

The Orissa Local Fund Service Rules, 1975

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Rule THE-ORISSA-LOCAL-FUND-SERVICE-RULES-1975 of 1975

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The Orissa Local Fund Service Rules, 1975 Published vide Notification S.R.O. No. 588/75, dated 18th August, 1975, Orissa Gazette Extraordinary No. 1321/19.8.1975 Notification S.R.O. No. 588/75, dated 18th August, 1975. - In exercise of the powers conferred by Sub-section (2) of Section 81 of the Orissa Municipal Act, 1950 (Orissa Act 23 of 1950) the State Government do hereby make the following rules, the same having been previously published as required by Section 392 of the said Act.

1.

(1) These rules may be called the Orissa Local Fund Service Rules, 1975. (2) These rules shall apply to the Local Fund Service, constituted by the Government under Sub-section (1) of Section 81 of the Orissa Municipal Act, 1950. (3) They shall come into force on the date of publication of this notification in the Official Gazette.

2. Definitions.

- In these rules unless there is anything repugnant in the subject or context-(i)"Act" means the Orissa Municipal Act, 1950 (Orissa Act 23 of 1950);(ii)"Government" means the State Government of Orissa;(iii)["Municipality" means a Notified Area Council or a Municipal Council or a Municipal Corporation and includes Orissa State Municipal Council's Union.] [Substituted vide SRO No. 658/99 Orissa Gazette Extraordinary No. 1210 dated 20.8.1999.](iv)"Post" means posts of the Municipalities, Notified Area Councils and the Orissa State Municipal Council's Union which are included in the service from time to time;(v)"Rules" means the Orissa Municipal Rules, 1953;(vi)"service" means the Local Fund Service constituted by the Government;(vii)all other words and expressions used but not defined herein, shall have the same meaning as assigned to them by the Orissa Municipal Act, 1950 and Orissa Municipal Rules, 1953, respectively.

Chapter-I Constitution of Local Fund Service

3.

(1)The Local Fund Service shall be constituted by the State Government as per the provision in Sub-section (1) of Section 81 of the Act, and shall include such of the posts of the Municipalities as specified by the Government from time to time by order in this behalf.(2)On the constitution of the service under Sub-rule (1), the posts of the equal time-scales having duties and degree of responsibilities of the same nature in Municipalities shall form one cadre.(3)A gradation list of persons in respect of each cadre shall be prepared by the Director of Municipal Administration as per such directions as the Government may issue from time to time.

4.

(1)Employees of the service shall get the time-scale of pay and allowances as are admissible to employees of similar cadre under the Government who have duties and responsibilities of equal nature.(2)Inter se seniority, transfer, promotion, and confirmation shall be confined to the particular cadre.

5.

On account of any increase or decrease in the number of Municipalities or for any other reason if the posts in Municipalities are increased or decreased the cadre strength shall accordingly be determined and vacancies filled up in the manner as laid down in the rules.Chapter-II Recruitment, appointment and transfer

6. [[Substituted vide Orissa Gazette Extraordinary No. 1331/15.9.1982-SRO No. 613/82/10.9.1992.]

Recruitment to the posts in the cadres of the service shall be made by the following methods, namely :
(a)(i)The posts in the cadre of Junior Assistant shall be filled up by direct recruitment and promotion in equal proportion.(ii)Direct recruitment shall be made by competitive examination to be held by the Selection Board constituted under Rule 7.(iii)Promotion to the post of Junior Assistant shall be made from such categories of employees of a Municipality or Notified Area Council as may be determined by general or made by Government in this behalf.]Explanation. - If a number of posts is indivisible in equal proportion the remainder shall go in favour of promotion.(b)The posts in the cadres of Senior Assistant, Head Assistant, and Superintendent shall be filled up by promotion from the cadres of Junior Assistant, Senior Assistant and Head Assistant respectively.(c)The posts in the cadre of [Junior Engineer] [Substituted vide Orissa Gazette Extraordinary No. 312/1992-SRO No. 192/ 1992.] shall be filled up by direct recruitment.(d)[Thirty-three per cent of the posts of Assistant Engineer shall be filled up by promotion from the cadre of Junior Engineers and the remaining sixty seven per cent of the posts by direct recruitment.] [Substituted vide SRO No. 658/99 Orissa Gazette Extraordinary No. 1210 dated 20.8.1999.](e)[The posts of Assistant Executive Engineer and Executive Engineer shall be filled up by promotion from the rank of Assistant Engineer and Assistant Executive Engineer respectively.] [Added vide SRO No.

