

The Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Rules, 1976

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Rule

THE-ORISSA-RESERVATION-OF-VACANCIES-IN-POSTS-AND-SERVICES of 1976

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The Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Rules, 1976 Published vide Notification No. 19712-Emp. (1)-57/76-T.R.W., Orissa Gazette Extraordinary No. 1032, dated 23.6.1976 For objects and reasons see Gazette Notification No. 15167-EMP(i) 57/76.TRW 7.5.1976.No. 19712-Emp. (i)-57/76-T.R.W. - Whereas certain draft rules were published as required by Section 18 of the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 (Orissa Act 38 of 1975), under the Notification of the Government of Orissa in the Tribal and Rural Welfare Department No. 15167-Emp(i)57/76 - T.R.W., dated the 7th May, 1976, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of one month from the date of publication of the notification in the Orissa Gazette. And whereas no objections and suggestions have been received, now therefore, in exercise of the powers conferred by Sub-section (2) of Section 18 of the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 (Orissa Act 38 of 1975), the State Government do hereby make the following rules, namely:

1. Short title, extent and commencement.

(1) These rules may be called "The Orissa Reservation of Vacancies in Posts and Services (for Schedule Castes and Scheduled Tribes) Rules, 1976." (2) They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"Act" means the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975;(b)"Form" means a Form set out in the Appendix to these Rules;(c)"Schedule" means [the Schedule] [Substituted vide H.T.W. Department Notification No. 2164 dated 20.1.1984, published in Orissa Gazette Extraordinary No. 141, dated 3.2.1984.] appended to these Rule;(d)"Section" means a section of the Act;(e)All other words and expressions used in the rules but not defined herein shall have the same meaning as are respectively assigned to them in the Act.

3. Model roster.

- The "model roster" for initial recruitment and promotion shall be as prescribed in "the Schedule" [* * *] [Omitted by Notification No. 2164, dated 20.1.1984.].

4. Maintenance of Roster, Register, etc.

(1)Registers shall be maintained in the Forms prescribed in Appendix I and every appointing authority shall treat vacancies as reserved and unreserved as indicated in the model rosters prescribed in Rule 3.(2)Separate registers-shall be maintained for initial recruitment and promotion as well as for each type of recruitment separately for each grade or service or a group of posts.(3)Within each category of posts, separate rosters may be maintained for permanent and temporary appointment.(4)Immediately after an appointment has been made, the particulars of the persons appointed will be entered in the register in the appointment column and the entry signed by the appointing authority or by the officer authorised to do so by the appointing authority.(5)The roster will be maintained in the form of running account year by year.Explanation. - If recruitment in a year stops at point 9 of a cycle, recruitment in the following, year will begin at point 10 and so on.(6)The appointment of a temporary employee to a new temporary vacancy is a new appointment and should be accounted for in the roster again.(7)Within any year of recruitment, the conditions of eligibility by age or otherwise should remain the same even if recruitment is made more than once in that recruitment year, that is, a person who was eligible on the first April of a particular year shall not be disqualified on the ground that he was no longer eligible by the time the relevant vacancy (against which he could not be appointed) arose later in that recruitment year.

5. [De-reservation of vacancies] [Renumbered by H.T.W. Department Notification No. 2164 dated 20.1.1984, published in Orissa Gazette Extraordinary No. 141, dated 3.2.1984.].

(1)Vacancies reserved for the Scheduled Castes and Scheduled Tribes [in case of initial recruitment] [Inserted by H.T.W. Department Notification No. 2164 dated 20.1.1984, published in Orissa Gazette Extraordinary No. 141, dated 3.2.1984.] shall not be filled by general candidates without being de-reserved in accordance with the following procedure-(a)(i)All vacancies except those which are required to be filled under statutory rules or through the Orissa Public Service Commission shall be

