

Odisha Service Manual

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CRITERIA FOR ENTRY INTO GOVERNMENT SERVICE

Sl. No.	Reference No.	Date	Subject
PART I - Rules			
1	Notification No. 33068-Gen.	27/10/1989	Orissa Civil Service(Fixation of Upper-Age-limit) Rules, 1989.
PART II - Instructions			
(A) LANGUAGE QUALIFICATION			
1	Resolution No. 10719-Gen.	31/08/1961	Requirement of Domicile and Language qualification for entry into Government Service.
2	Resolution No. 21388-Gen.	12/09/1984	Language qualification for entry into Government Service
3	Circular No. 2783-Gen.	24/01/1989	Clarification regarding sanction of second increment of an officer after passing Oriya language test.
(B) ANTECEDENTS VERIFICATION			
1	Resolution No. 34438-Gen.	20/11/1999	Verification of character and antecedent of candidates before appointment into Government service
(C) UNDERTAKING			
1	Circular No. 22522-Gen.	18/10/1994	Recovery of loan stipend from Government servants who have availed loan stipend of the Higher Education(LSF) Department.

PART-I-RULES

THE ORISSA CIVIL SERVICE (FIXATION OF UPPER AGE LIMIT)
RULES, 1989

GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION

The 27th October 1989

(Published in Orissa Gazette on 27th October 1989)

No. 33068-Gen.-In exercise of the powers conferred by the provision to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to regulate the upper age limit for entry into the service of Government in pensionable service namely:-

Short title and commencement-

1. (1) These rules may be called the Orissa Civil Service (Fixation of Upper Age Limit) Rules, 1989
(2) They shall come into force on the date of their publication in the Official Gazettee
- ¹[**IA** (a) "Physically Handicapped Persons" means such person as mentioned in the General Administration Department Resolution No. 15338-Gen., dated the 4th May 1981.]
(b) "Scheduled Castes and Scheduled Tribes" means such Castes and Tribes as notified by the President of India from time to time under Articles 341 and 342 of the Constitution of India respectively.
(c) "Socially and Educationally Backward Class" means the backward classes of Citizen other than the Scheduled Castes and Scheduled Tribes as may be specified by the State Government from time to time in the list under the Orissa State Commission for Backward Classes Act, 1993.

Upper age limit for entry into Government Service-

2. Notwithstanding anything contained in any recruitment rule regulating the method of recruitment in Civil Services and / or Civil Posts in Pensionable establishment under the State Government, the upper age limit for entry into Government Service shall be ²[Thirty-two] years except where a higher upper age limit has been prescribed for any such service or post:

³[*]

⁴[Provided further that if for any reason applications have not been invited by the authority competent to conduct examination during any particular year to fill up the vacancies of that year, applicants, who would have been eligible if applications, were invited during that year, shall be eligible to compete at the examination held in the subsequent year. This proviso will also apply to cases where advertisements have already been issued for recruitment to services and posts under Government but the process of recruitment has not commenced.]

⁵[*]

Explanation – The expression "recruitment rules" shall mean the rules framed under the proviso to Article 309 of the Constitution of India regulating the recruitment to any Civil Service or authority for that purpose.

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1. Inserted vide G.A. Department Notification No. 31581-Gen., dated the 31st October 1998- Published in Orissa Gazette and given effect to from the 13th November 1998.
 2. Substituted in G.A. Department Notification No. 8711-Gen., dated the 26th March 1991-Published in Orissa Gazette and given effect to from the 30th March 1991.
 3. Deleted vide G.A. Department Notification No.31581-Gen., dated the 31st October 1998.

4. Inserted vide G.A. Department Notification No. 8402-Gen., dated the 28th April 1994 – Published in Orissa Gazette and given effect to from the 18th May 1994.
5. Deleted vide G.A. Department Notification No.31581-Gen., dated the 31st October 1998.

¹[3. The upper age limit prescribed for entry into Government service in rule 2, above shall be relaxed, in case of the following categories of persons, to the extent mentioned against each namely:-

(a)	Scheduled Castes	...	5 Years
(b)	Scheduled Tribes	...	5 Years
(c)	Women	...	5 Years
(d)	Socially& Educationally backward Classes	...	3 Years
(e)	Physically handicapped	...	10 Years]

4. A person who comes under more than one category mentioned in rule3, shall be eligible for only one benefit of relaxation which shall be considered most beneficial to him / her.

Explanation – A woman candidate belonging to Socially and Educationally Backward Class is eligible for relaxation of upper age limit by 5 years as woman and 3 years as Socially and Educationally Backward person as per rule 3, in such case, she shall be only eligible for 5 years of age relaxation, which is considered more beneficial to her.

By order of the Governor
R. K. NAYAK
Special Secretary to Government

1. Added vide G.A. Department Notification No. 31581-Gen., dated the 31st October 1998.

PART II – Instructions

(A)LANGUAGE QUALIFICATION

No. 10719-Gen.

GOVERNMENT OF ORISSA
POLITICAL AND SERVICES DEPARTMENT

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RESOLUTION

The 31st August 1961

SUBJECT- Requirement of Domicile and Language Qualifications for entry into Governemnt service.

READ- Home Department Resolution No. 38-Ref., dated the 18th January 1949.

In Home Department Resolution No. 38-Reforms, dated the 18th January 1949, it has been laid down that in matters of Public employment preferences should be given to candidates who satisfy the criteria-

- (1) That he should be permanent resident of the Province of Orissa (permanent resident has been defined as one who or one of whose parents has lived in the Province of Orissa for a minimum period of twelve years); and
- (2) (a) that he is able to speak Oriya ; and
(b) if he is a literate person-
 - (i) is able to read and write it; and
 - (ii) has also passed a test in Oriya equivalent to the middle standard.

Consequent on the passing by Parliament of the Public Employment (Requirement as to Residence) Act, 1957, the requirement of residential qualification prescribed in Home Department resolution cited above in matters of appointment to the various posts and services under the State Government has become inoperative. Government has, therefore, decided that the domicile qualification shall no longer be a stipulation for entry into public services in the State. Modification of the existing recruitment rules to bring them in conformity with Section 2 of the aforesaid Act may be taken up by the Departments of Government.

2. The criteria of language qualification as contained in Home Department Resolution No. 38-Reforms, dated the 18th January 1949, will henceforward be regulated as follows-

- (i) Generally, the language qualification as at present prescribed shall remain for employment in public services in the State. This should be so particularly as regards permanent posts;
- (ii) For technical posts, whether permanent or temporary, recruitment may be made on the condition that within the prescribed probationary period the candidate selected should pass an examination in Oriya equivalent to the M.E'. Standard:

Provided that the language qualification shall not be insisted upon if so desired by Government in specific cases:

- (iii) In certain technical posts, which require special qualifications, Government may relax the condition of language qualification entirely. This will have particular reference to contract posts or temporary posts.

3. Language tests will be held by the Education Department to test candidates by the M.E. Standard in Oriya to enable them to qualify for employment in public service by means of competitive examinations or otherwise. These will be conducted twice every year. Those who have passed Matriculation or an equivalent examination with Oriya as their second language may be exempted from passing the test.

4. The Departments of Government and Heads of Departments etc., are requested to amend their recruitment rules accordingly so as to exclude the residential qualification.

ORDER- Ordered that this resolution should be published in the Orissa Gazette.

Ordered also that copies of the resolution be forwarded to all Departments, all District Officers / all Heads of Departments / Superintendent, Orissa Government Press / Secretary to the Orissa Public Service Commission / Secretary to the Governor for information and communication to all appointing authorities under them.

By order of the Governor
B. R. PATEL
Secretary to Government

No. 21388-Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

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RESOLUTION

The 12TH September 1984
(Published in Orissa Gazette on 5th October, 1984)

SUBJECT: Language qualification for entry into Government service.

In General Administration Department Resolution No. 31513-Gen., dated the 16th December 1982, it was laid down that a candidate who has not passed the test in the M.E. School standard should be required to pass such a test within a period of one year of service failing which he will not be allowed to draw his second increment.

2. Now it has been decided that all official business shall be transacted in Oriya from the 1st April 1985, it is felt necessary that knowledge in Oriya should be made mandatory for recruitment to all Government jobs. In super session of the instruction communicated in G.A., Department Resolution No. 31513-Gen., dated the 16th December 1982, Government have therefore been pleased to decide that for all posts with entry qualification of Matriculation and above a pass in Oriya language test equivalent to M.E. standard should be made an essential pre-requisite.

3. Language tests will continue to be held twice a year by the Education & Y.S. Department to test candidates by M.E. standard in Oriya to enable them to qualify for employment in public service by means of competitive examination or otherwise as was laid down in erstwhile P & S Department Resolution No. 10719-Gen., dated the 31st August 1961.

ORDER- Ordered that this Resolution be published in an extraordinary issue of the Orissa Gazette for general information and copies be forwarded to all Departments of Government / all Head os Departments / all District Offices/ Secretary to O.P.S.C /

Secretary to the Governor for information and communication to all appointing authorities under them.

By order of the Governor
C. NARAYANSWAMI
Special Secretary to Government

No.2783-2 R/1-5/89-Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

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The 24TH January 1989

To

All Departments of Government
All Heads of Departments
All Collectors

SUBJECT:- Clarification regarding sanction of second increment of an officer after passing Oriya Language test.

In G.A. Department Resolution No. 21388/Gen., dated the 12th September 1984 it was laid down that for all posts with entry qualification of Matriculation and above, a pass in Oriya language test equivalent to M.E. standard should be an essential pre-requisite. No second increment of an officer who has failed to have a qualification of Oriya language test equivalent to M.E. standard should be sanctioned until the said incumbent passes the aforesaid qualification. Doubts have been arisen as to whether the second increment of an incumbent which was held up / disallowed due to non-passing the Oriya language test would be sanctioned from the date of passing the said test or from the actual date of its accrual.

2. In the above circumstance, the undersigned is directed to clarify that in cases prior to 12th September 1984 where the second and subsequent increment of an incumbent which was held up / disallowed due to the aforesaid reason may be sanctioned from the date of passing the said test. Delay, if any caused for passing the language test shall not have the effect of postponing the increments cumulatively, but arrear incremental dues shall not be allowed. Further, it is clarified that the subsequent increments shall fall due on the next anniversary date of appointment. This disposes of the letter No.574, dated the 5th May 1988 of the I.G.R.-cum-Excise Commissioner, Cuttack.

(ILLEGIBLE)
Under Secretary to Government

(B) ANTECEDENT VERIFICATION

No.34438-2R/1-6/1999-Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

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RESOLUTION

The 20TH November 1999

SUBJECT- Verification of the character and antecedents of candidates before appointment to Government service.

A detailed procedure for verification of character and antecedents of Government servants before appointment has been laid down in erstwhile Political and Services Department Memo No. 11852 / Gen., dated the 14th September 1957 read with their Memo No. 17139(78)/Gen., dated the 2nd December 1958 and G.A. Department Memo No. 24197, dated the 25th October 1984. It has been indicated therein that detailed verification of character and antecedents is necessary in the following cases:-

- (i) Appointment to Class-I (Group-A) and Class II (Group-B) posts under the State Government
- (ii) Appointment to Ministerial posts in State Secretariat and its attached offices and Heads of Departments.
- (iii) Appointment to Class-III (Group-C) and Class-IV (Group-D) posts where such verification is considered particularly necessary in the interest of security and
- (iv) In case of candidates who are unable to produce character certificates.

2. In other cases, appointment to Class-III (Group-C) and Class-IV (Group-D) posts, may be made on production of two character certificates from two Gazetted (Group-A and Group-B) officers.

3. It has been brought to the notice of the Government that delay in issue of appointment orders to the candidates selected by Orissa Public Service Commission/Orissa, Staff Selection Commission / Selection Committee / Selection Board takes Place invariably due to non-receipt of reports of verification of the character and antecedents of such candidates in time. This causes dislocation in transacting official business in different Government offices.

4. After careful consideration of the problems, Government have been pleased to decide that the appointing authority may issue temporary appointment orders to the candidates in order of merit in the select list subject to verification of their character and antecedents by the appropriate authority. Simultaneously, the appointing authority must seek from the appropriate authority, report on the character and antecedents of the candidate concerned and in case an adverse report is received his services shall be terminated forthwith in accordance with the provisions laid down in sub-clause (ii) of Clause (h) of Explanation under rule-13 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962. This stipulation should be indicated in the temporary

appointment order to be issued to the selected candidate. In case no adverse report is received, the temporary appointment shall be made final from the date the temporary appointment order was issued.

ORDER- Ordered that the Resolution be published in the Orissa Gazette and copies thereof shall be forwarded to all Departments of Government / all Heads of Departments/ all Collectors / Registrar, Orissa High Court / Registrar, Orissa Administrative Tribunal / Special Secretary, O.P.S.C./ Secretary, Orissa Staff Selection Commission.

By order of the Governor
S. B. AGNIHOTRI
Special Secretary to Government

(C) UNDERTAKING

No. 22522 (150)-2M-33/94-Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

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The 18TH October 1994

To

All Departments of Government
All Heads of Departments
All Collectors

SUBJECT- Recovery of loan stipend from Government Servants who have availed loan stipend of the Higher Education (L.S.F.) Department.

The undersigned is directed to say that interest free loan stipend is being granted by the Government since 1946 to needy and deserving meritorious students out of the Orissa Loan Stipend Fund to enable them to prosecute higher studies in various subjects, both inside and outside the State. The borrowers are required to repay the loan in instalments as per the modalities prescribed in the Money Bond, which they execute while availing themselves of loan.

2. It has come to the notice of Government that most of the loanees do not repay the loan as per the terms of the agreement even after securing employment. In some cases neither they intimate their service particulars nor start repayment of loan of their

own accord. The Orissa Loan Stipend Fund Committee while reviewing the matter, have expressed their grave concern over the issue and have recommended to take adequate steps for realisation of the amount from the loan Stipendees.

3. After careful consideration Government have been pleased to decide that an undertaking in the enclosed form should be obtained from each Government employee at the time of his first appointment to the effect that he has / has not availed of loan stipend and in case he has availed of loan stipend, he should furnish the particulars thereof. On receipt of the above information, the employing organization shall pass on the same to the Loan Stipend Branch which shall help them to follow up recovery. Sanction of 1st increment may be withheld in case of those Government employees who fail to submit the aforementioned undertaking while entering into Government service.

4. These instructions may be meticulously followed.

PRITIMAN SARKAR
Special Secretary to Government

(FORM OF UNDERTAKING TO BE FURNISHED AT THE TIME OF 1ST APPOINTMENT)

I, Shri.....son of Shri
..... VillageP.O.
P.S.....Tahasil,Dist.appointed as
..... in the Department / Office of the declare that
I have availed / not availed loan stipend amounting to Rs. from the Department
of Higher Education (erstwhile Education L.S.F. Department) against loan Ledger No.
.....during my student career for prosecuting higher study in
..... Course during the yearout of which I have
already paid a sum of Rs. leaving a balance of
Rs.....

Full name and designation of the employee

COMBINED COMPETITIVE RECRUITMENT EXAMINATION RULES

Sl. No.	Reference No.	Date	Subject
01.	Notification No.16984	01.07.1991	Orissa Civil Services (Combined Competitive Recruitment Examination) Rules, 1991.
02.	Notification No.20282-Gen	19-07-2003	Orissa Civil Services (Combined Competitive Recruitment Examination) Amendment Rules, 2003.

GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION
The 1st July 1991
(Published in Orissa Gazette on 13th August 1991)

No. **16984/Gen.-** In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules for regulating the method of recruitment to certain State Civil Services, namely:-

Short title and commencement.	1. (1) These rules may be called the Orissa Civil Services (Combined Competitive Recruitment Examination) Rules, 1991. (2) They shall come into force on the date of their publication in the Orissa Gazettee.
Definition	2. In these rules unless the context otherwise requires, - (a) "Commission" means the Orissa Public Service Commission. (b) "Examination" means the Orissa Civil Services Combined Competitive Recruitment Examination. (c) "Government" means the Government of Orissa (d) "Schedule " means the Schedule appended to these rules (e) "Year" means the calendar year.
Direct recruitment	3. Appointment to services / posts mentioned in column (2) of Schedule which are required to be filled up by direct recruitment through competitive examination under the relevant Recruitment Rules / Regulations / Resolutions as mentioned in column (3) thereof shall notwithstanding anything to the contrary contained in such Rules / Regulations, be made in order of merit from out of the candidates recommended by the Commission under rule 15. Provided that the Government may include any services / posts in the Schedule 1 for regulating direct recruitment to that service / post under this rule or exclude any service / post from the purview of this rule by notification in the official Gazettee.
Holding of Examination	4. (1) The concerned Department of Government shall intimate ¹ [each year] vacancy position to the Commission through the G.A. Department indicating the posts reserved for candidates belonging to the categories of Scheduled Caste, Scheduled Tribe ² [Socially and Educationally backward Classes], Ex-servicemen, ³ [Sportsmen] and Women. (2) The Commission shall on receipt of the vacancy position from the G.A. Department announce and invite application from the candidates eligible to appear in the examination. (3) The Commission shall conduct the combined competitive examination in the manner prescribed in Schedule II for recruitment to the Services / Posts mentioned in Schedule I by an order to be issued by the Commission on that behalf.

(4) The date on which and the place at which the examination will be held shall be decided and notified by the commission.

(5) The candidates shall be examined in any of the subject / subjects specified in Schedule III.

Condition of
eligibility

5. In order to be eligible to compete for the examination a candidate must satisfy the following conditions, namely:-

(1) Nationality-

- (i) He shall be a citizen of India
- (ii) He shall be able to speak, read and write Oriya and shall have Oriya as a language subject in the H.S.C. Examination or an equivalent examination or has been declared to have passed a test in Oriya language equivalent to the Middle School standard conducted by the Education Department of the Government of Orissa.

(2) Age-

⁴[(i) Candidate shall be under thirty-two years and over twenty-one years of age on the first day of August of the year in which applications are invited.]

Provided that-

⁵[(a) Whether applications have not been invited by Commission during any particular year, to fill up the vacancies of that year, the applicants who would have been eligible to compete at the examination had the application been invited by the Commission during that year shall be eligible to compete at the examination held in the subsequent year;] and

⁶[(b)The maximum age limit in case of candidate belonging to Scheduled Castes or Scheduled Tribes shall be relaxed by five years;]

⁷[(b)(1) The upper age limit in case of candidates belonging to Socially and Educationally backward Classes shall be relaxed by three years]

⁸[(c) The upper age limit in case of candidates who are ex-servicemen, shall be relaxed in accordance with the Orissa Ex-Servicemen (Recruitment to State Civil Services and Posts) Rules, 1985.]

⁹[(d) The upper age limit in case of Women candidates shall be relaxed by five years]

(ii) Evidence of age which shall be accepted by the Commission is that entered in the H.S.C. Examination or Matriculation or Secondary School leaving Certificate or a Certificate recognised by an Indian University as equivalent thereto.

(3) Educational Qualification-

He must hold a Bachelor's Degree from any University incorporated by an Act of the Central or a State Legislature in India or an Educational Institution established by an Act of Parliament or deemed to be a University under section 3 of the University Grants Commission Act. 1956 or a Foreign University approved by the Central Government from time to time.

NOTE- Copies of only degree certificates or provisional certificates issued by the University duly attested by a Gazetted Officer as true copies shall be accepted as evidence of Educational qualification. The originals shall be produced at the time of viva voce test.

Eligibility of Govt.
Employees.

6. Government servants, whether temporary or permanent, are eligible to appear at the examination provided they possess the requisite qualifications and are within the prescribed age limit. Applications from Government Servants, shall however be rejected unless submitted through proper channel.

Fees	<p>7. (1) No application shall be considered, unless it is accompanied by an Indian Postal Order or Challan as provided in the advertisement showing payment in to a Government Treasury the fees as may be prescribed by the Commission in consultation with the State Government for the purpose from time to time:-</p> <p>Provided that a candidate belonging to the Scheduled Castes or Scheduled Tribes is exempted from payment of fee.</p> <p>(2) No claim for refund of the fees shall in any circumstances be entertained.</p>
Physical fitness.	<p>8. A candidate must be of good mental condition and bodily health and free from any physical defect likely to interfere with the discharge of his duties as an officer of the service. A candidate who after such medical examination as the Government may prescribe, is not found to satisfy these requirements will not be appointed. Any candidate called for the personality test by the Commission may be required to undergo medical examination before the Medical Board. No fee shall be payable to the Medical Board by the candidate.</p>
Identify	<p>9. Candidates shall submit two copies of their recent passport size photographs duly signed by them and attested by a Gazetted officer, one of which shall be firmly fixed on the first page of the application form and the remaining one shall be firmly attached to it.</p>
Disqualification	<p>10. (1) Any attempt, on the part of candidate to obtain support for his candidature, by any means, may be held by the Commission to disqualify him for admission to the examination at any stage.</p> <p>(2) No person who has more than one spouse living or in case of woman candidate if married to a person having a spouse living shall be eligible for appearing at the examination:</p> <p>Provided that the State Government may, if satisfied that such marriage is permissible under the personal law applicable to such person of there are other grounds for so doing exempt any person from the operation of this rule.</p>
Eligibility for admission.	<p>11. (1) The decision of the Commission as to the eligibility of a candidate for admission to the examination shall be final and no candidate to whom a certificate of admission has not been issued by the Commission shall be admitted to the examination.</p> <p>(2) The application of a candidate shall be summarily rejected if the same is not complete in all respects as provided in the rules, regulations, application form and supplementary instructions to the candidates and is not received by the last date notified for the receipt of application.</p>
Appearance in examination	<p>12. ¹⁰[(1) The eligible candidates shall be required to appear in a preliminary test which shall consist of two papers, i.e., one in Indian Language ¹¹[Oriya] and another in English. The candidates qualifying the preliminary test shall be called to appear in the written test on the subjects as prescribed in Schedule III.]</p> <p>(2) The candidates, who secure such minimum qualifying marks in the written test, as may be fixed by the Commission, shall be called to appear at the interview for a personality test:-</p> <p>Provided that the number of such candidates to be called for the personality test belonging to each category, shall not exceed twice the total number of vacancies likely to be filled up in different services.</p>
No . of attempts	

¹²[13, Every candidate appearing at the examination, if he is otherwise eligible shall be permitted four attempts at the examination irrespective of the number of attempts he has availed of at the Orissa Administrative Service and other examinations of previous years held prior to enforcement of these rules:

Provided that –

- (i) nothing herein shall apply in the case of S.C. & S.T. candidates.
- (ii) Candidate belonging to the Socially and Educationally Backward Classes shall be permitted seven such attempts and
- (iii) A candidate who has selected for appointment to any of the posts or services mentioned under category-II in column (2) of Schedule –I may, subject to his eligibility be allowed to compete again for Class –II service or services mentioned under category-I in column (2) of the said schedule.

NOTE – Notwithstanding the disqualification or cancellation of candidature the fact of appearance of the candidate at the examination will count as an attempt.

Preparation of
merit list

14(1) On the basis of the results of the examination and tests conducted under Rule 12 the Commission shall prepare a common list of successful candidates found suitable for appointment in order of merit, subject to reservations under different categories and forward this list to Government for allotment of their names in the manner prescribed in Rule 15. This list shall also be published by the Commission for general information.

(2) The list prepared under sub-rule (1) shall include the names of successful candidates equal to the number of vacancies reported to the Commission.

¹³[Provided that if the examination is conducted in a particular year taking together all the vacancies of the previous years, the list shall include the names of successful candidates equal to the number of the aggregate vacancies so reported to the Commission in different years including the current year.]

(3) The list submitted by the Commission shall be valid for one year from the date of its approval by the Government:

Provided that the State Government may, at any time, in consultation with the Commission for grave lapse in the conduct on the part of any person included in the list remove the name of such person from the list.

NOTE- (1) Final ranking of the candidates shall be on the basis of marks obtained in the written examination and interview;

¹⁴[*]

(2) In case of two or more candidates securing the same marks in aggregate, the candidate securing higher marks in the personality test will be assigned higher position over the others.

(3) In case of candidates securing same marks in the aggregate and personality test the candidates securing higher marks in general studies will rank above other.

(4) In case of securing same marks in the personality test general studies and optional papers final ranking will be determined on the basis of age, i.e., those elder in age will be given preference over others.

Allotment

15. Candidates securing the highest places on the results of the examination shall subject to the order of preference that has been expressed by them in their applications, be allotted to those services up to the number of vacancies that are decided to be filled up ¹⁵[*] on the result of the examination. Due consideration

shall be given to the preference exercised by a candidate at the time of his application, for admission to the examination;

Provided that in cases where the preferences given by candidates become unworkable either due to the number of candidates giving preference for a particular service being more than one number of vacancies or vice versa, Government shall have the right to allot a candidate to any service for which he is consider most suitable irrespective of any preference given by him, in making such allotment, Government shall have regard as far as possible to the professional qualification and background that the candidate possesses.

Consideration for appointment

16. Candidates shall be considered for appointment to different services subject to availability of vacancies in the order in which their names appear in the list furnished by the Commission under rule 14.

Relaxed standard for S.C., S.T. & Ex-Servicemen candidates

17. Commission while drawing up the merit list under rule 14(1), shall arrange in order of merit of the candidates who have qualified by for such standard as the Commission may determine and of the candidates belonging to the ¹⁶[S.C., S.T. & Ex-Servicemen] who though not qualified by the standard are having due regard to the maintenance of efficiency of administration, declared by the Commission to be suitable for appointment to the service.

Penalty

18. A candidate who is or has been declared by the Commission to be guilty of –

- (i) obtaining support for his candidature by any means; or
- (ii) impersonation; or
- (iii) procuring impersonation by any person; or
- (iv) submitting fabricated document or document which have been tampered with; or
- (v) making statements which are incorrect or false or suppressing material information; or
- (vi) resorting to any other irregular or improper means in connection with his candidature for the examination; or
- (vii) using unfair means during the examination; or
- (viii) writing irrelevant matter including obscene language or pornographic matter in the script (s); or
- (ix) misbehaving with the fellow examinees or the invigilator in any manner in the examination hall; or
- (x) harassing or causing bodily harm to the staff employed / engaged by the Commission for the conduct of the examination ; or
- (xi) violating any of the instructions contained in the admission certificate; or
- (xii) attempting to commit or as the case may be, abetting the Commission of all or any of the acts specified in the forgoing clauses, may be liable –
 - (a) to be disqualified by the Commission from the examination for which he is a candidate; or
 - (b) to be debarred, either permanently or for a specified period-
 - (i) by the commission, from appearing in any examination or selection held by them;
 - (ii) by the State Government, from entering to any employment under them; and
 - (c) if he is already in service under Government, to disciplinary action under the appropriate rules;

Provided that no penalty under this rule shall be imposed except after-

- (i) giving the candidate an opportunity of making such representation to the Commission or Government, as the case may be, in writing as he may wish to make in that behalf; and
- (ii) taking into consideration the representation, if any, submitted by the candidate within the period allowed to him by the Commission or the Government, as the case may be.

Right to
appointment

19. Inclusion of the name of a candidate in the list confers no right to appointment unless Government are satisfied, after such enquiry as may be considered necessary, that the candidate having regard to his character and antecedents is suitable in all respects for appointment to the service.

¹⁷[19(A)Notwithstanding anything contained in these rules and the provisions of the recruitment rules specified in column (3) of Schedule –I;

- (i) Where the Commission for any reason could not conduct the examination for one or more years in accordance with rule-4, a single examination may be conducted in the subsequent year for all the vacancies intimated during different years including the current year to the Commission, by treating them as the vacancies of the year in which the said examination is actually conducted and in that case the proviso to clause (1) of sub-rule (2) of rule –5 shall apply; and
- (ii) Where a single examination is conducted, all the vacancies which are required to be filled up by promotion, selection or transfer, as the case may be, under the relevant recruitment rules, remained unfilled shall be treated as the vacancies of the year in which such examination is conducted.]

Repeal and
Savings.

20. The rules / regulations specified in column (2) of Schedule – IV shall, to the extent as specified in column (3) thereof stand repealed:

Provided that notwithstanding such repeal any order made or action taken under the rules / regulations so repealed, shall be deemed to have been made or taken under these rules.

Interpretation

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

NOTE

- 1. : Inserted vide G.A. Department Notification No.1982-Gen., dated the 23rd January 1993 published in Orissa Gazette and given effect to from the 25th January 1993.
- 2. : Inserted vide G.A. Department Notification No.28615-Gen., dated the 5th November 1996 published in Orissa Gazette and given effect to from the 15th November 1996.
- 3. : Substituted vide G.A. Department Notification No.1982-Gen., dated the 23rd January 1993
- 4. : Substituted vide G.A. Department Notification No.33634-Gen., dated the 7th September 1992
- 5 & 9. : Substituted vide G.A. Department Notification No.1982-Gen., dated the 23rd January 1993
- 7. : Inserted vide G.A. Department Notification No.28615-Gen., dated the 5th November 1996
- 6 & 8. : Substituted vide G.A. Department Notification No.33634-Gen., dated the 7th September 1992
- 10. : Substituted vide G.A. Department Notification No.28615 dated the 5th November 1996

11. : Substituted vide G.A. Department Notification No.5775 dated the 13th March 1997 & given effect to from 1st January 1994
12. : Substituted vide G.A. Department Notification No.43676-Gen., dated the 15th December 2000 published in Orissa Gazette and given effect to from the 15th December 2000
- 13 & 14 : Inserted and deleted vide G.A. Department Notification No. 26301-Gen., dated the 28th September 1996 published in and given effect to from the 25th October 1996.
15. : Deleted vide G.A. Department Notification No. 28615-Gen., dated the 5th November 1996.
16. : Substituted vide G.A. Department Notification No.20280-Gen., dated the 15th September 1994,- published in Orissa Gazette and given effect to from the 21st September 1994.
17. : Inserted vide G.A. Department Notification No.26301-Gen., dated the 28th September 1996

SCHEDUEL – I

(Vide Rule –3)

Sl. No.	Name of the Posts / Service	Relevant Recruitment Rules
(1)	(2)	(3)

Category – I

- | | | |
|-------|--|--|
| 1. | Orissa Administrative Service, Class-II. | The Orissa Administrative Services, Class-II (Recruitment) Rules, 1978. |
| 2. | Orissa Finance Service, Class-II | The Orissa Finance Service Rules, 1979. |
| 3. | Orissa Co-operative Service, Class-II | The Orissa Co-operative (Recruitment and Conditions of Service) Rules, 1974. |
| 4. | Orissa Employment Service, Class-II | The Orissa Employment Service, Class – II (Recruitment and Conditions of Service) Rules, 1990. |
| 1[5.] | Orissa Welfare Service, Class-II | Orissa Welfare Service (Method of Recruitment and Conditions of Service)Rules, 1992. |

Category – II

- | | | |
|----|--|--|
| 6. | Sub-Registrars (Specially declared gazetted). | The Orissa Sub-Registrars (Recruitment and Conditions of Service) Rules, 1983. |
| 7. | Orissa Settlement and Consolidation Service (Specially declared gazetted). | The Orissa Settlement and Consolidation Service (Recruitment and Conditions of Service)Rules, 1980 |
| 8. | Orissa Employment Service (Junior Employment Officer) | No. Service Rule |

SCHEDUEL – II

[Vide Rule – 4 (3)]

THE SCHEME OF EXAMINATION

²[1.] The competitive examination shall comprise as follows, namely:-

- (i) Preliminary Test
- (ii) Written Test
- (iii) Personality Test or interview

2. Candidates who will qualify in the preliminary test shall be called by the Commission to appear in the written test. The qualifying marks in the preliminary test shall be such as may be fixed by the Commission. The written test shall comprise of six papers each carrying 300 marks in the subject prescribed in schedule-III. The marks obtained in the preliminary test shall not be counted for ranking.

3. Candidates who obtain such minimum qualifying marks in the written part of the examination may be fixed by the Commission at their discretion, shall be called for the personality test. ³[*] The personality test shall carry ⁴[200 marks (with no minimum qualifying marks)].

Total marks thus obtained by the candidates in the written examination and personality test would determine their final ranking. Candidates shall be allotted to the various services keeping in view their ranks in the examination and the preferences indicated by them for the various services.

NOTE

1. Inserted vide G.A. department Notification No. 31577/Gen., dated the 31st October 1998 and given effect from the 31st October 1998.

2 & 4. Substituted vide G.A. Department Notification No. 28615, dated the 5th November 1996

3. Deleted vide G.A. Department Notification No. 28615, dated the 5th November 1996.

SCHEDULE – III

[Vide Rule – 4 (5)]

Scheme and subjects for the examination

¹[1] The preliminary test shall consist of the following subjects :-

Paper – I ² [Oriya]	300 marks
Peper – II English	300 marks

NOTE- The preliminary test shall be matriculation standard. The test shall be of qualifying nature and marks obtained in these papers shall not be counted for ranking.

1(A) The written test shall consist of the following subjects:-

Paper - I	General Studies –I	300 marks
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Paper-II	General studies –II	300 marks
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Paper-III	300 marks each	1200 marks
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Paper-IV	Any two subjects to be selected from the list of optional set out below.
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Paper-V	Each subject shall have two papers.
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Total Marks in written test		1800 marks
1 (B)	Personality test	200 marks
Total Marks in written & personality test		2000 marks
2.	List of Optional Subject-	
(1)	Agriculture	
(2)	Animal Husbandry and Veterinary Science	
(3)	Anthropology	
(4)	Botany	

(5)	Chemistry	
(6)	Civil Engineering	
(7)	Commerce & Accountancy	
(8)	Economics	
(9)	Electrical Engineering	
(10)	Geography	
(11)	Geology	
(12)	History	
(13)	Law	
(14)	Literature of one of the following languages- (i) Oriya (ii) Hindi (iii) Sanskrit (iv) Persian (v) English (vi) Urdu	
(15)	Management	
(16)	Mathematics	
(17)	Mechanical Engineering	
(18)	Philosophy	
(19)	Physics	
(20)	Political Science & International Relations	
(21)	Psychology	
(22)	Public Administration	
(23)	Sociology	
(24)	Statistics	
(25)	Zoology	
³ [(26)]	Education]	
⁴ [(27)]	Forestry]	
(28)	Home Science	
NOTE	(i) Candidate shall not be allowed to opt for the following combinations of subjects	
(a)	Oriya, Hindi, Persian, Sanskrit	
(b)	Civil Engineering, Mechanical Engineering, Electrical Engineering	
(c)	Mathematics, Statistics	
(d)	Anthropology, Sociology	
(e)	Political Science & International Relations and Public Administration	
(f)	Commerce & Accountancy and Management	
(g)	Agriculture and Animal Husbandry and Veterinary Science	
(h)	Management and Public Administration	
³ [(i)]	Education and Psychology]	
⁴ [(j)]	Geology and Geography]	
	(ii) The question papers for the examination shall be of conventional essay type	
	(iii) Each paper shall be of three hours duration	
	(iv) Candidates shall have to answer all the question papers, except the Indian Language Paper in English	
	(v) The question papers other than Indian Language papers shall be set in English	
	(vi) The details of syllabus are to be set out by the Commission	

3. General Instructions-

- (i) Candidates must answer the papers in their own handwriting. In no circumstances, they will be allowed the help of a scribe to write the answers for them.

- (ii) The commission shall be competent to fix the qualifying marks in any or all the subjects of the examination.
- (iii) If a candidate's handwriting is not easily legible, a deduction will be made on this account from the total marks otherwise accruing to him.
- (iv) Marks will not be allotted for mere superficial knowledge
- (v) Credit will be given for orderly, effective and exact expression combined with due economy of words in all subjects of the examination.
- (vi) In the question papers, wherever necessary questions involving the Metric system of weights and measures only will be set.
- (vii) Candidates shall use only International, form of Indian numerals i.e.2,3,4,5,6, etc.) while answering question papers.
- (viii) Candidates shall be permitted to bring and use battery operated pocket calculators for conventional (easy) type papers only.

Candidates shall not be permitted to use calculators for answering objective type papers (Test Booklets).

Personality Test

The candidate shall be interviewed by a Board who will have before them a record of his career. He will be asked questions on matters of general interest. The object of the interview will be to assess the personal suitability of the candidate for a career in public service. The object test shall be to judge the mental caliber of a candidate, his intellectual qualities as well as social traits and his interest in current affairs. Also some of the qualities to be judged will be mental alertness, critical powers of assimilation, clear and logical exposition, balance of judgment, variety and depth of interest, ability for social cohesion and leadership, intellectual and moral integrity.

SCHEDULE – V

(See Rule – 20)

Sl No.	Name of the Recruitment Rules/Regulations	Relevant provisions of the Recruitment Rules/Regulations
(1)	(2)	(3)
1.	The Orissa Administrative Service, Class-II (Recruitment) Rules, 1978.	Rule-4, sub-rule (2) of Rule-5, sub-rule (3) of Rule 7.
2.	The Orissa Administrative Service, Class-II (Appointment by Competitive Examination) Regulations, 1978.	The whole Regulations.
3.	The Orissa Finance Service Rules, 1979	Clause (a) of sub-rule (1) of Rule-3, Rule-5, sub-rule (i) of Rule-17.
4.	The Orissa Co-operative Service (Recruitment and Conditions of Service) Rules, 1974.	Clause (b) of sub-rule (2) of Rule-4, Rules – 9, 10, 11, 12, 13, 14, 15, 16, and clause (d) of Rule – 18.
5.	The Orissa Employment Service Rules, 1990.	Rules-7, 8, 9, 10, 11 & 12 of Chapter – III
6.	The Orissa Sub-Registrars (Recruitment and Conditions of Service) Rules, 1983.	Sub-rule (2) of Rule-1 and Rule-5
7.	The Orissa Settlement and Consolidation Service (Recruitment and Conditions of Service) Rules, 1980.	Rules-5, 6, 10, 11 and 13-A.

By order of the Governor
C. NARAYANASWAMY
Special Secretary to Government

1. Deleted vide G. A. Department Notification No. 28615/Gen., dated the 5th November 1996.

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**GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT**

NOTIFICATION

The 19th July 2003

S.R.O. No. 394/2003-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules further to amend the Orissa Civil Services (Combined Competitive Recruitment Examination) Rules, 1991, namely :-

1. (1) These rules may be called the Orissa Civil Services (Combined Competitive Recruitment Examination) Amendment Rules, 2003.

(2) They shall come into force on the date of their publication in the Orissa Gazette.

2. In the Orissa Civil Service (Combined Competitive Examination) Rules, 1991 in Schedule – III against Serial No. 2 under the heading list of Optional Subjects : after item 28th following items shall be inserted, namely :-

“29-Agricultural Engineering
30-Fisheries Science”

Gen.]

Governor

Government

[No. 20282-2R/1-13/2003-

By order of the

S.SRINIVASAN

Special Secretary to

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3. CONDUCT RULES

Serial No.	Reference	Date	Subject
PART I - RULES			
1.	Notification No. 4757 (Gen.)	07-04-1959	Orissa Government Servants' Conduct Rules, 1959.
PART II – INSTRUCTIONS			
1.	P & S. Department Memorandum No. 4021 (82).	22-03-1958	Prohibition of Government servants from bidding at Government auction.
2.	Office Memorandum No. 3166 (Gen.)	21-03-1960	Procedure to be followed by Government servants dealing with money collected from public.
3.	Circular No. 2497 (Gen.)	01-03-1961	Standardised Agency System on Small Savings.
4.	Memo No. 6234 (Gen.)	20-05-1961	Precautions in dealing with cases of relatives.
5.	Memo No. 6610 (Gen.)	26-05-1961	Acquisition or disposal of movable or immovable property by Government servants.
6.	Circular No. 4278 (Gen.)	19-03-1964	Clarification on Rule 21 of Orissa Government Servants' Conduct Rules.
7.	Circular No. 10691 (Gen.)	13-05-1982	Participation of Government servants in the activities of Anand Marg-Clarification to Rule 5 (1).
8.	Circular No. 449 (Gen.)	17-01-1983	Purchase of land belonging to Adivasis.
9.	Circular No. 14040 (Gen.)	06-06-1984	Strict observance of provisions relating to consumption of intoxicating drinks and drugs.
10.	Chief Secretary's D. O. letter No. 12457/cs.	25-04-1989	Prohibition of smoking in public places.
11.	Circular No. 25990 (Gen.)	15-09-1990	Encroachment of Govt. land
12.	Circular No. 13442 (Gen.)	18-05-1991	Executive Instructions on Rule 21
13.	Circular No. 27021 (Gen.)	04-10-1997	Code of Conduct of Government servants in connection with Press and Elected representatives.
14.	UOI No. 84	18-11-1999	Restriction on filing of representations by the relatives of Government employees pertaining to the problems of such employees.
15.	G. A. Department Circular Letter No. 12128.	07-04-2001	Prohibition of sexual harassment of working women.

PART I – RULES

THE ORISSA GOVERNMENT SERVANTS' CONDUCT RULES, 1959

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
NOTIFICATION

The 7th April 1959

Published in *Orissa Gazette* on the 1st May 1959

No. 4757 (Gen.)-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is hereby pleased to make the following rules to regulate the conduct of Government servants employed in connection with the affairs of the State of Orissa, namely;-

THE ORISSA GOVERNMENT SERVANTS' CONDUCT RULES, 1959

Short Title
Definitions

- 1959
1. These rules may be called the Orissa Government Servants' Conduct Rules,
 2. In these rules unless the context otherwise requires :-
 - (a) "Government" means -
 - (i) in the case of a Government servant who is outside India, whether on duty or on leave or whose services have been placed at the disposal of the Government of India, the Government of India;
 - (ii) in the case of a Government servant whose services have been placed at the disposal of the Government of another State, so long as he is serving within India, the Government of that State;
 - (iii) in all other cases, the Government of Orissa.
 - (b) "Government Servant" means any person appointed to serve in connection with the affairs of the State, in respect of whom the Government of Orissa is empowered to make rules under article 309 of the Constitution of India, whether for the time being such person is serving in connection with the affairs of the Government of India or of any State, or is on foreign service, or on leave.
 - (c) "Member of the family" in relation to a Government servant includes -
 - (i) the wife, child or step-child of such Government servant whether residing with him or not and in relation to a Government servant who is a woman, the husband residing with her and dependent on her, and
 - (ii) any other person related whether by blood or by marriage to the Government servant and wholly dependent on him or her, but does not include a wife or husband separate from the Government servant or a child or step-child who is no longer in any way dependent upon him or her, or of whose custody the Government servant has been deprived of by law.

¹[3. General-Every Government servant shall at all time, maintain absolute integrity, decorum of conduct and devotion to duty and shall not commit any act which amounts to personal immorality or failure to discharge duties properly.

Explanation-For the purpose of this Rule -

- (a) 'personal immorality' means vicious habits relating to drink, sex and gambling which reduce the utility of a public servant so as to damage Government or the official generally in public esteem; and
- (b) 'failure to discharge duties properly' includes all such acts and omissions on the part of a Government servant as are likely to weaken the position and prestige of the Government of the Union or the Government of Orissa or which indicates an absence of loyalty and devotion to the Union or any feeling of loyalty towards any State outside the Union.]

**Obedience to
Superiors**

4. Obedience to superiors – Every Government servant shall at all times carry out the orders and act according to the instructions of his superior authorities so far as his official duties are concerned.

⁴[4-A Prohibition of sexual harassment of working women -

- (1) No Government servant shall indulge in any act of sexual harassment of any woman at her work place.
- (2) Every Government servant who is in charge of work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation – For the purpose of this rule. “Sexual harassment” includes such unwelcome sexually determined behaviour, whether directly or otherwise, as -

- (a) Physical contact and advances,
- (b) Demand or request for sexual favours,
- (c) Sexually coloured remarks,
- (d) Showing any pornography; or
- (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.]

**Taking part in
politics etc.**

5. (i) No Government servant shall be a member of or be otherwise associated with any political or communal party or any organisation which taken part in politics or communal activities, nor shall he take part in subscribe in aid of or assist in any other manner, any political or communal movement or activity.

- (ii) It shall be the duty of every Government servant to endeavour to prevent any member of the family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be subversive of the Government as by law established, and where a Government servant fails to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government and act according to the directions given by the Government in this regard.
- (iii) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final.
- (iv) No Government servant shall canvass or otherwise interfere or use his influence in connection with, or take part in an election to any legislature or local authority :

Provided that -

- (a) a Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted,
- (b)

a Government servant shall not be deemed to have contravened the provisions of this rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being the force.

Explanation – The display by a Government servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election, within the meaning of this sub-rule.

1. Inserted vide G. A. Department Notification No. 33648/Gen., dated the 8th September 2000.

6. Connection with Press or Radio -

- (i) No Government servant shall, except with the previous sanction of the Government, own, wholly or in part, or conduct or participate in editing or managing of any newspaper or other periodical publication.
- (ii) No Government servant shall, except with the previous sanction of the Government or any other authority empowered by it in this behalf, or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that no such sanction shall be required if such contribution to any newspaper or periodical is on a purely literary, artistic or scientific subject and of occasional character.

Criticism of
Government.

7. No Government servant shall in any radio broadcast or in any document published anonymously or in his own name, or in the name of any other person or in any communication to the Press, or in any public utterance, make any statement of fact or opinion -

- (i) which has the effect of an adverse criticism of any current or recent policy or action of the Government of Orissa or the Government of India or the Government of any other State; or
- (ii) which is capable of embarrassing, the relation between the Government of Orissa and the Government of India or the Government of any other State; or
- (iii) which is capable of embarrassing the relations between the Government of India and the Government of any foreign State:

Provided that nothing in this rule shall apply to any statement made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

Explanation I – Nothing contained in this rule shall be construed to limit or abridge the power of the Government to require any Government servant to publish and explain any policy or action of the Government in such manner as may appear to them to be expedient or necessary.

Explanation II – For purposes of this rule a club shall be deemed to be a public place.

8. (1) No Government servant shall with a view to ventilating his grievance, whether such grievance is individual or general in character or for any other reason take to any strike, etc (including hunger-strike) from work whether such strike is partial or complete.

Explanation – ‘Strike’ means a cessation of work by a person or a body of persons employed in any office acting singly or in combination or a concerted refusal, or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or accept employment.

¹[(2) No Government servant shall join any procession, demonstration or any other form of agitation which is likely to cause a breach of the public tranquility.].

(3) No Government servant shall join the public to ventilate his grievances even if such grievances are common with the public in a manner which is likely to cause a breach of the public tranquility.

Joining of Associations by Government Servants.

²[9. No Government servant shall join, or continue to be a member of an association the objects or which are, in the opinion of Government, prejudicial to the interests of the sovereignty and integrity of India or public order of morality.]

1. Substituted vide P. & S. Department Notification NO. 17124, dated 8th December 1962, Orissa Gazette, Part III, Page 2256 of 1962.

2. Substituted in P. & S. Department No. 1674/Gen., dated the 11th February 1974 – Given effect to from the 11th February 1974.

¹[9-A. No Government servant shall, without the approval of Government, be or continue to be an office-bearer of a service association of Government servants of a particular category, if he does not belong to that category and he has no common interest in matters of that association.]

Evidence before Committee or any other authority.

10. (1) No Government servant shall, except with the previous sanction of the Government give evidence in connection with any inquiry conducted by any person, committee or authority :

Provided that no such sanction shall be necessary for giving evidence -

- (a) at an inquiry before an authority appointed by the Government of Orissa, by the Government of India, by the Legislature of Orissa or by Parliament; or
- (b) in any judicial inquiry; or
- (c) in any Court.

(2) No Government servant giving such evidence shall criticise the policy of the Government of Orissa, the Government of India or any other State Government.

Unauthorised communication of information.

11. No Government servant shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate directly or indirectly any official document or information to any Government servant or any other person to whom he is not authorised to communicate such document or information.

Subscriptions

12. No Government servant shall, except with the previous sanction of the Government or of such authority as may be empowered by it in this behalf, ask or accept contributions to or otherwise associate himself with the raising of any fund in pursuance of any object whatsoever.

13. No Government servant shall, except with the permission of the head of the office or department in which he works, shall apply for any concession, help or loan granted by the Government, if he is likely to deal with such application in his official capacity. The head of office or department shall, before granting such permission, satisfy himself that the applicant is not likely to take undue advantage of office in availing of the concession, help or loan.

Gift

14. (1) Save as otherwise provided in these rules, no Government servant shall, except with the previous sanction of the Government, accept or permit any member of his

family to accept any gift whatsoever from any person who is not a close relation of the family.

Explanation – For the purpose of this sub-rule any trowel, key or other similar articles offered to a Government servant at the laying of the foundation stone or the opening of a public building or any ceremonial function shall be deemed to be a gift.

- (2) A Government servant may accept or permit any member of his family to accept a gift of a reasonable value from personal friend on ceremonial occasions such as the functions connected with birth, death or marriage when the making or receiving of such gifts is in conformity with the prevailing religious or social customs.
- (3) A Government servant may accept or permit any member of his family to accept gifts of trifling value from personal friends on other occasions.
- (4) If any question arises whether a gift is of reasonable or trifling value, or where a Government servant is in any doubt whether a gift is of a reasonable or trifling value or not, a reference shall be made to the Government by such Government servant and the decision of the Government thereon shall be final.

Explanation – Whether or not a gift should be treated as of a reasonable or trifling value shall depend on the social and economic standing of both the donor and the donee and the circumstances in which the gift is made. A gift exceeding Rs. 20 in value from a person who is not a close relation shall ordinarily be regarded as a gift not of trifling value.

¹ Added in P. & S. Department Notification No. 18446/Gen., dated the 7th November 1974.

- (5) Nothing in this rule shall be deemed to prevent any Government servant from sitting at the request of any public body for a portrait, bust or statue, not intended for presentation to him.

¹[**14-A.** No Government servant shall -

- (i) give or take or abet the giving or taking of dowry; or
- (ii) demand, directly or indirectly, from the parents or guardians of a bride or bride-groom, as the case may be, any dowry.

Explanation – For the purposes of this rule, ‘Dowry’ has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961)]

Public
demonstrations
in honour of
Government
servants.

15. No Government servant shall, except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other Government servant:

Provided that nothing in this rule shall apply to -

- (i) a farewell entertainment of a substantially private and informal character held in honour of any Government servant on the occasion of his retirement or transfer or of any person who has recently quitted service of any Government;
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

Illustration – A. A. Deputy Collector is due to retire. B. another Deputy Collector in the district, may give a dinner in honour of A, to which select persons are invited.

Unauthorised
pecuniary
arrangements.

16. No Government servant shall enter into any pecuniary arrangement with another Government servant or any other person so as to afford any kind of advantage to either or both of them in any unauthorised manner or against the specific or implied provisions of any rule for the time being in force.

Private trade or
employment

17. (1) No Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or under any employment:

²[Provided that a Government servant may, without such sanction, undertake honorary work of a social or charitable nature or occasional work, a literary, artistic or scientific character, subject to the following conditions, namely :-

- (i) he shall, within one month of his undertaking any such work, report to the Government giving full details;
- (ii) his official duties do not thereby suffer; and
- (iii) he shall discontinue any such work, if so directed by the Government:

Provided further that if the undertaking of any such work involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the Government.

Explanation – (i) Canvassing by a Government servant in support of the business of insurance agency, commission agency, etc., owned or managed by any member of his family shall be deemed to be a breach of this sub-rule. ³[(ii)]

- (2) No Government servant shall except with the previous sanction of the Government take part in the registration, promotion or management of any bank or other company registered under the Indian companies Act, 1956 or any other law for the time being in force:

1. Inserted vide P. & S. Deptt. Notification No. 9800/Gen., Dt. 24-5-1977 & given effect to from 24-5-1977.

2. Substituted vide P. & S. Department Notification No. 6883/Gen., Dt. 12-5-1973.

3. Deleted vide G. A. Department Notification No. 15559/Gen., Dt. 1-7-1980.

¹[Provided that a Government servant may take part in the registration, promotion or management of a Co-operative Society substantially for the benefit of Government servants or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force, subject to the following conditions, namely:-

- (i) he shall, within one month of his taking part in any such activity, report to the Government giving full details;
- (ii) his official duties do not thereby suffer; and
- (iii) he shall discontinue taking part in any such activities, if so directed by the Government:]

Provided further that if taking part in any such activities involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the Government.

- (3) No Government servant shall hold a lottery for the disposal of his property or for any other purpose, except with the permission of Government
- (4) A Government servant who is about to quit the station, district or other local limits for which he has been appointed may, without

reference to any authority, dispose of any of his movable property by circulating list of it among the community generally or by causing it to be sold by public auction.

- ²[(5) Every Government servant shall, if any member of his family is engaged in trade or business or owns or manages an insurance agency or commission agency, report that fact to Government.]

18. Action in respect of a relation – (1) Where a Government servant submits any proposal or opinion or takes any other action, whether for or against any individual related to him whether the relationship be distant or near, he shall with every such proposal, opinion or action, expressly state whether the individual is related to him, and if so related, the nature of the relationship.

- (2) Where a Government servant has by any law, rule or order in force, power of deciding finally any proposal, opinion or any other action, and that proposal, opinion or action, is in respect of an individual related to him, whether the relationship be distant or near and whether that proposal, opinion or action affects the individual favourably or otherwise, he shall not take a decision but shall submit the case to his superior officer after explaining the reasons and the nature of relationship.

Investments
landing and
borrowings.

19. (1) No Government servant shall speculate in any investment -

Explanation – The habitual purchase or sale of securities of a notoriously fluctuating value shall be deemed to be speculation in investments within the meaning of this sub-rules.

- (2) No Government servant shall make, or permit any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties and where a Government servant fails to prevent a member of his family from making an investment of this nature, he shall make a report to that effect to the Government forthwith.
- (3) If any question arises whether a security or investment is of the nature referred to in sub-rule (1) or sub-rule (2) the matter shall be referred to the Government or any officer authorised by it in this behalf and the decision of the Government thereon shall be final.
- (4) No Government servant shall, except with the previous sanction of the Government, lend money to any person possessing land or valuable property within the local limits of his authority, or at interest to any person:

1. Substituted vide P. & S. Department Notification No. 6883/Gen., dated. The 12th May 1973.

2. Added in P. & S. Department Notification No. 13647/Gen., dated the 5th August 1970.

Provided that a Government servant may make an advance of pay to a Private servant, or give a loan of small amount free of interest to a personal friend or relative, even if such person possesses land within the local limits of his authority.

- (5) No Government servant shall save in the ordinary course of business with a bank or firm of standing, borrow money from, or otherwise place himself under pecuniary obligation to any person within the local limits of his authority, nor shall be permit any member of his family, except with the previous sanction of the Government to enter into any such transaction:

Provided that a Government servant may accept a purely temporary loan of small amount free of interest from a personal friend or relative or operate a credit account with a bona fide tradesman.

Note – A pecuniary obligation means not only obligation arising out of a cash transaction but also the acceptance without consideration of any service or facility of other than trifling value.

- (6) When a Government servant is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of sub-rule (4) or sub-rule (5), he shall forthwith report the circumstances to the Government and shall thereafter act in accordance with such order as may be passed by the Government.

**Insolvency &
Habitual
Indebtedness.**

20. A Government servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government servant, who becomes the subject of a legal proceeding for insolvency, shall forthwith report the full facts to the Government.

¹[20-A. A Government servant who is arrested due to involvement in criminal proceedings or otherwise shall intimate, the facts leading to his arrest immediately to his appointing authority and the authority to whom he is subordinate.]

**Movable,
Immovable &
valuable
property.**

21. (1) No Government servant shall except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale gift or otherwise either in his own name or in the name of any member of his family or a benamidar:

Provided that any such transaction conducted otherwise than through a regular or reputed dealer shall require the previous sanction of the prescribed authority. :

²[Provided further that nothing in this sub-rule shall apply in respect of the lease of a house taken by a Government servant for residential purposes.]

³[**Explanation** – The prescribed authority for the purposes of this sub-rule shall be the controlling authority, namely:-

- (a) in case of all officers the immediate superior authority under whom the officer is serving;
- (b) in respect of Government servant on foreign service or on deputation to any other Department or any other Government the prescribed authority shall be the immediate superior authority to whom he is administratively subordinate.

Illustration – A sub-divisional Officer can give permission to a Tahasildar or any Gazetted, Non-gazetted Officer working under him. Similarly, the Tahasildar shall permit his subordinates to dispose of or acquire immovable or movable property. In case of the Department of the Government and Heads of the Department the Section Officer can permit the staff working under him in this matter.]

1. Inserted vide P. & S. Department Notification No. 14811/Gen., dated the 27th August 1970.

2. Added vide P. & S. Department Notification No. 7830/Gen., dated the 19th April 1968.

3. Substituted vide P. & S. Department Notification No. 6301/Gen., dated the 3rd May 1973.

¹[(2) The controlling authority while according sanction for acquisition or disposal of property shall also send a copy of such sanction to Government through their Heads of Department.]

- (3) A Government servant who ²[either in his own name or in the name of any member of his family] enters into any transaction concerning any movable property exceeding in value of ^{*}[Rs. 4,000] in case of Gazetted Officers and ^{*}[Rs. 2,000] in case of Non-Gazetted Officers, whether by way of purchase, sale or otherwise shall forthwith report such transaction to the prescribed authority referred to in sub-rule (1):

Provided that no Government servant shall, except with the previous sanction of Government, ²[either in his own name or in the name of any member or his family] enter into any transaction with or through any person other than a reputed dealer or agent of standing.

Explanation – For the purposes of this sub-rule, the expression, “Movable property” includes inter alia the following property, namely:-

- (a) jewellery, insurance policies, shares, securities and debentures;
- (b) loans advanced by such Government servant, whether secured or not;
- (c) motor cars, motor cycles, horses or any other means of conveyance; and
- (d) refrigerators, radios and radiograms.

- (4) Every Government servant is required to make a true complete declaration before the end of January at an interval of every three years of all his assets movable and immovable and the value thereof as on the 31st December of the previous year in the form given in the Appendix-A. The declaration shall contain detailed particulars of the officer's assets and must include and specify the assets which are held by or in the name of his wife, children, other dependents or benamidars. The declaration shall be written by the officer in his own hand and submitted in a sealed cover to the authority as directed by the Government and such authority shall be responsible for its careful preservation. ³[It shall be obligatory on the part of the Government servants to submit the declarations in every three years and in the event of their failure to do so in time they shall be liable to disciplinary action. An Officer making a declaration found to be materially incomplete, misleading or false shall be liable for disciplinary action and even for dismissal from Government service.]

¹[**Note 1** – The Secretary to Government in the Administrative Department in case of Gazetted Officers and Heads of Department or Head of Offices in case of Non-Gazetted Officers, shall be the authority to whom the declarations are to be submitted. The Chief Secretary to Government, in case of Secretary to Government and Heads of Departments, shall be the authority to whom the declarations are to be submitted. The G. A. Department shall act as the Co-ordinating Department in regard to this matter. Judicial Officers shall submit their property statements to the High Court for preservation.]

Note 2 – Officers who are on deputation or transferred temporarily to another cadre shall submit their property statements to their authority in the parent cadre in which they are borne or retain a lien. On their permanent transfer to another cadre or Department all sealed covers containing their statement shall be transmitted to the appropriate authority in their new cadre or department competent to preserve them.

Note 3 – In case of Government servants newly appointed to Government service they should declare their assets as on the date of appointment within three months from that date. They will make subsequent declaration along with others after the normal triennial period, notwithstanding the fact that three year have not elapsed since the submission of their first declaration.

1. Added vide P. & S. Department Notification No. 6301/Gen., dated the 3rd May 1973.

2. Inserted vide G.A. Deptt. Notification No. 20470/Gen., dated the 1st July 1989, Published in Orissa Gazette and given effect to from the 11th August 1989.

- * Substituted vide G. A. Deptt. Notification No. 6504/Gen., dated the 23rd February 1988, Published in Orissa Gazette and given effect to from the 30th March 1988.
- 3. Substituted vide P. & S. Deptt. Notification No. 6301/Gen., dated the 3rd May 1973.
- 4. Substituted vide P. & S. Deptt. Notification No. 1387/Gen., dated the 21st January 1969.

Note 4 – The first declaration shall be made by a Government servant in respect of all his assets, both movable and immovable and subsequent declaration need, only specify modification required in the statements of the previous occasion showing in detail the manner of fresh acquisition and disposal of property acquired previously.

¹[**Note 5** – notwithstanding anything contained in this sub-rule, every Government servant after his/her marriage, shall make a true and complete declaration of his/her assets afresh in the prescribed form within three months of marriage.]

²[**Note 6** - ²[The Grade – D] Government servants shall not be required to submit declaration under this sub-rule.]

Vindication of acts and character of Government servant.

22. No Government servant shall except with the previous sanction of Government have recourse to any Court or to the Press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of defamatory character.

Explanation – Nothing in this rule shall be deemed to prohibit a Government servant from vindication his private character or any act done by him in his private capacity.

Canvassing of non-official or other influence.

23. No Government servant shall bring or attempt to bring any influence whether official or non-official to bear upon any authority to further his interests in respect of matters pertaining to his appointment under Government, promotion, pay and other service conditions.

Explanation – Intercession by an outsider on behalf of an officer shall be deemed as an attempt on the part of the officer to bring extraneous influence for furthering his official interests.

⁴[**24.** Bigamous marriage - (1) No Government servant shall enter into, or contract a marriage with a person having a spouse living; and

- (2) No Government servant, having a spouse living shall enter into, or contract, a marriage with any person;

Provided that the Government may permit a Government servant to enter into or contract, any such marriage as is referred to in clause (1) or clause (2), if they are satisfied that-

- (a) such marriage is permissible under the personal law applicable to such Government servant and the other party to the marriage; and
- (b) there are other grounds for so doing]

³[**24.-A.** Drinking – A Government servant shall -

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) not be under the influence of any intoxicating drinks or drugs during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drugs;
- (c) refrain from consuming any intoxicating drink or drug in a public place;
- (d) not appear in a public place in a State of intoxication;

- (e) not use any intoxicating drink or drug to excess.

Explanation – For the purpose of this rule “Public place” means any place or premises (including a conveyance) to which the public have or are permitted to have, access, whether on payment or otherwise.]

1. Inserted vide G. A. Department Notification No. 19267/Gen., dated the 31st August 1995, Published in Orissa Gazette and given effect from the 22nd September 1995.
2. Renumbered vide G. A. Department Notification No. 19267/Gen., dated the 31st August 1995.
3. Substituted vide G. A. Department Notification No. 26321/Gen., dated the 30th September 1996.
4. Substituted vide P. & S. Department Notification No. 16637/Gen., dated the 30th September 1974.
5. Substituted vide P. & S. Department Notification No. 12852/Gen., dated the 16th July 1975.

Employment of Government servant outside his normal duties.

¹[**25.** A Government servant whose whole time is at the disposal of the Government which pays him may be employed in any manner required by the appropriate authority. For all his actions in such employment whether it is paid or honorary or whether it is under Government or under any other public or private body or institution, he shall be held responsible to Government irrespective of the fact whether such employment is outside the normal duties of the post he holds at the time under Government.]

Note – The appropriate authority with reference to this rule shall be, in case of Government servants belonging to a State Service, the Government and in other cases the Heads of the Department.

Proper use of amenities

26. No Government servant shall misuse or carelessly use, amenities provided for him by the Government to facilitate the discharge of his public duties.

Note – Violation or non-compliance with the instructions contained in Transport Department Circular No. 1004 (18) – T-TAC 106/59, dated the 21st February 1959 (See Appendix B) will amount to misuse of amenity for the purpose of rule-26.

Payment for purchases

27. Unless payment by instalment is customary, or specially provided, or a credit account is maintained with a bonafide tradesman, no Government servant shall withhold prompt and full payment for the articles purchased by him whether the purchases are made on tour or otherwise.

Use of services without payment

28. No Government servant shall without making proper and adequate payment, avail himself of any service of entertainment for which a hire or price or admission fee is charged.

Note – The prohibitions will not apply to occasional and unsolicited complimentary passes issued by the proprietors or managers of the service or entertainment.

Use of conveyances belonging to others

29. No Government servant shall, save in exceptional circumstances, use a conveyance belonging to private person except when such conveyance is public service vehicle and proper fare has been paid for its use, or use a conveyance belonging to a Government servant who is subordinate to him unless he travels with such subordinate officer on duty.

²[**Note** -The onus of establishing exceptional circumstances and payment of proper fare shall rest on the Government servant.]

Purchases through subordinates

30. No Government servant shall himself ask or permit his wife, or any other member of his family living with him to ask any Government servant who is subordinate to him, to make purchases locally or from out station, on behalf of him, his wife or other members of his family, whether on advance payment or otherwise:

Provided that this rule shall not apply to the purchases which the personal staff attached to the Government servant may make on behalf of such Government servants.

³[**30-A-** (1) Every Government servant shall intimate his residential and postal address and changes, if any, to the head of Office/Department.

- (2) It shall be the duty of the Government servant to make adequate arrangement for receipt of letters addressed to him at his residential address during his absences. Any letter sent by special messenger or service effected by properly addressing, pre-paying and posting by registered post, in the address intimated by him shall be deemed to have been duly delivered or served to him. If the letter returns with the postal remark, that the addressee refused to receive the letter or that the address is not found or otherwise not available, or any other similar endorsement or he refuses to receive any letter sent by special messenger, such omission, lapse or Commission or conduct, as the case may be, on the part of Government servant shall be treated as gross misconduct.]

-
1. Original Rule 25 deleted and Rules 26 to 35 renumbered as Rules 25 to 34 vide P. & S. Department Notification No. 4386/Gen., dated the 16th April 1960.
 2. Amended, vide P. & S. Department Notification No. 24716/Gen., dated the 15th November 1966.
 3. Inserted, vide G. A. Department Notification No. 26321/Gen., dated the 30th September 1996.

**Engagement of
child labourer.**

⁴[**30.- B** – No child below the age of fourteen years shall be employed to work by any Government servant.]

Relaxation

31. Government may relax all or some of the provisions contained herein in respect of such Government servants particularly part time and contingency paid Government servants, as they may deem fit.

Interpretation

32. If any question arises relating to the interpretation of any of these rules, it shall be referred to the Government whose decision thereon shall be final.

**Delegation of
powers**

33. The Government may, by General or special order direct that any power exercisable by it or any Heads of Department under these rules (except the powers under rule 21 and this rule), shall subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

**Repeal and
savings**

34. Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to Government servants under the control of the Government of Orissa are hereby repealed:

²[Provided that an order made or action taken under the rules so repealed or any violation thereof shall be deemed to have been made or taken under or to be a violation of the corresponding provisions of these rules.]

By order of the Governor

B. SIVARAMAN

Chief Secretary to

Government

-
1. Inserted, vide G. A. Department Notification No. 33642/Gen., dated the 8th September 2000.
 - 2.

APPENDIX A

FORM

Name (in full) of Officer

.....

Designation

.....

Pay

.....

A. Immovable Property

(1) Lands

Sl No.	Precise location	Area	Nature of land	Extent of interest	Value	In whose name (self, wife, child, dependant, other relation or benamidars) the asset is or was	Date and manner of acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

(2) Houses

Sl No.	Precise Location	Extent of interest	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(3) Immovable properties of other description (including mortgages and such other rights)

Sl No.	Brief description	Extent of interest	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

B. Movable Property

(1) Cash, Bank balance, Credit, Insurance Policies, Shares, Debentures, etc.

Sl No.	Description of Items	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Loans that may have been given to others	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(2) Other movable (including jewellery and other valuable, motor vehicle, refrigerators and other articles or materials of value of Rs. 4,000.00 and over for each item in respect of Gazetted Officers and Rs. 2,000.00 and over for each item in respect of Non-gazetted Officers).

Sl No.	Description of Items	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

I hereby declare that the declaration made above is complete, true and correct to the best of my knowledge and belief.

Date.....

Signature

Note (1) – The categories of assets noted in brackets in above heads are only illustrative and not meant to be exhaustive. In case of jewelleries and ornaments their total weight in totals and their cash value should be given in column 3 of Form B (2).

Note (2) – The filling the Form, endeavour should be made to provide Government with as complete a picture as possible of the Government servant's assets and no asset of appreciable value should be omitted by reason of any literal interpretation of the directions given.

APPENDIX B

Copy of Government of Orissa, Transport Department Memo No. 1004-(18) TAR-106/59-T, dated the 21st February 1959, addressed to all Departments to Government.

Sub:- Driving of Government owned vehicles.

The undersigned is directed to say that the State Government had decided that vehicles owned by Government need not be insured compulsorily against third party risks. A copy of the Press Note issued by Government in this connection was forwarded to all Departments of Government and all Heads of Departments under the defunct Supply and Transport Department Memo No. 34662 (104) ST., dated the 1st September 1949. This however did not absolve the State Government from liability in respect of death, bodily injury or damage to property, etc. caused by Government vehicles. The claims arising out of any accident in which Government vehicles are involved have to be preferred against the Department which is in the administrative charge of the particular vehicle.

The State Government have accepted the legal liability of paying compensation arising out of accidents in which Government vehicles are involved and in accordance with the provision of Section 110 of the Motor Vehicles Act, 1939 as amended. Claims Tribunals have been constituted to settle all claims arising out of such accidents.

Government can not take any legal stand in such Tribunals if vehicles are driven by persons other than those appointed for the purpose. So Government have been pleased to order that, hereafter Government vehicles provided to Department or to quasi-Government organization should be driven only by Drivers appointed for the purpose where however due to temporary absence of a Driver it becomes necessary in the interest of Government work for the vehicle to be driven by any other person, having a valid driving licence, written permission of the immediate higher authority concerned should be obtained.

It should be made clear that in claims put forward before the Claims Tribunal in case of violation of the above rule, if Government are made liable to pay any compensation in pursuance of the award, the same shall be recovered from the officer driving the vehicle in addition to other action which may be taken against him.

A copy of this letter is being sent to all Heads of Departments. Receipt of this letter may be acknowledged.

PART II

INSTRUCTIONS

**P. & S. Department memorandum, dated the 22nd March 1958 communicated in
Memo. No. 4021 (82(.Gen.,-2R/1-24/58, dated the 22nd March 1958 to all3166
Departments of Government & etc.**

Subject:- Prohibition of Government servants from bidding (either personally or by proxy) at Government auctions.

A question has been raised whether a specific provision should be added to the Government Servants' Conduct Rules regarding participation by Government servants in auctions of property owned or confiscated by Government. Even if the transaction is in fact free from any element of undue influence or dishonesty, the suspicion that all is not above board is bound to arise in case where property sold at Government auctions is purchased by Government servants, particularly by buyers belonging to the same department as the one by which or under whose orders the auction is conducted. While, therefore, it may not be necessary to frame a specific conduct rule for the purpose, it is obviously undesirable for Government servants to bid at auctions arranged by their own departments. Any Government servant who does so would be regarded as indulging in conduct unbecoming a Government servant within the meaning of the Conduct Rules.

These instructions will also apply to members of the All India Services serving under the State Government.

No. 3166

**GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
OFFICE MEMORANDUM**

The 21st March, 1960

Subject – Procedure to be followed by Government servants dealing with money collected from the public.

Non-official organisations engaged in public welfare activities sometimes approach the State Government with the request to permit Government servants to serve in honorary capacity as president, secretary or member of the said organisations as it is considered that the association of the Government servant with such organisation will promote success in their activities. Each such case is dealt with on its merits and permission is given in suitable cases subject to the provisions of the Government Servants' Conduct Rules which apply to the Government servants in question.

2. Government have of late received complaints from the public that in some such cases moneys collected by a Government servant or under his authority have not been regularly accounted for or properly utilised. There is a further general complaint that the public are kept in the dark about the total amount collected from them and the amount actually spent for the purpose which was in view. Government have carefully considered these complaints and have found that the lack of suitable instructions in the matter is mainly responsible for giving rise to these complaints. They have, therefore, framed the present instructions which prescribe the procedure to be followed by the Government servants dealing with money collected from the public to be spent on general welfare activities and at the same time meet the persistent demand made on the Government that the accounts of such transactions should be published for general information.

Instructions

When a Government servant is permitted by Government to be an honorary president or honorary secretary of any public welfare institution like School, College, Hospital, etc. and to collect subscriptions donations, etc., on behalf of such institution, he is responsible for proper maintenance and control of account of such institution. The following instructions should therefore be followed in such cases-

(i) Cash Book

A Cash Book should maintain for recording all moneys received by him or his authorised agents on behalf of the institution by way of subscription, donation, etc. from the public and their subsequent disbursements. The Cash Book should be closed regularly completely checked in order to ensure that all receipts collected are brought to account and all expenditure and disbursements are authorised, acknowledged and properly vouched.

(ii) Receipt and Expenditure

- (a) When the Government servant or his authorised agent receives money on behalf of the institution a receipt must be given to the payer duly signed by the Government servant himself or by his authorised agent, as the case may be;
- (b) All receipts must be written in words and figures;

- (c) Receipt Books in machine numbered printed forms should be used and before a receipt book is brought to use, the number of forms contained therein shall be counted and the result recorded in a conspicuous place in the book over the signature of the Government servant in charge. Unused receipt books and counterfoils of the used ones should be kept in safe custody and properly accounted for;
- (d) A half-yearly statement of receipts and expenditure should be forwarded to the prescribed authority for its information;
- (e) He shall cause proper accounts of the funds raised to be maintained by an official who shall act as treasurer;
- (f) All moneys raised for the fund shall be promptly deposited in a bank (State Bank, Scheduled Bank, Co-operative Bank or Postal Savings Banks) lying near by and no fluid money shall be left in the hands of the persons associated with the collection;
- (g) Whenever money is required for expenditure, it may be drawn from the bank and expended;
- (h) Moneys raised for the fund shall not be mixed up with Government cash.

(iii) Audit

On the close of the financial or calendar year or the period specifically fixed, as the case may be, the accounts should be got audited by a recognised auditor appointed by the organisation and the audited statements of accounts should be published in at least one of the news papers having circulation in the area for general information, so that the donors may be in a position to know that their donations have been properly utilized.

Note :- The auditor may be either a Chartered Accountant or a member of the Audit organisation of the State Government. Special care shall be taken to see that the auditor is in no way connected with the organisation raising the funds or the purpose for which the funds are collected.

- (iv) While forwarding a proposal to Government for necessary permission, the concerned authority shall also state the name and designation of the 'authorised agent' the 'treasurer' and the name of the Bank referred to in sub-paragraph (ii) as also the name and designation of the 'Auditor' referred to in sub-paragraph (iii) of paragraph 3. while according permission Government will nominate the "prescribed authority" referred to in sub-paragraph (ii) of paragraph 3.

A. K. MAZUMDAR

Additional Secretary to Government

No. 2497-261-2R/1-6-60/Gen.

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

The 1st March, 1961

From

Shri Bhupinder Singh, I. A. S.,
Deputy Secretary to Government.

To

All Collectros/S.D.O.s/B.D.O.s.

Sir,

I am directed to invite your attention to the Executive instructions under the Standardised Agency System, wherein it has been laid down that Collectors, B.D.Os. and S.D.Os. can appoint Agents under the Small Savings Schemes. Rule 17 of the Orissa Government Servants Conduct Rules, 1959 prescribes that no Government servant shall, except with the previous sanction of Government, engage directly or indirectly in any trade or business or undertake any employment. Accordingly whenever Government

Servants are asked to undertake work which does not come within the purview of any of the categories mentioned in the proviso to Rule 17 of the Orissa Government Servants Conduct Rules, 1959, separate Government permission is being given allowing the Government servants to undertake such work. The appointing authorities under the Standardised Agency System are, therefore, requested to see that steps are taken sufficiently early, before the appointment of Government Servants as Agents under the Standardised Agency System to move Government for necessary permission and so adjust the timing that along with the appointment order, Government permission allowing the Government servant to do the work of Small-Savings is also sent to him. This would mean that as soon as proposals for appointment are received suggesting appointment of Government servants as Agents, the concerned authority should approach the Government through proper channel, stating the name of the Government servant, the post held by him, a statement of fact that the Government servant can undertake the work without any detrimental effect on his normal functions and ensure that Government permission is taken, before the appointment order is issued. The appointing authority should also ensure that the letter of appointment should invariably be accompanied by a letter indicating that the permission of Government has already been taken allowing the particular Government servant to act in that capacity.

Yours faithfully,

BHUPINER SINGH
Deputy Secretary to Government

Memo No. 6234 (82) –2-R/1-48-61/Gen.
POLITICAL & SERVICES DEPARTMENT

The 20th May, 1961

To

All Departments of Government/all Heads of Departments/all Collectors.

The undersigned is directed to say that the Government has come across a case recently in which applications for loanees were forwarded by a superior officer without disclosing the fact that the applicant was a relative of the officer. Attention, in this connection, is invited to rule 18 of the Orissa Government Servants' Conduct Rules, 1959 which makes it incumbent that where a Government servant submits any proposal or opinion or takes any other action, whether for or against any individual related to him, whether the relationship be distant or near, he shall with every such proposal, opinion or action, expressly state whether the individual is related to him and, if so related, the nature of relationship. Further, it has been enjoined that where a Government servant has, by any law, rule or order in force, power of deciding finally any proposal, opinion or any other action and that proposal, opinion or action is in respect of an individual related to him, whether the relationship be distant or near, and whether that proposal, opinion or action affects the individual favourably or otherwise, he shall not take a decision but shall submit the case to his superior officer after explaining the reasons and the nature of relationship. Government expects that the provisions of this Rule as well as others contained in the Orissa Government Servants' Conduct Rules 1959 shall be observed strictly. Government servants should maintain absolute integrity, decorum of conduct and devotion to duty. In their conduct, they should give an appearance of fairness. For this purpose, it is imperative that every Government servant should familiarize himself with the Orissa Government servants' Conduct Rules thoroughly.

BHUPINDER SINGH
Deputy Secretary to

Government

Memo No. 6610 (84) – 2-R/1-47-61/Gen.
POLITICAL & SERVICES DEPARTMENT

The 26th May, 1961

To

All Departments/Heads of Departments/all Collectors.

Subject:- Acquisition or disposal of movable or immovable property by Government servants.

Rule 21 of the Government Servants' Conduct Rules, provides that any transaction conducted by a Government servant concerning any movable or immovable property otherwise than through a regular or reputed dealer or agent of standing shall require the previous sanction of the prescribed authority which in case of Gazetted officers in Government and in case of non-gazetted officers in the Heads of the Departments or office to whom property statements are submitted. Instances have come to the notice of Government where Heads of Departments have given their recommendations to Government to accord sanction to the transaction concerning movable or immovable property by Government servants under them without a report of enquiry about the antecedents of the party with or through whom the Government servant proposes to make the transaction. Such report is not necessary in case of regular or reputed dealers or agents of standing; but where the party is not a regular or reputed dealer, a report of enquiry regarding the antecedents should invariably be furnished to Government while recommending sanction. If the party is a reputed or regular dealer or agent of standing this should be clearly mentioned by the Head of the Department. This should be brought home to all concerned.

BHUPINDER SINGH

Deputy Secretary to

Government

Memo No. 4278 (92) - Gen.

POLITICAL & SERVICES DEPARTMENT

The 19th March, 1964

To

All Departments/Heads of Departments.

Subject:- Clarification of Rule 21 of the Orissa Government Servants' conduct Rules, 1959.

The undersigned is directed to say that a question has arisen as to whether letting out of houses by Government servants will require the previous knowledge of the prescribed authority under Rule 21 of the Orissa Government Servants' Conduct Rules, 1959. After careful consideration, Government have been pleased to decide that letting out of houses by Government servants shall amount to disposal of immovable property by lease for a specified period and that in all cases, where transaction of letting out is not conducted through a regular or reputed dealer, previous sanction of the prescribed authority is necessary. It is, therefore, necessary that prior sanction of the prescribed authority be required under Rule 21 of the Orissa Government Servants' Conduct Rules, 1959 for letting out by the Government servants houses either in their own names or in the names of any member of their family or a *benamidar*. In future, in all such cases of letting out of houses, previous sanction of the prescribed authority should be obtained before the houses are let out.

S. N. SHARMA

Joint Secretary to Government

Memo No. 10691

DRAFT FOR APPROVAL

The 13th May, 1982

To

All Secretaries to Government / all Heads Departments/all Collectors.

Subject:- Participation of Government servants in the activities of the Anand Marg- Clarification of Rule 5(1) of the Government servants' Conduct Rules, 1959.

Sir,

I am directed to say that Rule 5 (1) of the Orissa Government Servants' Conduct Rule 1959, provides that "no Government servant shall be a member of or be otherwise associated with any political or communal party or any organization which takes part in political or communal activities, nor shall he take part in, subscribe in aid of, or assist in any other manner, any political or communal movement or activity". Rule 5 (iii) of the Conduct Rules further provides that "if any question arises whether any movement or activity falls within the scope of this Rule, the decision of the Government thereon shall be final".

2. In pursuance of this Rule it is clarified that membership of a participation in the activities of the movement known as the Anand Marg or any of its organisations by a Government servant would attract the provisions of sub-rule (i) of Rule 5 of the Orissa Government Servants' Conduct Rules, 1959. Any Government servant, who is a member of or is otherwise associated with or takes part in or subscribes in aid of, or assist in any other manner, the activities of the Anand Marg or any of its organisations listed out in the annexure to this order will be liable to disciplinary action.

3. It is requested that the above decision may be brought to the notice of all Government Servants under your administrative control and those employed in your and subordinate offices.

