

(Authoritative English text of this Department Notification No. PCH-HA (1) 11/2010-I-J.E. Rule, Dated ----- as required under clause (3) of article 348 of the Constitution of India)

**Government of Himachal Pradesh
Department of Panchayati Raj.**

No. PCH-HA-(1) 11/2010-I-J.E. Rule-35196-35333 Dated, Shimla-171009, the 12th June 2024.

Notification

In exercise of the powers conferred by sub-section (2) of section 135 read with section 186 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994), the Governor of Himachal Pradesh proposes to make the Himachal Pradesh Panchayati Raj (Appointment and Conditions of Services of Junior Engineer in Zila Parishad Cadre) Rules, 2023 as per Annexure-“A” for carrying out the purposes of the Act ibid and the same are hereby published in the Rajpatra (e-Gazette), Himachal Pradesh for the information of the general public;

If any person likely to be affected by these draft rules has any objections(s) or suggestion(s) to make in respect of the said draft rules, he/she may send the same to the Director of Panchayati Raj, Himachal Pradesh, SDA Complex, Kusumti, Shimla-171009 within a period of 30 days from the date of publication of the said draft rules in the Rajpatra (e-Gazette), Himachal Pradesh;

The objection(s) or suggestion(s), if any, received within the above stipulated period shall be taken into consideration by the State Government, before the finalization of the said rules, namely :-

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| Short title and commencement | 1. | (1) These rules may be called the Himachal Pradesh Panchayati Raj (Appointment and Conditions of Services of Junior Engineer in Zila Parishad Cadre) Rules, 2024.
(2) These rules shall come into force from the date of publication in the Rajpatra(e-Gazette), Himachal Pradesh. |
| Definitions. | 2. | (1) In these rules, unless the context otherwise requires,--
(a)“Act” means the Himachal Pradesh Panchayati Raj Act, 1994;
(b)“Form” means a form appended to these rules; and
(c)“Bonafide Himachali” means a person who has been defined as such by the Government of Himachal Pradesh from time to time.
(2) The words and expressions used but not defined in these rules shall have the same meaning as respectively assigned to them in the Act. |

- Repeal and savings. 3. (1) The Himachal Pradesh Panchayati Raj (Appointment and Conditions of Service of Junior Engineer in Zila Parishads) Rules, 2013 notified vide notification number PCH-HA-(1)11/2010-I, dated 15.07.2013 and published in the Rajpatra Himachal Pradesh dated 20.07.2013 are hereby repealed.
- (2) Notwithstanding such repeal, any appointment made or anything done or any action taken, under the rules so repealed, shall be deemed to have been validly made, done or taken under the corresponding provisions of these rules.

By order
Secretary (Panchayati Raj) to the
Government of Himachal Pradesh.

No. PCH-HA-(1) 11/2010-I-J.E. Rule-35196-35333 Dated, Shimla-171009, the 12th June 2024.
Copy of the above is forwarded to:-

1. All the Principal Secretaries to the Government of Himachal Pradesh.
2. The Additional Secretary (GAD) to the Government of Himachal Pradesh in reference of the decision taken in the Cabinet Meeting held on dated 06-03-2019.
3. All the Deputy Commissioners in Himachal Pradesh.
4. Assistant Law Advisor and Under Secretary (Law) Himachal Pradesh Government.
5. All the Chief Executive Officer, Zila Parishad, Himachal Pradesh, H.P.
6. All the District Panchayat Officers-cum-Secretary Zila Parishad, H.P.
7. The Principals PRTI, Mashobra, Thunag and Baijnath.
8. All the Block Development Officers-cum-Chief Executive Officers (Panchayat Samiti) in Himachal Pradesh.

Sd/-
Special Secretary (Panchayati Raj) to the
Government of Himachal Pradesh,
Shimal-9, Himachal Pradesh.

Annexure- “A”

HIMACHAL PRADESH PANCHAYATI RAJ (APPOINTMENT AND CONDITIONS OF SERVICES OF JUNIOR ENGINEERS IN ZILA PARISHAD CADRE) RULES, 2023.