658/99 Orissa Gazette Extraordinary No. 1210 dated 20.8.1999.]

7.

[(1) Selection for appointment to the posts in the Service whether by direct recruitment or by promotion, shall be made by the Selection Board constituting of a Chairman and members as follows :

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| (a) The Director, Municipal Administration | ... Chairman |
| (b) Deputy Secretary or Under-Secretary to Government Housing and Urban Development in charge of Local Fund Service | Member and Convenor of the Selection Board |
| (c) A Chairman of any Urban Local Body nominated by the Government | ... Member |
| (d) Senior-most Executive Officer of the Urban Local Bodies (in the Orissa Administrative Service Class-I, Senior Branch) | ... Member |

Provided that in the case of selection of candidates to the cadres of Executive Engineers, [the Assistant Executive Engineers] [Substituted vide Orissa Gazette Extraordinary No. 312/1992-SRO No. 192/1992.] and Assistant Engineers, the Chief Engineer, Public Health, Orissa and in the case of selection of candidates to the cadre of Junior Engineers, the Superintending Engineer, Public Health Circle, Bhubaneswar shall also be a member of the Selection Board : Provided further that the names of members specified in Clauses (c) and (d) shall be notified by the Government from time to time. Note. - For determining the senior-most Chairman, the longest continuous tenure as an elected Chairman of Municipal Councils and Notified Area Councils in the State shall be taken into account, where more than one Chairman have equal length of tenure, the senior-most shall be determined according to seniority in age. (2) The Executive Officer of Municipality or Notified Area Council, as the case may be, shall on or before the 1st day of April of every year, report to the Director, Municipal Administration the probable number of vacancies in different cadres of service required to be filled up during the year. (3) The Director, Municipal Administration after receipt of reports from Executive Officers shall call for applications for various posts in respect of which vacancies are likely to be filled up. (4) For selection of candidates by direct recruitment, the Selection Board shall conduct a competitive examination including a viva voce test of all eligible candidates applying for post or posts in service. (5) The selection of candidates for promotion to the posts in the cadres of the service shall be made by the Selection Board in the month of April of every year on the following basis : (a) In respect of posts in the cadre of Junior Assistant, on the norms as may be prescribed by Government under Rule 6 (a) (iii). (b) In respect of the posts in the cadres of Senior Assistant, Head Assistant and Superintendent, on the basis of merit with due regard to seniority. (c) [The eligibility for promotion to the rank of Assistant Engineer, Assistant Executive Engineer and Executive Engineer, shall be as follows : [Substituted vide SRO No. 658/99 Orissa Gazette Extraordinary No. 1210 dated 20.8.1999.] (i) the Junior Engineers, who have completed at least ten years of service shall be considered for promotion to the rank of Assistant Engineer and the promotion to the rank of Assistant Executive Engineer and Executive Engineer shall be made from the rank of Assistant Engineer and Assistant Executive Engineer, respectively, with a minimum experience of one year in the respective rank.] (ii) the zone of consideration shall be three times the number of vacancies;

and(iii)the promotion shall be on the basis of merit with due regard to seniority.](6)The Selection Board shall for the purpose of appointment to different cadres in the service prepare lists of eligible candidates arranged in order of merit and forward the same to the Director, Municipal Administration for allotment of different Urban Local Bodies.(7)The list of candidates prepared under Sub-rule (6) shall remain in force for one year.]

8.

No person shall be appointed to the service unless he possesses the qualification as prescribed under Rule 427 of the Rules :Provided that the Government may, in absence of duly qualified hand and in exceptional cases, relax any of the qualifications in respect of any candidate to hold a post in the service :Provided further that in respect of posts for which qualifications have not been so prescribed the qualification prescribed for similar posts in Government service shall be insisted.

9. [[Substituted vide Orissa Gazette Extraordinary No. 1331/15.9.1982-SRO-No. 613/82/ 10.9.1982.]