4. Receipt of this letter may please be acknowledged.

Yours faithfully,

C. NARAYAN SWAMY

Special Secretary to Government

ANNEXURE

1. V. S. S. (Volunteer Social Service)
2. Amra Bangali
3. The Progressive Federation of India
4. The Proutist Forum of India
5. Angika Samaj
6. Pragatisheel Majhi Samaj
7. Nagpuri Samaj
8. Maithili Samaj
9. Pragatisheel Bhojpuri Samaj
10. Awadhi Samaj
11. Braj Samaj
12. Bundeli Samaj
13. Garhwali Samaj
14. Kumaoni Samaj
15. Pragatisheel Naryana Samaj
16. Asi Punjabi
17. Proutist League
18. Utkal Samaj
19. Korala Samaj
20. Education, Relief & Welfare Section
21. Sevashrama Mission
22. Ananda Marga Universal Relief Team
23. Womens Welfare Department
24. Girl Volunteers

25. Spiritual Sports & Adventure Club
26. Proutist Block of India
27. Proutist Universal
28. Universal Proutist Labour Federation
29. Universal Proutist Youth Federation
30. Universal Proutist Student Federation
31. Universal Proutist Intellectual Federation
32. Universal Proutist Farmers Federation
33. Renaissance Artists & Writers Association
34. Renaissance Universal
35. Vaishnav Samaj
36. Bhojpuri Samaj
37. Chhatisgarh Samaj
38. Malwi Samaj
39. Vidarbha Samaj
40. Telengana Samaj
41. Circal Samaj
42. Navya Malayalam Samaj
43. Konkani Samaj
44. Kannad Samaj
45. Tulu Samaj
46. Dogri Samaj
47. Naryanvi Samaj
48. Pahari Samaj
49. Haroti Samaj
50. Sanyadri Samaj
51. Gujar Samaj
52. Goorgi Samaj
53. Tamil Samaj
54. Rayal Assema Samaj
55. Assam Unnayan Samaj
56. Mewari Samaj
57. Marwari Samaj
58. Kathiawari Samaj

No. 449 – S. C./6/1/83-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 15th/17th January, 1983

From

Shri S. M. Patnaik, I.A.S.
Chief Secretary, Orissa

To

All Secretaries to Government

All Heads of Department

All Collectors.

Sir,

In the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956, there is a clear prohibition of transfer of property belonging to a member of a Scheduled Tribe in a scheduled area to a person who does not belong to the Scheduled Tribe. It is true that the regulation contains a provision for effecting such transfer with the consent of the competent authority, but it is expected that this enabling clause will be sparingly used in exceptional circumstances only. Of late, however, Government have come across some cases of purchase of lands belonging to Adivasis by senior Government officers in the name of their relatives in the districts of Koraput and Phulbani.

2. It is the declared policy of Government that purchase of land belonging to Adivasis should, by no means, be encouraged. It has, therefore, been decided that Government servants and their relatives should completely dissociate themselves from such deals which are morally unjustified even if legally correct. Any violation of this instruction will be deemed as conduct unbecoming of a Government servant within the meaning of the Conduct Rules and render the Government servants concerned liable for disciplinary action.

3. These instructions may be brought to the notice of all Government servants under your control.

4. Please acknowledge receipt of this communication.

Yours faithfully,

S. M. PATNAIK

Chief Secretary

No. 14040/Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 6th June, 1984

To

All Secretaries to Department of Government

All Heads of Departments

All Collectors.

Subject:- Need for strict observance of the provisions relating to consumption of intoxicating drinks and drugs as contained in Orissa Government Servants' Conduct Rules, 1959.

Rule 24 (A) of Orissa Government Servants' Conduct Rules, 1959 provides that, every Government servant shall :-

- a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- b) not be under the influence of any intoxicating drinks or drugs during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
- c) refrain from consuming any intoxicating drink or drug in a public place;
- d) not appear in a public place in a State of intoxication;
- e) not use any intoxicating drink or drug to excess.

2. it is hereby made clear that Government servants should not only observe and abide by the rules relating to intoxicating drinks or drugs in force in the area in which they happen to be for the time being,

but should also keep a strict watch on the conduct of other Government servants under their disciplinary control in this regard and should not hesitate to impose the severest punishment on such Government servants if they are proved guilty of violating the rules and instructions issued in this regard. It is, therefore, reiterated that :-

- (i) every Government servant should scrupulously adhere to the provisions of the Conduct Rules relating to the consumption of intoxicating drinks or rugs;
- (ii) the disciplinary authorities should keep a strict watch on the conduct of all Government servants in regard to matter covered by the aforesaid provisions of the Conduct Rules; and
- (iii) the disciplinary authorities should take serious view of any violation of Rule 24(A) of the Orissa Government Servants' Conduct Rules, 1959 and should not hesitate to impose the severest punishment on such Government servants who are proved guilty of violating the said rules.

The above instructions may be brought to the notice of all Government servants and the disciplinary authorities under your control for strict compliance.

C. NARAYAN SWAMY

Special Secretary to

Government

CHIEF SECRETARYS' D. O. NO. 12457-CS., DATED THE 25TH APRIL 1989

TO ALL HEADS OF DEPARTMENTS & ETC.

The State Cancer Control Board in their meeting held on the 16th June 1988 have expressed grave concern about the harmful effects of the tobacco smoking. You are aware that smoking is harmful for health and causes the various incurable diseases. It is not only enemical to the smokers themselves, but also effects other persons present in close proximity besides polluting the environment.

2. Government have, therefore decided that smoking in all State Government offices/institutions/all public transport systems/all educational and cultural institutions/all conferences and meetings conducted by the State Government and other public authorities should be banned.

3. All Officers under your control may be requested to take personal interest in communicating this directive and ensure its implementation.

4. This order will also be applicable to local organisations, co-operative institutions, statutory boards and Government companies as also Government aided institutions and clubs.

5. The above directive of the State Government may be brought to the notice of all concerned.

No. 25990-SC/3-5/90/Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 15th September, 1984

To

All Departments of Government
All Heads of Departments
All Collectors.

It has come to the notice of the Government that a section of Government servants have developed a tendency, of late, to encroach upon Government lands in order to ultimately claim settlement of the land with them under the normal laws, rules and procedures. While Government have not been averse to the idea of sympathetically considering providing land to Government servants for housing purposes in deserving cases, the tendency to resort to encroachment of Government land with the ultimate purpose of claiming settlement of the land is reprehensible. This tendency on the part of the Government servants has the effect of encouraging others among the public to claim settlement of land through encroachments. The situation arising out of this is embarrassing for the Government.

2. Clause 3 of the Orissa Government Servants' Conduct Rules enjoins upon every Government servant that he shall, at all times, maintain absolute integrity, decorum of conduct and devotion to duty and shall not commit any act which amounts to personal immorality or failure to discharge duties properly. It is the conduct and character of Government servants that endows respect to the Government from the members of the public, the absence of it embarrasses the Government and reduces his effectiveness. Encroachment of Government land of whatever description and belonging to whatever Department is such an act of misconduct, which would attract the provisions of clause 3 of the Conduct Rules. Government expect that Government servants, taking advantage of the position they enjoy in their official capacity should refrain from attempts to acquire Government land by encroaching upon them either by themselves or through any member of their family.

3. It has also come to the notice of Government that in a number of cases encroachment of Government land by members of the public have been resorted to with the active connivance and continuing support of officers. Such connivance and support may be by overt acts or intentional inaction on the part of the officers of the Tahasils, Municipalities, Forest and Public Works Departments, whose duty is to detect encroachments and take timely action. It has always been enjoined upon the officers that any encroachment upon Government lands should be immediately dealt with and eviction of the unauthorised occupants effected, but the instructions are followed more in the breach than adherence in as much as there are a number of cases of encroachments which have been subject matters of litigations because the unauthorised occupants have claimed continuous possession over a long period of time. Apparently such occupation for a long period of time is definitely the result of inaction of the Government functionary to take timely action. Such cases would lead Government to believe that failure to take action timely is attributable to connivance and support for the unauthorised occupants. Apart from anything else, encroachment cases may resulting from this kind of inaction on the part of the functionaries is liable to be considered as an act of misconduct on the part of Government servants within the meaning of clause 3 of the Conduct Rules.

4. In consideration of all this, Government desire that whenever a case of encroachment upon Government land by any functionary of the Government comes to the notice of the Head of the Office and or the Controlling Officer, he should, apart from taking immediate action to evict the encroachers, initiate disciplinary proceedings against the officers concerned. In case where encroachment by members of the public for a long period of time are detected the Head of the Office or the Controlling Officer should make an immediate enquiry to ascertain as to how the encroachments could be allowed for a long time without taking any action. While taking action against the unauthorised occupant, the Head of the Office and or the Controlling Officer should immediately cause an enquiry to ascertain whether such continuous possession by an unauthorised occupant was not due to the negligence of duty of the Government functionaries concerned. When the enquiry reveals that there was negligence of duty, disciplinary proceedings should be started immediately against the officer concerned under intimation to the Administrative Department.

5. These instructions may be circulated among all offices under your control.

6. Receipt of this letter may please be acknowledged.

C. NARAYANA SWAMY

Special Secretary to

Government

No. 13442-2R/1-31/91-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 18th May, 1991

To

All Departments

All Heads of Departments

All Collectors.

Subject :- Executive Instructions on Rule 21 of the Orissa Government Servants' Conduct Rules, 1959.

The undersigned is directed to say that according to sub-rule (1) of Rule 21 of the Orissa Government Servants' Conduct Rules, 1959 no Government Servant shall except with the previous knowledge of the prescribed authority acquire or dispose of any immovable property by lease, mortgage, purchase, sale gift, or otherwise either in his own name or in the name of any member of his family or a benamidar. References have been made to this Department to clarify whether it will be construed as violation of sub-rule (1) of Rule 21 of the Orissa Government Servants' Conduct Rules, if the wife of a Government servant has purchased immovable property without obtaining prior permission of the competent authority and the Government servant himself has not purchased the property in the name of his wife.

2. It is therefore, clarified that all transactions both of immovable and movable property made out of the funds of the Government servant irrespective of the person in whose name the transaction is made should be governed strictly by sub-rules (1) and (3) of Rule 21 that is :-

- (a) *Transactions in immovable property* – In all cases the transactions should be with the previous knowledge of the prescribed authority.
- (b) *Transactions in movable property* – In all cases submission of a full report to the prescribed authority immediately after completion of the transactions is necessary.

3. Transactions entered into by the spouse or any other member of family of a Government servant out of his or her own funds (including Stridhan, gifts, inheritance) as distinct from the funds of Government servant himself, in his own name and in his or her own right would not attract the provisions of sub-rules (1) and (3) of Rule 21. In such cases, transactions made in immovable and movable property should be included in the property returns to be submitted by property should be reported to the prescribed authority immediately after the Government servant comes to know of them.

4. However, the transactions made in immovable and movable property by the spouse or any other member of family of a Government servant with some one with whom the Government servant has official dealings then the Government servant should obtain prior permission of the prescribed authority.

5. Gazetted Government servants who transfer any immovable property or movable property exceeding Rs. 4,000 in value and Non-Gazetted officers who transfer any immovable property or movable property exceeding Rs. 2,000 in value to any member of his family should report of obtain sanction of the prescribed authority in accordance with Rule 21.

C. NARAYANA SWAMY

Special Secretary to

Government

No. 27021-2R/1-12/97 (Pt.-II)-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 4th October, 1991

From

Shri H. S. Chahar, I. A. S.,
Special Secretary to Government

To

All Principal Secretaries to Government
All Commissioners-cum-Secretaries to Government
All Heads of Departments
All Collectors.

Subject:- Code of conduct of Government servants in connection with Press and Elected Representatives.

Sir,

I am directed to say that Rule 7 of the Orissa Government Servants' Conduct Rules, 1959 lays down that no Government servant shall, in any radio broadcast or in any document published anonymously or in his own name or in the name of any other person or any communication to the press, or in any public utterance make any statement of fact or opinion –

- (i) which has the effect of an adverse criticism of any current or recent policy or action of the Government of Orissa, of the Government of India or the Government of any other State; or
- (ii) which is capable of embarrassing the relation between the Government of Orissa and the Government of India or the Government of any other State; or
- (iii) which is capable of embarrassing the relation between the Government of India and the Government of any foreign State:

Provided that nothing in this rule shall apply to the statement made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

“Explanation I – Nothing contained in this rule shall be construed to limit or abridge the power of the Government to require any Government servant to publish and explain any policy or action of the Government in such manner as may appear to them to be expedient or necessary.

Explanation II – For purposes of this rule a club shall be deemed to be a public place.”

Similar provisions have also been made in the Rule 7 of All India Services (Conduct) Rule, 1968.

Further in Book Circular No. 47, dated the 10th July 1990 detailed instructions have been issued regarding the principles to be followed to maintain cordial relationship between the Members of Parliament and State Legislators and Government servants.

But it has come to the notice of the Government that the above instructions are not being followed scrupulously. It is once again, therefore, brought to the notice of all Government servants that Members of Parliament and State Legislators occupy very important place as representatives of the people. It should be part of the duty of every official to extend courtesies and provide adequate assistance to the Members to enable them to fulfill their obligations to the people. No Government servant should make statements or give opinion in public criticising the functioning of the Government or elected representatives.

Any violation of these instructions will attract suitable disciplinary action against the concerned Government servants.

These instructions may be brought to the notice of all subordinate officers for their information and future guidance.

Yours faithfully,
H. S. CHAHAR
Special Secretary to

Government

U. O. I. Note No. 84

GENERAL ADMINISTRATION DEPARTMENT

The 18th November, 1999

A number of instances have come to my notice where grievances pertaining to the problems of an employee are being raised by the relatives of such employee. Most often the spouse, sometimes the in-laws and in some rare case the grand parent (s). Such representations through one's relatives amounts to misconduct within the meaning of Rule 23 of the Orissa Government Servants' Conduct Rules, 1959 especially if such representation was made with the consent/knowledge of such employees. The relevant rule is quoted below :-

“No Government servant shall bring or attempt to bring any influence whether official or non-official to bear upon any authority to further his interests in respect of matters pertaining to his appointment under Government, promotion, pay and other service conditions.”

It is possible that the concerned employees may take stand that such representation was made without his/her consent/knowledge. Therefore, all such representations received in future should be forwarded to the concerned employee asking him/her whether this representation has his/her consent. If the answer is in affirmative, the employee is liable for disciplinary action for misconduct under O. C. S. (CCA) Rule 1962 (Preferable under Rule 16). But if the answer is in the negative, no action on such representation is called for.

Such a step is necessary to curb the growing permissiveness in service matters, I am sure you would take note of this and to take suitable action. This matter may also be brought to the notice of all Heads of Departments/Public Sector Undertakings under your control.

All Principal Secretaries

All Commissioner-cum-Secretaries

S. B. AGNIHOTRI

Special Secretary, G. A. Department

No. 12128-SC/6/40/2001-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 7th April, 2001

From

Shri U. N. Behera, I. A. S.,
Special Secretary to Government

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Subject:- Prohibition of sexual harassment of working women.

The undersigned is directed to say that in the case of Vishaka and Others *Vrs.* State of Rajasthan and other [JT 1997 (7) SC 884], the Hon'ble Supreme Court has laid down the following guidelines and norms to be observed to prevent sexual harassment of working women.

2. It shall be the duty of the employer or other responsible persons in work place or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

3. In pursuance of the guidelines of the Supreme Court the Orissa Government Servants' conduct Rules, 1959 have already been ammended and a new rule (rule 4-A prohibition of sexual harassment of working women) has been inserted vide Notification No. 33648-Gen., dated the 8th September 2000 (Copy enclosed as annexure I).

4. Any act of violation of the above provision of rule 4-A of the Orissa Government Servant's Conduct Rules, 1959 by any Government servant shall be treated as misconduct and appropriate

disciplinary action should be initiated against the delinquent Government servant in accordance with the provisions contained in Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

5. Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in every Department/Office for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints. Wherever such mechanism for redressal of grievance already exists it may be made more effective and in particular women officers should preferably handle such complaints.

6. Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines and norms laid down by the Hon'ble Supreme Court (Copy enclosed as Annexure II).

7. The above instructions should be brought to the notice of all subordinate offices under their control for strict compliance.

Yours faithfully,
U. N. BEHERA
Special Secretary to

Government

ANNEXURE I

No. 33648-2R/1/13/7/2000 Pt. II-Gen.

GOVERNMENT OF ORISSA GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 8th September, 2000

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rule further to amend the Orissa Government Servants' Conduct Rules, 1959, namely :-

- (1) This rule may be called the Orissa Government Servants' Conduct (Amendment) Rule, 2000.
- (2) It shall come into force on the date of its publication in the *Orissa Gazette*.

In the Orissa Government Servants' Conduct Rules, 1959, after rule 4, the following rule shall be inserted, namely :-

Prohibition of sexual harassment of working women

“4-A – (1) No Government servant shall indulge in any act of sexual harassment of any woman at her work place.

- (3) Every Government servant who is in charge of work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation – For the purpose of this rule, Sexual harassment includes such unwelcome sexually determined behaviour, whether directly or otherwise, as –

- (a) physical contact and advances,
- (b) demand or request for sexual favour,
- (c) sexually coloured remarks,
- (d) showing any pornography, or
- (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature”.

By order of the Governor
S. B. AGNIHOTRI
Special Secretary to

Government

ANNEXURE II

GUIDELINES AND NORMS LAID DOWN BY THE HON'BLE SUPREME COURT IN VISHAKA & ORS. V. STATE OF RAJASTHAN & ORS. [JE 1997 (7) SC 384]

HAVING REGARD to the definition of Human Rights' in Section 2 (d) of the protection of Human Rights Act, 1993. TAKING NOTE of the fact that present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time.

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

1. Duty of the employer or other responsible persons in work places and other Institutions;

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of Sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

2. Definition:

(For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as –

- (a) physical contact and advances;
- (b) a demand or request for sexual favours;
- (c) sexually coloured remarks;
- (d) showing pornography;
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victims' employment or work whether she is drawing salary or honorarium or voluntary, whether in Government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the women have reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. Preventive steps:

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps –

- (a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
- (b) The Rules/Regulations of Government and Public Sector Bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- (c) As regards private employers steps should be taken to include the aforesaid Prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- (d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work

places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. Criminal Proceedings :

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular it should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

5. Disciplinary Action :

Where such conduct amounts to misconduct in employment as defined by the relevant service rules appropriate disciplinary action should be initiated by the employer in accordance with those rules.

6. Complaint Mechanism :

Whether or not such conduct constitutes an offence under law or a breach of the service rules an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

7. Complaints Committee :

The complaint mechanism, referred to in (6) above, should be adequate to provide where necessary, a Complaints Committee, special counselor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints committee should involve a third party, either N. G. O. or other Body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government Department.

8. Workers Initiative :

Employees should be allowed to raise issues of sexual harassment at workers meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

9. Awareness :

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

10. Third Party Harassment :

Where sexual harassment occurs as a result of an act of omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11. The Central/State Government are requested to consider adopting suitable measures including legislation to assure that the guidelines laid down by this order are also observed by the employers in Private Sector.

12. These guidelines will not prejudice any rights available under the protection of Human Rights Act, 1993.

CRITERIA FOR PROMOTION

Serial No.	Reference	Date	Subject
(1)	(2)	(3)	(4)
PART I - RULES			
1.	Notification No. 2402-Gen.	11-02-1987	Orissa Civil Services Rules, 1987
2.	Notification No. 21804-Gen.	29-07-1988	Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988.
3.	Notification No. 29904-Gen.	24-07-1992	Orissa Civil Services (Criteria for promotion) Rule, 1992.
4.	Notification No.20277-Gen	19-07-2003	Orissa Civil Services (Criteria for Promotion) Amendment Rules, 2003.
5.	Notification No.5906-Gen	25-02-2005	Orissa Civil Services (Criteria for Promotion) Amendment Rules, 2005
6.	Notification No.19084-Gen	09-07.2003	Orissa Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.
PART II – INSTRUCTIONS			
A. Zone of Consideration -			
1.	Circular No. 18500-Gen.	17-07-1991	Clarification to Orissa Civil Services (Zone of Consideration for promotion) Rule, 1988.
B. Departmental Promotion Committee -			
1.	Office Memorandum No. 21376-Gen.	29-12-1972	Constitution of Departmental Promotion Committee for promotion-appointment on adhoc basis.
2.	Office Memorandum No. 7165-A. I. S.	25-06-1983	Change in Procedure regarding Constitution of Departmental Promotion Committee / Selection Board.
3.	Office Memorandum No. 10280	23-08-1983	Constitution of Departmental Promotion Committee / Selection Board.
4.	Office memorandum No. 14154	06-08-1986	Representation of Women members in the various Committees/Boards concerned with Selection.
5.	Office Memorandum No. 2288	10-02-1987	Period of validity of Select list recommended by the Public Service Commission.
6.	Circular No. 18622-Gen.	12-06-1989	Deficiencies noticed by the P. S. C. in the proposal sent to them for giving promotion to different posts by various departments.
7.	Circular No. 15540-Gen.	20-07-1994	Implementation of the Suggestion and Observation of O. P. S. C.
8.	Office Memorandum No. 24519-Gen.	20-08-1999	Foregoing of promotions to Higher Rank/Grade.
C. Sealed Cover Procedure -			
1.	Office Memorandum No. 3928-Gen.	18-02-1994	Promotion of Government Servants against whom disciplinary / criminal proceedings are pending – Procedure to be followed.
2.	Office Memorandum No. 14640-Gen.	04-07-1995	- do -
3.	Office Memorandum No. 29699-Gen.	01-11-1997	- do -
4.	Circular No. 1598-Gen.	15-01-1999	- do -
5.	Office memorandum No. 3016-Gen.	28-01-1999	Promotion prospects of officers during pendency of disciplinary / criminal proceedings

date of O.M. No. 29699-(Gen.), dated 01-11-1997.

D. *Ad hoc* Promotion -

- | | | | |
|----|---|------------|---|
| 1. | Memo No. 6600-Gen. | 22-05-1962 | Question whether appointments made by Government in the exigencies of Public Service beyond six months without the concurrence of the P.S.C. are liable to audit objection. |
| 2. | Office Memorandum No. 6405-Gen. | 22-02-1988 | Validity of <i>ad hoc</i> promotions and appointments made by the Government. |
| 3. | D. O. Letter No. 1617 | 20-01-1992 | Consultation with P. S. C. |
| 4. | Circular No. 21833-Gen. | 28-09-1995 | Instructions regarding promotion on <i>ad hoc</i> basis. |
| 5. | Circular No. 7903-Gen. | 15-04-1997 | Instructions regarding regularisation of promotion and <i>ad hoc</i> basis. |

E. Seniority -

- | | | | |
|----|---|------------|---|
| 1. | Home (Apptt.) Department Order No. 606-A. | 07-02-1944 | Rules regarding Fixation of Seniority. |
| 2. | P. & S. Department Memo No. 8403-Gen. | 10-07-1961 | Procedure to be followed in making appointments, promotion, confirmation of persons in ex-cadre posts clarification. |
| 3. | Resolution No. 21260-Gen. | 16-06-2000 | Fixation of Seniority between General, Scheduled Caste and Scheduled Tribe candidates in the promotional posts in State Civil Services / Posts. |
| 4. | Office order No. 30083-Gen. | 27-07-2000 | Fixation of Seniority between General, Scheduled Caste and Scheduled Tribe candidates in the promotional posts in State Civil Services / Posts. |
| 5. | Resolution No. 39734-Gen. | 02-11-2000 | Fixation of Seniority between General, Scheduled Caste and Scheduled Tribe candidates in the promotional posts in State Civil Services / Posts. |
| 6. | Circular No. 39846-Gen. | 03-11-2000 | Guidelines to be followed in the matter of officiating appointment / promotion. |
| 7. | Letter No.25954-Gen | 12-09-2003 | Timely references to Orissa Public Service Commission |

PART I – RULES

THE ORISSA CIVIL SERVICES RULES, 1987

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 11th February 1987

(Published in *Orissa Gazette* on 12-02-1987)

No. 2402-Gen. – In exercise of the powers conferred by Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules, namely :-

Short Title and
commencement.

1. (1) These rules may be called the Orissa Civil Services Rules, 1987.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

Non-counting of
ad hoc service.

2. The period of service rendered by a Government servant on an appointment or promotion made purely on *ad hoc*, temporary or officiating basis, for which prior consultation with the Orissa Public Service Commission is not necessary under Clause (i) of Regulation 3 (b) of the Orissa Public Service Commission (Limitations of Functions) Regulation shall not count towards fixation of seniority.

3. The provisions of these rules shall have overriding effect notwithstanding anything to the contrary contained in any other recruitment rules or orders or instructions for the time being in force.

By order of the Governor

M. P. MODI

Secretary to Government

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THE ORISSA CIVIL SERVICES (ZONE OF CONSIDERATION FOR PROMOTION) RULES, 1988

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 29th July 1988

(Published in *Orissa Gazette* on 08-08-1988)

No. 21804-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to regulate zone of consideration in the cases of promotion made to the Civil Services and Posts of the State, namely :-

Short Title and
commencement.

1. (1) These rules may be called the Orissa Civil Services (Zone of Consideration for Promotion) Rule, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette,

Definition

2. In these rules, unless the context otherwise requires:-

- (a) General category “means the category of officers, employees or incumbents not belonging to the Scheduled Castes or Scheduled Tribes;
- (b) “recruitment rules” means the rules framed under the proviso to Article 309 of the constitution of India regulating promotion to the respective State Civil Services and Posts and includes executive orders, instructions issued by the competent authority;
- (c) “zone of consideration” means the zone in the gradation or seniority list of officers, employees, incumbents whose cases are considered for promotion to any Civil Service or Post of the State in a recruitment year.

Zone of
consideration.

3. Except in cases where the provisions of the Orissa Reservation of vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975, and the rules framed there-under are applicable, in every case of promotion made by way of selection to any Civil Service or post of the state for which zone of consideration has been prescribed in the relevant recruitment rules; such zone of consideration shall be three times the estimated number of vacancies meant to be filled up from the General category in such Service or Posts notwithstanding anything to the contrary contained in the respective recruitment rule:

¹[Provided that where the estimated number of vacancies meant to be filled up is not more than three, the zone of consideration shall be ten.]

By order of the Governor

¹ Added vide G. A. Department Notification No. 37728, dated 29-12-1988 Published in *Orissa Gazette* and given effect to from dated 9-1-1989.

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THE ORISSA CIVIL SERVICES (CRITERIA FOR PROMOTION) RULES, 1992
GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION

The 24th July 1992

(Published in *Orissa Gazette* on 25-7-1992)

No. 29904-2R.-1-60/92-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to regulate the criteria for promotion to the State Civil Services and Posts, namely :-

**Short Title and
commencement.**

1. (1) These rules may be called the Orissa Civil Services (Criteria for Promotion) Rules, 1992.

(2) They shall come into force on the date of their publication in the Official Gazette and shall apply to all cases of promotion made to the State Civil Services and Posts including the cases pending on the date of such publication.

Definition

2. In these rules, unless the context otherwise requires:-

- (a) “Government” means the Government of Orissa.
- (b) “Recruitment Rules” means the rules framed under the proviso to Article 309 of the Constitution of India regulating promotions to different State Civil Services and Posts and includes executive orders and instructions issued by the competent authority in this regard from time to time; and
- (c) “Select List” means the list approved by the Government or the appointing authority, as the case may be, containing the names of officers considered suitable for promotion.

**Criteria for
Promotion.**

3. Notwithstanding anything contained in the Recruitment Rules :-

- (a) All promotions to the posts or grades of different Services/Civil posts under the State Government shall be made by selection;
- (b) Selection for such promotion shall be made on the basis of merit and suitability in all respects with due regard to seniority and the names of persons included in the Select list shall be arranged in order of seniority in the feeder service or grade :

Provided that any junior officer of exceptional merit and suitability may be assigned a place higher than his seniors and in such cases the assignment of higher position to the junior officer shall be limited to the same batch or year of allotment except where an officer of the earlier batch or year of allotment is found unsuitable for promotion:

Provided further that where promotion is made from different services or posts and no common seniority among such officers exists, their names in the Select List shall be arranged on the basis of their merit adjudged during selection.

¹[**EXPLANATION** – The expression “batch or year of allotment means the calendar year of the select list on the basis of which an officer is promoted to the next higher rank”.]

²“(c) In order to judge the suitability of an officer for promotion, the Orissa Public Service Commission, the Departmental Promotion Committee, the Selection Committee or Selection Board, as the case may be, shall scrutinize preceding five available annual Confidential Character Rolls and other documents, if any, having a bearing on the performance and conduct of all eligible officers, unless for reasons to be recorded, it is considered necessary to refer to any earlier record to adjudge an officer’s suitability:

Provided the available Confidential Character Rolls (C.C.Rs) taken into consideration for promotion as above shall include C.C.Rs covering at least a period of three years in preceding five years.”

³[Note I – The expression other documents means papers of whatsoever nature having bearing on the performance and conduct of eligible officers like C. B. I. or Vigilance reports, papers relating to departmental action and other confidential reports having nexus with an officer’s performances which might have been prepared after giving an opportunity to an officer of being heard and not reflected in his C. C. R’s. or service records.

1. Added vide G. A. Deptt. Notification No. 43691/Gen., dated 28-12-1998 & given effect to from 24-7-1992

2. Substituted vide G. A. Deptt. Notification No. 5906/Gen., dated 25-02-2005 & given effect to from 26-02-2005.
3. Substituted vide G.A. Deptt. Notification NO. 28836/Gen., dated 8-11-1996-Published in *Orissa Gazette* and given effect to from 25-7-1992.

Note II – The expression “Preceding five Years” means the Five years preceding the year in which the Selection Committee, Departmental Promotion Committee or Selection Board as the case may be, sits, but where the said committee sits for more than once such five years shall be reckoned from the date of its first meeting.]

**Consideration of
adverse remarks.**

4. In order that vacancies are filled up by the most suitable persons with the utmost expedition consistent with an officer’s right to seek expunction of an adverse remark, the following procedure shall be followed in cases where the records of an officer under consideration contain an adverse remarks :-

- (a) If the officer has represented against an adverse remark and the representation has not been disposed of, the adverse remark shall be taken into consideration at the time of selection.
- (b) If the remark has been expunged after consideration of his case by the Departmental Promotion Committee or the Selection Committee or the Selection Board as the case may be the fact shall forthwith be reported to the Public Service Commission and if the officer was refused promotion on *ad hoc* basis because of the said remark, his entitlement to such promotion shall be considered once again notwithstanding that it may involve the reversion of another officer.
- (c) If expunction of the adverse entry is ordered after selection has been made on the recommendation of the Orissa Public Service Commission, his case will be referred once again to the Commission and if the Commission recommends his promotion and Government accept the said recommendation, the officer will be promoted from the date of his junior, not being a person of exceptional merit and suitability, was promoted and shall be entitled to all service benefits which he would have received but for the supersession on account of the adverse remarks.
- (d) If, as a result of such retrospective promotion any junior officer has to be reverted, such reversion shall not entitle the said junior officer to claim continuance in the post on the strength of an earlier recommendation of the Orissa Public Service Commission.

5. The provisions of these rules shall have overriding effect notwithstanding anything to the contrary contained in any other Recruitment Rules or any other order or instructions for the time being in force.

Interpretation.

6. If any doubt arises on interpretation of any of the provisions of these rules, it shall be referred to Government in General Administration Department for final decision.

By order of the Governor
RAMAKANTA RATH
Chief Secretary to Government

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PART II – INSTRUCTIONS

(A) ZONE OF CONSIDERATION

GENERAL ADMINISTRATION DEPARTMENT

Dated the 17th July 1991

To

All Departments of Government

Subject – Clarification to Orissa Civil Service (Zone of Consideration for Promotion) Rules, 1988.

No. 18500-2R/1-22/91-Gen. – The undersigned is directed to say that it has been pointed out by the Chairman, Orissa Public Service Commission that some Departments of Government are not following the procedure laid down in the Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988 in the matter of promotion to different posts and services particularly in the meetings of D. P. C./Selection Boards held for the purpose.

2. According to the Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988 which came into force on the 8th August 1988, where the estimated number of vacancies is more than 3, the zone of consideration is three times the number of vacancies and where the estimated number of vacancies is not more than 3 the zone of consideration shall be 10. The above rules override any zone of consideration which may have been prescribed in different rules “except in case where the provisions of the Orissa Reservation of Vacancies in Posts and Services (for S. C. and S.Ts.) Act, 1975 and the rules framed there under are applicable”.

3. Section 10 (1) of the ORV Act lays down the procedure for promotions to be made on the basis of seniority subject to fitness. Section 10 (3) of the said Act provides that there shall be no zone of consideration in respect of promotions based on seniority subject to fitness. In such cases the S.C./S.T. candidates shall be promoted to the next higher post or grade against the reserved vacancies irrespective of their position in the gradation list subject to satisfaction of prescribed minimum qualification and experience and found fit for such promotion.

3.2. In the event of non-availability of suitable S.C./S.T. candidates, the reserved vacancy shall not be filled up without de-reservation by the competent authority next higher to the appointing authority as per provision under Rule 5 (2) of the O.R.V. Rules.

3.3. In case of general candidates, the Zone of consideration shall be as in Para. 2 above.

4. In the case of promotion made by selection where the element of direct recruitment does not exceed 50% the detailed procedure laid down in Rules 7(a) and 7(b) of the O.R.V. Rules is to be followed. Rule 7(a) read with Section II-A(2) (b) deals with cases of promotion from Class-III to Class-II, within Class-II, from Class-II to Class-I and within Class-I. In these cases the selection will be made only from those S.C and S.T. Officers who are within the common zone of consideration, numbering seven times of the estimated number of vacancies.

ILLUSTRATION

Total No. of Vacancies	...	10
S. C.	...	01
S. T.	...	03
Unreserved	...	06

(i) Common zone of consideration for S. T. and S. C. $10 \times 7 = 70$.

(ii) Zone of consideration for unreserved category $6 \times 3 = 18$.

4.2. In the event of non-availability of suitable S. C./S. T. candidates for promotion, the reserved vacancy shall be filled up by suitable general candidates according to provision under Rule 5(3) of O.R.V. Rules. No de-reservation is necessary in such cases as per second proviso to Section 7 of the O.R.V. Act.

5. In the cases of promotion to Class-III posts and within Class-III posts on the basis of selection, the Zone of consideration numbering 7 is separate for the S.C. and S.T. Officers as per Rule 7 (b) of the O.R.V. Rules read with Section 11-A(2) (a) of the O.R.V. Act.

ILLUSTRATION

No. of Vacancies	...	10
S.C.	...	01
S.T.	...	03
Unreserved	...	06
Zone of consideration for -		
S.C.	...	$1 \times 7 = 7$
S.T.	...	$3 \times 7 = 21$
General	...	$6 \times 3 = 18$

5.2. In case of non-availability of suitable S.C./S.T. candidates the reserved vacancy shall not be filled up without de-reservation by the competent authority, i.e. the next higher authority to the appointing authority as per provision under Rules 5(2) of the O.R.V. rules.

6. The above instructions may be brought to the notice of all concerned in their Departments and the respective Heads of Department, Public Sector Undertakings and Urban Local Bodies, etc., under their administrative control for their future guidance. H & T.W. Department have concurred in the instructions in their U.O.R. No. 68, dated the 21st June 1991.

C. NARAYANASWAMY
Special Secretary to Government

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POLITICAL & SERVICES DEPARTMENT

OFFICE MEMORANDUM

The 29th December 1972/8th Pausa 1894

Subject:- Constitution of Departmental Promotion Committee for promotion – Appointment on *ad hoc* basis.

No. 21376-Gen.– It has been observed that a number of posts which are lying vacant in different Departments and Subordinate Offices are being filled up on an *ad hoc* basis by promotion in the exigencies of public service. While decision to fill up these vacancies cannot be deferred, it is essential that some principles are observed in the matter of selection and the principles are followed consistently. Unfortunately in a number of Departments, proper Rules for recruitment and promotion have not yet been framed. For these Departments and Subordinate Offices, it is all the more necessary that a regular procedure is adopted in filling up the vacancies in a fair and equitable manner. Even where recruitment rules have been framed for particular services, there must be a method to ensure that the principles adopted in the recruitment or cadre rules are actually followed in practice at the time of promotion or selection.

2. With a view to ensuring the above objective, the Departments are requested to set up immediately Departmental Promotion Committees where ever such Committees do not already exist. There is need for setting up such Committees for promotion to all categories of posts in the Departments or Heads of Departments or any subordinate office. Normally the Head of the Office and two other Members should be included in the Committee. Where there is need for co-opting any other specialist in view of the particular discipline for which promotion is being considered there should be provision for such co-option. For example, the Promotion Committee at the level of the Department should include the Secretary of the Department, the Head of the Department and at least one other member and if necessary, a representative of the discipline or division for which the selection is proposed to be made.

3. The Departments who have already set up Promotion Committees may review the existing arrangements in the light of the general guidelines indicated here. Those Departments and the Subordinate Offices who have not made any systematic arrangement in this regard should take immediate steps to set up such Committees. Where the Cadre Rules are under preparation suitable provision should be made in the Rules to set up such standing Committees to ensure that even when there is *ad hoc* promotion or selection, certain broad principles are observed. This is particularly important where *ad hoc* appointments in respect of gazetted posts are required to be referred to the O.P.S.C.

4. Copies of orders constituting such Committees at the level of Departments should be endorsed to P. & S. Department for information. Departments are also requested to ensure that action as outlined here is taken immediately in all these Subordinate Offices and to send a compliance report to Political & Services Department not later than the 15th January 1973.

The receipt of this O.M. may be acknowledged in the first instance.

S. K. PaLIT

Additional Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 25th June 1983

Subject :- Change in procedure regarding constitution of Departmental Promotion Committee/Selection Board.

No. 7165-AIS-1. – Instructions were issued in Office Memorandum No. 14020-Gen., dated the 23rd May 1979 of erstwhile P. & S. Department for associating the Chairman/Member, P.S.C. with the Departmental Promotion Committee/Selection Board with the following objectives :-

- (i) To cut down the delay which being caused as a result of references and counter references made between the Departments of Government and P.S.C. to finalise the select list from which promotions were to be made.
- (ii) To obviate the difficulties that arose as a result of time gap between giving *ad hoc* promotion by the Departments on the recommendation of D.P.C./Selection Board and the receipt of the select list with the concurrence of P.S.C. and also in some cases on account of the P.S.C. not agreeing to include in the select list for promotion, officers who had been given *ad hoc* promotion s on the recommendation of the D.P.C./Selection Board.

In accordance with aforesaid office memorandum the Chairman, P.S.C. or Member, P.S.C. functions as the Chairman of the D.P.C./Selection Board at present.

2. Experience has shown that the association of the P.S.C. with the D.P.C/Selection Board has not helped in the matter of expediting the Commission's concurrence to the recommendation of D.P.C./Selection Board. This aspect was reviewed in the Secretaries meeting held on the 13th October 1982 and it was found that the revised procedure adopted in 1979 has not produced the desired results.

3. The question as to whether a convention can be evolved that in no case the recommendation of D.P.C./Selection Board would be modified and changed by the P.S.C. in view of the fact that P.S.C. is associated with the D.P.C./Selection Board, has been examined. It is found that it is not possible to establish such a practice since formal consultation with the Commission is obligatory in the case of promotions to Class-II and Class-I posts and the approval of the Commission to the recommendations of the Selection Board cannot be taken for granted on the ground that a Member of the Commission was associated with it.

4. Consultation with the commission is constitutional obligation in specified cases and this can be ensured only at the last stage when the recommendations of the D.P.C./Selection Board are seen by the entire Commission and their views furnished on the same. Associating the Chairman or Member of the Commission with the D.P.C./Selection Board cannot substitute for such mandatory consultation. It has also not resulted in reducing the time for obtaining the formal recommendations of the P.S.C.

5. In the above circumstances in supersession of this Department Office Memorandum No. 14020-Gen., dated the 23rd May 1979 Government have been pleased to decide to revert to the earlier practice of holding the meeting of the D.P.C./Selection Board independently without associating the P.S.C. with them and forwarding the recommendation of the D.P.C./Selection Board to the P.S.C. for formal concurrence. While adopting the revised procedure the Departments should, however, ensure that the recommendation of the Selection Board/D.P.C. with all relevant records are forwarded to the P.S.C. immediately after the meetings.

6. The Departments of Government are requested to take immediate steps to set up Selection Board/D.P.C. disassociating Chairman/Member, P.S.C. Where Statutory Rules have been framed under proviso to Article 309 of the Constitution of India for appointment to respective services by selection or promotion. Those rules may also be amended suitably disassociating Chairman/Member, P.S.C. from the Selection Board/D.P.C.

7. Necessary action may be taken in this regard by the concerned Departments within one month from the date of issue of this office Memorandum under intimation to General Administration Department.

C. NARAYANASWAMY
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 23rd August 1983

Subject :- Constitution of Departmental Promotion Committee/Selection Board.

No. 10280 – The question of prescribing fresh guidelines for constitution of Department Promotion Committees/Selection Boards has been under consideration of Government for some time. It has now been decided that the constitution of the Departmental Promotion Committees and Selection boards will be as indicated below :-

- (i) *[For considering the promotion to posts in Senior Class-I and posts of Heads of Departments, the Departmental Promotion committees/Selection Boards will be headed by the Chief Secretary/Principal Secretary as the case may be and the Secretary of the Administrative Department and the Head of Department concerned will be Members. When the post of Head of Department is vacant the committee will consist of only two Members viz.; Chief Secretary/Principal Secretary and the Secretary of the Department. Where more than one Head of Department is concerned in the matter, then all those Heads of Department will be included as Members.]

* Substituted vide Corrigendum No. 315, dated the 16th January 1987.

- (ii) For promotion to O.A.S.-II, O.A.S.-I (Junior Branch) and O.A.S.-I (Senior Branch), the Departmental Promotion Committee/Selection Board will be headed by the Chief Secretary and the Member, Board of Revenue, the Revenue Divisional Commissioners and the Secretary of the Administrative Department will be Members.
- (iii) In all other cases, the Departmental Promotion committee/Selection Board will be headed by the Secretary of the Administrative Department. The Head/Heads of Department concerned and the Joint Secretary/deputy Secretary concerned will be Members.

Action may be taken to reconstitute the Departmental Promotion Committees/Selection Board in respect of your Department on the above lines under intimation to the General Administration Department.

C. NARAYANA SWAMY
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 6th August 1986

Subject–Representation of women members in the various Committees/Boards concerned with selection.

No. 14154 – The undersigned is directed to say that some important aspects relating to the service conditions of women employees, their recruitment and their conditions of service merit greater attention. It is observed that the percentage of women employees in State Government Service and in public sector organisations is quite low. It appears necessary to involve women in greater numbers in the machinery set up for selection of personnel for Government/Public Sector posts; women of proven merit and ability should also be nominated to the Selection Boards and Committees set up for recruitment to various posts and services.

2. On careful consideration, it has been decided that the Departments, Heads of Departments and District Offices should endeavour to nominate, to the extent possible, lady officers of proven ability and experience in the Selection Board/Committees concerned with selection of candidates for various posts & services under them. In case where a good number of lady candidates are expected to be available for the service/post, no effort should be spared in finding a suitable lady officer for inclusion in the Selection Board/Committee. In the event of such an officer not being available in the Department/Heads of Departments and District Offices itself there is no objection to nominate lady officer from any other office at the same station, if she is of the requisite status, ability and experience.

3. It is requested that the above decision may be brought to the notice of all concerned in the Departments/Heads of Department/District Offices and their attached and subordinate offices as also the Public Sector Undertakings and other Autonomous Bodies under their administrative control for appropriate action.

M. P. MODI
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 10th February 1987

Subject – Period of validity of Select list recommended by the Public Service Commission.

No. 2288-2R/1-87/86-Gen.- Regarding the period of validity of the recommendation of Public Service Commission for appointment to various posts and services, different provisions have been prescribed in different service rules and executive instructions issued severally in the past. It is felt that difficulties are being experienced in the matter of appointments where the period of validity of such recommendation has expired and fresh recommendation of Public Service Commission has not been received.

It is therefore, considered necessary to remove difficulties following a modified and uniform period of validity of Public Service Commission's recommendation. After careful consideration, Government have been pleased to decide as follows :-

- (1) In case of initial recruitment through competitive examination the recommendation of Public Service Commission shall remain valid for a period of one year from the date of its approval by the Government. In extraordinary circumstances, however, when, for any reason, appointments have not been completed and the list in the recommendation has not been exhausted, Government by special order, may extend the validity period as necessary, but not later than the date of the next recommendation of the Public Service Commission.
- (2) In case of promotions, the recommendation of Public Service Commission shall remain valid for a period of one year from the date of its approval by the Government.

This order issues in supersession of all previous orders issued in this behalf.

All Departments are requested to get their respective service rules amended in pursuance of this order.

M. P. MODI
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

No. 18622-2R/1-13/89 (pt.)-Gen.

From

Shri Binoy B. Mishra, Joint Secretary to Government

To

All Secretaries to Government.

Dated the 12th June 1989

Subject - Deficiencies noticed by the P.S.C. in the proposal sent to them for giving promotion to different posts by various departments.

Sir

I am directed to say that the Chairman and Members of the O.P.S.C. met the Chief Minister on the 19th May 1989 and raised the following issues which according to them need urgent attention of the State Government.

A number of deficiencies, as noted below, have been noticed in the proposals being sent to P.S.C. for promotion to different posts in the Government by various Department.

- (a) Incomplete C.C.Rs. are being sent along with the proposals for promotion after giving *ad hoc* promotion to the concerned candidates. The P.S.C. chairman expressed surprise as to how promotion on *ad hoc* basis is given when C.C.Rs. are not complete.

- (b) Attested gradation list is not submitted along with the proposals for promotion.
- (c) There is no indication in the department's proposals as to whether the names of the Scheduled Caste/Scheduled Tribe candidates coming within the zone of consideration (7 times) have been considered.
- (d) The chairman, P.S.C. also stated that long after *ad hoc* promotions are made proposals are sent to O.P.S.C for concurrence which causes avoidable delay. He, therefore, suggested that no proposal for *ad hoc* appointments should be initiated unless reference to P.S.C. has been made with the recommendation of the D.P.C.

You are therefore, requested to comply with the above points raised by the P.S.C. while filling up vacancies and sending proposals to P.S.C. of your Department and take suitable steps to avoid occurrence of such lapses in future. If you have any suggestion for change in this regard, it may kindly be sent to this Department at an early date.

Yours faithfully,
BINOY B. MISHRA
Joint Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

No. 15540-PSC-2/94-Gen.

To

All Departments of Government

Dated the 20th July 1994

Subject :- Implementation of the suggestion and observation of O.P.S.C.

The undersigned is directed to say that the Chairman, Orissa Public Service Commission presented the Annual Report of the Commission for the year 1991-92 to the Governor and Chief Minister during the 2nd fortnight of March, 1994. While examining the report in this Department it is noticed that the Commission have drawn the attention of Government regarding delayed offers of appointment, delayed acceptance of Commission's advice relating to promotion, delayed notification of recruitment rules and delayed acceptance of Commission's advice in disciplinary cases by different Departments of Government. Further, the commission have also drawn the attention of Government on the following issues :-

- (i) Non-acceptance of Commission's advice
- (ii) *Ad hoc* appointment
- (iii) Incomplete references
- (iv) Return of cases due to non-receipt of information/documents.

2. The Commission have expressed their deep concern in the matter of non-acceptance of their advice on certain cases and there is a rising tendency in the rate of non-acceptance of their advice. Therefore, due care and caution may be taken while obtaining Government orders in those cases when recommendation of the Commission is proposed to be over-ruled.

3. In the matter of *ad hoc* appointment and incomplete references instructions have already been issued in D.O. letter No. 1617, dated 20-1-1992 of the Chief Secretary, Orissa in which it has been impressed upon all concerned to discontinue the practice of *ad hoc* appointment and to ensure that references to the Commission when furnished should be completed in all respects in absence of which the Commission would not be able to make a recommendation. These instructions may be followed scrupulously.

4. As regards submission of complete/documents to the Commission a clarification has already been issued to all Departments in this Department Memo No. 4229-Gen., dated 21-2-1994. Therefore, while making a reference to the Commission complete documents as required in Rule 3 (c) of the O.C.S. (Criteria for Promotion) Rules, 1992 may be furnished for a quick action at their level.

5. The Commission have further observed that despite repeated observations made by them, proper assessment of vacancies is not being made by the Departments. The concerned Departments do not also intimate the tentative number of vacancies for being included in the Commission's advertisement for the information of the prospective candidates. Apart from failure to furnish forecast of vacancies in time, the Departments, who have to report the vacancies are unable to assess the requirement with exactitude. As a result, in respect of some of these recruitment, the number of vacancies notified initially in the advertisement by the Commission did not bear relation to the number of vacancies finally reported for being filled on the results of those recruitments. These figures are so much at variance with each other that it is difficult for the Commission to accept that there has been any systematic man power planning. The Commission have therefore urged that the recruiting departments should identify the cases of disparities in their initial and final demands and ensure that correct requirements are projected well in advance as far as possible.

6. The Commission have also observed that despite their repeated advice some Departments have not yet framed Rules regulating recruitment by promotion under Article 309 of the Constitution.

7. It is also observed by the Commission that the procedure laid down for imposition of major and minor penalties as provided under Rules 15 and 16 of the O.C.S. (C.C.A.) Rules, 1962 are not followed properly in many cases. Besides, a large number of cases referred to them for advice are found to be incomplete.

It is therefore, requested that the above observations of the Commission may be borne in mind for necessary guidance.

PRITIMAN SARKAR
Special Secretary to Government

GENERAL ADMINISTRATION DEPARTMENT**OFFICE MEMORANDUM**

The 20th August 1999

Subject :- Foregoing of promotion to Higher Rank/Grade.

No. 24519-S.C./6-35/99-Gen. – Promotion implies the advancement to a higher rank or grade in service career and hence it is normally accepted by a Government servant. It also involves shouldering of larger responsibility.

2. It is possible, however, that a Government employee, who is due for promotion or has already received the offer of promotion, may represent to forego the promotion.

3. A question has arisen whether a Government servant maybe allowed to forego the promotion (a) for a particular period after which he may opt to be considered for promotion once again or (b) forever with the condition that he maybe retained in a particular station or post.

4. After careful consideration, it is hereby clarified as follows :

- (a) It is not desirable to introduce an element of optional deferment of promotion for temporary periods. To forego is to give up. An employee, who does not wish to accept the larger responsibility of a higher rank/grade, may forego the promotion once and for all.
- (b) Secondly, the foregoing of promotion shall not be conditional. For example, no commitment can be given that an employee shall be retained in a particular station/office/post just because he has opted to forego the promotion.
- (c) In case a Government servant opts for permanent and unconditional foregoing of promotion, an Office Order should be issued to that effect and an entry should be made in the Service Book. The resultant vacancy may be filled up by elevating the next eligible and suitable employee.

RAJENDRA KISHORE PANDA
Special Secretary to Government

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(C) SEALED COVER PROCEDURE**GENERAL ADMINISTRATION DEPARTMENT****OFFICE MEMORANDUM**

The 18th February 1994

Subject:- Promotion of Government servants against whom disciplinary/criminal proceedings are pending procedure to be followed.

No. 3928-SC/3-2/93-Gen. – The question of the manner and method to be adopted by the Departmental Promotion Committee while selecting employees for promotion to the next higher grade in the context of an employee who is under suspension has been prescribed in this Department office Memorandum NO. 24—Gen., dated the 9th January 1987. This matter has been further considered by the Government and in supersession of this Department Office Memorandum referred to above, it has been decided as follows :-

2. Confirmation in the service

The State Government employees appointed in different cadres of service through relevant source of recruitment shall be confirmed in the service at the end of the period of probation subject to fulfillment of other conditions as prescribed for the purpose. A probationer who is under suspension or against whom disciplinary proceedings have been instituted or against whom a criminal case is pending in a Court, cannot be considered to have completed the period of probation to the satisfaction of State Government and as such, he cannot be confirmed in service before such proceedings are dropped or concluded in his favour.

3. Promotion of officers to the various posts/services

At the time of consideration of cases of officers for promotion, details of such officers in the zone of consideration falling under the following categories should be specifically brought to the notice of the concerned Screening Committee :-

- (i) Government servants under suspension
- (ii) Government servants in respect of whom a charge-sheet has been issued and disciplinary proceeding are pending; and
- (iii) Government servants in respect of whom prosecution for criminal charge is pending.

4. The Screening Committee shall assess the suitability of the officers coming within the purview of the circumstances mentioned in Para. 2 above, along with other eligible candidates without taking into consideration the disciplinary case/criminal prosecution which is pending. The assessment of the Screening Committee including “Unfit for Promotion” and the grading awarded by It will be kept in a sealed cover. The cover will be superscribed “FINDINGS REGARDING THE SUITABILITY

FOR PROMOTION TO THE POST/SERVICE OF IN RESPECT OF SHRI (Name of the Officer)". "NOT TO BE OPENED TILL THE TERMINATION OF THE DISCIPLINARY CASE/CRIMINAL PROSECUTION AGAINST SHRI". The proceedings of the Screening Committee need only contain the note. "The findings are contained in the attached sealed cover".

5. The same procedure outlined in Para. 3 above will be adopted by the subsequent Screening Committees convened till the disciplinary case/criminal prosecution against the officer concerned is concluded.

6. On the conclusion of the disciplinary case/criminal prosecution, the sealed cover or covers shall be opened. In case the officer is completely exonerated, the due date of his promotion will be determined with reference to the findings of the Screening committee kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such findings. The Government servant may be promoted, if necessary, by reverting the junior-most officiating person. He may be promoted notionally with reference to the date of promotion of his junior.

In cases of complete exoneration, the officer will also be paid arrears of salaries and allowances. In other cases, the question of arrears will be decided by the State Government by taking into consideration all the facts and circumstances of the disciplinary/criminal proceedings, but where the Government denies arrears of salary or a part of it, the reasons for doing so shall be recorded.

7. If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next Screening Committee in the normal course and having regard to the penalty imposed on him.

8. It is necessary to ensure that the disciplinary case/criminal prosecution instituted against any officer is not unduly prolonged and all efforts to finalise expeditiously the proceeding should be taken so that the need for keeping the cases of officers in a sealed cover is limited to the barest minimum. It has, therefore, been decided that the appointing authorities concerned should review comprehensively the cases of Government servants, whose suitability for promotion to a higher grade has been kept in a sealed cover on the expiry of 6 months from the date of convening of the first Screening Committee which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be done subsequently also every six months. The review should, *inter alia*, cover the progress made in the disciplinary proceedings/criminal prosecution and further measures to be taken to expedite their completion.

9. An officer who is recommended for promotion by the Screening committee but in whose case any of the circumstances mentioned in Para. 3 above arise after the recommendations of the Screening Committee are received before he is actually promoted, will be considered as if his cases had been placed in a sealed cover by the Screening Committee. All the subsequent Committees shall assess the suitability of such officers along with other eligible candidates and place their assessment in a sealed cover. The sealed cover(s) will be opened on conclusion of the disciplinary case/criminal prosecution. In case the officer is completely exonerated, he would be promoted as per the procedure outlined in Para. 6 above and the question of grant of arrears would also be decided accordingly. If any penalty is imposed upon him as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover in his case shall not be acted upon.

PRITIMAN SARKAR
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 4th July 1995

Subject :- Promotion of Government Servants against whom disciplinary/criminal proceedings are pending procedure to be followed.

No. 14640-Gen. – The procedure to be adopted by the D.P.C., while selecting Employees for promotion to the next higher grade when any Disciplinary/Criminal Proceedings is pending has been laid down in G. A. Department Office Memorandum No. 3928-Gen., dated the 18th February 1994. It has come to the notice of the Government that difficulties are being experienced in the cases where disciplinary proceeding/criminal prosecutions against the Government Servants are pending for a long period without being disposed of. The delay is unfairly depriving of such Government Servants from getting promotions to the next higher grade.

2. The Government, after careful consideration of all the aspects and in partial modification of the instructions contained in G.A. Department Office Memorandum No. 3928-Gen., dated the 18th February 1994 referred to above, have been now pleased to decide as follows :-

- (i) The disciplinary authorities, while framing charges against a delinquent Government Servant, should carefully consider the circumstances while deciding whether the delinquency merit framing of charges u/r 15 u/r 16 of O.C.S. (CCA) Rules, 1962, In the cases, where a minor penalty proceedings have been drawn up u/r 16 of O.C.S. (CCA) Rules, 1962, the "Sealed Cover" procedure shall not be applicable.
- (ii) Where the major penalty proceedings have been drawn up u/r 15 of O.C.S. (CCA) Rules, 1962, the procedure envisaged in G.A. Department Office Memorandum No. 3928, dated the 18th February 1994 should be followed.
- (iii) In the cases, where criminal prosecution/disciplinary cases against the delinquent Government employees, have not come to an end even after the expiry of two years from the date of the meeting of the first

Departmental Promotion Committee, the Appointing Authority may review the withheld promotion cases (provided the delinquent Government employees are not under suspension) to consider the desirability of giving the *ad hoc* promotion keeping in view the following aspects :-

- (a) Whether the promotion of the employee will be against the public interest
- (b) Whether the charges are grave enough to warrant continued denial of promotion
- (c) Whether there is likelihood of the case coming to a conclusion in the near future
- (d) Whether the delay in the finalisation of the proceedings, departmental or in a Court of Law, is not directly or indirectly attributable to the employee concerned.
- (e) Whether there is any likelihood of misuse of the Official position, that the employee may occupy after *ad hoc* promotion, which may adversely affect the conduct of the departmental case/criminal prosecution.

In case the Appointing Authority considers that it would not be against the public interest to allow *ad hoc* promotion to the employee concerned, his case should be placed before the next D.P.C. to be held in the normal course to decide whether the employee is suitable for promotion on *ad hoc* basis. If the employee is considered suitable, on the basis of the totality of his record of service, without taking into account the pending disciplinary case/criminal prosecution against him, an order of promotion may be issued making it clear that :-

- (i) the promotion is being made purely on *ad hoc* basis and the *ad hoc* promotion will not confer any right for regular promotion; and
- (ii) the *ad hoc* promotion shall survive until further orders.
- (iii) It should also be indicated in the orders that the Government reserve the right to cancel the *ad hoc* promotion at any time and revert the employee to the post from which he was promoted without assigning any reason therefor.

All other conditions contained in the aforesaid Office Memorandum remain unchanged.

SANTOSH KUMAR
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 1st November 1997

Subject – Promotion of Government servants against whom disciplinary/criminal proceedings are pending –procedure to be followed.

No. 29699-SC-3-5/97-Gen. – The procedure to be adopted by the Departmental Promotion Committee while selecting employees for promotion to the next higher grade when any disciplinary/criminal proceedings are pending has been laid down in General Administration Department Office Memorandum No. 3928-Gen., dated the 18th February 1994 and Office Memorandum No. 14640-Gen., dated the 4th July 1995. It has come to the notice of the Government that the Government servants who have been punished with any of the minor penalties as specified in Clauses (i) to (v) of Rule 13 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 in the disciplinary proceedings drawn up against them under Rule 15 of the above said Rules for imposing major penalties are deprived of getting promotion to higher grades which caused undue hardship to them.

2. The Government after careful consideration of all the aspects have now been pleased to decide to substitute Para. 6 and 7 of G. A. Department Office Memorandum No. 3928-Gen., dated the 18th February 1994 referred to above as follows :

Para. 6 On the conclusion of the disciplinary cases/criminal prosecution, the sealed cover or covers shall be opened. In case the officer is completely exonerated, the due date of his promotion will be determined with reference to the findings of the Screening Committee kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such findings. The Government Servant may be promoted, if necessary by reverting the junior-most employee who has been allowed officiating promotion. He may be promoted notionally with reference to the date of promotion of his junior.

6.2. In case of complete exoneration, the officer will also be paid arrears of Salaries and Allowances. In other cases, the question of arrears will be decided by the State Government by taking into consideration all the facts and Circumstances of the disciplinary/criminal proceeding, but where the Government denies arrear salary or part of it, the reasons for doing so be recorded.

6.3. In cases where, after completion of the disciplinary proceedings an officer has been punished with the following minor penalties, he shall be given promotion considering the findings in the 'sealed cover' from the date his immediate junior has been given promotion and his pay will be notionally fixed in the time-scale of the higher grade with effect from that date, but he will not be eligible for any arrear financial benefits for the period for which he has not actually worked in the higher grade post.

1. Fine
2. Censure
3. Withholding of increments

4. Recovery of any pecuniary loss caused

However, in cases where an officer has been punished with minor punishment of "Suspension" then the officer cannot get promotion with retrospective effect. In such cases, the date of promotion of the officer concerned will be postponed by the period for which he was actually under suspension. That means he will be promoted from the date on which his period of suspension will be over.

Similarly in cases where the punishment of 'withholding or promotion' has been imposed on the officer concerned, then the officer concerned cannot be promoted with retrospective effect even if he was found suitable for promotion as per recommendation kept in sealed cover and his cases will be taken up in the next Departmental Promotion Committee/Selection Board/Selection Committee for consideration of his promotion to next higher grade.

Para. 7 If any major penalty as specified in Clauses (vi) to (ix) of Orissa Civil Services (Classification, control and Appeal) Rules, 1962 is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next Departmental Promotion Committee/Selection Board/Selection Committee in the normal course and having regard to the penalty imposed on him.

3. This has been concurred in by the Finance Department in their U. O. R. No. 508-CS-I. dated the 16th September 1997.

H. S. CHAHAR

Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

Dated the 15th january' 1999

To

All Department of Government/

All Heads of Departments/

All Collectors.

Subject – Promotion of Government servants against whom disciplinary/criminal proceedings are pending-Procedure to be followed.

No.1598-SC.-3-5/98-Gen. – The undersigned is directed to say that detailed instructions have been issued in G. A. Department Office Memorandum No. 3928, dated the 18th February 1994 indicating the manner and method to be adopted by the Departmental Promotion Committee while selecting the employees for promotion to the next higher grade. Clause (iii) of Para 3 of the said Office Memorandum provides that the Government servants in respect of whom prosecution for criminal charge is pending should not be promoted to next higher grade and the assessment of the Screening Committee including "Unfit for promotion" and the grading awarded by it will be kept in a sealed cover till finalisation of the said proceedings.

Doubts have been expressed whether after sanction of criminal prosecution against a Government servant, the recommendations of the Departmental Promotion Committee can be kept in a sealed cover. It is therefore, clarified that as per the decision in "Union of India, etc. *V/s.* K. V. Janakiraman" reported in AIR 1991 SC 2010, the promotion of an employee cannot be withheld merely because a criminal proceeding is pending against him. To deny the said benefit it must be shown that at the relevant time the criminal case is pending at the stage when charge-sheet has already been issued to the employee. So the sealed cover procedure should be adopted only after the charge-sheet is issued to the employee and not before it.

The above clarification may be brought to the notice of all concerned.

PRIYABRATA PATNAIK

Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 28th January 1999

Subject – Promotion prospects of Officers during pendency of Disciplinary/Criminal Proceedings – Date of effect of General Administration Department Office Memorandum No. 29699-GE., dated the 1st November 1997.

No. 3016-Doubts have been raised regarding the date from which General Administration Department Memorandum No. 29699, dated 1st November 1997 shall be given effect. It is clarified that Government after careful consideration have been pleased to decide that the executive instructions contained in Office Memorandum No. 29699, dated the 1st November 1997 *inter alia* intend to confer a benefit on an employee of the State Government whose career has been adversely affected by a

disciplinary proceedings which has resulted in a minor penalty to be inflicted on him. Hence, this benefit is to be conferred on such employee irrespective of the date of disposal of the proceedings. Any other view will be contrary to the principles of equity and natural justice.

PRIYABRATA PATNAIK
Special Secretary to Government

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(D) AD HOC PROMOTION
POLITICAL & SERVICES DEPARTMENT
Memo No. 6600 (18)- PSC.-13/62-Gen.

To

All Departments of Government

Dated the 22nd May 1962

Subject – Question whether appointments made by Government in the exigencies of Public Service beyond six months without the Concurrence of the Public Service Commission are liable to audit objections.

The undersigned is directed to say that the Accountant-General, Orissa has brought to the notice of Government that in a large number of cases extension of the terms of appointment to gazetted posts beyond six months has been made by Departments of Government without obtaining the concurrence of the Public Service Commission in contravention of Regulation 3 (b) (i) of the Orissa Public Service Commission (Limitation of Functions) Regulations. Such extension of the period of appointment according to Accountant-General is unauthorized and irregular and cannot be accepted in audit.

The point raised by the Accountant-General, Orissa was carefully considered by Government with reference to the legal interpretation of the provision of Article 320 (3) of the Constitution and the following clarifications are issued.

Under Regulation 3 (b) (i) of the Orissa Public Service Commission (Limitation of Functions) Regulations, Government can make temporary appointments, for a period not exceeding six months without consulting the Public Service Commission when it is necessary to make such appointments urgently. In cases where due to some reason or other, the recommendations of the Public Service Commission are not received before the expiry of the provisional appointment it become necessary to make fresh appointments not exceeding six months to avoid dislocation of work. If in any case there has been any such so called “extension” it must be conceded that the Limitation of Functions Regulation do not strictly contemplate an extension as such. The position is that there can be no question of extension but merely a question of fresh appointment in an emergent situation under the special provisions of the Regulations. Even if in any context Government while issuing orders used the word ‘extension’ that must virtually be construed as fresh appointments so long as Government have recorded their satisfaction that such an order was essential in the interest of public service and in the light of the Regulation.

A copy of this is being sent to the Accountant-General, Orissa for his information.

R. K. MOHANTY
Joint secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 22nd February 1988

No. 6405-SC/1-14/87-Gen. – Doubts and questions have been raised from time to time about the validity of the *ad hoc* promotions and appointments made by Government. Clearly there are two categories :

- (a) Initial *ad hoc* appointments to direct recruitment posts.
- (b) Promotion of Government servants to higher post on *ad hoc* basis.

2. In the erstwhile P. & S. Department Memo No. 6600 (18) – Gen., dated the 22nd May 1962 (copy enclosed for ready reference) it was clarified that the Orissa Public Service Commission (Limitation of Functions) Regulation, 1952 does not, strictly speaking, contemplate an extension of *ad hoc* appointment and that even if any context Government while issuing orders used the word “extension” that must virtually be construed as fresh appointment so long as Government have recorded their satisfaction that such an order was essential in the interest of public service and in the light of the Regulations. Therefore, even if the provisional appointment is extended beyond one year, it will be deemed that fresh provisional appointment has started from the date from which the previous provisional appointment came to an end, and by virtue of extension of such provisional appointment the employee does not get right to the post.

3. (a) In the case of promotion, provisional appointment is extended beyond one year invariably by a Department due to non-receipt of concurrence of P.S.C. in time. Once there is a promotion, there are various consequential changes in the Department as the employees next below the promotees are also promoted to the different ranks. If the *ad hoc* appointment (promotion) is suddenly terminated after expiry of one year, the with then termination of such appointment the employees who have got consequential promotion will also stand reverted and this will cause various administrative inconveniences.

(b) The Law Department who were consulted in the matter have expressed their views that continuance of *ad hoc* appointment beyond one year in case of promotion is neither untenable nor irregular specially when it has been made clear that the appointment at any point of time is within the period of one year of *ad hoc* appointment. It is, however, made clear that the appointment authority shall issue a fresh order of *ad hoc* appointment soon after the previous term of *ad hoc* appointment comes to an end, provided such authority is satisfied in writing that such appointment is necessary in the interest of public service and

necessary steps have been taken by the Department for concurrence by the P.S.C. and there is delay at the end of the P.S.C. in according the concurrence.

(c) It is, however, clarified that if due to inadvertence no fresh order has been issued making the *ad hoc* appointment after the expiry of the previous term of *ad hoc* appointment, then it will be deemed as if the period after the expiry of the previous term of *ad hoc* appointment is a fresh appointment extending up to another term of one year. It is further made clear that if fresh *ad hoc* appointment is made on the date on which the former term of *ad hoc* appointment comes to an end (such appointment may also be made retrospectively if the exigencies of the circumstances so require) then there will be no need for reversion of the employees who have got consequential promotion on account of the *ad hoc* appointment.

4. In case of fresh recruitment, however, *ad hoc* appointment should terminate at a specified point of time so as to prevent complications. In issuing such fresh recruitment orders of *ad hoc* appointment, the date of termination of the appointment should be specifically mentioned in the appointment order so that another order of termination does not become necessary.

N. K. PANDA
Chief Secretary to Government

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D. O. No. 1617-Gen.

The 20th January 1992

R. K. Rath, I. A. S.,
Chief Secretary and
Chief Development Commissioner, Orissa.

My dear,

I have been noticing that *ad hoc* appointments to posts which are required to be filled up in consultation with the Orissa Public Service Commission have become common practice whereas the power of Government to make such appointments has to be exercised in exceptional cases only. There is little justification in invoking this power to fill up vacancies which can be clearly foreseen. While it may be necessary to make *ad hoc* appointment to a newly created post which needs to be filled up immediately or to a vacancy that has arisen because of the death or resignation of the incumbent or his sudden deputation, there is little justification in resorting to it for filling up vacancies, caused by retirement. Each Department has all the information it needs to find out, well in advance, the date of vacancy and should, therefore, be in a position to convene a meeting of the Departmental Promotion Committee and make a reference to the Commission. There is no justification whatever in waiting till the vacancy actually arises and in filling it up on an *ad hoc* basis.

2. You would also have noticed that, once an *ad hoc* appointment is made, the effort at making a proper reference to the Commission and obtaining its advice expeditiously is far from adequate. In the result, such appointments continue for prolonged periods, sometimes beyond the specified period of one year. This technical difficulty is got over by issuing a fresh order of *ad hoc* appointment on the expiry of the tenure of the previous appointment. This is extremely undesirable and amounts to exercise of a power that, under the rules, should be exercised in consultation with the Commission.

3. I would request you to intervene so that steps are taken in time to fill up, in consultation with the Commission, vacancies that can be clearly foreseen and the tenure of such *ad hoc* appointments as have inevitably to be made is not prolonged unnecessarily or artificially. I would further request you to ensure that references to the Commission are complete in all respects since, in the absence of full information, the Commission will not be able to make a recommendation. An immediate review by you will, I have no doubt, improve matters.

Yours sincerely,
R. K. RATH

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(E) SENIORITY

RULES REGARDING FIXATION OF SENIORITY

[Government of Orissa, Home (Appointment) Department Order No. 606-A., dated the 7th February 1994]

1. The Provincial Government have recently had under consideration the principles to be followed in determining the seniority of officers of the Provincial and Subordinate Services when more than one officer is appointed to a service at the same time. It has been decided that the following principles should be observed in future :-

- (a) When officers are recruited by promotion and by direct appointment at the same time, the promoted officers will take precedence over the officers directly recruited.
- (b) Officers promoted at the same time will ordinarily keep the position *inter se* which they held in the service from which they were promoted. Where promotions are from several services the appointing authority should determine the relative seniority of the officers concerned at the time of appointment.
- (c) The decision regarding the seniority of direct recruits shall be made by the appointing authority at the time of their first appointment. In all cases such decisions shall be final.

2. Government do not consider it practicable to lay down definite criteria to determine the seniority of direct recruits. The following suggestions are, however, made for the guidance of the Departments concerned :-

- (a) Direct recruits at the time of their first appointments maybe given an opportunity to supply any information which may be of value in determining their seniority.
 - (b) When direct recruits have been placed in order of merit by the Public Service Commission (or a Selection Committee) full consideration should be given to their opinion.
 - (c) Seniority may be determined by general consideration of merit by educational qualifications or by age or any previous experience in any post.
 - (d) It is not possible to give a scale showing the relative value of educational qualifications but if Departments experience difficulty, the advice of the Director of Public Instructions may be taken.
3. These instructions shall not apply to the Provincial Civil Service (Judicial Branch).

Memo No. 8403-Gen., dated the 10th July 1961
from the Political & Services Department to the Law Department

Subject – Procedure to be followed in making appointments, promotion, confirmation of persons in ex-cadre posts-Clarification.

With reference to Law Department Memo No. 2921-Est.-140/60-L., dated the 28th April 1961 on the subject noted above, the undersigned in directed to furnish the replies seriatim as below :-

(1) There is no instruction or rule laying down the procedure for filling up ex-cadre posts. Such posts can therefore be filled up either by direct recruitment or by promotion not strictly according to seniority as the appointing authority decides taking into account the duties involved and the ability of the candidates for such work.

(2) The Service in an ex-cadre post will not count for purposes of seniority, promotion and confirmation in the general cadre. On reversion to the regular cadre, the person will occupy his former position in the cadre.

(3) No employee in the general cadre has any legitimate claim for the ex-cadre post. The person who has been holding the ex-cadre post is the only person who can have a claim on the post for confirmation when it is made permanent.

(4) There is no hard and first rule to give officiating promotion to the ex-cadre post. The appointing authority is at liberty to fill up the officiating vacancy, either from the general cadre of the same Department or any other Department. So far the question whether the holder of the ex-cadre post can be given officiating promotion in the general cadre, this will be permissible, if he retains a lien or claim in the regular cadre and the chances of his promotion has arisen according to his seniority in the general cadre.

(5) The post of Grade I Assistant to the Chief Secretary is an ex-cadre post and the incumbent of the post is not a regular recruit though the P.S.C., but has been given promotion from the rank of diarist. As he does not hold nay permanent post in the general cadre of the P. & S. Department, he has no claim for promotion in the general cadre.

As Home Department deal with the matters relating to Ministerial Government servants, Law Department is advised to get the position confirmed from Home Department.

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No. 21260-2R/1-37/99 (Pt. II)-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 16th June 2000

Subject – Fixation of seniority between General, Scheduled Caste and Schedule Tribe candidates in the promotional post in State Civil Services/Posts.

The principle of fixation of seniority of General, Scheduled Caste and Scheduled Tribe candidate in the promotional posts is presently being regulated as per Welfare Department Circular No. 23820-W., dated the 8th August 1997, read with General Administration Department Circular No. 6807-Gen., dated the 13th March 1991. As per the said circular the employees belonging to S. C./S. T. categories are being accorded seniority on the basis of their position in the select list drawn up at the time of promotion. Consequently their seniors belonging to general category in the lower grade, who are promoted later, are being placed below the S.C./S.T. candidates promoted earlier at roster point.

2. Recently, a five-Judge bench of the Hon'ble Supreme Court of India in its judgement delivered on the 16th September 1999 in *Ajit Singh and others Vrs. State of Punjab and others* reported in J. T. 1999 (7) S.C.-153, held that the law laid down by the Supreme Court in *Union of India Vrs. Virpal Singh Chouhan* reported in 1995 (6) SCC 684 and *Ajit Singh Januja Vrs. State of Punjab and others* reported in 1996 (2) SCC 715 is the correct law, but not the law laid down in *Jagadishlal and others Vrs. State of Haryana and others* reported in J. T. 1997 (5) SC 387, which must be considered as confined to its own peculiar facts. As per the judgement, dated the 16th September 1999, the roster point promotees (reserved category) cannot count their seniority in the promoted category on the basis of their continuous officiation in the promoted post *vis-a-vis* the general candidates who were senior to them in the lower category and who were promoted later. On the other hand the senior general candidate at the lower level, if he reaches promotional level later, but before the further promotion of the reserved candidate, he will have to be treated as senior at the promotional level, to the reserved candidate, even if the reserved candidate was earlier promoted to the level.

3. The aforesaid directions of the Hon'ble Supreme Court of India in the above judgement is *inter alia* binding on all in view of the provisions contained in Article 141 of the Constitution of India Therefore, the State Government pending suitable

amendment to the relevant Act/Rules to conform to the aforesaid decision of the Apex Court have decided that the gradation lists of the different cadres in the State Civil Services/Posts should be revised and the *inter se* seniority of General, Scheduled Castes and Scheduled Tribes candidates should be refixed with effect from the 1st March 1996 by adopting the principles laid down as above by the Supreme Court of India but without causing reversion to the reserved candidates.

4. All the Departments of Government are requested to implement the above decision and issue necessary instruction to all the Heads of Departments and Public Sector undertakings and to other Appointing Authorities under their Administrative control for taking immediate action accordingly.

5. This supersedes the instructions contained in Welfare Department Circular No. 23820-W., dated the 8th August 1997 and General Administration Department Circular No. 6807-Gen., dated the 13th March 1999.

This has been concurred in by the Law Department in their U. O. R. No. 1493-L., dated the 5th October 1999.

Order – Ordered that the resolution be published in the *Orissa Gazettee* and copy forwarded to all Departments of Government/all Heads of Departments/all Collectors/Registrar, Orissa High Court/Registrar, O.A.T./Special Secretary, Orissa Public Service Commission, for information.

By order of the Governor
S. B. AGNIHOTRI
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE ORDER

The 27th July 2000

Subject – Fixation of seniority between General, Scheduled Castes and Schedule Tribes candidates in the promotional post in the State Civil Services/Posts.

No. 30083-2R/1-37/99 (Part-II)-Gen. – The undersigned is directed to invite reference to the G. A. Department Resolution No. 21260-Gen., dated the 16th June 2000 and to say that certain aspects of this resolution require a re-examination.

2. After carefully considering the issues involved, the Government have been pleased to decide that the G.A. Department Resolution No. 21260-Gen., dated the 16th June 2000 may be kept in abeyance pending such re-examination.

3. Government have further been pleased to decide that pending issue of further instruction after re-examination, promotions may not be processed or given effect to except in following cases –

- (a) Promotions from base level posts;
- (b) Cases where the gradation list remains unchanged whether the “Catch up” principle outlined in the resolution under reference is applied or not.

4. This order shall take immediate effect.

S. B. AGNIHOTRI
Special Secretary to Government

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No. 39734(e)-2R/1-27/2000 (Pt.)-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 2nd November 2000

Subject – Fixation of seniority between General, Scheduled Castes and Schedule Tribes candidates in the promotional post in the State Civil Services/Posts.

In view of the pendency of a writ petition before the Hon'ble Orissa High Court arising out judgement in O. A. No. 1685/1988, the G. A. Department Resolution No. 21260-Gen., dated the 16th June 2000 and subsequent Office Order No. 30083-Gen., dated the 27th July 2000 on the above subject have been carefully reviewed. After such review, the Government have been pleased to decide that the instructions issued in the above cited Resolution and Office order shall stand modified and the guidelines issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) in their Office Memorandum No. 20011/1/96-Estt. (D) dated the 30th January 1997 and the clarification issued in Office Memorandum on the 21st March 1997 (copies enclosed) on the above subject will be followed as an interim measure. A copy of the above cited Office Memorandum and clarification issued by the Government of India on it are enclosed for reference.

This has been concurred in by the Law Department in their U. O. R. No. 1588-L., dated the 12th October 2000.

Order – Ordered that the Resolution be published in the extraordinary issue of the Orissa Gazette and copy forwarded to all Departments of Government/all Heads, of Departments/ all Collectors/Registrar, Orissa High Court/Registrar, Orissa Administrative Tribunal, Bhubaneswar/ Special Secretary, Orissa Public Service Commission/Secretary, Orissa Staff Selection Commission for information.

U. N. BEHERA

Special Secretary to Government

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GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, P. G. & PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)

OFFICE MEMORANDUM

New Delhi, the 21st March 1997

Subject – Seniority of S.C./S.T. Officers promoted earlier *vis-a-vis* General/O.B.C. Officers promoted later, clarification regarding Office Memorandum, dated the 30th January 1997.

No. 20011/2/97-Estt. (D) – The undersigned is directed to refer to the Department of Personnel and Training's Office Memorandum No. 20011/1/96-Estt. (D), dated the 30th January 1997 on the above subject and to say that according to Para 4 therein, the decision contained in the said Office Memorandum is effective from the date of its issue, i.e., 30th January 1997. In this context, it is clarified that the said Office memorandum does not contemplate revision of any seniority lists prevailing on the 30th January 1997, nor does it prohibit promotion of Officers (including S.C./S.T. Officers) on the basis of the seniority list prevailing on the 30th January 1997. If on the basis of the Seniority list prevailing on the 30th January 1997 a junior S.C./S.T. Officer is promoted to a higher post/grade because of the rule of reservation and his senior general O.B.C. officer is promoted subsequently to that higher post/grade, the said senior General/O.B.C. officer will regain his original seniority over his earlier promoted S.C./S.T. Officer in the immediate higher post/grade by virtue of this Departments aforesaid office Memorandum of the 30th January 1997.

2. It is also clarified that as at present seniority list prevailing on the crucial date for determining eligibility for promotion (i.e., the 1st July if A. C. Rs. are written calendar yearwise or the 1st October if A.C. Rs. written financial yearwise, as the case may be) shall be the basis for further promotion.

3. Hindi version will follow.

K. K. JHA

Director (E)

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GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)

OFFICE MEMORANDUM

New Delhi, the 30th January 1997

Subject – Seniority of S.C./S.T. Officers promoted earlier *vis-a-vis* general candidate promoted later.

No. 20011/1/96-Estt. (D) – According to the general principle 5 (i) contained in M.H.A. O. M. No. 9/11/55 – R.P.S., dated the 22nd December 1959 and Para 2.2 in D.O.P.T. O.M. No. 22061/7/86 – Estt. (D), dated the 3rd July, 1986 read with D.O.P.T. O.M. No. 20011/5/90-Estt. (D), dated the 4th November 1992, (copy enclosed) seniority of a person regularly appointed to a post according to rule would be determined by the order of merit indicated at the time of initial appointment and seniority of persons promoted to various grades shall be determined in the order of selection for such promotion. Thus, persons appointed through an earlier selection will enbloc be senior to those promoted through subsequent selection.

