay, draw pay at the minimum stage of the time-scale, provided such appointment is made by promotion.Note - If the employee has been drawing higher pay in any other substantive appointment under the Council immediately before his/her appointment to such post, his/her pay will be fixed under the relevant rule (s) relating to fixation of pay of State Government employees.(2)Notwithstanding anything contained in clause (i), the sanctioning authority may, for reasons to be recorded in writing, allow an employee to draw a pay at higher stage.

20. Increments.

- Unless withheld by the competent authority for any reasons to be recorded and communicated to the employee concerned, increments shall be drawn as a matter of course.

21. Efficiency Bar.

- The appointing authority will allow an employee to cross the E.B. in his scale of pay only after following State Government rules in this regard.

22. Promotional pay.

- An employee on promotion will get his/her pay as per rules applicable to State Government employees.

23. Qualifying service for increment.

- The following service shall count for increments in the time-scale of a post :(1)duty in that post or in any other post of the same or higher grade;(2)duty in any equivalent or higher post in foreign service ; and(3)leave other than extraordinary leave :Provided that the sanctioning authority may direct that extraordinary leave shall also count for increments if it is satisfied that such leave was taken on account of illness or for any other emergent nature of cases.

24. Drawal of pay.

- An employee shall be entitled to draw the pay of the post to which he/she is appointed from the date on which he/she joins in the post.

25. Kind of allowances.

- The following allowances will be admissible to employees of the Council on the same rates and conditions as are admissible to the State Government employees from time to time :(1)Dearness Allowance ;(2)Travelling and Daily Allowance ;(3)House Rent Allowance ;(4)Subsistence Allowance (when an employee is placed under suspension).

26. Medical Facilities.

- All employees of the Council and their family members shall be entitled to such medical facilities as may from time to time, be determined by the General Body subject to approval of Government.Note - For the purpose of this rule "Family" includes only wife or husband, children or step-children, parents, minor brothers and sisters and no other relations such as married or widowed daughters.Chapter-V Leave

27.

For purposes of grant of leave and the types of leave the employees of the Council will be governed by Rules/Orders as are applicable to State Government employees.Chapter-VI Provident Fund, Retirement & Other Terminal Benefits

28. Provident Fund.

- The employees of the Council will be governed by the provisions of the Provident Fund schemes to be formulated by the Council subjects to the approval of Government.

29. Retirement and other terminal benefits.

- Employees of the Council will be entitled to retirement and other terminal benefits as per a scheme to be formulated by the Council subject to the approval of Government.

30. Cash payment equivalent to leave salary.

- The employees of the Council will be paid cash equivalent of leave salary in respect of the period of earned leave at their credit at the time of retirement on superannuation subject to the following conditions : (a) The payment of cash equivalent of leave salary shall be limited to a maximum of 240 days earned leave. (b) The cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in a lumpsum as a one-time-settlement. (c) Subject to Clause (d) cash payment under this rule will be equal to leave salary as admissible for earned leave and dearness allowance admissible on leave salary at the rates in force on the date of retirement. No city compensatory allowance and/or house rent allowance shall be payable. (d) The authority competent to grant leave suo motu issue an order granting cash equivalent of leave salary for earned leave, if any, at the credit of the employee on the date of his retirement subject to a maximum of 240 days, The cash equivalent which shall be payable is a lumpsum as a one-time settlement shall be calculated in accordance with the provisions contained in earned leave rules as amended by the Government of Orissa from time to time.

31. Cash equivalent of leave salary in case of death in service.

- In case of death in service of an employee of the Council the cash equivalent of leave salary in respect of earned leave at credit to be paid to his family shall be subject to a maximum of 240 days, Cash payment under this rule will be equal to the leave salary as admissible for earned leave and dearness allowance admissible on that leave salary at the rates in force on the date of death. Chapter-VII General Conditions of Service

32. Whole-time employment.

(1) An employee shall be at the disposal of the Council and he/she may be employed by the Council for the performance of such duties as may be assigned to him/her for the promotion of Sports. (2) Without prejudice to the generality of Clause (1)-(i) an employee may be required to undergo a course of study or instruction within or outside India; (ii) an employee may be required to serve the Council at any place and in any post not lower than the post to which he is substantively appointed or to which he/she is reduced as a measure of punishment in accordance with the provisions of Chapter IX; and (iii) an employee may be transferred to foreign service or sent on deputation, whether within or outside India. Chapter-VIII Conduct and Discipline