Subject to the provision made under these rules and any general or special order issued by the State Government in that behalf, appointment to any posts in Service shall be made by the Chairman of that Municipal Council or the Notified Area Council, as the case may be, and a copy of appointment order shall be forwarded to the Director of Municipal Administration.]

10.

The Director or Municipal Administration shall have power to transfer employees of the service from one Municipality to another and, for this purpose, he shall have power to call for necessary papers like Service Book and Confidential Character Rolls from concerned Municipality.

11. [[Substituted vide SRO No. 564/13.7.1981.]

(1)Subject to the provisions of the Act, in the matter of appointment, promotion, confirmation, retirement and maintenance of Service Book and Confidential Character Rolls, the provisions of the rules shall be applicable to the service so far as they are not inconsistent with these rules.(2)The conditions of service of the employees of the Service shall also be regulated by the provisions contained in the rules and the Director of Municipal Administration shall have the power of a 'Head of Department' of the service not inconsistent with powers of the Chairman as provided in the rules.]Chapter-IIIDiscipline and conduct

12.

(1)The Chairman [* * *] [Deleted vide Orissa Gazette Extraordinary No. 1331/15.9.1982-SRO No. 613/10.9.1982.] shall have the power to punish the employees of the service during the period of their service in the concerned Municipality and an appeal against the order of punishment passed by

him shall lie as laid down in Section 76 of the Act :Provided that the State Government may, on its own motion or otherwise after calling for the records of the case, review any order passed by one disciplinary authority under Section 76 and-(a)confirm, modify or set aside the orders;(b)impose any penalty or set aside, reduce confirm or enhance the penalty imposed by the order ;(c)remit the case to the authority which made the order or any other authority directing such further action or enquiry as they consider proper in the circumstances of the case; or(d)pass such other orders as they deem fit ; provided that an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given the opportunity of submitting his explanation and an enquiry is hold according to law.(2)In the matter of taking disciplinary action against an employee of the service the procedures laid down in the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 shall be followed as far as possible.(3)[No order of removal or dismissal of an employee from Service which ordinarily disqualifies a person from future employment shall be passed without prior approval of the District Magistrate.(4)In every case referred to the District Magistrate by the disciplinary authority, the District Magistrate shall not refuse to give his approval unless he is satisfied that-(a)the findings at the enquiry is perverse, or(b)the penalty of removal or dismissal, as the case may be, is too severe.(5)If such approval is not received within sixty days from the date of receipt of reference by the District Magistrate, the disciplinary authority shall pass such orders of punishment as deemed proper.] [Inserted vide Orissa Gazette Extraordinary No. 1331/15.9.1982-SRO No. 613/ 10.9.1982.]Chapter-IV Conditions of service

13.

(1)The pay and allowances and all other dues of an employee in the Service, posted or transferred to a Municipality, shall be paid from out of the funds of the concerned Municipality for the period the employee has worked under that Municipality.(2)The leave allowances admissible to an employee shall be paid by the Municipality in which he served last before he proceeded on leave.(3)The transit pay and travelling allowance at the rates admissible under the rules in force will be paid to an employee transferred from one Municipality to another by the Municipality in which he joins duty.

14.

Service Books and Confidential Character Rolls of employees in the service shall be maintained by the concerned Municipality and the same shall be transmitted to another Municipality when the incumbents are transferred to that Municipality. Duplicate copies of Service Book and Confidential Character Rolls of all employees of the service shall be maintained.Chapter-V Retirement benefits

15.

The date of compulsory retirement of an employee in the service shall be the date on which he attains the age of fifty-eight years.

16.

The employees of the Local Fund Service on coming over to the service shall be entitled to the pensionary benefits to be prescribed. Chapter-VI Provident fund benefits

17. [[Substituted vide UDD No. LFS-18/7-35921/28.12.1977.]

The employees of the Local Fund Service on coming over to the service shall be entitled to such provident fund benefit as may be prescribed.][Chapter-VII] [Inserted vide Orissa Gazette Extraordinary No.1331/15.9.1982-SRO No. 613/82/10.9.1982.] Miscellaneous

18.

(1)The State Government may, for regulating matters not specifically provided by these rules, issue such instructions and orders as they consider necessary not inconsistent with the provisions of these rules or any other rules made under the Act.(2)If any difficulty arises as to the interpretation of these rules, the matter shall be referred to the State Government for decision.