notified to the local Employment Exchange in the form of requisition as prescribed under the Employment Exchange (Compulsory Notification of Vacancies) Rules, 1960. Simultaneously, a copy of the requisition in case of vacancies in Departments of Government of Heads of Department shall be sent to Tribal and Rural Welfare Department, and in case of vacancies in subordinate offices to the District Welfare Officer concerned. (ii) The number of vacancies reserved for Scheduled Castes and Scheduled Tribes out of the total vacancies notified shall be clearly indicated in the requisition furnished to the Employment Exchange. (iii) If sufficient number of Scheduled Caste and Scheduled Tribe candidates are not available through the Employment Exchange to fill up the vacancies reserved for them, the vacancies shall be advertised by the appointing authorities after getting a clearance certificate from the Employment Exchange. (iv) While notifying or advertising reserved vacancies it shall be made clear that while the vacancies are reserved for Scheduled Tribes (or Scheduled Castes) Scheduled Caste candidates would also be eligible for consideration in the event of non-availability of suitable Scheduled Tribe candidates and vice versa. (v) In case suitable Scheduled Caste and Scheduled Tribe candidates are not available to fill up the reserved vacancies even after issue of advertisement, such vacancies shall be de-reserved in accordance with the principles laid down in Sub-clause (vi). (vi) De-reservation of vacancies shall be made by an appointing authority with the prior approval of the authority next above the appointing authority. After such de-reservation has been made the appointing authority shall, in case of de-reservation of vacancies in a District Office, intimate the fact to the District Collector concerned and in the case of de-reservation of vacancies in an office of the Head of a Department or a Department of Government to the Tribal and Rural Welfare Department along with a certificate to the effect that he has followed procedure laid down in this connection with regard to de-reservation. (b) The procedure of de-reservation stated in Sub-clause (vi) of Clause (a) shall also apply to vacancies to be filled otherwise than through the Employment Exchange. (2) [In case of promotion on the basis of seniority subject to fitness, the vacancies reserved for Scheduled Caste and Scheduled Tribe and remaining unfilled on the ground of non-availability of candidates belonging to these communities, shall not be filled up without being de-reserved by the appointing authority by taking orders of the next higher authority. (3) In case of promotion based on selection from Class III posts to Class II posts, within Class II posts, from Class II posts to Class I posts and from post in the lowest rung of Class I, the reserved vacancies remaining unfilled, if any, shall be filled up by general candidates.] [Inserted by H.T.W. Department Notification No. 2164, dated 20.1.1984.]

6. Payment of travelling allowance.

- The Scheduled Caste and Scheduled Tribe candidates shall be paid travelling allowance at the following rates to attend competitive recruitment examination, written test or interview. (1) Scheduled Tribe and Scheduled Caste candidates appearing for examination/interview for Class I and Class II posts will be eligible for reimbursement of train-fare by second class/bus fare if such fare for journeys to and from the place of residence to the place of examination/ interview exceeds rupees twenty. (2) For journeys performed by Scheduled Tribe and Scheduled Caste candidates appearing for examination/interview for recruitment to Class III and Class IV posts, train fare by second class/bus fare will be admissible in case such fare exceeds rupees ten. (3) The reimbursement will be made by the executive authority on receipt of a written statement in the form set out in Appendix II signed by the candidate to the effect that he/she has actually performed the

journey and paid the fare which is reimbursed.(4)Scheduled Tribe and Scheduled Caste candidates will be eligible for reimbursement of travelling allowance for appearing at examination/ interview for a particular post for three occasions only.(5)The above concessions will not be admissible to Scheduled Caste and Scheduled Tribe candidates who are already in service under the State Government or Central Government.