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| 1 | Name of the post | Junior Engineer (Zila Parishad Cadre) |
| 2 | Number of the post(s). | There shall be such number of posts of Junior Engineer as sanctioned and may be sanctioned by the State Government from time to time in the respective Zila Parishads cadre. |
| 3 | Classification | Class-III (Non-Gazetted) |
| 4 | Scale of Pay. | <p>(i) <u>Pay Band for regular incumbents:</u>
Level 11 of the pay matrix attached with notification No- PCH-HB (15) 01/2022- Pay Revision-60236-62336, dated 23-09-2022.</p> <p>(ii) <u>Emoluments for contract employees:</u>
60 percent of the first cell of the applicable level of pay matrix of the corresponding cadre, as per notification no. PCH-HB(15) 01/2022-Pay Revision-60236-60223, dated 23-09-2022</p> |
| 5 | Whether “Selection” Post or Non-Selection Post. | Non-Selection. |
| 6 | Age for direct recruitment. | 18 to 45 years: |

Provided that the upper age limit for direct recruits will not be applicable to the candidates already in service of the Government including those who have been appointed on adhoc or on contract basis:

Provided further that if a candidate appointed on adhoc basis had become overage on the date when he was appointed as such he shall not be eligible for any relaxation in the prescribed age limit by virtue of his such adhoc or contract appointment:

Provided further that upper age limit is relaxable for Scheduled Castes/Scheduled Tribes/Other Categories of persons to the extent permissible under the General or Special Order(s) of the State Government:-

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened

to be Government Servants before absorption in Public Sector Corporations/Autonomous Bodies at the time of initial constitution of such corporations/Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations/Autonomous Bodies who were/are subsequently appointed by such Corporation/Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporations/Autonomous Bodies.

(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is/are advertised for inviting applications or notified to the Employment Exchanges, as the case may be.

(2) Age and experience, in the case of direct appointment, are relaxable at the discretion of the State Government in case the candidate is otherwise well qualified.

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| 7 | Minimum educational and other qualifications required for direct recruit(s). | <p><u>(a) Essential Qualifications:</u></p> <p>Diploma in Civil Engineering or Bachelor of Civil Engineering/ Bachelor of Technology in Civil Engineering with minimum 50% marks from any recognized University or Institution duly recognized by Central and State Government and 45 % marks for SC/ST candidates.</p> <p><u>(b) Desirable Qualification</u></p> <p>Knowledge of customs, manners and dialect of Himachal Pradesh and suitability for appointment in the peculiar condition prevailing in the Pradesh.</p> |
| 8 | Whether age and educational qualification(s) prescribed for direct recruit (s) will apply in the case of the promotee(s). | <p>Age : N.A.</p> <p>Educational qualifications: N/A.</p> |
| 9 | Period of probation, if any. | <p>(a) Two years subject to such further extension for a period not exceeding one year, as may be ordered by the Chief Executive Officer, Zila Parishad in special circumstances and reasons thereof to be recorded in writing.</p> |

- (b) No probation in case of appointment on contract basis.
- 10 Method(s) of appointment, whether by direct recruitment or by promotion/secondment/transfer and the percentage of post(s) to be filled in by various methods.
- (a) 25 % by direct recruitment on contract basis
(b) 75 % by promotion from amongst the category of Technical Assistants, on the basis of inter-se seniority maintained at the State level, in a manner as provided in rule 11.
- 11 In case of recruitment by promotion/ secondment/ transfer, grade(s) from which promotion/ secondment /transfer is to be made.
- By promotion from amongst the category of Technical Assistants having 5 year's regular service or regular combined with continuous adhoc service rendered, if any, in the grade.
- 12 If a Departmental Promotion Committee exists, what is its Composition ?
- As may be constituted by the Director, Panchayati Raj Department Himachal Pradesh from time to time.
- 13 Circumstances under which the Himachal Pradesh Public Service Commission (HPPSC) is to be consulted in making recruitment
- As required under the Law.
- 14 Essential requirement for direct recruitment.
- A candidate for appointment to any service or post must be a citizen of India.
- 15 Selection for appointment to the post by direct recruitment.
- Selection for appointment to the post in case of direct recruitment, shall be made by on the basis of interview/personality test or if the Himachal Pradesh Public Service Commission or other Recruitment Agency/authority as the case may be, so considers necessary or expedient on the basis of interview/personality test preceded by a screening test (objective type) / written test or practical test, standard / syllabus etc. of which, will be determined by the Commission or other Recruiting Agency/authority, as the case may be.
- 15-A Selection for appointment to the post by Contract Appointment.
- Notwithstanding anything contained in these rules, contract appointments to the post will be made subject to the terms and conditions given below:-
(1) CONCEPT:
(a) Under this policy the Junior Engineer in Zila Parishad Cadre will be engaged on contract basis initially for one year, which may be extendable on year to year

basis:

Provided that for extension/renewal of contract period on year to year basis, the concerned Chief Executive Officer, Zila Parishad shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his period of contract is to be renewed / extended.