2. The Supreme Court has in its judgement, dated the 10th October 1995 in the case of Union of India Vs. Virpal Singh Chauhan etc. (Jt 1995 (7) SC. 231) held as follows :-

“Even if a Scheduled Caste/Scheduled Tribe candidate is promoted earlier by virtue of rule of reservation/roster than his senior general candidate and the senior general candidate is promoted later to the said higher grade, the general candidate regains his seniority over such earlier promoted Scheduled Caste/Scheduled Tribe candidate. The earlier promotion of the Scheduled Caste/Scheduled Tribe candidate in such a situation does not confer upon him seniority over the general candidate even though the general candidate is promoted later to that category”.

3. Having regard to the above judgement of the Supreme Court, it has been decided to modify the existing policy of fixing seniority on Promotion on the lines mentioned in Para. 2 above. Accordingly it has been decided to and the following proviso to general principle 5 (i) contained in M.H.A. (now D.O.P.T.) O. M. No. 9/11/55-R.P.S., dated the 22nd December 1959 and Para. 2.2 of this Department O.M. No. 22011/7/86-Estt. (D), dated the 3rd July 1986 :

“Provided that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior general/O.B.C. candidate who is promoted later to the said immediate higher post grade, the general/O.B.C. candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/grade”.

4. These order shall take effect from the date of issue of this Office Memorandum.

K. K. JHA

Director (E)

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GENERAL ADMINISTRATION DEPARTMENT

No. 39846-SC/H-1/2000-Gen.

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Dated the 3rd November 2000

Subject – Guidelines to be followed in the matter of officiating appointment/promotion.

The provisions under Rule 2 of the Orissa Civil Services Rules, 1987 provide that the period of service rendered by the Government Servant on an appointment or promotion made purely on temporary or officiating basis which does not exceed the period of one year and for which prior consultation with the Orissa Public Service Commission is not necessary shall not count towards seniority. Instances have come to notice where Appointing Authorities have allowed an employee in the lower post/grade to officiate in a higher post involving different nature of work or in a promotional post in the next higher grade due to administrative exigencies in terms of provision under Rule 31 of the Orissa Service Code.

2. Instances have also come to the notice of Government that incumbents officiating in a higher post/grade for a considerably long period put forth their claim for absorption against the post with benefits of seniority from the date of such officiation. Such claims have also been agitated in Courts of law.

3. In order to avoid such situations, it is decided that henceforth the appointing authorities shall (subject to provisions cited above) adhere to the following guidelines while allowing officiating appointments/promotions.

- (i) In no case the officiating appointment/promotion shall exceed the period of one year and such appointment shall be terminated on completion of this period if not terminated prior thereto.
- (ii) A condition shall be laid down in the appointment order to the effect that the employees concerned shall not be entitled to continue in the post unless otherwise eligible in the normal course and shall not be entitled to seniority on the basis of such officiation.

4. These instructions should be followed meticulously and the officiating appointments under each establishment should be reviewed immediately. In all instances where officiating appointment/promotions have exceeded one year, no further officiating appointment/promotion should be granted.

U. N. BEHERA

Special Secretary to Government

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**GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 19th July 2003

No. 20277-2R/1-20/2003-Gen.-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules further to amend the Orissa Civil Services (Criteria for Promotion) Rules, 1992, namely :-

1. (1) These rules may be called the Orissa Civil Services (Criteria for Promotion) Amendment Rules, 2003.

(2) They shall come into force on the date of their publication in the Orissa Gazette.

2. In the Orissa Civil Services (Criteria for Promotion) Rules, 1992, in rule 3, for clause (c) excluding Note I and Note II there under, the following clause shall be substituted, namely :-

“(c) In order to judge the suitability of an officer for promotion, the Orissa Public Service Commission or the Departmental Promotion Committee or the Selection Committee or the Selection Board, as the case may be, shall scrutinize the confidential character rolls and other documents, if any, having a bearing on the performance and conduct of all eligible officers of the preceding 5 years only, unless for reasons to be recorded, it is considered necessary to refer to any earlier records to adjudge an officer’s suitability.”

Governor

By order of the

S.SRINIVASAN

Special Secretary to Government

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GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 9th July 2003

No. 19084-2R/1-11/2003-Gen.-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to regulate the criteria for selection initial appointment / promotion to the State Civil Services and Posts, namely :-

1. Short title, commencement and application –

(1) These rules may be called the Orissa Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.

(2) They shall come into force on the date of their publication in the Orissa Gazette.

(3) They shall apply to all cases of appointment including promotion made to the State Civil Services and Posts.

2. Definitions – In these rules the context otherwise requires -

(a) “Commission” means the Orissa Public Service Commission ;

(b) “Government” means the Government of Orissa ;

(c) “Service” means State Civil Service ; and

(d) “Year” means the calendar year.

3. Initial Recruitment -

The Commission / Orissa Staff Selection Commission / Selection Committee or the appointing authority in case where such bodies do not exist, or do not exercise their jurisdiction, shall, for the purpose of initial appointment to any Service / Post prepare a list through Competitive Examination containing the names of successful candidates 1.10 times the number of vacancies anticipated pertaining to that year :

Provided that in case where the list contains less number of successful Candidates than the vacancies anticipated, the reasons of such shortfall shall be recorded in writing by the recruiting agency.

4. Promotion -

(1) The Departmental Promotion Committee or the Selection Board or the Selection Committee as the case may be , for the purpose of appointment by selection or promotion to any Service / Post shall prepare a list of persons of the feeder grade of that Service / Post who are considered by them to be suitable for such appointment.

(2) The number of persons to be included in the list prepared under sub-rule (1) shall be 1.25 time the number of vacancies anticipated in the promotional Service / Post pertaining to that year : provided that in case of promotion to Service / Post in which prior consultation with the Commission is mandatory the list shall be forwarded to the Commission with all requisite papers for concurrence :

provided further that if the Commission finds any person included in the list unsuitable for appointment to the Service / Post or if any such person included in the list retires from Government Service prior to the concurrence of the Commission, the Commission shall in his / her place insert the name of another person found suitable from out of the list of eligible persons under the zone of consideration.

5. Overriding Effect -

The provisions of these rules shall have overriding effect notwithstanding anything to the contrary contained in any other recruitment rules for the time being in force.

6. Interpretation-

If any doubt arises on interpretation of any of the provisions of these rules, the same shall be referred to Government in General Administration Department for decision.

By order of the Governor
S.SRINIVASAN
Special Secretary to Government

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Government of Orissa
General Administration Department

No.2R/1-29/2003/25954/Gen., Dated 12.9.2003

To

All Departments of Government.

Sub:

Timely references to Orissa Public Service Commission

The undersigned is directed to say that instructions were issued in D.O. letter No. 1617 dt. 20.1.92 of the Chief Secretary and G.A. Department letter No. 15540 dtd. 20.7.94 to ensure that proper reference complete in all respects is made to the OPSC for obtaining their advice expeditiously. But it is noticed that many Departments are causing inordinate delay in sending the proceedings of the Departmental Promotion Committee/Selection Board/Selection Committee to the Orissa Public Service Commission for their concurrence and as such adhoc appointments continue for prolonged periods.

1. The Commission have observed that proceedings of the DPC/Selection Board/ Selection Committee are referred to them after lapse of long gaps, which is matter of concern, and advised that complete references should be sent to them soon after the proceedings of the DPC are released.

2. Delay in sending references to the Commission, results in Officers continuing in promotional posts without regularisation of their service by OPSC which is not only irregular but also affects management of cadre. Sometimes the recommendations of the DPC are not fully agreed to by the Commission. The position of the officers in the select list prepared by the DPC is also altered by the Commission on the basis of CCRs and in that case, if the recommendation/concurrence of OPSC is not obtained within one year it may lead to court litigations and Government are needlessly dragged into such controversies.

3. All Departments are, therefore, impressed upon to take prompt and timely action in sending references to the Commission soon after completion of the proceedings of the Departmental Promotion Committee /Selection Board/Selection Committee and avoid initiating proposals for adhoc promotion unless reference to the OPSC is made along with the recommendations of the DPC.

These instructions may be followed meticulously.

Government

Special Secretary to

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Government of Orissa
General Administration Department

NOTIFICATION

Bhubaneswar , dated the 25th February 2005

No. 5906-2R/1-24/2004 / Gen.----- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules further to amend the Orissa Civil Services (Criteria for Promotion) Rules, 1992, namely :-

1. (I) These rules may be called the Orissa Civil Services (Criteria for Promotion) Amendment Rules, 2005.

(II) They shall come into force on the date of their publication in the Orissa Gazette.

2. In the Orissa Civil Services (Criteria for Promotion) Rules, 1992, in rule 3, for clause (c) excluding Note – I and Note – II thereunder the following clause shall be substituted, namely:-

“(c) In order to judge the suitability of an officer for promotion, the Orissa Public Service Commission, the Departmental Promotion Committee, the Selection Committee or Selection Board, as the case may be, shall scrutinise preceding five years available Confidential Character Rolls and other documents, if any, having a bearing on the performance and conduct of all eligible officers, unless for reasons to be recorded, it is considered necessary to refer to any earlier record to adjudge an officer's suitability:

Provided the available Confidential Character Rolls (C.C.Rs) taken into consideration for promotion as above shall include C.C.Rs covering at least a period of three years in preceding five years.”

By order of the Governor

T.K. Pandey
Special Secretary to Government

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DEFENCE OF GOVERNMENT SERVANTS IN LEGAL PROCEEDINGS

INSTRUCTIONS

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)

(A) DEFENCE OF GOVERNMENT SERVANTS -

- | | | | |
|----|--|------------|--|
| 1. | Circular No. 28222/Gen. | 12-10-1990 | Non-implementation of the orders of the SAT resulting to initiation of contempt Proceeding. |
| 2. | Circular No. 42863/Gen. | 06-12-2000 | Contempt Proceedings against officers and employees of the State Government – their defence at expense of Government, if possible. |
| 3 | Resolution No.26574/Gen. | 05-10-2005 | Defence of officers and employees of the State Government impleaded in Contempt of Court proceedings, by Law Officers of the High Court. |

(B) PROCEDURE OF DEALING WITH COURT JUDGEMENTS -

- | | | | |
|----|---|------------|---|
| 1. | Law Department Circular No. 8013. | 17-06-1993 | .. |
| 2. | D. O. No. 13544 | 12-04-2001 | Regarding filing of first Appeal before the Hon'ble High Court. |

(A) DEFENCE OF GOVERNMENT SERVANTS

Letter No. 28222-Gen., dated 12th October 1990 from G.A. Department, Orissa, Bhubaneswar addressed to all Heads of Departments and others.

Subject - Non-implementation of the orders of the State Administrative Tribunal resulting to initiation of contempt proceeding.

It has come to the notice of Government that due to non-implementation of the orders/direction of the State Administrative Tribunal contempt proceeding are being started against the Secretaries to Government. There are cases where the date line fixed by the Tribunal for implementation of the orders or direction is already over and the aggrieved party has moved the Tribunal for contempt,

2. After careful consideration, it has been decided that in each Department an Officer not below the rank of Deputy Secretary and in each Heads of Department an Officer not below the rank of Deputy Director should be entrusted with the responsibility of monitoring the implementation of Court orders, All the cases where specific directions has been given by the Court should be sent to this Officer for perusal and for making a gist of the orders and the date by which it is to be implemented, He will maintain a diary of such cases and appraise the Secretary/Heads of Departments every month about progress of

implementation. The cases where the order is not implemented by the fixed date should be brought to the notice of Secretary/Heads of Department by this Officer.

3. This Officer will also be responsible for getting stay order vacated as and when necessary. It has to be ensured that the arrangement does not dilute the responsibility of the Branch Officer and the Heads of Department for ensuring implementation of the orders of the Court. It should be responsibility of the Branch Officer to see that conditional orders if any passed by the Court (for example, promotion being given subject to outcome of the case i.e., *Sub judice* are implemented at the appropriate time, It should also be the responsibility of the Branch Officer and Heads of Departments to ensure submission of detailed Parawise comments in each case and to ensure preparation of counter by liaison with the Government Advocate.

4. The Government Advocate is being requested to distribute the cases among the different counsel department-wise so as to enable the Department to know with whom they are to keep contact.

Sd/-

Special Secretary to

Government

GENERAL ADMINISTRATION DEPARTMENT

No. 42863-SC-6-33/98

From

Shri D. P. BAGCHI
Chief Secretary and Chief Development,
Commissioner, Orissa, Bhubaneswar.

To

All Secretaries to Government/
All Heads of Departments/
All Collectors.

Subject - Contempt proceedings against Officers and employees of the State Government- Their defence at the expense of Government – if permissible.

Sir,

Detailed instructions of the defence of Government servants in legal proceedings have been issued by the General Administration Department vide letter No. 14537-Gen., dated 26-5-1992 (copy enclosed) on the procedure to be followed for defending Government servants in legal proceedings. Para. 11 of the letter referred above, deals with the defence of Government servants on whom the contempt of court charges have been served. It has been provided in this paragraph that the Government servant concerned may be defended at Government cost, if the Administrative Department after careful consideration, have satisfied themselves that the Government servant was not personally responsible for non-implementation of the Court orders. It has been further provided therein that where the Administrative Department are not satisfied as above, on the basis of the facts available with them the defence of the Government servant should be left to himself.

2. The Hon'ble Supreme Court of India in Civil Appeal No. 8588-89 of 1997 in the case of Commissioner, Agra and others Vs. Rohtas Singh and others reported in AIR 1998, SC : 685 have laid down the following principles of law :-

- (i) It is open to the State to nominate its Advocates to appear for its officials in contempt proceedings.
- (ii) The State is entitled to authorise a Law Officer to appear in cases where the contempt consists of disobedience of an order of the Court by an Officer or employee of the State.
- (iii) Where the conduct of the concerned official is contumacious, the Court can direct him to pay costs personally.

3. In view of the above principles laid down by the Hon'ble Supreme Court at Serials (i) and (ii) of Para. 2 above, the State Government after careful consideration have now decided that the Administrative

Department/Heads of Departments may request the Government Advocates and Standing Counsels for the State to appear and defend the Government officials against whom the notices for contempt of courts have been issued for any alleged act of omission or commission while performing their duties in their official capacities. It has also been further decided that in such cases the legal expenses will be borne by the concerned Administrative Department/Head of Department/Head of Office.

4. But, in view of the principles of law enunciated by the Supreme Court at Serial (iii) of Para. 2 above, Government have also decided that if on conclusion of the contempt proceedings, the Administrative Department/Head of the Department finds that Officer concerned had intentionally and knowingly committed the contempt of Court or has been held guilty of contempt charges by the Court/Tribunal, as the case may be, the fees paid to the Government Advocate or Standing Counsel who appear for the concerned Government employee in the contempt proceedings and other legal expenses incurred for the case shall be recovered from his salary provided further that such recovery will be initiated only if the contempt is considered to be intentional or based on any unauthorised action. Furthermore such recovery may be made only after the order under the Contempt of Courts Act attains its finality.

5. This Circular letter supersedes paragraph 11 of the G. A. Department Resolution No. 14537-Gen., dated the 26th May 1992 referred to above.

The above instructions may kindly be communicated to all the Subordinate Offices for their information and guidance. This issues with the concurrence of the Law Department communicated in their U.O.R. No. 1965, dated the 24th September 1998.

Yours faithfully,
D. P. BAGCHI
Chief Secretary

GENERAL ADMINISTRATION DEPARTMENT

No. 14537-Gen.

From

Shri R. K. Rath, I.A.S.,
Chief Secretary to Government.

To

All Secretaries to Government/
All Heads of Departments/
All Collectors.

Dated Bhubaneswar the 26th May 1992

Subject - Defence of Government Servants in Legal Proceedings.

Sir,

I am directed to say that instructions on defence of Government servants in legal proceedings were issued in the erstwhile P. & S. Department Memo Nos. 13984 (89)-Gen., dated the 14th November 1959 and 9284 (140)-Gen., dated 23rd June 1973. It has been considered necessary to consolidate and update these instructions. I am desired to say that, henceforward, the following instructions shall in supersession of all previous instructions, govern the defence of Government servants in legal proceedings.

(a) Proceedings initiated by Government against a Government servant in respect of matters connected with his official duties or position.

2. Normally, no assistance will be provided in such cases by Government to the Government servant for his defence. If, however, the proceedings conclude in his favour and Government are satisfied from the circumstances of the case that the Government servant was subjected to the strain of the proceedings without proper justification, they will consider whether the whole or any reasonable proportion of the expenses incurred by him in connection with his defence should be reimbursed to him. The decision shall be taken by the Administrative Department concerned.

(b) Proceedings in respect of matters not connected with official duties or position of the Government servant.

3. No assistance will be provided to a Government servant and no claim for reimbursement of expenses incurred by him will be entertained in respect of such proceedings, irrespective of whether the proceedings were initiated by a private party against a Government servant or *vice versa*.

- (c) Proceedings initiated by a private party against a Government servant in respect of matters connected with his official duties or position.

4. Where a civil or criminal proceedings is taken out against a Government servant by a private party, Government will undertake his defence, whether or not they are impleaded as a party, if they are satisfied that the action of the Government servant has been *bona fide* and that there is, or would be, no conflict between his interest and the interest of Government. The Government servant should submit a report on facts of the case and should clearly certify that he has not exceeded the limits of his official duties and responsibilities towards the public or towards the complainant, and that he bears no personal malice against the complainant. He should further furnish a certificate which should read as follows or should be to the same effect;

“The Government of Orissa having pleased to undertake my defence in the above proceedings (the description of which should be given above the certificate), I hereby agree to render such assistance to Government as may be required for my defence and further agree that I shall not hold Government in any way responsible if the proceedings end in a decision adverse to me”.

The report and the certificate should be sent through his official superior who will record his views. In cases they deem proper, Government may conduct an enquiry in such manner as they think fit in order to decide whether they should undertake the defence of the Government servant.

5. In such proceedings, a Government servant may himself undertake his defence. Reimbursement of reasonable costs incurred by him may be considered in case the proceedings conclude in his favour. In determining the amount of costs to be so reimbursed, Government will consider how far the court has vindicated the case of the Government servant. The amount to be reimbursed will be decided in consultation with the Law Department unless the amount is equal to or less than the amount paid, in consultation with the Law Department, in any other similar case.

6. Where a Government servant undertakes his defence, an interest-free advance not exceeding Rs. 2,000 or up to three times his substantive pay, whichever is greater, may be granted. He may also be granted an advance from his Provident Fund not exceeding three months' pay or half of the balance outstanding at his credit, whichever is less.

7. The decision on whether Government should undertake the defence of the Government servant concerned will be taken by the Administrative Department without reference to the Law Department.

- (d) Where a Government servant is permitted by Government to vindicate his conduct in a court of law.

8. Where a Government servant who has ought, in pursuance of rule 22 of the Orissa Government Servant's Conduct Rules, 1959, Government's sanction to vindicate his official conduct in any court and has obtained such sanction, he will be entitled to the advance referred to in paragraph 6 above. The question of reimbursement will be considered on the basis of the result of the proceedings and in the manner referred to in paragraph 5 above. This paragraph will also govern cases in which a Government servant is required by Government to vindicate his official conduct in a court of law.

The provisions of sub-sections (2) to (5) of Section 199 of the Code of Criminal Procedure, 1973 will be followed in cases in which Government decide to initiate criminal proceedings themselves against any person for an offence under Chapter XXI of the Indian Penal Code. Their decision in such cases will be based on the facts of each case.

CONTEMPT PROCEEDINGS

10. Situations in which orders of Courts are flouted clearly militate against the rule of law and therefore, Government are determined that such situations should be obviated and the authority and dignity of the courts upheld. Lately, however, there has been a significant increase in the number of cases in which private parties have alleged contempt of court against individual Government servants. In a number of such cases, the Government servant may have had no personal responsibility. For example, a Government servant against whom contempt is alleged may not have the power to implement the court's orders without obtaining the approval or sanction of higher authorities which may not have been received in time. There may, again, be case where the question of filing an appeal against the order passed by the court may be under the consideration of Government. In order that Government servants who have not acted either arbitrarily or with *mala fide* are provided with reasonable and timely assistance, it has been decided that he

Administrative Department should after examining the case on merits, decide whether or not the Government servant should be defended by Government, Where the proceedings are directed against the Secretary of the Department, orders of Government should be taken through the Chief Secretary.

11. When contempt charges are served on the Officer, the Law Officers of Government attached either to the High Court or to the Administrative Tribunal have to assist the High Court or the Tribunal in prosecution. They cannot obviously be engaged for the defence of the Government servant. It will be for the Administrative Department to decide whether some other counsel should be engaged for the purpose. Such decisions should be taken very carefully and after full satisfaction that the Government servant was personally not responsible for non-implementation of the order. Where available facts do not provide indubitable satisfaction or where the Government servant himself so desires, his defence maybe left to himself. He should be allowed the advance referred to in paragraph 6 above and the cost of defence may be reimbursed if the proceedings conclude in his favour. The amount to be reimbursed will be decided in consultation with the Law Department unless the fees are equal to or less than (a) what has been paid, on the advice of the Law Department, to any other such counsel of comparable experience and reputation in any other similar case or (b) the amount admissible to a Law Officer of Government.

12. These instruction may be communicated to all subordinate officers.

Yours faithfully,
R. K. RATH
Chief Secretary to Government

GENERAL ADMINISTRATION DEPARTMENT
R E S O L U T I O N

No. 26574 / GA, Bhubaneswar, dated the 05.10.2005

Sub: Defence of officers and employees of the State Government impleaded in Contempt of Court proceedings, by Law Officers of the High Court.

In consonance with the principles of law enunciated by the Supreme Court of India in Civil Appeal No. 8588-89 of 1997 in the case of Commissioner, Agra and others –vs.- Rohtas Singh and others reported in AIR 1998 SC 685, it has been stipulated vide Chief Secretary's Letter No. 42863 dated. 6th December 2000 that the Government Advocates and Standing Counsels for the state shall appear and defend the Government officials against whom the notices for contempt of court have been issued for any alleged act of omission or commission while performing their duties in the official capacities if requested by the Administrative Departments / Heads of Departments to which the contemnor belongs. But as per provisions laid down under clause (d) of rule 7 of the Law Officers of the High Court (Recruitment, Remuneration and Duties) Rules, 1974, the Law officers of the High Court shall be precluded from appearing at any of the contempt proceedings in favour of the contemnor without sanction of the State government. As a result of which the Law officers of the High Court have not been authorised to defend the contemnor without specific sanction of the State Government.

Instances have come to the notice of Government that individual sanction of Government in each case is not only time consuming but also results in neglecting the defence of the contemnor by the Law Officers attached to the High Court. It has therefore, been decided by the Government that any request for defence of the contemnor as per circular of General Administration Department referred to above shall be deemed to have been accorded with the sanction of Government as a prerequisite under clause (d) of rule 7 of the Law Officers of the High Court (Recruitment, Remuneration and Duties) Rules, 1974 and shall be defended by the Law officers attached to the High Court. Accordingly in partial modification of Chief Secretary's Letter No. 42863 dated.06.12.2000, the following sub-para may be added to para 3 of the said letter :

"The request for appearance of the Government Advocates or Standing Counsels, as the case may be, in such contempt cases shall be deemed to have the sanction of the State Government as required under clause (d) of rule 7 of the Law Officers of the High Court (Recruitment, Remuneration and Duties) Rules, 1974"

This has been concurred in by the Law Department in their UOR. No. 1229/L dated. 12.06.2005.

By Order of
Governor
Sd/-
Special Secretary to Government

(B) PROCEDURE OF DEALING WITH COURT JUDGEMENT

LAW DEPARTMENT

No. 8013-L.

The 17th June 1993

From

Shri R. N. Das, I.A.S.,
Chief Secretary, Orissa

To

All Secretaries to Government (by name)

Sir,

Instances have come to notice of Government where certain Departments of Government were found to have taken steps for carrying out the directions contained in the Judgements of the Hon'ble High Court of Orissa or the Central/State Administrative Tribunal even though a decision had been taken in the Law Department to file Special leave Petition in the Supreme Court against the same judgement. Such anomalous situations have arisen primarily because –

The Administrative Department concerned had decided to implement the judgement without seeking advice of Law Department on the question of advisability of filing Appeal in the Supreme Court and

The Law Department had examined the judgement and decided to file Special Leave Petition, without a reference from the Administrative Department concerned, on the basis of a copy of the judgement received directly by it in that Department from the Office of the Advocate-General or the Government Advocate.

With a view to obviating scope for such anomalous situations and conflicting decisions, it has been decided that on receipt of the judgement of the Hon'ble High Court of Orissa or of the Tribunals, the following procedure shall be followed :-

- (a) On the receipt of a judgement the Administrative Department shall examine the facts and circumstances of the case, the likely effects of the judgement as also its implications for the future and take a view as to whether it would be appropriate to file a Special Leave Petition in the Supreme Court. It shall thereafter refer the relevant file to Law Department for its opinion/concurrence.
- (b) If a copy of the judgement is received directly in the Law Department with or without the opinion of the Advocate-General/Government Advocate, the Law Department shall

examine whether there are adequate grounds for filing a Special Leave Petition. It shall simultaneously inform the Administrative Department concerned that the question as to whether S.L.P. should be filed is being examined in the Law Department and request the Administrative Department to furnish its views on this question in the relevant file forthwith. Where views of the Administrative Department are not made available to Law Department within a reasonable time, the Law Department will examine the matter without waiting for the opinion of the Administrative Department.

- (c) After a reference has been made by the Administrative Department to Law Department in pursuance of sub-para (a) or an intimation has been received by the Administrative Department from the Law Department in pursuance of sub-para (b) above, the Administrative Department will take steps to implement the judgement only after receipt of opinion of the Law Department.
- (d) The decision as to whether a Special Leave Petition shall or shall not be filed shall be communicated by the Law Department to the concerned Administrative Department well before the expiry of the date within which the directions contained in the judgement are required to be implemented so that the Administrative Department have adequate time to comply with the directions in case it is decided not to file S.L.P. and to take appropriate steps for filing S.L.P. if it is so decided.

Yours faithfully,

R. N. DAS

Chief Secretary to Government

Copy of D. O. No. 13544/WE, dated the 17th April 2001 of Shovesh Roy, Advocate-General Orissa addressed to the Legal Remembrancer, Law Department

Subject – Regarding filing of First Appeals before the Hon’ble High Court.

This is to inform you that at present the proposals to file First Appeals and other appeals are being dealt with direct by the Law Department without seeking opinion of the Advocate-General. Thereafter appeals are filed in the Hon’ble High Court as per the orders of the Government in the Law Department. But it is seen in almost all cases the sanction orders/proposals for such appeals are being received beyond the prescribed time limit. Moreover, the appeals are also filed with petitions under section 149 C.P.C. praying for time to file *ad valorem* Court fee. In many cases required amount for the purpose are also not received within the period as prayed for in such 149 petitions; as a result of which this office as well as Law Officers are facing embarrassment, you are aware that now-a-days, the Courts are very stiff in granting time to the State (Appellant) in such matters. In this connection there is a judgement of this Hon’ble High Court, which has been reported in 1987 (I) O.L.R. Page 35 may please be referred to for your appreciation.

In the above facts and circumstances, I request you to please instruct the Departments/Collectors to send in the proposals sufficiently before the expiry of the period of limitation and be in readiness to deposit the required amount with the office of the Advocate-General for legal expenses immediately after Government order is received to this effect to file appeal so as to avoid dismissal of the appeal.

This may be treated as VERY IMPORTANT.

GOVERNMENT OF ORISSA

LAW DEPARTMENT

No. 6984-ILR-72/96-L.

The 8th May, 2001

To

All Departments

Subject – Filing of first appeals before the Hon'ble High Court.

In communicating the order of the Chief Secretary it is intimated that Appeal proposals have been referred to the Law Department after the period of Limitation.

Some appeals have not been admitted due to non-satisfactory explanation of delay.

In this regard copy of D.O. Letter No. 13544/WE, dated the 17th April 2001 of the Advocate-General Orissa is enclosed herewith for reference.

It is thus requested to place Appeals proposals sufficiently before the expiry of the period of limitation and to be in readiness to deposit the required amount with the Office of the Advocate-General for legal expenses.

[ILLEGIBLE]

Additional Legal

Remembrancer

DISCIPLINARY MEASURES

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)

PART I - RULES

- | | | | |
|----|--|------------|--|
| 1. | Notification No. 5906 (Gen.) | 07-05-1962 | Orissa Civil Services (Classification, control and Appeal) Rules, 1962 |
|----|--|------------|--|

PART II – INSTRUCTIONS

(A) SUSPENSION

- | | | | |
|----|---|------------|--|
| 1. | Circular No. 12429 (Gen.) | 27-05-1993 | Suspension of Government Servants- Circulation of forms under Rule 2 of O.C.S. (C.C. & A.) Rules, 1962. |
| 2. | Circular No. 16552 (Gen.) | 04-08-1994 | Retirement of Government Servants on superannuation while under suspension. |
| 3. | Circular No. 21934 (Gen.) | 29-09-1995 | Suspension of Government Servants and their reinstatement. |
| 4. | Circular No. 11943 (Gen.) | 22-04-1999 | Guidelines for dealing with cases of suspension of officers. |
| 5. | Office Memorandum No. 35691 | 03-12-1999 | No prior explanation to be called for before placing an officer under suspension. |
| 6. | Memo No.21884-Gen | 06-08-2003 | Defence of retired Government servants implicated in contempt of court proceedings – Instructions regarding. |

(B) PROCEDURE OF DISPOSAL OF DEPARTMENTAL PROCEEDINGS

- | | | | |
|----|--|------------|---|
| 1. | Circular No. 13787 (Gen.) | 24-0-1968 | Procedure for conducting departmental proceeding against a Government servant who avoids to accept charges framed against him or whose whereabouts are not known. |
| 2. | Circular No. 5406 (Gen.) | 12-04-1973 | Delay in disposal of Departmental proceedings. |
| 3. | Circular No. 9547 (Gen.) | 28-06-1973 | Disposal of Appeal and Review Petitions submitted by Government servants. |
| 4. | P. & S. (Vig.) Department Circular No. 2515 (Vig.) | 02-04-1975 | Regarding disciplinary authority of Government servants on deputation – Rules 19 & 20 of the O.C.S. (C.C. & A.) Rules, 1962. |
| 5. | Circular No. 19850 (Gen.) | 11-11-1977 | Review of orders in disciplinary cases. |
| 6. | Circular No. 712 (Gen.) | 12-01-1978 | Procedure regarding disposal of disciplinary proceedings. |

7.	Circular No. 516 (Gen.)	16-01-1987	Issue of Warning and placing of copies thereof in the C.C.R. folders.
8.	Circular No. 25922 (Gen.)	08-09-1988	Amendment to Orissa Civil Service (C.C. & A.) Rules, 1962.
9.	Office Memorandum No. 34289 (Gen.)	10-12-1990	Functional and effective control over O.A.S., Class I (Sr. Branch) Officers by Revenue Department.
10.	Circular Nos. 41121 (Gen.)	30-11-1992	Imposition of major penalty on Govt. servant dispensing with the enquiry as prescribed in the O.C.S. (C.C. & A.) Rules, 1962.
11.	Circular No. 11994 (Gen.)	22-05-1993	Clarification on Rule 31 of the O.C.S. (C.C. & A.) Rules, 1962.
12.	Circular No. 18470 (Gen.)	26-08-1993	Appointment of Inquiring Officer under O.C.S. (C.C. & A.) Rules, 1962 by the concerned Appointing Authority – Issue of clarification thereof.
13.	Circular No. 5501 (Gen.)	15-03-1994	Clarification in respect of de novo enquiry or fresh enquiry under O.C.S. (C.C. & A.) Rules, 1962.
14.	Circular No. 5175 (Gen.)	20-03-1995	Delay in disposal of Departmental Proceedings.
15.	Circular No. 28813 (Gen.)	07-11-1996	Delay in disposal of Department Proceedings due to non-production of relevant records before the Disciplinary Authority/ Inquiring Officer.
16.	Circular No. 7361 (Gen.)	25-03-1998	Timely initiation for disposal of disciplinary Proceedings.
17.	Circular No. 19489 (Gen.)	25-07-1998	Disposal of Appeals under Rule 29 of O.C.S. (C.C. & A.) Rules, 1962.
18.	Circular No. 26992 (Gen.)	16-09-1999	Non-reference of administrative actions for advice of the O.P.S.C.
19.	Circular No. 14596 (Gen.)	03-05-2001	Starting of Departmental Proceedings concurrently with criminal case on the same set of facts in cases where recovery of financial loss to Govt. is to be made.

(C) COMMISSIONER FOR DEPARTMENTAL INQUIRIES

1.	Circular No. 124 (A. T.)	02-05-1984	Reference of Departmental inquiries in major penalty proceedings to the Commissioner for Departmental Inquiries.
2.	Circular No. 300 (A. T.)	31-08-1984	Reference of Departmental proceedings to the Commissioner of Departmental Inquiries.
3.	Circular No. 21 (A. T.)	09-01-1985	Reference of Departmental inquiries in major penalty proceedings to the C. D. I.

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|-----|---|------------|---|
| 4. | <u>Office Memorandum No. 142 (D. P. T.)</u> | 10-08-1987 | Reference of Departmental inquiries to the C.D.I. |
| 5. | <u>Circular No. 18 (D. P. T.)</u> | 08-01-1988 | Reference of Departmental inquiries in major penalty proceedings to the C. D. I. |
| 6. | <u>Resolution No. 117 (D. P. T.)</u> | 16-05-1988 | Travelling Allowance and Diet Allowance admissible to non-official witness appearing in the proceedings before the C. D. I. |
| 7. | <u>Circular No. 448 (D. P. T.)</u> | 29-11-1991 | Reference of Departmental inquiries in major penalty proceedings to the Commissioner for Departmental Inquiries. |
| 8. | <u>Circular No. 27556 (G. A.)</u> | 17-10-1997 | Appointment of State Representative (Vigilance) in place of State Representative (Gen.) as presenting officer. |
| 9. | <u>Circular No. 40085 (Gen.)</u> | 31-12-1997 | Appointment of Additional presenting officer for the disciplinary proceedings. |
| 10. | <u>Circular No. 4375 (Gen.)</u> | 23-02-1998 | Abolition of Disciplinary Proceedings Tribunal and transfer of pending D. P. T. cases to C .D. I. for inquiry. |

(D) VIGILANCE INQUIRIES

- | | | | |
|----|--|------------|---|
| 1. | <u>Circular No. 3224 (VL.)</u> | 06-10-1967 | Departmental procedure for reference to Vigilance organization. |
| 2. | <u>Circular No. 24371 (Gen.)</u> | 03-09-1990 | Strengthening internal vigilance in State Government Departments, Heads of Department offices and in District offices (Collectorate). |
| 3. | <u>Order No. 28578 (Gen.)</u> | 17-10-1990 | Submission of files to Government in matters of sanction of prosecution on Vigilance reports/Enquiry reports, etc. |
| 4. | <u>Circular No. 19247 (Gen.)</u> | 07-09-1993 | Initiation of Departmental Disciplinary proceedings/Disciplinary action on Vigilance report. |
| 5. | <u>D. O. Letter No. 22937</u> | 28-08-1997 | Expeditious disposal of references made by the Vigilance Department for sanction of prosecution and taking Departmental action. |

[Top](#)

PART I – RULES

THE ORISSA CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1962

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
NOTIFICATION

The 7th May 1962

No. 5906-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules, namely :-

The Orissa Civil Services (Classification, Control and Appeal) Rules, 1962

PART I – GENERAL

1. Short Title And Commencement – (a) These rules may be called the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

(b) They shall come into force at once.

2. Definition – In these rules, unless the context otherwise requires –

(a) “Appointing Authority” in relation to a Government means –

(i) the authority empowered to make appointments to the service of which the Government servant is, for the time being, a member or to the grade of the service in which the Government servant is, for the time being, included, or

(ii) the authority empowered to make appointments to the post which the Government servant, for the time being, holds, or

(iii) the authority which appointed the Government servant to such service, grade or post as the case may be, or

(iv) where the Government servant having been a permanent member of any other service or having substantively held any other permanent post, has been in continuous employment of Government, the authority which appointed him to that service or to any grade in that service or to that post;

(b) “Commission” means the Orissa Public Service Commission;

(c) “Disciplinary authority” in relation to the imposition of a penalty on a Government servant, means the authority competent under these rules to impose on him that penalty;

(d) “Government” means the Government of Orissa;

(e) “Department of Government” means the Departments prescribed under the Rules of Business and includes Orissa Legislative Assembly till separate rules are framed by the Governor;

(f) “Government servant” means a person who is a member of a service or who holds a civil post under the State and includes any such person on foreign service or whose services are temporarily placed at the disposal of the Union Government or any other State Government or a local or other authority and also any person in the service of the Union Government or any other State Government or a local or other authority whose services are temporarily placed at the disposal of the State Government;

(g) “Schedule” means the schedule to these rules;

(h) “Secretary” means a Secretary to the Government of Orissa in any Department and includes-

(i) a Special Secretary, or an Additional Secretary; and

¹[(ii) a Joint Secretary placed in independent charge of a Department]

(i) “Service” means a civil service of the State

[1. Substituted by P. & S. Department notification No. 15421-Gen., dated the 12 September 1974]

3. Application – (1) These rules apply to all Government servants except-

(a) persons in casual employment;

(b) persons subject to discharge from service on less than one month’s notice;

- (c) persons for whose appointment and other matters covered by these rules special provision is made by or under any law for the time being in force in regard to the matter covered by such law; and
- (d) members of the All India Services.

(2) Notwithstanding anything contained in sub-rule (1), these rules shall apply to every Government Servant temporarily transferred to a service or post coming within exception (c) in sub-rule (1) to whom, but for such transfer, these rules would apply.

(3) Notwithstanding anything contained in sub-rule (1), the Governor may, by order, exclude from the operation of all or any of these rules any Government servant or class of Government servants.

(4) If any doubt arises –

- (a) whether these rules or any of them apply to any person, or
- (b) whether any person to whom these rules apply belongs to a particular service, the matter shall be referred to Governor whose decision thereon shall be final.

4. Special provision by agreement - where it is considered necessary to make special provision in respect of a Government servant inconsistent with any of these rules, the authority making the appointment may, by agreement with such Government servant, make such special provisions and thereof on these rules shall not apply to such Government servant to the extent to which the special provisions so made are inconsistent therewith :

Provided that, if the appointing authority is other than the Governor, the previous approval of the Governor shall be obtained by such authority.

5. Protection of right and privileges conferred by any law or agreement – Nothing in these rules shall operate to deprive any Government servant of any right or privilege to which he is entitled –

- (a) by or under any law for the time being in force, or
- (b) by the terms of any agreements subsisting between such person and the Governor at the commencement of these rules.

PART II - CLASSIFICATION

¹[6. Classification of services – The Civil Services of the State shall be classified as follows -

- (i) State Civil Services, Group-A
- (ii) State Civil Services, Group-B
- (iii) State Civil Services, Group-C

If a service consists of more than one grade, the different grades may be included in different Groups.]

²[7. Constitution of State Civil Services – The State Civil Services, Group-A, Group-B or Group-C shall consist of such Services as specified by a general or special order of the Governor in this behalf and shall consist of such grades and such posts as may be created in each such Service from time to time :

Provided that if, after the issue of the order of the Governor, any new State Civil Service is constituted it shall, till it is classified by another order of the Governor, be deemed to be a State Civil Service of the Class to which another classified State Civil Service carrying a comparable scale of pay belongs],

8. Classification of post – ³[(1) Civil Posts under the State other than those ordinarily held by persons to whom these rules do not apply or included in any State Civil Service shall by a general or special order of the Governor, issued in this behalf, be classified as follows :-

- (i) State Civil Posts, Group-A
- (ii) State Civil Posts, Group-B

1, 2 & 3 – Substituted by G. A. Department notification No. 17902-Gen., dated the 23rd May 2000 – Published in *Orissa Gazette* and given effect to from the 9th June 2000.

- (iii) State Civil Posts, Group-C
- (iv) State Civil Posts, Group-D]

(2) Any order made by the competent authority and in force immediately before the commencement of these rules relating to classification of civil posts under the State shall continue to be in force until altered, rescinded or amended by an order of Governor under sub-rule (1).

¹[(3) If any Civil post under the State has not been classified by an order of the Governor and a question as to its classification arises, the decision thereon of the appropriate department of Government after taking into account the class to which another Civil Post carrying a comparable scale of pay belongs, shall be final.]

²[8-A. Reference to State Civil Services and State Civil Posts – All references to State Civil Services/State Civil Posts, Class-I, Class-II, Class-III and Class-IV in all Rules, Orders, Schedules, Notifications, Regulations, Instructions in force immediately before the commencement of these rules shall be construed as references to State Civil Services/State Civil Posts, Group-A, Group-B, Group-C and Group-D as the case may be and any reference to “class or classes” therein in this context shall be construed as reference to “Group or Groups” as the case may be.]

9. General State Service – State Civil Posts of any class, not included in any other State Civil Service, shall be deemed to be included in the General State Service of the corresponding class and a Government servant appointed to any such post shall be deemed to be a member of that service unless he is already a member of any other State Civil Service of the same class.

PART III – APPOINTING AUTHORITIES

10. Appointment to Group-A Services and Posts – All appointments to State Civil Services, Group-A and State Civil Post, Group-A, shall be made by the Governor :

Provided that the Governor may, by a general or special order and subject to such conditions as he may specify, delegate to any other authority the power to make such appointment.

11. Appointments to other service and posts – [(1) All appointments to State Civil Services (other than State Civil Services, Group-A and General State Services) shall be made by the authorities specified in this behalf in the Schedule].

(2) All appointments to State Civil Posts, Group-B, Group-C and Group-D included in the General State Services shall be made by the authorities specified in that behalf by a general or special order of the Governor or, where no such order has been made by the authorities specified in the Schedule in this behalf.

PART IV-SUSPENSION

12. Suspension – (1) The appointing authority or any authority to which it is subordinate or any authority empowered by the Governor or the appointing authority in that behalf may place a Government servant under suspension –

- (a) where a disciplinary proceeding against him is contemplated or is pending, or
- (b) where a case against him in respect of any criminal offence is under investigation or trial.

(2) A Government servant who is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of detention by an order of the appointing authority and shall remain under suspension until further orders.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

1, – Inserted vide G. A. Department Notification No. 6278-Gen., dated the 23rd February, 1989 – Published in the *Orissa Gazette* and given effect to from the 17th March 1989.

2. Inserted vide G. A. Department Notification No. 17902-Gen., dated the 23rd May 2000.

(4) Where penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of or by decision of a court of law

and disciplinary authority, on a consideration of the circumstances of the case decides to hold a further inquiry against him on the allegation on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the appointing authority from the date of the original orders of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) An order of suspension made or deemed to have been made under this rules may, at any time, be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

(6) The disciplinary authority, while passing the final order of punishment or of release in the disciplinary proceedings against the Government servant, shall give directions about the treatment of the period of suspension, which is passed not as a measure of substantive punishment but as suspension pending inquiry, and indicate whether the suspension would be a punishment or not.

PART – V

DISCIPLINE

13. Nature of penalties – The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely :-

- (i) Fine;
- (ii) Censure;
- ¹[(iii) Withholding of increments (without cumulative effect)]
- (iii)-A. Withholding of promotion
- (iv) Recovery from pay of the whole, or part of any pecuniary loss caused to Government, or to a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by Government, or to a local authority set up by an Act of Parliament or of the Legislature of State, by negligence or breach of orders :
- (v) Suspension;
- (vi) Reduction to a lower service, grade or post or to a lower time-scale or to a lower stage in a time-scale.
- ²[(vi) A. Withholding of increments (with cumulative effect)]
- (vii) Compulsory retirement;
- (viii) Removal from service which shall not be disqualification for future employment, and
- (ix) Dismissal from service which shall ordinarily be a disqualification for future employment :

Provided that the penalty of fine shall be imposed only on Group-D Government servants.

Explanation – The following shall not amount to a penalty within the meaning of this rule :-

- (a) Withholding of increments of a Government servant for failure to pass a departmental examination in accordance with the rules or orders governing the service or post of the terms of his appointment;
- (b) Stoppage of a Government servant at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;
- (c) Non-promotion, whether in a substantive or officiating capacity, of a Government servant after consideration of his case, to a service, grade or post for promotion to which he is eligible;
- (d) Reversion to a lower service, grade or post of a Government servant officiating in a higher service, grade or post on the ground that he is considered, after trial, to be unsuitable for such higher service, grade or post, or on administrative grounds unconnected with his conduct;

1, – Substituted vide G. A. Department Notification No. 35070-Gen., dated the 20-11-1998 – Published in the *Orissa Gazette* and given effect to from 20-11-1998.

2. Inserted vide G. A. Department Notification No. 35070-Gen., dated 20-11-1998.

- (e) Reversion to his permanent service, grade or post of a Government servant appointed on probation to another service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and order governing probation;

- (f) Replacement of the service of a Government servant whose services have been borrowed from the Central or a State Government or an authority under the control of the Central or a State Government at the disposal of the authority which had lent his services;
- (g) Compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;
- (h) Termination of the services –
 - (i) of a Government servant appointed on probation during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation; or
 - (ii) of temporary Government servant in accordance with the terms of his appointment; or
 - (iii) of a Government servant employed under an agreement in accordance with the terms of such agreement.

14. Disciplinary Authorities – (1) The Governor may impose any of the penalties specified in rule 13 on any Government servant.

(2) Without prejudice to the provisions of sub-rule(4), any of the penalties specified in rule 13 may be imposed on a member of a Civil Service or a person appointed to a Civil post by the appointing authority or the authority specified in Schedule or by any other authority empowered in this behalf by a general or special order of the Governor.

(3) Subject to the provisions of sub-rule (4), the power to impose any of the penalties specified in rule 13 may also be exercised in the case of a member of a Civil Service, Class III or Civil Service, Class IV –

- (a) if he is Serving in a Department of the Government, by the Secretary to the Government of Orissa in that Department;
- (b) if he is serving in any other office, by the head of that office, except where the head of that office is lower in rank than the authority competent to impose the penalty under sub-rule (2).

(4) Notwithstanding anything contained in this rule –

- (a) no penalty specified in Clauses (vi) to (ix) of rule 13 shall be imposed by any authority lower than the appointing authority;
- (b) where a Government servant, who is a member of a Service or is substantively appointed to any Civil Post, is temporarily appointed to any other service or post and the authority which would have been competent under sub-rule (2) to impose upon him any of the penalties specified in Clauses (vi) to (ix) of rule 13 had he not been so appointed to such other service or post is not subordinate to the authority competent to impose any of the said penalties after such appointment, the latter authority shall not impose any such penalty except after consultation with the former authority.

15. Procedure for imposing Major Penalties – (1) Without prejudice to the provisions of the Public Servants(Inquiry) Act, 1850, no order imposing on a Government servant any of the penalties specified in Clauses (vi) to (ix) of rule 13 shall be passed except after an inquiry held as far as may be in the manner hereinafter provided.

(2) The disciplinary authority shall frame definite charges on the basis of the allegations on which the inquiry is to be held. Such charges, together with a statement of the allegations on which they are based, shall be communicated in writing to the Government servant and he shall be required to submit, within such time as may be specified by the disciplinary authority, not ordinarily exceeding one month, a written statement of his defence and also to state whether he desires to be heard in person.

Explanation – In this sub-rule and in sub-rule (3), the expression, ‘disciplinary authority’ shall include the authority competent under these rules to impose upon the Government servant any of the penalties specified in Clauses (i) to (v) of rule 13.

(3) The Government servant shall, for the purpose of preparing his defence, be supplied with all the records on which the allegations are based. He shall also be permitted to inspect and take extracts from such

other official records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the disciplinary authority such records are not relevant for the purpose or it is against public interest to allow him access thereto.

(4) On receipt of the written statement of defence or, if no such statement is received within the time specified, the disciplinary authority may itself inquire into such of the charges as are not admitted or, if it considers it necessary so to do, appoint a Board of Inquiry or an inquiring officer for the purpose.

Provided that if, after considering the written statement of defence, the disciplinary authority is of the view that the facts of the case do not justify the award of a major penalty, it shall determine, after recording reasons thereof, what other penalty or penalties, if any, as specified in Clauses (i) to (v) of rule 13 should be imposed and shall after consulting the Commission where such consultation is necessary, pass appropriate order.

(5) The disciplinary authority may nominate any person to present the case in support of the charges before the authority inquiring into the charges (hereinafter referred to as the 'inquiring authority'). The Government servant shall have the right to engage a legal practitioner to present his case if the person nominated by the disciplinary authority, as aforesaid, is a legal practitioner. The inquiring authority may also, having regard to the circumstances of the case, permit the Government servant to be represented by a legal practitioner.

(6) The inquiring authority, shall, in the course of the inquiry consider such documentary evidence, and take such oral evidence as may be relevant or material in regard to the charges. The Government servant shall be entitled to cross-examine witness examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the Government servant and the witness examined in his defence. If the inquiring authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

(7) At the conclusion of the inquiry, the inquiring authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefore. If in the opinion of such authority, the proceedings of the inquiry establish charges different from those originally framed, it may record its findings on such charges, provided that findings on such charges shall not be recorded, unless the Government servant has admitted the facts constituting them or has had an opportunity of defending himself against them. The inquiring authority may recommend the punishment to be inflicted when the charges are established on the findings.

(8) The record of the inquiry shall include –

- (i) the charges framed against the Government servant and the statement of allegations furnished to him under sub-rule(2);
- (ii) his written statement of defence, if any;
- (iii) the oral evidence taken in the course of the inquiry;
- (iv) the documentary evidence considered in the course of the inquiry;
- (v) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry;
- (vi) a report setting out the findings on each charge and the reasons therefore; and
- (vii) the recommendations of the inquiring authority, if any, regarding the punishment to be inflicted.

(9) The disciplinary authority shall, if it is not the inquiring authority, consider the record of the inquiry and record its findings on each charge.

¹[(10) (i) (a) If the inquiring officer is not the disciplinary authority, the disciplinary authority shall furnish to the delinquent Government servant a copy of the report of the inquiring officer and give him a notice by registered post or otherwise calling upon him to submit within a period of fifteen days such representation as he may wish to make against the findings of the Inquiring Authority.

(b) On receipt of the representation referred to in sub-clause (a) if the disciplinary authority having regard to the findings on the charges, is of the opinion that any of the penalties specified in clauses (vi) to (ix) of rule 13 should be imposed, he shall furnish to the delinquent Government servant a statement of its findings along with brief reasons for disagreement, if any, with the findings of the inquiring officer and give him a notice by registered post or otherwise stating the penalty proposed to be imposed on him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed penalty :

²[Provided that in every case in which it is necessary to consult the Commission under the provision of the Constitution of India and the Orissa Public Service Commission (Limitation of Functions) Regulation, 1989, the record of inquiry together with copies of the notices given under sub-clauses (a) and (b) and the representations, if any, received in response thereto within the specified time shall be forwarded by the disciplinary authority to the Commission for its advice.]

(c) On receipt of the advice from the Commission the disciplinary authority shall consider the representation, if any, made by the Government servant and the advice given by the Commission and shall pass appropriate orders in the case.

(d) In any case in which it is not necessary to consult the Orissa Public Service Commission, the disciplinary authority shall consider the representation, if any, made by the Government servant in response to the notice under sub-clause (b) and pass appropriate orders in the case.

(ii) The orders passed by the disciplinary authority shall be communicated to the Government servant who shall also be supplied with a copy of the report of the inquiring authority and where the disciplinary authority is not the inquiring authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority, as well as a copy of the advice of the Commission, where the Commission has been consulted, and brief statement of reasons for non-acceptance of the advice of the Commission, if the disciplinary authority has not accepted such advice.

(11) ³[**]

(12) ⁴[**]

16. Procedure for Imposing Minor penalties – (1) No order imposing any of the penalties specified in clauses (i) to (v) of rule 13 shall be passed except after –

- (a) the Government servant is informed in writing of the proposal to take action against him and of the allegation on which it is proposed to be taken and given an opportunity to make any representation he may wish to make;
- (b) such representation, if any, is taken into consideration by the disciplinary authority; and
- (c) the Commission is consulted in cases where such consultation is necessary.

(2) The record of proceedings in such cases shall include –

- (i) a copy of the intimation to the Government servant of the proposal to take action against him;
- (ii) a copy of the statement of allegations communicated to him;

1. – Substituted by the G. A. Department Notification No. 17902-Gen., dated 23-5-2000.

2. Substituted by the G. A. Department Notification No. 6013-Gen., dated 15-2-2001. Published in *Orissa Gazette* and given effect to from 17-2-2001.

3. & 4. – Deleted vide G. A. Department Notification No. 13644-Gen., dated 16-6-1982. Published in *Orissa Gazette* and given effect to from 25-6-1982.

(iii) his representation, if any;

(iv) the advice of the Commission, if any; and

(v) the orders on the case together with the reasons therefor.

17. Joint Inquiry – (1) Where two or more Government servants are concerned in any case, the Governor or any other authority competent to impose the penalty of dismissal from service on all such

Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

(2) Subject to the provision of sub-rule (4) of rule 14 any such order shall specify –

- (i) the authority which may function as the disciplinary authority for the purpose of such common proceedings;
- (ii) the penalties specified in rule 13 which such disciplinary authority shall be competent to impose; and
- (iii) whether the procedure prescribed in rule 16; may be followed in the proceedings.

18. Special procedure in certain cases – Notwithstanding anything contained in rules 15, 16 and 17 –

- (i) where a penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge; or
- (ii) where the disciplinary authority is satisfied for reasons to be recorded in writing by that authority, that it is not reasonably practicable to follow the procedure prescribed in the said rule; or
- (iii) where the Governor is satisfied that in the interest of the security of the State it is not expedient to follow such procedure.

The disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit ;

Provided that the Commission shall be consulted before passing such orders in any case in which consultation is necessary.

19. Provision regarding Officers lent to the Union or other State Governments, etc. – (1) Where the services of a Government servant are lent to the Union or another State Government or an authority subordinate thereto or to a local or other authority [hereinafter, in this rule referred to as the “borrowing authority”] the borrowing authority shall have the powers of the appointing authority for the purpose of placing him under suspension in accordance with rule 12 and of the disciplinary authority for the purpose of taking disciplinary action against him :

Provided that the borrowing authority shall forthwith inform the authority which lent his services (hereinafter, in this rule referred to as the “lending authority”) of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be :

Provided further that if the borrowing authority is other than the Union or a State Government, the concurrence of the lending authority shall be taken before such action is taken except that in the event of the Government servant being implicated in a criminal case such action can be taken by such borrowing authority against him in anticipation of such concurrence. In the event of disagreement between the borrowing and the lending authority, the services of the Government servant shall be replaced at the disposal of the later.

(2) In the light of the findings in the disciplinary proceedings taken against the Government servant –

- (i) if the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (v) of rule 13 should be imposed on him, it may, in consultation with the lending authority, pass such orders on the case as it deems necessary :

Provided that, in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority.

- (ii) if the borrowing authority is of the opinion that any of the penalties specified in clauses (vi) to (ix) of rule 13 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and, thereupon, the lending authority may, if it is the disciplinary authority, pass such orders thereon as it deems necessary or, if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it deems necessary :

Provided that in passing any such order the disciplinary authority shall comply with the provision of sub-rules (10) and (11) of rule 15.

Explanation – The disciplinary authority may make an order under this clause on the record of the inquiry transmitted by the borrowing authority or after holding such further inquiry as it may deem necessary.

20. Provision regarding officers borrowed from Union or other State Government, etc. – (1) Where an order of suspension is made or a disciplinary proceeding is drawn against a Government servant whose services

have been borrowed from the union or any other state government or an authority subordinate thereto or a local or other authority, the authority lending his services ("hereinafter, in this rule referred to as the lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be :

Provided that in the case of the lending authority being other than the Union or a State Government, action on the basis of the second proviso to rule 19 shall be taken.

(2) In the light of the findings in the disciplinary proceedings drawn against the Government servant –

- (i) if the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (v) of rule 13 should be imposed on him, it may, subject to the provisions of sub-rule (10) of rule 15, after consultation with the lending authority pass such orders on the case as it deems necessary:

Provided that, in the event of a difference of opinion between the borrowing authority and the lending authority the services of the Government servant shall be replaced at the disposal of the lending authority.

- (ii) if the disciplinary authority is of the opinion that any of the penalties specified in clauses (vi) to (ix) of rule 13 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

PART VI - APPEALS

21. Orders made by Governor not Appealable – Notwithstanding anything contained in this Part, no appeal shall lie against any order made by the Governor.

22. Appeal against orders imposing penalties – (1) A member of an Orissa Civil Service, Group "C" or an Orissa Civil Service, Group "D" may appeal against an order imposing upon him any of the penalties specified in rule 13 to the authority specially empowered by an order made by the Governor in that behalf or in the absence of any such order to the authority specified in the schedule or where no such authority is specified to the authority to which the authority imposing the penalty, is immediately subordinate.

(2) A member of an Orissa Civil Service, Group "A" or an Orissa Civil Service, Group "B", against whom an order imposing any of the penalties specified in rule 13 is made by an authority other than the Governor may appeal against such order to the Governor.

(3) Notwithstanding anything contained in sub-rules (1) and (2), an appeal against an order in a common proceeding held under Rule 17 shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate.

Explanation – In this rule the expression 'member of an Orissa Civil Service' includes a person who has ceased to be a member of that Service.

23. Appeal against other orders – (1) A Government servant may appeal against an order which –

- (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by any rules or by agreement, or
- (b) interprets to his disadvantage the provision of any such rules or agreement, to the Governor if the order is passed by the authority which made the rules or agreement, as the case may be, or by any authority to which such authority is subordinate, and to the authority which made rules or agreement, if the order is passed by any other authority.

(2) An appeal against an order –

- (a) stopping a Government servant at the efficiency bar in time-scale on the ground of his unfitness to cross the bar;
- (b) reverting to a lower service, grade or post, a Government servant officiating in a higher service, grade or post, otherwise than as a penalty;
- (c) reducing or withholding the pension or denying the maximum pension admissible under the rules; and

- (d) determining the pay and allowances for the period of suspension to be paid to a Government servant on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose, shall lie –
- (i) in the case of an order made in respect of a Government servant on whom the penalty of dismissal from service can be imposed only by the Governor, to the Governor; and
- (ii) in the case of an order made in respect of any other Government servant, to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie.

Explanation – In this rule –

- (i) the expression of “Government servant” includes a person who has ceased to be in Government service;
- (ii) the expression “pension” includes additional pension, gratuity and any other retirement benefit.

24. Period of limitation for Appeals – No appeals under these rules shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against :

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

25. Form and contents of Appeal – (1) Every person submitting an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

26. Submission of Appeal – Every appeal shall be submitted to the authority which made the order appealed against :

Provided that, if such authority is not the head of the office in which the appellant may be serving or if he is not subordinate to the head of such office, the appeal shall be submitted to the head of such office who shall forward it forthwith to the said authority :

Provided further that a copy of the appeal may be submitted direct to the appellate authority.

27. Withholding of Appeals – (1) The authority which made the order appealed against may withhold the appeal if –

- (i) it is an appeal against an order from which no appeal lies; or
- (ii) it does not comply with any of the provisions of rule 25; or
- (iii) it is not submitted within the period specified in rule 24 and no of reasonable cause is shown for the delay; or
- (iv) it is a repetition of an appeal already decided and no new facts or circumstances are adduced:

Provided that, an appeal withheld on the ground only that it does not comply with the provisions of rule 25 shall be returned to the appellant and, if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld.

(2) Where an appeal is withheld the appellant shall be informed of the fact and the reasons therefor.

(3) At the commencement of each quarter a list of the appeals withheld by any authority during the previous quarter together with the reasons for withholding them shall be furnished by that authority to the appellate authority.

28. Transmission of Appeals – (1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under rule 27 together with its comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under rule 27 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

29. Consideration of Appeals – (1) In the case of an appeal against an order imposing any of the penalties specified in rule 13, the appellate authority shall consider –

- (a) whether the procedure prescribed in these rules has been complied with and, if not, whether such non-compliance has resulted in violation of any provisions of the constitution or in failure of justice;
- (b) whether the findings are justified; and
- (c) whether the penalty imposed is excessive, adequate or inadequate;

and, after consultation with the commission if such consultation is necessary in the case, pass orders –

- (i) setting aside, reducing, confirming or enhancing the penalty; or
- (ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that –

- (i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;
- (ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and
- (iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (vi) to (ix) of rule 13 an inquiry under rule 15 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 18, itself hold such inquiry or direct that such inquiry be held and, thereafter, on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

(2) In the case of an appeal against any order specified in rule 23 the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

(3) Copies of orders passed by the appellate authority shall be supplied to the appellant free of cost.

30. Implementation of orders in Appeal – The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

PART VII - REVIEW

31. Governor's power to review – Notwithstanding anything contained in these rules, the Governor may, on his own motion or otherwise, after calling for the records of the case, review any order which is made or is appealable under these rules or the rules repealed by rule 33 and, after consultation with the Commission where such consultation is necessary :-

- (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 inquiry as he considers proper in the circumstances of the case; or
- (d) pass such other orders as he deems fit :

Provided that –

- (i) an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty;
- (ii) if the Governor proposes to impose any of the penalties specified in clauses (vi) to (ix) or rule 13 in a case where an inquiry under rule 15 has not been held, he shall, subject to the provisions of rule 18, direct that such inquiry be held, and thereafter, on consideration of the proceedings of such inquiry and after giving the person concerned an opportunity of making any representation which he may wish to make against such penalty, pass such orders as he may deem fit.

32. Review of orders in Disciplinary Cases – The authority to which an appeal against an order imposing any of the penalties specified in rule 13 lies may, of its own motion or otherwise, call for the records of the case in a disciplinary proceedings, review any order passed in such a case and after consultation with the Commission, where such consultation is necessary, pass such orders as it deems fit as if the Government servant had preferred an appeal against such order :

Provided that no action under this rule shall be initiated more than six months after the date of the order to be reviewed.

PART VIII - MISCELLANEOUS

33. Repeal and Savings – (1) The Civil Services (classification, control and Appeal) Rules, 1930 and the Bihar and Orissa subordinate Services (Discipline and Appeal) Rules, 1935, and any notifications issued and orders made under any such rules to the extent to which they apply to persons to whom these rules apply and in so far as they relate to classification of Orissa Civil Services specified in the schedule or confer powers to make appointments, impose penalties or entertain appeals are hereby repealed :

Provided that –

- (a) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder,
- (b) any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of as far as may be in accordance with the provisions of these rules.

(2) Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeals which had accrued to him under the rules, notifications or orders repealed by sub-rule (1) in respect of any order passed before the commencement of these rules.

(3) An appeal, pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed in accordance with these rules.

34. Removal of Doubts – Where a doubt arises as to who is the head of any office or as to whether any authority is subordinate to or higher than any other authority or as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Governor whose decision thereon shall be final.

By order of the Governor

B. SIVARAMAN

Chief Secretary to Government

¹[SCHEDULE ²()]**

Sl No.	Description of the Services/Post	Appointing Authority	Authorities competent to impose penalties		Appellate Authority
			Authority	Penalties which may be imposed with reference to item number in rule 13	
(1)	(2)	(3)	(4)	(5)	(6)
1.	State Civil Services, Class II and State Civil posts, Class II.	Government	In respect of Officer Serving- (i) in any Department of the Secretariat –	(ii) to (v)	Government

			Secretary of the Department and			
			(ii) under any Heads of the Department – Head of the Department.	(ii) to (v)		Government
2.	Specially declared gazetted service/posts.	(a) For employees serving in any department of the Secretariat except those belonging to the Orissa Secretariat Service – Secretary of the Department	Secretary of the Department concerned.	All (i)	excluding	Government
		(b) For employees belonging to the Orissa Secretariat Service – Secretary, Home Department.	(i) Secretary of the Department concerned.	(ii) to (v)		Government
			(ii) Secretary of the Home Department.	(vi) to (ix)		Government
		(c) For employees serving in any other Office – Head of the Department.	Head of the Department	All (i)	excluding	Secretary of the concerned Department
3.	State Civil Service, Class-III and State Civil Posts, Class- III.	(a) For employees serving in any Department of the Secretariat – Secretary of the Department.	(i) Secretary of the Department	All (i)	excluding	Government
			(ii) An officer of the rank of Under-Secretary or above in charge of the Establishment.	(ii) to (v)		Secretary of the Department.

1. Substituted by G. A. Department Notification No. 14094-Gen., dated the 5th May 1988.

2. Deleted by G. A. Department Notification No. 6278-Gen., dated the 23rd February 1989.

(1)	(2)	(3)	(4)	(5)	(6)
		(b) For employees serving in the Office of any Head of the Department.	(i) Head of the Department	All (i)	excluding Secretary of the concerned Department.
			(ii) Establishment Officer or any other officer of equivalent or higher rank nominated by the Head of the Department.	(ii) to (v)	Head of the Department.
			(i) Collector	(ii) to (v)	

		In respect of Extension Officer (including the Junior Engineer; Additional Junior Engineer, Social Education Organiser, Progress Assistant; Industries Promotion Officer; and Sub-Inspector of Schools) – Head of the Department			Secretary of the concerned Department.
			(ii) Head of the Department	All (i) excluding	Secretary of the concerned Department.
		(d) For employees serving in any other office – Head of the Department or Head of the office, as the case may be.	(A) In respect of employees appointed by the Head of the Department -		
			(i) Head of the Department	All (i) excluding	Secretary of the concerned Department.
			(ii) Head of the office	(ii) to (v)	Head of the Department.
			(B) In respect of the employees appointed by the Head of Office – Head of the office.	All (i) excluding	Head of the Department.
4.	State Civil Posts Class-IV.	(a) For employees serving in any Department of the Secretariat – Secretary of the Department	(i) An officer of the rank of Under-Secretary or above in-charge of the establishment.	(i) to (v)	Secretary of the Department.
			(ii) Secretary of the Department	All	Government
(1)	(2)	(3)	(4)	(5)	(6)
		(b) For employees serving in the office of any Head of the Department – Head of the Department.	(i) Establishment officer or any other officer nominated by Head of the Department.	(i) to (v)	Head of the Department.
			(ii) Head of the Department.	All	Government
		(c) For employees attached to respective Departments of a Medical college –	(i) Professor and Head of the Department.	(i) to (v)	Superintendent of the Medical College.

Superintendent of
the College.

(ii) Superintendent of the
College.

All

Director of
Medical
Education
and Training.

(d) For employees
serving in any other
office – Head of the
office.

Head of the office

All

Head of the
Department.

PART – II

[(A) SUSPENSION]

[No. 12429-SC/3-4/92-Gen.]

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 27th May 1993

To

All the Departments of Government

Subject - Suspension of Government Servants, Circulation forms under Rule
2 of O.C.S. (C.C. & A.) Rules, 1962.

The undersigned is directed to send herewith three draft forms, i.e., Form No. 1 under Clause (a), Form No. II under Clause (b) both under sub-rule (1) or Rule 12 and Form No. III under sub-rule 2 of Rule 12 of O.C.S. (C. C. & A.) Rules, 1962 for their information and guidance.

M. B. K. RAO

Deputy Secretary to Government

FORM No. I

Office Order

WHEREAS a disciplinary proceeding against Shri (Name and designation of the Government servant) is contemplated/pending. NOW, THEREFORE, the Governor of Orissa/the Appointing Authority/the Competent Authority, in exercise of the powers conferred by clause (a) of sub-rule (1) of Rule 12 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962, hereby places the said Shri under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the Headquarters of Shri..... (name and designation of the Government servant shall be (name of the place) and the said Shri shall not leave the Headquarters without obtaining the previous permission of the undersigned/Competent Authority and he shall be entitled to the payment of subsistence allowance in accordance with Rule 90 of the Orissa Service Code.

**By order of the Governor
Secretary to Government**

OR

**Name and designation of
The Suspending Authority.**

**FORM No. II
Office Order**

WHEREAS a case against Shri (name and designation of the Government servant) in respect of any criminal offence is under investigation/inquiry/trial;

NOW, THEREFORE, the Governor of Orissa/the Appointing Authority/the Competent Authority, in exercise of the powers conferred by clause (b) of sub-rule (1) or Rule 12 of the Orissa Civil Service (Classification, Control and Appeal) Rules, 1962, hereby places the said Shri under suspension with immediate effect.

It is further order that during the period that this order shall remain in force the Headquarters of Shri..... (name and designation of the Government servant) shall be (name of the place) and the said Shri shall not leave the headquarters without obtaining the previous permission of the undersigned/Competent Authority and he shall be entitled to the payment of subsistence allowance in accordance with Rule 90 of the Orissa Service Code.

**By order of the Governor
Secretary to Government**

OR

**Name and designation of
the Suspending Authority.**

**FORM No. III
Office Order**

WHEREAS a case against Shri (name and designation of the Government servant) in respect of a criminal offence is under investigation, and WHEREAS the said Shri was detained in custody on for a period exceeding forty-eight hours.

NOW, THEREFORE, the said Shri is deemed to have been suspended with effect from the date of detention, i.e. the in terms of sub-rule (2) of Rule 12 of the Orissa Civil Services (Classification, control and Appeal) Rules, 1962 and shall remain under suspension until further orders.

**Designation of the
Suspending Authority**

No. 16552-SC/3-1/94-Gen.

**GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT**

To

All Departments of Government/
All Heads of Departments/
All Collectors.

The 4th August 1994

Subject – Retirement of Government servant on superannuation while under suspension.

References are being received from various quarters seeking clarification as to whether a Government employee can superannuate during suspension period or it is necessary that he should be reinstated before superannuation.

2. After careful consideration, it is clarified that Rule 91 (1) of the Orissa Service Code clearly envisages retirement on superannuation of a Government servant while under suspension, Reinstatement of the suspended employee solely for the purpose of retirement and determination of pensionary benefits is not warranted by the service and pension rules in force.

Rule 7 (2) (a) and rule 66 (1) of the Orissa Civil Services (Pension) Rules, 1992 provide for payment as also the mode of calculation of provisional pension to a Government servant against whom any departmental or

judicial proceedings is pending on the date of his retirement. Further, a departmental proceeding initiated while the Government servant was in service may be continued even after his retirement on superannuation, as provided by Rule 7 (2) (a) of Orissa Civil Services (Pension) Rules, 1992.

The Subordinate offices may be informed accordingly.

PRITIMAN SARKAR
Special Secretary to Government

From

Shri R. N. DAS, I. A. S.

Chief Secretary and Chief Development Commissioner, Orissa

To

The Director-*cum*-Director-General & Inspector-General of Police and *ex officio* Special Secretary to Government, General Administration (Vig.) Department, Orissa, Cuttack.

Bhubaneswar, dated the 28th/29th September 1995

Subject – Suspension of Government Servant and their reinstatement.

Sir,

A large number of Government servants are placed under suspension, pending institution of Criminal cases or when such cases are *sub judice*. Prolongation of suspension of a Government servant not only causes hardship to him but also financial loss to Government. The question whether a Government servant under suspension against whom a Criminal case is proposed to be instituted or *sub judice* in a Court of Law could be reinstated was under consideration of Government.

2. Detailed guidelines for dealing with suspension cases have been issued in G. A. Department D. O. letter No. 24042, dated 13-9-1991 (Copy enclosed). In spite of such guidelines, it has come to the notice of Government that more than 2 years elapse before filing charge-sheets against Government servants disproportionate assets cases. During this period incumbents are placed under suspension which continues for long periods. It is noticed that charge-sheets are filed against delinquent officers in some cases, while in some other cases final reports are submitted in the absence of sufficient evidence.

3. In order to minimise hardship to Government servants it is desirable that Vigilance should endeavour complete investigation within a period of six months from the date of house search where for inescapable reasons, it is not possible to complete investigation within the aforesaid period of six months, reason for non-completion of investigation should be communicated to Government in detail and also indicating the period within which investigation is expected to be completed, If investigation is not completed within the extended period, Government servant under suspension should be reinstated.

4. You may like to review the position and take suitable and appropriate steps to complete investigation within the aforesaid reasonable period of time.

Thanking you,

Yours faithfully,

R. N. DAS
Chief Secretary to Government

Memo No. 21934-Gen., dated the 29th September 1995

Copy forwarded to all Departments of Government/all Heads of Departments/ all District Magistrates.

Sd/-

O.S.D. to Chief Secretary and *ex officio* Deputy Secretary to Government

D. O. No. 24042

SHRI R. K. RATH, I. A. S.

Chief Secretary and Chief Development
Commissioner, Orissa

To

All Secretaries to Government

All Head of Departments.

Bhubaneswar, Dated the 13th September 1991

Subject – Guidelines for dealing with cases of suspension of officers.

Sir,

I am directed to say that the growing habit of dealing routinely with case in which an officer has been placed under suspension has been viewed with concern and unhappiness by government. An officer is placed under suspension when there is *prima facie* evidence of gross misconduct or serious dereliction in duty, especially in financial matters on his part and there is a reasonable presumption that the proceedings are likely to culminate in the award of major penalty. It is therefore necessary that the charges against him should be enquired into and disposed of with the utmost expedition. It has, however, been noticed that, after an officer is placed under suspension, the urgency with which the suspension was processed is lost and the proceedings against him are dealt with like other proceedings where charges are far less serious and where it has not been considered necessary to suspend the officer. In the result, the officer suffers continued inconvenience and humiliation and Government have to pay him the subsistence allowance without getting any work from him. The less, in financial terms, to Government will be higher if the officer is ultimately absolved of the charges against him.

2. It has accordingly been considered necessary that departmental or criminal proceedings against an officer who has been placed under suspension should be governed by the following principles :

- (a) Where an officer is placed under suspension, charges against him should be served on him within three months of the date of suspension.
- (b) Since the order of suspension is based on *prima facie* evidence of gross misconduct or serious dereliction in duty there should ordinarily be no difficulty in initiating departmental proceedings during three months of suspension. If it has not been possible to complete investigation into all the allegations, an effort should be made to prepare the charge-sheet on the basis of the major allegations and serve it on the officer. This may be followed by a supplementary charge-sheet.
- (c) The period of suspension should not ordinarily extend beyond six months from the date of framing of charges, Where, for inevitable reasons, it is not possible to dispose of the proceedings within the aforesaid period of six months, the reasons for continuing the suspension should be explained in details, and approval for continued suspension should be sought from –
 - (i) the Chief Minister, in cases where the officer is a Class II officer or an officer of higher rank; and

(ii) the Appellate Authority, as specified in the Orissa Civil Service (Classification, control & Appeal) Rules, 1962, in the case of other officers.

- (d) The aforesaid time limits should be kept in view where criminal proceedings are contemplated or are in progress. In the larger number of cases, criminal proceedings originate from allegations of acquisition of disproportionate assets, defalcation of public fund and misconduct resulting in conferment or appropriation of undue financial benefits. Investigation in such cases naturally requires more time since evidence has to be collected from several sources including, sometimes, sources outside the State. If the charges cannot be filed within three months of the date of suspension or the proceedings are unlikely to be concluded within six months of the date of suspension or the submission of the charge-sheet, extension of the time limit should be sought from the appointing authority in the case of officers other than those in Class II or higher rank and from the Chief Minister in the case of officers of Class II or higher rank.
- (e) Departmental proceedings where an officer has been placed under suspension should be reviewed atleast quarterly. This review should be conducted by the Head of the department for non-Gazetted Officers under his control, and by the Secretary of the Department for all Gazetted Officers and for non-Gazetted Officers in the Department. Such reviews are essential in order that cases of the nature under reference are processed with the utmost expedition and suspension does not continue for an inordinately long period.

3. I am to request you to keep the aforesaid guidelines in view in dealing with cases involving suspension of officer. I would also like to impress on you that suspension should be ordered only where it is found necessary in public interest that the officer concerned should not be allowed to continue in office, even at a different station. It should not be resorted to lightly and without serious reflection on the gravity of the allegations.

Yours faithfully,

R. K. RATH

Chief Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 11943-SC/3-4/99-Gen.

From

SHRI PRIYABRATA PATTNAIK, I. A. S.,
Special Secretary to Government

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Bhubaneswar, dated the 22nd April 1999

Subject – Guidelines for dealing with cases of suspension of Officers.

Sir,

I am directed to say that in Chief Secretary's D. O. letter No. 24042/Gen., dated the 13th September 1991, guidelines have been issued for dealing with the cases of suspension of Officers. In the introductory Paragraph of the said letter it has been pointed out that – "An Officer is placed under suspension when there is

Prima facie evidence of Gross misconduct or serious dereliction in duty, especially in financial matters, on his part and there is a reasonable presumption that the proceedings are likely to culminate in the award of a major penalty. It is, therefore, necessary that the charges against him should be enquired into and disposed of with the utmost expedition. It has, however, been noticed that, after an Officer is placed under suspension the urgency with which the suspension was processed is lost and the proceedings against him are dealt with like other proceedings where the charges are far less serious and where it has not been considered necessary to suspend the Officer. In the result, the Officer suffers continued inconvenience and humiliation and Government have to pay him the subsistence allowance without getting any work from him”.

It has been observed by the Hon'ble O. A. T. in O. A. No. 910 of 1997 that in spite of the above instructions, the Appointing Authorities/Disciplinary Authorities are suspending employees in a routine manner without taking into consideration the gravity of misconduct sought to be enquired into or investigated. Consequently, when the affected employees approach the Hon'ble Orissa Administrative Tribunal, orders are passed by the Tribunal setting aside the suspension where it is unwarranted and mechanically ordered without proper application of mind and paying heed to the above cited instructions and the employees are re-instated in service forthwith.

It is, therefore, impressed on all concerned that in future suspension should not be taken recourse to as a routine. For placing an employee under suspension, there must be materials available suggesting commission of grave offence justifying suspension. Each case has to be considered carefully depending on the nature of allegation, gravity of the situation and the impact it creates on the service for the continuance of the delinquent employee in service, when disciplinary proceedings against him are contemplated or when disciplinary proceedings are pending against him or when a case against him in respect of criminal offence is under investigation or when a case against him in respect of criminal offence is under trial.

It is, therefore, requested that these instructions may be brought to the notice of all Appointing Authorities and Disciplinary Authorities for their future guidance.

Yours faithfully,

PRIYABRATA PATTNAIK

Special Secretary to Government

No. 35691-SC/-3/99

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 3rd December 1999

No. 35691-SC/3-3/99 – In the erstwhile Political and Services Department Order No. 1000, dated the 27th October, 1962, (Copy enclosed) Instructions were issued to the effect that before placing a Government Servant under suspension on Vigilance report, an opportunity should be given to him to explain his conduct within a reasonable period and, on receipt of such explanation, decision to place the officer under suspension will be taken.

2. But Sub-rules (i) & (ii), of Rule 12 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962, clearly envisage the circumstances in which a Government servant can be placed under suspension. In view of the provisions contained in these rules, there is no special justification for calling for the explanation of an officer before consideration to place him under suspension on the basis of vigilance report.

Accordingly, government after careful consideration, do hereby withdraw the afore mentioned Political and Services Department Order No. 1000, dated the 27th October, 1962.

S. B. AGNIHOTRI

Special Secretary to Government

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
VIGILANCE BRANCH
ORDER

The 27 October 1962

No. 1000 – Government had under consideration for sometime past, the question of affording to an Officer to be placed under suspension on Vigilance report, an opportunity to explain his conduct before passing the order of suspension. After a careful consideration of the question, Government have been pleased to order that henceforward, when Government in the Political & Services (Vigilance) Department consider that an Officer be Placed under suspension on Vigilance report, they may call for the explanation of the Officer concerned. The gist of the Vigilance report shall be communicated to the delinquent officer and a reasonable time allowed to him for offering the explanation. If the explanation is not received within the time so fixed by Government or if the explanation on being received is considered to be unsatisfactory, Government in the Political & Services (Vigilance) Department may take a decision to place the Officer under suspension. This calling for an explanation from the delinquent officer is meant to afford an opportunity to the delinquent officer for offering his say in the matter before his suspension is ordered.

Government have further been pleased to order that, in cases where certain points remain obscure during vigilance enquiry, the Political & Services (Vigilance) Department may seek clarifications of such points from the delinquent officer at the stage of the enquiry.

This order will come into force with immediate effect.

B. SIVARAMAN
Chief Secretary to Government

(B) PROCEDURE OF DISPOSAL OF DEPARTMENTAL PROCEEDINGS

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

No. 13787 (126) – 2R/1-25/68-Gen.

To

All Departments of Government (including all branches of P. & S. Department)/
All Heads of Departments/All District Offices.

Bhubaneswar, dated the 24th July 1968

Subject - Procedure for conducting Departmental proceeding against a Government servant who avoids to accept charges framed against him or whose whereabouts are not known.

The nature of penalties which can be imposed on a Government servant for good and sufficient reasons has been laid down in rule 13 of the Orissa Civil Services (Clarification, Control and Appeal) Rules, 1962. Procedure for imposition of major and minor penalties has been prescribed in rule 15 and 16 respectively of the said Rules. No major penalty can be imposed on a Government servant without holding an enquiry as envisaged in the Classification, Control and Appeal Rules and as indicated in Art. 311 (2) of the Constitution. Art. 311 (2) envisages two opportunities to be given to a delinquent and it is only after compliance with the procedures laid down therein that any of the penalties can be imposed on him. No minor penalty shall be imposed without giving an opportunity to the Government servant concerned to make any representation he may wish to make. The Classification, Control and Appeal Rules do not however, indicate the procedure to be followed which the delinquent avoids to receive charges framed against him or where his whereabouts are not known. After careful consideration Government have been pleased to decide that in such circumstances the following procedures should be followed.