7. Promotion based on selection.

- If promotion made by selection [including cases] [Inserted by H.T.W. Department Notification No. 14412. dated 6.2.1988.] where the element of direct recruitment does not exceed fifty per cent, the following procedure shall be followed for filling up reserved vacancies:(a)Promotion from Class III to Class II, within Class II from Class II to Class I and within Class I -(i)Selection against vacancies reserved for Scheduled Tribes and Scheduled Castes will be made only from those Scheduled Tribe and Scheduled Caste Officers who are within the [Common] [Substituted by H.T.W. Department Notification No. 2164, dated 20.1.1984.] zone of consideration numbering [seven] [Inserted by H.T.W. Department Notification No. 14412. dated 6.2.1988.] times the estimated number of vacancies."(ii)If candidates from Scheduled Caste and Scheduled Tribes obtain on the basis of merit with due regard to seniority on the same basis as others, less number of vacancies than that reserved for them, the difference shall be made up by selecting candidates of these communities who are in the zone of consideration irrespective of merit but who are considered fit for promotion.(iii)A select list shall then be prepared in which the names of all the selected officers, general as well as those belonging to Scheduled Tribe and Scheduled Caste, are arranged in the order of merit and seniority by placing the names in the three categories viz. "Outstanding", "Very good" and "Good" in that order without disturbing the seniority inter se within each category. This select list shall thereafter, be followed for making promotions in vacancies as and when they arise during the year.(iv)The "Select List" shall be periodically reviewed. The names of those officers who have already been promoted (otherwise than on a local or purely temporary basis) and continues to officiate, shall be removed from the list and the rest of the names alongwith others who may now be included in the field of choice shall be considered for the "Select List" for the subsequent period.(v)Where promotions in the above manner are first made on a long-term officiating basis, confirmation shall be made according to the general rule, viz., that an officer who has secured earlier officiating promotion on the basis of his place in the select list should also be confirmed earlier, and thus enabled to retain the advantage gained by him, provided that he maintains an appropriate standard.(b)[Promotion to Class III posts and within Class III posts - [Substituted by H.T.W. Department Notification No. 2164, dated 20.1.1984.]]For such posts, the select list of Scheduled Caste and Scheduled Tribe Officers shall be drawn up from among the officers coming under the separate zone of consideration numbering [seven] times the estimated number of reserved vacancies to be filled up. Such of the Scheduled Caste and Scheduled Tribe candidates found fit for promotion shall be included in the list irrespective of their merit as compared to other officers. Promotion against reserved vacancies shall be subject to the candidate satisfying the prescribed minimum standard.]

8. Annual Returns.

(1) Each appointing authority shall furnish by the 31st of July every year to the Department of Government concerned (a) a statement in the Form given in Appendix III showing the total number of Government servants and the number of Scheduled Castes and Scheduled Tribes amongst them as on 1st [January] [Substituted by H.T.W. Department Notification No. 14412, dated 6.5.1988, published in Orissa Gazette Extraordinary No. 683, dated 6.5.1988.] of the year; (b) a statement in the Form given in Appendix IV showing the particulars of recruitment during the year ending 31st [December] [Substituted by H.T.W. Department Notification No. 14412, dated 6.5.1988, published in Orissa Gazette Extraordinary No. 683, dated 6.5.1988.] and the number filled by Scheduled Castes and Scheduled Tribes. (2) Each Department of Government shall furnish to the Tribal and Rural Welfare Department by 31st October every year - (a) a statement in the Form given in Appendix III, in respect of all offices under its control including its own; (b) a consolidated statement in the Form given in Appendix IV in respect of all offices under its control including its own; (c) in the statements referred to in Rule 8 (2), (a) and (b), Department of Government, Heads of Department and sub-ordinate offices shall be shown separately, [The Schedule] [Substituted vide Orissa Gazette Extraordinary No. 439, dated 21.4.1994.] [See Rule 3] Model Roster on 80 points showing the points to be reserved for Scheduled Castes and Scheduled Tribes in initial appointment as well as promotion to posts and services in the State. The letter in the brackets (W) stands for the word "Woman" which is required to be filled up by woman candidates belonging to Scheduled Castes or Scheduled Tribes, as the case may be, in initial recruitment only in respect of vacancies in Class II, Specially Declared Gazetted, Class III and Class IV Posts and Services.