(b) POST FALLS WITHIN THE PURVIEW OF HPSSC, HAMIRPUR:

The Director, Panchayati Raj, Himachal Pradesh after obtaining the approval of the State Government to fill up the vacant post(s) on contract basis will place the requisition with the Himachal Pradesh Staff Selection Commission, Hamirpur.

- (c) The selection will be made in accordance with the eligibility conditions specified in these rules.

(II) CONTRACTUAL EMOLUMENTS:

The Junior Engineer appointed on contract basis will be paid consolidated fixed contractual amount @ 23100/-P.M. (which shall 60% of the first cell of the applicable level of pay matrix of the corresponding cadre) as per notification no. PCH-HB(15) 01/2022-Pay Revision-60236-60223, dated 23-09-2022.

(III) APPOINTING / DISCIPLINARY AUTHORITY:

The Chief Executive Officer of the concerned Zila Parishad will be the appointing and disciplinary authority.

(IV) SELECTION PROCESS:

Selection for appointment to the post in the case of Contract Appointment shall be made on the basis of a written examination and/or practical test or skill test or physical test, the standard/syllabus etc. will be determined by Himachal Public Service Commission/ Himachal Pradesh Staff Selection Commission, Hamirpur/ or other recruiting agency/authority, as the case may be.

(V) CONTRACTUAL APPOINTMENTS COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENT:

As may be constituted by the HPSSC, Hamirpur from time to time.

(VI) AGREEMENT:

After appointment of a candidate, he/she shall sign an Agreement as per Form-II appended to these rules.

(VII) TERMS AND CONDITIONS:

- (a) The Junior Engineer appointed on contract basis will be paid consolidated fixed contractual amount @ Rs. 23100/- P.M. (which shall be 60% of the first cell of the applicable level of pay matrix of the corresponding cadre) as per notification no. PCH-HB(15) 01/2022-Pay Revision-60236-60223, dated 23-09-2022.
- (b) The service of the Contract Appointee will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found satisfactory. In case the contract appointee is not satisfied with the termination orders issued by the appointing authority, he/she may prefer an appeal before the appellate authority, who shall be higher in rank to the Appointing Authority, within a period of 45 days, from the date on which a copy of termination order is delivered to him/her”.
- (c) Contract Appointee will be entitled for one day's casual leave after putting one month service, 10 day's medical leave and 5 days special leave in a calendar year. A female contract appointee with less than two surviving children may be granted maternity leave for 180 days. A female contract appointee shall also be entitled for maternity leave not exceeding 45 days (irrespective of the number of surviving children) during the entire service, in case of miscarriage including abortion, on production of medical certificate issued by the authorized Government Medical Officer. A contract employee shall not be entitled for medical reimbursement and LTC etc. No leave of any other kind except above is admissible to the contract appointee.

Un-availed casual leave, medical leave and special leave can be accumulated up to the

calendar year and will not be carried forward for the next calendar year.

- (d) Unauthorized absence from the duty without the approval of the Controlling Officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstances for un-authorized absence from the duty were beyond his/her control on medical grounds, such period shall not be excluded while considering his/her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time. However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty:

Provided that he/she shall submit the certificate of illness/fitness issued by the Medical Officer as per prevailing instructions of the Government.

- (e) An official appointed on contract basis who has completed three years tenure at one place of posting will be eligible for transfer on need basis within Zila Parishad on administrative ground and he/she can be posted in another Zila Parishad cadre on secondment basis.
- (f) Selected candidate will have to submit a certificate of his/her fitness issued by a Medical Board in case of gazetted Government Servant and by the Government Medical Officer in the case of non gazetted Government Servant. In case of women candidates, who are to be appointed against posts carrying hazardous nature of duties and if in case they have to complete a period of training as a condition of service, such women candidate; who as a result of test is found to be pregnant for twelve weeks standing or more shall be declared temporarily unfit and her appointment shall be held in abeyance until the confinement is over. Such women candidate be re-examined for medical fitness six weeks after the date of confinement and if she is found fit on production of medical fitness certificate

from the authority as specifies above, she may be appointed to the post kept reserved for her.