Major penalties – If the whereabouts of the delinquent are not known or he avoids to accept a copy of the charges, etc., the only alternative left is to publish in a newspaper the fact that charges had been framed

against him for his acts and omissions which may be specified briefly, stating therein that charges could not be communicated to him as his whereabouts are not known and calling upon him to appear before the concerned authority on any particular day to receive a copy of the charges and to submit a written statement of his defence if in pursuance of this notice the delinquent submits a written statement of his defence, the enquiry may be conducted in the prescribed manner and further action taken as per the Rules. If in spite of this notice the delinquent does not appear before the concerned authority or does not submit written statement of his defence, the enquiry may be conducted in his absence and a decision taken on merits whether he is guilty. If in such a case the concerned authority comes to a tentative decision that the delinquent is either to be dismissed, removed, compulsorily retired or reduced in rank, a second show-cause notice has to be served upon the delinquent either by serving it upon him or if his whereabouts are not known by publishing the same in the newspaper directing him to show-cause by a fixed date why the penalty, proposed should not be imposed upon him. If in response to this notice he appears or show-cause the authority concerned should take that into consideration and pass appropriate orders. If in response to that notice the delinquent does not show any cause final orders have to be passed. The final order passed in case has to be communicated to the delinquent in the manner indicated above.

Minor penalties – Where charges framed against the delinquent could not be communicated to him for the reasons mentioned earlier a notice in the manner as mentioned earlier should be published in the newspaper. If in response to this notice no written statement of defence is submitted within the stipulated date, the competent authority in consideration of the case on its merit may pass final orders and communicate the same to him in his address available with him.

[ILLEGIBLE]

Additional Secretary to

Government

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

No. 5406 (27) – 2R/1-5/73

To

All Secretaries to Government (By name)

Dated the 12th April 1973

Subject – Delay in disposal of departmental proceedings.

Reference - No. 3559 (76) – O & M- 139/57 dated 15th March 1958, No. 13912-Vig.-26/59 (81)-Gen., dated 10th November 1959, No. 160 (95)-AT., dated the 17th April 1964 and No. 2009 (28)-Gen., dated the 8th September 1966.

Sir,

I am directed to say that in spite of issue of instructions from time to time on the subject referred to above, Government have observed that proper attention is not being paid by the concerned authorities for expeditious disposal of departmental proceedings started against Government servants. As a result, those departmental proceedings are unduly protracted causing hardship to the delinquent Government servant as well as loss to Government by way of payment of subsistence allowance for a long period. This can be avoided if the suspending authorities exercise proper discretion while suspending the Government servant and take Prompt action in disposing of cases pending against the suspended officers.

2. All Departments of Government, Heads of Departments and District Offices were requested to maintain a statement of persons placed under suspension in the *pro forma* prescribed in Political & Services Department Memo No. 3559 – OM-139/57-Gen., dated the 15th March 1958 It is noticed that these instructions have not been systematically followed. The quarterly return prescribed in Chief Secretary's D. O. No. 20094 (29)-Gen., dated the 8th September 1966 addressed to all Secretaries is also not being regularly submitted to the Political & Services Department.

3. This was recently reviewed by the Governor in a meeting of Secretaries. He desired that all concerned should attach the highest priority to this item of work, It is therefore requested that information may be furnished in the following *pro forma* so as to reach this Department by the 20th April 1973 for the information of Governor.

PRO FORMA

(1)	(2)	(3)	(4)	(5)	(6)
Sl No.	Name & designation of the officer suspended	Date of suspension	Reasons for delay in finalisation of the Proceedings	Steps taken for expeditious disposal of the proceedings	Remarks

Yours faithfully,

S. K. PALIT

Additional Secretary to

Government

**GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT**

Memo No. 9547 (173) – 2R/1-9/73-Gen.

To

All Departments

All Heads of Departments.

Bhubaneswar, dated the 28th June 1973

Dated the 7th Ashadha, 1895

Subject – Disposal of Appeal and Review Petitions submitted by Government servants.

It has been observed that sometimes cases of memorials, representations, reviews or appeals from the Government servants are delayed inordinately in the various Departments or Heads of Departments. It causes frustration and also defeats the purpose for which an employee submits a memorial or appeal against the orders of the disciplinary authority. In the Political & Services Department Memo No. 5103 (73), dated 19-4-1959 a time limit of 3 months has been prescribed for the disposal of memorial and representations. It has now been decided that in future all appeal petitions submitted by Government servants shall be disposed of ordinarily within a period of 6 months from the date of their receipt by the appointing authorities.

Petitions for review against the decisions of the lower authorities in all matters affecting the service conditions of Government employees may also be dealt with expeditiously and all possible steps should be taken to ensure that they are finally disposed of within a period not exceeding 6 months.

Petitions for appeals and reviews so far as disciplinary matters are concerned should be disposed of keeping in view the provisions contained in the Orissa Civil Services (Classification, Control & Appeal) Rules, 1962.

The above instructions may be brought to the notice of subordinate offices for their guidance. Government will view with displeasure any deviation from these instructions.

[ILLEGIBLE]

**P. & S. (VIG.) DEPARTMENT No. 2515 (70)-VIG., DATED 2-4-1975 TO
ALL SECRETARIES TO GOVERNMENT AND OTHERS**

Subject - Regarding Disciplinary authority of Government servants on Deputation Rules 19 and 20 of the O. C. S. (C. C. & A.) Rules, 1962.

According to Rules 19 and 20 of the O. C. S. (C. C. & A.) Rules, 1962 the borrowing Department of a Government servant can frame charges against a borrowed officer for his lapses/irregularities committed, while serving under he borrowing authority and while inflicting any of the major penalties indicated in Rule 13 of the said Rules he may refer the matter to the lending authority. Of late a doubt has arisen if the borrowing authority can frame charges in a disciplinary proceedings, after a borrowed officer is reverted to his parent department, for his lapse while serving under the borrowing authority inquire into the same and inflict any of the minor penalties indicated in Rule 13 of the said Rules. So the matter was referred to Law Department for their views.

The Law Department are of the opinion that the power conferred on the borrowing authority can only be exercised so long the Government servant on deputation continues to remain under its administrative control. Once the employee is reverted back to his parent service under the Government he ceases to be amenable to the administrative and disciplinary jurisdiction of the borrowing authority. Therefore, after such replacement, the borrowing authority cannot frame charges, enquire into it and inflict punishment on the employee for his lapses committed while serving under it. In such cases, it will be proper for the borrowing authority to request the lending authority to take suitable disciplinary action.

**GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT**

No. 19850-SC-6-168/77-Gen.

To

All Departments of Government.

Bhubaneswar, dated the 11th November 1977

Subject – Review of orders in disciplinary cases.

The undersigned is directed to say that a question as to whether the punishing authority, who is not the appellate authority, can review his order, was under consideration in this Department. After careful consideration, it has been decided that since there is no provision in C. C. A. Rules authorising the disciplinary authority to review his own orders the said authority is not competent to review his decision once taken in the matter. The appellate authority can however, either on his own motion or otherwise, review the orders passed by the disciplinary authority.

**[ILLEGIBLE]
Under-Secretary to Government**

**GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT**

No. 712-SC-6-9/78-Gen.

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Bhubaneswar, dated the 12th January 1978

Subject – Procedure regarding disposal of disciplinary proceedings.

I am directed to say that it has come to the notice of Government that in a number of Departmental proceedings drawn up against Government employees, Enquiring Officers are being appointed along with the framing of charges and the delinquent employee is directed to submit his explanation to the Enquiring Officer

direct. Such a procedure is not in accordance with the provisions contained in Rule 15 (2), read with Rule 15 (4) of the Orissa Civil Services (C. C. & A.) Rules, 1962. Rule 15 (2) of the aforesaid Rules provides that the disciplinary authority shall frame definite charges on the basis of allegations on which the enquiry is to be held. Such charges together with a statement of the allegations on which they are based shall be communicated in writing to the Government servant who shall be required to submit a written statement of his defence. According to Rule 15 (4) of the aforesaid Rules, on receipt of the written statement of defence or if such statement is not received within the time specified, the disciplinary authority may itself enquire into such of the charges as are not admitted or it consider if necessary so to do, appoint a Board of Enquiry or an Enquiring Officer for the purpose.

In view of the clear provisions of law indicated above, appointment of Enquiring Officer along with framing of charges is premature and the direction given to the delinquent Government servant to furnish his explanation direct to the Enquiring Officer is irregular.

As adoption of incorrect procedure for conducting disciplinary proceedings may give rise to legal complications, the undersigned is directed to request that in future while framing charges in Departmental proceedings, no Enquiring Officer need be appointed along with framing of charges nor the delinquent Government servant be directed to furnish his explanation to the Enquiring Officer. The question of appointing an Enquiring Officer should be taken up only when the disciplinary authority after going through the written statement of defence of the employee concerned feels the necessity of appointing such an Enquiring Officer or a Board of Enquiry.

This may please be brought to the notice of all disciplinary authorities working under you for guidance.

K. RAMAMURTHY
Chief Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 516-SC-3/20/85-Gen.

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Dated the 16th January 1987

Subject – Issue of warning and placing of copies thereof in the C. C. R. Folders.

Clarification is often sought from this Department whether a warning by the disciplinary authority issued to an Officer upon the results of disciplinary proceedings, should be entered in the confidential character roll or a copy of it should be kept in the C. C. R. dossier. “Warning” is not one of punishments listed in C. C. & A. Rules, but if it is entered in the C. C. R., it would tent-amount to censure.

It is hereby clarified that if the disciplinary authority, at the conclusion of a disciplinary proceedings, wishes to award the punishment of “warning” to be recorded in the C. C. R. or placed in the C. C. R. dossier, it should appropriately be termed as “censure”.

This supersedes this Department circular No. 1593-SE, dated the 12th February 1985.

M. P. MODI
Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 25922-SC-6/11/88-Gen.

To

All Departments of Government.

Dated the 8th September 1988

Subject – Amendment to Orissa Civil Services (C. C. & A.) Rules, 1962.

In his D. O. letter No. 25935, dated 17th/18th August 1988 the Additional Chief Secretary had impressed upon the Secretaries the need for revision of the Schedule 'B' appended to the Orissa Civil Services (C. C. & A.), Rule 1962.

The undersigned is directed to say that in course of discussion with departmental officers it is found that the distinction, between the State Civil Services and Civil Posts are not well understood. In view of this, it is clarified that a post belonging to any Classification when included in a Cadre Rule framed by Governor under Article 309 of the Constitution of India comes within the meaning of the State Civil Services and the post for which no cadre rule has been framed will be known as State Civil Posts.

All Departments are requested to prepare the revised list accordingly and furnish the same to this Department for inclusion in the Schedule to be published under Rule 7 of O. C. S. (C. C. & A.), Rules. Departments which have already submitted the information earlier are also requested to give a relook to the matter and prepare the information according to guidelines given above. While sending the information copies of the concerned cadre rules may also be sent.

[ILLEGIBLE]

Joint Secretary to Government

**GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM No. 34289**

The 10th December 1990

Subject – Functional and effective control over Orissa Administrative Service, Class-I (Senior Branch) Officers by Revenue Department.

The question of ensuring effective control over the Officers of Orissa Administrative Service, Class-I (Senior Branch) working under the administrative of Revenue Department was under consideration of the State Government for sometime past. It has been decided that the Revenue Department are empowered to call for the explanation of Addl. District Magistrate (Revenue), Addl. District Magistrate (Land Reforms), Deputy Director, Consolidation and Settlement Officer for the lapses, if any, committed by them and submit draft charges against those Officers to G. A. Department. The Revenue Department will ensure that the charges conform to the requirements of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962. The G. A. Department shall Process the draft charges, obtain Government orders and take subsequent follow up action.

C. NARAYANASWAMY
Special Secretary to Government

**GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
No. 41121-S.C.-3-2/92-Gen.**

To

All Departments of Government
All Heads of Department
All Collectors.

The 30th November 1992

Subject – Imposition of Major Penalty on Government servant dispensing with the enquiry as prescribed in the Orissa Civil Services (Clarification, Control and Appeal) Rules, 1962.

The undersigned is directed to say that procedure for imposition of any of the Major penalties as specified in Rule-13 (IV) to (IX) of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 on Government servants by the disciplinary authority has been prescribed under Rule 15 of the same Rules and in the normal circumstances, before a Major penalty is imposed, an enquiry has to be conducted invariably.

2. It has come to the notice of Government that in some cases the disciplinary authority had imposed the major penalty of dismissal from service on Government servants following the proviso (b) to Article 311 (2) of the constitution of India and thereby dispensing with the enquiry as provided in Rule 15 of the said rules though

there are no such compelling reasons to dispense with the enquiry. The aggrieved Government servants had filed writ petitions against the dismissal orders under Article 226 of the Constitution of India and obtained orders of the Administrative Tribunal quashing the dismissal orders and for their reinstatement in service from the date of their dismissal and for payment of back wages on account of dismissal. This verdict of the Court compelled the Government to pay for the periods they had not really worked.

3. It is therefore clarified that the extraordinary power conferred on the disciplinary authority under proviso (b) to Article 311 (2) of the Constitution to impose major penalties on Government servants by dispensing with the procedure laid down in Rule 15 of the O. C. S. (Classification, Control and Appeal) Rules, 1962 has to be exercised with proper care and caution as such action of the disciplinary authority is subject to judicial review. Two essential conditions have to be satisfied to dispense with the enquiry. They are that the offences committed would lead to dismissal, removal, compulsory retirement or reduction in rank of the employee, and it is not reasonably practicable to hold such enquiry. Each time the above said extraordinary power is exercised, legal consultation at the proper level should invariably be made to ensure that such orders will be maintainable in the eye of law.

It is further requested that of suitable instructions to the subordinate officers under your control are to be issued accordingly explaining the above provisions of law. It may be impressed on them that while resorting to action under Rule 18 of the Orissa civil Services (Classification, Control and Appeal) Rules, 1962 it should be clearly recorded that it is not reasonably practicable to follow the procedure prescribed in the said Rule.

T. K. MISHRA

Special Secretary to Government

**GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT**

No. 11994-S.C.-3-4/92-Gen.

To

All Departments
All Heads of Departments.

Dated the 22nd May 1993

Subject – Clarification on Rule 31 of the O. C. S. (C. C. & A.) Rules, 1962.

Doubts have been expressed in different quarters on the followings points :-

- (1) Whether the power of review under Rule 31 can be exercised only once or more than once
- (2) Whether the power of review under the above Rule is conferred only on the Governor or whether the Minister or Ministers concerned can exercise powers.

The points were examined and Government have been advised by Law Department that the Reviewing authority having once exercised the powers of review becomes functus officio and the said Power cannot be exercised from time to time because (a) there is no scope to review a order already passed in a review and (b) Rule 31 itself provides that the Governor may review any order which is made or is appealable under these rules.

2. Government have further been advised by Law Department that the expression “Governor” under Rule 31 means the Minister in charge of the Administrative Department. The above interpretation is based on the decision of the Hon’ble Supreme Court in *Samser Singh Vs. State of Punjab* (AIR 1974, Supreme Court 2192) which was again reiterated in *Union of India Vs. Sri Pati Ranjan Biswas* (AIS 1975, Supreme Court 1755). This view is also supported by the fact that a case under Rule 31 is not required to be submitted either to the Chief Minister or the Governor under instruction 14 of the instructions issued under Rules of Business.

It is, therefore, requested that all concerned may be informed accordingly.

S. M. PATNAIK

Special Secretary to Government

**GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT**

No. 18470-S.C.-3-3/93 (Pt.-VI)-Gen.

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Bhubaneswar, dated the 26th August 1993

Subject – Appointment of Inquiring Officer under O. C. S. (C. C. & A.) Rules, 1962 by the concerned appointing authority – issue of clarification thereof.

Doubts have arisen in certain quarters as to who should be the authority competent to sign the orders appointing the Inquiring Officer as per the provisions of the O. C. S. (C. C. & A.) Rules 1962 ? Rule 15 (4) of the above rules provide that the disciplinary authority may appoint an Inquiring Officer. In the proceedings relating to Gazetted Officers, Government is the disciplinary authority. For the purpose of the statute, Government is usual, by represented its Secretary and hence, the order appointing the Inquiring Officer should be signed by the Secretary. The provisions of the Orissa Government's Rules of Business provide that every order or Instruction of the Government shall be signed either by Secretary, Special Secretary, Joint Secretary, Deputy Secretary or an Under-Secretary who are mainly meant for the convenient transaction of the day-to-day executive action of the Government of the State. Since appointment of an Inquiring Officer is not an executive act, but a statutory power to be exercised through exercise of discretion the meaning of Secretary in the Rules of Business should not apply to matters involving statutory powers. This may be brought to the notice of all concerned.

R. C. MISHRA

Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 5501-S.C./3-1/94(Pt-III)-Gen.

To

All Departments of Government
All Heads of Departments
All Collectors.

Bhubaneswar, dated the 15th March 1994

Subject – Clarification in respect of *de novo* enquiry or fresh enquiry under Orissa Civil Services (C. C. & A.) Rules, 1962.

I am directed to say that Collector of a district appointed an Officer of the District Office to enquire into charges framed against one Revenue Inspector in the Departmental proceedings and when the enquiry report was received, he did not accept the enquiry report, but passed orders for re-enquiry by appointing another Enquiry Officer, as he was of view that the Officer, who had been earlier appointed as Enquiry Officer, had not applied his mind to the case. Hence, the question arose about appointment of a fresh Enquiry Officer on this same set of charges. The Law Department of the Government were consulted in the matter and they are of view that as per judicial pronouncements, both of Orissa Administrative Tribunal as well as Supreme Court. Rule 15

of the O.C.S. (C. C. & A.) Rules, 1952 does not provide for re-enquiry or fresh enquiry on the self-same charges if the Disciplinary Authority disagrees with the findings of the Enquiry Officer. Even if there is no specific provision in the Rules, the Disciplinary Authority can remit/remand the proceedings to the Enquiry Officer if he finds that the enquiry report suffers from same material irregularity. In all such cases, the proceedings have to be remitted back to the very same Enquiry Officer who conducted the enquiry with direction to record further evidence and given findings on each charge. The only exception is that another Enquiry Officer can be appointed where the previous Enquiry Officer is dead or has retired from Government service or is not available.

These instructions may be brought to the notice of all concerned.

PRITIMAN SARKAR
Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 5175-S.C./4-12/1994-Gen.

From

Pritiman Sarkar
Special Secretary to Government.

To

All Secretaries to Government/
All Heads of Departments/
All Collectors.

Bhubaneswar dated the 20th March 1995

Subject – Delay in disposal of Departmental Proceedings.

Sir,

I am directed to say that, it has come to the notice of the Government that adequate attention is not being paid by the concerned authorities for expeditious disposal of Departmental proceedings start against Government servants. Sometime due to such delay, the Government servants under suspension, remain as such for a considerably long time and thereby undergo considerable difficulties.

and heavy loss is also caused to Government for paying them Subsistence Allowance. Suitable instructions were issued to all Departments of Government in the erstwhile P. & S. Department Memo No. 3559 (76)-Gen., dated 15-3-1958 for expeditious disposal of Departmental proceedings. It was indicated therein that monthly review would be made of all undisposed cases and a form was prescribed for the purpose. It appears no follow up action has been taken on the instructions issued in the said memo. It now appears that such Departmental proceedings are pending at various levels and are not attended to so that they are mounting up every month.

2. The matter has been carefully examined by Government who feel that the existing machinery of administration should keep an effective check on the progress of disposal of Departmental proceedings. All Departmental proceedings pending for more than 2 months should therefore be reviewed every month. The object of such review is not only to keep an effective check on the progress of the Departmental proceedings, but to issue correctives to subordinate authorities wherever irregularities are detected as well.

3. An Office Memorandum prescribing time limit for each stage of the Departmental proceedings for expeditious disposal of the Departmental proceedings is under issue. The time limit prescribed in the said Office Memorandum should be meticulously followed so that the delinquent officers are not put to unnecessary harassment.

You are requested to communicate these instructions to offices subordinate to you and to acknowledge the receipt of this letter.

Yours faithfully,

PRITIMAN SARKAR
Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 28813-SC-3-6/96-Gen.

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Dated the 7th November 1996

Subject – Delay in disposal of Departmental proceedings due to non-production of relevant records before the Disciplinary Authority/Inquiring Officers.

Of late it has come to the notice of the Government that finalisation of a large number of Departmental proceedings instituted against Government servants are delayed for a long period of time due to non-production of the relevant records before the Disciplinary Authority/Inquiring Officer. Further, Departmental proceedings drawn up against officials responsible for misappropriation defalcation of Government money are inordinately delayed because the records on which the charges are framed are often seized by the Vigilance Authorities for investigation into the criminal cases and, therefore, not made available readily to the Inquiring Officer/Disciplinary Authority. The Public Accounts Committee in their 11th Report on the Appropriation Accounts and the report of the Comptroller and Auditor-General of India for the year 1988-89 relating to the Health and Family Welfare Department have expressed their grave concern in the matter of delay in disposal of Disciplinary proceedings for long period of time due to non-availability of records.

2. In order to over-come such difficulties, it has been decided to proceed in the matter as given below :-

- (i) The Vigilance Organisation, who have seized the relevant records, may supply as far as possible xerox copy of the relevant records in their custody to the concerned Disciplinary Authority and the Inquiring Officer on receipt of their request in respect of cases where criminal and departmental action are taken simultaneously for the same set of charges.
- (ii) The Vigilance Organisation and other concerned authorities may on request hand over all the relevant original records in their custody to the Disciplinary Authority/Inquiring Officer in respect of cases, where departmental action has been initiated under the provisions of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.
- (iii) The Vigilance Organisation and other concerned authorities may also permit the delinquent officers to peruse the seized records and take notes therefrom in order to enable them to prepare their defence properly. This may, however, be done only on the request of the Disciplinary Authority/Inquiring Officer, who shall submit the list of the relevant documents to the Vigilance Organisation and other concerned authorities for the purpose, so that only relevant records are allowed to be perused by the delinquent officer.
- (iv) While sending their requests for supply of xerox copies or for handing over the original records, the Disciplinary Authority and Inquiring Officer may scrutinise carefully their requirement and send a list of those records only, which are really considered relevant for the purpose.

3. The Disciplinary proceedings pending due to non-availability of seized records may now be disposed of accordingly.

R. K. BHUJABAL
Chief Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 7361-CDI-Misc.-2/98-Gen.

From

Shri S. B. Mishra, I.A.S.,
Chief Secretary, Orissa.

To

All Principal Secretaries/Secretaries to Government.

Dated the 25th March 1998

Subject – Timely initiation for disposal of Disciplinary proceedings.

Sir,

Rule 15 of the Orissa Civil Services (C. C. & A.) Rules, 1962, clearly delineates the procedure for initiation of Disciplinary proceedings for major penalties, appointment of Enquiring Officer and enquiry into the charges. It has been clearly provided in sub-rule (2) of Rule 15 that the charges drawn up against the delinquent officer should be definite and such charges together with a statement of allegations on which they are based shall be communicated in writing to the Government servant and he shall be required to submit within such time as may be specified by the disciplinary authority, not ordinarily exceeding one month, a written statement of his defence. Sub-rule (4) of the said rule further provides that on receipt of the written statement of the defence or, if no such statement is received within the time specified, the disciplinary authority may itself enquire into such of the charges as are not admitted or if it considers it necessary so to do, appoint a Board of enquiry or an Enquiring Officer for the purpose.

2. In spite of the clear provisions enunciated above it has been brought to my notice that Disciplinary proceedings are initiated against delinquent officers long after commission of any misconduct or irregularity and again an unusually long period is taken by the disciplinary authorities in taking a decision to appoint an Enquiring Officer to enquire into the allegations. Recently the Commissioner, Departmental Enquires has been appointed as the Enquiring Officer in some proceedings after 15 to 20 years of the date of commission of misconduct or irregularity, out of which delay at the Department level to appoint Inquiring Officer was 6-7 years. Such delay invariably does not help in achieving the purpose for which the proceedings are initiated, because the evidence becomes weak due to such long delays and at times records are not available at the time of enquiry. Recently in some cases also the State Administrative Tribunal has taken adverse view on the delay in initiation and disposal of the proceeding and have ordered for exoneration of the delinquent officers on this ground. Such unusual delay is therefore neither in the interest of the Government to punish the real delinquents nor in the interest of justice.

3. I would, therefore, request you to ensure that Disciplinary proceedings, wherever necessary should be initiated with promptitude. The delinquent officers should normally not be given more time than the prescribed 30 days in submission of their statement of defence. If no such statement of defence is submitted within the prescribed time, the disciplinary authority should straight away take steps to enquire himself or appoint an Enquiring Officer to enquire into the charges. This process should in no case take more than a months time. After the appointment of the Enquiring Officer, the disciplinary authority should make periodical review of the pending proceeding with the Enquiring Officers and ensure that the proceedings do not take more than 3 month's by the Enquiring Officer to submit his enquiry report.

4. This should be strictly adhered to so that Disciplinary proceedings contemplated against any officer/employee are disposed of quickly to punish the real delinquents.

5. This may also be brought to the notice of all Heads of Departments and subordinate offices under your control.

Yours faithfully,

S. B. MISHRA
Chief Secretary

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 19489-SC-3-1/97 (Pt. VIII)-Gen.

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Bhubaneswar dated the 25th July 1998

Subject – Disposal of Appeals under Rule 29 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

The undersigned is directed to say that Rule 29 of the Orissa Civil Services (Classification Control and Appeal) Rules, 1962 envisages the procedure for consideration and disposal of appeals submitted by the concerned Government servants against the penalty imposed on them in Disciplinary proceedings. Rules 90 and 91 of the Orissa Service Code lay down the principles for entitlement of pay/allowances by the Government servant during the period of suspension.

It has come to the notice of Government that the principles laid down under the aforesaid rules are not being followed strictly by the Appellate Authorities. It is therefore requested that Appellate Authorities in dealing with appeals have to apply their mind and considered all the different aspects enumerated in clauses (a), (b) and (c) of Rule 29 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 and pass a speaking order indicating therein that appeal was disposed of on consideration of all the different aspects required under Rule 29 (1) of the above said Rules, Similarly, orders passed under Rules 90 and 91 of the Orissa Service Code are not supported by reasons.

It is therefore, impressed upon all concerned that the provisions contained in Rule 29 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 should be strictly adhered to while disposing of Appeal Petitions and steps should be taken to give reasons Invariably while passing orders under Rules 90 and 91 of the Orissa Service Code in order to ensure proper disposal of the appeal petitions and to determine properly the admissibility of pay and allowances for the period of suspension.

PRIYABRATA PATNAIK

Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 26992-SC-3-8/99-Gen.

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Bhubaneswar, dated the 16th September 1999

Subject – Non-reference of administrative actions for advice of the Orissa Public Service Commission.

The undersigned is directed to say that in pursuance of provisions contained under the Orissa Public Service Commission (Limitations of Functions) Regulations, 1989, read with provisions of Rules 15 and 16 of O.C.S. (C. C. & A.) Rules, 1962, the Orissa Public Service Commission shall be consulted (wherever necessary) before imposition of any of the penalties specified under Rule 13 of Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 on a Government Servant.

2. But it is reported by the Orissa Public Service Commission that a good number of proposals are being referred to them for advice/concurrence relating to disciplinary proceeding cases and imposition of the following punishments on the concerned Government servants :-

- (1) Treating the period of unauthorised absence from duty as extraordinary leave not to be counted as service.
- (2) Warning to be careful in future
- (3) Warning to be recorded in C. C. Rolls
- (4) Treating the period of absence from a particular date till resumption of duty as leave without pay.

3. The above penalties are not the prescribed punishments as specified under Rule 13 of the O. C. S. (C.C. & A.) Rules, 1962.

These are the administrative action to be taken by the concerned authority after completion of procedural formalities in which Orissa Public Service Commission is not required to offer their advice/concurrence.

4. It is, therefore, clarified that the disciplinary proceedings in which the concerned authority propose to take administrative actions on a Government servant, they need not refer the same to Orissa Public Service Commission for advice/concurrence since the Orissa Public Service Commission confine their advice on the punishments specified in Rule 13 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962. It is further clarified that administrative actions as suggested at serials 1 and 4 referred to in Para. 2 above cannot be imposed as a measure of penalty if leave is available in the leave accounts of the concerned Government servant.

S. B. AGNIHOTRI

Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

Memo No. 14596-IM-18-2000-Gen.

From

Shri U. N. Behera, I.A.S.,
Special Secretary to Government

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Bhubaneswar, dated the 3rd May 2001

Subject – Starting of Departmental Proceedings concurrently with the Criminal case on the same set of facts in cases where recovery of financial loss to Government is to be made.

Instructions were issued in the erstwhile Political & Services (A.T.) Department letter No. 298-A.T.P. 23/62, dated the 28th August 1962 to the effect that in the absence of any legal bar, a departmental enquiry can

be started or continued when a criminal case is *sub judice*, on the same set of facts, provided no scope is allowed, to cause any embarrassment to the Court trying the criminal case, as a result of the departmental proceedings. But, it is observed that these instructions are not strictly being followed. Consequently recovery of financial loss caused to the Government by the delinquent Officers cannot be made due to non-initiation of departmental proceedings. The Hon'ble Supreme Court of India in Civil Appeal No. 3129 of 1988 (Arising out of S.L.P. (C) No. 10467 of 1987), dated the 6th September 1988 reported in A.I.R. 1988, Supreme Court 2118 has clarified that there is no legal bar for taking criminal action and disciplinary proceedings simultaneously against the delinquent employee upon the same set of facts with regard to the particulars of individual situation.

Government, therefore, wish to bring to the notice of all concerned that in future while sanctioning prosecution either under Section 197 (1) of the Code of Criminal Procedure, 1973 (Act 2 of 1974) for the criminal offences relating to Indian Penal Code and causing financial loss to the Government or under Section 19(i) (b) of the Prevention of Corruption Act, 1988 (Act 49 of 1988) for the offence of criminal misconduct committed as outlined in Section 13 (i) (c) of Prevention of Corruption Act, 1988 and causing financial loss to the Government, the prosecuting authorities have to invariably send draft charges alongwith articles of charge, statement of allegations and memo of evidence to the concerned disciplinary authorities under whom the delinquent employee is working for initiating proceedings under rule 15 of the Orissa Civil Services (Classification, Control & Appeal) Rules, 1962 and for serving a copy of the charge-memo on the concerned delinquent employee immediately in order to safeguard the interest of the Government. It is further clarified that acquittal of delinquent employee in a criminal case does not '*ipso facto*' put a stop to any disciplinary proceeding initiated against him. An Officer acquitted in a criminal case may be found guilty in a departmental enquiry as in the later, a less rigorous standard of evidence is insisted upon.

U N. BEHERA

Special Secretary to Government

(C) COMMISSIONER FOR DEPARTMENTAL INQUIRIES

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 124-A. T.

To

All Departments of Government.

Bhubaneswar, dated the 2nd May 1984

Subject – Reference of departmental inquiries in major penalty proceedings to the Commissioner for Departmental Inquiries.

A post of Commissioner for Departmental Inquiries (C. D. I.) has been created in the G. A. Department for conducting inquiries in major penalty proceedings against officers and employees of the Secretariat up to the rank of Deputy Secretary. A post of State Representative (S. R.) has also been created for presenting the evidence in support of the charges in all such inquiries before the C. D. I. It has been decided that reference of inquiries to the C. D. I. will be governed by the following principles :-

- (i) The present practice of the Administrative Tribunal conducting inquiries in cases which are investigated by Vigilance will continue. All cases which are investigated by the Vigilance

Department and which come within the purview of the Disciplinary Proceedings (A. T.) Rules, 1961 should be referred to the A. T. All other inquiries should be referred to the C. D. I.

- (ii) Only cases in which the misconduct was committed by the charged officer while working in the Secretariat should be referred to the C. D. I. Cases where the charged officers are now working in the Secretariat, but had committed the misconduct in some other office should not be referred to the C. D. I.
- (iii) Only cases in which the inquiring authority has not yet been appointed should be entrusted to the C. D. I. No attempt should be made to transfer a case in which an enquiring authority has already been appointed, to the C. D. I. Such cases are expected to be disposed of by the inquiring officers already appointed.
- (iv) It goes without saying that only inquiries where action was initiated by the departments under Rule 15 of the Orissa Civil Services (C. C. & A.) Rules, 1962 will be entrusted to the C. D. I. Minor penalty proceedings initiated under Rule 16 of the C. C. & A. rules in which no inquiry is called for will not be referred to the C. D. I.
- (v) The C. D. I. conducts the inquiry as the representative of the department which initiated the proceedings. He does not frame the charges. The department will frame charges and obtain the written statement of defence of the officer. If the charges were not admitted in the written statement of defence or if no written statement of defence is submitted by the stipulated date then the disciplinary authority may issue orders appointing the C. D. I. as the inquiring authority under Rule 15 (4) and the S. R. as the Presenting Officer under Rule 15 (5) of the C. C. & A. Rules. Sample forms of the orders appointing the C. D. I. as the Inquiring Authority and the S. R. as the Presenting Officer are given at Annexures I and II.
- (vi) The following documents should be sent to the C. D. I. alongwith the appointment order :-
 - (a) Copy of the order initiating the proceedings, charges and statement of imputations
 - (b) List of documents to be produced in support of the charges
 - (c) List of witnesses with their present addresses who are to be examined in support of the charges.
 - (d) Copy of the written statement of defence, if any, submitted by the charged officer
 - (e) Copy of the order appointing the S. R. as the P. O.
- (vii) The following documents should be furnished to the S. R. alongwith the order appointing him as the Presenting Officer :-
 - (a) Copy of the order initiating the proceedings, charges and statement of imputations
 - (b) Documents to be produced in support of the charges
 - (c) List of witnesses to be examined in support of the charges
 - (d) Copy of the written statement of defence, if any, submitted by the charged officer
 - (e) Copy of the order appointing the C. D. I. as the Inquiring Authority.
- (viii) Orders appointing the C. D. I. as the Inquiring Authority and the S. R. as the Presenting Officer should issue only after the written statement of defence has been received and considered by the disciplinary authority or when no written statement of defence is submitted and the disciplinary authority is satisfied that it is not necessary to wait for it any longer. The departments will strait refrain from appointing the C. D. I. simultaneously with the initiation of the proceedings. In this connection, their attention is drawn to the erstwhile P. & S. Department Circular No. 712-SC/6-9/78-Gen., dated the 12th January 1978.
- (ix) The State Representative, who will be presenting the case in support of the charges before the C.D.I. should be properly briefed and given necessary assistance by the department initiating the proceedings. In all matters relating to interpretation of departmental rules and procedures and other technical matters, he will take the assistance of the department who will furnish him

with the required information and clarification. The Secretary of the Department should specially designate an officer of his Department who is conversant with the case for this purpose.

- (x) On completion of the inquiry, the C. D. I. will furnish his report together with the oral and documentary evidence adduced during the inquiry to the disciplinary authority. The disciplinary authority will examine the report and pass final orders on the findings and recommendation of the C. D. I.
- (xi) Though the C. D. I. is under the administrative control of the G. A. Department, the G. A. Department will not interfere in any way with the conduct of the inquiry. In all matters relating to a particular inquiry, the C. D. I. will correspond with the departments direct. However, the G. A. Department will review the disposal of cases by the C. D. I. and take appropriate steps to ensure, that disposal is up-to-date. To facilitate this review, the department while appointing the C. D. I. as the Inquiring Authority should endorse a copy of the appointment order to the G. A. Department.

C. NARAYANASWAMY
Special Secretary to Government

ANNEXURE I
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION (A. T.) DEPARTMENT
OFFICE ORDER

Whereas disciplinary proceedings under Rule 15 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 have been initiated against Shri Vide this Department Office Order No. dated

* And Whereas, Shri in his written statement of defence dated did not admit the charges which he was called upon to explain;

* And whereas, no written statement of defence was submitted by Shri by the specified date as directed;

And whereas, it is considered necessary to appoint an Inquiring Officer to enquire into the charges.

Now, the * State Government/undersigned do/does hereby appoint the Commissioner for Departmental Inquiries, G. A. Department as the Inquiring Officer under Rule 15 (4) of the Orissa Civil Services (Classification, control and Appeal) rules, 1962 for the purpose of inquiring into the charges and submitting his report containing his findings to the * State Government/undersigned.

*** By order of the Governor**
Secretary to Government

* Strike off what is not applicable.

ANNEXURE II
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
OFFICE ORDER

Whereas disciplinary proceedings under Rule 15 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 have been initiated against Shri vide this Department Office Order No., dated -;

And whereas, it has been considered necessary to enquire into the charges through an Inquiring Officer and accordingly the Commissioner for Departmental Inquiries, G. A. Department has been appointed as the Inquiring Officer;

Now, the * State Government/undersigned do/does hereby appoint the State Representative, G. A. Department as the presenting officer under Rule 15 (5) of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 for adducing evidence and presenting the case in support of the charges before the Commissioner for Departmental Inquiries.

*** By order of the Governor**
Secretary to Government
Dated

* Strike off what is not applicable.

Copy to the State Representative, G. A. Department for information and necessary action. The following documents are enclosed :-

- (a) Copy of the order initiating the proceedings, charges and statement of imputations
 - (b) Documents to be produced in support of the charges
 - (c) List of witnesses to be examined in support of the charges
 - (d) Copy of the written statement of defence, submitted by the charged officer
 - (e) A copy of this Department Order No, dated appointing the Commissioner for Departmental Inquiries, G. A. Department as the Inquiring Authority.
2. Copy to Shri (Charged Officer) for information.
3. Copy to Special Secretary , G. A. Department for information and record.

Secretary to Government

Memo No Dated

Copy to the Commissioner for Departmental Inquiries for information and necessary action. The following documents are enclosed :-

- (a) A copy of the order initiating the proceedings, charges and statement of imputations
- (b) List of documents to be produced in support of the charges
- (c) List of witnesses with their present addresses who are to be examined in support of the charges.
- (d) A copy of the written statement of defence submitted by the charged officer
- (e) A copy of this Department Order No. Dated appointing the State Representative as the Presenting Officer.

(2) Copy to Shri (Charged Officer) for information and necessary action. He is hereby directed to appear before the C. D. I. on such dates and places as may be indicated by him.

(3) Copy to Special Secretary, G. A. Department for information and record.

Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION (A. T.) DEPARTMENT

Memo No. 300-A. T.

To

All Secretaries to Government

Bhubaneswar, dated the 31st August 1984

Subject – Reference of departmental proceedings to the Commissioner for Departmental Inquiries.

I am directed to say that in partial modification of the guidelines issued in this department letter No. 124(35)/80, dated 2-5-1984 regarding transfer of inquiries in major penalty proceedings to the Commissioner for Departmental Inquiries, it has now been decided that proceedings against Class-IV employees should not be transferred to him and may be enquired into by the officers of the Department concerned.

C. NARAYANASWAMY

Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION (A. T.) DEPARTMENT

No. 21-A. T.

To

All Departments of Government

Bhubaneswar, dated the 9th January 1985

Subject – Reference of departmental enquiries in major penalty proceedings to the Commissioner for Departmental Inquiries.

Instructions were issued in this Department letter No. 124 (35), dated the 2nd May 1984 that only cases in which the misconduct was committed by the charged officers while working in the Secretariat should be referred to the Commissioner for Departmental Inquiries. It was made clear therein that cases where the charged officers are now working in the Secretariat but had committed misconduct in some other offices should not be referred to the C. D. I. But it has come to light that a number of disciplinary proceedings for the misconduct committed by the Gazetted Officers in other offices are also pending in different Departments for enquiry. Extension of the jurisdiction of the Commissioner for Departmental Inquiries has therefore been felt necessary for speedy disposal of such cases.

2. It has now been decided that inquiries against Gazetted Officers where the lapses were committed in other offices are also to be entrusted to the C. D. I. provided the disciplinary authority of the charged officer is of the rank of Secretary to Government and above. In all such cases, the Proceedings will be initiated by the disciplinary authorities under the C. C. & A. Rules and the C. D. I. will be appointed as the enquiring authority. The procedure laid down in this Department circular referred to above will also be followed in these cases. The Departments of Government will obtain the orders of the Disciplinary authority concerned for entrusting the cases to the C. D. I.

In the cases investigated by the Vigilance which are not considered serious enough to be sent to the A. T., the Vigilance Department will suggest action to be taken with the orders of the Chief Secretary and if it is decided to initiate major penalty proceedings, the case will be entrusted to the C. D. I. for enquiry. On receipt of intimation from the Vigilance Department, the Administrative Department will frame charges in such cases and take further appropriate action. If charges are not admitted by the impugned officer, the C. D. I. should be appointed as the enquiring authority following the procedure prescribed in this Department circular referred to above.

C. NARAYANA SWAMY
Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION (D. P. T.) DEPARTMENT

No. 142-DPT.

OFFICE MEMORANDUM

To

All Departments of Government

Bhubaneswar, dated the 10th August 1987

Subject – Reference of departmental Inquiries to the Commissioner for Departmental Inquiries.

It has come to notice that disciplinary proceedings against Government employees are being referred to the Commissioner for Departmental Inquiries notwithstanding whether Government are the disciplinary authority or not. The intention of the Government is not to entrust the Commissioner for Departmental Inquiries with the disciplinary proceedings for all of employees. The jurisdiction of the Commissioner has been defined by this Department from time to time.

Instructions were issued in this Department letter No. 124 (35), dated 2-5-1984 to the effect that disciplinary proceedings in respect of employees serving in the Secretariat only should be referred to the Commissioner for Departmental Inquiries. Subsequently the jurisdiction of the Commissioner has been extended in General Administration Department Circular No. 21, dated 9-1-1985 in respect of Gazetted Officers in whose cases Government are the disciplinary authority. In view of the circulars referred to above disciplinary proceedings against employees in whose respect Government are not disciplinary authority are to be referred to the Commissioner for Departmental Inquiries.

It has also come to the notice of Government that certain composite cases where several employees are involved in one individual proceeding are being referred to the Commissioner for Departmental Inquiries even though all of them are not under the disciplinary authority of the Government. In one case, a proceeding against a Tahasildar and a Revenue Inspector has been referred to the C. D. I. Obviously within the meaning of this Department circulars mentioned above the case of the Revenue Inspector is not to be referred to the C. D. I. In such cases of composite proceeding which cannot be split, reference for inquiries should not be made to the Commissioner for Departmental Inquiries.

It is requested that this may be followed by all concerned.

M. P. MODI
Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION (D. P. T.) DEPARTMENT

No. 18 (30)-D. P. T.

To

All Departments of Government

Bhubaneswar, dated the 8th January 1988

Subject – Reference to departmental Inquiries in major penalty proceedings to the Commissioner for Departmental Inquiries.

The undersigned is directed to invite reference to this Department letter No. 124 (30), dated the 2nd May 1984 on the subject indicated above and to say that instructions have been given in the circular that the State Representative (S. R.) should be properly briefed and given necessary assistance by the Department in all matters relating to interpretation of departmental rules and procedures and other technical matters and the Secretaries of the Departments should specifically designate an Officer of their department to assist the State Representative (S.R.) who is conversant with the case for this purpose. In this connection it is pointed out that the officer who is so designated by the Department to assist the State Representative can be appointed as Additional Presenting Officer henceforth and can also appear along with the State Representative before the Commissioner for Departmental Inquiries or whenever the State Representative is not available. It is requested that the above instruction may be followed while referring the case to the Commissioner for Departmental Inquiries henceforward.

B. B. MISHRA

Joint Secretary to Government

No. 117-DPT.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 16th May 1988

Subject – Travelling Allowance and Diet Allowance admissible to non-official witnesses appearing in the proceeding before the Commissioner for Departmental Inquiries.

A Post of Commissioner for Departmental Inquiries has been created in G. A. Department Circular No. 124 (30)-At., dated the 2nd May 1984 for conducting inquiries in major penalty proceedings against officers and employees up to the rank of Deputy Secretary. In the process of conducting these proceedings the C. D. I. examines witnesses, both official and non-official. These witnesses will be required to be paid Travelling Allowance and Daily Allowance for appearing before the C. D. I. The Government have had under consideration the rates at which Travelling Allowance and Daily Allowance should be paid to the witnesses appearing before the C. D. I.

2. After Careful consideration of the matter, the Governor has been pleased to decide that the Travelling Allowance and Diet Allowance for the non-official witnesses appearing in the proceedings before the C. D. I. should be brought at par with those admissible to the non-official witnesses attending the Disciplinary Proceedings Tribunal, Orissa as detailed in the Schedule below :-

SCHEDULE

Class of witness	Maximum diet allowance per diet	By road or boat	By rail or steamer	For coming on foot where no conveyance is available	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
(a) Wage earning type.	Rs. 10	Actual conveyance charges of Bus, Rickshaw, Bullock-cart or boat.	Second Class fare with conveyance charges from station to attending place.	Not exceeding Rs. 1.50 for every 16 K.Ms. of distance traveled as the CDI may fix.	
(b) Skilled type.	Rs. 15	- do -	- do -	- do -	
(c) Superior Class.	Rs. 20	- do -	First Class fare with	- do -	

conveyance
charges from
station to
attending place.

3. These rates shall come into force with effect from the date of issue of this Resolution.

ORDER – Ordered that the Resolution be published in *Orissa Gazette* for general information.

Ordered also that copies of the Resolution be forwarded to the Commissioner, Departmental Inquiries / Accountant-General/All Departments of Government/All Heads of Departments/All District Magistrates / Secretary to Governor/Special Secretary, G. A. (Vigilance) Department/ All Branches of G. A. Department for information.

By order of the Governor

BINOY B. MISRA

Joint Secretary to Government

Copy of Letter No. 448 (30)-DPT., dated the 29th November 1991 from Government of Orissa, General Administration (DPT) Department, addressed to all Departments of Government.

Subject – Reference of departmental inquiries in major penalty proceedings to the Commissioner for Departmental Inquiries.

The undersigned is directed to invite a reference to this Department Letter No. 124 (3)-A.T., dated 2-5-1984 on the subject indicated above and to say it has been reported by the C. D. I. that although it was clearly mentioned that the Administrative Departments while referring Departmental Inquiries in major penalty proceedings to Commissioner for Departmental Inquiries should also furnish list of witnesses to be examined with their present address they hardly attend to the same and that only the charge-sheet and the explanations with annexures which are often voluminous in nature are received. It becomes difficult on the part of the C. D. I. to find out the list of witnesses to be examined with their present address, they hardly do to the same and that only the charge-sheet and the explanation with annexures which are often voluminous in nature are received. It becomes difficult on the part of the C. D. I. to find-out the list of document to be exhibited and list of witnesses to be examined from said records. Consequently enquiry into the proceedings is prolonged unnecessarily.

It is therefore, requested that Administrative Departments of Government while entrusting C. D. I. with enquiry in to Departmental proceedings, should furnish the documents as stated in the memo referred above failing which C. D. I. may not accept these cases. It is further requested that there are deficiencies as regards submission of documents in the cases which are now pending with the C. D. I., the Departmental will promptly make good the same after receipt of request from the Enquiring Authority henceforward.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 27556 – C. D. I. (Misc.) 1-1/97 G. A.

From

Shri H. S. CHAHAR, I.A.S.,
Special Secretary to Government

To

All Principal Secretaries to Government/
All Commissioner-cum-Secretaries to Government/
All Secretaries to Government.

Dated, the 17th October 1997

Subject – Appointment of State Representative (Vigilance) in place of State Representative (General) as Presenting Officer for the Disciplinary Proceedings initiated on the basis of vigilance report referred to the Commissioner for Departmental Inquiries, General Administration Department for inquiry.

Sir,

I am directed to say that after abolition of Departmental Proceedings Tribunal, the General Administration (Vigilance) Department have posted one Deputy Superintendent of Police (Vigilance) as State Representative in the office of the Commissioner for Departmental Inquiries to Present the case before the Departmental Proceedings in which Commissioner for Departmental Inquiries is appointed as Inquiring Officer. The State Representative attached to office of the Commissioner for Departmental Inquiries is invariably being appointed as Presenting Officer.

Now, it has been decided to appoint State Representative (Vigilance) in place of State Representative (General) in those cases which have been initiated on the basis of Vigilance report.

It is therefore, requested that all the Departments may appoint the State Representative (Vigilance) as Presenting Officer in those Departmental Proceedings which have been initiated on the basis of Vigilance report in order of smooth progress of the inquiry.

Yours faithfully,

H. S. CHAHAR

Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 40085 – C. D. I. (Misc.) 1/97-Gen.

From

Shri H. S. CHAHAR, I.A.S.,
Special Secretary to Government

To

All Principal Secretaries to Government/
All Commissioner-*cum*-Secretaries to Government/
All Secretaries to Government.

Dated, the 31st December 1997

Subject – Appointment of Additional Presenting Officer for the Disciplinary Proceedings referred to the Commissioner for Departmental Inquiries of General Administration Department for inquiry.

Ref : This Department letter No. 172-Gen., dated 5-4-1997 and No. 27556-CDI., dated 17-10-1997.

Sir,

I am directed to say that in some of the departmental proceedings which have been initiated on the basis of the Vigilance enquiry reports, the concerned Investigating Officers of the G. A. (Vigilance) Department are being appointed as the Additional Presenting Officers to assist the Presenting Officer in the inquiries conducted by the Commissioner for Departmental Inquiries of G. A. Department. Since in such cases the State Representative (Vigilance), who is an Officer of O. P. S. Cadre and belonging to G. A. (Vigilance) Department is appointed as Presenting Officer and the concerned Investigating Officer is cited as a witness to give his oral evidence, the latter's appointment as Additional Presenting Officer will not be in the interest of proper presentation of the case before the Inquiring Officer.

Now, it has been decided by the Government that in such cases a departmental officer of the appropriate rank who is conversant with the facts of the case as well as departmental policy, rules and instructions may be appointed as the Additional Presenting Officer.

Yours faithfully,

H. S. CHAHAR

Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 4375 – C. D. I.- (Misc.) 3-97-CDI.

From

Shri H. S. CHAHAR, I.A.S.,
Special Secretary to Government

To

All Principal Secretaries to Government/
All Commissioner-*cum*-Secretaries to Government/
All Secretaries to Government.

Dated, the 23rd February 1998

Subject – Abolition of Disciplinary Proceedings Tribunal and transfer of pending D. P. T. cases to the C.D.I. for inquiry.

Sir,

I am directed to invite a reference to the G. A. Department Office Memo No. 92 (150), dated the 21st February 1997 and No. 242 (150), dated the 23rd June 1997 on the subject cited above. It is decided by the Government that on the abolition of Disciplinary Proceeding Tribunal and transfer of pending D. P. T. cases to the C. D. I. for inquiry in cases where the charges have not been framed by the D. P. T. before the transfer of the case, the Disciplinary Authority should frame the specific charges against the Delinquent Officer in accordance with the Rule 15 (4) of the O. C. S. (C. C. & A.) Rules, 1962 and the procedure prescribed in the same Rules should be followed. But in cases where charges have been framed against the D.Os. by the Departmental Proceedings Tribunal before the D. P. T. cases were transferred to the C. D. I. no specific appointment in favour of the C. D. I. as Inquiring Officer need be made. The Disciplinary Authority should have to appoint a Presenting Officer and an Additional Presenting Officer in each case as per Government instruction issued from time to time. Since all the cases have been initiated on the basis of Vigilance Inquiry Reports, the State Representative (Vigilance) should be appointed as Presenting Officer and a suitable Officer of the Department may be appointed as the Additional Presenting Officer.

Yours faithfully,

H. S. CHAHAR

Special Secretary to Government

(D) VIGILANCE INQUIRIES

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
(VIGILANCE BRANCH)

No. 3224 (205) – VL.

To

All Secretaries to Government
All Heads of Departments
All District Offices

Cuttack, dated the 6th October 1967

Subject – Departmental procedure for reference to Vigilance Organisation.

In Home Department's Notification No. 19872-Ref., dated the 13th August 1962, Government specified the nature of offences that are to be investigated by the Vigilance Organisation. It has been brought to my notice that the Vigilance Organisation has been receiving a large number of references from Departments for enquiry although those are not within their scope as specified in the above notification. Matters calling for disciplinary proceedings by appropriate authority appear to have been referred to Vigilance Department for enquiry. Offences of the nature of Criminal misappropriation, breach of trust cheating and the like, which are to be normally referred to the local Police for investigation, are being referred to the Vigilance Organisation. In consequence of such references the workload of the Vigilance Organisation has considerably increased. I would like to impress upon you that it is the responsibility of the Secretaries and Heads of Departments to maintain the efficiency and integrity of the Government servants working under them and if they find in course of their inspections, tours, from Audit Reports and other sources that there has been any failure in the discharge of the duties properly on the part of any subordinate officer working under them, they should initiate disciplinary action immediately in accordance with the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 and if the lapses fall within the definition of any offence, these should promptly be referred to the local Police for investigation and due legal action. The tendency of shifting this responsibility to the Vigilance Organisation should cease forthwith.

If the Secretary/Head of the Department thinks that any case is of such a special nature as to be referred to the Vigilance Organisation, he should refer the matter to me or discuss with me indicating the reasons for such a course. If I consider that the reference deserves Investigation/Enquiry by Vigilance, I shall pass specific orders for such a course.

A. K. BARREN

Chief Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 24371 – IN-54/90-Gen.

From

Smt. C. Narayanaswamy, I.A.S.,
Special Secretary to Government

To

All Secretaries to Government/
All Heads of Departments
All Collectors.

Bhubaneswar, dated the 3rd September 1990

Subject – Strengthening Internal Vigilance in State Government Departments, Heads of Department Offices, Corporations and in District Offices (Collectorates).

Sir,

I am directed to refer to this Department Letter No. 5114-Gen., dated the 18th June 1984 according to which Internal Vigilance Officers were to be appointed in all Departments of Government and the offices of Heads of Department. It has now been decided that Internal Vigilance Officers should also be appointed in the Corporations (PSUS) and in the District Offices. The procedure for selection and appointment of Internal Vigilance Officers in the Secretariat and Offices of Heads of Department has been laid down in the letter under reference. The same procedure would be followed in the case of the Corporations (PSUS) and the District

Offices. Proposals for appointment of Internal Vigilance Officer in corporation (PSU) should be submitted to the Chairman of the Corporation (PSU), while proposals for appointment of Internal Vigilance Officer in the District Offices should be submitted to the R. D. Cs. concerned.

2. It has further been decided that in addition to the duties allotted to them in the letter under reference the Internal Vigilance Officers will deal with all Vigilance reports, complaints having a vigilance angle and enquiries arising out of vigilance cases. They will keep track of defaulters in submission of property returns and to take steps so that the property returns are given up-to-date.

3. In order to enable them to discharge these duties efficiently Internal Vigilance Cells should be set up in all Departments of Government, Heads of Department, Corporations (PSUS) and in the District Offices. These will be full fledged Sections which will be formed by redeployment of the existing staff within the Offices.

4. This Internal vigilance Cells will function directly under the Internal Vigilance Officers and all vigilance reports, departmental enquiries arising out of vigilance cases, matters pertaining to defaults in property returns and complaints having a vigilance angle will be dealt with the Internal Vigilance Cells.

5. The Internal Vigilance Officers will prepare and furnish quarterly reports to the Secretary to Government/H.O.D./Managing Director/Collector as the case may be regarding disposal of Vigilance cases in the *pro forma* enclosed to this letter, by the 15th of the month following the Quarter.

6. Suitable instructions may please be issued to the Heads of Departments and corporations (PSUS) accordingly.

7. Action taken on these instructions may be reported by the Departments to the G. A. Department/and by others to their Administrative Departments within a month.

Yours faithfully,

Smt. C. NARAYANASWAMY

Special Secretary to Government

ANNEXURE

QUARTERLY REPORT OF VIGILANCE CASES TO BE FURNISHED BY INTERNAL VIGILANCE OFFICERS TO THE G. A. DEPARTMENT

Name of the Department Report for the quarter ending

Category of Vigilance cases	Pending at the beginning of the quarter	Received during the quarter	Total	Disposal during the quarter	Balance
Investigation reports					
Disciplinary proceeding arising out of vigilance reports					

- (1) No. of prosecution sanctioned.
- (2) No. of disciplinary proceedings started.
- (3) No. of suspect officials on whom major penalty was imposed.
- (4) No. of suspect officials on whom minor penalty was imposed.
- (5) No. of complaints referred to State Vigilance Department for investigation.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
ORDER

Bhubaneswar, dated the 17th October 1990

Subject – Submission of files to Government in matters of Sanction of prosecution on Vigilance Reports/Enquiry Reports of the Disciplinary Proceedings Tribunal, representations on service matters involving Class-II and other higher categories of officers.

No. 28578-2M.-61/90 – The question of submission of files to Government for orders on matters of sanction of prosecution on the reports of Vigilance Organisation, enquiry reports of the Disciplinary Proceedings Tribunal and representations on service matters involving Class-II and other higher categories of officers was under consideration. After careful consideration it has been decided that the cases may be processed for Government orders in the manner indicated below –

- (i) If they pertain to Secretaries, Heads of Department and Officers of equivalent rank and members of All-India Services, they will be submitted to Chief Minister through the Chief Secretary.
- (ii) If they pertain to other categories of Senior Class-I Officers, they will be submitted to Chief Minister through Additional Chief Secretary.
- (iii) If they involve, Class-II and Junior Class-I Officers they will be submitted to Chief Minister direct by the Special Secretary.

M. V. A. SUBARAO
Deputy Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 19247 – 3M-47/93-Gen.

To

All Departments of Government
All Heads of Departments
All District Offices.

The 7th September 1993

Subject – Initiation of Departmental Disciplinary proceedings/Disciplinary action on Vigilance Report.

In the erstwhile P. & S. (Gen.) Department Letter No. 6634-Gen., dated the 27th May 1961 and Letter No. 2612-2R-I-8/63 (Gen.), dated the 20th February 1963 instructions were issued wherein it was emphasised that Government Departments/Heads of Departments should initiate action for drawal of disciplinary proceedings against delinquent officers on the report of the Vigilance Branch of the erstwhile P. & S. Department without unnecessary delay, treating the enquiry conducted by the Vigilance and its report as adequate basis for such departmental action, in terms of the provisions contained in the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

Several instances have come to the notice of Government where the above guidelines and orders of Government have not been followed properly by Departmental Authorities and initiation of departmental disciplinary action is being unnecessarily delayed, thereby defeating the purpose of such enquiry and at times, to the detriment of the delinquent officer (s). Instances are many where due to such delays the concerned delinquent officer is allowed to proceed on retirement without any action being initiated against him. It has also

been brought to the notice of Government that some Departments do not promptly acknowledge receipt of the Vigilance Enquiry Report and after issue of reminders, at times covering three to four years, intimate about non-receipt of such reports even though the same have been delivered through messenger and receipt obtained in Peon Book.

It is reiterated that it shall be the responsibility of the concerned Disciplinary Authorities to acknowledge promptly the receipt of Vigilance Enquiry Reports and initiate immediate action for drawal of departmental disciplinary proceedings within three months from the date of receipt of such reports at the latest. This task should be entrusted to the Internal Vigilance Organisation of the concerned Department/Office so that responsibility for non-compliance can be fixed.

R. N. DAS

Chief Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 22937

To

All Principal Secretaries to Government

All Secretaries to Government.

The 28th August 1997

Subject – Expeditious disposal of references made by the Vigilance Department for sanction of prosecution and taking Departmental action.

Sir,

During a recent review of the activities of the Vigilance Department, it is revealed that proposals for sanction of prosecution are not cleared promptly by the Departments and the Heads of Departments, Public Sector Undertakings and Subordinate Offices under their control. In some cases proposals are kept pending for several months resulting in delay in filing of charge sheet by the Vigilance Department. As you know the longer the delay, the less is the chance of success of the case in the Court of Law.

2. The experience in respect of proposals sent by the vigilance for taking Departmental action is still worse. These are not only delayed but also end up in many cases in exoneration of the delinquents as a consequence of improper enquiry. In most of the cases the Vigilance Department is also not kept informed of the outcome of such references.

3. In order to tide over such situation it is imperative that the Departments/Heads of Department/Public Sector Undertakings/Subordinate Offices should ensure that all proposals for sanction of prosecution should be cleared by them within 2 months. During this period any clarification required from the Vigilance should be obtained and there should in no case be a plea to delay the matter. Similarly the proposals or Departmental actions should be cleared within 6 months positively and the disciplinary authorities should take care to see that the enquiries are properly held before passing their final orders. The IVOs./CVOs. in the Departments/Heads of Departments/Public Sector Undertakings should be made responsible to monitor all these references on day to day basis.

4. The above instructions should be brought to the notice of the Heads Departments/Public Sector Undertakings and Sub ordinate Offices under your control. This should also be periodically reviewed by you to ensure that Vigilance cases/enquiries reach their logical end expeditiously.

5. Progress of sanction of prosecution and Departmental action arising out of Vigilance cases/enquiries would be reviewed once every 3 months in the fortnightly meeting of Secretaries and Special Secretaries to which Director, Vigilance would be invited to participate with a Department-wise pending list.

Yours faithfully,

Government of Orissa
General Administration Department

Memo No. 21884 / Gen., Date 06.08.2003
SC/6-18/2003

To

All Secretaries to Government
All Heads of Departments
All Collectors.

Sub: Defence of retired Government servants impleaded in contempt of court proceedings –
Instructions regarding.

Elaborate procedures have been laid in G.A.Department letter No. 14537/Gen., dated 26.05.1992 to regulate the defence of Government servants in legal proceedings. Paragraph 10 and 11 of the above cited letter prescribe detailed instruction to deal with the defence of Government servants against whom the contempt of court charges have been served. A set of revised procedure have also been inserted under Para – 11 of the letter vide G.A. Department Circular Letter No. 42863, dated 06.12.2000.

Instances have now come to the notice of Government that sometimes notice for contempt of court proceedings have also been served on Government servants even after their retirement from Government service basing upon their official work discharged during their service. Since the safeguards provided in para-11 of the above cited circular do not cover the retired Government servants, they are left to shoulder such responsibilities alone.

In order to provide reasonable assistance to the retired Government servants facing contempt of court proceedings, the State Government, after careful consideration, have decided that the retired Government servants served with contempt notice for anything done in their official capacity during their service tenure should also be entitled to the safeguards enshrined in the G.A. Department circular letter dated 6.12.2000 subject to the following conditions:

- (a) The retired Government servant shall engage a lawyer of his choice.
- (b) The legal expenses shall only be reimbursed in the event of his success or being exonerated in the contempt proceedings
- (c) The fee of the lawyer shall not exceed the fees admissible to the Government Advocate/Standing Counsels.
- (d) The concerned Administrative Departments/Heads of Departments/Office shall bear the legal expenses.
- (e) The Law Department, the Administrative Department, Heads of Department and Head of office as the case may be shall take up such matters seriously and extend all possible co-operation and assistance to the retired Government servants impleaded in Contempt proceedings.

The above instructions may be communicated to all the subordinate offices for their information and guidance. This is being issued in consultation with the Law Department vide their UOR No.402/L., dated 11.3.2003.

to Government

Special Secretary

[Top](#)

DISTRICT CADRES

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
PART I - RULES			
1.	Notification No. 22591 (Gen.)	16-10-1985	Orissa Ministerial Services (Method of Recruitment to the posts of Junior Clerk in the District Offices) Rules, 1985.
2.	Notification No. 14838 (Gen.)	20-08-1986	Orissa Ministerial Services (Regularisation of Recruitment and Condition of Service of Irregular Recruits in the District Offices and Offices Subordinate thereto) Rules, 1986.
3.	Notification No. 25788 (Gen.)	16-09-1988	Orissa District and Subordinate Offices Stenographers Service (Recruitment and Conditions of Service of Stenographers) Rules, 1988.
PART II – INSTRUCTIONS			
1.	Letter No. 12411 (Gen.)	01-05-1979	Regularisation of Service of irregular recruits to posts of L. D. Clerks in the District and Subordinate Offices under the Administrative Control of Department other than Revenue Department after 15-4-1963.
2.	Circular No. 151174 (Gen.)	26-06-1980	Appointment of L. D. Clerks in the District and Subordinate Offices other than those under the Revenue Department from among the candidates successful in the recruitment tests conducted by R. D. Cs.
3.	Letter No. 10038 (Gen.)	10-05-1983	Regularisation of Service of irregular recruits to posts of L. D. Clerks in the District and Subordinate Offices under the Administrative Control of Departments other than Revenue Department after 15-4-1963.
4.	Resolution No. 5248 (Gen.)	27-02-1985	Procedure to be followed for recruitment to Non-Gazetted Posts/Services.
5.	Circular No. 8052 (Gen.)	18-04-1987	Irregular recruitments against the posts of Junior Clerks in the District and Sub-divisional Offices.
6.	Resolution No. 21671 (Gen.)	17-09-1987	Procedure for recruitment of Non-Gazetted Posts/Services at the Divisional / Range and District Levels.
7.	Circular No. 13363 (Gen.)	30-04-1988	Recruitment of Jr. Clerks in the District Offices under O. M. S. Rules, 1985.

8.	Circular No. 15947 (Gen.)	25-05-1988	Recruitment of Jr. Clerks.
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(1)	(2)	(3)	(4)
9.	Circular No. 28695 (Gen.)	01-10-1988	Clarification regarding holding of type test under O. M. S. Rules, 1985.
10.	Resolution No. 31148 (Gen.)	01-11-1988	Provision of a Personal Assistant (Specially declared Gazette) to Collectors.
11.	Resolution No. 32538 (Gen.)	16-11-1988	Procedure for Direct recruitment to non-gazetted posts/services and specially declared gazetted posts.
12.	Circular No. 11752 (Gen.)	19-04-1989	Recruitment to Class-IV posts in District range, circle and divisional offices.
13.	D.O. Letter No. 15485 (C. S.) (Oriya)	20-05-1989	Irregular appointment of Jr. Clerks in the District and Sub-divisional offices.
14.	Circular No. 29815 (Gen.) (Oriya)	22-09-1989	Recruitment of Class-IV employees in the District Offices.
15.	Circular No. 9197 (Gen.)	30-03-1991	Regularisation of irregular recruitment against the post of Jr. Clerks in the District and Subordinate offices.
16.	Resolution No. 18380 (Gen.)	26-08-1993	Inter-district transfer of Class-III and Class-IV employees (other than Junior Clerks).
17.	Circular No. 14400 (Gen.)	01-07-1995	Sanction of remuneration to the Examiners, etc. engaged in connection with the recruitment examination of Jr. Clerks under O. M. S. Rules, 1985.
18.	Circular No. 21890 (Gen.)	29-09-1995	Irregular recruitment against the posts of Jr. Clerk in the District and Subordinate offices.
19.	Office Memorandum No. 31775 (Gen.)	13-12-1996	Guidelines for redeployment of Surplus Staff of mother district to the newly created districts on reorganisation of the districts.
20.	Office Memorandum No. 37338 (Gen.)	22-12-1997	Guidelines for redeployment of Surplus Staff of mother district to the newly created districts on reorganisation of the districts.
21.	Resolution No. 23326 (Gen.) (Oriya).	28-08-1998	Recruitment procedure for Group ‘(C)’ posts in the district Cadres.
22.	Circular No. 11945 (Gen.)	22-04-1999	Rationalisation of the staffing pattern in the District Level offices and Subordinate offices thereunder.

PART I – RULES
GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION

The 16th October 1985

Published in *Orissa Gazette* on the 6th March 1986

No. 22591-Gen.-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules to regulate the method of recruitment to the posts of Junior Clerks in the District Offices and offices Subordinate thereto, namely :-

Short Title and Commencement.

1. (1) These rules may be called the Orissa Ministerial Services (Method of Recruitment to the Posts of Junior Clerk in the District Offices) Rules, 1985.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

Definitions

2. In these rules, unless the context otherwise requires -

- (a) “Appendix” means the Appendix appended to these rules;
- (b) “Board” means the Board of Examiners constituted under rule 4;
- (c) “District Office” means an office subordinate to and under the administrative control of a Head of Department mentioned in Appendix 3 of the Orissa Service Code and includes the Office of a Heads of Department as aforesaid to which the Orissa Ministerial Services Method of Recruitment to Posts of Junior Assistant in the Office of Heads of Departments Rules, 1975 do not apply and the Ministerial Service cadre which consists of Junior Clerks and Senior Clerks;
- (d) “Government” means the Government of Orissa;
- (e) “Post” means the post of Junior Clerk in the district offices;
- (f) “Scheduled Castes” and “Scheduled Tribes” shall mean such castes and tribes as are notified by the President of India under Article 341 and 342 respectively of the Constitution of India;
- (g) “Year” means the calendar year.

Recruitment

¹[3. Recruitment to the posts shall be made by the following method -

- (i) Direct recruitment by means of a competitive examination to be held ordinarily once in a year.
- (ii) Promotion from among Group D employees.]

Competitive Examination.

4. (1) The competitive examination for recruitment to the posts of Junior Clerk in the District Offices of each district shall be conducted by the Board of Examiners consisting of the Collector of the District as the Chairman and two other Heads of District Offices nominated by the Chairman as members.

(2) The Collector of each Revenue District will conduct the competitive examination for all District Offices having their headquarters within his district.

Intimation of the number of vacancies.

5. Every year in the month of April, the Heads of all District Offices shall intimate to the Chairman of the Board in the form given below the number of vacancies of Junior Clerks already existing at the time and those likely to occur during the subsequent months of the year.

- (i) Number of vacancies already existing
- (ii) Number of expected vacancies, likely to occur during the year
- (iii) Total
- (iv) Number of permanent vacancies
- (v) Number of temporary vacancies likely to continue on a permanent basis
- (vi) Number of purely temporary vacancies

(vii) Number of vacancies reserved for Scheduled Tribes and Scheduled Castes

1. Substituted vide G. A. Department Notification No. 10973-Gen., dated 30th March 2001.

Notification of vacancies.

6. ¹[On receipt of requisite information, the Chairman of the Board shall issue the information for advertisement in the local newspapers inviting applications for the competitive examination indicating therein the number of reserved vacancies.]

Eligibility of candidates.

7. (1) A candidate in order to be eligible for appearing in the competitive examination shall-

- (a) be a citizen of India;
- (b) have registered his/her name in any Employment Exchange in the District on or before the date of submission of application for the competitive examination;
- (c) have passed the Matriculation or equivalent Examination;
- (d) not be less than eighteen years and not more than ²[thirty-two] years of age on the 1st day of April of the year in which recruitment is made;
- (e) be a good character;
- (f) be of sound health, good physique, active habits;
- (g) be able to speak, read and write Oriya and has-
 - (i) passed the M. E. Examination with Oriya as language subject ; or
 - (ii) passed the Matriculation or equivalent examination with Oriya as the medium of Examination in non-language subjects; or
 - (iii) passed in Oriya as language subject in the final examination of Class VII or above, or
 - (iv) passed a test in Oriya in M. E. School standard conducted by the Education Department.

(2) No person who has more than one spouse living shall be eligible for appearing in the competitive examination :

Provided that the Collector may, if satisfied that there are special reasons for doing so exempt any person from the operation of this sub-rule.

³[(3) (a) No application except in case of candidates belonging to Scheduled Castes / Scheduled Tribes shall be considered unless it is accompanied by a Treasury Chalan showing payment into a Government Treasury an amount as may be determined by Government from time to time by order notified in the official Gazette as fees for application and examination under the Head "0075-Miscellaneous General Services – 800 – Other Receipts (A) – Other Examination Fees".

- (b) No claim for refund of fee referred to in clause (a) shall be entertained in any case.]

⁴[(4) Notwithstanding anything contained in this rule, a Group D employee who is not more than forty years of age on the 1st day of April of the year in which recruitment is made and possesses the requisite educational qualifications prescribed in clauses (c) and (g) of sub-rule (1) shall be eligible to appear in the competitive examination for recruitment to the Posts of Junior Clerk in the District Offices.]

1. Substituted vide G. A. Department Notification No. 2514-Gen., dated the 13th February 1987 – Published in *Orissa Gazette* and given effect to from the 13th February 1987.

2. Substituted vide G. A. Department Notification No. 8711-Gen., dated the 26th March 1991 – Published in *Orissa Gazette* and given effect to from the 30th March 1991.
3. Inserted vide G. A. Department Notification No. 19206-Gen., dated 30th June 1988 – Published in *Orissa Gazette* and given effect to from the 7th July 1988.
4. Inserted vide G. A. Department Notification No. 6012-Gen., dated 15th March 1997 – Published in *Orissa Gazette* and given effect to from the 4th April 1997.

8. ¹[Before finalisation of the list of successful candidates, the Chairman of the Board shall get verified that the names of such candidates were registered with an Employment Exchange in the District on or before the date of the application for the competitive examination.]

Holding of Examination.

9. ²[(1) On receipt of the application, the Chairman of the Board shall arrange to hold the competitive examination at his District Headquarters and/or at any other place or places according to necessity and convenience.]

(2) The date, time and place of the examination shall be intimated to the candidate by the Board.

Standard of syllabus of examination.

10. The competitive examination shall consist of a written test for three hours duration, which shall consist of objective type questions to test the candidate's, intelligence, alertness, general knowledge and clear thinking. There shall be no viva voce. The standard of examination shall be equivalent to that of Matriculation and the question paper shall be modeled on the lines indicated in the Appendix to these rules. There shall also a test in typewriting.

Allotment of successful Candidates and size of the select list.

11. (1) The chairman of the Board shall ensure completion of evaluation of answer papers and preparation of the list of successful candidates who have qualified by such standard as will be decided by him ordinarily within two months from the date of examination. The candidates names shall be arranged in order of merit on the basis of marks secured by them in the examination conducted by Board. This list of successful candidates drawn in order of merit ³[shall be equal to] the number of vacancies as determined under rule 6.

(2) The Chairman shall allot candidates in the order in which their names appear in the list prepared under sub-rule (1) to the District Offices according to the requirement intimated by them. Formal orders of appointment shall be issued to such allotted candidates by the appointing authorities concerned.

(3) Once appointed as a ministerial officer in a District Office, a candidate shall not be transferred outside the jurisdiction of his appointing authority, except for administrative reasons or in public interest.

(4) Notwithstanding anything to the contrary in sub-rule (3), where a Junior Clerk by a representation addressed to the Head of the Department concerned, seeks on his/her own account, transfer from one district to another, the Head of the Department may allow such transfer subject to the following conditions, namely :-

- (a) the Junior Clerk seeking such transfer must have rendered not less than three years of service in the district in which he/she is serving;
- (b) vacancy is available in the district to which the transfer is sought;
- (c) the Junior Clerk shall, upon such transfer, forfeit his/her seniority for his/her post/service and shall, in the gradation list of Junior Clerks in relation to the year in which he/she is transferred rank below the junior most Junior Clerks of the district to which he/she is so transferred :

Provided that where two or more Junior Clerks join a district office in a particular year on transfer under the sub-rule, the *inter se* seniority of such Junior Clerks shall be determined taking into account the period of service rendered by them prior to such transfer;

- (d) the last pay drawn by the Junior Clerk shall be protected and his/her normal date of annual increment shall remain unchanged without prejudice to the operation of any other rules applicable to his/her; and
- (e) Subject to above, the past service of the Junior Clerk shall count for calculation of leave and pension and other benefits.

Note – A mutual transfer shall also be subject to the provisions of this sub-rule.

1. Substituted vide G. A. Department Notification No. 2514-Gen., dated the 13th February 1987 – Published in *Orissa Gazette* and given effect to from the 13th February 1987.
2. Substituted vide G. A. Department Notification No. 10165-Gen., dated the 31st March 1988 – Published in *Orissa Gazette* and given effect to from the 31st March 1988.
3. Substituted vide G. A. Department Notification No. 9518-Gen., dated the 5th April 1991 – Published in *Orissa Gazette* and given effect to from the 24th April 1991.

Promotion from among Group-D employees.

¹[11A. (1) 10% of vacancies in the posts of Junior Clerk in the District Offices shall be filled up by way of promotion from among the Group-D employees of the District Offices of the concerned district on the basis of recommendation of the Departmental Promotion Committee constituted under rule 11-C :

Provided that in case required number of Group-D employees are not available for promotion to the post of Junior Clerk in a particular year, these vacancies shall be filled up by candidates recruited under rule 3 (i).

(2) No Group-D employees shall be promoted to the post of Junior Clerk unless he has given willingness to that effect in writing and has put in minimum of 10 years of continuous service and has passed the Matriculation or equivalent examination,

11B. The Heads of all district offices while intimating the number of vacancies in the posts of Junior Clerk of their offices under rule 5, shall also furnish the list of eligible Group-D employees along with their service particulars.

11C. Constitution of Departmental Promotion Committee :-

There shall be a Departmental Promotion committee to consider the eligible Group-D employees for promotion to the posts of Junior Clerk consisting of the following officials :-

- | | | |
|-------|---|-----------|
| (i) | Collector of the district | Chairman |
| (ii) | Two other Heads of district offices | Member |
| (iii) | Establishment Officer of the Collectorate | Secretary |

11D. (1) The Departmental Promotion Committee while preparing the list of suitable Group-D employees for promotion to the post of Junior Clerk shall follow the provisions of the Orissa Civil Services (Zone of consideration for promotion) Rules, 1988, and the Orissa Civil Services (Criteria for Promotion) Rules, 1992.

(2) The Departmental Promotion committee shall take into consideration the service records of the employees. If nothing adverse is found in the service records; the employee concerned shall be treated to have a clean career of service.

(3) A viva voce test shall be conducted by the Departmental Promotion Committee.]

Validity of the Select List.

12. ²[The select list prepared under Sub-rule (1) of rule 11 in case of direct recruitment and by the Departmental Promotion committee in case of promotion under rule 11D-(1) to the post of Junior Clerk shall remain valid for a period of one year from the date of publication of the same or till drawal of the next year's list, whichever is earlier.]

Probation

13. (1) All appointments against permanent vacancies shall be made on probation for a period of two years only with effect from the date of appointment.

(2) The appointing authority may terminate the services of a probationer or extend his probation for such further period as he may consider necessary if during the period of probation the candidate's work or conduct is found to be unsatisfactory or there are reasons to believe that the candidate will not become efficient.

Relaxation

14. Where the Government are of opinion that it is necessary or expedient to do so, they may by order and 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 public interest.

Seniority

15. (1) The relative seniority of each candidate appointed under rule 11(2) in a District Office shall be determined with reference to his position in the competitive examination held in a particular year.

(2) ³[persons appointed under the scheme of rehabilitation assistance or otherwise in relaxation of the provision of these rules under rule 14 shall take rank below those appointed under rule 11 in a particular year.]

1 & 2. added vide G. A. Department Notification No. 10973/Gen., dated the 30th March 2001.

3. Substituted vide G. A. Department Notification No. 9518/Gen., dated the 5th April 1991.

¹[(3) persons appointed to the posts of Junior Clerk by way of promotion under rule 11-A shall take rank below those appointed under rule 11 and above those appointed under the Scheme of rehabilitation assistance or otherwise in relaxation of the provision of these rules under rule 14 in a particular year.]

Special provisions for reservation.

16. Nothing in these rules shall affect reservation and other concessions required to be provided for the Scheduled Caste or Scheduled Tribe candidates in accordance with the provisions of the Orissa Reservation of vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder and for physically handicapped persons in accordance with General Administration Department Resolution No. 15338/Gen., dated 4th May 1981.

Rules not applicable to staff of certain offices.

17. These rules shall not apply to the staff of the High Court and the District Subordinate Courts to whom the Orissa District and Subordinate Courts Ministerial Services (Method of Recruitment and conditions of Service) Rules, 1969 apply and also to the offices of the ²[Commissioner of Endowments and District Police Offices.]

Repeal and savings.

18. the Orissa Ministerial Service (Method of Recruitment to the posts of Junior Clerk in the District Offices) Rules, 1982 are hereby repealed :

Provided that save as otherwise provided in these rules, any order made or action taken under the rules repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

Interpretation.

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

-
1. Added vide G. A. Department Notification No. 10973/Gen., dated the 30th March 2001.
 2. Substituted vide G. A. Department Notification No. 9131/Gen., dated the 30th March 1991 – Published in the *Orissa Gazette* and given effect to from the 6th February 1990.

APPENDIX

(See Rule 10)

1. Objective Language Test (English and Oriya) – 40 marks in test

(a) Question Test English –

- (i) Correct use of tense,
- (ii) Correct use of preposition,
- (iii) Correct use of articles,
- (iv) Correct use of verbs and its agreement

(These questions shall consist of a series of sentences with blanks and a group of verbs, prepositions, etc., against each sentence and the candidate shall be required to tick off the correct verb, preposition, article or tense as the case may require.)

(b) Question to test Oriya –

- (i) Oriya Grammar (Objective type)

30 marks

- | | | |
|-------|---|----------|
| (ii) | Translation (One English passage to be translated into Oriya) | 10 marks |
| (iii) | A letter to be written in Oriya | 20 marks |

2. Objective General knowledge –

In this category, there should be a series of matching questions of different categories like –

- (a) Matching Historical events with dates, personalities and places,
- (b) Geographical facts with places,
- (c) States, countries and institutions with headquarters,
- (d) Books and authors,
- (e) Scientific facts and discoveries with dates, persons and uses,
- (f) Current events with places and personalities, and,
- (g) Matching questions of miscellaneous type,

3. Objective Mathematics –

Under this, there will be a series of question in practical Mathematics required for day-to-day use. The questions would be such as to test candidate's ability to work out fractions, decimals, percentage and averages with quickness and accuracy,

4. Test in typewriting

There shall be a test in typewriting to know that the candidates have fair knowledge in typewriting.

