

# **The Orissa Administrative Tribunal (Recruitment and Conditions of Service of Officers and Staff) Rules, 1999**

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## **The Orissa Administrative Tribunal (Recruitment and Conditions of Service of Officers and Staff) Rules, 1999**

### **Rule**

### **THE-ORISSA-ADMINISTRATIVE-TRIBUNAL-RECRUITMENT-AND-CON of 1999**

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The Orissa Administrative Tribunal (Recruitment and Conditions of Service of Officers and Staff) Rules, 1999 Published vide Notification No. 19319-2R/1-1/99-Gen., dated 26th June 1999, Orissa Gazette No. 36 dated 3.9.1999 General Administration Department No. 19319-2R/1-1/99-Gen. - In exercise of the powers conferred by clause (b) of Section 36 of the Administrative Tribunals Act, 1985 (13 of 1985), the government do hereby make the following rules to regulate the method of recruitment and conditions of service of officers and staff of the Orissa Administrative Tribunal, namely :-

## **Part I – Preliminary**

### **1. Short Title and Commencement.**

(1) These rules may be called the Orissa Administrative Tribunal (Recruitment and Conditions of Service of Officers and Staff) Rules, 1999. (2) They shall come into force on the date of their publication in the Orissa Gazette.

### **2. Definitions.**

(1) In these rules, unless the context otherwise requires, - (a) "Act" means the Administrative Tribunals Act, 1985 (13 of 1985); (b) "Administrative Department" means the General Administration

Department of Government of Orissa;(c)"Chairman" means the Chairman of the Orissa Administrative Tribunal;(d)"Committee" means the Departmental Promotion Committee constituted under rule 6;(e)"Deputation" means the temporary transfer/borrowing the services of Officer/employees from the Government to the Tribunal as defined in Chapter VIII of the Orissa Service Code;(f)"Government" means the Government of Orissa;(g)"Registrar" means the Registrar of the Tribunal;(h)"Deputy Registrar (Administration)" means Deputy Registrar, Administration of the Tribunal;(i)"Deputy Registrar (Judicial)" means the Deputy Registrar, Judicial of the Tribunal;(j)"Schedule" means a Schedule appended to these rules;(k)"Scheduled Caste" such Castes as specified in Scheduled Castes Order, 1950 made under Article 341 of the Constitution of India;(l)"Scheduled Tribe" means such Tribes as specified in Scheduled Tribes Order 1950 made under Article 342 of the Constitution of India;(m)"Socially & Educationally Backward Class" means such class as mentioned in the notification No. 25455 (T.W.), dated the 10th September 1993 of Government of Orissa in the Welfare Department;(n)"Selection Committee" means the Committee constituted under rule 11;(o)"Service" means the Orissa Administrative Tribunal Service constituted under rule 3;(p)"Tribunal" means the Orissa Administrative Tribunal established under Sub-section (2) of Section 4 of the Act; and(q)"Year" means the Calendar year.(2)Words and expressions used but not defined in these rule shall have the same meaning as given to them in the Act and Orissa Service Code.

## **Part II**

### **3. Constitution of Cadres of the Service.**

- The service shall, consist of Group 'A', Group 'B', Group 'C' and Group 'D' posts each category constituting a separate cadre.Example - The category of Section Officer Level I shall constitute a separate cadre. The category Senior Assistants shall constitute a separate cadre etc.

## **Part III**

### **4. Method of Recruitment.**

- Recruitment to the posts in the service shall be made by the method specified against each in Schedule I.

### **5. Appointment by way of Deputation.**

(1)The Officers or employees who come to the Tribunal on deputation from different Departments of the Government, State Government Undertakings, High Court or the Subordinate Judiciary may be absorbed in the Tribunal on exercising option, on the orders of the Chairman passed in consultation with the concerned lending authority.(2)The Officers or employees so absorbed in any post or the service shall not claim seniority accrued to them in their parent Departments or Offices :Provided that the seniority inter se of the officers or the employees so absorbed in the Service shall count from the date of their absorption in any cadre of the Service and if two or more persons are absorbed in a

particular grade on the same day, their inter se seniority shall be decided by taking into consideration the period of their past services rendered in their parent Departments/Offices: Provided further that the services rendered by an officer/employee in the Tribunal before the commencement of these rules shall be reckoned towards counting of seniority and eligibility for promotions to the next higher grade in the Tribunal.