Reserved Quota	... 38.75 per cent
Scheduled Castes	... 16.75 per cent
Scheduled Tribes	... 22.50 per cent
Scheduled Tribes	Scheduled Castes
1	4
8(W)	10(W)
12	16
18	22
20(W)	28(W)
26	36
30	42
34(W)	46(W)
38	54
44	60
48(W)	66(W)
52	72
58	78
62(W)	...

68	...
70	...
76(W)	...
80	...

Note I: If there are only two vacancies to be filled in a particular year, not more than one may be treated as reserved. If there be only one vacancy, in a particular year which falls on a reserved point in the roster, it will be treated as unreserved in the first instance and filled accordingly but the reservation shall be carried forward to subsequent year(s). In the subsequent year(s) the reservation shall be applied by treating the vacancy arising in that year as reserved even though there might be only a single vacancy in that subsequent year(s). Note II: In the event of non-availability or availability of insufficient number of eligible woman candidates belonging to any particular community in a year, the vacancies or, as the case may be, the remaining vacancies shall be filled up by Male candidates of that community. Appendix-I[See Rule 4(1)]Form of register to be maintained to give effect to Roster for Reservation in initial recruitment and promotion in posts and services for Scheduled Castes and Scheduled Tribes

Reservation brought forward from previous year	Recruitment year	Roster point No.	General or reserved for S.C./ S.T. according to roster	Name of the person appointed and date of appointment	
Scheduled Caste	Scheduled Tribe				
(1)	(2)	(3)	(4)	(5)	(6)
Whether S.C. or S.T. if not say neither	Reservation carried forward		Signature of appointing authority or other authorised officer	Remarks	
Scheduled Caste	Scheduled Tribe				
(7)	(8)		(9)	(10)	(11)

Appendix-IA[See Rule 4 (1)]Form of register to be maintained to give effect to roster for reservation in promotion in posts and services for Scheduled Castes and Scheduled Tribes

Name of Office..... Percentage of reservation for Scheduled Castes as prescribed in Section 4 (2)(b) of the Act*

Grade of posts.....

Permanent/Temporary..... Percentage of reservation for Scheduled Tribes as prescribed in Section 4 (2)(b) of the Act*

Reservation brought forward from previous year	Recruitment year	Roster point No.	General or reserved for S.C./ S.T. according to roster	Name of the person appointed and date of appointment
Scheduled Caste				

Scheduled Tribe					
(1)	(2)	(3)	(4)	(5)	(6)
Whether S.C. or S.T. if not say neither	Reservation carried forward	Signature of appointing authority or other authorised officer		Remarks	
Scheduled Caste	Scheduled Tribe				
(7)	(8)	(9)	(10)	(11)	

*Note. - The percentage so fixed should be notified in the office notice board of the appointing authority for information of the employees. Appendix-II[See Rule 6 (3)]Form of Certificate This is to certify that I, Shri/Shrimati/Kumari.....son/wife/daughter of Shri.....of village/town.....in the district of.....at present residing at.....in the district of.....belonging to.....Caste/Tribe under the Orissa Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956, appeared at the examination/interview conducted on at.....by.....and paid the bus and train fares as follows:(1)Bus fare.....(2)Train fare by Second ClassPlace.....Signature of candidateDate.....Appendix-III[See Rule 8]Statement showing the total number of posts in different grades and the number of Scheduled Castes and Scheduled Tribes amongst them as on the 1st April, 20.....Office :.....

Classification of posts/ services (alongwithgrades in each class)	Total No. as on 1st April, 20....	Number of -	Remarks
Scheduled Caste	Scheduled Tribe		
Number	Percentage	Number	Percentage
(1)	(2)	(3)	(4) (5) (6) (7)

Appendix-IV[See Rule 8]Statement showing the distribution of vacancies filled up during the period from.....to.....Office.....Permanent/Temporary

Classification of posts/ services (alongwithgrades in each class)	Total number of vacancies filled up during the period	Number of -	Remarks
Scheduled Caste	Scheduled Tribe		
Number	Percentage	Number	Percentage
(1)	(2)	(3)	(4) (5) (6) (7)