Note – For each group excepting Group 4, 100 marks should be allotted and Group 4 will be allotted with 30 marks making an aggregate of 330 marks.

By order of the Governor

C. NARAYANASWAMY

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 20th August 1986

No. 14838-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India the Governor of Orissa is pleased to make the following rules to regularise the appointments of certain irregular recruits in the District Offices and Offices subordinate thereto, namely :-

Short title and Commencement.

1. (1) These rules may be called the Orissa Ministerial Services (Regularisation of Recruitment and Conditions of Service of Irregular Recruits in the District Offices and Offices subordinate thereto.) Rules, 1986.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*

Definitions

2. (1) In these rules, unless the context otherwise requires :-

- (a) “Irregular recruit” means a person appointed in the regular vacancy to the post of Lower Division Clerk or Junior Clerk as the case may be, in any district office or an office subordinate thereto on or before the 8th October 1982 in contravention of the provision of the Orissa Ministerial Service (Method of Recruitment and Conditions of Service of Clerks and Assistants in the District Office and Offices of the Heads of Department

Rules, 1963 or any other rules regulating the recruitment to such posts prior to the 8th October 1982.

- (b) "Posts" means the posts of Lower Division Clerks now designated as Junior Clerks in the District Offices and Offices of subordinate thereto. -
- (c) "Regular vacancy" means a vacancy which is not a casual or leave vacancy
- (d) "Year" means the calendar year

(2) Words and expressions used in the rules and not defined shall have the same meaning respectively assigned to them in the rules referred to in clause (a) of sub-rule (1).

Validation and regularisation of irregular recruits.

3. Notwithstanding anything contained in any rules regulating recruitment to the posts, the irregular recruits, appointed in the regular vacancies on or before the 8th October 1982 shall be deemed to have been validly and regularly recruited and appointed as Lower Division Clerks or Junior Clerks as the case may be, if they have passed matriculation or an equivalent examination prior to their appointments as such.

Seniority

4. (1) The seniority of all the irregular recruits shall be fixed below the Junior Clerks regularly recruited for before 8th October 1982 under the appropriate rules regulating the recruitment to the posts.

(2) (i) The *inter se* seniority of the irregular recruits shall be determined according to their date of joining.

- (ii) If the date of joining is the same in respect of two or more irregular recruits, their *inter se* seniority shall be determined in accordance with the position given to them in the order of selection.

Interpretation.

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

By order of the Governor

M. P. MODI

Special Secretary to Government

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 7th September 1988

(Published in *Orissa Gazette* on the 16th September 1988)

No.25788-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules for regulation of recruitment and conditions of service of persons appointed to the posts in the Orissa District and Subordinate Offices Stenographic Service, namely :-

PART I

Preliminary

Short title & commencement.

1. (1) These Rules may be called the Orissa District and Subordinate Offices Stenographers' Service (Recruitment and Conditions of Service of Stenographers) Rules, 1988.

- (2) They shall come into force on the date of their publication in the Orissa Gazette

Definitions

2. In these rules, unless the context otherwise requires -

- (a) "Appendix" means the Appendix to these rules;
- (b) "Board of Examiners" means the Board of Examiners constituted under rule 4;

- (c) "Collector" means the collector of the district;
- (d) "District Office" means an office subordinate to and under the administrative control of a Head of Department;
- (e) "Government" means the Government of Orissa;
- (f) "Head of Department" means a Head of the Department listed in Appendix 3 of the Orissa Service Code;
- (g) "Scheduled Castes" and "Scheduled Tribes" means such castes and tribes as are notified by the President of India under Articles 341 and 342, respectively of the Constitution of India;
- (h) "Service" means the Orissa District and Subordinate Offices Stenographic Service;
- (i) "Year" means the Calendar year.

PART II

Constitution and Composition of Cadre

Constitution and Composition of Cadre.

3. (1) Except as provided in these Rules, there shall be a common cadre for Stenographers of a District Office including offices subordinate thereto.

¹[(2) Each cadre of the Service shall consist of the posts of Junior Stenographers, Senior Stenographers and Personal Assistants.]

PART III

Recruitment of Junior Stenographers

Constitution of the Board of Examiners.

4. (1) There shall be constituted in each district for the purpose of selection of candidates for recruitment to the posts of Junior Stenographers, a Board of Examiners consisting of the following members, namely :-

- | | |
|---|----------|
| (i) Collector | Chairman |
| (ii) Two other heads of District offices of the District nominated by the Collector | Members |

(2) The Establishment Officer of the Collectorate shall be the Secretary of the Board of Examiners.

1. Substituted vide G. A. Department Notification No. 7096, dated the 6th April 1994, Published in *Orissa Gazette* and given effect to from the 22nd April 1994.

Direct Recruitment through competitive examination.

5. (1) The posts of Junior Stenographers shall be filled up by direct recruitment through competitive examination which shall ordinarily be held annually by the Board of Examiners.

(2) The time, date and place of the examination shall be as determined by the Board of Examiners which shall also select persons who would set questions, conduct the tests and evaluate answers.

Intimation of number of vacancies.

6. (1) In the month of January each year the Head of every District Office whose headquarters is within the District shall intimate the Employment Exchanges concerned and the Chairman of the Board of Examiners of that district the number of vacancies including those expected to occur during the subsequent months of the year of intimation.

(2) On receipt of the intimation referred to in sub-rule (1) the Chairman of the Board shall issue an advertisement in two vernacular newspapers circulating in the State, inviting applications for the competitive examination indicating therein the number of reserved vacancies.

(3) On receipt of the applications, the Chairman of the Board shall arrange to hold the competitive examination as provided in Rules 5 (2).

Conditions of eligibility.

7. In order to be eligible for appearing in the examination for recruitment to the posts of Junior Stenographers, candidate must :-

- (a) be a citizen of India;
- (b)

have registered his/her name in any employment exchange in the district on or before the date of submission of application for the competitive examination;

- (c) not be less than eighteen years and more than twenty-eight years of age on the first day of January of the year in which vacancies are notified to the Employment Exchanges:

Provided that the maximum age-limit shall be relaxed by five years in case of candidates belonging to the Scheduled Castes and Scheduled Tribes and ten years in case of Physically handicapped persons and to such extent in case of candidates of such other categories as the Government may, be general or special order, specify from time to time;

- (d) have passed the High School Certificate Examination conducted by the Board of Secondary Education, Orissa or an equivalent examination;
- (e) not be having more than one spouse living or, in the case of a lady candidate, have not married a persons who has a wife living :

Provided that Government may if satisfied that there are special reasons for doing so, exempt a candidate from the operation of this rule ;

- (f) have passed the Middle English School Examination with Oriya as a language subject;

Or

have passed the High School Certificate Examination o 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 VII or above;

Or

have passed a test in Oriya of Middle English School standard conducted by the Education Department; and

- (g) possess a minimum speed of forty words per minute in typewriting and eighty words per minute in shorthand in English.

Recruitment test.

8. (1) The recruitment examination for the posts of Junior Stenographer shall comprise the following tests, namely :-

- (a) Typewriting tests in English and Oriya;
- (b) Shorthand tests in English and Oriya, and
- (c) Written tests in English and Oriya.

(2) The standard and syllabus for the tests specified under sub-rule (1) shall be setforth in the Appendix.

(3) Before finalisation of the list of successful candidates, the Chairman of the Board shall get verified that the names of such candidates were registered with an employment exchange in the district on or before the last date of the application fixed fro the competitive examination.

(4) The results of the examination should be placed before the Board for consideration and approval.

(5) A select list of successful candidates containing ordinarily not more than double the number of vacancies intimated under sub-rule (1) of rule 6 shall be drawn up in order of merit and shall be published in such manner as the Government may, from time to time, direct.

Period of validity of the select list.

9. The select list published under sub-rule (4) of rule 8 shall remain valid for a period of one year from the date of its publication or till the publication of the results of the next recruitment examination whichever is earlier.

Inclusion in the Select list confers no right to appointment

10. Inclusion of names of candidates in the select list confers no right to appointment which shall depend, among other circumstances, on the actual availability.

Allotment of candidates for appointment.

11. The Chairman of the Board of Examiners shall allot the successful candidates to the District Offices according to their requirement. Appointment orders shall be issued by the concerned appointing authorities.

Production of original certificates by candidates.

12. On receipt of appointment orders, candidates shall produce -

- (a) their High School or equivalent examination certificate.
- (b) a certificate of good character, caste and other certificates, in original as may be necessary for verification of their educational qualifications and the date of birth, etc. by the respective appointing authorities at the time of their joining.

Consequence of failure to join assignment.

13. Failure on the part of a candidate to join the assignment by the date specified in the appointment order, shall, in the absence of any extension of the said date by the appointing authority, amount to forfeiture of his claim for such appointment.

PART IV

Appointment of Senior Stenographers

Promotion to the posts of Senior Stenographers and Personal Assistants.

¹[14. (1) The posts of Senior Stenographers in a cadre shall be filled up by promotion of Junior Stenographers in the cadre who have completed three years of continuous service as Junior Stenographer.

(2) The post of Personal Assistant in a cadre shall be filled up by promotion of Senior Stenographers in the cadre who have completed nine years of continuous service as Senior Stenographer.

Note – For the purpose of sub-rules (1) and (2) “cadre” shall be deemed to include all posts in all offices in a District under a Head of the Department.

(3) The Departmental Promotion Committee for the purpose of sub-rules (1) and (2) shall be constituted as follows :-

- | | | |
|-----|--|-----------|
| (a) | The Senior most Head of the Office | Chairman |
| (b) | Once or two other officers of the Establishment to be nominated by the Chairman. | Member |
| (c) | Officer-in-Charge of the Establishment | Secretary |

(4) The Departmental promotion Committee shall follow the provisions contained in the Orissa Civil Service (Criteria for Promotion) Rules, 1992, the Orissa Civil Service (Zone of Consideration for Promotion) Rules, 1998 for selection of candidates.

(5) The select list approved by the Departmental Promotion Committee constituted under sub-rule (3) shall remain valid for a period of one year from the date of its approval.]

1. Substituted vide G. A. – Department Notification No. 7096, dated, 6-4-1994.

PART V

General

Reservation

15. Notwithstanding anything contained in these rules for the direct recruitment and promotion under these rules, vacancies shall be reserved for and filled up by -

- (i) Candidates belonging to Scheduled Castes and Scheduled Tribes in accordance with the provisions contained in the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules framed thereunder;
- (ii) Candidates who are physically handicapped, at the rate of three per cent as provided in the Resolution of the Government in the General Administration Department No. 15338-Gen., dated the 4th May 1981;
- (iii) Ex-servicemen, at the rate of three per cent as provided in the Orissa Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
- (iv)

By sportsmen, at the rate of one per cent, as provided in the Resolution of the Government in the General Administration Department No. 24808-Gen., dated the 18th November 1985; and

- (v) Candidates of such other categories and at such rate or rates as the Government may from time to time direct :

Provided that the vacancies reserved under this clause in addition to those reserved under clauses (i), (ii), (iii) and (iv) shall, in no case, exceed fifty per cent of the total number of vacancies:

Provided further that in the absence of candidates eligible to fill the reserved vacancies referred to in clause (iii) or clause (iv), the vacancies will be deemed to have been dereserved and available for other candidates.

Probation

16. Every person appointed to a post in the service shall be on probation normally for a period of two years from the date of his appointment. If during or at the end of the said period he is found unfit to continue further -

- (a) his services shall be terminated if he is a direct recruit;
(b) he shall be reverted to his former post if he is a promotee:

Provided that in the absence of an order to the effect that the probation has been satisfactorily completed, the period of probation shall be deemed to have been extended till the date of order when issued or the date specified in such order which shall in no case, be more than a year from the date of expiry of the normal period of probation.

Training and departmental examinations/ tests.

17. Members of the service shall be required to undergo such training or to pass such tests or departmental examinations as may be prescribed by Government from time to time.

Appointment under Rehabilitation Assistance Scheme.

18. Nothing in these rules shall apply to initial appointment of Junior Stenographers under the Rehabilitation Assistance Scheme envisaged in the Resolution of Government in the General Administration Department :

Provided that all cases where vacancies are filled up under the said Scheme, shall be intimated to the Chairman of the Board of Examiners at the time of sending the annual information of vacancies under sub-rule (1) of rule 6 with an explanatory note to the effect.

Filling up vacancies after the list of successful candidates is exhausted.

19. In case a vacancy occurs in the cadre of Junior Stenographers after the list of successful candidates for the year has been exhausted and before the publication, announcement of select list of the next examination, such vacancy may be filled up by a successful candidate of the previous year, who is within the maximum age-limit prescribed under these rules and failing that by any candidate who satisfied the conditions laid down in rule 7. In the later event, the appointment shall be purely temporary and shall not continue beyond the date when the select list of the next year's examination is published.

Seniority

20. (1) The relative seniority of each Junior Stenographer in a cadre shall be determined with reference to his position in the Select list published under sub-rule (4) of rule 8. Candidates appointed under rules 18, 19 and 21 shall, subject to sub-rule (2), take their seniority below the Junior Stenographers recruited in that year under rule 11.

(2) The candidates appointed under rule 19 shall rank above those appointed under rule 18 who, in turn, shall rank above those appointed under rule 21 in the same recruitment year.

Relaxation

21. When it is considered by the Government that if 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.

Restriction on transfer.

22. A person, who has been appointed as a Stenographer under these rules to any cadre may be, in public interest or on administrative grounds transferred to another cadre in the same district, but no such transfer shall be made from a district office under one Head of the Department to a district office under another.

¹[22-A. Notwithstanding anything contained in rule 22, where a stenographer, by a representation addressed to the concerned Head of the Department seeks his/her transfer on his/her own account from the District to another, the Head of the Department, may allow such transfer subject to the following conditions, namely :-

- (a) the stenographer seeking such transfer must have rendered not less than three years of service in the district in which he/she is serving;
- (b) vacancy is available in the district to which the transfer is sought;
- (c) the Stenographer shall, upon such transfer forfeit his/her seniority for his/her past service and shall in the gradation list of Stenographers in relation to the year in which he/she is transferred rank below the junior most Stenographer of the district to which he/she is so transferred.

Provided that where two or more Stenographers join in a District Office in a particular year on transfer under this rule, the *inter se* seniority of such Stenographers shall be determined taking into account the period of service rendered by them prior to such transfer;

- (d) the last pay drawn by the Stenographer shall be protected and his/her normal date of annual increment shall remain unchanged without prejudice to the operation of any other rules applicable to his/her; and
- (e) the past service of the Stenographer shall count for calculation of leave and pension and other benefits.

Note – A mutual transfer shall also be subject to the provision of this rule.]

Rules not applicable to staff of the District and Subordinate Courts.

Repeal and Savings.

23. These rules shall not apply to the staff of the District and Subordinate Courts to whom the Orissa District and subordinate Court's Ministerial Services (Method of Recruitment and Conditions of Service) Rules, 1969, apply.

24. The Orissa Stenographic Service (Recruitment and Conditions of Service of Personal Assistants and Stenographers in the Offices of the Head of Departments and District Offices) Rules, 1982 framed by Revenue and Excise Department, the Orissa Works Department Subordinate Stenographer's Recruitment Rules, 1983 and any other Rules or executive instructions issued by different Departments of Government, so far as they regulate the recruitment and conditions of service of Junior Stenographers and Senior Stenographers in District Offices are hereby repealed :

Provided that anything done or any action taken under the provisions of the rules and instructions so repealed till the date of enforcement of these rules shall be deemed to have been done or taken under the provisions of these rules.

Interpretation.

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

1. Inserted vide G. A. Department Notification No. 16604, dated the 5th August 1994, Published in *Orissa Gazette* and given effect to from the 26th August 1994.

APPENDIX

STANDARD AND SYLLABUS

[See sub-rule (2) of Rule 8]

A. Typewriting and Shorthand Tests

I. Typewriting test - English

50 Marks

- (a) The test will be held for 10 minutes at a speed of 40 words per minute from a printed matter (400 words approximately).
- (b) While assessing the accuracy of reproduction, 5 marks will be deducted for each mistake in the typed script. A candidate whose script reveals more than 6 mistakes will be eliminated as disqualified.

II. Shorthand Test - English

50 Marks

The test will comprise dictation from a printed matter (240 words approximately) for 3 minutes at the rate of 80 words per minute. Time allowed for transcription will

be 15 minutes. The apportionment of marks for the evaluation of answer scripts will be as follows :-

(a) Dictation in Shorthand - Script **25 Marks**

While assessing the ability to take down dictation in Shorthand script, one mark will be deducted for each mistake.

(b) Transcription **25 Marks**

While assessing the ability to transcribe, one mark will be deducted for each mistake.

B. Language Test **30 Marks**

This test should aim at evaluating candidate's knowledge of the English and Oriya language. There will be a common question paper. It will be designed as follow :-

(i) Translation of a passage from English to Oriya **5 Marks**

(ii) Translation of a passage from Oriya to English **5 Marks**

(iii) An essay in Oriya **10 Marks**

(iv) Questions aimed at assessing the candidate's working knowledge of the English language. **10 Marks**

(The question may require the candidate to give correct spellings of words; to select, from given words and phrases, the most appropriate for filling in blank in sentences; to correct grammatical mistakes in given sentences; to select from a given group of words, those with opposite meanings and to punctuate a passage.)

By order of the Governor

R. K. NAYAK

Special Secretary to Government

PART II - INSTRUCTIONS

POLITICAL AND SERVICES DEPARTMENT

No. 12411 – SC/6-139/77-Gen.

From

Shri A. N. Tiwari, I. A. S.,
Special Secretary to Government

To

The Secretary to Board of Revenue, Orissa, Cuttack

Bhubaneswar, dated the 1st May 1979

Subject – Regularisation of service of irregular recruits to posts of L. D. Clerks in the District and Subordinate Offices under the administrative control of Department other than Revenue Department after the 15th April 1963.

Sir,

I am directed to say that cases of irregular recruitments made in the District and Subordinate Offices up to the 15th April 1963 were regularized in G. O. No. 950-R., dated the 6th January 1973. When it was subsequently noticed that even after coming into force of the O. M. S. Rules from the 15th April 1963, there have also been cases of irregular recruitments made in various District and Subordinate Offices for some reasons or other Government were also pleased to regularize cases of irregular recruitment made in District and

Subordinate Offices under the administrative control of Revenue Department after the 15th April 1963 as per Regularisation Rule, 1975. So far as District and Subordinate Offices under other Departments are concerned there have been quite a large number of irregular recruitments after the 15th April 1963.

After careful consideration of the position Government have been pleased to decide that the cases of all such irregular recruits who were appointed as L. D. Clerks in District and Subordinate Offices under the administrative control of other Departments after the 15th April 1963 till now or the date of coming in to force of separate Recruitment Rules where already framed, whichever is earlier, should be regularised in the following manner:-

- (a) All L. D. Clerks who have passed Matriculation or any equivalent examination shall be deemed to have been validly and regularly recruited and appointed as such and they shall not be required to pass the Recruitment Examination or any special qualifying test in lieu thereof prescribed by Government.
- (b) All L. D. Clerks who have not Passed Matriculation or any equivalent examination shall also be deemed to have validly and regularly recruited and appointed as such and they shall not be required to pass any special qualifying test in lieu thereof prescribed by Government.
- (c) The seniority of these clerks shall be fixed taking into account their services from the date of appointment as L. D. Clerks. In the Gradation List of L. D. Clerks the clerks under category (a) above shall rank immediately below the L. D. Clerks recruited during the same year under Recruitment Rules then in force and the L. D. Clerks coming under the category of (b) above recruited during the same year shall rank immediately below the L. D. Clerks under category (a) above. According to the revised Gradation List to be prepared as above, they may be confirmed against permanent post if available, provided they fulfill all other conditions necessary for confirmation.
- (d) Refixation of seniority of these Clerks as mentioned in (c) above shall not entitle them to any promotional or financial benefits retrospectively,
All concerned are being informed.

Yours faithfully,

A. N. TIWARI

Special Secretary to Government

Copy of Letter No. 151174-Gen., dated the 26 June 1980 of Government of Orissa General Administration Department addressed to the all Departments of Government.

Subject – Appointment of L. D. Clerks in District and Subordinate Offices other than those under the Revenue Department from among the candidates successful in the recruitment test conducted by R. D. Cs.

The undersigned is directed to invite reference to Revenue Department Circular No. 950-R., dated the 6th January 1973 regularising the irregular recruitment of L. D. Clerks in the District and Subordinate Offices other than the Revenue Department prior to the 15th April 1963 O. M. S. Rules, 1963 were promulgated.

2. Subsequently P. & S. Department issued Circular No. 12411-Gen., dated the 1st May 1979 copy of which was sent to all Departments and Heads of Departments in memo No. 12412/Gen., of even date regularized the services of irregular recruitments to the posts of L. D. Clerks in the District and Subordinate Offices under the administrative control of departments other than Revenue Department i.e., after O. M. S. Rules, 1963 above circular of P. & S. Department that suitable measures should be taken to ensure that no irregular recruitments should be made hence forward. The experience shows that the irregular recruitment to the Post of L. D. Clerks in the District and Subordinate Offices other than the Revenue Department still continues.

3. With a view of preventing the recurrence of such irregular recruitment in the offices of District and Subordinate Offices other than those under the Revenue Department it has been decided by Government that the District and Subordinate offices who have no Statutory recruitment Rules should appropriately fill up the posts of L. D. Clerks by candidates who have come out successful from the examination conducted by R. D. Cs. for appointment in the District and Subordinate Offices under the Revenue Department.

4. It is therefore impressed upon all concerned that according to the existing rules and instructions the District and Subordinate Offices other than Revenue Department who have not framed their statutory recruitment rules should take candidates for filling up the vacancies in the post of L. D. Clerks by passed

candidates from the examination conducted by the R. D. Cs. So the question of filling up posts of L. D. Clerks in those District and Subordinate Offices in the irregular way would not arise.

5. It is hoped all concerned should scrupulously follow the above guidelines for filling up posts of L. D. Clerks in the District and Subordinate Offices other than the Revenue Department. If then any deviation is brought to the notice of Government it would be seriously viewed.

6. It has been concurred in by Revenue Department in their U. O. R. No. 184/R., dated the 9th May 1980.

A. N. TIWARI

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 10038/-Gen.

From

Mrs. C. Narayanaswamy, I. A. S.,
Special Secretary to Government.

To

The Secretary to Board of Revenue,
Orissa, Cuttack.

Subject – Regularisation of service of irregular recruits to posts of L. D. Clerks in the District and Subordinate Offices under the Administrative Control of Departments other than Revenue Department after the 15th April 1963.

Sir,

I am directed to say that consequent upon regularization of irregular recruitments of Junior Clerks in the District and Subordinate Offices under the administrative control of various Departments other than the Revenue Department after the 15th April 1963 in this Department letter No. 12411-Gen., dated the 1st May 1979 it has been decided that such Junior Clerks will be allowed to draw their usual annual increments with retrospective effect from the date of their original appointments as L. D. Clerk., as per normal rules.

2. This has been concurred in by the Revenue Department in their U. O. R. No. 377-R., dated the 24th October 1980 and the Finance Department in their U. O. R. No. 53-C.S.I., dated the 20th January 1983.

Yours faithfully,

C. NARAYANASWAMY

Special Secretary to Government

No. 5248-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 27th February 1985

(Published in *The Orissa Gazette* on 4-4-1985)

Subject – Procedure to be followed for recruitment to non-Gazetted posts/services.

In order to eliminate malpractices in the matter of recruitment to non-Gazetted posts and services and to streamline the procedure for recruitments conducted at the State Level for such posts, the incumbents of which are transferable from district, to district it has been decided to prescribe the following guidelines which should be meticulously followed by all Departments and Heads of Departments :-

- (i) There shall be a Selection Board with the following members to conduct all such recruitments to non-gazetted posts/services :-

(1)	Head of the Department concerned	Chairman
(2)	A representative of the administrative department not below the rank of Deputy Secretary.	Member
(3)	An officer of equivalent rank of another Department who would be an outside member (to be selected and invited by the Head of the Department/appointing authority).	Member
(4)	The office-in-charge of Field Establishment will act as the Secretary to the Selection Board.	Secretary
- (ii) There shall be written and viva voce tests for the candidates who possess the minimum qualification prescribed for the posts.
- (iii) The Selection Board is to conduct these tests
- (iv) Questions for the written test to be conducted by the Board are to be set by a Senior Class-I Officer who is not a member of the Selection Board. The question papers will remain in the custody of the Chairman of the Selection Board and it would be his responsibility to ensure that there is no leakage.
- (v) Allocation of marks for different tests will be as follows :-
 - (1) 50% of the total marks shall be allotted for the written test
 - (2) 10% of the total marks will be allotted for viva voce test
 - (3) 30% of the total marks will be allotted for the academic qualification
 - (4) 10% of the total marks will be allotted to physical and endurance test. Where no physical or endurance tests are necessary, the written examination will carry 60% of the total marks. Marks meant for the academic qualification will be awarded on the basis of the division or percentage of marks secured in that examination.
- (vi) If the qualification prescribed for the post is Matriculation, the marks secured in the Matriculation will be the basis for awarding marks for academic qualification. No weightage will be given to higher examinations which the candidate might have passed. To make it more clear, if the prescribed qualification is Matriculation, a Graduate would get no benefit for passing the higher examination and only his performance in the Matriculation examination will be considered.
- (vii) As far as possible, objective questions should be set for the written test. Descriptive questions should be avoided to eliminate the subjective element in evaluation.
- (viii) Invigilators for the written examination should be drawn from other offices and the date of examination should be intimated to the Secretary of the administrative department who may depute observers at his discretion to satisfy himself that there is no malpractice in conducting the examination.
- (ix) In case of large scale recruitments, the Vigilance Department may also be kept informed by the Chairman of the Selection Board.

The Administrative Departments are requested to amend their recruitment rules wherever necessary by incorporating these provisions.

Order – Ordered that this resolution be published in the extraordinary issue of the Orissa Gazette and copies thereof be forwarded to all Departments of Government/all Heads of Departments/all District Offices/ Accountant-General, Orissa/Secretary, Orissa Public Service Commission, Cuttack/Secretary to the Governor.

By order of the Governor
C. NARAYANASWAMY
Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 8052-Gen.

From

Shri L. I. Parija, I. A. S.
Chief Secretary to Government.

To

The Secretaries of all Departments of Government.

The 18th April 1987

Subject – Irregular recruitments against the post of Junior Clerks in the District and Sub-divisional Offices.

Sir,

The Orissa Ministerial Service (Method of Recruitment to the Post of Junior Clerks in District Offices) Rules, 1985 provides that recruitment against the post of Junior Clerks in the District and Sub-divisional Offices shall be made only from the list of candidates found qualified in the recruitment test conducted by the Collectors.

But it has come to the notice of Government that certain appointing authorities at the district levels are not honouring the list of successful candidates prepared by the Collectors and are going on appointing outsiders on temporary / *ad hoc* basis. This action on the part of the appointing authorities is clear violation of the statutory provisions enshrined in the Rule. It is undesirable that persons who have not gone through regular recruitment examination or are otherwise disqualified in the recruitment examination get into regular jobs to the deprivation of candidates who have legitimately qualified for the jobs. This practice of by-passing regular recruitment should stop forthwith.

I am directed to request you to instruct all appointing authorities under the control of your Department to immediately terminate the services of *ad hoc* temporary employees appointed by them and to fill up the vacancies by candidates from the list drawn up by the Collectors. The appointing authorities should be clearly told that deviation from this instruction will result in disciplinary action.

Action taken in the matter may be intimated to the General Administration Department.

Yours faithfully,
L. I. PARIJA
Chief Secretary to Government

No. 21671-2R/1-50/87-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 17th September 1987

Subject – Procedure for recruitment of non-Gazetted posts/services at the Divisional/Range and District Levels.

A procedure for selection of personnel for non-Gazetted posts and services at the level of Heads of Departments was prescribed in Resolution No. 5248-Gen., dated the 27th February 1985. It is felt necessary that, in same parlance, a regular procedure is adopted in respect of non-Gazetted posts and services at the level of Divisional/Range and District Levels in order that proper representation of candidates from the respective districts is facilitated and a uniform manner of selection is adopted in respect of all field offices under the Heads of the Departments. Government have been pleased to prescribe the following procedure for selection of personnel in respect of non-Gazetted posts and services at Range, Divisional and District Levels which are not governed by any regular cadre rules framed under Article 309 of the Constitution.

There shall be a Selection Board consisting of the following Members to conduct recruitment to the non-Gazetted post and services :-

- | | | |
|-----|---|--------------------------|
| (a) | Collector of the district | Chairman |
| (b) | Head of the Office concerned | Member |
| (c) | Two officers of the other offices located in the district, who would be outside members to be selected by the Chairman. | Member |
| (d) | Officer-in-charge of the Establishment Section of the office concerned | Member-Secretary. |

In case the Collector is unable to attend the Selection Board he will nominate an Officer of A. D. M. rank to represent him in the Board. In such event the Collector will nominate one of the members to be the Presiding Officer of the Board. In case the Head of the Office concerned is himself the Officer in-charge of the establishment, he will function as the Member-Secretary.

2. The selection shall be out of the candidates sponsored by the Employment Exchange (s) of the district. In case the Selection Board decides to invite applications for posts through open advertisement only such candidates as are registered in the Employment Exchanges in the district on or before the date of application shall be eligible to apply. The Head of the Office shall intimate the vacancy to the chairman in April every year or at least one month prior to the expected date of vacancy.

3. The following tests shall be conducted by the Selection Board :-

- (i) A written test including test on technical acumen when the post/service is technical in nature.
- (ii) A viva voce test.

4. Questions for the written test shall be set by a Senior Class-I Officer who is not a Member of the Selection Board. Valuation of answer papers shall be done by such examiners who are not members of the Selection Board. It shall be responsibility of the Head of the Office concerned to ensure safe custody of the question papers and answer papers. As far as possible objective type of questions should be set for the written test. Descriptive question shall be avoided.

5. Allocation of marks for different tests will be as follows :-

- (a) 50% of the total marks shall be allotted for the written test;
- (b) 10% of the total marks shall be allotted for viva voce test;
- (c) 30% of the total marks shall be allotted for the academic qualification;
- (d) 10% of the total marks shall be allotted to physical and endurance test. Where such tests are not necessary the written examination will carry 60%.

6. Persons possessing higher qualification than the minimum prescribed for a particular post will receive no weightage for such higher qualification. The marks set apart for educational qualification shall be awarded entirely on the basis of performance in the examination for the minimum requisite qualification.

7. Only those securing thirty per cent or more in the written test shall be called for the subsequent tests.

8. Invigilators for the written examination shall be drawn from other Offices and date of examination and viva voce shall be intimated by the Head of the Office.

9. The Board shall prepare a list of successful candidates which shall not be more than one and a half times the number of vacancies. This will obviate the necessity of making *ad hoc* appointments.

10. The Selection Board shall meet as and when required, but ordinarily, once a year.

The Administrative Departments and Heads of Departments are requested to amend or revise the instructions or orders issued in the past wherever necessary by incorporating these provisions.

Order – Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies thereof forwarded to all Department /all Heads of Department/all District Offices.

By order of the Governor

M. P. MODI

Special Secretary to Government

No. 13363-2R/1-20/87-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

From

Shri B. D. Das

Under-Secretary to Government

To

All Collectors.

The 30th April 1988

Subject – Recruitment of Jr. Clerks in the district offices under O. M. S. Rules, 1985

Sir,

I am directed to say that Rule 10 of O. M. S. Rules, 1985 provides that there shall be a type test in addition to written examination and in order to remove difficulties that being experienced by the Collectors to conduct the typing test for a huge number of candidates due to lack of type writer, space, supervision facilities, etc.

It has now been decided that only such candidates who come out successful in the written examination and secure a position within the range of four times of the estimated vacancies shall be called for a typing test under the existing rule.

Yours faithfully,

B. D. DAS

Under-Secretary to Government

No. 15947-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

From

Shri Binoy B. Mishra

Joint Secretary to Government

To

All Collectors.

The 25th May 1988

Subject – Recruitment of Jr. Clerks.

Sir,

I am directed to say that instances of offices in the district level approaching this Department direct to allow them to fill up the posts of Jr. Clerks on *ad hoc* basis in absence of qualified candidates in the panel maintained by you in terms of O. M. S. Rules, 1985 are rather becoming frequent. The delay of conducting the recruitment examination and sponsoring of candidates to the other district offices in time is creating a problem for the offices. You are aware of the fact that recruitment to the posts of Jr. clerks by following the procedure other than that as prescribed in O. M. S. Rules may lead to violation of statutory provision and creates unhealthy situation in administration. Besides, all the district and sub-ordinate offices are being pressurised from time to time to terminate the services of all irregular recruits and fill up the same by the suitable candidates sponsored by the Collector. In such circumstances, if recruitment examination is not conducted in time, normal functioning of the offices will suffer.

In view of this, you are requested to conduct the recruitment examination under O. M. S. Rules, 1985 at the earliest, if not done, and sponsor the qualified candidates to the offices concerned according to their requisition filed with you.

Action taken in this matter may please be intimated to this Department at an early date.

Yours faithfully,
BINOY B. MISRA
Joint Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
No. 28695-2R/1-1/88-Gen.

From

Shri Binoy B. Mishra
Joint Secretary to Government

To

All Collectors.

The 1st October 1988

Subject – Clarification regarding holding of type test under O. M. S. rules, 1985.

Sir,

I am directed to say that Para. 4 of Appendix appended to the O. M. S. rules, 1985 prescribes that there shall be a type writing test to judge the proficiency of the candidates of having fair knowledge in typewriting to manage the day to day official work. For this purpose, some marks have also been prescribed in the concerned rules. But minimum qualifying marks have not been prescribed.

Clarifications are being sought for from this Department as to whether a candidate without having a fair knowledge in typewriting shall be selected for appointment for the post of Junior Clerks. This is a wrong proposition. A candidate to be selected shall have to acquire qualifying marks out of the marks prescribed for typewriting test.

In order to make it clear, it has been decided that a candidate should be considered to have fair knowledge in typewriting if he can type at least 20 words per minute on average from a printed matter lasting for not less than 10 minutes with mistakes not exceeding 1½ per cent for appointment of Junior Clerks.

This disposes the letter No. 6710, dt. 13-9-88 of Collector, Puri

This supersedes this Department clarification issued to Collector, Balasore vide letter No. 6205, dt. 19-2-1988.

Yours faithfully,
BINOY B. MISHRA
Joint Secretary to Government

GOVERNMENT OF ORISSA No. 31148-SC.-6-4/87-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

(Published in *Orissa Gazette* on the 3rd March 1989)

The 1st November 1988

Subject – Provision of Personal Assistant (Specially declared Gazetted) to Collectors.

The question of providing a Personal Assistant to assist the Collector in his day to day work was under active consideration and after careful consideration, Governor has been pleased to create a post of Personal Assistant to Collector in the scale of Rs. 1,365-45-1,455-50-1,755-E.B.-55-2085-E.B.-60-2,385 by upgrading one of the post of Senior Stenographers attached to the Collector. The other post of Senior Stenographer shall continue as such.

2. Governor has also been pleased to decide that the Personal Assistant attached to Collector shall enjoy the status of specially declared Gazetted Officer under sub-rule (ii) of Rule 17 of the Orissa Service Code. His duty chart will be as in the Annexure.

3. Further, the Governor has in pursuance of sub-rule (2) of Rule 11 of the Orissa Civil Services (C. C. & A.) Rules, 1962 been pleased to direct that the Collectors shall be the appointing and disciplinary authority in respect of the above post.

Order – Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies thereof be forwarded to all Departments of Government / all Heads of Departments / Accountant-General, Orissa/Deputy Accountant-General, Orissa, Puri / Secretary, Orissa Public Service Commission / all Collectors.

ANNEXURE

DUTIES OF P.As. ATTACHED TO COLLECTORS

1. To attend the duties as Stenographer
2. To handle such of the Correspondences which are secret and confidential and which are not to be dealt with in the office.
3. To prepare the Officer's tour programme and arrange its circulation to all concerned
4. To make arrangements for journey and other official requirements of the collector while on tour
5. To draw up the engagement list of the Collector
6. To put up files and papers in time required by collector for any meeting or conference
7. To arrange interviews with the Head of Department
8. To collect papers and files and submit these in time to the Collector
9. To prepare tour particulars and to send them to the concerned Section for preparation of the Officer's T. A. Bill.
10. To keep necessary articles of stationery and books of reference for the Collector for use in his office and at residential office and to keep them in safe custody and to maintain these to-date.
11. To maintain a stock book of furniture, books, periodicals, if any, be supplied to the residence of the officer and to verify it every quarter and give a certificate in the stock book that the stock in register actually tallies with the stock in hand.
12. To perform such other duties as may be assigned to him by the Collector depending upon the work handled in the office.

By order of the Governor

BINOY B. MISHRA

Joint Secretary to Government

No. 32538-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 16th November 1988

(Published in the *Orissa Gazette* on 4-1-1989)

Subject – Procedure for direct recruitment to non-Gazetted posts/services and specially declared gazetted posts.

Government have been continuously attempting to ensure impartiality and fair-play in process of recruitment to different services and posts. In recent past in Resolution No. 5248, dated the 27th February 1985, a system of selection was introduced in respect of services/posts of the Class III under the Heads of the Departments in which Selection Boards were formed with outsiders and insider evenly balanced. The system was extended to selection of personnel for services/posts in districts where the Collector was made the

Chairman of all Selection Boards for all Divisional, Range, Circle and District Offices of all Departments vide Resolution No. 21671, dated the 17th September 1987 of the General Administration Department.

Government have considered the feelings expressed at different quarters that the process of recruitment should be further streamlined in order to completely do away with my scope for malpractices in recruitment. On careful consideration Government have been pleased to lay down the following guidelines for selection of personnel for various services and posts at the State and District Levels, both in respect of specially declared gazetted the class III non-Gazetted services and posts including extension and ministerial cadres :-

- (1) There shall be written test for every category of recruitment
- (2) Marks obtained in the academic examination of University, Board or Council shall be given due weightage. Apportionment of marks shall 40 per cent for marks obtained in the academic examination and 60 per cent for written test.
- (3) Higher educational qualification than prescribed for a service or post shall not be given any Premium.
- (4) No viva voce test shall be conducted
- (5) The written test shall be conducted simultaneously in districts or subdivisions so that candidates from every district get the opportunity to sit for the examination. Question setting and valuation of answer papers shall be done centrally.
- (6) The written examination shall be held in the districts with the Collector as the supervising authority.
- (7) The panel of successful candidate shall be three times of the total number of vacancies in order to provide adequate cushion for unforeseen vacancies.
- (8) The minimum educational qualification for the posts/services for district cadre shall be pass in H.S.C. or such other equivalent examination.
- (9) Invigilators and supervisors of the examination shall be from outside the district
- (10) Typewriting tests for ministerial officers in the district cadres shall be done both in English and Oriya with a speed of 20 words per minute in English and 10 words per minute in Oriya as the minimum standard.
- (11) If there is necessity of examining the physical fitness of a candidate for a particular post/service the Administrative Department shall make specific mention about it in the relevant cadre rules.
- (12) The existing Board of Examiners with the Member, Board of Revenue as its Chairman shall be entrusted with the selection of personnel for State level cadres and posts and shall also be authority to control and regulate selections in respect of District/Range/Circle level services and posts. A whole-time Director of Examination with requisite staff shall be appointed under the Board of Revenue for the purpose.
- (13) These guidelines shall, however, not be applicable to recruitment of Teachers.

This supersedes this Department Resolutions No. 5248, dated the 27th February 1985 and No. 21671, dated the 17th September 1987 and other orders issued in this behalf by different Departments from time to time. Framing and/or amendment of the relevant recruitment rules, and issue of detailed instructions should be done expeditiously.

Order – Ordered that this Resolution be published in the Orissa Gazette and copies thereof be forwarded to all Departments of Government/all Heads of Departments/all collectors/Accountant-General, Orissa/Secretary, Orissa Public Service Commission, Cuttack/ Registrar, Orissa Administrative Tribunal/Secretary to Governor.

By order of the Governor
R. K. NAYAK

No. 11752-2R.-1-50/87 (pt.)-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 19th April 1989

To

All Departments of Government/

All Heads of Departments/

All Collectors.

A system of selection of non-Gazetted posts under the Heads of Departments was introduced in this Department Resolution No. 5248-Gen., dated the 27th February 1985 in order to eliminate any scope for malpractice in the matter of recruitment. This system was extended to selection of personnel for non-Gazetted services/posts for all the district, divisional, range and circle offices in this Department Resolution No. 21671-Gen., dated the 17th September 1987. The selection for Class IV post in the district level offices is regulated under this Resolution. In the above two Resolutions methods of test have been prescribed for selection of suitable candidates by the Selection Board.

2. Subsequently, the procedure of recruitment to Class III posts including specially declared Gazetted posts have been revised in this Department Resolution No. 32538-Gen., dated the 16th November 1988 in supersession of this Department Resolutions, dated the 27th February 1985 and dated the 17th September 1987. In the changed procedure, the Director of Examination and the Member, Board of Revenue as the Chairman of the Board of Examiners have been entrusted with the selection of candidates to such posts/services.

3. On the enforcement of this Resolution, doubts have been raised at certain quarters as to whether the recruitment to Class IV posts in district, range, circle and divisional offices will be regulated under this Department Resolution, dated the 17th September 1987.

4. After careful consideration, it has been decided that the selection for Class IV posts in district, range, circle and divisional offices shall be regulated under this Department Resolution No. 21671-Gen., dated the 17th September 1987 with the Collector of the concerned district as the Chairman of the Selection Board.

5. It has, further been decided that the qualifying tests prescribed in this Department Resolution No. 21671, dated the 17th September 1987 for selection of personnel shall not be applicable to Class IV employees. In the matter of selection of such personnel the following procedures shall be followed.

The selection Board shall consist of the following officers :-

- | | | | |
|----|--|-----|-----------------|
| 1. | Collector | ... | Chairman |
| 2. | District Employment Officer | ... | Member |
| 3. | Any other officer of any district office other than the Collectorate | ... | Member |
| 4. | Establishment Officer of the Collectorate | ... | Member-Convenor |

- (i) For posts for which pass in Middle School is required, the candidates shall be required to read and write English and Oriya Passage; and
- (ii) For posts for which minimum qualification prescribed is 'literate' the candidate shall be required to read a few lines of simple Oriya and sign his signature;
- (iii) No written test is necessary for the purpose;
- (iv) No premium shall be given for qualification higher than the minimum prescribed;
- (v) The candidates shall be required to undergo a cycling test, provided that the physically handicapped persons shall be exempted from this tests.

6. Every office located in the district has a separate cadre of Class IV servants. But selection of candidates for each office separately would be time consuming and cumbersome. So the Collector may hold one test once in a year, preferably in the month of January and prepare a Select List. Candidates from the select list

shall be sponsored to different offices as per requisition as and when vacancies occur. This Select List shall remain valid for a period of one year or till the next list is prepared whichever is earlier.

7. In case the Collector cannot preside over the Selection Board, he may depute any other officer from his office to represent him. In that event the Senior most Officer present in the Board shall preside over the meeting, which shall be decided by the Collector.

8. This instruction may be circulated amongst all the subordinate offices under their administrative control.

R. K. NAYAK
Special Secretary to Government

No. 9197-2R.-1-1/91-G.A.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

From

Smt. C. Narayanaswamy, I. A. S.,
Special Secretary to Government,
General Administration Department.

To

The Secretaries to Government of all Departments.

Dated the 30th March 1991

Subject – Regularisation of irregular recruitments against the post of Junior Clerks in the District Offices and Sub-ordinate Offices.

Sir,

I am directed to say that in pursuance of Chief Secretary's letter No. 8052, dated the 18th April 1987 and letter No. 15485, dated the 20th May 1989, the services of Junior Clerks who were appointed in the District and Sub-ordinate Offices in contravention of the provisions under Orissa Ministerial Services (Method of Recruitment of Junior Clerks in the District Offices) Rules, 1985 were terminated by the appointing authorities.

2. It has come to the notice of the Government that some such Junior Clerks are, however, continuing in service by virtue of the interim stay order granted by the Orissa Administrative Tribunal. In the meantime, some proposals for regularisation of such irregular appointments in the post of Junior Clerks in the District and Sub-ordinate offices have also been received from various quarters for confirmation of Government. But the exact number of such irregular recruits in respect of each establishment made from the 9th October 1982 to date is not known.

3. All Departments have, therefore, been requested in this Department letter No. 2393, dated the 23rd January 1991 to intimate the total number of such irregular appointments. But the replies from most of the Department and Heads of Departments are still awaited.

4. After carefully considering the problems relating to regularization of such irregular appointments in the District and Sub-ordinate offices, Government have approved the following principles. You are therefore, requested to take necessary follow up action accordingly to solve the problems faced by such irregular recruits.

- (1) Such recruits should have put in at least one year continuous service in one or more spells in the same office. *Ad hoc* appointees of this category whose services have been terminated may be allowed to join and work in such offices provisionally subject to availability of vacancies.
- (2) Two chances should be given to them to appear in the next two consecutive recruitment examinations.

- (3) Condonation of age may be done by the Collector, both for appearing in the examination and for appointment.
- (4) Details of such appointments should be furnished to the collector/Head of Department/and to the concerned administrative department.

5. These will not apply to the irregular recruits of the Treasury Branch of the Finance Department.

6. The candidates recruited by the State Level Board in connection with the takeover of the Institutions under the D. D. A. in Koraput district would be treated as regular recruits.

Yours faithfully,

C. NARAYANASWAMY

Special Secretary to Government

No. 18380-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

(Published in *Orissa Gazette* on 2nd November 1993)

RESOLUTION

The 26th August 1993

Subject – Inter-district transfer of Class III and Class IV employees (other than Junior Clerks).

Representations have been received from different Departments of Government for transfer of Class III, and Class IV employees from one district to another. As such employees are borne in district cadres, inter district transfer in their cases has not been provided for in the relevant Recruitment Rules/Instructions issued by Government from time to time. But inter-district transfer of Junior Clerks has been allowed by amendment of the Orissa Ministerial Service (Method of Recruitment to the Post of Junior Clerks in District Offices) Rules, 1985 vide G. A. Department notification No. 28949, dated the 15th July 1992 published in Orissa Extraordinary Gazette No. 1066, dated the 30th July 1992. The question of extending similar facility to other categories of Class III and Class IV employees was under consideration of Government. After careful consideration, Government have been pleased to decide that inter-district transfer of Class III and Class IV Government employees belonging to district cadre may be permitted subject to the following conditions :-

- (i) The employee seeking such transfer must have rendered not less than 3 years of service in the district in which he/she was appointed and is serving and must undertake to abide by the conditions stipulated in this resolution and such orders as may be issued by Government from time to time;
- (ii) A vacancy in the relevant post of the same category is available in the district to which the transfer is sought;
- (iii) The employee shall, upon such transfer, forfeit his/her seniority for his/her past service and shall in the gradation list of the cadre (to which transfer is sought) in relation to the year in which he/she is transferred rank below the junior most employee of the district to which he/she is transferred :

Provided that where two or more employees join in a district in a reserved vacancy, a person belonging to that reserved category can only be appointed against that vacancy on inter-district transfer.

Provided that where two or more employees join in a district in a particular year on such transfer the inter-se-seniority of such employees shall be determined taking into account the date of valid appointment in the cadre in which they were appointed, prior to such transfer;

- (iv) The last pay drawn by the employees shall be protected and his/her normal date of annual increment shall remain unchanged without prejudice to the operations of any other rules applicable to him/her; and
- (v) Subject to above, the past service of the employee shall count for calculation of leave and pension and other pensionary benefits.

Note – A mutual transfer shall also be subject to the above conditions.

Order – Ordered that this Resolution be published in the extraordinary issue of the Orissa Gazette and copies thereof be forwarded to all Departments of Government/all Heads of Departments/all Collectors.

By order of the Governor
R. C. MISHRA
Special Secretary to Government

No. 14400-2R.-1-79/94-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

From

Shri P. K. Mohanty,
O. S. D. to Chief Secretary &
ex officio Deputy Secretary to Government.

To

All Collectors.

Dated the 1st July 1995

Subject – Sanction of remuneration to the Examiners, etc. engaged in connection with the recruitment examination of Junior Clerks under O. M. S. Rules, 1985.

Sir,

I am directed to say that the question of enhancement of remuneration to the Examiners, etc. engaged in connection with the recruitment examination of Junior Clerks in the District and Sub-ordinate Offices under O.M.S. Rules, 1985 was under consideration of Government for sometime past.

After careful consideration, Government have been pleased to decide that the payment of remuneration to Examiners, Question Setters, etc. engaged in the said recruitment examination shall be at the revised rates as specified below :-

- | | | |
|----|---------------------------------------|------------------------------|
| 1. | Evaluation of answer papers | Rs. 1.50 paise per paper |
| 2. | Viva Voce Test | Rs. 1.00 per candidate |
| 3. | Tabulation Fees | Rs. 0.50 paise per candidate |
| 4. | For Question Setters | Rs. 40.00 per paper |
| 5. | For Type Test | Rs. 0.75 paise per paper |
| 6. | Conveyance allowance for Invigilators | Rs. 5.00 per day |

This supersedes this Department letter No. 19402-Gen., dated the 2nd July 1988.

Accountant-General, Orissa is being informed separately.

Yours faithfully,
P. K. MOHANTY
O. S. D. to Chief Secretary & *ex officio*
Deputy Secretary to Government

No. 21890-2R.-1-34/95-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

From

Shri Santosh Kumar, I. A. S.,
Special Secretary to Government,

To

All the Secretaries to Government (By name)

Dated the 29th September 1995

Subject – Irregular recruitments against the posts of Junior Clerks in the District and Sub-ordinate Offices.

Sir,

I am directed to invite a reference to this Department letter No. 22357, dated the 7th October 1994 and subsequent reminder No. 3845, dated the 22nd February 1995 on the above subject and to say that despite existence of Recruitment Rules, governing appointment to the posts of Junior Clerks in District and Sub-ordinate Offices, some appointing authorities had recruited candidates in contravention of the provisions of the Orissa Ministerial Services (Method of Recruitment to the post of Junior Clerks in District Offices) Rules, 1985 to the posts of Junior Clerks in different District Offices during the period 1982 to 1987 and also allowed them to continue in those posts. Later on they approached the Government for regularization of such irregular appointments. However, in pursuance to instructions contained in Chief Secretary's letter No. 8052, dated the 18th April 1987 and letter No. 15484, dated the 20th May 1989 the Services of some of such irregularly Junior Clerks were terminated by the appointing authorities.

2. Being aggrieved by such decision of the Government, some of the irregular recruits took shelter in the Orissa Administrative Tribunal. The Tribunal in their order dated the 23rd December 1993 in O. A. No. 8 of 1988 and 40 other similar cases have directed that since the applicants have already completed more than 5 years of service in the posts of Junior Clerks, they may be treated to have been regularly appointed to such posts with continuity of service and other service benefits.

3. Before taking any action for regularization of services of such irregular recruits the various Departments of the Government were requested vide General Administration Department letter No. 22357 dated the 7th October 1994 to state the reasons for making such irregular appointments. The said, information could not be received from most of the Departments in spite of issue of reminders.

4. Meanwhile more than one and half year have passed from the date of delivery of the judgement of the Tribunal, yet the orders of O. A.T. have not been implemented. It is, therefore, requested that the Administrative Department may implement the orders of Hon'ble Tribunal in the said cases immediately. Difficulties faced, if any, may be brought to the notice of this Department. The implementation of the orders of the Tribunal may kindly be confirmed also.

Yours faithfully,

SANTOSH KUMAR

Special Secretary to Government

No. 31775-SC/6-73/96-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 13th December 1996

Subject – Guidelines for re-deployment of surplus staff of mother district to the newly created districts on re-organisation of the district.

The re-organisation of the districts in the State has inevitably rendered a lot of staff surplus in the mother districts, not only in the Collectorate but also in the various district offices. It has been decided by the Government that different categories of posts created in the new districts on re-organisation shall be filled up by

deployment of the staff rendered surplus in the mother district. In order to regulate the deployment of surplus staff, the Revenue and Excise Department in their letter No. 42820, dated the 21st September 1993 read with letter No. 39900, dated the 5th September 1994 have issued the guidelines and action accordingly has already been taken by the concerned authorities in most of the districts. The guidelines by Revenue and Excise Department may have no binding effect on all the district offices of various Departments.

2. To overcome this difficulty and after careful consideration, the Government in General Administration Department have been pleased to decide that the following principles shall be followed for deployment of the staff rendered surplus in the mother districts.

2.1. Action for re-deployment of employees borne in the cadres of mother district shall be taken by the respective district cadre controlling authorities of the mother district.

2.2. The cases of the employees, who have already been assigned to the newly created district and have joined there before the issue of these Guidelines need not be re-opened. This is, however, subject to any order or direction that may have been received from a Court or Tribunal on the subject.

2.3. Employees borne in the cadre of the mother district, except those covered by para-2.2, may be asked to submit their order of preference for continuing in the cadre of the mother district or for assignment to the cadres of the districts carved out of the mother district. Those who fail to submit their preference may be presumed to have opted for the mother district only.

2.4. As far as practicable and subject to the vacancies available in the relevant grades the assignment of the employees to the cadre of the mother district or the cadres of the newly created districts may be made on the basis of the position in the gradation list of the original district cadre taking into account their preferences. To illustrate, if there are 15 vacancies in a cadre in a district and 30 employees have given their first preference for the district, the senior-most 15 employees of the 30 will be allotted to that district. Having exhausted the first preference, the second and subsequent preferences may be acted upon in that order.

2.5. For splitting the sanctioned posts of the undivided district instructions issued to the district offices by the Government in the respective Administrative Departments shall be followed.

2.6. If all the vacant posts in a cadre of the districts, carved out of the mother district, cannot be filled up on the basis of the preferences as above, the posts shall be filled up by following the "bottom up" principle subject to the following exceptions :-

- (i) The widow or any other female member of the family of a deceased or disabled Government Servant who has been appointed under the rehabilitation assistance scheme may be allowed to continue in the mother district unless she prefers to be assigned to some other district carved out of the mother district.
- (ii) An employee who had come on transfer to the cadre of the mother district from another district by forgoing his/her seniority in pursuance to General Administration Notification No. 28949, dated the 15th July 1992 and Resolution No. 18380, dated 26th August 1993 maybe allowed to continue in the cadre of the mother district unless he/she prefers to be assigned to some other district carved out of the mother district.
- (iii) The employees, whose son/daughter is/are already enrolled in a school for blind, deaf, dumb or mentally retarded, may be allowed to continue in the cadre of mother district, if similar institutions are not available in the other newly created districts. The proof of admission and continuance of studies of their children in such institutions shall be produced by the employees for the satisfaction of the cadre controlling authority,

3. The re-employment of the remaining surplus staff and the separation of the cadre on the basis of the above principles may be finalized as soon as possible.

4. This supersedes the Revenue and Excise Department letter No. 42820, dated the 21st September 1993 and letter No. 39900, dated the 5th September 1994.

5. Any order passed or action taken under the instructions so issued by the Revenue and Excise Department in their letter referred to above shall be deemed to have been passed or taken under these instruction.

6. This has been concurred in by P. & C. Department, Revenue & Excise Department vide their UOR No. 895/ADC, dated the 12th August 1996 and UOR No. 80/PSR, dated the 25th July 1996, respectively.

SANTOSH KUMAR
Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 22nd December 1997

Subject – Guidelines for re-deployment of surplus staff of mother district in the newly created Districts on Re-organisation of the District.

No. 37338 – SC./6-73/96-Gen. – Consequent upon re-organisation of the districts in the State, detailed guidelines for re-deployment of surplus staff of mother district to the newly created districts have been issued in G. A. Department Office Memorandum No. 31775, dated the 13th December 1996. It has come to the notice of the Government that difficulties are being experienced at different levels for re-deployment of surplus staff. The Hon'ble Orissa Administrative Tribunal in O. A. No. 256 (C)/97 have also directed that while re-deploying the staffs the provisions of the Orissa Reservation of vacancies in Posts and Services (For Scheduled Castes and Scheduled Tribes) Act, 1975 should also be kept in mind so that the promotional vacancies in the higher grade are properly utilized in all the districts and the shortage under the reserved categories should be proportionately distributed between the newly created districts.

After careful consideration of all the aspects, Government have been pleased to modify the G. A. Department Office Memorandum No. 31775, dated the 13th December 1996 referred to above as follows :-

1. A sub-para (iv) shall be added after sub-para (iii) of Para. 2.6 to the following effect –
“All Heads of Departments are authorised to take decision in case the re-deployment of the employees causes grave hardship to the person concerned”.
2. A sub-para (v) shall be added after sub-para (iv) of para 2.6 –
“While deciding the cases of re-deployment the authority concerned shall as far as practicable try to maintain the required percentage of representation of Reserved category candidates in the concerned cadre of employees. Such percentage shall be decided on the basis of the total strength of the concerned cadre in the mother district as well as in the newly created district”.
3. Para. 4 of the said office memorandum shall be substituted as follows :-
“This supersedes Revenue and Excise Department letter No. 42820, dated the 21st September 1993, letter No. 39900, dated the 5th September 1994 and letter No. 23682, dated the 31st May 1996.

These modifications have been concurred in by the Planning and Co-ordination Department vide their UOR No. 259, dated the 2nd May 1997 and by the Revenue and Excise Department vide their UOR No. 96, dated the 1st September 1997.

H. S. CHAHAR
Special Secretary to Government

No. 11945-2R/1-36/98-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Dated the 22nd April 1999

Subject – Rationalisation of the staffing pattern in the District Level Offices and Subordinate Offices thereunder.

The undersigned is directed to say that the State Government in Revenue Department Resolution No. 9892-R., dated the 10th February 1984 read with Resolution No. 13582-R., dated the 25th February 1984 copies enclosed, along with copy of relevant Finance Department O. M. No. 47905 F., dated the 26th September 1986 had taken certain decisions to rationalise the staffing pattern in the District Level Offices under the administrative control of different Departments of Government, after considering the recommendations made by the Sub-Committee constituted under the Chairmanship of the member, Board of Revenue for the purpose. Under Para VIII (a) of the said Resolution, it has been specified that the ratio for entertaining Supervisory posts in the rank of Head Clerk should be 1:12. In other words there should be one Head Clerk for twelve Senior Clerks and Junior Clerks taken together and an additional post of Head Clerk would be admissible for the remaining seven or more additional Ministerial Offices, if any. For this purpose, the existing yardstick and non-yardstick Supervisory posts should also be taken into account. However there should be a supervisory post of Head Clerk in each and every office having three Ministerial Officers in the minimum in case no supervisory Posts of equivalent rank or higher rank already exists.

2. But different service associations have put forth their demands before the Government stating therein that the yardstick prescribed by Government in the aforesaid Resolutions for entertaining supervisory posts in the rank of Head Clerk in district level offices are not being followed in most of the district level offices as a result of which the cadre of the ministerial officers in such offices suffers a lot.

3. Considering the problem faced by the ministerial officers in district level offices, it has been decided on the recommendations of the Standing Committee constituted under the Chairmanship of the Chief Secretary that the yardstick prescribed by Government in Revenue & Excise Department Resolution No. 9892, dated the 10th February 1984 read with Resolution No. 13582, dated the 25th February 1984 for entertaining supervisory posts in the rank of Head Clerk in district level offices should be strictly followed. Further, it has been decided that in the district level offices where the number of the ministerial officers is less than 12, the supervisory posts of Head Clerk may be created wherever necessary following usual procedure prescribed for the purpose on non-yardstick basis.

The Subordinate Offices may be intimated accordingly.

Yours faithfully,

PRIYABRATA PATNAIK

Special Secretary to Government

No. 47905-CS-I-192/86-F.

GOVERNMENT OF ORISSA

FINANCE DEPARTMENT

OFFICE MEMORANDUM

The 26th September 1986

Subject – Creation of the post of Head Clerk in the field offices.

In Finance Department Memorandum No. 22736-BT-I-9/86-F., dated 11-4-1986 the Government have banned creation or upgradation of posts in the Non-Plan Sector. With a view to ensuring strict economy in the Non-Plan expenditure, the question of entertainment of supervisory posts in the rank of Head Clerks in the field offices applying the norm as fixed by the Revenue and Excise Department in their Resolution No. 13582, dated 25-2-1984 was under consideration of Government for some time past. After careful consideration, the Government have decided that the post of Head Clerks in the field offices shall be filled up by creation/upgradation on the basis of the following principles :-

- (a) One post of Head Clerk is admissible for 3 to 18 sanctioned posts of Senior Clerks and Junior Clerk taken together. In case an Office has only 3 posts of Clerks, a post of Head Clerk may be created and in all other cases, the post of Head Clerk may be created by upgradation.
- (b) Two posts of Head Clerks are admissible for 19 to 24 sanctioned posts of Senior Clerks and Junior Clerks taken together.
- (c) Two Head Clerks are admissible for 25 to 35 sanctioned posts of Senior Clerks and Junior Clerks taken together.

- (d) Three Head Clerks are admissible for 36 to 47 sanctioned posts of Senior Clerks and Junior Clerks taken together.
- (e) Thereafter, the post of Head Clerk will be admissible by way of upgradation on the ratio of 1:12, i.e., one post of Head Clerk for every 12 sanctioned posts of Senior Clerks and Junior Clerks taken together.
- (f) The supervisory post, like Office Superintendent wherever existing shall not be taken into account in computing the number of posts of Head Clerks in an Office.

2. On the basis of the above principles the Government have decided to create/upgrade 343 number of posts of Head Clerks for the field offices as per the statement enclosed. The concerned Administrative Department shall issue sanction orders accordingly.

3. For creation/upgradation of posts of Head Clerks in future the concerned Administrative Department shall formulate proposals on the basis of the above principles and obtain prior concurrence of the Finance Department.

4. These instructions are issued with the approval of Cabinet.

5. The above instructions will come into force with immediate effect.

[ILLEGIBLE]

Commissioner-cum-Secretary to

Government

No. 9892-IIIE(C)-161/83-RE.

GOVERNMENT OF ORISSA
REVENUE AND EXCISE DEPARTMENT
RESOLUTION

The 10th February 1984

Subject – Rationalisation of the Staffing Pattern in the District level Offices & subordinate Offices thereunder.

The Government have been considering, for some time past, to rationalise the staffing pattern in the district level offices under the administrative control of different Departments of Government. A Sub-committee which had been constituted under the Chairmanship of the Member, Board of Revenue in Home Department Resolution No. 11903-Assn., dated the 10th March 1981 to go into matter, submitted its report on the 31st March 1982. The State Government, after careful consideration, have accepted the recommendations of the Sub-committee and have, accordingly, decided as follows :

**Yardstick for
corresponden-ce.**

I. For the purpose of dealing with correspondence, the yardstick of 2000 receipts and issues taken together for one Clerk, as prescribed in Revenue Department G. O. No. 27814-R., dated the 1st May 1964, should be adopted in all the District level Offices and Subordinate Offices thereunder. The position should be reviewed in respect of offices where a different yardstick is followed at present :

Provided that, in respect of Block Offices where the Extension Officers are required to attend to substantial percentage of correspondences relating to their subjects directly, the procedure of determining the requirement of ministerial staff should be the total number of posts admissible on yardstick basis (i.e., one Clerk for 2000 receipts and issues taken together) minus the total number of Extension Officers available, but in no case the minimum number of ministerial officers (excluding the supervisory officer) should be less than three.

**Yardstick for case
work.**

II. For the purpose of processing of cases such as leases, offences, permits, appeal cases on other miscellaneous cases of this nature, the yardstick of one clerk at the rate of 1000 contested cases or 2000 uncontested cases, as prescribed in the aforecited G. O. of Revenue Department, should be adopted in all the District level offices in respect of Forest Department, Finance (Commercial Tax) Department and such other Departments where such cases are handled, except in respect of criminal cases for which separate yardsticks have been prescribed by the Home Department and the Law Department. The position should be reviewed in respect of offices where a different yardstick is followed at present.

**Yardstick for Bill
Budget**

III. For the purpose of dealing with work relating to bill, budget, establishment, forms and stationery, the yardstick of one clerk for every sixty employees (both Gazetted and

**Establishment
Forms and
Stationery.**

non-Gazetted employees working under the District Offices whose appointing authority is the said District Officer but who may be working elsewhere), as prescribed in the aforesaid G. O. of the Revenue Department, should be adopted in all the District level offices and subordinate offices thereunder in respect of all the Departments :

Provided, however, that adoption of this yardstick may not be a feasible proposition for offices like those of District Inspectors of Schools and Block Development Officers and hence it is necessary to examine the prospects of computerizing the preparation of bill etc. in these offices and other similar offices. In case some of the existing employees would be found to be surplus on account of such computerization, they may be utilized for other purposes without facing retrenchment.

**Post of Record
Keeper.**

IV. For the purpose of systematic maintenance and preservation of record, there should be one post of Record Keeper on non-receipt basis for each District Level Office, without prejudice to the yardstick prescribed in G. O. No. 27834-R., dated the 1st May 1964 for the Revenue Department.

**Specified posts
for Offices under
Engineering
Departments/
Block Offices.**

V. For the purpose of handling work relating to accounts and stores, the existing yardstick of (a) one clerk for each Subdivision under the Division (to act as sub-divisional Auditor under the Divisional Accountant), (b) one Cashier for the Divisional Office and (c) one Store Keeper for the Divisional Office should continue to be operative on non-receipt basis in respect of the Works Department. These yardsticks may be adopted in other Engineering Departments also. The yardstick of one Cashier and one Store Keeper may also be adopted, on non-receipt basis in respect of the Block Offices.

**Yardstick for
House rent
collection and
revenue receipts.**

VI. For the purpose of collection of house rent and revenue receipts, the yardstick of 150 houses for one clerk, as prescribed by the Works Department should be adopted in all such Departments entrusted with the responsibility of collection of house rent and revenue receipts of like nature.

**1:2 Ratio of
Senior Clerks and
Junior Clerks.**

VII. Among the total number of clerks admissible, the existing ratio of one Senior Clerk for two Junior Clerks should continue and this pattern should be adopted in all District level offices and Subordinate offices thereunder in respect of all Departments.

**Supervisory
posts, Head Clerk
and Head
Assistant.**

VIII. (a) Government decision regarding entertainment of supervisory posts in the rank of Head Clerk/Head Assistant will be taken on considering the recommendations of the Pay Commission, 1983.

**Office
Superintendent.**

(b) The supervisory posts in the rank of Office Superintendent, wherever they exist should continue.

Test Typing

IX. At the entry stage of the ministerial service, there should be a non-qualifying test in typing, but the said test should not be obligatory. The Junior Clerks who do not 'appear in or do not' pass the said test should be required to pass the test during the period of their probation failing which they will not be eligible to draw any further increments.

2. Each Department of Government should finalise the yardsticks, on receipt and non-receipt basis, for entertainment of staff in respect of the District level offices and Subordinate offices thereunder in its administrative hierarchy, keeping in view the criteria indicated above and the specific functional activities pertaining to the said offices.

Order – Ordered that the Resolution be published in the Orissa Gazette and copies thereof be forwarded to all concerned for information and necessary action.

By order of the Governor
GIAN CHAND
Chief Secretary to Government

No. 13582-II(E)(G)-161/83-R.

GOVERNMENT OF ORISSA
REVENUE AND EXCISE DEPARTMENT
RESOLUTION

The 25th February 1984

Subject – Rationalisation of the Staffing Pattern in the District Level Offices and Subordinate Offices thereunder.

The State Government in their Resolution No. 9892-R., dated the 10th February 1984 had taken certain decisions to rationalise the staffing pattern in the district level office under the administrative control of different departments of Government, after considering the recommendations made by the Sub-committee constituted under the Chairmanship of the Member, Board of Revenue for the purpose.

2. While considering the question of prescribing the yardstick for the creation of supervisory posts of Head Clerk and Head Assistant it was mentioned in paragraph VIII (a) of the said Resolution that “Government decision regarding entertainment of supervisory posts in the rank of Head Clerk/Head Assistant will be taken on considering the recommendation of the Pay Commission, 1983.”

3. After further consideration, Government have been pleased to decided that paragraph VIII of the aforesaid Resolution will stand modified as follows :

**Supervisory
posts-Head Clerk.**

“VIII (a) The ratio for entertaining supervisory posts in the rank of Head Clerk should be 1:12. In other words, there should be one Head Clerk for twelve Senior Clerks and Junior Clerks taken together and an additional post of Head Clerk would be admissible for the remaining seven or more additional ministerial officers, if any. For this purpose, the existing yardstick and non-yardstick supervisory posts should be taken into account. However, there should be a supervisory post of Head Clerk in each and every office having three ministerial officers in the minimum in case no supervisory post of equivalent rank or higher rank already exists.”

**Head Assistant
and
Superintende-nts.**

“(b) The supervisory posts in the rank of Head Assistant or Office Superintendent, wherever they exist, should continue.”

Order – Ordered that the Resolution be published in the *Orissa Gazette* and copies thereof be forwarded to all concerned for information and necessary action.

By order of the Governor
GIAN CHAND
Chief Secretary to Government

DIPLOMA ENGINEERS

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)

PART I - RULES

- | | | | |
|----|--|------------|---|
| 1. | Notification No. 6514 (Gen.) | 23-03-1982 | Orissa Junior Engineers (Constitution of Cadre) Rules, 1982 |
|----|--|------------|---|

PART II – INSTRUCTIONS

- | | | | |
|----|--|------------|--|
| 1. | Circular No. 14870 (Gen.) | 20-08-1986 | Relaxation of under age of Diploma Holders for appointment as Junior Engineers |
| 2. | Resolution No. 9419 (Gen.) | 03-04-1991 | Employment of unemployed Diploma Engineers of different discipline under the Government Departments/Government Undertakings. |
| 3. | Resolution No. 2739 (Gen.) | 08-02-1995 | Employment of unemployed Diploma Engineers of different discipline under the Government Departments/Government Undertakings. |
| 4. | Resolution No. 5468 (Gen.) | 02-02-2000 | Employment of unemployed Diploma Engineers – Reconstitution of Committee. |

PART-I RULES

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 23rd March 1982

(Published in the *Orissa Gazette* on the 15th May 1982)

No. 6514/Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor is pleased to make the following rules, namely :-

1. (1) These rules may be called the Orissa Junior Engineers (Constitution of Cadre) Rules, 1982

(2) They shall come into force on the date of their publication in the official gazette

2. Definitions – In these rules unless the context otherwise requires –

(a) “Cadre” means the cadre of Junior Engineer constituted under sub-rule 1 of rule 5

(b) “Government” means the State Government of Orissa

3. The post of Junior Engineer shall be non-gazetted ranks and shall carry such scales of pay as Government may, from time to time determine.

4. Each Department of Government, which has a cadre of Junior Engineers constituted under the Orissa Junior Engineer’s Cadre (Recruitment and Condition of Service) Rule, 1972 and a cadre of Sub-Assistant Engineer shall on date of Commencement of these rules, have a cadre of Junior Engineers.

5. (1) The cadre of Junior Engineers shall comprise –

(a) Junior Engineers recruited under the Orissa Junior Engineers Cadre (Recruitment and Conditions of Service) Rules, 1972, who continue as such on the date of commencement of these rules, and

(b) The Sub-Assistant Engineers continuing as such on the date of commencement of these rules, and

(c) Junior Engineers appointed after the commencement of these rules;

(2) The Sub-Assistant Engineers referred to in clause (b) of sub-rule (1) shall on and from the date of commencement of these rules be re-designated as Junior Engineers.

6. The Seniority of Junior Engineers in the Cadre on the date of commencement of these rules shall be as follows :-

(1) Without prejudice to the *inter se*-seniority among the officers belonging to each group, the group of officers referred to in clause (a) of sub-rule (1) of rule 5 shall enblock be senior to the group of officers referred to in clause (b) of sub-rule (1) of rule 5.

(2) The *inter se*-seniority among the officers belonging to each group referred to in clauses (a) and (b) of sub-rule (1) of rule 5 as it stood immediately prior to commencement of these rules shall remain unaltered.

7. Save as otherwise provided in these rules, The Orissa Junior Engineers, Cadre (Recruitment and Conditions of Service) Rules, 1972, are hereby repealed.

By order of the Governor

C. NARAYANASWAMY

Special Secretary to

Government

PART-II - INSTRUCTIONS

No. 14870-2R/1-52/86Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 20th August 1986

From

Shri R. N. Misra, O. A. S. (I)
Deputy Secretary to Government.

To

The Chairman, Committee of Chief
Engineers and concerned Heads of Departments and
Chief Engineers, P. H., Orissa.

Subject – Relaxation of under-age of Diploma holders for appointment as Junior Engineers.

Sir,

I am directed to invite a reference to your letter No. 2120, dated the 2nd May 1986 on the subject noted above and to say that the minimum age of entry into Government service of Junior Engineers should be taken to be 21 years as in case of other Gazetted Government servants in Class-I, Class-II and Class-III services.

Yours faithfully,

R. N. MISRA

Deputy Secretary to

Government

No. 9419-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 3rd April 1991

Subject – Employment of un-employed Diploma Engineers of different disciplines under the Government Departments/Government Undertakings.

Read – P. & S. Department Resolution No. 19877-SC/6-98/79-Gen., dated the 6th August 1979.

Instructions were issued in the erstwhile Political and Services Department (now General Administration Department) Resolution No. 19877 – SC/6-98/79-Gen., dated the 6th August 1979 (copy enclosed) and Irrigation and Power Department letter No. 41816, dated 11th September 1989 for constitution of a Committee consisting of Chief Engineers and other Heads of Departments concerned for appointment of Diploma Holders in Civil and Electrical Engineering to different Departments and other Government Offices after obtaining information from the concerned Departments regarding their requirements.

2. But there was no provision in the aforesaid Resolution for recruitment of Junior Engineers other than Civil and Electrical. After careful consideration Government have been pleased to decide that the said Committee with the following officials as Chairman and Members will also empanel Diploma Holders of all Engineering disciplines :-

1.	Chief Engineer, Delta & Flood Control (Irrigation) ...	Member
2.	Chief Engineer, Roads ...	Member
3.	C. E., Electricity and Electrical Projects ...	Member
4.	C. E., Buildings - I ...	Member
5.	C. E., P. H. - I ...	Member
6.	C. E., National Highway ...	Member
7.	C. E., Mechanical of Irrigation Deptt. ...	Member
8.	Establishment Officer, Office of the C. E., National Highway. ...	Secretary of the Committee

The Committee may co-opt. any other Chief Engineer/Head of the Department/Corporation as a Member as may be necessary. The Senior most Chief Engineer will act as Chairman of the Committee.

3. The Criteria for selection by the Committee shall be fixed taking into consideration the requirements of different Departments/Corporations.

4. All appointments in the Government Departments, Undertakings and other Government institutions are to be made from this panel of candidates maintained by the Committee. Other provisions as contained in the erstwhile P. & S. Department resolution referred to above shall remain unaltered.

Order – Ordered that the Resolution be published in the *Orissa Gazette* for general information.

Ordered also that copy of the Resolution be forwarded to all Departments of Government/all Heads of Departments/Member, Board of Revenue/all District Collectors/Secretary to Governor/Registrar, Orissa High Court/Secretary, O. P. S. C./Principal Secretary to Chief Minister and Director of Printing, Stationery and Publication, Orissa, Cuttack.

By order of the Governor
C. NARAYANASWAMY
Special Secretary to

Government

No. 19877/Gen.

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

RESOLUTION

The 6th August 1979

Subject – Constitution of a Committee for recruitment of Diploma Holders in Civil Engineering.

Read – L. E. & H. Department Resolution No. 6383/LEH., dated the 24th April, 1973.

Government in P. & C. Department were so far maintaining the list of Diploma Holders in Civil Engineering and sponsoring them to different Departments to meet their requirement.

2. This system was conceived as a temporary arrangement and required to be continued till L. E. & H. Department took steps for opening a Technical Manpower Employment Exchange. In the meantime, L. E. & H. Department have constituted a Technical Manpower Employment Exchange which has been functioning from April 24, 1973. After formation of the Technical Manpower Employment Exchange, there is no need for the P. & C. Department to function as a Control Agency for recruitment of Diploma Holders in Civil Engineering. On the other hand, it is considered appropriate that Chief Engineers and the concerned Heads of Departments should be associated with the recruitment of Diploma Holder in Civil Engineering as per the practice followed in early sixties.

3. After careful consideration, Government have been pleased to constitute a Committee consisting of the Chief Engineers and other Heads of Departments concerned for the above purpose. The

Establishment Officer attached to the National Highway Organisation will work as Secretary of the Committee.

4. The Committee will allocate the Diploma Holders, in Civil Engineering to different Departments according to their requirement from the list of candidates available with the Technical Manpower Employment Exchange. All appointments are to be made from the list of candidates sponsored by the said Exchange and in case it fails to furnish candidates within a specified period of three weeks recruitment may be made from the open market. The responsibilities of the Committee would be to allocate the Civil Diploma Holders to different branches and allottees would have to report to duty within a fortnight of their receiving intimation of appointment.

Order – Ordered that the Resolution be published in the *Orissa Gazette* for general information.

Ordered also that copies of the Resolution be forwarded to all Departments of Government, all Heads of Departments, all District Offices, Secretary to Governor, Registrar, Orissa High Court, Secretary, Orissa Public Service Commission and Director of Printing, Stationery and Publication, Orissa, Cuttack for information and communication to the subordinate officers under them.

By order of the Governor

A. N. TIWARI

Special Secretary to

Government

No. 2739-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 8th February 1995

(Published in the *Orissa Gazette* on the 3rd March 1995)

Subject – Employment of unemployed Diploma Engineers of different disciplines under the Government Departments/Government Undertakings.

General Administration Department in their Resolution No. 9419, dated the 3rd April 1991, have constituted a Committee to empanel Diploma Holders of all Engineering disciplines for appointment of Diploma Holders wherein it has been provided that the senior most Chief Engineer will act as Chairman of the Committee. But subsequently Government have been pleased to decide that Chief Engineer, National Highway, will be the Chairman of the said Committee irrespective of his seniority.

Accordingly, the words “The senior most Chief Engineer” occurring in the last sentence in paragraph 2 of the General Administration Department Resolution No. 9419-Gen., dated the 3rd April 1991, are hereby substituted by the words “The Chief Engineer, National Highway”.

This will take effect from the date of issue of this Resolution.

Order – Ordered that the Resolution be published in the *Orissa Gazette* for general information and copies be forwarded to all Departments of Government/all Heads of Departments/Member, Board of Revenue/all District Collectors/Secretary to Governor/Registrar, Orissa High Court/Secretary, OPSC/Principal Secretary to Chief Minister and Director of Printing, Stationery and Publication, Orissa, Cuttack.

By order of the Governor

PRITIMAN SARKAR

No. 5468-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 2nd February 2000

Subject – Employment of unemployed Diploma Engineers of different Disciplines under the Government Departments/Government Undertakings- Reconstitution of Committee.

Detailed guidelines have been issued in General Administration Department Resolution No. 9419-Gen., dated the 3rd April 1991, read with Resolution No. 2739, dated the 8th February 1995 prescribing the procedure for employment of unemployed Diploma Engineers of different Disciplines under Government Departments/ Government Undertakings. Under Para. 2 of the said Resolution, a Committee under the Chairmanship of the Chief Engineer, National Highway has been constituted to empanel Diploma holders of all Engineering disciplines for their appointment under the Government Departments/Government Undertakings.

2. In the meantime, several changes have been made in the designation of post of Chief Engineer and some of the posts of Chief Engineers have been upgraded to that of Engineer-in-Chief and the post of Chief Engineer, Delta & Flood Control has been abolished, against which the post of Engineer-in-Chief, Water Resources, has been created. In view of the changed circumstances, the question of reconstitution of Committee to empanel Diploma Holders of all Engineering disciplines for appointment was under consideration of Government for sometime past.

3. After careful consideration, Government have been pleased to decided that in partial modification of Para. 2 of G. A. Department Resolution No. 9419, dated the 3rd April 1991 the Committee with the following officials is reconstituted to empanel Diploma holders of all Engineering disciplines for appointment in Government Departments/Government Undertaking :-

- | | | | |
|-----|---|-----|-----------|
| (1) | Engineer-in-Chief (Civil) | ... | Chairman |
| (2) | Engineer-in-Chief (Water Resources) | ... | Member |
| (3) | Engineer-in-Chief (Electrical) | ... | Member |
| (4) | Engineer-in-Chief (Public Health) | ... | Member |
| (5) | Chief Engineer (Buildings) | ... | Member |
| (6) | Chief Engineer (National Highway) | ... | Member |
| (7) | Chief Engineer (Mechanical) | ... | Member |
| (8) | Establishment Officer-I, office of the E.I.C. (Civil) | ... | Secretary |

4. All other conditions as stipulated in G. A. Department Resolution No. 9419, dated the 3rd April 1991 shall remain unchanged.

Order – Ordered that the Resolution be published in the *Orissa Gazette* for general information and copies be forwarded to all Departments of Government/all Heads of Departments/Member, Board of Revenue/all Collectors/Secretary to Governor/Registrar, Orissa High Court/Registrar, Orissa Administrative Tribunal/Secretary, O. P. S. C.