## **Part IV – Promotion**

### **6. Constitution of Committee.**

(1) There shall be constituted a Departmental Promotion Committee consisting of the following persons to consider the cases of promotion from Group 'D' to Group 'C' and within Group 'C' posts, namely:-

- |   |                 |
|---|-----------------|
| (a) Registrar   | Chairman        |
| (b) Deputy Secretary, General Administration Department to be nominated by Special Secretary. | Member          |
| (c) Deputy Registrar (Judicial)   | Member-Convenor |

(2) The recommendation of the Committee shall be valid and can be operated upon notwithstanding the absence of anyone of its members other than the Chairman, provided the member so absenting was duly invited to attend the meeting of the Committee.

### **7. Eligibility for promotion.**

- In order to be eligible for promotion, one shall have the requisite qualification and experience and must have passed the departmental examination, if necessary, as specified in Schedule I.

### **8. The Procedure for selections by the Committee.**

(1) The Committee shall meet once in a year preferably in the month of January to prepare a list of officers or employees, as are held by them, suitable for promotion to the next higher grade taking into account the existing vacancies and the anticipated vacancies of the year. (2) The Committee while considering the promotion cases of suitable officer/employees shall follow the provisions contained in the Orissa Reservation of Vacancies in Posts and Services (For Scheduled Castes and Scheduled Tribes) Act, 1975 and rules made thereunder, the Orissa Civil Service (Zone of Consideration for Promotion) Rules, 1988, Orissa Civil Service (Criteria for Promotion) Rules, 1992 and the instructions contained in General Administration Department Office Memorandums relating to sealed cover procedure. (3) The select list shall contain the names of the suitable officers in order of merit equal to the number of vacancies including the anticipated vacancies of the year. (4) The list shall be placed before the Chairman and after the approval by the Chairman with changes if any shall become the select list. (5) The select list shall remain valid for a period of one year from the date of its approval by the Chairman or the publication of a fresh select list approved by the Chairman, whichever is earlier. (6) Appointment order shall be issued in the order in which

the names appear in the select list.

## **Part V – Direct Recruitment**

### **9. Direct recruitment through competitive examination.**

(1) Direct recruitment to different posts in the service shall be made by the competent authority as specified in Schedule I. (2) The Registrar shall determine the number of vacancy or vacancies as on the 1st January and anticipated vacancies of the year required to be filled up by direct recruitment in different posts. (3) He shall advertise the vacancies in the local newspapers inviting applications from eligible persons or notify the vacancies to the Employment Exchange for sponsoring the names of eligible persons for appearing in the Competitive Examination for which he is authorised to conduct the recruitment test and in respect of other posts vacancy position shall be intimated to the authorised agencies as per Schedule I.

### **10. Condition of eligibility.**

- In order to be eligible for appearing in the Competitive Examination a candidate shall-(a) be a Citizen of India; (b) not be less than eighteen years and more than thirty two years of age as on the 1st day of January of the year in which the recruitment is to be made :- Provided that the maximum upper age limit shall be relaxed by five years in case of candidates belonging to the Scheduled Castes and Scheduled Tribes and Women and by ten years in case of physically handicapped persons, and by three years in case of Socially and Economically Backward Classes. Upper age limit shall also be relaxed in case of ex-servicemen as per the provisions contained in Orissa Ex-Servicemen Rules, 1985; (c) not have more than one spouse living; (d) have passed Middle English School Examination with Oriya as a language subject; Or have passed the High School Certificate Examination or an equivalent examination with Oriya as Medium of examination in non-language subject. Or have passed in Oriya as language subject in the final examination of Class VIII or above; Or have passed a test in Oriya equivalent to Middle English School standard conducted by the Education Department. (e) possess the requisite educational qualification and satisfy other qualifications as mentioned in respect of the particular post in Schedule I, and (f) be of good character.

### **11. Constitution of Selection Committee.**

- There shall be constituted a Selection Committee for conducting examination for direct recruitment to the posts which shall consist of the following persons namely :-

- |                                       |                 |
|---------------------------------------|-----------------|
| (a) Registrar                         | Chairman        |
| (b) Deputy Registrar (Judicial)       | Member          |
| (c) Deputy Registrar (Administration) | Member-Convenor |

## **12. Recruitment Examination.**

(1)The Scheme of the examination for direct recruitment of Junior Assistant shall be such as specified in Orissa Ministerial Services (Method of Recruitment to the posts of Junior Assistants in Heads of Department) Rules, 1994.(2)The procedure for conducting examination for direct recruitment to other Class-III and Group 'D' posts shall be such as may be directed by the Chairman keeping in view of the specific job requirement of each such post.

