

Government of Odisha
General Administration and Public Grievance Department

No. 12025 /Gen., Bhubaneswar
PTI-GAD-SC-GCS-0090-2022

dated the 27th April, 2023

From

Sri Sashank Sekhar Dash, OAS
Additional Secretary To Government.

To

All Department of Government.
All HoDs,
All RDCs.
All Collectors.

Sub: Granting of notional promotion to the employees regularized under the Odisha Group "B", "C" and Group "D" posts (Repeal and Special Provisions) Rules, 2022-clarification regarding.

Sir,

I am directed to invite reference to the subject cited above and to say that the Odisha Group-B posts (Contractual Appointment) Rules, 2013 and the Odisha Group "C" and Group "D" posts (Contractual Appointment) Rules, 2013 have been repealed by the Government by way of framing of the Odisha Group "B", "C" and Group "D" posts (Repeal and Special Provisions) Rules, 2022 with special provisions like notional increment/notional promotion/seniority.

As regards notional promotion, the Odisha Group "B", "C" and Group "D" posts (Repeal and Special Provisions) Rules, 2022 provides that on regular appointment **"the employee whose services have been so regularised shall be allowed service benefits like promotion etc. in the cadre on notional basis to which they would have been entitled as per rules, had they been recruited on regular basis."**

Doubts have been raised by different quarters regarding granting of notional promotion to the employees regularized under the Odisha Group "B", "C" and Group "D" posts (Repeal and Special Provisions) Rules, 2022.

It is therefore clarified that after regularisation under the Odisha Group "B", "C" and Group "D" posts (Repeal and Special Provisions) Rules, 2022, fresh gradation list is to be prepared giving seniority to such persons as per the relevant recruitment rules considering the date of initial appointment.

Thereafter, in order to give notional promotion to the initial appointee, a DPC is to be held by the competent authority to review the DPC in which the case of their juniors were considered for promotion to the next rank. Date of notional promotion would be the date on which their juniors had got promotion so that their pay would not be less than their juniors.

The following illustration has been provided for better implementation;

Illustration; (for notional promotion of Junior Assistant to Senior Assistant in the District Ministerial Cadre as per the contractual repeal rules, 2022)

As per the provisions of the OMS(Method of Recruitment and Conditions of Service of Junior Assistants, Senior Assistants and Section Officers in the District Offices and offices Sub-ordinate thereto) Rules, 2019, the post of Junior Assistant is filled up by the following method;

(a) 90% by Direct Recruitment

(b) 10% by Promotion from amongst Group-D

(i) Suppose a group-D employee was promoted to Junior Assistant during the year 2016. During same year, a person was also appointed contractually as Junior Assistant by Direct Recruitment. Since the appointment of Junior Assistant by Direct recruitment was regulated under the Odisha Group-C & Group-D (Contractual Appointment) Rules, 2013, his contractual service would be regularised after successful completion of 6 years of contractual service i.e. in 2022. On regular appointment he would be eligible to get service benefit like promotion etc. As such, during the contractual appointment, the Junior Assistant appointed by Direct Recruitment would not get seniority above the Junior Assistant appointed by way of promotion from amongst Group-D employees. However, after repeal of Contractual Appointment Rules, 2013, Junior Assistant appointed by Direct recruitment

shall regain seniority as per provisions of rules 15 of the OMS(Method of Recruitment and Conditions of Service of Junior Assistants, Senior Assistants and Section Officers in the District Offices and offices Sub-ordinate thereto) Rules, 2019.

As such, Gradation list shall be prepared afresh by giving seniority to Junior Assistant appointed by Direct Recruitment above the Junior Assistant appointed by promotion from Group D employees during the year 2016.

(ii) If the Junior Assistant appointed by promotion from amongst Group-D employee who is junior to Junior Assistant appointed by Direct Recruitment has already been considered for promotion to Senior Assistant prior to repeal of contractual rules, 2013, the said DPC shall be reviewed to consider notional promotion of Junior Assistant appointed by Direct Recruitment if he/she is otherwise eligible as per the relevant recruitment rules. Date of notional promotion would be the date on which his/her junior had got promotion.

The above instructions should be strictly complied herewith to maintain the uniformity to avoid future legal counter claims.

Yours faithfully,


27/04/2023
Additional Secretary to Government

Memo No. 12026/Gen., Bhubaneswar

dated the 27th April, 2023

Copy forwarded to all sections of G.A. & P.G. Department/ G.A. & P.G. Department Library (10 copies)/ Guard file (S.C. Branch) (10 copies) for information and necessary action.


27/04/2023
Additional Secretary to Government