By order of the Governor
S. B. AGNIHOTRI

Special Secretary to Government

ENGAGEMENT OF RETIRED OFFICERS

INSTRUCTIONS

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
1.	Circular No. 28560 (Gen.)	13-11-1991	Procedure to be followed in case of regularization of overstayal period in serve.
2.	Circular No. 2102 (Gen.)	30-01-1995	Procedure to be followed in case of regularization of overstayal period in service of retired Government servants who are staying in Government service beyond he date of normal retirement and recovery of emoluments received by the employees concerned thereof.
3.	Resolution No. 19637 (Gen.)	30-06-1999	Guidelines relating to engagement of retired Government functionaries.
4.	Resolution No.31998-Gen	22-11-2003	Guidelines relating to engagement of retired Government Functionaries.
5.	Resolution No. 30168 (Gen.)	13-10-1999	Guidelines relating to engagement of retired Government functionaries- deployment of retired Doctors in K. B. K. region.

No. 28560 (179) – 2R/1-70/91 (Pt)-Gen.

GOVERNMENT OF ORISSA GENERAL ADMINISTRATION DEPARTMENT

The 13th November 1991

From

Shri T. K. Mishra, I. A. S.
Special Secretary to Government

To

All Secretaries to Government/
All Heads of Departments/
All Collectors.

Subject – Procedure to be followed in case of regularization of overstayal period in service of retired Government servants by way of re-employment and proposals affecting the service conditions of individual Government servants so far as creation of posts and antedating of promotion etc. in compliance to the Court's orders.

Sir,

I am directed to invite your attention to the erstwhile Political and Services Department letter No. 14572(25) – SC/1-21/68-Gen., dated the 5th August 1968 wherein the procedure has been laid down for the re-employment and extension of superannuated officers. According to the said procedure, re-employment shall not be granted as a matter of course but it may only be granted in the exigencies of public service. The Administrative Department will have to informally consult the Minister in charge before giving views about the proposal of re-employment and consult the General Administration and Finance Departments and after their views obtained will have to submit the proposal to the Chief Secretary/Additional Chief Secretary/Development Commissioner who will record his views and submit the case to the Minister concerned. In case the General Administration and Finance Departments disagree to the proposal they shall have to consult the Minister in charge of their department before endorsing their views to the sponsoring department. If the administrative Department still feels that the matter is to be placed before the Cabinet, the views of General Administration and Finance Departments shall be placed in the Memorandum and specific approval of the Chief Minister obtained to place it before the Cabinet.

2. Of late, it has been observed that a number of cases are being referred to the General Administration Department relating to the grant of re-employment to the retired Government servants to regularize their period of overstayal beyond the normal age of superannuation either due to lack of proper supervision of the concerned authority or otherwise. In such cases, to avoid embarrassment, regularization of the overstayal period is made by way of re-employment. In one such case of regularization of overstayal period relating to the Irrigation Department, approval of the Cabinet was sought for on the 26th June 1991. This case was approved by the Cabinet with the observation that overstayal in service beyond the age of superannuation is occurring in different departments from time to time and responsibility should be fixed for such overstayal in each case.

3. In another case of overstayal period relating to the Finance Department, approval of the Cabinet was sought for, on the 3rd September 1991. The case was approved by the Cabinet with the observation that proposals affecting the service conditions of individual Government servants such as creation of posts, antedating of promotion etc. in compliance to the Court's orders or proposals for regularization of the period of overstayal in service as re-employment need not be brought to the Cabinet and that such cases should be decided in future under orders of the Chief Minister.

In view of the above change of policy, proposals in future affecting the service conditions of individual Government servants such as creation of posts and antedating of promotion etc. in compliance to the Court's order or proposals for regularization of the period of overstayal of Government servants beyond the age of superannuation as re-employment need not be submitted to the Cabinet and such cases should be disposed of after obtaining orders of the Chief Minister. But responsibility should invariably be fixed in each case on the concerned officers before obtaining the orders of Chief Minister for regularizing the period of overstayal after the normal age of superannuation as re-employment.

Yours faithfully,
T. K. MISHRA
Special Secretary to

Government

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No. 2102 – 2R/1-27/94-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 30th January 1995

To

All Departments of Government
All Heads of Departments
All Collectors.

Subject – Procedure to be followed in case of regularization of overstayed period in service of retired Government servants who are staying in Government service beyond the date of normal retirement and recovery of emoluments received by the employees concerned thereof.

Sir,

I am directed to say that in the past detailed instructions were issued in Book Circular No. 40 and in the erstwhile P. & S. Department letter No. 14572 (25), dated the 5th August 1968, Resolution No. 3642, dated the 19/20th February 1968 and G. A. Department No. 28560 (175), dated the 13th November 1991 stipulating the procedure to be followed in case of regularization of overstayed period in service of retired Government servants by way of re-employment. Despite such instructions several cases are being referred to G. A. Department for regularization of overstayed period in service in case of a good number of Government employees by way of re-employment without following the guidelines meticulously. Overstay in service occurs either due to manipulation of the date of birth of an employee in his Service Book/Service Roll or on account of Court order staying operation of retirement notice issued by Government or due to non issuance of retirement notice by the appointing authority at the appropriate time. Thus continuance in service of a Government servant beyond the date of superannuation not only creates financial burden on the State exchequer but also puts the Government into an embarrassing position as well. Manipulation of date of birth in the Service Records is not possible without connivance of the custodian of Records. Officers and staff dealing with the establishment matters are supposed to keep watch on timely retirement of employees concerned. Therefore, due to their negligence or with their knowledge at times some employees manage to continue in Government service beyond their date of superannuation. In order to avoid re-employment in service and to hold officers and staff responsible for such re-employment, the following guidelines are prescribed :-

- (i) No alternation of the date of birth once recorded in the Service Book/Service Roll of an employee, shall be made excepting in case of clerical error without prior approval of the State Government. An application for effecting a change in the date of birth shall be summarily rejected if-
 - (a) filed after five years of entry into Government service, or
 - (b) the change would lower the applicant's age to an extent that he/she would have been ineligible to appear in any of the academic or recruitment examination for appointment to any service or post under the Government.
- (ii) No Government servant will be allowed to dispute his date of birth on completion of the period of probation and after completion of one year of service in case of Class IV employees.
- (iii) The Government servant shall be deemed to retire from service on his normal date of superannuation and no notice to a Government servant to retire from service on attaining the age of superannuation is required according to Rule 40 (5) of the O. C. S. (Pension) Rules, 1992.
- (iv) If a Government servant continues in service beyond the date of his normal superannuation or compulsory retirement by manipulation of Service Book or Government Records, the officers and staff for whose negligence in duty the employee concerned found opportunity to overstay in service should be taken to task. In case of overstayed by manipulation of records as well as suppression of facts, charges against Officers/Staff concerned should be established through a departmental proceeding so that recovery of the salary received by the Government servant overstayed in service, can be effected from the employees responsible for such overstayed along with such other punishments as are considered appropriate by the Disciplinary Authority.

2. Proposals for regularization of overstayed period in service by a Government Employee should be submitted to the Chief Minister as clarified in Para. 4 of the G. A. Department Circular No. 28560, dated the 13th November 1991, keeping the aforesaid guidelines in view.

Concurrence of G. A. Department and Finance Department should invariably be taken before the proposal is submitted to the Chief Minister.

3. The above instructions are issued after consultation with the Finance Department and Law Department.

Yours faithfully,
[ILLEGIBLE]
Special Secretary to

Government

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No. 19637-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

(Published in *Orissa Gazette* on the 13 August 1999)

The 30th June 1999

Subject – Guideline relating to engagement of Retired Government Functionaries.

There was a time when the number of persons having professional expertise, especially in the scientific technical and paratechnical spheres, was limited in the country in general and in Orissa in particular. In view of such acute scarcity, there was then a need on certain occasions to engage some retired persons of professional excellence in Government assignments by way of (a) extension of service or (b) re-employment or (c) contractual appointment for specified periods, ordinarily not beyond the age of sixty years of age.

2. The situation has now undergone a drastic change because of the following facts :-

- (a) There are numerous functionaries available at different levels in various hierarchies of Government organizations who are equally equipped to handle any technical or administrative matter and who can with equal dexterity handle the intended function. It would be unfair to them if they are denied the opportunity to shoulder the higher responsibility by due elevation.
- (b) The current age is a time of explosion of multidisciplinary knowledge. There is continual acquisition and updating of skills in managerial and technological spheres. Yesterday's expertise is today's obsolescence. It is, therefore, in the public interest to induct fresh talents rather than to rehire antiquated hands.
- (c) Nothing prevents a retired but public spirited expert of renown to offer his council and positive suggestions for the consideration of Government even if he is not given a formal extension or re-employment or contractual appointment. He can also contribute to the society by getting associated with voluntary organizations committed for socio-economic welfare of the people at large.
- (d) The inclination to seek such continuance in an assignment on the part of a Government functionary towards the fag-end of his service and the tendency to recommend such propositions on the part of the superior authority sometimes lead to situations which are not desirable.

3. Considering the matter from all angles, the State Government have decided, in supersession of all earlier instruction, that no proposal for re-engagement of any retiring/retired functionary shall hereafter be considered in any circumstances, except in the situations specified hereunder :-

- (a) Appointments of retiring/retired Government officers made as per the provisions contained in the Constitution of India or Central/State Status (such as Chairman/Members of Public Service Commission, Tribunals, etc.), or

- (b) Honorary appointments of retiring/retired Government officers as Directors of Boards of Directors of Public Enterprises or Presidents/Vice-Presidents of State Academies (for specified terms), provided that no such appointments shall continue beyond the age of sixty-five years, or
- (c) Membership of retired Government functionaries in any Advisory Body or a Committee on honorary basis for specified periods.

4. The only exception that may be allowed relates to the appointment of a Special Secretary/Officer-on-Special Duty (in lieu of one post of Private Secretary) to a Minister/Minister of State/Deputy Minister. In case a member of the Council of Ministers wishes to engage a retired Government officer for the said purpose in consideration of his usefulness because of similar past experiences, such a retired officer may be engaged with the prior approval of the Chief Minister, subject to the following terms and conditions :-

- (1) The appointment shall be on contract basis and shall be co-terminous with the appointment of the Member of the Council of Ministers. It shall also be terminable on one month's notice, on either side, even during the period of incumbency of the Member of the Council of Ministers.
- (2) The rank of the retired officer must not have been less than that of an Under-Secretary to Government at the time of retirement. He may be designated as Officer-on-Special Duty, ordinarily. If, however, he held a position of or above the rank of Additional Secretary to Government, he may be designated as Special Secretary.
- (3) He must not have been punished in any Departmental Proceedings during his service career, nor must he have been a member of any political party after his retirement.
- (4) A retired officer against whom a Vigilance case or Criminal prosecution or disciplinary proceeding is pending shall not be eligible for such engagement.

4.2. The proposal for such appointment shall be placed for the consideration of the Chief Minister after obtaining the clearance of the Vigilance Organisation and the concurrence of the General Administration Department and Finance Department.

4.3. (a) The appointee shall be entitled to get a consolidated pay as determined by the Parliamentary Affairs Department on the advice of the Finance Department. ¹[The emoluments to be paid for re-engagement should be on the basis of fixation of such emolument for re-employed retired persons].

- (b) The appointee shall not be eligible to get Dearness Allowance or any other Special Pay or Allowances over and above the said consolidated pay.
- (c) During the period of the contract appointment, the appointee may be accommodated in government Quarters, subject to the availability, provided he pays ¹[normal rent as applicable to a Government servant occupying government accommodation].
- (d) During the period of the contract appointment, the appointee shall also be entitled to get (i) Travelling Allowance for approved tours at the rate he was eligible for at the time of his retirement and (ii) the benefit of reimbursement of the cost of medicines as applicable to Government servants.
- (e) The period of the contract appointment shall not be counted as Government service for the purpose of pension or any other retirement benefits.

5. With immediate effect the engagement of all retired Government functionaries by way of extension of service/re-appointment/contract appointment (which are contrary to the guidelines) shall stand terminated.

6. This Resolution shall come into force with immediate effect.

Order – Ordered that the Resolution be published in the *Orissa Gazette* and copies thereof be forwarded to all concerned.

**By order of the Governor
RAJENDRA KISHORE**

**PANDA
Government**

Special Secretary to

1. Substituted vide corrigendum No. 2525-Gen., dated the 15th January 2000.

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No. 30168-Gen
Government of Orissa
General Administration Department
RESOLUTION
The 13th October' 1999

Subject – Guidelines relating to Engagement of Retired Government functionaries-Deployment of retired Doctors in K. B. K. region.

Whereas guidelines were issued in this Department Resolution No. 19637-Gen., dated the 30th June 1999 putting stringent restriction on re-deployment of retired personnel in Government Departments/Agencies and whereas the review of its implementation revealed that the circumstances necessitating deployment of retired Doctors in the K. B. K. region are completely different from those which necessitated the above Resolution.

The Government, therefore, have been pleased to decide that the aforesaid Resolution would not be applicable in the case of filling up vacant posts of general Doctors and Veterinary Surgeons in the K. B. K. region (up to 60 years age) until further orders.

This Resolution shall come into effect immediately.

Order – Ordered that the Resolution be published in the *Orissa Gazette* and copies thereof be forwarded to all concerned.

**By order of the Governor
S. B. AGNIHOTRI
Special Secretary to**

Government

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**Government of Orissa
General Administration Department**

RESOLUTION

Dtd. 22.11.2003

Sub: Guidelines relating to engagement of retired Government Functionaries.

No. 2R/1-27/2003/31998/Gen., Government have been pleased to decide that merit alone should determine tenures of Directors of Board of Directors of Public Enterprises, Presidents and Vice-Presidents of State Academies and there should be no age bar for such appointments. Accordingly, General Administration Department Resolution No. 19637 / Gen., dt. 30.06.1999 is amended to the extent as follows:

1. In clause (b) of the said resolution, the following shall be substituted namely:

There would be no age bar for honorary appointments for specified periods of retiring / retired Government officers as Directors of Board of Directors of Public Enterprises or Presidents / Vice-Presidents of State.

Academies, provided that the persons to be appointed have good health and are fit.

ORDERS : Ordered that the resolution be published in the extraordinary, issue in the Orissa Gazette and copies thereof be forwarded to all concerned.

Governor,

By order of the

T.K.Pandey

Special

Secretary to Government

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GROUP 'D' EMPLOYEES

INSTRUCTIONS

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
1.	Circular No. 29787 (Gen.)	15-12-1979	Method of recruitment and duties of Group 'D' posts.
2.	Circular No. 201561 (Gen.)	27-08-1983	Employment of Class IV Government servant in work of purely private nature.
3.	Resolution No. 3180 (Gen.)	09-02-1994	Promotion of Class IV employees to Class III posts.
4.	Circular No. 22801 (Gen.)	22-10-1994	Promotion of Class IV employees to Class III posts.
5.	Resolution No. 16140 (Gen.) Oriya.	30-05-1996	Certain concessions admissible to Class IV employees.
6.	Resolution No. 2196 (Gen.)	29-01-1997	Promotion of Group 'D' employees to Group 'C' Posts.
7.	Resolution No. 7205 (Gen.)	23-03-1998	Promotion of Group 'D' employees to Group 'C' Posts.
8.	Circular No. 4206 (Gen.) Oriya.	08-02-1999	Appointment of Treasury peons as Treasury Sarkars.

No. 29787-Gen.

GOVERNMENT OF ORISSA POLITICAL & SERVICES DEPARTMENT

The 15th December 1979

To

All Departments of Government.

Subject – Amendment to Orissa Secretariat Instructions.

The undersigned is directed to say that the Orissa Secretariat Instructions shall stand amended as indicated below with immediate effect.

2. The existing Rules 1-8-A shall be substituted by the following :-

“A-1. DUTIES OF JAMADAR

- (1) To bring letters from the Post Office and place these before the officer concerned after putting date stamp.
- (2) To arrange papers and files on the table of the officer.
- (3) To remain in attendance at the office room of the officer to attend to the calls of the Officer.
- (4) To carry files and papers to and from the office room of the officers.
- (5) To attend to the Officer's Telephones in the absence of the officer to whom he is attached.
- (6) To attend to any other official work that may be entrusted to him by the officer concerned.

A-2 DUTIES OF DAFTARY

- (1) To attend to all types of roneo works.
- (2) To bind and stitch all new and old registers except the binding of Gazettes of Law Department.
- (3) To seal all confidential letters and files, etc.
- (4) To attend to all pasting works of the Department.
- (5) To rule the papers and registers when required.
- (6) To clean inkpots and pens of the officers and assistants.
- (7) To bring departmental indents of stationery articles on requisition and distribute those among the staff.
- (8) To supply sized papers to typists.
- (9) To prepare envelopes, etc. for issue of letters, parcels and packets, etc.
- (10) To affix stamps on cover of Government letters.
- (11) To carry daily Government letters, registered letters, parcels, etc. to post office for despatch.
- (12) To attend to any other official work assigned to him by the officer, S. O. or Superintendent.

A-3 DUTIES OF LITERATE PEON ATTACHED TO ISSUE SECTION

- (1) To return drafts, spare copies, etc. to concerned staff after issue and help despatcher in office work.
- (2) To take signature pad from Issue Branch to concerned officers for signature.
- (3) To take official telegrams/wireless message/telex messages, etc. to their respective places for despatch.
- (4) To keep postal receipts in relevant register of Issue Section.
- (5) To take delivery of parcels/packets of Department from Railway Station/Post Office/Registration offices, etc.

- (6) To distribute official daks both inside and outside the office.
- (7) To attend to any other official work entrusted by the Head Typist.

A-4 DUTIES OF ORDERLY PEON

- (1) To carry files, daks, official papers and books, etc. as and when required from office to residence office and *vice versa* of the officers to whom he is attached.
- (2) To attend to the office work (including carrying messages/orders) at the residence office of the officer to whom he is attached.
- (3) To attend to any other official duties which maybe assigned by the officer to whom he is attached.
- (4) To return the signature pads after signature of the concerned officer to Issue Branch.
- (5) To attended to any other official calls of the officer he is attached to.

A-5 DUTIES OF OFFICE PEON

- (1) To take attendance register from office to officer and back
- (2) To attend to all official calls of the office staff and other to whom attached
- (3) To take files from the officer to office and *vice versa*
- (4) To take Diary, Transit U. O. I., U. O. R. Registers, Log Books, etc. to the desired places as and when required by Officers/Assistants/Section Officers/Diarist, etc.
- (5) To attend to any other official duties as and when required by his official superiors.

A-6 DUTIES OF FARASH

- (1) To clean the Surahis and supply drinking water in office rooms of the Department to which he is attached.
- (2) To dust furniture, files and racks kept in the Department as well as in office rooms of the officers concerned.
- (3) To arrange and rearrange furniture of the conference hall and rooms of Ministers, State Ministers and Dy. Ministers as and when necessary.
- (4) To attend to any other official duties as may be assigned to him from time to time by his official superiors.

A-7 DUTIES OF SWEEPER

- (1) To sweep and wash the allotted office room and clean courtyards and other premises of the Secretariat building.
- (2) To wash and clean lavatories, washing basins and urinals and spray disinfectant supplied for the purpose.
- (3) To remove cobwebs from walls and ceilings of the offices, lavatories, urinals and garage of the Secretariat.
- (4) To change and refill sand of the spintoons placed at different corners of the Secretariat building.
- (5) To attend to any other official work as may be assigned to him from time to time by his official superior.

A-8 DUTIES OF CHOWKIDAR

- (1) To keep a watch over the office premises
- (2) To open and close different rooms and halls used as offices before and after working hours, respectively.

A-9 DUTIES OF PROCESS SERVER

- (1) To serve notice on the party concerned
- (2) To help the concerned assistants and officers in all office work, when not required to do out-door duty.

A-10 DUTIES OF CHAINMAN

- (1) To assist Revenue Inspector/Amin to whom he is attached in the field work
- (2) To work as a peon in the office when there is no field work.

A-11 DUTIES OF HEAD MALI

- (1) To supervise the work of Malis and Mulias working under him
- (2) To take care of garden/park/avenue site, etc.
- (3) To distribute work among the Malis and Mulias working under him
- (4) To take daily attendance of Malis working under him
- (5) To supervise grafting and planting of flower plants and fruit trees.

A-12 DUTIES OF MALIS AND MULIAS

- (1) To plant and graft fruit trees and flower plants
- (2) To weed garden, manure plants and trees
- (3) To water lawn, decorative plants and other fruit trees
- (4) To arrange flower beds
- (5) To prepare seedlings
- (6) To grow seasonal flowers, to keep garden, lawn, etc. neat and tidy
- (7) To attend to all connected work in garden, park, etc. as per direction of their superiors.”

3. The following shall be added as Rules II-28 under Chapter II of the Orissa Secretariat Instructions :-

“II-28. Recruitment to the post of office peons, orderly peons process server, chowkidars, farashes and sweepers shall be made through the Employment Exchange. The age of the candidates for recruitment to these posts shall not be less than 18 years nor more than 32 years, provided that the upper age limit of candidates belonging to S.C./S.T. shall be relaxed by 5 years.

The candidates for appointment to these posts shall have passed M. E. examination provided that for the posts of Farash, Sweeper and Chowkidar the requirement of educational qualification shall be literate and for the posts of process server a candidate shall have passed 10th Class.

Posts of Daftaries and Jamadars shall be filled up by promotion from among the peons, orderly peons etc. within the Department on the basis of suitability with due regard to seniority.”

4. These instruction shall also *mutatis mutandis* apply to such categories of posts and employees in all other State Government offices.

[ILLEGIBLE]

Deputy Secretary to

Government

No. 201561-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 27th August 1983

From

Smt. M. Debi, O.A.S. (I)
Deputy Secretary to Government

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Subject – Employment of Class IV Government servants in work of purely private nature.

Sir,

In inviting reference to this Department letter No. 19239 (113) – Gen., dated the 16th October 1965 and subsequent reminder No. 11897 (118) – Gen., dated the 5th June 1967 on the subject indicated above. I am desired to say that it was impressed on all concerned that Class IV Government servants under their control should not be engaged in work of purely private nature, against their will. In spite of the circulars issued in this regard from time to time, it is complained by the low paid Government Servants Association that the practice of engaging Class IV employees in work of purely domestic nature is still continuing. Government, therefore, reiterate their decision communicated in the above said circulars and impress on all concerned that Class IV Government servants under their control should not be engaged in work of purely private nature against their will. Violation of this rule shall be enquired into and suitable actions in the matter will be taken.

Yours faithfully,

M. DEBI

Deputy Secretary to

Government

No. 3180-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

(Published in *Orissa Gazette* on the 25th February 1994)

The 9th February 1994

Subject – Promotion of Class IV Employees to Class III Post.

In order to provide adequate promotional facilities to qualified Class IV Government servants to Class III posts, Government after careful consideration have been pleased to decide that 50 per cent of the vacancies arising in the categories of Class III posts like Recorder, Assistant Recorder, Diarist, Pasting Clerk and similar other posts in which noting and drafting are not ordinarily required should be filled up by Class IV employees who have passed at least M. E. School Certificate Examination or an equivalent examination and have rendered not less than 5 years of service under Government, provided they come out successful in a qualifying test prescribed for the purpose in this resolution.

The candidates will be subjected to simple *viva voce* for testing their intelligence, general knowledge and ability to read and write simple English and Oriya. This test should be regarded as

qualifying test and not a merit test so that the senior successful employees are not superseded by the junior employees by virtue of securing more marks in the qualifying test.

2. It is further decided that the remaining 50 per cent vacancies will be filled up from amongst the Class IV employees who have passed Matriculation or an equivalent examination and have rendered not less than 5 years of service and Record Supplier and Treasury Sarkar, who are Matriculates. In case sufficient number of Matriculate candidates are not available, the vacancies meant for them shall be filled up by suitable candidates by direct recruitment of Matriculates.

3. If the vacancy arising in a particular year, is one, it should go to Non-matriculate candidates, whereas the next vacancy of the same year or subsequent year shall be filled up by the Matriculate candidates. In other words, every alternative vacancy in Class III posts like Recorder, Assistant Recorder, Diarist, Pasting Clerk and similar other post shall be filled up by Matriculate Class IV employees.

4. It has also been decided that the posts of Record Supplier and Treasury Sarkars which are Class III posts just above Class IV posts should be entirely filled up from among suitable Class IV employees i.e. Daftaries, Jamadars, Peons, who possessed the minimum educational qualification of M. E. Standard. The Record Supplier, Treasury Sarkar, who have passed M. E. School Certificate Examination will however, be allowed to compete in the test prescribed for Class IV employees in paragraph I for promotion to other Class III posts like Recorder, Assistant Recorder, Diarist, Pasting Clerk against the 50 per cent quota meant for Non-matriculate Class IV employees.

5. For each Department of Government the qualifying test will be conducted once a year by a committee consisting of two officers of the rank of Joint Secretary/Deputy Secretary to Government to be nominated by the Secretary of the Department and the Under-Secretary/Section Officer in charge of office Estt. in the Department. In respect of other offices the qualifying test will be conducted by a Committee consisting of the officer in charge of the office establishment in the office of the appointing authority and two other Gazetted Officers to be nominated by the appointing authority. The senior most officer will preside over the meeting of the Committee.

6. This supersedes erstwhile Political and Services Department Memo. No. 9433 (70) – Gen., dated the 27th July 1957, Resolution No. 7427-Gen., dated the 6th April 1966 and General Administration Department Resolution No. 2174-Gen., dated the 21st January 1982, Resolution No. 25441-Gen., dated the 14th November 1984 and Resolution No. 16858-Gen., dated the 25th September 1986.

Order – Ordered that the Resolution be published in the *Orissa Gazette* and copy forwarded to all Departments of Government/all Heads of Departments/Board of Revenue/all Revenue Divisional Commissioners/ all Collectors for information.

By order of the Governor
PRITIMAN SARKAR
Special Secretary to

Government

No. 22801-SC/6-65/94-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 22nd October 1994

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Subject – Promotion of Class IV employees to Class III Posts.

In partial modification of the instruction contained under paragraph 4 of General Administration Department Resolution No. 3180-Gen. Dated the 9th February 1994 on the above subject, the undersigned is directed to say that the Record Supplier and Treasury Sarkar who have passed M. E. School Certificate Examination will be allowed to compete in the test prescribed for Class IV employees in paragraph 1 for promotion to other Class III posts like Recorder, Assistant Recorder, Diarist, Pasting Clerk against the 50% quota meant for Non-matriculate Class IV employees, But the provisions for testing their intelligence and general knowledge as provided under paragraph 1 of the Resolution shall not be applicable to them. However they will be subjected to simple *viva voce* for testing their ability to read and write simple English and Oriya.

The above instruction may be brought to the notice of all concerned.

PRITIMAN SARKAR

Special Secretary to

Government

No. 2196-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

(Published in *Orissa Gazette* on the 7th February 1997)

The 29th January 1997

Subject – Promotion of Group ‘D’ employees to Group ‘C’ Posts.

For enhancing the promotion prospects of the Group ‘D’ Government Servants, after careful consideration the Government have been pleased to order as follows :-

1. The base cadre of Group ‘D’ posts shall comprise of posts like Peon, Orderly Peon, Choukidar, Choukidar-*cum*-Sweeper, Gardener, Collection Peon, Night Watchman, Sweeper, Process Server, Treasury Peon, etc. borne in the regular establishment in an Office in the scale of pay Rs. 750-940, which is the lowest scale of pay in the Group ‘D’ posts/services. All recruitments to this scale of pay shall be made direct in the prescribed manner, i.e. by open advertisement/notifying the vacancies with the employment exchange.

2. The recruitment to the Group ‘D’ Posts/Services in the next higher scale of Pay, i.e. Rs. 775-1,025 (the highest scale for Group ‘D’ post) shall be done by promotion only. All the persons, who have passed the M. E. School Certificate Examination or any equivalent examination from any recognized institution and have completed 5 years of continuous regular service by working in an office in the lowest Group ‘D’ scale of pay, would be eligible for consideration if they fall within the Zone of consideration.

3. The Group ‘D’ employees, working in the highest Group ‘D’ scale of pay, who have completed a minimum of 3 years of Service, would be eligible for being considered for promotion to the Group ‘C’ services/posts in the scale of pay of Rs. 800-1,150 like Record Supplier, Treasury Sarkar and similar other posts, where the nature of work does not involve the noting and drafting. These Group ‘C’ Services/Posts shall be filled up by promotion only.

4. The Group ‘C’ Services/Posts in the next higher scale of pay of Rs. 950-1,500 like Junior Grade Diarist, Junior Grade Recorder, Pasting Clerk and similar other posts, not ordinarily involving the noting and drafting, would also be filled up by promotion only by the Group ‘C’ employees, who have completed at least five years of service in Group ‘C’ posts carrying the scale of pay of Rs. 800-1,150 as referred in Para. 3 above.

5. If the eligible persons in the next below grade of pay are not available for promotion for the above recruitments, for one reason or other, then persons working in the next lower grade may be considered for promotion, if they otherwise fulfil the eligibility criteria excepting the work experience.

6. If there are more than one cadres and/or isolated posts in the same feeder grade in an office, a combined gradation list of all the persons working in such cadres/isolated posts shall be prepared on the basis of their date of joining in the regular service for determining the Zone of consideration for promotion. In case two employees have joined the service in the same grade on the same date, the employees, who is elder in age, would be held senior.

7. No confidential character rolls are maintained for Group 'D' employees. They may, therefore, be assessed for promotion by the Departmental Promotion Committee (to be constituted by the Appointing Authority) on the basis of their service records. If nothing adverse is found in the service records of the employees, they may be considered suitable for promotion, provided they fulfil the eligibility criteria. The qualifying *Viva voce* test may be held for deciding his ability to read and write Oriya, simple English and for assessing his general intelligence.

8. The reservation in direct recruitment and in promotion, as provided in the relevant act and rules of the State Government, shall be followed in the above recruitments. The reserved posts shall be filled up only by the members of the reserved category. In case of recruitment by promotion from the feeder grade, the members of the reserved category may be granted the accelerated promotions. However, they would not be entitled to the accelerated seniority. This would mean that the members of the General Category will regain their seniority of the feeder grade or of the combined gradation list referred in Para. 6 above, as the case may be, on promotion to the higher grade in case the members of the reserved category junior to them were promoted earlier by observing the policy of reservation.

9. The Orissa Civil Service (Criteria for Promotion) Rules, 1992 and the Orissa Civil Service (Zone of Consideration) Rule, 1988 shall be followed in all the recruitments made by promotion to above posts.

10. The aforesaid instructions shall be given effect to from the date of issue of this resolution. The cases already disposed of according to instruction, which were in effect prior to issue of this resolution shall not be reopened. This supersedes General Administration Department Resolution No. 3180-Gen., dated the 9th February 1994.

Order – Ordered that the Resolution be published in the *Orissa Gazette* and copy forwarded to all Departments of Government/all Heads of Department/Member, Board of Revenue/all R. D. Cs./all Collectors for information.

By order of the Governor
SANTOSH KUMAR
Special Secretary to

Government

No. 7205-SC.-6-38/97-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

(Published in *Orissa Gazette* on the 3rd April 1998)

The 23rd March 1998

Subject – Promotion of Group 'D' employees to Group 'C' Posts.

Guidelines for promotion of Group-D employees to Group-C posts were issued in General Administration Department Resolution No. 2196, dated the 29th January 1997. Para. 2 of said Resolution provides that Group-D employees in the scale of Rs. 750-940 who have passed the M. E. School Certificate Examination or any equivalent examination from any recognized institution and have completed 5 years of continuous regular service by working in an office would be eligible for consideration for promotion to Group-D posts/services in the next higher scale of pay, i.e. Rs. 775-1.025 if they fall within the zone of consideration.

2. The educational qualification for different Group-D posts was prescribed in G. A. Department Memo. No. 29787-Gen., dated the 15th December 1979. Prior to issue of said Memo several persons were recruited to different Group-D posts without possessing the requisite educational qualification as prescribed in aforesaid memo. Similarly several persons were recruited to the posts of Peon and Orderly Peon without passing M. E. School Certificate Examination. So they will be deprived of getting promotion to Group-D posts in higher scale of pay Rs. 775-1.025. The question of relaxation of their educational qualification for promotion to such post was under consideration of Government for sometime past.

3. In partial modification of Para. 2 of G. A. Department Resolution No. 2196, dated the 29th January 1997. Government have been pleased to decide that the Group-D employees who were recruited prior to issue of G. A. Department memo No. 29787, dated the 15th December 1979 shall also be considered for promotion to Group-D posts in higher scale of pay of Rs. 775-1,025 even if they had not passed the M. E. School Certificate Examination, if they are otherwise eligible.

4. Further the provisions for *viva voce* test for deciding his/her ability to read and write Oriya, simple English and for assessing his general intelligence as provided in Para. 7 of G. A. Department Resolution No. 2196, dated the 29th January 1997 shall not be applicable to them. However, they will be subjected to simple *viva voce* for testing their ability to read simple Oriya and proficiency in the work of Stitching and Binding to discharge the duties of Daftary.

Order-Ordered that the Resolution be published in the *Orissa Gazette* and copy forwarded to all Departments of Government/all Heads of Departments/Member, Board of Revenue/all Revenue Divisional Commissioners/all Collectors for information.

By order of the Governor

H. S. CHAHAR

Special Secretary to

Government

GENERAL CONDITIONS OF SERVICE

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
PART I - RULES			
1.	Notification No. 13867 (Gen.)	04-09-1964	Orissa Government Servants Application for Posts Rules, 1964.
PART II - INSTRUCTIONS			
1.	Circular No. 7711 (Gen.)	14-07-1960	Procedure to be adopted for terminating the services of temporary Government servants.
2.	Circular No. 63 (Gen.)	03-01-1962	Rule relating to power of the State Government to dispense with or relax the requirements of any rule relating to conditions of service of State Government servants for dealing with any case in a just and equitable manner.
3.	Circular No. 18489	24-12-1962	Filling up of vacancies through Employment Exchange.
4.	Memo. No. 8215 (Gen.)	15-04-1966	Maintenance of Gradation lists of officers of all classes and to print them every year.
5.	Resolution No. 828 (Gen.)	17-01-1976	Recognition of various Sanskrit Examinations conducted by the Rastriya Sanskrit Sansthan, New Delhi for purposes of employment under the State Government.
6.	Resolution No. 19781 (Gen.)	22-08-1983	Dispensing with the recommendation of the Heads of Departments for allowing a Government servant to cross the E. B.
7.	Circular No. 11763 (Gen.)	02-07-1986	Principles to be followed in acceptance of resignation tendered by Government servants.
8.	Circular No. 6266 (Gen.)	25-03-1987	Change of surname by Government servants.
9.	Circular No. 15946 (Gen.)	25-05-1988	Change of permanent address in Service Book.

PART I - RULES
GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
NOTIFICATION

The 4th September 1964

No. 13867/Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules, namely :-

**THE ORISSA GOVERNMENT SERVANTS' APPLICATION
FOR POSTS RULES, 1964**

1. *Short title and commencement* – (a) These rules may be called the Orissa Government Servants' Application for Posts Rules, 1964.

(b) They shall come into force at once.

2. *Definitions* – In these rules, unless the context otherwise requires –

(a) “Appointing Authority” means the authority competent to make appointment to the post which the Government servant holds at the time of making application for appointment to any post elsewhere;

(b) “Government” means the Government of Orissa;

(c) “Government servant” means a person who is a member of a Civil Service of the State or who holds a Civil Post under the State.

3. *Application through the appointing Authority* – A Government servant applying for appointment to a post elsewhere shall submit his application through the Appointing Authority.

4. *Eligibility for making application* – Notwithstanding anything contained in these rules –

(a) the Appointing Authority shall not forward any application for appointment to a post elsewhere made by a Government servant who does not possess the qualifications and who does not fulfil the conditions, if any, required for the post applied for;

(b) no application of a Government servant shall be forwarded by the Appointing Authority for employment in private firms or undertakings.

5. *Forwarding applications of Permanent and temporary Government servants* – (1) No application of a Government servant, who holds a permanent post in the office in which he is working or who is likely to be made permanent in the post held by him or in any other post in the office in which he is working, shall be forwarded by the Appointing Authority for his appointment to a post elsewhere:

Provided that in the interest of public service and of the applicant, the application may be forwarded;

(2) The application of a Government servant, who is not likely to be made permanent in the post held by him or in any other post in the office in which he is working, shall be forwarded by the Appointing Authority.

6. *Forwarding applications of Government servants who received special training at the cost of Government* – No application of a Government servant who has received special training or technical education at Government expense, shall be forwarded by the Appointing Authority for appointment to a post elsewhere before the expiry of the period for which he has executed a bond or an agreement to serve under Government:

Provided that in the interest of public service and of the applicant any such application may be forwarded by Government if the applicant repays Government all the expenses incurred by them together with interest thereof, if any.

7. *Forwarding applications of Government servants to projects and undertakings sponsored by Government* – Notwithstanding anything contained in rule 5, the application of any Government servant may be forwarded by the Appointment Authority for employment in any of the projects or firms or undertakings sponsored by the Government of India or by the State Government or by both.

8. *Refusal to accept the post applied for* – No application for a post elsewhere by a Government servant shall be forwarded by the Appointing Authority, if such Government servant having previously applied for the same post or any such post and having been selected for appointment to the said post has refused to accept the same for reasons as are unsatisfactory in the opinion of the Appointing Authority.

9. *Relief* – The Government servant whose application for appointment to a post elsewhere has been forwarded by the Appointment Authority shall on being selected for appointment to the post be relieved if requested by him within a reasonable time, unless the Appointing Authority considers it necessary in the interest of public service to retain him for such period as may be specified by the Appointment Authority in this behalf. In the later event, the authority offering the post applied for by the Government servant shall be intimated by the Appointment Authority as to the period of his retention with reasons thereof.

10. *Finality of orders under these rules* – (1) Notwithstanding anything contained in rule 23 or rule 31 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962, the orders of the Government or of the Appointing Authority, as the case may be, under the provisions of these rules shall be final.

(2) Nothing in these rules shall be construed so as to confer any right on any Government servant to have his application for appointment to a post elsewhere to be forwarded by the Appointment Authority.

11. *Repeal* – The Orissa Government Servants' Application for Posts Rules, published in the notification of the Government of Orissa in the Home Department No. 3366-A., dated the 31st March 1937 and all instructions corresponding to these rules and in force immediately before commencement of these rules are hereby repealed.

12. *Interpretation* – If any question arises relating to the interpretation of these rules it shall be referred to the State Government, whose decision thereon shall be final.

By order of the Governor

A. K. BARREN

Additional Chief Secretary

PART II - INSTRUCTIONS

No. 7711 – Gen.

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

CIRCULAR

The 14th July 1960

Subject – Procedure to be adopted for terminating the services of temporary Government servants.

It has come to the notice of Government that in some cases where proceedings are drawn up against Government servants, the full-fledged procedure laid down in Home Department Memo. No. 1150 (68)-A., dated the 23rd January 1954, as subsequently amended in Political & Services Department Memo. No. 2170 (72)-Gen., dated the 20th February 1957, is not being observed in all respect. The instructions

contained in Book Circulars Nos. 21 and 22 is so far as they are applicable to the changed circumstances also, are not being followed in some cases. A lacuna, which occurs quite commonly, concerns the issue of a second show-cause notice to the delinquent officer in the fourth stage of the proceedings, mentioned in the former Memo. of the Home Department as amended in the Political & Services Department Memo., dated the 20th February 1957, and required compulsorily under Article 311 of the Constitution. The non-observance of this procedural step vitiates the proceedings and the order of punishment passed on its basis becomes insupportable on appeal. The intention of the present circular is to bring to the notice of all concerned some of the material changes in the position which has been brought about by the decision of the Supreme Court in *P. L. Dhingra Versus Union* (reported in A. I. R. No. 1958 S.C. 36).

2. In the afore mentioned case, it has been held by the Supreme Court that a temporary or officiating Government employee has no right to a post and if the Government has, by contract, express or implied, or under the rules, the right to terminate the employment at any time, then such termination in the manner provided by the contract or under the rules, is *prima-facie* and *per se*, not a punishment and does not attract the provisions of Article 311. Where such a notice of mere termination of employment is given to the employee, it is not necessary that the elaborate procedure under Article 311 of the Constitution be followed.

3. The above remarks do not, however, apply to a case in which dismissal, removal or reduction in rank is contemplated. Such a case will attract the provisions of Article 311 of the Constitution of India. In order to arrive at a conclusion whether the provisions of Article 311 of the Constitution are attracted or not, the test evolved by Supreme Court is :

“Has the officer concerned been visited with any penal consequences, such as forfeiture of pay and allowances or loss of seniority in his substantive rank or stoppage or postponement of his future chances of promotion” ? If any of these conditions is satisfied, it is to be held that the Government servant has been punished and the termination of his service must be taken as dismissal or removal from service or reversion to his substantive rank. In such cases requirements of the rules and Article 311 of the Constitution, which give protection to the Government servants, have to be compulsorily complied with. Otherwise, termination of service or reduction in rank in such circumstances will be wrongful and will be interpreted as violation of the constitutional rights of the Government servant.

4. In fine, it may be stated that where termination of service of a temporary Government servant is not attended with any of the penal consequences referred to in Para. 3 above, temporary employment is terminable with or without notice as the terms of employment or the rules specify. On the other-hand, if the termination of his service is done as a measure of punishment culminating in any of the evil consequences, proceedings will have to be drawn up against the officer concerned and the four stages of a departmental enquiry enjoined in Home Department Memo. No. 1150 (68)-A., dated the 23rd January 1954, as subsequently amended in Political & Services Department Memo. No. 2170 (72)-Gen., dated the 20th February 1957, have to be adhered to scrupulously. It may however be borne in mind that the option to terminate the service as or under the terms of employment or the rules, or alternatively to take disciplinary action and terminate it by way of punishment always rests with the appointing authority.

A. K. MAZUMDAR
Additional Secretary to

Government

No. 63 (24)/Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
MEMORANDUM

The 3rd January 1962

To

All Departments of Government.

Subject – Rule relating to power of the State Government to dispense with or relax the requirements of any rule relating to conditions of service of State Government servants for dealing with any case in a just and equitable manner.

The undersigned is directed to invite reference to Home Department Memorandum No. 16418/A., dated the 30th September 1955 and the Notification No. 16359/A., dated the 30th September, 1955 under which a rule was promulgated empowering the State Government to dispense with or relax the requirements of any rule regulating the conditions of service of the State Government servants for the purpose of dealing in a just and equitable manner with particular cases in which the normal operation of the rule may involve undue hardship. (Copies of references enclosed for convenience). The question was raised whether this rule which was promulgated in 1955 permits relaxation of rules regulating recruitment, promotion, retirement or re-employment etc., for conferring benefit on a particular individual to the exclusion of all other similarly placed persons and, if so, whether the rule can be considered to be constitutionally in order.

2. The question has been examined and after obtaining legal advice Government have reached the conclusion that the rule as promulgated in 1955 is constitutionally in order. It permits relaxation of those rules only which regulate conditions of service, e.g., T. A. Rules, Leave Rules, etc. Consequently, it can not be utilized to relax for conferring benefit on an individual, the requirements of the rules which can not be covered by the expression "Conditions of Service", e.g. the rules relating to recruitment, promotion, grant of extension of service or re-employment.

The above clarification is issued to all Department for their information with the suggestion that they should satisfy themselves that the above rule issued in Home Department notification referred to above providing for relaxation, etc. of rules is restricted in its wording and operation as explained above.

R. N. MOHANTY

Deputy Secretary to

Government

No. 16418-A

GOVERNMENT OF ORISSA

HOME DEPARTMENT

MEMORANDUM

The 30th September 1955

Subject – Explanation of the rule relating to the powers of the Government of Orissa to dispense with or relax the requirements of any rule regulating conditions of service of the State Government servants for dealing with any case in a just and equitable manner.

Under the proviso to Article 309 of the Constitution, the power to make rules regulating the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the State vests in the Governor or such person as he may direct. It is axiomatic that the authority who is competent to make rules is competent also to amend or interpret them. The Government of India Act, 1935 expressly recognized principles that the highest Governmental authority has the inherent power to relax the provisions of any service rule in individual cases of hardship where some allowance or concession, not permissible under the strict terms of the rule, is justified. Sub-section (5) of Section 241 of the Government of India Act, 1935 accordingly provided :

“No rules made under this Section shall be construed to limit or abridge the power of the Governor-General or a Governor to deal with the case of any person serving His Majesty in a Civil capacity in India in such manner as may appear to him to be just and equitable, :

Provided that, where any such rule is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by that rule.”

2. The absence of a similar provision in the Constitution created some doubt as to whether such inherent power is enjoyed by the Governor. In order therefore, to remove any doubts and to make position in this respect clear, a rule has been promulgated in this Department Notification No. 16359, dated the 30th

September 1955 making express provision on the lines of sub-section (5) of Section 241 of the Government of India Act, 1935 and on the model of the rule promulgated by the Government of India.

3. This rule does not introduce a new principle or procedure which was not already in vogue, but merely serves to make explicit the position which was assumed to have prevailed here to fore. The power of the State Government to relax a rule as and when considered necessary to deal with any particular case in a just and equitable manner is intended, as in the past, to be invoked only in rare and exceptional cases. Such action should only be taken in accordance with the accepted procedure hitherto followed in dealing with such cases. Before an order of relaxation is passed in any case, the Department which made the rule proposed to be relaxed, and other Departments, e.g. Home and/or Finance Department as may be appropriate with reference to the facts and circumstances and subject matter of each case should be consulted and existing rules of business or procedure of the Government of Orissa Secretariat having a bearing on the subject should be complied with.

4. In any case in which it is agreed by the Department or Departments concerned that it is a fit case in which the power to relax any rule should be exercised by the State Government, the reasons for such relaxation should be placed on record on the appropriate file, but these should not form part of the formal order to be issued by the State Government in this behalf.

5. It should be noted that any order of the State Government which may be issued dispensing with or relaxing the requirements of any rule in any particular case should be authenticated as an order of the Governor in accordance with the requirements of Article 166 of the Constitution.

[ILLEGIBLE]

Secretary to Government

No. 16359-A

GOVERNMENT OF ORISSA

HOME DEPARTMENT

NOTIFICATION

The 30th September 1955

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Orissa hereby makes the following rule :-

Where the Government of Orissa is satisfied that the operation of any rule regulating the conditions of service of State Government servants, or any class of such Government servants, causes undue hardship in any particular case, it may by order dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

In this rule, the expression "State Government servants" means all persons whose conditions of service may be regulated by rules made by the Governor of Orissa under the proviso to Article 309 of the Constitution.

By order of the Governor

[ILLEGIBLE]

Secretary to Government

Memo. No. 18489 (77) – P. S. C.-84/62-Gen.

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

The 24th December 1962

To

All Departments of Government/Heads of Departments.

Subject – Filling up vacancies through Employment Exchange.

Consequent on the passing of the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959, Government have been pleased to decide that the following instructions should be followed by the appointing authorities both in Government and Quasi-Government Bodies.

(1) Whenever there are vacancies which are to be filled otherwise than in consultation with the Public Service Commission or on the basis of competitive examinations held under certain Recruitment Rules, the appointing authority should report to the Employment Exchange the number of such vacancies available, and the qualification (including any special or particular qualification) required for the post. The Employment Exchange shall submit nominations or furnish a non-availability certificate within 3 weeks of the receipt of requisition. Where the Employment Exchange fails to furnish nominations or furnishes a non availability certificate the appointing authority will be competent to recruit candidates from other sources. Similarly, where candidate nominated by the Employment exchange are found unsuitable to the requirements of the post, the appointing authority will take recourse to recruitment from open market. When any candidate nominated by an Employment Exchange is absorbed, the appointing authority should report to it the name of such candidate.

(2) These instructions will not only be applicable to recruitments to posts under the State Government but will also apply to all Local Bodies, Quasi-Government and Statutory Bodies.

The Political and Services Department Order No. 8371 (58)-Gen., dated the 9th July 1957 is hereby cancelled.

The undersigned is directed to request you to please issue suitable instructions to all your subordinate offices and also to all Local and Quasi-Government Bodies who are vested with the power of making appointments to post under their control.

[ILLEGIBLE]

Joint Secretary to Government

Memo. No. 8215 (99) – O. & M.-540/66-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

The 15th April 1966

To

All Departments of Government/All Heads of Departments.

Subject – Maintenance of gradation lists of officers of all classes and to print them every year.

The undersigned is directed to say that it has been reported by the Orissa Public Service Commission that while referring cases of Gazetted and non-Gazetted officers for offering their views for promotion, sometimes the Departments of Government do not furnish the up-to-date gradation lists of officers while in some cases incorrect or provisional gradation lists are furnished. This does not help the Commission in arriving at correct decision and it very often misleads them while offering their views, resulting in depriving the candidate of their legitimate due for promotion.

To avoid these difficulties and to enable the Commission to offer their impartial views, the Departments of Government are requested to send along with their recommendation a correct and up-to-date gradation list of officers to the Commission.

The gradation list of the officers of the Department should be printed each year and a copy sent to Orissa Public Service Commission along with their recommendation.

S. N. SHARMA

Joint Secretary to Government

No. 828 – 2M-32-75/Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
RESOLUTION

The 17th January 1976

(Published in *Orissa Gazette* on the 30th January 1976)

Subject – Recognition of various Sanskrit Examinations conducted by the Rastriya Sanskrit Sansthan, New Delhi for purpose of employment under the State Government.

The question of recognizing examinations conducted by Rastriya Sanskrit Sansthan, New Delhi, as equivalent to educational qualification in the general educational set up of the State for the purpose of employment was under the active consideration of Government for some time past. After careful consideration of the matter and in consultation with the Orissa Public Service Commission it has now been decided that the “Sashtri” and “Acharya” degrees awarded by the Rastriya Sanskrit Sansthan, New Delhi shall be considered equivalent to B. A. and M. A. degrees of Indian Universities respectively for the purpose of all employments under the State Government in all categories of posts. The relevant rules regulating recruitment shall be amended accordingly.

Order – Ordered that the Resolution be published in the next issue of the *Orissa Gazette* for general information and copies be forwarded to all Departments/Heads of Department/Secretary, Orissa Public Service Commission.

By order of the Governor
R. C. PATRA
Additional Secretary to

Government

No. 19781-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

(Published in *Orissa Gazette* on the 22nd February 1984)

The 22nd August 1983

Subject – Dispensing with the recommendation of the Heads of Departments for allowing a Government servant to cross the E. B.

According to the practice followed now, the recommendation of the Heads of Departments is called for and E. B. is sanctioned having regard to the recommendation as well as the entry in the C. C. R. If the Head of the Department had watched the performance of the officer in question immediately before crossing the E. B. then his opinion as to his efficiency would be reflected in the C. C. R. which is being referred to. If the E. B. falls on an earlier date and the officer was not working under the control of the Head of Department at that time then he would hardly be in a position to comment on his suitability to cross the E. B. with effect from the date. Therefore the practice of calling for the specific recommendation of the Head of Department for the purpose of crossing E. B. should be dispensed with. If, however, the service records are maintained in the office of the Head of Department and Government have no knowledge regarding the due date of crossing the E. B. the Head of Department should furnish a report to Government with his views, three months before the due date and there will be no further consultation with him. The most vital document in judging an officer's efficiency is the C.C.R.

Order – Ordered that the Resolution be published in the next issue of the *Orissa Gazette* for general information and copies be forwarded to all Departments/all Heads of Departments for information.

By order of the Governor

C. NARAYANASWAMY

Special Secretary to

Government

No. 11763-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 2nd July 1986

To

All Departments of Government/

All Heads of Departments/

All District Offices.

Subject – Principles to be followed in acceptance of resignations tendered by Government servants.

The undersigned is directed to say that it is considered necessary to follow a uniform process for dealing with resignation submitted by Government servants with the objective of their expeditious disposal. Finance Department had in a letter, dated the 15th September 1976, addressed to all Departments of Government and all Heads of Departments emphasized the need for taking speedy action in the disposal of resignation tendered by a Government servant and communicate the acceptance order expeditiously. A copy of the Finance Departments aforesaid letter is enclosed. (Annexure I). Earlier, in May, 1967, the erstwhile Political & Services Department had outlined the procedure for regulating discharge, resignation of Government servant except on superannuation. It was laid down therein that the authority competent to appoint should consult the State Vigilance branch before acceptance of resignations or passing of discharge order. A copy of the aforesaid Political & Services Department's instruction is enclosed (Annexure II).

A Government servant who has submitted resignation, cannot ordinarily be expected to perform his normal official duties until a decision on his resignation is taken. He would hardly be doing anything other than pursuing the resignation. At present there is no time limit within which a decision on letters of resignation is to be taken. It has been observed that the Departments/Offices dealing with such cases of resignation make references to several offices, enquiring about particular aspects, such as, whether there is a vigilance case or whether there are any Government dues outstanding against the officer, without stating the purpose of making the reference. Similarly no time schedule for the various steps involved in decision making has been laid down nor any specific function has been made responsible to deal with these matters. It is, therefore, necessary to reiterate the need for speedy action for disposal of resignation and at the same time for consulting the State's Vigilance Organisation in dealing with cases of resignation.

The concerned Deputy Secretary (if there is no Deputy Secretary, then the Joint Secretary, if there is neither a Deputy Secretary nor a Joint Secretary, then the Under-Secretary) dealing with establishment matters in a Government Department shall handle such cases of resignation and ensure that decision is taken within a time limit of three months. If there are any real difficulties he must at once bring them to the notice of the Secretary of the Department. Similarly, in the Heads of Department and in field offices an officer shall be designated (generally the Establishment Officer or an officer of whatever designation entrusted with establishment matters) by the Head of Department/Head of Office for this purpose.

Immediately upon receipt of the letter of resignation from a Government servant, reference will ordinarily be made to the Director-General of Vigilance to ascertain whether there is any Vigilance case or proceeding pending against the Government servant or whether such a case or proceeding is going to be started against him in the near future. It must clearly be stated that the purpose of obtaining this information is to take a decision on the resignation. The Directorate-General of Vigilance will send the information sought for within 14 days (2 weeks) of the receipt of the reference. If no categorical response (that a case or

proceeding is pending or that it is going to be started) is received from the Vigilance Organisation within the above period of 14 days, then the administrative Department or the Head of the Department or Head of Office should be free to proceed in the matter of accepting the resignation on the premise that the vigilance angle does not come in the way.

Similarly, simultaneous references shall be made to ascertain whether any Government dues are outstanding against the Government servant; while making the reference, reasonable time of 14 days (2 weeks) be stipulated within which a categorical reply should be requested. This will give ample time to the Head of Department and Head of Office to deal with and decide letters of resignation. If no decision is taken and communicated to the concerned government servant who has tendered resignation within three months of receipt of letter of resignation then, upon expiry of this period of three months, the Government servant's resignation will be deemed to have been accepted and he will be deemed to have been relieved. Government hope that such a situation of resignation having been deemed to have been accepted and the Government servant having been deemed to be relieved, does not arise. This has to be ensured by the concerned Government Department, Head of Department and the Head of the field office or subordinate office competent to accept or reject letters of resignation. It may be noted that the requirement of law is that acceptance or rejection of resignation is to be decided by the appointing authority. A copy of letter, dated the 15th July 1974 issued by the erstwhile Political & Services Department on this aspect is enclosed (Annexure III).

[ILLEGIBLE]

Special Secretary to

Government

ANNEXURE I

Copy of the letter No. 42792 (110) dated the 15th September 1976 from Special Officer-cum-Deputy Secretary to Government, Finance Department addressed to all Departments of Government/all Heads of Department.

Subject – Principle to be followed in acceptance and withdrawal of resignation from Government service.

The undersigned is directed to say that a Government servant had resigned from service and subsequently withdraw his resignation before it was accepted but the competent authority accepted the resignation even after receipt of his application expressing his intention of withdrawal of his resignation letter. This was the subject matter of a writ before the Hon'ble High Court who have held that the resignation letter having been withdrawn before it could be accepted, there was no resignation for acceptance before the competent authority. Such a contingency could have been avoided had the competent authority taken prompt action in accepting the resignation immediately, after it was submitted and the Government servant could not have got the chance to withdraw it before it was accepted.

All Administrative Departments and Head of Departments are therefore requested to keep the above position in view and issue direction to all the appointing authorities under their control to take speedy action in the disposal of resignation tendered by the Government servant and communicate the acceptance order expeditiously.

ANNEXURE II

No. 264 – Vig. (102) C. T. C. – 59/62-A. T.

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

The 10th May 1967

To

All Secretaries of Government
All Heads of Departments
All District Officers.

Subject – Procedure for regulating discharge/resignation of Government servant except on superannuation.

It has been brought to the notice of Government that the various authorities competent to appoint persons in the Government services have been accepting their resignation, if any, or discharging them on valid ground, without finding out at first if any allegation of corruption is pending against them or whether they have put the Government to monetary loss due to their negligent conduct, In consequence Government have to go to Law Courts for realization of their dues after the Government servant is relieved of his responsibilities.

It is, therefore, ordered that the authority competent to appoint such personnel should consult the State Vigilance Branch of the Political and Services Department, Cuttack, before acceptance of resignations or passing of discharge order to avoid avoidable loss to Government.

The Law Department has concurred in the matter.

A. K. BARREN

Chief Secretary to Government

ANNEXURE III

Memo. No. 11149 (115) – 2M-21/74-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

The 15th July 1974

To

All Departments of Government
All Heads of Departments
All Collectors.

Subject – Acceptance of resignation tendered by Government employees.

The undersigned is directed to say that instances have come to the notice of Government wherein resignation petitions submitted by Government servants have been accepted by authorities lower in rank than the appointing authority as prescribed in the schedule to the Orissa Civil Services (C. C. & A.) Rules, 1962 or other statutory orders on the subject. The State Government have been advised that acceptance of resignation by such lower authorities will not hold good in law. It is, therefore, necessary that orders of the appointing authority should invariably be taken while accepting or rejecting the resignation petitions of the Government servants. These instructions should be brought to the notice of all appointing authorities for guidance.

Receipt of this Memo. may please be acknowledged.

[ILLEGIBLE]

Additional Secretary to

Government

No. 6266-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 25th March 1987

From

Shri Binoy B. Misra,
Deputy Secretary to Government

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Subject – Change of surname by Government servants.

The undersigned is directed to say that the instructions of Government laying down the procedure for change of surname of the Government servants were issued in Home Department Memo. No. 592 (22), dated the 31st May 1955 (Copy enclosed). Despite this, certain doubts have been raised by different quarters as to who should have the power to order the change and enter such order in the official records.

Government, after careful consideration, have decided that after the formalities laid down in the Home Department Memo. cited above are completed the appointing authority can order the change of surname of the Government servants and such orders can be entered in the service records of the Government servant by the officer who maintains the service records.

This may be brought to the notice of all subordinate officers under their administrative control.

Yours faithfully,

BINOY B. MISRA
Deputy Secretary to

Government

15. CHANGE OF NAME OR SURNAME

[Home Department Memo. No. 592(22)- Ref., dated the 31st May 1955]

Change of name, surname by Government Servant

The undersigned is directed to say that references are received from time to time from Government employees to change their recorded names. No definite procedure for this purpose has so far been laid down for according recognition to a *bona fide* change. The following procedure has therefore been decided upon in consultation with the Law Department and Government of India. This may be noted for future guidance.

2. A Government servant wishing to adopt a new name or to effect any modification in his existing name should be asked to adopt the change formally by a deed changing his name. In order that the execution of the document may not be in doubt it is desirable that it should be attested by two witness preferably those known to the Head of the Office in which the Government servant is serving. A sample deed form is enclosed for reference. The execution of deed should be followed by publication of the change in a prominent local newspaper as well as the *Gazette of Orissa*, publication being undertaken by the Government servant at his own expense. For the publication of the advertisement in the *Orissa Gazette* the Government servant should be directed to approach the publisher of the *Orissa Gazette*.

It is only after the formalities described in the foregoing paragraph have been complied with and satisfactory evidence of identity and execution of the document is added by the Government servant that the adoption of new name or change in the existing name should be recognized officially entries in Government records so far as may be necessary be amended accordingly. True copies of the relevant documents should be retained by the Head of the Office concerned.

Deed Changing Surname

By this DEED the undersigned (New name of etc.,
now lately called (old name) employed at
..... (designation of the post held at the time by the Government servant
concerned at (place where employed) in

the (Department) of the Government of Orissa. do hereby –

For and on behalf of myself and my wife and children and remoter issue wholly renounce, relinquish and abandon the use of my former surname of and in place there of assume from the date here of the surname of and so that I and my wife and children and remoter issue may hereafter be called, known and distinguished not by my former surname of but by my assumed surname of

For the purpose of evidencing such my determination declare that I shall at all times hereafter in all records, deeds and writings and in all proceedings, dealings and transactions private as well as public and upon all occasions whatsoever use and sign the name of as my surname in place of and in substitution of my former surname of

Expressly authorize and request all persons at all times hereafter to designate and address me and my wife and children and remoter issue by such assumed surname of accordingly.

IN WITNESS WHEREOF I have here into subscribed my former and adopted names of and and affixed my seal day of

Signed sealed and delivered

by the above named
.....

(old name)

(New name) formerly

(Old name) in the presence of
.....

(new name)

No. 15946 – SC/6-142/87-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 25th May 1988

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Subject – Change of permanent address in the Service Book.

The undersigned is directed to say that clarifications are being sought for as to whether permanent address recorded in the Service Book of an employee is subject to change consequent upon his permanent settlement at some other place or at the “Headquarters of his office”. Such change may be allowed if an employee requests with a certificate of permanent residence/Nativity from the competent authority as prescribed in Revenue Department Resolution No. 27407-111 E-Misc. 2/83-R., dated the 21st April 1984.

[ILLEGIBLE]

Joint Secretary to Government

HEADS OF DEPARTMENTS CADRES

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)

PART I - RULES

- | | | | |
|----|--|-----------------------------------|--|
| 1. | <u>Notification No. 26327 (Gen.)</u> | 14-09-1988 | Orissa Heads of Departments Stenographers Service Recruitment & conditions of services of Private Secretaries, Personal Assistants and Stenographers) Rules, 1988. |
| 2. | <u>Notification No. 19100 (Gen.)</u> | 24-07-1991 | Orissa Heads of Departments (Establishment Officers) Recruitment Rules, 1991. |
| 3. | <u>Notification No. 20274 (Gen.)</u> | 19.07.2003 | Orissa Heads of Departments (Establishment Officers) Recruitment Rules, 1991. |
| 4. | <u>Notification No. 7417 (Gen.)</u> | 11-04-1994 | Orissa Ministerial Services (Method of Recruitment and Conditions of Services of Assistants and Section Officers in the offices of the Heads of Department) Rules, 1994. |
| 5. | <u>Notification No. 32515 (Gen.)</u> | 01.12.2003 | Orissa Ministerial Services (Method of Recruitment and Conditions of Services of Assistants and Section Officers in the offices of the Heads of Department) Rules, 1994. |
| 6. | <u>Notification No. 31638 (Gen.)</u> | <u>31.12.2008</u> | <u>Orissa Heads of Departments Stenographers Service Recruitment & conditions of services of Private Secretaries, Personal Assistants and Stenographers) Amendment Rules, 2008</u> |

PART II – INSTRUCTIONS

- | | | | |
|----|--|------------|---|
| 1. | <u>Resolution No. 12138 (Gen.)</u> | 01-06-1978 | Revision of Yardstick of Head Typists in the offices of the Heads of Departments. |
| 2. | <u>Circular No. 7916 (Gen.)</u> | 12-04-1983 | Revision of ratio of Ministerial Staff in Heads of Departments. |
| 3. | | 26-06-2000 | |

	Circular No. 21986 (Gen.)		Clarification to Rule 13 (2) of the O. M.S. (Method of Recruitment and Conditions of Services of Assistants and Section Officers in the offices of the Heads of Department) Rules, 1994.
4.	Circular No. 30408 (Gen.)	31-07-2000	Principles for promotion and fixation of Seniority of Ministerial Officers in the offices of the Heads of the Departments.
5.	Circular No. 9711/Gen.	04.04.2003	Nomination of Officers to D.P.C. for Promotion of Assistants and Section Officers in the offices of the Heads of Departments – Instructions regarding.

PART I

RULES

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 14th September 1988

(Published in the *Orissa Gazette* on the 23rd September 1988)

No. 26327 – 2R/1-88/88-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India the Governor of Orissa is pleased to make the following rules, for Regulation of Recruitment and Conditions of Service of persons appointed to the posts in the Orissa Heads of Departments Stenographers' Service, namely :-

PART I

PRELIMINARY

Short Title and commencement.

1. (1) These rules may be called the Orissa Heads of Department Stenographers' Service (Recruitment and Conditions of Services of Private Secretaries, Personal Assistants and Stenographers) Rules, 1988.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

Definitions

2. In these rules, unless the context otherwise requires -

(a) "Appendix" means the Appendix to these rules;

(b) ¹["Commission" means the Orissa Staff Selection Commission constituted vide General Administration Departments' notification No. 25673, dated the 23rd November 1993 in respect of recruitment of Junior

Stenographers and “Commission” means Orissa Public Service Commission in respect of promotion];

- (c) “Government” means the Government of Orissa;
- (d) “Head of Department” means a Head of the Department listed in Appendix 3 of the Orissa Service Code and as specified in Appendix 3 of the Orissa Service Code and includes the office of a Revenue Divisional Commissioner;
- (e) “Member” means the member, Board of Revenue;
- (f) “Revenue Divisional Commissioner” means the person appointed as such under Section 3 of the Orissa Revenue Divisional Commissioners Act, 1957;
- (g) “Scheduled Castes” and “Scheduled Tribes” means such castes and tribes as notified by the President of India under Articles 341 and 342, respectively of the Constitution of India;
- (h) “Selection Board” means the Selection Board constituted under Rule ²[17];
- (i) “Service” means the Orissa Heads of Departments Stenographers’ Service;
- (j) “Year” means the calendar year.

PART II

CONSTITUTION AND COMPOSITION OF CADRE

Constitution
and
composition of
cadre.

3. (1) The service shall consist of the cadres as specified hereunder:-

- (a) Office of the Board of Revenue and its constituent Heads of Department as specified hereunder shall have a separate cadre-
 - (i) Office of the Special Relief Commissioner;
 - (ii) Office of the Commissioner, Land Records and Settlements;

1 & 2 Substituted vide G. A. Department Notification No. 18503-Gen., dated the 31st August 1994 published in the Orissa Gazette and given effect to from the 22nd September 1994.

- (iii) Office of the Land Reforms Commissioner;
- (iv) Office of the Commissioner, Consolidation I and II;
- (v) Office of the Director of Land Records and Surveys;
- (vi) Office of the Director of Consolidation;
- (vii) Office of the Inspector-General of Registration-*cum*-Excise Commissioner.
- (b) The office of each Revenue Divisional Commissioner shall have a separate cadre; and
- ¹[(c) The office of the Chief Engineer, Roads & Building and its constituent Heads of Departments specified hereunder shall constitute a single separate cadre, namely:-
 - (i) Chief Engineer, Buildings I;
 - (ii) Chief Engineer, Buildings II;

- (iii) Chief Engineer, Research Development and Quality Promotion;
- (iv) Chief Engineer, Design, Planning, Investigation and Research.
- (d) Except the cadre of offices specified in Clauses (a), (b) and (c) each Heads of Departments functioning under the administrative control of any Department of Government shall have a separate cadre.]
- (2) Each cadre of the service shall consist of the posts of Junior Stenographer, Senior Stenographer, Personal Assistant and Private Secretary.

²[(3) There shall be a post of Senior Private Secretary to the Member, Board of Revenue.]

PART III

RECRUITMENT OF JUNIOR STENOGRAPHERS

Method of Recruitment.

4. ³[Selection of candidates for recruitment to the posts of Junior Stenographer shall be conducted by the Orissa Staff Selection Commission].

Direct recruitment through competitive examination.

5. (1) The posts of Junior Stenographer shall be filled up by direct recruitment through competitive examination which shall ordinarily be held annually by the Orissa Staff Selection Commission.

(2) The Chairman of the Orissa Staff Selection Commission shall be competent to determine the time, date and place of the examination.

6. ⁴[(1) In the month of January, each year, the Heads of Department shall intimate the Employment Exchange and the Chairman of the Staff Selection Commission, the number of vacancies already existing including those likely to occur during the subsequent months of the year of intimation in the *pro forma* prescribed under rule 5 of the Orissa Staff Selection Commission Rules, 1993.

(2) In case of the office of Board of Revenue and its constituent Heads of Departments, the Secretary, Board of Revenue and in the case of the Office of the Chief Engineer, Roads & Buildings and its constituent Heads of Departments, the Chief Engineer, Roads shall furnish the informations under sub-rule (1) in respect of their constituent Heads of Departments apart from the informations in respect of their own offices].

1. Substituted vide G. A. Department Notification No. 18503-Gen., dated the 31st August 1994.
2. Added vide G. A. Department Notification No. 11405-Gen., dated the 7th March 2000 published in the *Orissa Gazette* and given effect to from the 14th April 2000.
- 3 & 4. Substituted vide G. A. Department Notification No. 18503-Gen., dated the 31st August 1994.

Advertisement inviting applications.

7. On receipt of intimations of vacancies under rule ¹[6] the Chairman, Orissa Staff Selection Commission shall issue advertisements in as many newspapers as may be considered necessary inviting applications for a competitive examination for the posts of Junior Stenographer.

Conditions of eligibility.

8. (1) In order to be eligible for appearing in the competitive examination for recruitment to the posts of Junior Stenographer a candidate must -

- (a) be a citizen of India;
- (b) not be less than eighteen years and more than ²[thirty-two] years of age on the first day of January of the year in which applications are invited;

[Provided that the maximum age limit shall be relaxed by five years in case of ³[women candidates and] candidates belonging to the Scheduled Castes and the Scheduled Tribes, ten years in case of physically handicapped persons and to such extent in case of candidates of such other categories as Government may, by general or special order, specify from time to time.]

- (c) have passed the High School Certificate examination conducted by the Board of Secondary Education, Orissa or equivalent examination;
- (d) not be having more than one spouse living or, in the case of a lady candidate, have not married a person who has a wife living.

Provided that Government if satisfied that there are special reasons for doing so, may exempt a candidate from the operation of this rule.

- (e) 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 VII or above

OR

have passed a test in Oriya of Middle English School standard conducted by the Education Department;

- (f) ⁴[Possess a minimum speed of forty words per minute in Typewriting in English and twenty words per minute in Typewriting in Oriya and minimum speed of eighty words per minute in shorthand both in English and Oriya];
- (g) ⁵[have paid a non-refundable fee of rupees twenty and shall furnish along with the application the treasury challan showing payment of such fee into a Government Treasury under the appropriate head of account as may be specified by Government from time to time].

(2) The candidates shall furnish with his application true copies, duly attested by a Gazetted Officer (s) of the following documents, namely :-

- (i) Certificate of the High School Certificate examination or an equivalent examination;
- (ii) Mark sheet of the High School Certificate examination or as the case may be, an equivalent examination;

1, 2, 3, 4 & 5. Substituted vide G. A. Department Notification No. 18503-Gen., dated the 31st August 1994.

- (iii) Certificate of good character from the head of the institution in which the candidate last studied;
- (iv) Caste Certificate granted by a competent Revenue Authority in case of a candidate belonging to a Scheduled Castes or Scheduled Tribes;
- (v) Physically Handicapped Identity Card, issued by the Director, Community Development and Rural Reconstruction Department as per erstwhile Political & Services Department Resolution No. 16443-Gen., dated the 24th July 1978, if the candidate is a physically handicapped person;
- (vi) Certificate indicating successful completion of a course in Stenography in any Industrial Training Institute or other Government run or Government recognized institution.

Note – The candidate shall be required to produce the originals at the time of examination, failing which he shall be liable to be disqualified.

Scrutiny of applications.

9. The applications shall be scrutinized to determine the eligibility of the candidates to the posts of Junior Stenographers.

Recruitment test.

10. (1) The recruitment examination for the posts of Junior Stenographers shall comprise the following tests, namely :-

- (a) Typewriting tests in English and Oriya,
- (b) Shorthand tests in English and Oriya, and
- (c) Written test in English and Oriya.

(2) The standard and syllabus for the tests specified under sub-rule (1) shall be as set-forth in the Appendix.

(3) The result of the examination shall be placed before the ¹[Commission] for consideration and approval,

(4) A Select List of successful candidates containing ²[equal] the number of total vacancies intimated under sub-rule (1) of rule 6 shall be drawn up in order of merit and shall be published in such manner as the Government may from time to time, direct.

Period of validity of the Select List.

11. The Select List published under sub-rule (3) of rule 10 shall remain valid for a period of one year from the date of its publication. ³[***]

Inclusion in Select List confers no right to appointment.

12. Inclusion of names of candidates in the Select List confers no right to appointment which shall depend, among other circumstances, on the actual availability of vacancies.

Allotment of candidates for appointment.

13. The Chairman of the Orissa Staff Selection Commission shall allot the candidates included in the Select List to the offices of Heads of Departments according to their requirements Appointment orders shall be issued by the concerned Heads of Departments.

Production of original certificates by candidates.

14. On receipt of appointment order candidate shall produce -

- (a) their High School or equivalent examination certificate;
- (b) certificates of good character, from two Gazetted Officers not below the rank of Class II;
- (c) caste and other certificates in original as may be necessary for verification of their educational qualification and the date of birth, etc., by the respective appointing authorities at the time of their joining.

Consequence of failure to join the assignment.

15. Failure on the part of a candidate to join the assignment by the date specified in the order of his appointment, in the absence of any extension of such date by the appointing authority, shall amount to forfeiture of his claim for such appointment.

1 & 2. Substituted vide G. A. Department Notification No. 18503, dated 31 August 1994.

3. Omitted vide G. A. Department Notification No. 18503-Gen., dated the 31st August 1994.

PART IV

APPOINTMENT TO POSTS OTHER THAN JUNIOR STENOGRAPHERS

Appointment to posts other than Junior Stenographers.

16. (1) Appointment to the posts of Senior Stenographer, Personal Assistant and Private Secretaries in a cadre shall be regulated in the following manner, namely :-

- (a) The posts of Senior Stenographers in a cadre shall be filled up by promotion of Junior Stenographers in that cadre ¹[who have completed three years of service as such and] who have successfully completed the probation and are eligible for confirmation;
- (b) The posts of Personal Assistants in a cadre shall be filled up by promotion of Senior Stenographers in that cadre ²[who have completed nine years of services as such and] who have successfully completed the probation and are eligible for confirmation as Senior Stenographers;
- (c) The posts of Private Secretary in a cadre shall be filled up by promotion of Personal Assistants in that cadre who have rendered at least ³[five years of services as Personal Assistant];
- ⁴(d) The post of Senior Private Secretary to Member, Board of Revenue, shall be filled up by way of promotion from the rank of Private Secretary in that cadre who has rendered at least two years of continuous service as Private Secretary.]

(2) The criterion for promotion referred in this rule shall be merit and suitability in all respects with due regard to seniority subject to passing of such departmental examination and tests as may be prescribed by Government from time to time.

(3) Cases of promotion to the posts of Senior Stenographer, Personal Assistant and Private Secretary shall be subject to scrutiny of the Selection Board.

**Constitution of
Selection
Board.**

17. ⁵[(1) (a) Except the cadres specified in clauses (a) and (c) of sub-rule (1) or rule 3, there shall be two separate Selection Boards for each cadre to consider the case of promotion of eligible officers under these rules;

(b) The Selection Board for the purpose of promotion to the posts of Senior Stenographer and Personal Assistant shall consist of the following, namely :-

- | | | |
|-------|--|-----------|
| (i) | Heads of the Department | Chairman |
| (ii) | Two Senior officers nominated by the Head of the Department. | Members |
| (iii) | Administrative Officer/Establishment Officer/Officer-in-charge of the Heads of the Department. | Secretary |

(c) The Selection Board for the purpose of the promotion to the post of Private Secretary shall consist of the following, namely :-

- | | | |
|-------|---|-----------|
| (i) | Secretary to the Administrative Department controlling the Heads of the Department. | Chairman |
| (ii) | Heads of Department | Member |
| (iii) | Under/Deputy/Joint Secretary in charge of the Establishment. | Secretary |

(2) (a) In respect of the cadres constituted under clauses (a) and (c) of sub-rule (1) of rule 3 there shall be two separate Selection Boards in each cadre to consider the cases of promotion of eligible officers under there rules;

(b) The Selection Board for the purpose of promotion to the posts of Senior Stenographer and Personal Assistant shall consists of the following, namely :-

- | | | |
|-----|---|----------|
| (i) | Senior most Heads of the Department of the constituent Heads of the Department. | Chairman |
|-----|---|----------|

1 & 2. Inserted vide G. A. Department Notification No. 18503-Gen., dated the 31st August 1994.

4. Inserted vide G. A. Department Notification No. 11405-Gen., dated the 7th March 2000.

3 & 5. Substituted vide G. A. Department Notification No. 18503-Gen., dated the 31st August 1994.

- | | | |
|------|---|---------|
| (ii) | Two other Heads of Departments of the constituent Heads of the Departments to be nominated by the Chairman. | Members |
|------|---|---------|

- | | | |
|-------|---|-----------|
| (iii) | Administrative Officer/Establishment Officer/Office-in-charge of establishment of the Board of Revenue or Chief Engineer, R & B., as the case may be. | Secretary |
|-------|---|-----------|

(c)

The Selection Board for the purpose of promotion to the posts of Private Secretary shall consist of the following, namely :-

- | | | |
|-------|---|-----------|
| (i) | Secretary of the Administrative Department | Chairman |
| (ii) | Two other Heads of Departments of the constituent Heads of Departments to be nominated by the Chairman. | Members |
| (iii) | Joint/Deputy/Under-Secretary in charge of the establishment of the Administrative Department. | Secretary |

¹[(d) The Selection Board for promotion to the post of Senior Private Secretary to Member, Board of Revenue shall consist of the following, namely :-

- | | | |
|-------|--|------------------|
| (i) | Member, Board of Revenue. | Chairman |
| (ii) | The Senior most Heads of Department of the constituent Heads of Departments of the Board of Revenue. | Member |
| (iii) | A representative of the Revenue & Excise Department | Member |
| (iv) | Secretary, Board of Revenue | Member-Secretary |

(3) No Secretary of any Selection Board shall participate in its deliberation.

(4) (i) In case of promotion to the posts of Senior Stenographer, Personal Assistant the Selection Board shall meet as and when vacancies arise including those anticipated during the year to consider the cases of all eligible officers and prepare select list of candidates found suitable for promotion on the basis of seniority with due regard to merit. The select list shall be published in such a manner as the Selection Board may deem appropriate. The select list shall remain valid for a period of one year from the date of its publication;

- | | |
|------|--|
| (ii) | In case of promotion to the posts of private Secretary - |
| (a) | The Selection Board shall meet as and when vacancies are anticipated and prepare a list of candidates for promotion; |
| (b) | The selection for inclusion of names in the list shall be based on merit and suitability in all respects with due regard to seniority; |
| (c) | The names of the Personal Assistants included in the list shall be arranged in order of their seniority; |
| (d) | The list prepared by the Selection Board shall be forwarded to the Commission for concurrence by the Government together with C. C. Rs. of all Personal Assistants whose cases were considered for promotion and a copy of the proceedings of the Selection Board; |
| (e) | The Commission shall consider the list prepared by the Selection Board along with other documents received from the Government and unless they consider any change necessary. Approve the list, The |

Commission shall follow the principles set out in clause (b) in making their recommendation. If the Commission recommend supersession of any senior person by any of his juniors they shall assign specific reasons for the same;

- (f) The recommendations of the Commission shall be placed before the Government and after approval by the Government with modification if any, shall from the select list which shall remain valid for a period of one year from the date of its approval by the Government.]

1. Inserted vide G. A. Department Notification No. 11405/Gen., dated the 7th March 2000.

PART V

GENERAL

Reservation of Vacancies.

[¹[18. (1)] Notwithstanding anything contained in these rules for direct recruitment and promotion under these rules, vacancies shall be reserved for and filled up by :-

- (i) candidates belong to Scheduled Castes and Scheduled Tribes in accordance with the provisions contained in the Orissa Reservation of Vacancies in posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules framed thereunder;
- (ii) candidates who are physically handicapped, at the rate of three per cent, as provided in the Resolution of the Government in the General Administration Department No. 15338-Gen., dated the 4th may 1981;
- (iii) ex-servicemen, at the rate of three per cent as provided in the Orissa Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985.
- (iv) sportsmen, at the rate of one per cent as provided in the Resolution of the Government of Orissa in the General Administration Department No. 24803-Gen., dated 18th November 1985;
- (v) candidates of such other categories and at such rate or rates as the Government may, from time to time, direct :

Provided that vacancies reserved under this clause in addition to those reserved under clauses (i), (ii), (iii) and (iv) shall, in no case, exceed fifty per cent of the total number of vacancies in any year :

Provided further that in the absence of candidates eligible to fill the reserved vacancies referred to in clause (iii) or clause (iv) the vacancies will be deemed to have been dereserved and available for other candidates.

²[(2) Notwithstanding anything contained in these rules, reservation for women shall be made in accordance with the Resolution of Government of Orissa in G. A. Department No. 43328-Gen., dated the 23rd December 1992.]

Probation

19. Every person appointed to a post in the service shall be on probation normally for a period of two years from the date of his appointment. If during or at the end of the said period he is found unfit to continue further :-

- (a) his service shall be terminated if he is direct recruit;
- (b) He shall be reverted to his former post if he is a promotee :

Provided that in the absence of an order to the effect that the probation has been satisfactorily completed, the period of probation shall be deemed to have been extended till the date of the order when issued or the date specified in such order, which shall, in case, be more than a year from the date of expiry of the normal period of probation.