## **13. Preparation of merit list.**

(1)The Selection Committee shall prepare a list of candidates found suitable for appointment equivalent to the number of vacancies estimated and arrange their names in order of merit.(2)The list shall be submitted to the Chairman for his consideration and approval :(3)The list shall remain valid for a period of one year from the date of its approval by the Chairman.

## **14. Publication of the merit list.**

(1)The merit list referred to in rule 13 after its approval by the Chairman, shall be published in the notice board of the Tribunal.(2)Appointment to the posts in the service shall be made from the respective approved list in the order in which the names appear.(3)Inclusion of names of candidates in this list shall not confer any right to appointment.

## **15. Consequence of failure to join the assignment.**

- Failure on the part of a candidate to join the post offered to him/her by the date specified in the order of his/her appointment in the absence of any extension such date by the appointing authority, shall result in the forfeiture of his/her claim for such appointment.

## **Part VI – Reservation**

### **16. Reservation of Vacancies.**

- Notwithstanding anything contained in these rules, vacancies shall be reserved for the Scheduled Caste and Scheduled Tribe candidates in accordance with the provision of the Orissa Reservation of Vacancies in the posts and Services (For Scheduled Castes and Scheduled Tribes), Act, 1975 and rules framed thereunder and for the Socially and Educationally Backward Classes/Physically Handicapped/Ex-Servicemen/Sportsmen/Women in respect of the posts to which direct recruitment is made as per the Government decision in vogue.

## **Part VII – General**

## **17. Probation.**

(1) A person appointed to any post in the service by direct recruitment shall be on probation for a period of two years and when appointed by promotion shall be probation for a period of one year from the date of the joining the post: Provided that Chairman may, if they so think shall extend the period of probation in any case or class of cases: Provided further that such period of probation shall not include-(a) extra ordinary leave; (b) period of unauthorised absence; or (c) any other period held to be not being on actual duty. (2) If, during or at the end of the probation period he/she is found unfit to hold the posts as per the objective assessment made from time to time by the appointing authority-(a) his/her services shall be terminated if he/she is a direct recruit; or (b) he/she shall be reverted to his/her former post, if he/she is a promotee.

## **18. Training and Departmental Examination.**

- Persons appointed to any post in the service shall be required to undergo such training or to pass such departmental examination as may be decided by the Tribunal from time to time.

## **19. Inter se Seniority.**

- The seniority of the persons appointed by way of direct recruitment or by promotion to posts in the service in any particular year shall be determined with reference to their position in their respective select list or approved merit lists, as the case may be: Provided that, if there are appointments by promotion and also by direct recruitment, in one year, the person appointed on promotion shall be enblock senior to the direct recruits: Provided further that seniority of person appointed under Orissa Civil Services (Rehabilitation Assistance)) Rules, 1990 in the grade or cadre of the service or posts in which the appointment is made shall be fixed below the persons recruited and appointed in that grade or cadre in that particular year as per the provision of these rules.

## **20. Confirmation.**

- The persons appointed to the service shall be eligible for confirmation according to their position in the select list, after satisfactory completion of the period of probation and subject to availability of permanent vacancies.

## **21. Relaxation.**

- When it is considered by the Government that it is necessary or expedient to do so in the public interest, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of persons, in the public interest.

## 22. Appointing Authority.

- The Chairman shall be the appointing authority of all the employees of the Tribunal, except those mentioned in serial numbers 1, 2 and 3 of Schedule I.

## 23. Disciplinary Authority.

(1)The Chairman shall be the disciplinary authority within the meaning of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 for all employees of the Tribunal except those mentioned against serial numbers 1, 2 and 3 of Schedule I.(2)An appeal against the order of the Chairman shall lie to the Government

## 24. Other Conditions of Service.

- The other conditions of the service of the officers and employee of the Tribunal for which no provision has been made in these rules, the rules and orders for the time being in force and applicable to similar officers and employees holding corresponding posts or pay scales under the Government shall be applicable mutatis mutandis to such persons.

## 25. Interpretation.

- If any question arises relating to the interpretation of these rules, it shall be referred to Government in General Administration Department for clarification.

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(See rule 7)

Sl. No.	Name of the post with the class which it belongs	Method of Recruitment	Qualification for direct recruitment	Eligibility
(1)	(2)	(3)	(4)	(5)
1.	Registrar	By deputation	...	From amongst the officers of Orissa SuperiorJudicial Service (Senior Branch).
2.	Deputy Registrar (Judicial), Group-A.	By deputation	...	From amongst the officers of Orissa JudicialService Group-A (Civil Judge, Senior Division).
3.	Deputy Registrar, (Administration) Group-A.	By deputation	...	From amongst the officers of Orissa JudicialService, Group-A.
4.	Accounts Officer	By deputation	...	