- (g) Contract appointee will be entitled to TA/DA, if required to go on tour in connection with his/her official duties at the same rate as applicable to regular counter-part official at the minimum of pay scale.
- (h) Provisions of service rules like FRSR, Leave Rules, GPF Rules, Pension Rules, Conduct Rules etc. as are applicable in case of regular employees will not be applicable in case of contract appointees. The employee's Group Insurance Scheme as well as EPF/GPF will also not be applicable to Contract Appointee(s).

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| 16 | Reservation. | The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/ Backward Classes/Other Categories of persons issued by the Himachal Pradesh Government from time to time. |
| 17 | Departmental Examination. | The members of the service shall have to qualify examination or to undergo such courses for training to be specified by the Director, from time to time. |
| 18 | Conditions of Service for regular appointees. | The other conditions of service in the case of regular appointees shall apply mutatis-mutandis as are applicable in the case of State Government employee of equivalent position/grade. |
| 19 | Appointing Authority and allocation of Panchayats. | <p>(1) After recommendation of Director, Panchayati Raj, Himachal Pradesh the Chief Executive Officer of concerned Zila Parishad shall be the appointing authority. Letter of appointment shall be issued by the Chief Executive Officer, Zila Parishad, in FORM-I and he shall allocate the Panchayat Samiti to a Junior Engineer.</p> <p>(2) The Secretary of Zila Parishad, with the prior approval of the Chief Executive Officer of Zila Parishad shall make circle of the Panchayats in consultation with Chief Executive Officer, Panchayat Samiti in such a way that contiguity of the Panchayats in the circle is ensured. These circles shall be notified by Secretary Zila</p> |

Parishad and copy of the said notification shall be supplied to the Director, Panchayati Raj Himachal Pradesh. Junior Engineer Circle once notified shall not be changed without prior approval of the Chief Executive Officer of Zila Parishad. One Junior Engineer shall be allocated one circle by Secretary Zila Parishad.

(3) The Chief Executive Officer of the concerned Panchayat Samiti shall be the controlling officer for tour program, attendance, casual leave and work and conduct etc. of the Junior Engineer.

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| 20 | Seniority of Junior Engineer. | The seniority of the regular Junior Engineers shall be determined after recruitment/promotion to the post of Junior Engineer as per rules/instructions issued by the State Government from time to time. |
| 21 | Job Chart. | The job chart for the Junior Engineer shall be such as may be specified by the Director, Panchayati Raj Himachal Pradesh from time to time. |
| 22 | New Pension Scheme. | The Regular appointees shall be entitled for availing the facility of New Pension Scheme as may be notified by the State Government. |
| 23 | Power to relax. | Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing, relax any of the provisions(s) of these rules with respect to any class or category of person(s) or post(s). |

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FORM-I
[See rule 19(1)]

APPOINTMENT LETTER

With reference to the application for the post of Junior Engineer received from Shri/Smt./Kumari son/wife/daughter of Shri, resident of village, Tehsil, District it is informed that the said Shri/Smt./Kumari has been selected for the said post. Therefore, he/she is hereby offered appointment as Junior Engineer on the following Terms and Conditions:-

1. There shall be paid to him a remuneration of rupees (in figures) (in words) per month.
2. Other allowance, whatsoever admissible to the employees of State Government from time to time shall be paid to him.
3. The appointment shall be on contract basis for a period of one year from the date of joining; which may be extended as per the provisions of the rules.
4. The appointment shall further be subject to terms and conditions laid down in the rules and agreement.
5. The antecedent verification certificate to the satisfaction of the Zila Parishad from the Executive Magistrate or two Gazetted officers known to him at least for the last three years shall be given by him at the time of submission of joining report.
6. The appointment shall be subject to the production of Certificate of Medical Fitness issued by the Chief Medical Officer of the concerned district before joining to the post.
7. The attested copies of original certificates in respect of educational qualifications, caste, bonafide resident, physically handicapped, member belonging to below poverty line or past experience, as the case may be, shall be submitted along with joining report.

