

The Orissa Public Service Commission (Limitations of Functions) Regulations, 1989

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Rule

THE-ORISSA-PUBLIC-SERVICE-COMMISSION-LIMITATIONS-OF-FUNCTIONS-REGULATIONS-1989

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The Orissa Public Service Commission (Limitations of Functions) Regulations, 1989Published vide Notification Orissa Gazette Extraordinary No. 27-Part-3-A/14-7-1989 Notification No. 13560 P.S.C.-45/88-Gen./3.5.1989No. 13560-P.S.C. 45/88-Gen. - In exercise of the powers conferred by the proviso to Clause (3) of Article 320 of the Constitution of India, the Governor of Orissa is pleased to make the following Regulations, namely :

1.

(1)These regulations may be called the Orissa Public Service Commission (Limitations of Functions) Regulations, 1989.(2)They shall come into force on the date of their publication in the Orissa Gazette.

2.

In these regulations, unless the context otherwise requires-(a)"Commission" means the Orissa Public Service Commission;(b)"Constitution" means the Constitution of India; and(c)"Government servant" means a person who is a member of a State Civil Service of who holds a civil post.

3.

(1)It shall not be necessary to consult the Commission on any of the matter specified in Sub-clauses (a), (b) and (c) of Clause (3) of Article 320 of the Constitution in respect of-(a)the posts and services

to which appointment is made by an authority other than the State Government;(b)the Chairman and Members of the Commission;(c)the Advocate-General;(d)Government Advocates, Assistant Government Advocates, Additional Government Advocates, Standing Counsels and Additional Standing Counsels;(e)Public Prosecutors, Government Pleaders, Assistant Public Prosecutors and Additional Government Pleaders;(f)the personal and the Secretariat staff of the Governor;(g)the Secretariat staff of the Legislative Assembly;(h)the post of Private Secretary to the Chief Minister whose tenure is co-terminus with the office of the selecting Chief Minister;(i)[Civil Services and Civil Posts other than those in Group 'B' carrying scale of pay of Rs.6,500-200-10,500 and above and Group 'A'.] [Substituted vide O.G.E. No. 2376 dated 28.12.2002.][Provided that the commission shall be consulted in all cases before final orders to withhold or withdraw a pension or any part of it are passed in terms of rule 7 of Orissa Civil Services (Pension) Rules, 1992.] [Inserted vide O.G.E. No. 1865 dated 9.12.2003.](j)part-time Medical Officers of hospitals in the State;(k)all posts under the State Administrative Tribunal; and(l)contract appointments made for a period not exceeding three years.(2)It shall not be necessary to consult the Commission on any of the matters specified in the said sub-clauses of the said clause of the said Article of the Constitution as hereinbefore specified in respect of-(i)temporary appointments, promotions or transfers from one service to another made for a period not exceeding one year which it is necessary to make urgently; and(ii)cases of disciplinary proceedings under the Disciplinary Proceedings Tribunal Rules, 1951.

4.

In regard to services and posts to which appointments are made directly by the State Government, it shall not be necessary to consult the Commission on any of the following matters, namely :(a)the creation and Organisation of services and posts and their designation;(b)the classification of services and posts;(c)the general methods of recruitment to a service or post, that is, whether recruitment should be made by (i) examination or (ii) selection or (iii) promotion or (iv) transfer or by combination of two or more of these methods and, in the latter case, the proportion in which recruitment to a particular service should be made by each method and the relative seniority in service of candidates recruited by different methods;(d)the determination of the number of vacancies to be filled in a service in any particular year;(e)the determination of strength of the cadre of different services;(f)questions whether recruitment of candidates for particular posts should be made in India or abroad;(g)the determination of the salaries of Government servants on their first appointment and of officiating incumbents of posts;(h)the determination of the initial salaries of Government servants recruited by promotion;(i)transfer of Government servants to foreign services;(j)the probation and training of Government servants and the conditions of their confirmation in service;(k)appointment to posts where it has been decided by the State Government that the recruitment shall be made from abroad; and(l)grant of advancement scale to Government servants or their appointment to the Selection Grade.

5.

It shall not be necessary to consult the Commission before passing any original order-(a)for drawing up or directing the drawing up of proceedings against any Government servant with a view to taking disciplinary action against him;(b)of suspension where a Government servant is suspended pending

enquiry or investigation of charges against him;(c)withholding of increments including stoppage at an efficiency bar except where the withholding of increments is in pursuance of a disciplinary proceeding in which, under the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962, consultation with the Commission is necessary;(d)confirming or terminating the services of the Government servant on probation or extending the period of probation;(e)reverting a Government servant officiating in a higher post to his permanent post; and(f)terminating the employment of a Government servant in accordance with the terms of the contract or of employment.

6.

It shall not be necessary to consult the Commission on petitions and memorials, not being regular appeals, submitted to the State Government in disciplinary cases unless it is proposed to pass orders accepting the prayer of the petitioner or memorialist in part or full.

7.

Where, in accordance with the provisions of Article 320 of the Constitution read with the regulations, it is necessary to consult the Commission on a disciplinary matter, such consultation shall not be made until the case is ready for disposal and the order proposed to be passed has been formulated.

8.

It shall not be necessary to consult the Commission in any case in which the Commission has at any previous stage given advice as to the orders to be passed and no fresh question has thereafter arisen for determination.

9.

In regard to promotions from the subordinate rank of the Police Force to the State Police Service it shall not be necessary to consult the Commission as to the order of merit in which candidates nominated by the Head of Department should be placed.

10.

It shall not be necessary to consult the Commission in any case relating to an officer holding a Commission in the Indian Armed Forces.

11.

It shall not be necessary to consult the Commission in respect of any order passed in pursuance of the State Civil Services (Safeguarding of National Security) Rules, 1954.

12.

The Orissa Public Service Commission (Limitations of Functions) Regulations, 1952 is hereby repeated :Provided that such repeal shall not affect the previous operation of the said Regulations, or any notifications or orders issued or made thereunder or anything done or any action taken thereunder.