		From amongst the officers of Orissa Finance Service, Group-B.
		The Personal Assistant in service of Orissa Administrative Tribunal having 5 years of continuous service as such
		OR
		Personal Assistants in any Department or Office of the State Government having 5 (Five) years service experience as such.
		OR
		Personal Assistant in any Government, Semi-Government Establishment or Public Sector Undertaking having 5 years of experience as such.
		The Senior Stenographers of Orissa Administrative Tribunal having nine years of service experience as such.
		OR
		Senior Stenographers of any Department or Office of the State Government having nine years of service experience as Senior Stenographer.
		OR
		Senior Stenographers of any Government, Semi-Government or Public Sector Undertaking having nine years of experience as such.
		The Section Officers, Level-II of Orissa Administrative Tribunal having 5 years of continuous service as such.
		The Senior Assistant of the Orissa Administrative Tribunal having 12 years of services out of
5.	Private Secretary	By promotion from Personal Assistants of Tribunal.
		OR
		in case of non-availability of suitable candidates by deputation from State Government
		OR
		in case of non availability of candidates on deputation, by direct recruitment.
6.	Personal Assistant	By promotion from Senior Stenographers of the Orissa Administrative Tribunal
		OR
		in case of non-availability of suitable Senior Steno, by deputation from the State Government.
		OR
		in case of non-availability of candidates on deputation, by district recruitment.
7.	Section Officer, Level-I	By promotion from the rank of Section Officer, Level-II of the Orissa Administrative Tribunal.
8.	Section officer, Level-II	By promotion, from the rank of Senior Assistant of the Orissa



	Administrative Tribunal		which 9 years must have completed as Senior Assistant and who have passed Final Accounts Examination conducted by the Madhusudan Institute of Accounts & Finance shall be eligible for promotion.
	OR		OR
	in case of non-availability of suitable candidates by deputation from State Government.	...	By deputation of Senior Assistant serving in any of the Department of Government having 12 years of Service out of which 9 years must have completed as Senior Assistant and who have passed departmental examination. (Explanation:- The post of Senior Assistant in Orissa Administrative Tribunal include the post of Bench Clerk and Senior Accountant). The Caretaker of the Orissa Administrative Tribunal having 5 years of continuous service as such shall be eligible for promotion.
9.	Court Officer	By promotion	...
	OR		OR
	in case of non-availability of suitable candidates by deputation from State Government.		by deputation of Caretaker serving in any of the Department of Government having 5 years or continuous service as such.
10.	Senior Librarian	By promotion	...
			The Junior Librarian having 5 years of continuous service as such shall be eligible for promotion.
11.	Oriya Translator	By direct recruitment through the Orissa Staff Selection Commission.	...
			Graduate in Arts with Oriya as one of the subjects in the examination shall be eligible for the post.
12.	Senior Assistant	By promotion OR in case of non-availability of suitable candidates, by deputation from State Government.	...
			By promotion from among the Junior Assistants or Store Keeper of the Orissa Administrative Tribunal who have rendered 3 years of continuous service as such and

				<p>must have passed the Preliminary Accounts Examination conducted by the Board of Revenue/Madhusudan Institute of Accounts &amp; Finance. (Explanation The post of Junior Assistant in Orissa Administrative Tribunal includes the post of Store Keeper in Orissa Administrative Tribunal):</p> <p>Provided that 10% of the vacancies in the cadre of Senior Assistant in as year shall be filled up from among the Senior Grade Typist/Senior Grade Diarist/Senior Grade Recorder of the Orissa Administrative Tribunal who have passed Matriculation Examination and have rendered 10 years of continuous service as such on the 1st day of January in which the recruitment is made.</p>
13.	Bench Clerk	By deployment of Senior Assistants of the Orissa Administrative Tribunal.	...	...
14.	Senior Accountant	By deployment of Senior Assistants of the Orissa Administrative Tribunal.	...	...
15.	Junior Assistant	By direct recruitment through the Orissa Staff Selection Commission.	...	<p>The candidates with qualification +2 in Arts/Science and Commerce shall be eligible for the post.</p> <p>Candidates having +2 qualification in Arts/Science/Commerce, shall be eligible for the post.</p> <p>The Selection Committee shall invite applications from the eligible candidates and make necessary appointment after conducting a recruitment test by written examination or Viva voce or both.</p>
16.	Caretaker	By direct recruitment	...	