**Training and
Departmental
Examinations/
Tests.**

20. Members of the services shall be required to undergo such training or to pass such tests or departmental examinations as may be prescribed by the Government from time to time.

**Appointment
under
Rehabilitation
Assistance
Scheme.**

³[21. Nothing in these rules shall apply to appointment of Junior Stenographers made under the Orissa Civil Service (Rehabilitation Assistance, Rules, 1990, as amended from time to time.)]

-
- 1. Renumbered vide G. A. Department Notification No. 18503-Gen., dated the 31st August 1994.
 - 2. Inserted vide G. A. Department Notification No. 18503-Gen., dated the 31st August 2000.
 - 3. Substituted vide G. A. Department Notification No. 18503-Gen., dated the 31st August 1994.

**Filling up
vacancies after
the list of
successful
candidates is
exhausted.**

22. In case a vacancy occurs in the cadre of junior Stenographers after the list of successful candidates for the year has been exhausted and before the publication of select list of the next examination, such vacancy may be filled up by a successful candidate of the previous year who is within the maximum age limit prescribed under these rules, and failing that by any candidate who satisfies the conditions laid down in rule 8. In the latter event, the appointment shall be purely temporary and shall not continue beyond the date when the select list of the next year's examination is published.

Seniority.

23. ¹[(1) The relative seniority of each Junior Stenographer in his cadre shall be determined with reference to his position in the select list as referred to in rule 11. Candidates appointed under rules 21 and 22 shall, subject to the provision of sub-rule (2), take their seniority below the Junior Stenographers appointed in that year under rule 13.

(2) The Junior Stenographers appointed under rule 21 shall rank above those appointed under rule 22 in that year.]

Relaxation.

24. 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.

**Repeal and
Savings.**

25. The Orissa Stenographic Service (Recruitment and Conditions of Service of Personal Assistants and Stenographers in the offices of the Heads of Departments and District Offices) Rules, 1982, framed by Revenue and Excise Department, the Orissa Works Department Subordinate Stenographers, Recruitment Rules, 1983 and any other Rules or executive instructions issued by different Departments

of Government, so far as they regulate the recruitment and conditions of service Junior Stenographers, Senior Stenographers, Personal Assistants and Private Secretaries in the offices of Heads of Departments, are hereby repealed :

Provided that anything done or any action taken under the provisions of the rules and instructions so repealed shall be deemed to have been done or taken under the provisions of these rules.

Interpretation.

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

**Nodal
Department.**

²[27. General Administration Department shall be the Nodal Department in respect of all creation/upgradation of posts of Personal Assistant, Private Secretary and Senior Private Secretary. All proposal for creation/upgradation of above mentioned posts shall be moved by the concerned Heads of Departments to their respective Administrative Department who in turn shall move the proposal to the General Administration Department for obtaining the decision of the Government.]

APPENDIX

STANDARD AND SYLLABUS

[See sub-rule (2) of rule 10]

TYPEWRITING AND SHORTHAND TESTS

I TYPEWRITING TEST – ENGLISH : 50 marks -

- (a) The test will be held for 10 minutes at a speed of 40 words per minute from printed matter (400 words approximately).
- (b) While assessing the accuracy of reproduction 5 marks will be deducted for each mistake in the type script. A candidate whose script reveals more than 6 mistakes will be eliminated as disqualified.

-
- 1. Substituted vide G. A. Department Notification No. 18503-Gen., dated the 31st August 1994.
 - 2. Inserted in amendment Notification No. 11405-Gen., dated the 7th March 2000.

II SHORTHAND TEST – ENGLISH : 50 marks -

The test will comprise dictation from a printed matter (240 words approximately) of 3 minutes at the rate of 80 words per minute. Time allowed for transcription will be 15 minutes. The apportionment of marks for the evaluation of answer scripts will be as follows :-

- (a) Dictation in shorthand script – 25 marks – While assessing the ability to take down dictation in shorthand script, one mark will be deducted for each mistake.
- (b) Transcription – 25 marks – While assessing the ability to transcribe one mark will be deducted for each mistake.

26. III - TYPEWRITING TEST – ORIYA : 50 marks -

- (a) The Test will be held for 10 minutes at a speed of 20 words per minute from a printed matter (200 words approximately).
- (b) While assessing the accuracy of reproduction, 5 marks will be deducted for each mistake in typed script. A candidate whose script reveals mistakes more than 3% will be eliminated as disqualified.

IV SHORTHAND TEST – ORIYA : 50 marks -

The test will comprise dictation from a printed matter (240 words approximately) for 3 minutes at the rate of 80 words per minute. Time allowed for transcription shall be 10 words per minute by typewriter. A candidate whose script reveals errors more than 10 per cent of the words dictated will be eliminated as disqualified.

- (a) Dictation in shorthand script – 25 marks – While assessing the ability to take down dictation in shorthand script, one mark will be deducted for each mistake.
- (b) Transcription – 25 marks – While assessing the ability to transcribe one mark will be deducted for each mistake.

V LANGUAGE TEST – 40 marks -

This test shall aim at evaluating candidates' knowledge in English and Oriya languages. There will be common question paper. It shall be designed as follows :-

- (a) Translation of a passage from ... 10 marks
English to Oriya
- (b) Translation of passage from ... 10 marks
Oriya to English
- (c) An essay in Oriya ... 10 marks
- (d) Question aimed at assessing 10 marks
candidates working knowledge in
English language.

[(The question may require the candidates to give correct spelling of words, to select from given words and Phrases, the most appropriate for filling in blanks in sentence to correct grammatical mistakes in given sentences, to select from a given group of words those with opposite meaning and to Punctuate a passage.)]

**By order of the
Governor**

R. K. NAYAK

**Special Secretary to
Government**

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION

The 24th July 1991

(Published in the *Orissa Gazette* on the 8th August 1991)

No. 19100 – 2R/1-8/91/Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules regulate recruitment to the posts of Establishment Officer of the offices of Heads of Department namely :-

Short title and
commencement

1. (1) These rules may be called the Orissa Heads of Department (Establishment Officers, Recruitment Rules, 1991.

(2) They shall come into force on the date of their publication in the Official Gazette.

Definitions

2. In these rules, unless the context otherwise require :-

- (a) “Commission” means the Orissa Public Service Commission;
- (b) “Committee” means the Departmental Promotion Committee Constituted under rule 4;
- (c) “Department” means the respective Administrative Department of the Secretariat as prescribed in the Orissa Government Rules of Business framed under Clause (3) of Article 166 of the constitution of India;
- (d) “Government” means the Government of Orissa;
- (e) “Heads of Department” means the Heads of Department as mentioned in Appendix 3 of the Orissa Service Code;
- (f) “Post” means the post of Establishment Officer which is filled up by promotion from among the Section Officers, Level-I;
- (g) “Select List” means the list approved under rule 8.

Eligibility

¹[3. The post of Establishment Officer in the offices of the Heads of Departments shall be filled up by selection from among the permanent and officiating Section Officers, Level-I of that establishment, who have completed one year of continuous service in the said rank of that establishment by the end of the month preceding the month in which the committee meets.]

Constitution of
Departmental
Promotion
Committee.

4. (1) There shall be constituted a Departmental Promotion Committee for selection of suitable officers for promotion to the post of Establishment Officer.

(2) The Committee shall consist of the following members, namely :-

- (i) Secretary to Government in the ... Chairman
Administrative Department
- (ii) Head of the Heads of Department ... Member
concerned

(iii) Joint Secretary/Deputy Secretary of ... Member
the Administrative Department

(3) An officer of the Heads of the Department not below the rank of Class I to be nominated by the concerned Heads of the Department to act as the Secretary of the Committee without participating in its deliberations and decisions.

(4) The recommendation of the Committee shall be valid and can be acted upon notwithstanding the absence of any of its members :

Provided that the member so absenting was duly invited to attend the meeting and the majority of the members of the Committee were present at such meeting.

-
1. Substituted vide G. A. Department Notification No. 24507, dated the 9th November 1995 published in *Orissa Gazette* and given effect to from 14th November 1995.

Meeting of the
Committee.

¹[5. In every calendar year the Committee shall meet in the month of January to consider the suitability of all eligible officers and prepare a list of such officers in order of merit, who are found suitable for promotion.]

Preparation of
Select List.

6. (1) The zone of consideration, to fill up the vacancies by the general candidates shall be such as specified in the Orissa Civil Service (Zone of consideration) Rules, 1988 and in respect of vacancies reserved for S. C. & S. T. communities shall be such as specified in the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules framed thereunder from time to time.

(2) The Committee shall ordinarily recommend the names of officers equal to double the number of vacancies referred to in sub-rule (1).

(3) The sealed cover procedure shall be followed in respect of employees who are placed under suspension.

(4) Selection of officers for inclusion in the list referred to in rule 5 shall be based on merit and suitability in all respects with due regard to seniority.

(5) The names of officers considered fit for promotion to the service shall ordinarily be arranged in the order of their respective seniority in the rank of Section Officer, Level-I :

Provided that any Section Officer, Level-I who is of exceptional merit may be assigned a place higher than that of the officers senior to him in the said rank with reasons recorded for such supersession.

Consultation
with
Commission.

7. (1) The list prepared by the Committee under rule 6 shall be submitted to Government in the Administrative Department who shall refer the matter to the Commission together with the following documents, namely :-

- (a) Gradation list of the Section Officers, Level-I whose cases were considered by the Committee and their date of birth.
- (b) Particulars of all officers recommended by the Committee under rule 6 together with a separate list and particulars of those officers not recommended by the Committee for inclusion in the list so prepared;

and

(c)

Confidential Character Rolls of all officers considered by the Committee under rule 6.

(2) The position of representation against adverse remarks and position about disciplinary proceedings, if any, pending against the officers considered for promotion shall be stated.

(3) The Commission shall consider the list so received under sub-rule (1) with reference to the documents and shall furnish its recommendation to the Government in the Administrative Department. The Commission shall follow the principle specified in rule 6 (4) in making its recommendations.

Approval of
Select List by
Government.

8. (1) The Government shall consider the recommendations of the Commission and approve the same with or without any modification, if deemed proper, and upon such approval the list shall form the Select List for promotion to the post. The Select List shall be equal to the number of vacancies reported.

(2) The Select List shall remain in force for a period of one year from the date of its approval by the government under sub-rule (1).

Appointment to
service.

9. (1) Appointment to the post shall be made by the competent authority in the order in which the names appear in the Select List.

(2) When a Select List is not in force or has been exhausted and it is necessary to make appointments urgently, appointment may be made in the post on *ad hoc* basis for a period not exceeding one year on the basis of the list prepared by the Committee under rule 6 :

-
1. Substituted vide G. A. Department Notification No. 24507-Gen., dated the 9th November 1995 published in the Orissa Gazette and given effect to from 14th November 1995.

Provided that the period of service rendered in *ad hoc* appointments made under sub-rule (2) shall not count towards seniority.

Probation and
Training.

10. (1) Officers appointed to the service for the first time on the basis of the Select list shall be on probation for a period of one year :

Provided that the period of *ad hoc* appointment made under sub-rule (2) of Rule 9 shall not count towards the period of probation.

(2) Government may, for good and sufficient reasons to be recorded in writing, extend the period of probation of any officer for another year so that the period of probation of any officer for another year shall not exceed two years in any case.

(3) If the performance of any officer is not found satisfactory during the period of probation during the extended period, he shall be reverted back to his parent post in the next lower rank.

(4) The Establishment Officer (s) of each Head of Department may be required to undergo such training as may be directed by Government from time to time.

Inter-se Seniority

11. The *inter-se*-seniority of officers appointed to the post shall be in the order in which their names are arranged in the Select List from which they are appointed.

Confirmation.

12. After successful completion of probation a person shall be confirmed in his post if a permanent post is available.

Repeal and
Saving.

13. All rules, orders, instruction corresponding to these rules in so far as they relate to recruitment to the post of Office Superintendent, Superintendent, Personal Assistant (Non-technical), Additional Personal Assistant (Non-technical), Establishment Officer, Additional Establishment Officer and Assistant Establishment Officer in the offices of the Heads of Department and in force immediately before the commencement of these rules are hereby repealed:

Provided that any order or appointment made, action taken or things done under the rules, orders or instructions so repealed shall be deemed to have been made, taken or done under the corresponding provisions of these rules.

Interpretation.

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

Governor

By order of the

C.

NARAYANASWAMY

Secretary to Government

Special

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 11th April 1994

(Published in the *Orissa Gazette* on the 23rd May 1994)

No. 7417 – 2R/1-24/94-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules regulate the method of recruitment and conditions of service of the person appointed to the posts of Assistants and Section Officers in the offices of the Heads of Departments, namely :-

PART I

PRELIMINARY

Short title and
commencement

1. (1) These rules may be called the Orissa (Method of Recruitment and Conditions of Service of Assistants and Section Officers in the offices of the Heads of Departments) Rules, 1994.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

Definitions

2. In these rules, unless the context otherwise requires :-

- (1) (a) ‘Appendix’ means the Appendix appended to these rules;
- (b) ‘Commission’ means the Orissa Staff Selection Commission;
- (c) ‘Chairman’ means the Chairman of the Orissa Staff Selection Commission;
- (d)

‘Committee’ means the Selection Committee/Departmental Promotion Committee, as the case may be;

¹[(e) ‘Departmental Examination’ means the Accounts Training conducted by the Madhusudan Institute of Accounts and Finance and would include a test/examination prescribed at the end of the training;]

(f) ‘Government’ means the Government of Orissa;

(g) ‘Heads of Departments’ means a Head of Department as defined in Rule 20 of the Orissa Service Code and enlisted in Appendix 3 thereof. Provided that the Office of the Board of Revenue and its constituent Heads of Departments specified hereunder shall constitute a single cadre under the administrative control of the Member, Board of Revenue who shall exclusively function as the Head of the Department of the said constituent Heads of Department;

(i) Office of the Special Relief Commissioner;

(ii) Office of the Commissioner, Land Records and Settlements;

(iii) Office of the land Reforms Commissioner;

(iv) Office of the Commissioner, Consolidation I and II;

(v) Office of the Director of Land Records and Survey;

(vi) Office of the Director of Consolidation; and

(vii) Office of the Inspect-General of Registration-cum-Excise Commissioner.

(h) ‘Scheduled Castes and Scheduled Tribes’ mean such castes and tribes as notified by the President of India under Articles 341 and 342 of the Constitution of India;

(i) ‘Select List’ means the list prepared by the Orissa Staff Selection Commission/ Departmental promotion Committee;

(j) ‘Year’ means the calendar year.

(2) All other words used but not defined in these rules, unless the context otherwise requires, shall have the same meaning as respectively assigned to them in the Orissa Service Code.

1. Substituted vide G. A. Department Notification No. 26373-Gen., dated the 30th September 1996 published in the Orissa Gazette and given effect to from 30th September 1996.

PART II

CONSTITUTION OF CADRE AND METHOD OF RECRUITMENT

Constitution
and
composition of
the cadre.

3. (1) The service shall consist of the following grades, namely :-

(a) Junior Assistant;

(b) Senior Assistant;

(c) Section Officer, Level – II;

(d) Section Officer, Level – I.

(2) Each grade of the service shall constitute a separate cadre.

4. ¹[(1) Recruitment to the posts of Junior Assistants shall be made by the following methods:-

(i) Direct recruitment through the competitive examination.

(ii) Promotion from among Group employees.]

(2) Recruitment to the posts of Senior Assistant shall be made by promotion from among the eligible Junior Assistants and Senior Grade Typists/Diarists, Recorders, Despatchers.

(3) Recruitment to the posts of Section Officer, Level-II shall be made by promotion from the Senior Assistants.

(4) Recruitment to the posts of Section Officer, Level-I shall be made by promotion from among the Section Officers, Level-II.

PART III

²[DIRECT RECRUITMENT THROUGH COMPETITIVE EXAMINATION]

Competitive Examination.

5. (1) The competitive examination shall be conducted once in every year by the Commission on the subjects and syllabus specified under Rule 11.

(2) Question setting and valuation of answer papers shall be done centrally under the direct supervision of the Commission.

(3) Invigilators for the examination shall be appointed from outside the district in which examination is conducted.

Intimation of number of vacancies.

6. In the month of January each year, the Heads of Department shall intimate the Chairman, the number of vacancies of Junior Assistants already existing and those likely to occur during the subsequent months of the year in the form prescribed in Appendix I :

Provided that the vacancies once reported shall not be filled up otherwise for any reason whatsoever without prior permission of the Chairman.

Notification of vacancies.

7. On receipt of the requisite information, the Chairman shall issue advertisements inviting applications for appearing in the competitive examination for the posts of Junior Assistants in such newspapers as may be considered necessary.

Holding of examination.

8. The competitive examination shall be held at a center (s) to be announced by the Chairman. The date, time and place for the examination shall be intimated to the candidates.

Eligibility of the candidates.

9. A candidate in order to be eligible for appearing in the competitive examination shall -

- (a) be a citizen of India.
- (b) be passed +2 in Arts/Science/Commerce or possess such other qualification as are equivalent to +2 examination;

1. Substituted vide G. A. Department Notification No. 10978-Gen., dated the 30th March 2001.

- (c) be not less than 18 years and not more than 32 years of age on the 1st day of January of the year.

Note – The maximum upper age limit shall be relaxable by five years in case of Scheduled Caste and Scheduled Tribe candidates and by such number of years in respect of other categories of candidates as may be decided by the Government.

- (d) be of good character;
- (e) be of sound health, good physique and active habits and free from organic defects or bodily infirmity;

Note – This clause is not applicable to physically handicapped candidates.

- (f) have not more than one spouse living or in the case of lady candidates have not married a person who has a wife living;
- (g) be able to speak, read and write Oriya and have -
- (i) passed M. E. School examination with Oriya as language subject;

OR

- (ii) have passed Matriculation or equivalent examination with Oriya as medium of examination in non-language subject;

OR

- (iii) passed in Oriya as language subject in the final examination of Class VII or above;

OR

- (iv) passed a test in Oriya in M. E. School standard conducted by the Education Department.

Fees

10. (1) No application shall be considered unless it is accompanied by a Treasury Challan showing payment into a Government Treasury an amount as may be determined by the Government from time to time by order notified in the official gazette as fees for application and examination under the appropriate heads of account.

(2) No claim for refund of fee shall be entertained in any case.

(3) Candidates belonging to Scheduled Castes and Scheduled Tribes are exempted from payment of such fees.

Standard and syllabus of the examination.

11. ¹[(1) The examination shall be conducted on the following subject carrying marks as shown against each :

Subject	Marks
(1)	(2)
Objective Language	100
Arithmetics	100
General Knowledge	100
Total	300

(2) The syllabus and the standard of the examination for each subject shall be as specified in the Appendix II.

Preparation of select list and allotment of successful candidates.

12. (1) The Commission shall ensure completion of evaluation of answer papers and preparation of the merit list of the candidates within two months from the last date of examination.

(2) The list of successful candidates drawn in order of merit shall be equal to the total number of vacancies determined under Rules 6.

-
1. Substituted vide G. A. Department Notification No. 14429-Gen., dated the 18th June 1998, Published in Orissa Gazette and given effect from the 17th July 1998.

(3) The list of successful candidates shall be published in the notice board as well as in the official gazette and upon publication it shall from the select list.

(4) Mere inclusion of a name in the list of successful candidates shall not confer any right to appointment unless and until specific appointment order is issued by the competent authority.

(5) The Chairman shall allot the names of successful candidates for appointment to the Heads of Departments according to the requirement of those offices.

(6) Orders of appointment shall be issued by the concerned Heads of Departments.

¹[PART III A

RECRUITMENT THROUGH PROMOTION

12. A. Percentage of filling of vacancies and eligibility criteria.

(1) 5% of vacancies in the post of Junior Assistant in the office of a Heads of Departments shall be filled up by way of promotion from among the Group D employees of that office on the basis of recommendation of the Departmental Promotion Committee constituted under Rule 16(1):

Provided that in case required number of Group D employees are not available for promotion to the posts of Junior Assistant in a particular year, these vacancies shall be filled up by candidates recruited under Rule 4 (1) (i).

(2) No Group D employee shall be eligible for consideration for promotion to the post of Junior Assistant unless he has given willingness to that effect in writing and has put in minimum of 19 years of continuous service and has passed +2 Arts/Science/Commerce or possess such other qualification as are equivalent to pass in +2 examination.

(3) The selection of Group D employees for promotion to the post of Junior Assistant shall be based on the following criteria :-

- (i) Service record of the employee shall be taken into consideration. If nothing adverse is found in the service record the employee concerned shall be treated to have a clean career of service.
- (ii) A *viva voce* test shall be conducted by the Departmental Promotion Committee.]

PART IV

PROMOTION TO THE POST OF SENIOR ASSISTANT

Percentage of filling up of vacancies.

13. (1) 90% of vacancies in the rank of Senior Assistants in the Office of a Heads of Departments shall be filled up by the eligible Junior Assistants of that office on being selected by the Departmental Promotion Committee.

(2) No Junior Assistant shall be promoted to the rank of Senior Assistant unless he has put in at least 3 years of continuous service as such and has been considered fit to perform all the duties of a Senior Assistant and has ²[successfully passed the Departmental Examination]:

³[Provided that the Junior Assistants who have already passed the final Accounts Examination conducted by the Board of Revenue shall not be required to pass the Departmental Examination provided in sub-rule (2).]

(3) 10% of the vacancies in the rank of Senior Assistant in the offices of Heads of Departments shall be filled up by recruitment of

competent Senior Grade Typists, Senior Grade Diarists, Senior Grade Recorders and Senior Grade Despatchers of that office if they have rendered 10 years of continuous service including 3 years in the respective Senior Grades and have possessed Matriculation or equivalent qualification and have been selected by the Departmental Promotion Committee constituted under Rule 16.

1. Added vide G. A. Department Notification No. 10978-Gen., dated the 30th March 2001.
2. Substituted vide G. A. Department Notification No. 26373-Gen., dated the 30th September 1996.
3. Inserted vide G. A. Department Notification No. 26373-Gen., dated the 30th September 1996.

PART V

PROMOTION TO THE POST OF SECTION OFFICER, LEVEL-II

Promotion to
the post of
Section Officer,
Level-II.

14. (1) No Senior Assistant shall be considered for promotion to the post of Section Officer, Level – II unless he has rendered a minimum of twelve years of continuous service including nine years of continuous service as Senior Assistant on the first day of January of the year in which the Departmental Promotion Committee meets. ¹[**]

(2) The selection for the posts of Section Officer, Level-II shall be made by the Departmental Promotion Committee constituted under Rule 16 from among the Senior Assistants.

(3) If no such candidate with nine years of continuous service as Senior Assistant is available the Departmental Promotion Committee may, as a special case, consider the cases of those Senior Assistant who have rendered not less than seven years of service in that grade but in no case the total period of service shall be less than twelve years.

PART VI

PROMOTION TO THE POST OF SECTION OFFICER, LEVEL-I

Promotion to
the post of
Section Officer,
Level-I.

15. (1) No Section Officer, Level-II shall be eligible for consideration for promotion to the post of Section Officer, level-I unless he has completed ²[three years] of continuous service as such on the 1st day of January of the year in which the Departmental Promotion Committee meets.

(2) The selection for the posts of Section Officers, Level-I shall be made by the Departmental Promotion Committee constituted under Rule 16, from among the Section Officers, Level-II.

PART VII

GENERAL

Constitution of
Departmental
Promotion
Committee.

16. ³[(1) there Shall be a Departmental Promotion Committee to consider the eligible officers for promotion to the posts of Junior Assistants/Senior Assistants/Section Officer, level-II and Section Officers, Level-I consisting of the followings -

- | | | |
|-----|---|----------|
| (a) | Heads of Departments concerned | Chairman |
| (b) | Additional/Joint/Deputy Director of the Heads of Department and in absence of any such officer Deputy/Joint Secretary of the concerned Administrative Department nominated by the Secretary of the Administrative Department. | Member |

- (c) Deputy Secretary of any Department of Member Secretariat other than the Administrative Department nominated by the Secretary of the concerned Department.
- (d) Establishment Officer or any other officer not Secretary below the rank of Secretary Class II dealing with Office Establishment of the concerned Heads of Department.]

(2) The Department Promotion Committee shall consider the suitability of eligible officers for promotion to the higher grade and accordingly prepare a list of such officers. The list prepared by the Committee shall be valid and can be acted upon notwithstanding the absence of any of its members :

Provided that the member so absents was duly invited to attend the meeting and the majority of the members of the Committee were present at such meeting.

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- **1. Deleted vide G. A. Department Notification No. 26373-Gen., dated the 30th September 1996.
 - 2. Substituted vide G. A. Department Notification No. 19063-Gen., dated the 25th May 2000, Published in Orissa Gazette and given effect to from the 9th June 2000.
 - 3. Substituted vide G. A. Department Notification No. 10978-Gen., dated the 30th March 2001.

Select List.

17. (1) The lists of persons prepared by the Commission in case of direct recruitment for the posts of Junior Assistants and by the Departmental Promotion Committee in case of promotion to the posts of ¹[Junior Assistants,] Senior Assistants, Section Officer, Level-II and Section Officer, Level-I shall from the Select Lists upon publication for general information.

(2) The Select Lists shall remain valid for a period of one year from the date of the publication.

Criteria for Promotion.

18. The criteria for promotion to the posts of ²[Junior Assistant/] Senior Assistants/Section Officer, Level-II and Section Officer, Level-I shall be in accordance with the provisions of the Orissa Civil Services (Criteria for Promotion) Rules, 1992.

Probation.

³[19. (1) All persons appointed to a post in the service shall be on probation for a period of two years in case of direct recruitment and one year in case of promotion which shall be counted from the date of joining the post ;

Provided that the period of probation shall not include the following :-

- (a) Extra-ordinary leave,
- (b) Period of unauthorized leave,
- (c) Any other period held to be not being on actual duty.

(2) The appointing authority may extend the period of probation or terminate the services of a person appointed on probation (in case of the direct recruit) or revert a person to his previous post (in case of a promote) during or at the end of his period of probation, if the work and conduct of such person is not found to be satisfactory.

(3) The date of completion of the period of probation in each case shall be notified by an office order and shall also be recorded in the Service Book.]

Seniority.

	<p>20. (1) The relative seniority of each person appointed to a particular cadre of the service in a particular year shall be determined with reference to his position in the respective select list.</p> <p>(2) The persons appointed in a year under sub-rule 3 of Rule 13 shall take rank below those appointed under sub-rule (1) thereof.</p> <p>⁴[(3) The persons appointed in a year under rule 12.A of Part-III A shall take rank below those appointed under rule 12 (6)].</p>
Reservation of vacancies.	<p>21. Notwithstanding anything contained in these rules, vacancies shall be reserved -</p> <p>(a) For candidates belonging to Scheduled Caste and Scheduled Tribe in accordance with the provisions contained in the Orissa Reservation of Vacancies in Posts and Services (For Scheduled Castes and Scheduled Tribes) Act, 1975 and the Rules framed thereunder;</p> <p>(b) For physically handicapped/ex-servicemen/Sportsmen/Women candidates to such extent as may be determined by the Government from time to time.</p>
Relaxation.	<p>22. Where the State Government are of the opinion that it is necessary or expedient so to do in the public interest, they may, by order, relax any of the provisions of the rules in respect of any class or category of employees in the interest of public service.</p>
Confirmation.	<p>23. After successful completion of probation, a person shall be confirmed in his post if a permanent post is available.</p>
Repeal and Savings.	<p>24. All rules, orders and instructions corresponding to these rules and in force, immediately before the commencement of these rules, are hereby repealed.</p> <p>Provided that any order or appointment made, action taken or things done under the rules, orders or instructions so repealed shall be deemed to have been made taken or done under the corresponding provisions of these rules.</p>
Interpretation.	<p>25. If any question arises relating to the interpretation of these rules, it shall be referred to Government in the General Administration Department for decision.</p>
Issue of instructions.	<p>26. The State Government may issue such instructions, not inconsistent with the provision of these rules, as they consider necessary to regulate matters not specifically covered by the provisions of these rules.</p>

1 & 2. Inserted vide G. A. Department Notification No. 19078-Gen., dated 30th March 2001.

3. Substituted vide G. A. Department Notification No. 26373-Gen., dated 30th September 1996.

4. Added vide G. A. Department Notification No. 10978-Gen., dated 30th March 2001.

¹[PART VIII] **TRAINING**

27. (1) The required attendance during the training syllabus for the training and level of performance in the test/examination for passing the same shall be as determined by the Madhusudan Institute of Accounts and Finance in consultation with the General Administration Department.

(2) All the Senior Assistants appointed in accordance with the sub-rule (3) of Rule 13 and all the Junior Assistants of the offices of different Heads of Department shall be deputed in turn to the Madhusudan Institute of Accounts and Finance, Bhubaneswar for attending the next feasible training course in order of their seniority :

Provided that where a Junior Assistant selected for training could not be relieved in the interest of public service and completes the said training successfully subsequently his/her seniority in gradation list shall be maintained and his date of passing the prescribed examination shall be antedated. In case promotion is due and the Assistant otherwise qualified for promotion, has not undergone training or no fault of his/her, he/she should get promotion as usual, according to his/her seniority to the post of Senior Assistant. However, in the rank of Senior Assistant he/she shall have to undergo training and after successful completion of training he/she will be confirmed in the rank of Senior Assistant.

(3) The Madhusudan Institute of Accounts and Finance shall issue a certificate to each trainee, who successfully completes the Training Course. The Madhusudan Institute of Accounts & Finance shall also submit separately a list of persons successfully complete the training to the General Administration Department and to the concerned Heads of Department at the end of each such course. It shall also, indicate, whether the trainee concerned has failed in attendance or in the test/examination.

(4) The General Administration Department shall be the nodal Department for deputing the Assistant for training. The concerned Heads of Department shall recommend the names of the Junior Assistants and the Senior Assistants to the General Administration Department strictly in order of their seniority.

(5) A person deputed for training shall be treated as on duty and he shall get the duty pay. The duty pay shall, however, be admissible only for the duration of one term of the training course. If a person fails in completing successfully the training due to the failure in the test/examination only, he may be allowed two more chances to undertake the test/examination part of the subsequent training courses, for taking such test/examination, the person concerned shall have to take leave for this purpose. In case a person fails due to the shortage of attendance for reasons whatsoever, he may be nominated again for the training course and he shall undergo the full course of training afresh. In case of re-nomination to the training course, while the person shall be treated as on duty, the financial benefits of the duty pay shall not exceed the duration of one term of the training course. The duty pay paid for the extra duration shall be recovered at the rate of one-third of the monthly salary beginning from the month immediately succeeding the re-nominated training course.

APPENDIX I

(See Rule 6)

- (i) Number of vacancies already existing -
 - (a) Permanent,
 - (b) Temporary – likely to be permanent,
 - (c) Purely temporary.
- (ii) Number of expected vacancies likely to occur during the year -
 - (a) Permanent,
 - (b) Temporary – likely to be permanent,
 - (c) Purely temporary.
- (iii) Total,
- (iv) Vacancies reserved for -
 - (a) Scheduled Caste,

1. Inserted vide G. A. Department Notification No. 26373-Gen., dated 30th September 1996.

(b) Scheduled Tribe,

- (c) Ex-Servicemen,
- (d) Sportsmen,
- (e) Physically handicapped,
- (f) Women.

APPENDIX II

(See Rule 11)

Standard and Syllabus

¹[1. Objective Language Test :-

[50+50 = 100 marks (English & Oriya) 3 hours duration]

(1)	Question to test English	...	50 marks
(a)	Letter writing	...	15 marks
(b)	One Oriya passage to be translated into English	...	15 marks
(c)	English Grammar	...	20 marks
	(i) Correct use of tense		
	(ii) Correct use of preposition,		
	(iii) Correct use of articles		
	(iv) Correct use of Verbs and its agreement		

(These questions shall consist a series of sentences with blanks and a group of verbs, prepositions, etc. against each sentence and the candidates shall be required to tick off the correct verb, preposition, article or tense as the case may require).

(2)	Question to test Oriya	...	50 marks
(i)	Oriya Grammar (Objective type)	...	20 marks
(ii)	Translation (one English passage to be translated in to Oriya).	...	15 marks
(iii)	Essay writing	...	15 marks

Note – The standard of examination in English and Oriya will be equivalent to +2 examination.]

2. General Knowledge – Knowledge of current event and such other matters of every day observation had experience as may be expected from an educated person.

²[3. Arithmetics

(Matriculation Standard)	– 3 hours	...	100 marks
duration			

(Under this, there will be a series of questions in practical Mathematics required for day to day. The question would be such as to test candidate's ability to work out Fractions, Decimals, Percentage, Average, Simple and Compound interest, Rates and Taxes, Insurance, Profit & Loss, Mixture, Partnership, Problems on Time and Work and Time & Distance).]

**By order of
the Governor**

1. Substituted vide G. A. Department Notification No. 14429-Gen., dated 18th June 1998 – Published in Orissa Gazette and given effect to from 17th July 1998.
2. Substituted in G. A. Department Notification No. 14429-Gen., dated the 18th June 1998.

INSTRUCTIONS

PART II

No. 12138-SC/6-1/78-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
RESOLUTION

(Published in the *Orissa Gazette* on the 16th June 1978)

The 1st June 1978

Subject – Revision of the yardstick of Head Typists in the offices of the Heads of Departments.

After the amalgamation of the two grades of Head Typists (Senior & Junior) into one on the recommendation of the Fourth Pay Committee, the yardstick of the Head Typists as fixed in Political & Services Department Resolution No. 17156-Gen., dated the 6th November 1964 became inoperative and incapable of implementation. In the meantime the Home Department have issued orders in their Resolution No. 52845-S. E. – 2-26/75, dated the 20th November 1976, revising the yardstick for sanction of posts of Head Typists in the Departments of Secretariat, Government have therefore, been pleased to decide that a post of Head Typist in the office of heads of Department will be admissible for every six (6) Typists in that office. When the number of Junior and Senior Grade Typists in an office will be more than 50% of the above yardstick another supervisory post of Head Typist will be admissible.

This supersedes all previous Resolutions of the Political & Services Department on the subject.

Order – Ordered that the Resolution be published in the *Orissa Gazette* and copies be forwarded to all Departments of Government/all Heads of Departments and the Accountant-General Orissa, Bhubaneswar for information.

Governor Secretary to Government	By order of the R. K. NAYAK Additional
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No. 7916-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 12th April 1994

To

All Heads of Departments.

Subject – Revision of ratio of Ministerial staff in the Heads of Departments.

Consequent upon the redesignation of the posts of Lower Division and Upper Division Assistants as Junior Assistants and Senior Assistants, respectively the following amendments are made in the last paragraph of the defunct P. & S. Department circular No. 65469 (58)-Gen., dated the 27th April 1962.

In place of “i.e., 2 L.D., 2 U.D. Grade II and 2 U. D. Grade I for one Head Assistant” the following may be substituted, “i.e. tow Junior Assistants and four Senior Assistants for one Section Officer”.

NARAYANASWAMY

Secretary to Government

C.

Special

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No. 21986-SC/6-31/2000-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

Dated the 26th June 2000

To

All Heads of Departments of Government/All Heads of Departments.

Subject – Clarification to Rule 13 (2) of the Orissa Ministerial Services (Method of Recruitment and Conditions of Service of Assistants and Section Officers in the Offices of the Heads of Departments) Rules, 1994.

The undersigned is directed to say that references have been received in this Department with regard to interpretation of eligibility criteria in terms of three completed years of service for promotion from Junior Assistants to the rank of Senior Assistants as laid down in Rule 13 (2) of the Orissa Ministerial Services (Method of Recruitment and Conditions of Service of Assistants and Section Officers in the Office of the Heads of Departments) Rules, 1994.

It is, therefore, clarified that a Junior Assistant of the Heads of Department shall be eligible for consideration for promotion to the rank of Senior Assistant if he has put in at least three years of continuous services as such on the 1st day of January of the year in which the departmental Promotion Committee meets. This provision may be read in addition to the other provisions under Rule 13 (2) of the aforesaid rules which shall remain unaltered.

This clarification should be brought to the notice of all the subordinate offices under their control.

S. B.

AGNIHOTRI

Special

Secretary to Government

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No. 30408-SC/II-22/2000-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

Dated the 31st July 2000

To

All Departments of Government/

All Heads of Department

Subject – Principles of promotion and fixation of seniority of Ministerial Officers in the Offices of Heads of Departments.

The undersigned is directed to refer to this Department Resolution No. 14029-Gen., dated 4-5-1988, Letter Nos. 18864/Gen., dated 9-7-1990, 26451/Gen., dated 20-9-1990, No. 32076/Gen., dated 18-8-1992 and No. 4522/Gen., dated 20-2-1993 on the above mentioned subject and to say that it has come to the notice of the Government that most of the Ministerial Officers of the Heads of Departments have not passed Preliminary Accounts/Final Accounts Examination conducted by the Board of Revenue during the last extended period i.e. 31-12-1993. Consequently these Assistants and Section Officers who have got promotion to the ranks of Senior Assistant/Section Officer, Level-II without passing the Preliminary Accounts Examination/Final Accounts Examination as treated are irregular recruits in the respective rank and are debarred from getting further promotions even if large number of vacant posts are remaining unfilled due to non-availability of suitable candidates.

2. After considering these facts, Government have been pleased to order by invoking relaxation provisions contained in Rule 22 of the Orissa Ministerial Services (Method of Recruitments and Conditions of Service of Assistants and Section Officers in the Office of Heads of Departments) Rules, 1994 as follows :-

- (i) Relaxation will be allowed in respect of the provision requiring the Ministerial Officers to undergo Accounts training. This relaxation may be allowed till 31st March 2002. The management will take steps to depute the untrained Assistants and Section Officers for training in Madhusudan Institute of Accounts and Finance, Bhubaneswar during this period and record should be kept of any refusal.
- (ii) During this period of relaxation i.e. till 31st March, 2002 qualifying in the Accounts Training may not be insisted upon for continuance in the post which they are holding now or for promotions subject to their eligibility or otherwise.
- (iii) All appointments and promotions before 31-3-2002 of any Ministerial Officer who have not passed the departmental examination in the Accounts Training conducted by Madhusudan Institute of Accounts and Finance will be treated as *ad hoc*.

3. It is clarified that no further relaxation will be allowed for this purpose and failure to pass the departmental examination in the Accounts Training within the above specified period i.e. 31-3-2002 will debar the concerned Ministerial Officers of Heads of

Departments from getting future promotion and they are liable for immediate reversion to the grade from which they were promoted on *ad hoc* basis.

4. It is further clarified that no Junior Assistant should be promoted on *ad hoc* basis to the rank of a Senior Assistant if he has not put in three years of continuous service as such and no Senior Assistant shall be considered for promotion to the post of Section Officer, Level-II unless he has rendered minimum 12 years of continuous service including nine years of continuous service as Senior Assistant on the 1st day of January of the year in which the Departmental Promotion Committee meets.

SUBBARAO

M. V. A.

Secretary to Government

Additional

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Government of Orissa
General Administration Department

No. 2R/1-57/99(Pt.II)/ 9711/Gen., Dt.04.04.2003

To

All Departments of Government.

All Heads of Departments.

Sub: Nomination of Officers to D.P.C. for Promotion of Assistants and Section Officers in the offices of the Heads of Departments – Instructions regarding.

The amended provision U/R 16(1) (C) of the Orissa Ministerial Service (Method of Recruitment and Conditions of Service of Assistants and Section Officers in the Offices of the Heads of Department) Rules, 1994 made effective from 19.04.2001 i.e. the date of publication of the relevant Notification in the Orissa Gazette provides that Deputy Secretary of any Department of Secretariat other than the Administrative Department is required to be nominated to act as 'Member' of the D.P.C. by the Secretary of the concerned Administrative Department. Experience, however, shows that invariably requests are being received from the respective Heads of Departments to depute an officer of the rank of Deputy Secretary from G.A.Department to participate as a 'Member' in the DPC even though the Rule does not specifically prescribe so.

2. It is not practicable to spare Deputy Secretary from G.A. Department to attend the DPC meetings of Heads of Departments as they are tied down with day to day important Official work.

It is, therefore, requested that all the Administrative Departments / Heads of Departments should associate the Deputy Secretaries of other Departments of the Government in the D.P.C. meetings of the Heads of Departments and spare Officers of the rank of Deputy Secretary to act as member in such D.P.C. meetings.

Special Secretary to Government

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Government of Orissa
General Administration Department

NOTIFICATION

Bhubaneswar, Dated, the 19.07.2003

No. 2R/1-3/2003/ 20274 / Gen., In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules further to amend the Orissa Heads of Departments (Establishment Officers) Recruitment Rules, 1991 namely :-

1. (1) These rules may be called the Orissa Heads of Departments (Establishment Officers) Recruitment Amendment Rules, 2003.

(2) They shall come into force on the date of their publication in the Orissa Gazette.

2. In the Orissa Heads of Departments (Establishment Officers) Recruitment Rules, 1991 (hereinafter referred to as the said rules) after clause (g) of rule 2, the following clause shall be inserted, namely :-

“(h)’year’ means the Calendar year”

3. In the said rules, after rule 14, the following rule shall be inserted namely:-

“Relaxation.15-where the State Government are of the opinion that it is necessary or expedient to do so, they may, by order and for reasons to be recorded in writing, relax any of the provisions of rule 3 and rule 10 in respect of any class or category of employees in the interest of the Public Service in consultation with the Orissa Public Service Commission”.

By order of the Governor

S.SRINIVASAN

Special Secretary to Government

Memo No. 20275 / Dated. 19.07.2003

Copy forwarded to all Departments of Government / all Heads of Departments / Guard file (20 copies) for information and necessary action.

Deputy Secretary to Government

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**Government of Orissa,
General Administration Department.**

NOTIFICATION

Bhubaneswar, Dated the 01.12.2003

No. SC/H-5/02- 32515 / Gen., In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules further to amend the Orissa Ministerial Service (Method of Recruitment and Conditions of Services of Assistants and Section Officers in the Offices of the Heads of Departments) Rules, 1994 namely :-

1. (1) These rules may be called the Orissa Ministerial Service (Method of Recruitment and Conditions of Services of Assistants and Section Officers in the offices of the Heads of Departments) Amendment Rules, 2003.

(2) They shall come into force on the date of their publication in the Orissa Gazette.

2. In the Orissa Ministerial Services (Method of Recruitment and Conditions of Services of Assistants and Section Officers in the Offices of the Heads of Departments) Rules, 1994 for clause (g) of sub-rule (1) of rule 2, the following clause shall be substituted, namely :-

“(g) ‘Heads of Departments’ means a head of Departments as defined in rule 20 of the Orissa Service code and enlisted in Appendix –3, thereof. Provided that the office of the Board of Revenue and its Constituent Heads of Departments specified hereunder shall constitute a single cadre under the administrative control of the Member, Board of Revenue who shall exclusively function as the Head of the Department of the said constituent Heads of Departments;

- (i) Office of the Special Relief Commissioner;
- (ii) Office of the Commissioner, Land Records & Settlements;
- (iii) Office of the Land Reforms Commissioner;
- (iv) Office of the Commissioner, Consolidation I and II;
- (v) Office of the Commissioner, Consolidation & Settlement;
- (vi) Office of the Director of Land Records & Surveys;
- (vii) Office of the Directorate of Consolidation;
- (viii) Office of the Inspector General of Registration and
- (ix) Office of the Excise Commissioner”.

By order of the
Governor

(T.K.Pandey)
Special Secretary to
Government

Memo No. 32516 / Dated. 01.12.2003

Copy forwarded to all Departments of Government / all Heads of Departments / Guard file (10 copies) / G.A.Department Library (20 copies) for information and necessary action.

Deputy

Secretary to Government

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MISCELLANEOUS MATTERS

INSTRUCTIONS

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
1.	D. O. letter No. 11188 (Gen.)	04-09-1957	Scope of examining Government orders passed <i>Suo moto</i> .
2.	Resolution No. 13411 (Gen.)	08-08-1969	Domicile restrictions on admission of students to educational institutions of the State and award of Government Scholarship.
3.	Resolution No. 21352 (Gen.)	20-11-1969	Permission to Government Servants to join educational institutions and to appear privately at various examinations.
4.	Memo. No. 4913 (Gen.)	27-03-1973	Affixing designation of officers below their signature in Secretariat files.
5.	Circular No. 9758 (Gen.)	18-05-1976	Contacts by Senior officers with the Public and Lower Staff-Grievances Cell.
6.	Circular No. 25980 (Gen.)	29-09-1981	Delegation of powers to the Section Officers of the Secretariat to sanction C. L.
7.	Order No. 28294 (Gen.)	06-11-1981	A. D. Ms. Of District to exercise powers of the District Magistrate under C. R. P. C., w.e.f. 18-12-1978 for the time being in force.
8.	Memo. No. 2976 (Gen.)	07-02-1985	Recaning of furnitures in Government offices by blind persons.
9.	Notification No. 6206 (Gen.)	22-02-1989	Members of the Delhi Police Esstt. to exercise powers and jurisdiction in the State of Orissa.
10.	Circular No. 26422 (Gen.)	29-11-1995	Reference to G. A. Department on matters relating to service conditions.
11.	Office Memorandum No. 19941 (Gen.)	05-06-2000	Conferring of Secretariat status on the officers of I. P. S. / I. F. S. posted outside the Secretariat.
12.	Resolution No.29832-Gen	29-10-2003	Applicability of the Orissa Conduct of Examination Act,1988(Orissa Act-2 of 1988) to the Examination conducted by the Orissa Public Service Commission/Staff Selection Commission.
13.	No.32399-Gen	29-11-2003	

D. O. No. 11188 (17)-Gen.

The 4th September 1957

Shri B. SIVARAMAN, I. C. S.

Chief Secretary to Government

To

Shri P. N. MHANTI, I. A. S.

Secretary to Government, Home Department.

My dear Mahanti,

I have been noticing in some files that when a Minister in a Department passes a certain order *suo moto* and sends it to the Secretary, the Department does not examine the proposal on merits and sometimes does not even consult the relevant Department with whom consultation is mandatory under Rules of Business. The Department treats the Minister's order as final and takes action sometimes contrary to the Rules of Business. I wish to draw your personal attention to this and to say that if a Minister passes an order *suo moto* it does not absolve the Department for examining the case on merits and making the necessary consultation with other Departments according to the Rules of Business. A duty is cast on every Department to advise its Minister on the propriety or otherwise of a certain order. This responsibility cannot be shelved just because an order has been passed *suo moto* by a Minister. Government have had occasion to notice that by not exercising this responsibility, Secretaries are sometimes putting Government in an awkward position. I am to express the hope that in future the Secretaries to the Department will exercise a better control over their staffs' works.

2. It is also noticed that files of the Departments for subjects presented to the Council of Ministers do not reach the Chief Secretary in time. Sometimes the Departments take the plea that the file is with the Ministers. As the Chief Secretary has to represent the Department first before the Council of Ministers, As the Chief Secretary has to represent the Department first before the Council of Ministers, it is necessary that the Chief Secretary should see the case in time if be able to present the case to the Council of Ministers. In the past in some cases, it had become very awkward for the Chief Secretary to explain the case as the file never reached him before the time fixed for the meeting. I am to express the hope that this will not recur.

Yours sincerely,

B. SIVARAMAN

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No. 13411-sc-6-64/69-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
RESOLUTION

The 8th August 1969

Subject – Domicile restrictions on admission of students to Educational Institutions of the State and award of Government Scholarship.

The domicile rules under which the Oriyas living elsewhere in India were being given preference in the matters of admission into the educational Institutions run or aided by the State Government and award of Government Scholarships prior to 1948 were scrapped in the Home Department Resolution No. 38/Reforms, dated the 18th January 1949 and the preference for them in these matters was withdrawn. Under the existing provisions, persons who are not permanent residents of the State of Orissa or not domiciled therein are not ordinarily considered eligible for admission into the educational or other Institutions run or aided by the State Government and award of Government Scholarships.

2. Due to settlement of boundaries of States some Oriya speaking areas have been merged in other neighbouring States as a result of which the Oriyas living in these areas who are now permanent residents of other States have been deprived of studying Oriya language and Oriya culture. In order to help the people of those Oriya speaking areas and also in the interest of expansion and development of Oriya language and Oriya Culture outside Orissa, the State Government have decided that the students of those Oriya speaking areas should be made eligible for admission into the educational Institutions run or aided by the State Government and award of Government scholarships while preference in these matters should continue to be given to the permanent residents of the State.

3. Concerned Departments and Heads of Departments are requested to regulate admissions and award of scholarship accordingly.

Order – Ordered that the Resolution should be published in the *Orissa Gazette*. Ordered also that copies of the Resolution be forwarded to all Departments of Government/all Heads of Departments for information and communication to all concerned.

By order of the Governor

S. N. SHARMA

Additional Secretary to

Government

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No. 21352-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
RESOLUTION

The 20th November 1969

Subject – Permission to Government servants to join educational institutions and to appear privately at various examinations.

Government from time to time have announced their policy for granting permission to Government servants to join educational and professional institutions for higher studies as also to appear privately at various examinations in order to make up the lee-way in the educational lag in the country and also to increase their academic and professional efficiency. A large number of circulars and instructions have been issued on the subject touching on the different aspects of the problem. Nonetheless, different Departments continue to make references on individual cases to the Political & Service Department from time to time for clarification and illucidation of Government policy with reference to those cases. There is, therefore, a necessity of having a comprehensive policy instruction in the matter.

2. Rule 179 of the Orissa Service Code lays down the conditions on which the State Government grant special study leave to Government servants to enable them to study scientific, technical or similar problems or to undergo special courses of instructions. Apart from this, Government servants while continuing work in offices, also apply for permission either to continue study in morning and evening

classes or to appear in some private examinations. For these later categories of employees various circulars and instructions have been issued on the subject.

3. The circulars and instruction issued on the subject from time to time are indicated below :-

Home Department Memo. No. 7170 (22)-A., dated 8-6-1951

Home (S. S.) Department Memo. No. 1906 (25)-A., dated 4-10-1952

Home (S. S.) Department Memo. No. 237 (51)-C., dated 1-2-1956

P. & S. Department Memo. No. 2222 (74)-Gen., dated 23-2-1961

P. & S. Department Memo. No. 2428 (55)-Gen., dated 27-2-1961

P. & S. Department Memo. No. 2773 (81)-Gen., dated 2-3-1962

P. & S. Department Memo. No. 8445 (84)-Gen., dated 30-6-1962

P. & S. Department Memo. No. 10693 (86)-Gen., dated 16-8-1962

P. & S. Department Memo. No. 13046 (28)-Gen., dated 6-10-1962

P. & S. Department Memo. No. 13086 (95)-Gen., dated 9-9-1963

P. & S. Department Memo. No. 3413 (97)-Gen., dated 6-3-1964

P. & S. Department Memo. No. 5173 (101)-Gen., dated 3-4-1964

P. & S. Department Memo. No. 2658 (122)-Gen., dated 12-2-1965

P. & S. Department Memo. No. 13009 (114)-Gen., dated 16-7-1965

P. & S. Department Memo. No. 10766 (43)-Gen., dated 22-5-1967

4. Various difficulties have been noticed in implementing these instructions. Not only that cases of unauthorized study are detected from time to time despite liberal permission given to employees, but there is also a tendency to utilize office hours for private study and to take long leave prior to the examination by the intending candidates. Government are also aware of the inherent risk involved in allowing large number of their employees to study in academic institutions which very often go on strike and demonstrations in the declining atmosphere of educational discipline in the country as a whole. While a liberal policy can be pursued in granting permission to Government servants to prosecute higher studies in academic and professional Institutions to make up the lee-way in education. It is also equally important that Government jobs are not treated as mere stepping stones for higher study and higher job prospects.

5. Taking all the above factors and circumstances into account and in supersession of all previous circulars and instructions in the matter Government have been pleased to decide as under :-

- (1) That such permission may only be granted by the Secretary (Additional Secretary), Head of the Department and Head of the District Offices including Settlement Offices to their employees.
- (2) That such permission may only be granted to any and all types of intending employees, provided that in case a Gazetted Government servants it is only the Secretary (Additional Secretary) of the Department who may allow such permission.
- (3) That such permissions may only granted to not more that 10% of the employees working in an office for an academic session.
- (4) That keeping the foregoing limits in view, the permission according authorities may at their discretion allow any of their employees to join any type of educational or professional institutions for any course, diploma or degree, provided that such courses are held in the morning hours or night hours so as not to conflict or over-lap with the office hours during which such employees normally attend to Government duties.
- (5) That keeping the foregoing limits in view the permission according authorities may at their discretion allow any of their employees appear privately in any examination for any course, diploma or degree.

- (6) While granting such permissions the permission according authorities shall impose specific conditions (i) that the Government works or the duties of the employees do not suffer (ii) that the permission so granted shall not be made an excuse for avoiding assignment of duties at any time, including at night, if called upon to do so, (iii) that the employee so granted with permission shall not apply for leave or be granted leave for appearing in the connected examinations beyond one week and the minimum number of days required for sitting in the examination, depending on their leave as due, and (iv) that the permission can be cancelled at any time without notice and without assigning any reasons thereof.
- (7) The permission so accorded should also be intimated to the authorities of the University, Collector/Institution where the employee intends to join or appear in private examination.

Order – Ordered that the Resolution should be published in the Orissa Gazette

Ordered also that copies of the Resolution be forwarded to all Departments of Government/all Heads of Departments/all District and Sessions Judges/District Magistrates/Secretary to the Governor/Secretary, Orissa Public Service Commission, Cuttack/Secretary, Orissa Legislative Assembly/Registrar, Orissa High Court/ Superintendent, Orissa Government Press/Accountant-General Orissa, Bhubaneswar for information and necessary action.

By order of the Governor

A. K. BARREN

Chief Secretary to Government

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No. 4913 (29)-O & M/4-41/73-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

The 27th March 1973
The 6th Chaitra 1895

To

All Department of Government.

Subject – Affixing designation of officers below their signature in Secretariat files.

The undersigned is directed to say that the Governor has been pleased to observe that in most of the Secretariat files, the designations of the officers are not indicated below their signatures while submitting files to the Governor. As a result it is difficult to know immediately the source from which the files has been received by the Governor. In the interest of clarity it is desirable to indicate the designations of the officers below their signatures, preferably by affixing rubber stamps.

In view of this it is requested that all Departments may kindly instruct their officers to put their designations below their signatures while submitting files to the Governor by use of rubber stamps. This may kindly be brought to the notice of all concerned.

H. MOHAPATRA

Under-Secretary to

Government

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No. 9758 (121)-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

The 18th May 1976

To

All Secretaries to Government/
All Heads of Departments/
All Collectors.

Subject – Contacts by Senior Officers with the Public and Lower Staff – Grievances Cell.

During the past few months most of the senior officers from the Secretariat, from the offices of the Heads of Departments and in the field have been touring in different parts of the State more or less regularly to ensure proper implementation of the 20-Point Economic Programme. One of the principal objectives for which such tours were insisted upon by the Government was to bridge the gap in the formulation of policy at the Governmental level and its implementation at the field level as also to provide a feed-back from the field to the Government about any special difficulties or problems standing in the way of effective implementation of the new policies of Government. While these objectives are by and large being served, Government have felt that in the course of their tours, the senior officers are not giving adequate attention to the grievances of the public nor are opportunities being given to the members for the public or their representatives to meet them and place before them their actual difficulties and problems. This is considered as a serious omission particularly in the context of the anxiety of the Government to secure prompt attention to the difficulties and problems of the weaker sections of the population. Undoubtedly, these matters would come to notice at the lower levels of the Government machinery but for providing immediate redress the normal procedure of these grievances coming through various channels to the level at which redress can be provided is far too circuitous and time taking. If the senior officers who are either in a position to take immediate decision or to secure such decisions promptly were to get first hand knowledge of these problems, the solutions to be provided would be prompt and effective.

2. Government, therefore, desire that, when senior officers undertake tours in different parts of the State, they should set apart, on each tour, two or three hours for meeting the members of the public, take note of their specific grievances and either take steps to redress them on the spot or give consideration at the headquarters immediately on return from their tours. This approach will also enable them to determine whether the existing departmental procedures are causing delay or harassment to the public and to what extent they should be simplified.

3. Government also desire that each Secretary, heads of Department and Collector should set apart each week one forenoon for meeting freely the members of the public as well as their own Class III and Class IV staff to enable them to present their difficulties and problems. They should thereafter ensure that the specific grievances are attended to immediately and redress, if possible, provided without any loss of time.

4. For the purpose of processing these matters, each Department should have a Grievances Cell in direct charge of an Officer not below the rank of a Deputy Secretary in the Secretariat, a Deputy Director in the offices of Head of Departments and a Deputy Collector in a district who should function directly under the Secretary or the Head of Department or the Collector as the case may be. The Secretary, the Head of Department, the Collector should get regularly a fortnightly progress report from this officer indicating the action taken on the various grievances and take serious note of delays in looking into these matters constructively and with understanding and sympathy.

5. It is also suggested that wide and adequate publicity should be given to this new procedure to be followed, day and time set apart for the purpose clearly indicated and deviations strictly avoided unless under very special or emergent circumstances. It will be desirable if all the Secretaries, Heads of Departments and Collectors set apart each Wednesday from 10 A. M. to 1 P. M. (or 7 A. M. to 10 A. M. where morning office hours are observed) for this purpose and all concerned should ensure that no official meetings are arranged on Wednesday forenoon. If for any reason on any particular occasion, it is not

possible for an officer to adhere to this programems, he should fix another day in advance and notify that day and time so as not to cause any inconvenience to the public.

6. I am also to make it clear that Government do not propose to entertain proposals for any extra staff for this purpose and the Grievance Cell should be constituted from within the existing personnel of the Department/ Office. The Officer and staff to be earmarked for this purpose should, however, be carefully chosen so that the object of securing prompt and effective solutions to the problems of the people is not defeated by rigid, unsympathetic or unimaginative approach.

7. I am also to request that a report may please be sent to the undersigned at the end of each month briefly indicating the action taken in pursuance of this circular, high lighting the important grievances brought to notice and the remedial action taken. These assessment reports may be personally attended to by Secretaries, Heads of Departments and Collectors and not allowed to become a routine matter.

8. The receipt of this letter may please be acknowledged immediately.

J. A. DAVE

Chief Secretary, Orissa

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No. 25980-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 29th September 1981

To

The Secretaries of all Departments.

The question of assigning some additional responsibilities to the Section Officers of the Secretariat with a view to enable them to exercise better control over the staff working under them has been under the consideration of Government for some time. It has been decided in this connection that the Section Officers should be empowered to sanction Casual Leave to their staff for two days at a time and for seven days in a year. According to paragraph 8 of the Appendix-6 of the Orissa Service Code, Administrative Departments of Government may, by order, prescribed the authorities competent to sanction C. L. to their subordinate officers and staff. I am therefore, to request you to kindly delegate powers to the Section Officers of your Department in accordance with this provision, so as to enable them to sanction C. L. to their staff to the extent mentioned above.

C. NARAYANASWAMY

Special Secretary to

Government

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No. 28294-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
ORDER

The 6th November 1981

According to Sub-section (2) of Section 20 of the Cr. P. C., 1973 (Act. No. 2 of 1974) before its amendment in 1978 the A. D. M. of a district was vested with all or any of the powers of a District Magistrate. But the said Section has been amended w.e.f. 18-12-1978 to the effect that such of the powers of a District Magistrate under the Cr. P. C. or under any other Law for the time being in force shall be exercised by the Addl. District Magistrates as may be directed by State Government. In pursuance of the amended provision of sub-section (2) of Section 20 of Cr. P. C., State Government have been pleased to

authorize the A. D. Ms. posted in different districts of the State to exercise all the powers of the District Magistrate w.e.f. 18-12-1978 under the Criminal Procedure Code or any other law for the time being in force.

By order of the Governor
C. NARAYANASWAMY
Special Secretary to

Government

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Memo. No. 2976

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 7th February 1985

To

All Departments of Government.

Subject – Recaning of furniture in Government offices by blind persons.

The under signed is directed to invite reference to this Department Memo No. 22073, dated the 19th September 1984 in which it was indicated that recaning of furniture in all Government offices should be entrusted to blind persons as a part of the schemes for rehabilitation of the handicapped. It may kindly be confirmed that these instructions are being followed. It may please be ensured that these instructions are reiterated for the guidance of all offices under your control and their implementation ensured.

C. NARAYANASWAMY
Special Secretary to

Government

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No. 6206-1M-15/89-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 22nd February 1989

In exercise of the powers conferred by Section 6 of the Delhi Special Police Establishment Act, 1946 (No. 25 of 1946), the State Government do hereby accord their consent to enable the members of the Delhi Police Establishment to exercise powers and jurisdiction in the State of Orissa for investigation of offences mentioned hereunder :-

- (a) offences under Prevention of Corruption Act, 1988 (No. 49 of 1988); and
- (b) attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

By order of the Governor
N. K. PANDA
Chief Secretary-cum-Secretary to Government,
General Administration Department

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No. 26422-SC/6-109/95-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 29th November 1995

From

Shri R. K. Bhujabal, I. A. S.,
Chief Secretary to Government of Orissa, Bhubaneswar.

To

The Principal Secretaries/Secretaries to Government of All Departments.

Subject – Reference to G. A. Department on matters relating to Service Conditions.

Sir

I am to say that a number of files are being referred to by the various Departments in which the clarification on very simple matters are being sought in respect of the application of different provisions of the rules, regulations and circulars which have been framed/issued by G. A. Department. On examination of all such references, it is noticed that in most of the cases the Administrative Department could have easily taken a decision without referring the matter to G. A. Department since the Rules/instructions are themselves very clear.

2. It is, therefore, advised that the Administrative Departments should not make such references and try to settle the issues at their level, unless there is a genuine doubt and a need for clarification.

In view of the above, it is requested that you should analyse each case carefully in your Department. Only such cases, where the reference is really necessary may be referred to G. A. Department for their views. All such references should clearly mention the history of the case, the issues involved and reasons for entertaining the doubts. The references should be sent to General Administration Department with the approval of the Secretary of the Department.

Yours faithfully,
R. K. BHUJABAL
Chief Secretary to Government

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No. 19941-AIS/II-28/2000-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 5th June 2000

Subject – Conferring of Secretarial Status on the officers of I. P. S. / I. F. S. posted outside the Secretariat.

There is no fixed principle at present for conferring Secretarial status on the I. P. S. / I. F. S. officers who are working outside the Secretariat, but dealing with file/subjects of Departments of Secretariat. Very often I. P.S. and I. F. S., officers are to deal with files of different Departments although they hold some other post outside the Secretariat. This has caused dislocation of Government work at times.

In order to avoid the above difficulties, it has now been decided that whenever I. P. S. officers of different rank are posted to Vigilance organization, they are to be conferred with Secretarial status as indicated against each category of officers by the Home Department as mentioned below :-

Category of Officers

(1)

Secretarial Status

(2)

- | | | | |
|----|--|-----|----------------------|
| 1. | D. G., Vigilance/Additional D. G. Vigilance/I. G. of Police, Vigilance | ... | Special Secretary |
| 2. | D. I. G. of Police, Vigilance | ... | Additional Secretary |
| 3. | S. P. (Vigilance), Selection Grade | ... | Joint Secretary |
| 4. | S. P. Additional S. P. | ... | Deputy Secretary |
| 5. | D. S. P. | ... | Under-Secretary |

Similarly, whenever there is necessity for posting of I. F. S. officers of different ranks in Departments of Secretariat, they are to be conferred with Secretarial status by the Forest & Environment Department as mentioned below :-

- | | | | |
|----|--|-----|----------------------|
| 1. | P. C. C.F. / Additional P. C. C. F. / C. C. F. | ... | Special Secretary |
| 2. | Conservator of Forests | ... | Additional Secretary |
| 3. | D. F. O. (Selection Grade) | ... | Joint Secretary |
| 4. | D. F. O. | ... | Deputy Secretary |

Further it has been decided that while conferring *ex officio* Secretarial status on the officers of other services including central services by the concerned Administrative Departments, General Administration Department should invariably be consulted before such *ex officio* status is conferred on them.

R. C. MISHRA
Special Secretary to

Government

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Government of Orissa
General Administration Department

RESOLUTION

Bhubaneswar, the 29.10.2003

Sub: Applicability of the Orissa Conduct of Examination Act, 1988 (Orissa Act-2 of 1988) to the Examination conducted by the Orissa Public Service Commission/Staff Selection Commission.

No. 29832/Gen., It has been defined in Section 2(a) of the Orissa Conduct of Examinations Act, 1988 (Orissa Act 2 of 1988) that "recognised examination" means an examination specified in the schedule and includes evaluation, tabulation, publication of results and all other matters connected therewith. In the schedule appended to the said Act in item No. 5, it has been provided that such other examination as may be specified by the State Government by notification in the official gazette can be considered as recognised examination.

The Orissa Public Service Commission/Orissa Staff Selection Commission are entrusted to conduct examinations for appointment of candidates to Civil Services/Posts. It is necessary to ensure smooth conduct of the recruitment examinations conducted by the OPSC and OSSC which includes evaluation, tabulation, publication of results and all other matters connected therewith.

After careful consideration, Govt. have decided that notwithstanding anything contained in the recruitment Rules, the provisions of the Orissa Conduct of Examination Act, 1988(Orissa Act-2 of 1988) shall be made applicable to the examinations conducted by the Orissa Public Service Commission and Orissa Staff Selection Commission.

Order:- Ordered that the resolution be published in the next issue of the gazette Publication and copies thereof be sent to all concerned.

By

order of the Governor

(T.K.Pandey)

Special

Secretary to Government

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Government of Orissa
General Administration Department

No. 2R/1-42/03/ 32399 / Gen., Dtd.29.11.2003

To

All Departments of Government.
All Heads of Departments.
All Collectors.

Sub: Procedure to be followed in Recording the date of birth in the Service Book / Service Roll.

The undersigned is directed to say that the procedure to be followed in the matter of recording the date of birth in the Service Books / Service Rolls of the employees and in case of manipulation of date of birth, the action to be taken against the erring officials with whose complicity the employee concerned gained the unfair advantage of overstayal in service beyond the normal date of superannuation have been outlined in G.A.Department circular letter No. 2102/Gen., dt. 30.01.1995. Despite issue of such instructions several cases are being referred to by different Departments to G.A.Department for regularisation of overstayal period in service caused mainly due to manipulation of the date of birth.

Instances have come to the notice of this Department that in the cases where the date of birth of the employee is written only in figures in the Service Books / Service Rolls, it becomes easy to manipulate the same, which provides ample opportunity to the employees to overstay in service beyond the due date of retirement. In order to avoid such type of manipulations and to prevent continuance in service of the employees beyond the normal date of supersnuation caused by manipulation of the date of birth,

the following instructions should be meticulously followed by the appointing authorities while recording the date of birth of the employees, in their Service Books / Service Rolls.

1. The date of birth of the employees should be legibly written both in figures and words in the respective Service Books / Service Rolls of the employees. This should be done not only in the Service Books / Service Rolls to be opened afresh but also in all existing cases after making due verification.
2. All existing Service Books / Service Rolls of the employees should be verified and in case of any doubt in the date of birth recorded in the Service Books / Service Rolls, it should be cross-checked with reference to the High School Certificate issued by the Board of Secondary Education, Orissa or with any documentary evidence in support of the correct date of birth of the employee concerned.

A compliance report on the above may be sent to the G.A. Department within a period of three months.

Government

Special Secretary to

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**PRE MATURE RETIREMENT
INSTRUCTIONS**

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
1.	Circular No. 30495 (Gen.)	24-11-1987	Pre mature Retirement of Government Servants in pursuance of clause (a) of Rule 71 of the Orissa Service Code.

No. 30495-2R/1/39/87-G. A.

**INSTRUCTION ON PREMATURE RETIREMENT
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT**

The 24th November 1987

From

Shri R. K. Rath
Additional Chief Secretary to Government.

To

All Secretaries to Government.

Subject – Premature Retirement of Government Servants in pursuance of Clause (a) of Rule 71 of the Orissa Service Code.

Sir,

I am directed to say that Government consider it necessary to consolidate and update instructions pertaining to (i) review of cases of employees under the rulemaking control of the State Government for premature retirement in pursuance of Clause (a) of Rule 71 of the Orissa Service Code, and (ii) the procedure to be followed where it is decided to retire an employee prematurely. Government have accordingly decided that the following instructions, which supersede all previous instructions on the subject, shall henceforth be followed by authorities empowered to conduct reviews or issue orders retiring an employee prematurely either on his attaining 55 years of age or, as provided in the First Proviso to Clause (a) of Rule 71 of the Orissa Service Code, on his completing 30 years of qualifying service or attaining 50 years of age.

2. Cases of Gazetted Officers who have attained the age of 50 years or 55 years, as the case may be, on the 30th June and the 31st of December of a year shall be reviewed by Review Committees constituted in pursuance of these instructions. These Committees shall ordinarily meet in July and January of the year on the dates to be fixed by their Chairmen, but if the meetings cannot be held either because of non-availability of records or any other administrative difficulty, the Chairmen may fix meetings on other dates which shall in no event be later than the 31st of August or the 28th of February, as the case maybe. If the case of any employee cannot be considered because his records are not available, the Committee shall proceed to consider other cases, the case of the employee, whose work could not be reviewed, shall be considered in the next meeting. Reviews should not be postponed merely because the report for the immediately preceding year is not available; if the reports for the period ending with the second preceding year are not such as to justify premature retirement, the Committee may take a view on the basis of available reports. In other words, deferment of the review till the latest report is available will be justified where the earlier reports do not clearly establish either the suitability or unsuitability of an employee for continued employment and the Committee would like to consider the latest report on his work and conduct before arriving at a firm conclusion. This will ensure, that reviews take place expeditiously and employees are spared of the uncertainty inevitable on unspecified deferment of reviews.

3. Cases of non-Gazetted officers should be reviewed only once during a year. Those who have attained the age of 50 or 55 years on the 30th of June will be subject to the review which should ordinarily be completed before the 31st of August of the year. If there are difficulties in completing the review by this date, every effort should be made to ensure that the review is completed before the 31st of December.

4. The composition of Review Committees for different categories of employees shall be as set forth in Annexure-I and Annexure-I-A of this letter.

5. Once an employee's case has been reviewed and he has been found by the competent authority to be deserving of continued employment after attaining 50 years of age, there shall be no further review of his case till he attains 55 years of age. Similarly, the case of an employee who was not prematurely retired in pursuance of the review conducted on his attaining 55 years of age shall not be reviewed thereafter. If, however, review was deferred in any case. It may be reviewed in the meeting held after records were available.

6. Premature retirement in pursuance of clause (a) of Rule 71 of the Orissa Service Code can be ordered in public interest only and not as a penalty to the employee concerned, Compulsory retirement is one of the major penalties listed under Rule 13 of the Orissa Civil Services (Classification, Control & Appeal) Rules and before it is imposed on any employee, the procedure outlined in the said Rules for imposition of major penalties must be complied with. Premature retirement under Clause (a) of Rule 71 of the Orissa Service Code is not and must not be used as a substitute that can be resorted to more conveniently. In other words, where it appears that any employee is guilty of misconduct or negligence in duty and that he would probably have been compulsorily retired had disciplinary proceedings been initiated against him, the proper course would be to initiate such proceeding instead of trying to circumvent the prescribed procedure and thereby extinguishing the employee's right of defending himself against allegations of misconduct or negligence. Pre mature retirement can only be ordered where it is obvious that retention of the employee in service will not be in public interest.

7. It will not be in public interest to retain an employee in service if –

- (a) he is clearly lacking in integrity, or
- (b) although his integrity is not in doubt, his physical or mental condition is such as to make him inefficient for further service, or
- (c) even though his work in a lower grade was satisfactory, he clearly lacks in standard of efficiency required to discharge the duties of the post he presently holds.

8. The objective of the review is to weed out persons of doubtful integrity or patent inefficiency from public service. In order however that no such decision is taken arbitrarily or without very careful appraisal of facts, the review committee shall, wherever it recommends pre mature retirement of an employee, record the reasons of its findings in adequate detail.

9. The Committee shall consider each case in the light of entries in the employee's character roll and such other authentic reports as may be available. While the reports earned by an employee throughout his career may be considered for purposes of formulating a general opinion on his integrity and efficiency, No. recommendation for per mature retirement should be based on stray entries or on entries except the more recent. Generally speaking, entries of more than ten years ago should not weigh very much with the Committee since a period of ten years is long enough for an employee either to have almost wholly lost his earlier competence or to have almost wholly got over his earlier inadequacies. Even among entries of the last ten years those of the last five years should be assigned the highest importance and if these reports are not on the whole adverse, viz. do not indicate that the employee's case falls under either of the three criteria referred to in Paragraph 7 above, he should, unless there are overwhelming reasons to the contrary, be recommended for continuance in service either till the next review or till the date of normal superannuation, as the case may be.

10. If, notwithstanding certain adverse entries in the employee's confidential character roll, he was promoted to a higher post, adverse entries prior to his promotion should be ignored, It would be absurd and wholly inequitable to retire an employee pre-maturely on the strength of such entries when these entries were not found important enough to debar him from promotion.

11. No adverse entries should be used to recommend an employee's pre-mature retirement unless it has been communicated to him and unless :

- (a) either the time limit for representation against the remark has expired without his submitting a representation, or
- (b) after considering his representation the original remark has been allowed to stand or has been modified in such a manner that even those entries that are allowed to stand constitute an adverse assessment of the officer's work.

12. It seems to be the practice in some organizations to consult the General Administration (Vigilance) Department with a view to ascertaining if any enquiry into the integrity of employees whose cases are due for review is under way. For purposes of the review, facts already available on the date of the review should alone be taken into account. If the General Administration (Vigilance) Department has already submitted a report about any employee, that report can no doubt be taken into account, but to consider enquires that have not been completed will amount to prejudging the issue. If the enquiry ultimately leads to a reasonable inference of lack of integrity, the employee concerned can be proceeded against either departmentally or under the criminal law, but it would not be correct to conclude that an employee is lacking in integrity merely because some allegations against him are under enquiry. In other words, allegations which have not been enquired into or in respect of which enquiry is not complete should, generally speaking, be ignored. Even in regard to allegations which have been enquired into by the Vigilance Organisation, a conclusion of lack of integrity may not be drawn straightway, the facts of the case should be carefully considered and it should be examined if the ends of justice will not be better served by a departmental proceeding. The rule, normally should be that, before any such conclusion is drawn, the explanation of the employee concerned should have been considered. It is only in exceptional cases, viz. cases where the employee's lack of integrity is obvious, that the review may be conducted without considering his explanation and on the basis of an exhaustive report of enquiry by the Vigilance Organisation or any senior officer. This exception to the normal rule should be invoked only where the Committee is satisfied that the allegations are serious and beyond doubt and that public interest requires the employee's immediate exit from service.

13. There may be instances where on promotion from Class IV to a post in Class III, an employee completes 50 years of age or 30 years of qualifying service and is subject to review. Since character rolls are not maintained for Class IV employees, it will not be possible to refer to his character roll for the period of his service in Class IV. The Committee should, in such cases, presume that his work in the Class IV post, he held was satisfactory as otherwise he would not have been promoted to the higher post. If however there is clear evidence that the employee lacked in integrity while working in the lower post, the Committee may recommend his premature retirement. Subject to this exception his continuance in Class III post should be decided on the strength of reports earned by him subsequent to the promotion.

14. If on the date of review the time limit referred to in (a) of paragraph 11 has not expired or the employee's representation has not been disposed of his case should be deferred till the next review unless the earlier entries in the confidential character roll of the officer clearly justify a recommendation for premature retirement.

15. Where it is decided to retire an employee prematurely, he has either to be given a notice in writing at least three months before the date on which he is required to retire or paid three months' pay and allowances in lieu of such notice Annexures II and III (IIA and III A for Non-Gazetted employees) contain, respectively, the form of the notice and the form of the order retiring the employee on payment of three months' pay and allowances.

16. An employee may also, under the First Proviso to clause (a) of rule 71 of the Orissa Service Code, seek premature retirement after completing 30 years of qualifying service or attaining 50 years of age by giving a notice in writing to the appropriate authority at least three months before the date on which he wishes to retire. The appropriate authority may also, subject to the orders of Government in any case, entertain a notice received within less than three months preceding the date of the intended retirement. As clearly indicated in this proviso, permission to retire prematurely may be refused to an employee who is under suspension or against whom enquires are in progress where, in any such case, it is proposed to permit the employee to retire prematurely, the appropriate authority shall record the reasons for granting the permission. Naturally, no permission should be granted in any such case unless it is patent that the allegations are not serious and that, even if proved, are not likely to result in imposition of a penalty of far greater consequence than the employee's premature exit from office.

17. The expression "appropriate authority" means the appointing authority.

18. Since no stigma is attached to an employee retired prematurely, his service should be certified as satisfactory for purposes of pension, while preparing pension documents of any such employee, the following instructions may be kept in view :-

- (a) Where an employee is served with a notice, he will be deemed to have retired on the date following the date on which the period of 3 months from the date of the service of the notice expires, if, for example, the period of 3 months following the service of the notice expires on the 5th of any month, the employee would be deemed to have retired with effect from the 6th of that month.
- (b) Where, in lieu of notice 3 months' pay and allowance (no allowance other than Dearness Allowance is payable) are paid, the date specified in the order shall be deemed to be the date on which the employee has retired.
- (c) Since 3 months' pay and allowances are paid in lieu of the notice, the employee will be entitled to pension from the date specified in the order in addition to the pay and allowance paid to him.
- (d) The pay and allowances payable in lieu of the notice will be calculated at rates at which he drew pay and allowances immediately before retirement.
- (e) Earned leave not exceeding 240 days at the credit of the employee on the date of premature retirement shall be encashed.
- (f) The employee will be entitled to draw Travelling Allowance for journey from the last station of duty to his home town in accordance with rule 120 of the Orissa Travelling Allowances Rules.
- (g) The entitlement of the employee to retain the official accommodation supplied to him will be governed by item 2 (b) of the Table under rule 107-A (i) of the Orissa Service Code.

Yours faithfully,

R. K. RATH

Additional Chief Secretary

ANNEXURE I

Sl No.	Category of Officers	Composition of the Review Committee
(1)	(2)	(3)
1.	All Officers of Class – I (Senior) and above ranks belonging to the Orissa Administrative Service.	¹ Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge, Member, Board of Revenue, Additional Chief Secretary and Special Secretary (General Administration) Department shall be Members.
2.	² All Officers belonging to the Orissa Administrative Service in the rank of O. A. S., Class-II and O. A. S.- I (Jr. Br.).	Member, Board of Revenue (Chairman); Senior most Divisional Commissioner (Member); Secretary to Government, Revenue Department (Member Convenor).
3.	Gazetted Officers of the Revenue (Excise) and Revenue (Registration Departments).	Member, Board of Revenue (Chairman); Inspector General of Registration-cum-Excise

Commissioner; and Secretary, Revenue Department (Members).

4. Gazetted Officers of the Home (Police, Fire Service and Jails) Department. ¹Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary, Home Department; and the Director-General of Police/Inspector-General of Prisons/Inspector-General in charge of Fire Service shall be Members.
5. All Officers belonging to the Orissa Finance Service. ¹Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary, Finance Department; and Commissioner, Commercial Taxes shall be Members.
6. Gazetted Officers of the Agriculture and Co-operation Department/Forest, Fisheries and Animal Resources Department / Panchayati Raj and Rural Development Department. ¹Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary of the Department concerned; and Heads of the Department concerned shall be Members.

1. Amended vide G. A. Department Circular letter No. 22517/Gen., Dt. 18-10-1994, No. 836/Gen., Dt. 13-1-1997 & No. 19337/Gen., Dt. 24-7-1998.

2. Substituted vide G. A. Department Circular letter No. 19337/Gen., Dt. 24-7-1998.

SI No.	Category of Officers	Composition of the Review Committee
(1)	(2)	(3)
7.	Gazetted Officers of the Water Resources and Energy Department/Works Department/Steel & Mines Department/Public Health Engineering Organisation.	¹ Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary of the Department concerned; and Chief Engineer concerned and Directors of Mining and Geology shall be Members.
8.	Gazetted Officers of the Education Department/ Sports, Tourism and Culture Department / Information and Public Relations Department / Housing and Urban Development Department / Health and Family Welfare Department/ Labour and Employment Department / Commerce and Transport Department / Food, Civil	¹ Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary of the Department concerned; and Heads of the Department concerned shall be Members.

Supplies and Consumer Welfare
Department / Law Department.

9. Gazetted Officers of the Planning & Co-ordination Department. ¹Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Special or Additional Secretary, General Administration Department; and Director of Economics & Statistics shall be Members.
10. Gazetted Officers of the Scheduled Tribes & Scheduled Castes Development Department. ¹Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary, Sch. Tribes & Sch. Castes Development Department,; Director, S.T.& S.C. shall be Members.
11. Gazetted Officers of the Industries Department. ¹Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary, Industries Department; and Heads of the Department concerned shall be Members.
12. Orissa Secretariat Service. ¹Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary, Home Department, and Secretary of another Department nominated by the Chief Secretary for any meeting of the Committee shall be Members.

1. Amended vide G. A. Department Circular letters No. 22517/Gen., dated the 18th October 1994, No 836/Gen., dated the 13th January 1997 and No, 19337/Gen., dated 24th July 1998.

Sl No.	Category of Officers	Composition of the Review Committee
(1)	(2)	(3)
13.	Specially Gazetted Employees	(a) Secretary, Home Department, Secretary Finance Department, and Secretary, Revenue & Excise Department. The Senior most officer among them shall be the Chairman.
	(a) In the Secretariat.	
	(b) In the office of any Heads of the Department	(b) Head of the Department concerned (Chairman); an officer not below the rank of Deputy Secretary nominated by the Secretary of the department, and an officer

nominated by the Head of the Department (Members).