In case, the above terms and conditions are acceptable to him, he/she may report for execution of the contract agreement as well as for joining duty in the office of undersigned immediately but not later than fifteen days from the date of issue of this appointment letter.

Place :

Date :

Shri/Smt./Kr. _____

Chief Executive Officer,
Zila Parishad _____
District _____
Himachal Pradesh.

FORM-II
[See rule 15-A(VI)]

AGREEMENT

Form of contract/agreement to be executed between the Junior Engineer and the Chief Executive Officer, Zila Parishad _____ Designation of the Appointing Authority).

This agreement is made on this _____ day of _____ in the year _____ Between Sh./Smt./Kumari _____ S/o/D/o/W/o Shri _____ R/o _____ Contract appointee (hereinafter called the FIRST PARTY), AND the Zila Parishad _____ through its Chief Executive Officer (hereinafter referred to as the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Junior Engineer on contract basis on the following terms and conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Junior Engineer for a period of 1 (one) year commencing on day of _____ and ending on the day of _____. It is specifically mentioned and agreed upon by both the parties that the contract of the FIRST PARTY with SECOND PARTY shall ipso-facto stand terminated on the last working day i.e. on _____ and information notice shall not be necessary:

Provided that for further extension/renewal of contract period the Chief Executive Officer, Panchayat Samiti shall issue a certificate that the service and conduct of the contract appointee was satisfactory during the year and only then the period of contract is to be renewed/extended.

2. The contractual amount of the FIRST PARTY will be Rs.23100/- per month.
3. The service of FIRST PARTY will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found satisfactory. In case the contract appointee is not satisfied with the termination orders issued by the appointing authority, he/she may prefer an appeal before the appellate authority, who shall be higher in rank to the Appointing Authority, within a period of 45 days, from the date on which a copy of termination order is delivered to him/her”.
4. Contract Appointee will be entitled for one day casual leave after putting one month service, 10 days medical leave and 5 days special leave in a calendar year. A female contract appointee with less than two surviving children may be granted maternity leave for 180 days. A female contract appointee shall also be entitled for maternity leave not exceeding 45 days (irrespective of the number of surviving children) during the entire service, in case of miscarriage including abortion, on production of medical certificate issued by the authorized Government Medical Officer. A contract employee shall not be entitled for medical reimbursement and LTC etc. No leave of any other kind except above is admissible to the contract appointee.

Un-availed casual leave, medical leave and special leave can be accumulated up to the calendar year and will not be carried forward for the next calendar year.

5. Unauthorized absence from the duty without the approval of the Controlling Officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstances for un-authorized absence from the duty were beyond his/her control on medical ground, such period shall not be excluded while considering his/her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time. However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty:

Provided that he/she shall submit the certificate of illness/fitness issued by the Medical Officer as per prevailing instructions of the Government.

6. An official appointed on contract basis who has completed three years tenure at one place of posting shall be eligible for transfer on administrative grounds.
7. Selected candidate will have to submit a certificate of his/her fitness issued by the Medical Board in case of a Gazetted Government Servant and by the Government Medical Officer, in the case of Non-Government Servant. In case of women candidates, who are to be appointed against posts carrying hazardous nature of duties and if in case they have to complete a period of training as a condition of service, such women candidate, who as result of test is found to be pregnant for twelve weeks standing or more shall be declared temporarily unfit and her appointment shall be held abeyance until the confinement is over. Such women candidate be re-examined for medical fitness after six weeks after the date of confinement and if she is found fit on produce of Medical fitness certificate from the authority, as specifies above, she may be appointed for the post kept reserved for her.
8. Contract appointee shall be entitled to TA/DA if required to go on tour in connection with his/her official duties at the same rate as applicable to regular counter-part official at the minimum of pay scale.
9. The Employees Group Insurance Scheme as well as EPF/GPF will not be applicable to contractual appointee(s).

IN WITNESS the FIRST PARTY AND SECOND PARTY have herein to set their hands the day, month and year first, above written.

IN THE PRESENCE OF WITNESS:

1. _____

(Name and Full Address)

(Signature of the FIRST PARTY)

2. _____

(Name and Full Address)

IN THE PRESENCE OF WITNESS:

1 _____

 (Name and Full Address)

(Signature of the SECOND PARTY)

2 _____

 (Name and Full Address)