17.	Storekeeper	By deployment of Junior Assistant of the Orissa Administrative Tribunal.	...	
18.	Junior Grade Typist	By direct recruitment through the Orissa Staff Selection Commission.	...	The candidates having High School Certificate Examination qualification with minimum speed of 40 words per minute in English Typewriting and 20 words per minute in Oriya Typewriting shall be eligible for such post.
19.	Staff Car Driver	By direct recruitment through Selection Committee.	...	Candidates who have passed M.E. Standard and have good physique and eye-sight with a valid driving licence of light vehicles.
20.	Photo Copier	By promotion by way of selection.	...	The Library Attendant, Treasury Sarkar and Record Supplier of the Orissa Administrative Tribunal who have rendered 3 years of continuous service as such shall be eligible to hold the post.
21.	Junior Grade Diarist	By promotion from among Group-C employees in the post of Record Supplier/ Treasury Sarkar and such other equivalent posts.	...	The Record Supplier, Treasury Sarkar and such other Group-C employees who have completed at least five years of service as such shall be eligible for promotion.
22.	Senior Grade Typist	By promotion	...	The Junior Grade Typist of Orissa Administrative Tribunal who have rendered 5 years of continuous service as such shall be eligible for promotion.
23.	Senior Record Keeper	By promotion	...	The Junior Grade Record Keepers having completed 5 years of service as such shall be eligible for promotion.
24.	Junior Record Keeper	By promotion	...	The Treasury Sarkar, Library Attendant and Record Supplier who have completed 5 (five) years of service as such shall be eligible for promotion.
25.	Junior Librarian		...	

		By direct recruitment through the Selection Committee.		Candidates having Graduate qualification with Degree or Diploma in Library Science shall be eligible for the post. The Selection Committee shall invite applications from the eligible candidates and select the candidates by conducting interview or a written test or both.
26.	Senior Stenographer	By deputation from different Departments of State Government, Courts and Tribunal.	...	<p>Junior Stenographers in any Department or Office of the Government, Court or Tribunal having five years of experience as such.</p> <p>OR</p> <p>Junior Stenographers in any Government/Semi-Government or Public Sector Undertakings having 5 years of experience as such.</p> <p>The Zamadars, Daftaries and Peons who have passed Matriculation or equivalent examination and completed at least 5 years of service as such shall be eligible for the post.</p> <p>The Zamadars, Daftaries who have passed M.E. Examination or equivalent examination and completed at least 3 years of service as such shall be eligible for the post.</p> <p>The Zamadars, Daftaries who have passed M.E. Examination or equivalent examination and completed at least 3 years of service as such shall be eligible for the post.</p> <p>The Peons and Despatch Rider who have at least completed 5 years of service on the 1st day of January of the year of recruitment as such.</p> <p>The Peons and Despatch Rider who have at least completed 5 years of</p>
27.	Library Attendant	By promotion by way of selection.	...	
28.	Treasury Sarkar	By promotion by way of selection	...	
29.	Record Supplier	By promotion by way of selection	...	
30.	Daftary	By promotion by way of selection.	...	
31.	Zamadar	By promotion by way of selection.	...	

			service on the 1st day of January of the year of recruitment as such.
			Candidates who have passed M.E. Standard shall be eligible for the post. The Committee shall invite the applications from the candidates and select the candidates by conducting interview.
32. Despatch Rider	By direct recruitment through the Selection Committee.	...	Candidates who have passed M.E. standard shall be eligible for the post. The Committee shall invite applications from the candidates and select by conducting interview.
33. Peon	By direct recruitment through the Selection Committee.	...	Candidates who have passed M.E. standard shall be eligible for the post. The Committee shall invite applications from the candidates and select by conducting interview.
34. Farash	By direct recruitment through the selection Committee.	...	Candidates who have passed M.E. standard shall be eligible for the post. The Committee shall invite applications from the candidates and select by conducting interview.
35. Mali	By direct recruitment through the selection Committee by an interview.	...	Candidates having knowledge in gardening work shall be eligible for the post.
36. Sweeper	By direct recruitment through the selection Committee by an interview.	...	Candidates having knowledge of reading and writing Oriya shall be eligible for the post.
37. Process Server	By direct recruitment through the Selection Committee by an interview.	...	Candidates who have passed M.E. standard and knows cycling shall be eligible for the post.
38. Choukidar	By direct recruitment through the selection Committee by an interview.	...	Candidates who have passed M.E. standard shall be eligible for the post.