33. Conduct-discipline.

- In respect of matters regarding conduct, discipline of the employee of the Council and also Appeals and Review of disciplinary proceedings, Government Servant Conduct Rules, 1959 and Orissa Civil Services (CCA) Rules, 1962 of Government of Orissa and orders and decisions issued therein shall mutatis mutandis apply to the employees of the Council. Chapter-IX

34. Special provision for existing employees.

- Every person holding a post under the Council at the commencement of these rules shall on such commencement, be deemed to have been appointed under the provisions of these rules to the corresponding post in Schedule I, (to be specified wherever necessary) and shall draw the pay drawn by him immediately before such commencement unless otherwise determined by the competent authority.

35. Authentication.

- All orders and decisions of the General Body shall be authenticated by the signature of the Secretary or by such other officers as may be specified by the General Body in this behalf.

36. Holidays.

- The Council shall observe such holidays as are observed in the offices of the Government of Orissa located in the same station and such other holidays as may be determined by the Governing Body.

37. Service Books and Character Rolls.

(1) The Council shall maintain Service Book and Character Roll of each employee in such form setting out such particulars as may be prescribed by the Secretary. (2) The entries in the Service Book of an employee shall be made by the Special Officer or by such other authority to whom this power may be delegated by the Secretary. (3) The entries in the Character Roll of an employee shall be made by the authority to whom such employee is immediately subordinate and shall be reviewed by the next higher authority with his remarks. (4) The orders/instructions issued by the Government from time to time with regard to the maintenance of Service Books and recording of Character Rolls shall be followed.

38. Other conditions of services.

- In respect of matters not provided for in these rules regarding general conditions of services, pay allowances including travelling and daily allowances, transfer allowance, leave salary, advances, joining time, foreign service, and deputation in India, and abroad, etc., the rules and orders as contained in the Fundamental and Supplementary Rules and other orders and decisions issued by the State Government from time to time as applicable to the State Government employees shall be

applicable to the employees of the Council.

39. Power to relax.

(a) Notwithstanding anything contained in these rules, General Body may, in the case of employee, relax any of the provisions of these rules, to relieve them of any undue hardship arising from the operation of such provision in the interest of the Council under approval of Government. (b) Notwithstanding anything contained in these rules Government may relax or modify the provision of any of these rules where in their opinion, the operation of these rules would not be in public interest.

40. Interpretation and removal of doubts.

- In case of doubts as to-(i) the interpretation of the words and expressions in these rules ; and (ii) whether an authority of the Council is superior to any other authority, it shall be referred to the Government for decision.

41. Savings and repeal.

- All rules, orders and executive instructions on the subject are hereby repealed. Notwithstanding such repeal any order made, actions taken or things done under the provisions of rules, orders, executive instruction so repealed, shall be deemed to have been made, taken and done under those rules.

I

[See Rule 3 (d)]

of posts

Sl. No.	Name of the posts	Scale of pay	Class	Nos.	Mode of recruitment
(1)	(2)	(3)	(4)	(5)	(6)
1.	Special Officer	Rs. 2,000-3,500 Pre-revised	Equivalent to Class-II	One	Deputation basis
2.	H.C.-cum-Accountant	Rs. 1,090-1,950	Class-I & II	One	Promotion or deputation
3.	Store-keeper	Rs. 780-1,160	Class-III	One	Direct recruitment
4.	L.D.C.-cum-Typist	Rs. 780-1,160	Class-III	One	Direct recruitment
5.	Peon	Rs. 570-790	Class-IV	One	Direct recruitment
6.	Mali	Rs. 570-790	Class-IV	One	Direct recruitment
7.	Watchman	Rs. 570-790	Class-IV	One	Direct recruitment

8.	Sweeper	Rs. 570-790	Class-IV	One Direct recruitment
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II

[See Rule 31 (a)]Appointing Authority for various posts under the Orissa Council of Sports

Sl. No.	Category of posts	Appointing Authority
1	2	3
1.	Chairman	Government in Sports and Y.S. Department
2.	Vice-Chairman	Ditto
3.	Secretary	Ditto
4.	Posts of Class-III, Class-IV and other deputation posts	Secretary, O.C.S.
5.	Posts equivalent of Class-II	Chairman of O.C.S.