(c) In any district or subordinate office.

(c) As in (b) above.

NOTE –

1. Except for the Review Committee at Sl. No. 1, Chief Secretary may nominate the Additional Chief Secretary to preside over any meeting of a Review Committee in which cases of officers of Class I (Junior) or lower rank are considered.
2. Where a Head of the Department belongs to any of the services referred to in the foregoing statement, the review of his case would be conducted by a Committee consisting of the Chief Secretary (Chairman); Additional Chief Secretary; Additional Development Commissioner or in so far as the Agriculture & Co-operation and the Forest, Fisheries & Animal Husbandry Departments are concerned, the Agriculture Production Commissioner, and the Secretary of the Department concerned (Members).
3. Where an officer belonging to any of the aforesaid services is working as a Secretary to Government, the review of his case would be conducted by a Committee of which the Chief Secretary shall be the Chairman and Members shall be as nominated by the Chief Minister.
4. The Secretary of the Administrative Department shall ensure production of all relevant documents to the Committee. He may ask any of his subordinate officers to prepare a statement showing the names and other relevant particulars of officers subject to review, produce necessary records for the Committee's perusal and prepare a draft of the Committee's proceedings. This officer shall however not participate in the Committee's deliberations.
5. For service/posts not referred to in the foregoing statement, the Review Committee shall be as decided by the Chief Secretary –
 - (a) provision of item 5 has been reiterated vide General Administration Department Memo. No. 4622-2R-1/1/89-Gen., dated the 8th February 1989.
 - (b) In case of Review Committee for Orissa Settlement and Consolidated Service Officers, the members may be nominated by the Heads of Department vide General Administration Department letter No. 10761, dated the 7th April 1989.
6. That case of certain Government Servants have not yet been reviewed on account of some administrative difficulties. In order to overcome this situation, Government, after careful consideration, have been pleased to decide that all such pending cases shall be reviewed in the next review positively, vide Office Memorandum No. 171-2R-1/1/89-Gen., dated the 2nd January 1990.
7. In respect of issue of notices to Gazetted employees whose appointing authority is other than the Secretary of the Department, such notices will be issued by the appointing authority instead of the Secretary to the Government. Hence, "By order of the Governor" and "Secretary to Government" as mentioned in Annexures II and III will be modified as "Designation of Appointing Authority" and "By order of the Governor" maybe deleted in such cases.

The Para. 4 of the foot-note of Annexure I is applicable where the Secretary of the Department is the appointing authority or he is a member, but where the appointing authority is other than the Secretary of Department, the convening of the review meeting and processing of necessary papers are to be made at the level of appointing authority vide letter No. 10761-2R-1/1/89 (Pt.), dated the 7th April 1989.
8. 1 If the Review of the work of an Officer could not be taken up at the age of fifty years the same can be done at any time till he attains the age of fifty-five years and similarly if

the review of the work of an officer could not be held at the age of fifty-five years the same can be done at any time between fifty-five to fifty-eight years of age. This does not however, imply that the reviews should be delayed arbitrarily that would defeat the sanguine public purpose on which the provisions in clause (a) of rule 71 of the Orissa Service Code and the General circular of this department are based.

ANNEXURE I-A

SI No.	Category of Officers	Composition of the Review Committee
(1)	(2)	(3)
1.	Class III employees in any Department in the Secretariat.	Secretary of the Department (Chairman); an officer not below the rank of Deputy Secretary nominated by the secretary; and an officer of the Home Department nominated by the Secretary of that Department.
2.	Class IV employees in any Department in the Secretariat.	An officer not below the rank of Deputy Secretary nominated by the Secretary of the Department (Chairman) and another officer nominated by him (Member).
3.	Class III employees in the office of any Head of the Department (other than a Head of Department under the works, Water Resources & Energy Deptts.) or posted outside the Head-quarters office (including those posted in any subordinate office).	Head of the Department concerned (Chairman); an officer not below the rank of Deputy Secretary nominated by the Secretary of the Department; and an officer nominated by the Head of the Department (Members).
4.	Class III employees in the office of any Head of the Department under the Works or Water Resources & Energy Department or posted outside the headquarters office (including those posted in any subordinate office).	The Chief Engineer concerned (Chairman); an officer not below the rank of Deputy Secretary nominated by the Secretary of the Department; and an officer not below the rank of Superintending Engineer nominated by the Chief Engineer (Members).
5.	Class IV employees in the office of any Head of Department or posted outside the headquarters office (including those posted in any subordinate office).	Two officers one of whom shall be the Chairman, nominated by the Head of the Department.
6.	Class III employees in any district or subordinate office in respect of whom the Head of the district office is the Appointing Authority.	Head of the District Office (Chairman); and two other officers nominated by the Head of Department (Members) (For employees working in the office of the Collector or in any office subordinate to the Collector, the nomination shall be made by the Revenue Divisional Commissioner).

1. Inserted on the advice of the Law Department vide G. A. Department circular letter No. 16435-Gen. Dated the 27th May 1999.

SI No.	Category of Officers	Composition of the Review Committee
(1)	(2)	(3)

- | | | |
|-----|--|--|
| 7. | Class IV employees in any district or subordinate office. | Two officers, one of whom shall be the Chairman, nominated by the Head of the District Office. |
| 8. | Class III employees in Colleges including Medical Colleges. | Principal of the College (Chairman); two teachers nominated by the Head of the Department (Members). |
| 9. | Class III employees in hospitals attached to Medical Colleges. | Superintendent (Chairman); two nominees of the Head of the Department (Members). |
| 10. | Class IV employees in Colleges and hospitals attached to Medical Colleges. | Two officers, one of whom shall be the Chairman, nominated by the Principal/Superintendent. |
-

NOTE –

1. For employees other than those referred to in the foregoing statement, the composition of the Review Committee shall be as decided by the Administrative Department.
 - (a) Provision of item 1 has been reiterated vide General Administration Department Memo. No.4622-2R/1/1/89-Gen., dated the 8th February 1989.
2. Since no confidential character roll is maintained for Class IV employees, the Review Committee can only consider special reports, if any, suggestive of an employees unsuitability for continued employment. Employees in respect of whom there are no such reports should be deemed to have been found suitable for continued employment, where there is a report of adverse character, the Committee should carefully consider it and decide if it clearly justifies pre-mature retirement.
3. In respect of issue of notices of Gazetted employees whose appointing authority is other than the Secretary of the Department, such notices will be issued by the appointing authority instead of the Secretary to the Government. Hence, “By order of the Governor” and “Secretary to Government” as mentioned in Annexures II and III will be modified as “Designation of the Appointing Authority” and “By order of the governor” may be deleted in such cases.

The Para. 4 of the foot note of Annexure I is applicable where the Secretary of the Department is the appointing authority or he is a member, but where the appointing authority is other than the Secretary of the Department, the convening of the review meeting and processing of the necessary papers are to be made at the level of appointing authority Vide letter No. 10761-2R-1/1/89 (Pt.), dated the 7th April 1989.
4. The cases of certain Government servants have not yet been reviewed on account of some administrative difficulties. In order to overcome this situation, Government after careful consideration, have been pleased to decide that all such pending cases shall be reviewed in the next review positively Vide Office Memorandum No. 171-2R-1/1/89-Gen., dated the 2nd January 1990.

ANNEXURE II

(Form of Notice to a Gazetted Employee)

ORDER

No.....

Bhubaneswar, the

.....

In exercise of the powers Conferred under clause (a) of rule 71 of the Orissa Service Code, the Governor of Orissa is pleased to order the retirement, from service under the Government, of Shri/Shrimati on the expiry of three months from the date of service of this order on him/her.

By order of the Governor

Secretary to Government

N. B. i – See instructions under Para 3 of the Foot note at page 285.

ANNEXURE II - A

(Form of Notice to a Non-Gazetted Employee)

ORDER

No.....

Bhubaneswar, the

.....

In pursuance of Clause (a) of Rule 71 of the Orissa Service Code, Shri/Shrimati is retired from service under the Government on the expiry of three months from the date of service of this order on him/her.

By order of the Government

(Designation of the Appointing

Authority)

ANNEXURE III

(Form of order of retiring a Gazetted Employee on payment of 3 months' Pay and Allowances)

ORDER

No.....

Bhubaneswar, the

.....

In exercise of the powers conferred under clause (a) of Rule 71 of the Orissa Service Code, the Governor of Orissa is pleased to retire from service under the Government, Shri/Shrimati who has completed 30 years of qualifying service/ already attained the age of 50 years with effect from allowing him/her 3 months pay and allowances in lieu of 3 months' notice, as provided in the First Proviso to the said rule.

By order of the Governor

Secretary to Government

N. B. :- See instructions under Para 3 of the Foot note at page 285.

ANNEXURE III - A

(Form of order of retiring a Non-Gazetted Employee on payment of 3 months' Pay and Allowances)

ORDER

No.....

Bhubaneswar, the

.....
In pursuance of Clause (a) of Rule 71 of the Orissa Service Code, Shri/Shrimati who has completed 30 years of qualifying service/ already attained the age of 50 years is retired from service under the Government with effect from and is hereby paid 3 months' pay and allowances in lieu of 3 months' notice, as provided in the First Proviso to the said rule.

By order of the Government

(Designation of the Appointing

Authority)

Extracts of Rule 71 (a) of the Orissa Service Code

71 (a). Except as otherwise provided in the other clauses of this rule the date of compulsory retirement of a Government servant except a ministerial servant who was in government service on the 31st March 1939 and Class IV Government servant, is the date on which he or she attains the age of 58 years subject to the condition that a review shall be conducted in respect of the Government servant in the 55th year of age in order to determine whether he/she should be allowed to remain in service up to the date of completion of the age of 58 years or retired on completing the age of 55 years in public interest :

(Substituted by Notification No. 28475-Codes 63/74, dated the 26th July 1974 and the date of effect of the notification is from 11th June 1974)

Provided that a Government servant may retire from service any time after completing thirty years qualifying service or on attaining the age of fifty years by giving a notice in writing to the appropriate authority at least three months before the date on which he wishes to retire or by giving the said notice to the said authority before such shorter period as Government may allow in any case. It shall be open to the appropriate authority to withhold permission to a Government servant who seeks to retire under this rule, if he is under suspension or if enquiries against him are in progress. The appropriate authority may also require any officer to retire in public interest any time after he has completed thirty years qualifying service or attained the age of fifty years, by giving a notice in writing to the Government servant at least three months before the date on which he is required to retire or by giving three months pay and allowances in lieu of such notice :

(Inserted by Notification No. 52542-Codes – 131/73/F., dated the 21st December 1973).

POSTS

INSTRUCTIONS

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
(A) CLASSIFICATION			
1.	Resolution No. 21317-Gen.	22-09-1995	Abolition of Gazetted status and classification of posts existing under the State Government.
2.	Notification No. 18037-Gen.	15-07-1998	Eligibility for promotion to the cadre of O.A.S. Class II.
3.	Resolution No. 17655-Gen.	07-06-1999	Classification of Posts in Government offices into Group 'A', Group 'B', Group 'C' and Group 'D'.
4.	Office Memorandum No. 25791-Gen.	31-08-1999	Attestation of true copies of the original certificates.
5.	Resolution No. 36368-Gen.	08-12-1999	Retirement age of Group 'D' employees working under the State Government.
(B) PERMANENCY			
1.	Resolution No. 3660-Gen.	26-03-1960	Principles for making temporary posts permanent.
2.	Memo No. 10463-Gen.	23-09-1960	Principles for making temporary posts permanent.
3.	Resolution No. 9645-Gen.	09-08-1961	Principles for making temporary posts permanent.
4.	Resolution No. 10295-Gen.	17-07-1963	Principles for making temporary posts permanent.
5.	Circular No. 26617-Gen.	08-12-1993	Confirmation of Government employees.
(C) SOME POSTS WITH DUTIES			
1.	Resolution No. 25981-Gen.	29-09-1981	Revision of job chart of Section Officers of the Departments of Secretariat.
2.	Resolution No. 14668-Gen.	30-06-1982	Revision of job chart of Section Officers of the offices of Head of Departments.
3.	Resolution No. 3701-Gen.	23-02-1983	Declaring the posts of Forest Ranger as specially declared Gazetted.
4.	Resolution No. 3680-Gen.	23-02-1983	

Declaring the posts of Personal Assistants attached to Heads of Departments as specially declared Gazetted.

Serial No.	Reference No.	Date	Subject	Page
(1)	(2)	(3)	(4)	
5.	Resolution No. 1953-Gen.	20-01-1984	Declaring the posts of Junior Engineers specially Gazetted.	
6.	Resolution No. 19067-Gen.	10-08-1984	Declaring the posts of Sub-divisional Information & Public Relation Officers and other equivalent posts of that cadre as specially Gazetted.	
7.	Office Memorandum No. 7994-Gen.	17-04-1985	Upgradation of the post of Senior Grade Diarist to that of Head Diarist in the offices of the Heads of Department.	
8.	Resolution No. 12558-Gen.	16-07-1986	Declaring the post of Personal Assistant attached to Advocate-General as specially Gazetted.	
9.	Resolution No. 15701-Gen.	05-09-1986	Declaring the post of Junior Engineer Agriculture as specially declared Gazetted.	
10.	Resolution No. 15698-Gen.	05-09-1986	Declaring the post of Assistant Curator in the Orissa State Museum and District Cultural Offices as specially Gazetted.	
11.	Resolution No. 2320-Gen.	31-01-1997	Redesignation of the post of Head Typist in the Heads of Departments as Superintendent Level II & Level I, respectively.	
12.	Resolution No. 21634-Gen.	12-08-1998	Redesignation of the post of Head Diarist and Head Recorder to that of Diary Superintendent and Record Superintendent, respectively.	
13.	Resolution No. 26016-Gen.	11-09-1998	Redesignation of the post of special Grade Diarist to that of Diary Superintendent.	

(A) CLASSIFICATION

No. 21317-SC-6-43/95-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 22nd September 1995

Subject – Abolition of gazetted status and classification of different posts existing under the State Government.

Of late, there has been a surge in demand by a large number of categories of Government servants in the State for conferring gazetted status upon them. This trend has extended itself to such an extent that even employee like Drilling Foreman, Ore Dressing Assistants, Store Manager, Overseer and Senior Research Assistant have staked their claims to be declared as specially gazetted employees. Therefore a Committee of Secretaries was constituted in G. A. Department, office order No. 25960-SC-6-130/88, dated the 9th September 1988 under the Chairmanship of Secretary to Government, Finance Department to determine the conferment of the gazetted status on certain categories of posts in different Departments. The Committee after carefully studying the problem, have recommended that the system of gazetted and non-gazetted ranks should be abolished. All the employees should be classified into four groups viz. 'A', 'B', 'C' and 'D' as has been done for the services under the Government of India and in some of the States like Tamilnadu. Orissa Pay Commission 1983 had also recommended that all the categories of posts under the State Government should be classified on the basis of pay ranges and the term "class" should be substituted by the term "Group".

2. After taking into consideration the grouping system of the Government of India, the suggestions of the Orissa Pay Commission, 1983 and the revised scales of pay (under the Revised scales of Pay Rules, 1989), State Government have decided to classify its employees into the following four groups :

- | | |
|---------|---|
| Group A | All posts in the pay scales the maximum of which is not less than Rs. 4, 000 |
| Group B | All posts in the pay scales the maximum of which is not less than Rs. 4, 000 but not less than Rs. 3, 500 |
| Group C | All posts in the pay scales the maximum of which is over Rs. 1, 025 and less than Rs. 3, 500 |
| Group D | All posts in the pay scales the maximum of which is Rs. 1, 025 or less |

3. Consequent upon abolition of the distinction between gazetted and non-gazetted ranks introduction of four groups on the pattern of Government of India amendments shall have to be made by the concerned Administrative Department of the Government to relevant Acts and Rules administered by them, namely :-

- (a) The Orissa Service Code
- (b) The Orissa Civil Services (Classification, Control and Appeal) Rules, 1962
- (c) Orissa Public Service Commission (Limitation of Functions) Regulations, 1989
- (d) Orissa Government Servants' Conduct Rules, 1959
- (e) Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975
- (f) Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Rules, 1976.
- (g) Orissa Pension Rules

(h) Different cadre rules as well as other statutory rules

4. Certain posts carrying statutory functions or posers like, District Judge, Magistrate, Collector, Superintendent of Police, Sub-Collector, Subordinate Police Officer, Tahasildar, etc. shall be notified in the gazette. The Administrative Departments shall identify posts which need gazette notification and issue appropriate Government orders.

5. This Resolution has been concurred in by the Finance Department in their U. O. R. No. 401-GS-II, dated the 21st June 1991.

Order – Ordered that this Resolution be published in the *Orissa Gazette* and copies thereof forwarded to all Departments of Government/all Heads of Departments/all Collectors/Accountant-General, Orissa/Secretary, Orissa Public Service Commission/Registrar, Administrative Tribunal/Secretary to Government.

SANTOSH KUMAR

Special Secretary to

Government

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 15th July 1998

No. 18037-2R/1-14/98-Gen. – In pursuance of the provisions made under Rule 3 (b) of Orissa Administrative Service Class – II (Recruitment) Rules, 1978, promotion to O. A. S. Class – II shall be made from among Gazetted Officers of the rank of “Assistant Settlement Officer/Assistant Consolidation Officer/Block Development Officer” and such other Gazetted Officers who are on identical scale of pay of Rs. 500-15-550-E.B.-20-710-E.B.-25-760-30-790-35-825 or in such other scale of pay as may be notified by the Government from time to time. This scale of pay has been revised to Rs. 1, 640-2, 900. But, other categories of Group ‘C’ posts which were subsequently declared as specially gazetted having scale of pay less than the above scale are not eligible for consideration under the above provisions for promotion to the rank of O. A. S. Class-II (Group ‘B’ Posts/Services). Government have abolished the Gazetted status vide G. A. Department notification No. 21317, dated 22nd September 1995 and classified the Government servants on the basis of scale of pay attached to the Posts/Services into Group ‘A’, Group ‘B’, Group ‘C’ and Group ‘D’ Officers. But due to the provisions laid down in Rule 3 (b) only some group ‘C’ Officers are eligible for consideration for promotion to Group ‘B’ posts while others are not eligible for such consideration.

Therefore, Government after careful consideration have been pleased to decided that all Group ‘C’ posts, the maximum of whose scale of pay is not below Rs. 2, 300 but does not exceed Rs. 3, 499 as revised by the Government from time to time, shall also be eligible for promotion to the cadre of O. A. S. Class-II (Group ‘B’ Posts/Services) under the said rules with effect from the 1st January 1995.

By order of the Governor

PRIYABRATA PATNAIK

Special Secretary to

Government

No. 17655-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 7th June 1999

Subject – Classification of posts in Government Offices into Group-A, Group-B, Group-C and Group-D.

The State Government have (a) abolished the erstwhile segmentation of Government employees into 'Gazetted' category and 'Non-Gazetted' category and (b) classified the posts in Government Offices into four Groups, viz. Group-A, Group-B, Group-C and Group-D according to the scale of pay, vide General Administration Department Resolution No. 21317, dated the 22nd September 1995.

2. In the meantime, the State Government have reviewed the matter, taking into account various factors including the fact of the coming into force of the Orissa Revised Scales of Pay Rules, 1998.

3. After careful consideration, in modification of the Resolution No. 21317-Gen., dated the 22nd September 1995, the State Government do hereby decide that the posts in Government Offices shall be deemed to have been classified into the following four Groups with immediate effect :

- (a) Group-A – All posts in the pay scales, the maximum of which is not less than Rs. 13, 500
- (b) Group-B-All posts in the pay scales the maximum of which is less than Rs. 13, 500 but not less than Rs. 9, 000
- (c) Group-C-All posts in the pay scales the maximum of which is more than Rs. 3, 540 and less than Rs. 9, 000
- (d) Group-D-All posts in the pay scales the maximum of which is Rs. 3, 540 or less.

4. The Administrative Departments concerned shall accordingly amend the relevant provisions in the Acts, Regulations, Statutory Rules, Rules of Recruitment and Conditions of Service, Codes, Manuals, Resolution, Office Memoranda and all other executive instructions which contain any provision contrary to the classification specified *supra*.

5. Notwithstanding anything contained hereinbefore, the appointments to certain posts the incumbents of which are required to exercise constitutional or statutory powers and perform statutory functions in accordance with the provisions in the constitution of India or in the relevant Central or State Acts, Rules and Regulations shall continue to be notified in the Gazette.

Order – Ordered that this Resolution be published in the *Orissa Gazette* and copies thereof be forwarded to all concerned.

PANDA

Government

By order of the Governor
RAJENDRA KISHORE

Special Secretary to

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 31st August 1999

Subject – Attestation of true copies of the original certificates.

No. 25791-SC-6-15/99-Gen. – Consequent upon abolition of the Gazetted Status and classification of different categories of posts existing under the State Government into four groups, i.e. 'A', 'B', 'C' and 'D', vide G. A. Department Resolution No. 21317-Gen., dated the 22nd September 1995, the Group-A Services/Posts include all posts in the pay scales, the maximum of which is not less than Rs. 4, 000.00 and Group-B include all the posts in the pay scales the maximum of which is less than Rs. 4, 000.00, but not less than Rs. 3, 500.00. Accordingly, instructions were issued in G. A. Department Office Memorandum No. 21527, dated the 2nd August 1996 that the officers who belong to Group-A and Group-B only may attest the true copies of the original certificates/documents in their official capacities.

2. After revision of scales of pay of the State Government employees according to the Orissa Revised Scales of Pay Rules, 1998 and after consideration of the demands of the different Service Associations, the State Government have revised the classification of different Posts/Services in Government Offices, vide G. A. Department Resolution No. 17655, dated the 7th June 1999 according to which the Group – 'A' Services include all posts in the pay scales, the maximum of which is not less than Rs. 13, 500.00 and Group 'B' Services include all the posts in the pay scales the maximum of which is less than Rs. 13, 500.00 but not less than Rs. 9, 000.00.

Taking the above facts into account and in supersession of G. A. Department Office Memorandum No. 21527, dated the 2nd August 1996 it has been decided that officers who belong to Group- 'A' Services in the pay scales the maximum of which is not less than Rs. 13, 500.00 and Officers who belong to Group – 'B' Services which include all posts in the pay scales the maximum of which is less than Rs. 13, 500.00 but not less than Rs. 9,000.00 or as revised by Government from time to time may attest the true copies of the original certificates/documents in their official capacities.

S. B. AGNIHOTRI
Special Secretary to

Government

No. 36368-SC/6-32/99-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 8th December 1999

Subject – Retirement age of Group 'D' Employees working under the State Government.

In pursuance of the provisions contained under Rule 71 (a) of the Orissa Service Code, the date of compulsory retirement on superannuation of a Government servant except Class IV Government Servant is the date on which he or she attains the age of fifty-eight years. Similarly, as per provisions laid down under Rule 40(3) of the Orissa Civil Services (Pension) Rules, 1992 the date of compulsory retirement of Class IV Government Servant is the date on which he or she attains sixty years of age.

2. Consequent upon abolition of Gazetted status and classification of different posts existing under the State Government into Group 'A', Group 'B', Group 'C' and Group 'D' according to the scales of pay attached to the posts, vide General Administration Department Resolution No. 21317, dated the 22nd

September 1995, read with Resolution No. 17655, dated the 7th June 1999, doubts have arisen in some quarters regarding the retirement age of Group 'D' employees.

3. After careful consideration of the existing provisions of the relevant Rules and instructions issued in General Administration Department Resolution No. 21317, dated the 22nd September 1995 and Resolution No. 17655, dated the 7th June 1999 referred to above, it is clarified that all Group 'D' employees working under the State Government will retire from service on superannuation at the age of sixty years and all the other Groups of employees under the State Government will retire from Service on superannuation after attaining the age of 58 years as per the existing provisions contained under rule 71 (a) of the Orissa Service Code. It is, however, further clarified that the employees in Group 'D' category will continue to be treated as such notwithstanding their movement to the time bound advancement scale/career advancement scale/senior pay scale which may place them in a scale of pay the maximum of which is more than the maximum of the scale of pay prescribed for such Group 'D' category of employees. On the other hand if an employee in Group 'D' moves to a higher scale of pay by way of promotion or selection and such higher scale of pay of the promotional post bring him/her to other Group or Groups from time to time, such an employee shall retire from service on superannuation after attaining the age of fifty-eight years prescribed for all the other groups of employees as per the existing provisions contained under Rule 71 (a) of the Orissa Service Code.

4. This has been concurred in by the Finance Department in its U. O. R. No. 5334-CS-III, dated the 29th November 1999.

Order – Ordered that the Resolution be published in the *Orissa Gazette* and copies thereof be forwarded to all Departments of Government/all Heads of Departments/all Collectors/Registrar, Orissa High Court/Secretary, Orissa Public Service Commission/Secretary, Orissa Staff Selection Commission/Registrar, Orissa Administrative Tribunal.

By order of the Governor
S. B. AGNIHOTRI
Special Secretary to

Government

(B) PERMANENCY

No. 3660-SC/6-16/60-Gen.

GOVERNMENT OF ORISSA **POLITICAL & SERVICES DEPARTMENT** **RESOLUTION**

The 26th March 1960

Subject – Principles for making temporary posts permanent.

In Home Department Resolution No. 1366-A, dated the 24th January 1955 Government decided that all temporary posts, Gazetted, non-Gazetted, Ministerial and Class IV in permanent Departments and offices under Government which have been continuously in existence for 5 years or more and 50% of all such posts which have been continuously in existence between 3 to 5 years should be made permanent with effect from the date of issue of the resolution, i.e. the 24th January 1955 except such of them as are connected with purely temporary schemes or whose permanent retention would not be justified for other reasons.

The reason for fixing the date-line for making the temporary posts permanent was to avoid confusion in bringing the permanent posts under the pool. The pool system which was in vogue has since been abandoned in Home Department Resolution, No. 10066-A., dated the 4th July 1957 and No. 16277-

A., dated the 31st July 1958. After the abolition of the common pool system Government was considering for some time past that it will be unfair to a large number of temporary Government servants to deny them the advantages of becoming permanent just because the temporary posts held by them did not complete 5 years or 3 years by the 24th January 1955. In the expanding activities of the State Government it is not considered desirable to have a large number of Government employees to continue on temporary basis. It is, therefore, necessary to absorb permanently as many government servants as are reasonably required on a permanent basis.

3. After careful consideration Government have been pleased to decide that all temporary posts except those that are connected with purely temporary schemes or whose permanent retention would not be justified for other reasons, should be treated to have qualified for permanency as and when they complete the period of 5 years after the 24th January 1955. After completion of 5 years such temporary posts may be made permanent with retrospective effect from the date on which the posts completed one year.

4. Government have also been pleased to decide that some of the Departments of Government in which the Directorate is proposed to be separated from the Secretariat should wait to make the temporary posts permanent on the above principle till the question of separation of the Directorate is finalized. Such Departments of Government should take prompt action to finalise the question within a period of six months from the date of issue of this resolution. There is no need to consult Political & Services, Home or Finance Departments on working out the number of posts to be made permanent on the basis of the principles in Para. 3 above, but Finance Department must see and approve the order making the posts permanent before it is issued.

5. Government have further been pleased to decide that while the principle in Para. 3 above will be the ordinary rule for making the temporary posts permanent, permanent posts can be created even at the start or temporary posts made permanent, even though such posts do not fulfill the conditions in Para. 3 above in urgent and very exceptional cases for good and sufficient reasons in consultation with the Finance and Political & Services Departments. In case of Class III and Class IV posts of the Secretariat the Home Department may also be consulted.

6. For clarification of any doubt that may arise in the interpretation or working of this resolution immediate reference should be made to the Political & Services Department.

Order – Ordered that this Resolution should be published in the *Orissa Gazette*.

Ordered also that copies of the Resolution be forwarded to all Departments of Government/all Heads of Departments/all District Officers/all Superintending Engineers/Superintendent, Government Press/Secretary to the Public Service Commission/Secretary to Governor, for information and communication to all the appointing authorities subordinate to them.

By order of the Governor
A. K. MAZUMDAR
Additional Secretary to

Government

Memo. No. 10463 (23) – 2M-39-60-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

The 23rd September 1960

To

All Departments of Government (including all Branches of P. & S. Department)

Subject – Principles for making the temporary posts permanent.

The undersigned is directed to say that many temporary posts which did not fulfill the conditions laid down in Home Department Resolution No. 1366-A., dated the 24th January 1955 were continuing on temporary basis after the 24th January 1955 and Government were anxious to make the posts permanent so as to confirm as many Government servants as possible. To achieve this end, Government issued orders in Para. 3 of P. & S. Department Resolution No. 3660-Gen., dated the 26th March 1960 that all temporary posts except those that are connected with purely temporary scheme or whose permanent retention would not be justified for other reasons, should be treated to have qualified for permanency as and when they complete the period of 5 years after the 24th January 1955 and after completion of 5 years such temporary

posts may be made permanent. Further Government have also issued instructions in Para. 5 of the P. & S. Department Resolution dated the 26th March 1960 to create permanent posts even at the start, or to make the temporary posts permanent even though they do not fulfill the normal rules of permanency, so as to confirm the Government employees, in urgent and exceptional cases. So the intention of Government is to confirm as many Government Servants as possible without delay. It is, therefore, requested that the above intention of Government may be brought home to all subordinate appointing authorities and they may be instructed to implement the decision contained in P. & S. Department Resolution referred to above and take necessary steps according to rules without any further delay.

[ILLEGIBLE]

Additional Secretary to

Government

No. 9645-2R/1-80/61-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
RESOLUTION

The 9th August 1961

Subject – Principles for making temporary posts permanent.

Government in Home Department in Resolution No. 1366-A., dated the 24th January 1955, issued instructions that all temporary posts in permanent Departments and offices under Government which were in existence for 5 years or more and 50 per cent of all such posts which were continuously in existence between 3 to 5 years should be made permanent with effect from the date of issue of resolution, i.e., the 24th January 1955 except such of them as are connected with purely temporary schemes or whose permanent retention would not be justified for other reasons. As this resolution did not lay down the principle of making temporary posts permanent to be followed in future, Government in Political & Services Department in Resolution No. 3660-Gen., dated the 26th March 1960 laid down a general principle in this regard. Para. 3 of this resolution provides that all temporary posts except those that are connected with purely temporary schemes or whose permanent retention would not be justified for other reasons, should be treated to have qualified for permanency as and when they complete the period of 5 years after the 24th January 1955, and that after completion of five years such temporary posts may be made permanent with retrospective effect, from the date on which the post completed one year after creation. According to Home Department Resolution, temporary posts which completed 5 years on or before the 24th January 1955 could be made permanent only from the 24th January 1955 and not before that date. According to Political & Services Department Resolution, however, there is possibility of temporary posts which completed 5 years after the 24th January 1955, being made permanent with retrospective effect from a date earlier than the 24th January 1955 when it completed one year after creation. This gave rise to anomaly of junior members of the staff who are acting against temporary posts being confirmed in these posts and getting advantage in matters of pension over their seniors who were confirmed from the 24th January 1955 under the Home Department resolution. To remove such anomaly Government have decided that Para. 3 of Political & Services Department Resolution No. 3660-Gen., dated the 26th March 1960 should be modified to the extent that the temporary posts which complete 5 years after the 24 January 1955 should be made permanent with effect from a date not earlier than the 24th January 1955. The cases where temporary posts have already been made permanent as per Political & Services Department Resolution No. 3660-Gen., dated the 26th March 1960 and persons have been confirmed against these posts should not be re-opened or revised or pension recalculated.

Order – Ordered that this Resolution should be published in the *Orissa Gazette*.

Ordered also that copies of the Resolution be forwarded to all Departments of Government/all Heads of Departments/all District Offices/all Superintending Engineers/Superintendent, Government Press/Secretary to Public Service Commission/Secretary to Governor/Registrar, Orissa High Court for information and communication to all the appointing authorities subordinate to them.

By order of the Governor
B. R. PATEL
Joint Secretary to Government

No. 10295-2R/1-25-63-Gen.
GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
RESOLUTION

The 17th July 1963

Government, in Para. 3 of Political & Services Department Resolution No. 3660-SC/6-16/60 Gen., dated the 26th March 1960 decided that all temporary posts except those that are connected with purely temporary schemes or whose permanent retention would not be justified for other reasons should be treated to have qualified for permanency as and when they complete the period of 5 years after the 24th January 1955, and that after completion of 5 years such temporary posts may be made permanent with retrospective effect from the date on which the posts completed one year after creation. In Political & Services Department Resolution No. 9645-2R/1-80/61-Gen., dated 9th August 1961 it was decided that the temporary posts which complete 5 years after the 24th January 1955, should be made permanent with effect from a date not earlier than the 24th January 1955, except the temporary posts which had already been made permanent.

Government have now been pleased to decide that the above resolutions be modified to the extent that such temporary posts can be treated to have qualified for permanency as and when they complete the period of 3 years instead of 5 years as stipulated earlier, other conditions remaining unaltered. It has also been decided that Departments of Government should take immediate steps to make permanent all such temporary posts in their Departments and Offices subordinate to them, which qualify according to this resolution and the resolutions referred to above. The Department are requested to complete action in this regard positively by the 30th December 1963.

Order – Ordered that this Resolution should be published in the *Orissa Gazette*.

Ordered also that copies of the Resolution be forwarded to all Departments of Government/All Heads of Departments/All District Officers/All Superintending Engineers/Superintendent, Government Press/Secretary to Public Service Commission, Orissa/Secretary to the Governor, Orissa/Registrar, Orissa High Court for information and communication to all the appointing authorities subordinate to them.

By order of the Governor
R. N. MOHANTY
Joint Secretary to Government

No. 26617/Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 8th December 1993

To

All Departments of Government
All Heads of Departments
All Collectors.

Subject – Confirmation of Government Employees.

The undersigned is directed to say that confirmation of Government Employees is abnormally delayed due to non-availability of the original orders in support of posts for making the same permanent. In order to prevent delay and ensure expeditious disposal of confirmation cases, it has been decided in the meeting of Secretaries/Special Secretaries that where the posts are continuing for along time and are likely to continue, reference to original records is not necessary and accordingly such procedure may be dispensed with while considering the cases of confirmation of the employees.

2. After careful consideration, it is clarified that non availability of original order should not be a bar for the purpose of confirmation where the post is continuing for a long time and is likely to continue. In any case, a register with relevant particulars may be maintained by each Head of Office with effect from the 1st January 1994 for all posts which are inexistence or newly created. In cases of dispute as regards seniority, the required number of posts may be reserved for confirmation of the employees after determination of their *inter see* seniority in the cadre.

3. The receipt of the letter may please be acknowledged.

PRITIMAN SARKAR
Special Secretary to

Government

(C) SOME POSTS WITH DUTIES

No. 25981/Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 29th September 1981

Subject – Revision of the job chart of Section Officers of the Departments of Secretariat.

The question of allocating some additional functions and responsibilities to the Section Officers of different Departments of the Secretariat has been under consideration of Government for some time.

2. After careful consideration Government have decided that –

- (i) The list of duties assigned to Section Officers of the Secretariat in Annexure-I to the erstwhile Political & Services Department Resolution No. 24203-Gen., dated the 11th October, 1979 should be substituted by the list of duties given in Annexure-I to this Resolution.
- (ii) This will take effect from the date of issue of the Resolution.

Order – Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies thereof be forwarded to all Departments of Government/all Heads of Departments/Accountant-General, Orissa/Deputy Accountant-General, Orissa Puri/Secretary, Orissa Public Service Commission.

By order of the Governor
C. NARAYANASWAMI
Special Secretary to

Government

ANNEXURE I

DUTIES OF THE SECTION OFFICERS OF THE SECRETARIAT

The Section Officer is in complete charge of the Section under him and is directly responsible to the Under-Secretary/Deputy Secretary or such other officer immediately above him. His duties are –

- (1) To receive and mark the receipts in the names of Assistants in the Section in his charge;

- (2) To give all instructions to take necessary steps for quick and efficient disposal of work in his Section;
- (3) To make arrangements for the disposal of work entrusted to any Assistant during the Assistant's absence;
- (4) To note, briefly, instructions on each important receipt as to the manner of disposal and then to send it to the Diarist for diarising and distribution to the Assistants;
- (5) To check the diary registers daily and the file registers and log books weekly and the record register fortnightly;
- (6) To see that the file numbers for receipts are provided by Assistants regularly in their log books;
- (7) To improve, or amend, action on cases put up to him by Assistants for submission to officers and also to see that if Government order are required an indication is given accordingly;
- (8) To supervise the work of all the staff working under him and to see particularly what items of work are outstanding with the Assistants. He will be competent to require any member of the staff in his Section to work beyond office hours if the work of any Assistant is not up-to-date or the business of the department demands it;
- (9) To see that all routine duties including maintenance of registers, etc., are carried out promptly and thoroughly;
- (10) To see that arrear lists, reports returns and table of cases are submitted on due dates;
- (11) To maintain a forward diary in the form prescribed in Chapter – IV-3 (iii) of the Orissa Secretariat Instructions for keeping note of the date or dates by which important papers are to be put up, returns admitted, etc., and to ensure that they are put up accordingly;
- (12) To supervise and give necessary instructions regarding the recording of cases by the Assistants in his Section to edit notes of 'A' proceedings, if necessary, with the help of the Dealing Assistant to see that the files are recorded in due time and to see that books or files taken by Assistant from the Departmental Library or Secretariat Record Room are returned without undue delay;
- (13) To prepare a composite, but brief, inspection note on the entire section in his charge once in every quarter touching only on points which call for comments, e. g., delay in disposal of papers, recording of cases and submission of arrear lists, etc., and submit it to the Under-Secretary;
- (14) To maintain a precedent register in the form prescribed (indicating, in brief important decisions taken in the Section);
- (15) To report to and comply with the instructions of the Under-Secretary, Deputy Secretary or higher authorities, as the case may be;
- (16) To maintain a personal record of his Assistants, in which he should record his opinion about each Assistant under him every quarter and submit it to the Under-Secretary. He may make a report about his Assistants to the Under Secretary if he finds that his work is not satisfactory. He should maintain a file containing specimen of work done by each Assistant and record his opinion accordingly and initiate the CCRs. of all Assistants and Class III non-ministerial staff in his Section;
- (17) To sign the attendance register in token of check and ensure that it reaches the Under-Secretary by 10-10 A. M. and the Deputy Secretary by 10-30 A. M.;
- (18) To sanction C. L. to the staff of his section in accordance with such powers as may be delegated to him by the Secretary of the Department;
- (19) To be responsible for the maintenance of discipline in his section and (ensure that no Assistant in his section leaves office without his permission, so that he is aware of their whereabouts. He will be competent to call for the explanation of any member of the staff in

his section for minor lapses of delay and indiscipline and forward it to the Under-Secretary with his comments and report all such serious instances immediately to higher authorities.)

- (20) To maintain a special note book of important receipts;
- (21) To classify receipts into A, B & C classes, separate the receipts which should be seen by higher officers according to departmental instructions or at his discretion mark the same to such officers;
- (22) To issue routine reminders to Departments/Offices of Heads of Departments and subordinate offices, Reminders to Orissa High Court/Assembly Secretariat/Raj Bhawan/Government of India/other State Government should not, however, issue over the signature of Section Officers;
- (23) To finally dispose of routine receipts like reminders for supply of copies etc., at his level and authenticate fair copies of drafts approved by higher officers for issue;
- (24) To ensure that none from outside gets access to the section without his permission.

No. 14668-Gen.

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 30th June 1982

(Published in the *Orissa Gazette* on the 6 July 1982)

Subject – Revision of the job char of Section Officers of the Offices of Heads of Departments.

The question of allocating some additional functions and responsibilities to the Section Officers of different Heads of Departments Offices was under consideration of Government for some time past.

2. After careful consideration Government have decided that –

- (i) The list of duties assigned to Section Officers of the Heads of Departments Offices in Annexure to the erstwhile Political & Services Department Resolution No. 24206-Gen., dated the 11th October 1979 shall be substituted by the list of duties given in Annexure I to this Resolution.
- (ii) This will take effect from the date of issue of the Resolution.

Order – Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies thereof be forwarded to all Departments of Government/all Heads of Departments/A. G., Orissa/D.A.G., Orissa, Puri/Secretary, O. P. S. C.

By order of the Governor
C. NARAYANASWAMI
Special Secretary to

Government

ANNEXURE I

DUTIES OF THE SECTION OFFICER

The Section Officer is in complete charge of the section under him and is directly responsible to the immediate superior above him. His duties are –

1. To receive and mark the receipts in the names of Assistants in the section in his charge;
2. To give all instructions and take necessary steps for quick and efficient disposal of work in his section;
3. To make arrangement for the disposal of work entrusted to any Assistant during the Assistant's absence;
4. To note briefly, instruct on each important receipt as to the manner of disposal and then to send to the Diarist for diarising and distribution to Assistants;

5. To check the diary registers daily and the file registers and log books weekly and the record registers fortnightly;
6. To see that the file numbers for receipts are provided by Assistants regularly in their log books;
7. To improve, or amend action on cases put up to him by Assistants for submission to officers, also to see that if orders of the Heads of the Department are required, an indication is given accordingly;
8. To supervise the work of all the staff working under him and to see particularly what items of work are outstanding with the Assistants. He will be competent to require any member of the staff in his section to work beyond office hours if the work of any Assistant is not up-to-date or the business of the office demands it;
9. To see that all routine duties, including maintenance of registers, etc. are carried out promptly and thoroughly;
10. To see that arrear lists, reports and returns are submitted on due dates;
11. To maintain a forward diary in the form prescribed in Orissa Records Manual, for keeping note of the date or date : or dates by which important papers are to be put up, returns submitted, etc: and to ensure that they are accordingly put up;
12. To supervise and give necessary instructions regarding the recording of cases by the Assistants in his section of edit notes of 'A' proceedings, if necessary, with the help of the Dealing Assistant, to see that the files are recorded in due time and to see that books or files taken by Assistants from the Heads of Department Library or Record Room are returned without undue delay;
13. To prepare a composite, but brief, inspection note on the entire section in his charge once in every quarter touching only on points which call for comments e.g., delay in disposals of papers, recording of cases and submission of arrear lists, etc., and submit to the immediate superior;
14. To maintain a precedent case register(indicating, in brief, important decisions taken in the section);
15. To report to and comply with the instructions of the superior officers;
16. To maintain a personal record of his Assistants (in which he would record his opinion about each Assistant under him every quarters and submit them to the immediate superior. He may make a report about his Assistant to the immediate superior, if he finds that his work is not satisfactory. He should maintain a file containing specimen of work done by each Assistant and record his opinion accordingly and initiate the C. C. Rs. of all Assistants and Class III non-ministerial staff in his section;
17. To sign the attendance register in token of check and ensure that it reaches the superior authority by 10-10 A. M. and the next superior authority by 10-30 A. M.;
18. To sanction C. L. to the staff of his section in accordance with such powers as may be delegated to him by the Head of Department;
19. To be responsible for the maintenance of discipline in his section and ensure that no Assistant in his section leaves office without his permission so that he is aware of their whereabouts. He will be competent to call for the explanation of any member of the staff in his section for minor lapses of delay and indiscipline and forward it to the superior authority with his comments and report all such serious instances immediately to higher authorities;
20. To maintain a special note book of important receipts;
21. To classify receipts into A, B and C Classes, separate the receipts which should be seen by higher officers according to instructions of Records Manual or at his discretion mark the same to such officers;
22. To issue routine reminders to the subordinate offices and offices of other Heads of Department;
23. To disposed of finally routine receipts like reminders for supply of copies, etc., at his level and authenticate fair copies of drafts approved by higher officers for issue;

24. To ensure that none from outside gets access to the section without his permission.

No. 3701-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 23rd February 1983

Subject – Declaring the post of Forest Ranger as Specially Gazetted.

The question of conferring Gazetted status to the Forest Ranger in their present scale of pay was under consideration of government for some time past.

After careful consideration, Government have been pleased to decide that the Forest Ranger will hereafter enjoy the status of the specially declared Gazetted Officers under Rule 17(ii) of O. S. C. in the existing scale of pay. Their duty chart will be as in the Annexure.

The Chief Conservator of Forests will be their appointing and disciplinary authority.

Order-Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies thereof be forwarded to all Departments of Government/all Heads of Departments/A. G., Orissa/D. A. G. Orissa, Puri/Secretary, O. P. S. C.

By order of the Governor
C. NARAYANASWAMI
Special Secretary to

Government

ANNEXURE
DUTIES OF FOREST RANGER

The duties and the responsibilities of the Forest Ranger Officers as codified under Rule 28 of Chapter I of the Orissa Forest Department Code, 1979 are as follows :-

- (i) He must know the nature, value and extent of the forest property committed to his charge and must know the plan prescribed for the protection and management of that property which not only consist of natural forest and wild life but also plantations, roads, buildings, wells etc. He is responsible for the protection of forests in his charge and should see that the works are carried out as per the prescriptions in the working plan or scheme or as directed by his superior officers.
- (ii) He is responsible for the discipline, conduct and work of all his subordinates in the discharges of their duties.
- (iii) He is absolutely responsible for all such disbursement and expenditure within his Range, and all payments of pay and labour must as far as possible be done personally by him. He should see that all forest revenue due from his Range is collected and credited to Government.
- (iv) He is to communicate all official orders and instructions to his subordinates, and to see that they understand them fully and carry them out.
- (v) He is to check and control all work within his Range and also to see that work is carried out as per programme of work approved by the Divisional Forest Officer and ensure that Government funds are used in the most economical and efficient way.
- (vi) He is to protect Government interests by insisting upon the maximum of good work from all subordinates and labour and procuring the highest revenue from his Range consistent with the highest principles of forestry.
- (vii) He is to collect, check and consolidate all returns and reports and prepare the monthly range account and to carry out all necessary office work promptly and correctly.
- (viii) He is to prevent to the best of his ability any misuse of authority by subordinates. In the case of compounding forest offences, he should see that rules are strictly followed.

- (ix) He is required to supervise thoroughly the work of the forest contractors and agents appointed by Government to deal forest produce working within his jurisdiction and see that they work according to rules.

No. 3680-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 23rd February 1983

Subject – Declaring the post of Personal Assistants attached to Heads of Departments as specially declared gazetted.

Consequent on declaring the post of P. As. in Secretariat Departments as gazetted giving them specially Gazetted status, the question of conferring gazetted status to the Personal Assistants attached to different Heads of Departments was under consideration of Government for sometime past.

After careful consideration, Government have been pleased to decide that the Personal Assistants of Heads of Departments will hereafter enjoy the status of the specially declared Gazetted Officer under Rule 17 (ii) of O. S. C. in the existing scale of pay. Their duty chart will be as in the Annexure.

The respective Heads of Departments will be their appointing and disciplinary authority.

Order- Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies thereof be forwarded to all Departments of Government/all Heads of Departments/A.G., Orissa/D. A. G., Orissa, Puri/Secretary, O. P. S. C.

By order of the Governor
C. NARAYANASWAMI
Special Secretary to

Government
ANNEXURE

DUTIES OF P. As. ATTACHED TO HEADS OF DEPARTMENTS

1. To attend the duties as Stenographer.
2. To handle such of the correspondence which is not to be dealt with in the office.
3. To prepare the Officer's tour programme and arrange its circulation to all concerned.
4. To make arrangements for journey and other official requirements of the Heads of Department while on tour.
5. To prepare tour particulars and to send them to the concerned Section for preparation of the Officer's T. A. Bill.
6. To keep necessary articles of stationery and books of reference for the Heads of Department for use in his office and at residential office and to keep them in safe custody and to maintain these to-date.
7. To draw up the engagement list of the Heads of Department.
8. To put up files and papers in time required by Heads of Department for any meeting or conference.
9. To arrange interviews with the Heads of Department.
10. To collect papers and files and submit these in time to the Heads of Department relating to Assembly and other important matters.
11. To maintain a stock book of furniture, books, periodicals, if any, supplied to the residence of the officer, and to verify in every quarter and give a certificate in the stock book that the stock in register actually tallies with the stock in hand.
12. To perform such other duties as may be assigned to him by the Heads of Department depending upon the work handled in the office.

No. 1953-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 20th January 1984

Subject – Declaring the posts of Junior Engineers Specially gazetted, under Rule 17 (ii) of the Orissa Service Code.

The question of conferring gazetted status on the Junior Engineers was under consideration of Government for sometime past.

2. After careful consideration Government have been pleased to decide that the Junior Engineers should be specially declared as Gazetted under Rule 17(ii) of the Orissa Service Code in their existing scale of pay Rs. 410-840. Their duty chart will be as in the Annexure.

3. The concerned Chief Engineers will be their appointing and disciplinary authority.

Ordered that this Resolution be published in the Extraordinary issue of the *Orissa Gazette* and copies thereof be forwarded to all Departments of Government/all Heads of Departments/Accountant-General, Orissa/Deputy Accountant-General, Orissa, Puri/Secretary, Orissa Public Service Commission.

By order of the Governor
C. NARAYANASWAMI
Special Secretary to

Government

DUTY CHART OF JUNIOR ENGINEERS

1. Junior Engineers to be responsible for all matters connected with the efficient management of the Section to their Sub-divisional Officers.
2. To conduct careful and timely survey and investigation and preparation of plans and estimates for works entrusted to them. Mistakes in sanctioned plans and any variation between the conditions at site and sanctioned Plan to be promptly brought to the notice of the Sub-divisional Officer or to the Divisional Officer concerned for rectifying the defects before actual execution of the works.
3. To ensure timely and efficient execution of work entrusted to them and see that the quality and specifications are maintained.
4. To maintain master rolls, record of work charge establishments and imprest cash accounts properly.
5. They will be responsible for keeping account of the measurement books issued to them
6. To record measurement in measurement books of all works done by contractors or otherwise as well as supplies received from all sources and preparation and submission of bills in prescribed forms for payment.
7. To preserve and take care of tools and plants, stock and other sources kept in their charge.
8. To submit budget, accounts and prescribed returns, etc. in time to the Sub-divisional Officers concerned.
9. To make correct assessment any proper collection of revenue entrusted to their charge
10. To report immediately any unusual, extraordinary or peculiar occurrences relating to their Sections to their respective Sub-divisional Officers and other authorities as may be necessary.

11. To keep detailed accounts of work, consumption of materials and item-wise work expenditure.
12. To prepare land statement and schedules for acquisition of land and to immediately report to the higher authorities about encroachment of Government lands in their charge.
13. Junior Engineers posted in the offices are entrusted the work of preparation and checking of estimates, tenders and analysis of rates. They are also entrusted with the preparation of drawing and preparation of project reports.
14. To determine the real topography of the feature given alignment take levels and fix up profiles.
15. To prepare initial designs for components of projects.
16. To submit required progress report regularly for the works under their charge to their superiors.
17. To collect authentic data, corroborating with records and documentary history for preparation of initial plan for machinaries required for irrigation projects.
18. To prepare plan and layout of garage and workshop in the project site.
19. To prepare initial estimates for procurement of machinaries required for the projects.
20. To organize labourers and workmen for the purpose of the work and take attendance of departmental labourers and check the outturn and profit in departmental works.
21. To be responsible for regular running of machinery and to see that the machinaries covering public utility service such as water pumps etc. are kept in order and Jeeps, trucks and other construction equipments are kept ready for work.
22. To look after repair and maintenance of vehicles and machineries.
23. To keep monthly accounts of receipts and estimates of T. & P. materials and site materials.
24. To look after fabrication of works if any in the workshop.
25. To place requisition for procurement of spare parts.
26. Any other function that may be assigned by the Administrative Department and Head of Department from time to time.

No. 19067

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 10th August 1984

Subject – Declaring the posts of Sub-divisional Information and Public Relation Officers and other equivalent posts of that cadre as specially gazetted.

The question of conferring gazetted status to the Sub-divisional Information & Public Relation Officers and other equivalent posts of that cadre was under consideration of the Government for some time past.

2. After careful consideration Government have been pleased to decide that the (1) Sub-divisional Information and Public Relations Officers, (2) Assistant Information & Public Relations Officers, (3) Assistant Information Officer, (4) Exhibition Officer, (5) Exhibition Organiser, (6) Assistant Press Information Officer, (7) Zonal Organiser Radio Rural Forum, (8) Assistant Information Officer, State Information Centre of the Information & Public Relation Department should be specially declared as gazetted under Rule 17 (ii) of the Orissa Service Code in their existing scale of pay. Their duty chart will be as in the Annexure.

2. The Director, Information & Public Relation will be their appointing and disciplinary authority.

Order – Ordered that the Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies thereof be forwarded to all Departments of Government/all Heads of Departments/Accountant-General, Orissa, Bhubaneswar/Deputy Accountant-General, Orissa Puri/Secretary, Orissa Public Service Commission, Cuttack/General Administration (S. E.) Department.

By order of the Governor
C. NARAYANASWAMI
Special Secretary to

Government
ANNEXURE
DUTY CHART

DUTIES OF SUB-DIVISIONAL INFORMATION AND PUBLIC RELATIONS OFFICER –

- (a) The Sub-divisional Information & Public Relations Officer should undertake tours atleast for 7 days in a month with a minimum of 5 night halts at Block/Gram Panchayat Headquarters in Rural Areas. The 7 days tours should be undertaken in a phased manner and each phase should be a tour for atleast 2 to 3 days at a stretch. One day tours should be avoided as far as practicable.
- (b) During tour the Sub-divisional Information and Public Relations Officer should organise –
 - (i) Five film shows in a month. People's reaction to films screened should be reported to District Information and Public Relations Officer as well as to Headquarters.
 - (ii) Hold 10 group meetings with sections of the Public specially beneficiaries of development programmes and report briefly the contents of the talks held indicating therein the names and vocations of persons who made interesting points.
 - (iii) Organise V. I. P. programmes as and when necessary.
 - (iv) Publicise activities of the Government in weekly market places, fairs and festivals.
 - (v) Contact Government Officials at Block Headquarters, and other places and ascertain reaction of people to various activities of Government.
 - (vi) Contact non-officials specially opinion makers of the area and ascertain their reaction to the activities of Government.
 - (vii) Ensure sale of priced publications like Orissa Review and Utkal Prasanga and enroll atleast 10 subscribers of the Magazine in a month. Undertake distribution of publicity literature and display of publicity literature and of posters.
 - (viii) Collect success stories from the field and through Government agencies, and transmit the same to District Information and Public Relations Officer for necessary action.
 - (ix) Assist the DIPRO and Headquarters Organisation in the Organisation of Integrated Publicity Programmes, Song and Drama Performances, Exhibition, Seminar, Symposia.
 - (x) Assist the District Information and Public Relations Officer in organizing and activating Radio Rural Forums.
 - (xi) Attend to publicity of Government of urgent nature such as natural calamities, outbreak of epidemics or break-down of law and order as directed by the Sub-divisional Officer.

DUTIES OF ASSISTANT INFORMATION AND PUBLIC RELATIONS OFFICERS –

- (i) To attend to day-to-day office work.
- (ii) Contact Sub-divisional Level Officers and assist the District Information and Public Relations Officer in the collection of reports and salient points on the activities of various Departments of Publication and Publicity.
- (iii) Issue of success stories.

- (iv) Contact accredited Press Representatives as and when instructed.
- (v) Contact eminent Writers for collection of articles for Utkal Prasang and Orissa Review as and when desired by the Chief Editor.
- (vi) Ensure display of posters at District/Sub-divisional Block Levels.
- (vii) Organise and participate in observation of celebrations.

DUTIES OF EXHIBITION ORGANISER/OFFICER –

- 1. Preparation of themes for exhibition
- 2. Collection of exhibits
- 3. Preparation of exhibits
- 4. Organisation of exhibition in rural areas in fairs and festivals depicting various developmental activities of the State.
- 5. Assist in the International Trade Fair organized by Trade Fair Authority of India, New Delhi.
- 6. Assist in the organization of exhibitions outside the State.
- 7. Conduct V. I. Ps.
- 8. Organise Press meet and feed news to Press and A. I. R.
- 9. Motivate general public through visual publicity.
- 10. Organisation of cultural programmes during exhibition.

DUTIES OF ZONAL ORGANISER, RADIO RURAL FORUM –

- 1. To motivate and organise formation of new R. R. Fs. in rural areas.
- 2. To maintain regular contact with the existing R. R. F. members.
- 3. To make efforts for activation of defunct R. R. Fs. in their respective zones.
- 4. To collect success stories from concerned forum villages & prepare suitable write up to be sent to Headquarters Office.
- 5. To maintain appropriate liason between the forum and the A. I. R.
- 6. Preparation of Radio talks on various developmental programmes.
- 7. Monitor activities of the different forums and keep visit on the regular functioning of Radio sets provided under C. L. Scheme and Forum Schemes.
- 8. Ensure despatch of programem folders and question answers.
- 9. To promote sale of departmental journals by enlisting the founders as subscribers.
- 10. Actively associate with atleast four forums in a month at the time of forum programmes along with the members of the forum village.
- 11. To regularly send monthly activity report to Headquarters to the address of D. O. (F) & P. S.
- 12. And to execute jobs as and when assigned.

DUTIES OF ASST. INFORMATION OFFICER

Reference work, collecting, processing and preserving materials considered useful for reference, preserving old newspapers and periodicals. In charge of Exhibition wing, Government Seminars and Government functions (to be organized by the Information and Public Relations Department) in the auditorium, Look after audio-visual programems conducted in the auditorium, Collection of information from various Departments of Government on General and Welfare activities and maintaining a diary of events and furnishing the same to the Department for transmission to the General Administration Department and Editor for publication. Submission of Monthly Progress Reports.

ASST. PRESS INFORMATION OFFICER

The duties of the Asst. Press Information Officer, are same as that of the Asst. Information Officers. In addition to this he is also in charge of Press lounge at the Secretariat.

No. 7994-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 17th April 1985

Subject – Upgradation of the post of Senior Grade Diarist to that of Head Diarist in the office of the Head of Departments.

The diarists constitute a separate cadre of their own in the office of each Heads of Department. The cadre consists of Junior Grade and Senior Grade Diarists in the ratio 1:1. There being no other promotional post, the scope of promotion within their cadre is very limited. The Orissa Heads of Departments Ministerial Officers Association has been pressing for providing them with some promotional prospect by creating the post of Head Diarists in the Offices of Heads of Departments.

2. Similar facility has already been given to the Diarists working in the Secretariat and each Department of the Secretariat has already been provided with a post of Head Diarist. It has also been felt that a post just above the post of Senior Grade Diarist is necessary in the offices of Heads of Departments to co-ordinate the work of different Branches of the Office and to remain in overall charge of the Diarists. Considering all this, the creation of posts of Head Diarist in the cadre of Diarists was under examination of the Government for sometime past.

3. In the interest of better and effective management of the work of the Diarists in the Office of Heads of Departments, Government after careful consideration of the proposal have been pleased to decide as follows :-

- (i) The post of Diarists both Senior and Junior Grade sanctioned on yardstick basis in the Office of each Head of Department would form the base posts for the purpose of sanctioning the post of Head Diarist.
- (ii) One post of Senior Grade Diarist would be upgraded to that of Head Diarist in the scale of Rs. 400-15-430-20-EB-25-690-30-750 in each office in which the number of Diarists in the Senior Grade is at least three.
- (iii) The person holding the post of Head Diarist would attend to the duties mentioned in the Annexure in addition to his won duties as Senior Diarist.
- (iv) The post of Head Diarist would be filled up from amongst the Senior Grade Diarists working in the office of that Heads of Department in accordance with the normal principles of promotion i.e. on the basis of merit with due regard to seniority.

4. This will come into effect from the date of issue of the order.

C. NARAYANASWAMI
Special Secretary to

Government

ANNEXURE
DUTIES OF THE HEAD DIARIST

1. To attend to the duties prescribed in paragraph 30 of Orissa Record Manual, 1964 and see that these duties are also systematically performed by the other Diarists of the office.
2. To check-up the register of letters received maintained by the Diarists daily and also check-up that the receipts entered in the Primary Receipt Register, where it is maintained, have been duly entered in the Diary Register of different Branches.

3. To see that the relevant columns of the docket stamp given on the right side of the receipts are duly filled in and all routine duties including maintenance of registers etc. are carried out promptly by all Diarists of the office.
4. To see that the unofficial receipt registers are maintained properly by the Diarists.
5. To see that Government letters and other receipts from V. I. Ps. and M. Ps. are diarised and distributed forthwith.
6. To put up the register of letters received daily to the Head Ministerial Officer-in-charge of the Section/Section Officer for checking.
7. To be responsible for maintenance of discipline of the Diarists working under him
8. To ensure that diarists perform their duties properly.

No. 12558-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 16th July 1986

Subject – Declaring the post of Personal Assistant attached to Advocate-General as specially gazetted.

The question of conferring gazetted status on the Personal Assistant attached to Advocate-General was under consideration of the Government for sometime past.

After careful consideration Government have been pleased to decide that the Personal Assistant attached to Advocate-General will hereafter enjoy the status of the specially declared gazetted officer under Rule 17 (II) of the Orissa Service Code in the existing scale of pay. His duty chart will be as in the Annexure.

The Advocate-General will be his appointing and disciplinary authority.

Order-Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies thereof be forwarded to all Departments of Government,/All Heads of Departments/A. G., Orissa/Deputy Accountant General, Orissa Puri/Secretary, O. P. S. C./Advocate-General, Orissa, Cuttack.

By order of the Governor

R. N. MISHRA

Deputy Secretary to

Government

ANNEXURE

DUTIES OF P. As. ATTACHED TO ADVOCATE-GENERAL

1. To attend the duties as Stenographer.
2. To handle such of the correspondence which is not to be dealt with in the office.
3. To prepare the Officer's tour programme and arrange its circulation to all concerned.
4. To make arrangements for Journey and other official requirements of the Heads of Department while on tour.
5. To prepare tour particulars and to send them to the concerned Section for preparation of the Officers T. A. bill.

6. To keep necessary articles of stationery and books of reference for the Heads of Department for use in his office and at residential office and to keep them in safe custody and to maintain these to-date.
7. To draw up the engagement list of the Heads of Department.
8. To put up files and papers in time required by Heads of Department for any meeting or conference.
9. To arrange interviews with Heads of the Department.
10. To collect papers and files and submit these in time to the Heads of Department relating to Assembly and other important matters.
11. To maintain a stock book of furniture, books, periodicals, if any, be supplied to the residence of the officer, and to verify it every quarter and give certificate in the stock book that the stock in register actually tallies with the stock in hand.
12. To perform such other duties as may be assigned to him by Heads of Department depending upon the work handled in the office.

No. 15701-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 5th September 1986

Subject – Declaring the post of Junior Engineer, Agriculture as specially declared Gazetted Officer.

The question of conferring specially declared gazetted status on the Junior Engineers, Agriculture of the Agriculture & Co-operation Department was under consideration of the Government for sometime past.

After careful consideration, Government have been pleased to decide that the Junior Engineers, Agriculture will hereafter enjoy the status of the specially declared Gazetted Officer under Rule 17 (II) of the Orissa Service Code in their existing scale of pay. Their duty chart will be as in Annexure.

Director, Agriculture and Food Production will be their appointing and disciplinary authority.

Order – Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies thereof be forwarded to all Departments of Government/all Heads of Department/A. G. Orissa/Deputy A.G., Orissa, Puri/Secretary, O. P. S. C.

By order of the Governor

M. P. MODI

Special Secretary to

Government

ANNEXURE

DUTIES CHART OF JUNIOR ENGINEERS IN C. A. D. W. M. P. & D. P. A. P.

1. Junior Engineers of CAD Divisions in Water Management Projects and in D. P. A. P. programme are to be responsible for all matters connected with the efficient management of the section to their respective Assistant Agriculture Engineers in-charge of the sub-division.
2. To conduct careful and timely survey & investigation and preparation of plans and estimates for OFD, OCRPWM works entrusted to them. Mistakes in sanctioned P/E and any variations between the condition of site and sanctioned plan are to be brought to the

notice of the A. A. E. or E. E. concerned for rectifying the defects before actual execution of the works.

3. To ensure timely and efficient execution of works entrusted to them and see that the quality and specification are maintained.
4. To maintain muster roll, imprest cash accounts & M. B. properly.
5. To record measurement in M. B. of all works done by the contractors or otherwise as well as supplies received from all sources and preparation and submission of bills in prescribed forms for payment.
6. To maintain stock and store accounts of their respective section.
7. To submit report and returns etc. in time to the A. A. E. concerned in the prescribed *pro forma*.
8. To keep detail account of works, consumption of materials and item-wise expenditures.
9. To determine the real topography of the feature given in the alignment, take levels and fix up profiles of all water management, OFD and D. P. A. P. works.
10. To organize labourers and workmen for the purpose of the work and take attendance of department labourers and check the outturn and profit in departmental works.
11. To submit required progress report in time of the A. A. E. concerned in the prescribed *pro forma*.
12. To place requisition for procurement to items necessary for the works entrusted to them to the A.A.E. concerned.
13. To report immediately any unusual extraordinary and peculiar occurrence relating to their sections to the A. A. E. & other authority as may be necessary.
14. Any other function that may be assigned by the Administrative Department or the Heads of the Department from time to time.
15. Junior Engineers posted in the head office are entrusted with the work of checking and correction of estimates, tenders, preparation of tender schedule and analysis of rates.

SOIL CONSERVATION

A. Junior Engineer in Soil Conservation

1. Junior Engineers of Soil Conservation organization are to be responsible for all matters connected with efficient management of the section to their respective A. S. C. O./A. A. E. in-charge of the sub-division.
2. To conduct careful and timely survey and investigation and preparation of plans and estimates for different soil conservation works like gully control structure, Rockfilldms water harvesting scheme etc., entrusted to them. Mistake in sanctioned P/E and any variation between the condition at site and sanctions plans are to be brought to the notice of the A. S. C. O., S. C. O and A. A. E. concerned for rectifying the defects before actual execution of works.
3. To ensure timely and efficient execution of works entrusted to them and to see that the quality and specification are maintained.
4. To maintain muster rolls, cash book and accounts and M. B. properly.
5. To record measurement in M. Bs. of all works done by contractors or otherwise as well as supplies received from all sources and preparation and submission of bills in prescribed forms for payment.
6. To maintain stock and store accounts.
7. To submit all reports and returns in time to the A. S. C. O./S. C. O. or A. A. E. concerned in the prescribed *pro forma*.
8. To keep details of account, works of consumption of materials and item-wise expenditure.

9. Junior Engineers posted in the S. C. Os. office are entrusted with the works and checking and correction of estimates, preparation of schedule and analysis of rates.
10. To organize labourer and workers for the purpose of the works and take attendance of departmental labourers and check the outturn and profit in departmental work.
11. To place requisition for procurement of items necessary for the works entrusted to them in the prescribed *pro forma*.
12. To report immediately any unusual extraordinary or peculiar occurrence relating to their sections to the A. S.C. O./S. C. O./A. A. E.
13. Any other duties that may be assigned by the Administrative Department or Heads of Department or his superior from time to time.

DUTY CHART OF JUNIOR ENGINEERS (A. E. S.) IN IMPLEMENT DEMONSTRATION SCHEME

1. Junior Engineers (A. E. S.) posted under different implement Demonstration Schemes are responsible for all matters connected with the efficient management of their jurisdiction to their respective A. A. E. of the districts.
2. To conduct careful & timely survey & investigation & preparation of Plan & Estimates for Farm Development Works. Biogas Works, etc. entrusted to them.
3. Mistakes in sanctioned Plan & any variations between the condition of site and sanctioned Plan are to be brought to the notice of the A. A. E. or the E. E. concerned for rectifying defects before actual execution of the works.
4. To ensure timely & efficiently execution of works entrusted to them and see that the quality and specification are maintained.
5. To maintain muster roll, Accounts of M. B. etc. properly.
6. To record measurement of M. B. of all works done by contractor and otherwise as well as supplies received from all sources & preparation or submission of bills in prescribed *pro forma* for payment.
7. To maintain stock & store account and submission of reports & return in the prescribed *pro forma*.
8. To organize labourer and workmen for the purpose of the work and take attendance of departmental labourers and check outturn and profit in Departmental work.
9. Popularisation, sale & sale-*cum*-demonstration of improved Agricultural implements and collection of revenue thereof.
10. To assess the acceptability of farm implements manufactured by the Departmental Implement factory & collection of other feed back dates, suggest the improvement necessary in case of the manufactured implements.
11. Submission of progress report to the concerned A. A. E., E. E. in the prescribed *pro forma*.
12. To train departmental in service personnels on minor irrigation and water management.
13. To collect and process loan application for biogas plants (family size units) check feasibility and recommend for sanction of loan.
14. To report immediately any unusual, extraordinary and peculiar occurrence relating to their sanctions to the concerned A. A. E. & other authority as may be necessary.
15. Any other function that may be assigned by the Administrative Department or Heads of the Department from time to time.

No. 15698-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 5th September 1986

Subject – Declaring the post of Assistant Curators in the Orissa State Museum and District Cultural Officers as specially Gazetted.

The question of conferring specially declared Gazetted status on the Assistant Curators in the Orissa State Museum and District Cultural Officers of the Tourism and Culture (Culture) Department was under consideration of the Government for sometime past.

After careful consideration, Government have been pleased to decide that the Assistant Curators and the District Cultural Officers will hereafter enjoy the status of the specially declared Gazetted Officers under Rule 17 (II) of the Orissa Service Code in their existing scale of pay. Their duty chart will be as in the Annexure I and II respectively.

The Director, Culture will be their appointing and disciplinary authority.

Order – Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies thereof be forwarded to all Departments of Government/all Heads of Departments/A. G., Orissa/Deputy A.G., Orissa Puri/Secretary, O. P. S. C.

By order of the Governor

M. P. MODI

Special Secretary to

Government

ANNEXURE I

DUTY CHART OF THE ASSISTANT CURATOR OF STATE MUSEUM

1. To organize galleries of different disciplines in the State Museum.
2. To collect are antiquities.
3. To take care of the preservation and display of rare antiquities.
4. To conduct research work on different antiquities of their respective discipline.

ANNEXURE II

DUTY CHART OF THE DISTRICT CULTURAL OFFICER

1. To review the activities of the registered organizations of the concerned district who are getting assistance under various schemes viz. cultural grant, library grant, etc.
2. To inspect the progress of conservation work in respect of old monuments.
3. To remain in charge of Branch Museums of district.
4. To act as liaison officer in respect of the district level cultural programems organized by the Department of Culture, O. S. N. A., O. L. K. A., and D. S. A.
5. To identify and recommend the indigent artists for sanction of pension.
6. To take steps for renovation and development of traditional folk dance, folk songs of the district.
7. To organize periodical cultural meets among various organizations and co-ordinate the same with the activities of Culture Department.
8. To organize district cultural functions to focus the rich heritage of the area.

9. To identify and recommend talents in various cultural faculties for sponsoring them to national and international fields.

No. 2320-SC/6-114/95-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 31st January 1997

Subject – Redesignation of the post of Head Typist in the Heads of Departments as Superintendent Level-II and Superintendent Level-I, respectively.

After careful consideration, the Government have been pleased to decide that the post of Head Typist and Superintendent in the Heads of Departments shall be redesignated with immediate effect as Superintendent, Level-II and Superintendent, Level-I, respectively.

2. There shall be no change in the nature of duties and responsibilities attached to the posts on redesignation as above. The redesignated posts shall also carry the same scales of pay.

Order – Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies thereof be forwarded to all Departments of Government, all Heads of Departments and the Accountant General, Orissa for information.

By order of the Governor
SANTOSH KUMAR
Special Secretary to

Government

No. 21634-SC/6-18/98-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 12th August 1998

Subject – Redesignation of the post of Head Diarist and Heads Recorder to that of Diary Superintendent and Record Superintendent, respectively.

After careful consideration, the Government have been pleased to decide that the post of Head Diarist and Head Recorder shall be redesignated with immediate effect as Diary Superintendent and Record Superintendent, respectively.

2. There shall be no change in the nature of duties and responsibilities attached to the posts on redesignation as above. The redesignated posts shall also carry the same scales of pay as the previously designated posts.

Order – Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies be forwarded to all Departments of Government/all Heads of Departments/all Collectors/Accountant General, Orissa for information.

By order of the Governor
PRIYABRATA PATTNAIK

Government

Special Secretary to

No. 26016-SC/6-18/98-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 11th September 1998

Subject – Redesignation of the post of Special Grade Diarist to that of Diary Superintendent.

After careful consideration, the Government have been pleased to decide that the post of Special Grade Diarist in the office of the Chief Minister, Orissa and in the office of the Chief Secretary, Orissa shall be redesignated with immediate effect as Diary Superintendent.

2. There shall be no change in the nature of duties and responsibilities attached to the posts on redesignation as above. The redesignated posts shall also carry the same scales of pay as the previously designated post.

Order – Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies be forwarded to all Departments of Government/all Heads of Departments/all Collectors/Accountant General, Orissa for information.

Government

By order of the Governor
PRIYABRATA PATTNAIK
Special Secretary to

REHABILITATION ASSISTANCE

Reference No.	Date	Subject
PART I - RULES		
• Notification No. 31537-Gen	29.12.2008	Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 2008
• Notification No. 25585-Gen.	24-09-1990	Orissa Civil Service (Rehabilitation Assistance) Rules, 1990.
PART II – INSTRUCTIONS		
• Resolution No. 845-Gen.	13.01.2009	Disposal of applications for appointment under Rehabilitation Assistance Scheme consequent upon amendment of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990
• Resolution No. 21684-Gen.	09-09-1982	Rehabilitation Assistance to the family of deceased or permanently disabled Government servant who suffers such disability while in Government service.
• Resolution No. 20306-Eys.	20-05-1985	Rehabilitation Assistance to the families of Non-Government Primary School Teachers Under Education and Youth Services Department.
• Circular No. 13781-Gen.	03-05-1988	R. A. to the families of deceased on permanently disabled Govt. Servants who die or suffer such disability while in Service.
• Circular No. 4569-Gen.	22-02-1993	Orissa Civil Service (Rehabilitation Assistance) Rules, 1990.
• Circular No. 27924-Gen.	24-10-1996	Issue of clarification regarding employment under R. A. Scheme.
• Resolution No. 29686-Gen.	14-10-1998	Applicability of provisions laid down in the O. C. S.(R. A.) Rules, 1990 to the families of Non-Govt. Primary School Teachers and others.
• Circular No. 39937-Gen.	30-11-1998	Amendment to Orissa Civil Service(R. A.) Rules, 1990 clarification thereof.
• Circular No. 3033-Gen.	28-01-1999	Appointment of family members of the deceased employees Under R. A. Scheme Under Rullings of the Hon'ble Supreme Court of India.
• Circular No. 11928-Gen.	22-04-1999	Clarification in respect of Orissa Civil Service (R. A.) Rules, 1990.
• Home Department Circular No. 41150 C. C.	21-07-1999	Appointment of the wards of the deceased Government servants under R. A. Scheme.
• GA Department Resolution No.2M-15/2004-33213/G	15.12.2004	Guidelines on determination of "Distress Condition" of the family of the deceased Government servant as per provisions under OCS(RA) Rules, 1990-clarification regarding
• Resolution No-5147/Gen SC/6-63/2004 (Pt-I)	01.03.2006	Guidelines on determination of "Distress Condition" of the family of the deceased Govt. Servant under the Rehabilitation Assistance Scheme

PART I
RULES
THE ORISSA CIVIL SERVICE (REHABILITATION ASSISTANCE) RULE, 1990
GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION

The 13th September 1990

(Published in the *Orissa Gazette* on the 24th September 1990)

No. 25585 -Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules to regulate recruitment to the State Civil Services and posts as a measure of rehabilitation assistance, namely :-

**Short Title and
commencement.**

1. (1) These rules may be called the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

Definitions

2. In these rules, unless the context otherwise requires -

- (a) ¹['Deserving Case' means a case where the appointing authority is satisfied, after making such enquiry as may be necessary :-
 - (i) that the death of the employee has adversely affected his family financially because the family has no other alternative mode of livelihood;
 - (ii) that there is existence of distress condition in the family after death of the employee;
 - (iii) that none of the family members of the employee who has died while in service is already in the employment of Government/Public or Private Sector or engaged in independent business with an earning above Rs. 20, 000 (Rupees twenty thousand) a year; and
 - (iv) that the family does not have adequate income from the immovable properties to earn its livelihood.]

Explanation – The income of any earning member will be taken into account for the purpose of assessing the annual gross income of the family if his separation from the family has not been established by registered partition deed made prior to the death of the Government employee.

- (b) 'Family Members' shall mean and include the following members in order of preference -
 - (i) Wife/Husband;
 - (ii) Sons or step sons or sons legally adopted through a registered deed;
 - (iii) Unmarried daughters and unmarried step daughter;
 - (iv) ²[Widowed daughter or daughter-in-law residing permanently with the affected family.]
 - (v) Unmarried or widowed sister permanently residing with the affected family;
 - ³[(vi) Brother of unmarried Government servant who was wholly dependant on such Government servant at the time of death]

1. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998 published in *Orissa Gazette* and given effect to from the 8th October 1998.

2. Substituted vide G. A. Department Notification No. 16289, dated the 26th July 1993 and given effect to from the 24th October 1990.

3. Inserted vide G. A. Department Notification No. 26303, dated the 6th October 1999 and given effect to from the 1st October 1999.

(c) Government means the Government of Orissa;

(d) ¹['*'];

(e) ²['Rehabilitation Assistance' means the assistance provided under these rules to a member of the family of Government servant who died while in service];

(f) 'Year' means the calendar year.

Applicability

3. ³[The assistance shall be applicable to a member of the family of the Government servant who dies while in service.]

**Objective of the
scheme.**

4. ⁴[The rehabilitation assistance is conceived as a compassionate measure of saving the family of a Government servant from immediate distress when the Government servant suddenly

dies while in service. The concept is based on the premises that in case of sudden death his family would not face starvation. The scheme has a direct relationship with the economic condition of the family of the Government servant. Appointment of the family member of the Government servant under these rules shall be subject to the provisions contained in Rule 9 and can not be claimed as a matter of right.]

Appointment to be made in deserving cases.

5. ⁵[In deserving cases, a member of the family of the Government servant who dies while in service. may be appointed to any Group C or Group D posts only by the appointing authority of that Deceased Government servant provided he/she possesses requisite qualification prescribed for the post in the relevant recruitment rules or instructions of the Government without following the procedure prescribed for recruitment to the post either by statutory rules or otherwise irrespective of the fact that recruitment is made by notification of vacancies to the Employment Exchange or through recruitment examination under relevant recruitment rules. At the time of notifying such vacancies to the Employment Exchange or the examining authority, the employer shall clearly mention that the vacancy is proposed to be filled up under rehabilitation assistance scheme and so, sponsoring of candidates by Employment Exchange or the examining authority is not necessary.]

Authority competent to make compassionate appointment.

6. The authority competent to make substantive appointment to the post shall be the competent authority to make appointment under these rules.

Posts to which such appointment can be made.

7. ⁶[Appointment under these rules shall be made once against any post either in Group C or Group D which is a base post in the said groups and the maximum scale of pay for such posts in Group C and Group D shall not exceed Rs. 6, 000 and Rs. 3, 200 respectively, as revised by the Government from time to time, when a member of the family has been appointed to a particular post, no further claim shall be entertained for appointing the same person to a higher post. For any further advancement in service, he will have to take his chance in the normal course and compete with other eligible persons.]

Mode of appointment.

8. (1) (a) ⁷[Application for an appointment shall be made in Form A to these rules to the appointing authority under whom the deceased Government servant last worked, by registered post with A. D.]

(b) On receipt of the application the appointing authority shall send a requisition to the Collector of the district in which the family ordinarily resides calling for a report as to whether the family is in financial distress.

(c) On receipt of a requisition from the appointing authority under Rule 8 (b). the Collector of the district concerned shall cause an enquiry into the matter and furnish his report to the appointing authority within one month from the date of receipt of the requisition.

1. Omitted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
2. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
3. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
4. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
5. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
6. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
7. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.

(d) The appointing authority, upon receipt of the report, shall consider the same and in case of favourable report, appoint the applicant in a suitable available vacancy under his control. If a vacancy does not exist under his administrative control, the appointing authority may forward the application to the Head of the Department with suitable recommendations. The Head of the Department shall locate vacancies in other offices under his administrative control and direct Head of the Office where there is a vacancy to appoint the applicant. If no vacancy is immediately available the application shall be considered for the immediate subsequent vacancy. In cases arising in offices of Heads of Departments, the Head of the Department shall appoint the candidate in his office or in the offices subordinate thereto.

(e) In the case, of the Departments in the Secretariat or the attached Offices the appointing authority, on receipt of application shall refer the case to he concerned Collector for enquiry and report as specified in Clauses (b) & (c) above and on receipt of the report of the Collector under Clause (i) of sub-rule (1) shall follow the procedure as specified hereunder, namely :-

- (i) The concerned Department may appoint the candidate against any post available under its control in the Department not being one in common cadre of the Secretariat.
- (ii) In case of non-availability of suitable post, the Department may direct the Heads of Departments under its control to appoint the candidate against any suitable post under their control.
- (iii) If it is proposed to appoint the candidate against a post in any common cadre of the Secretariat administered by the Home Department, the Administrative Department may forward the application with suitable recommendations to the Home Department who shall take steps to appoint the candidate against a suitable post in the common cadre.

Condition of service.

(2) Notwithstanding anything contained in Clause (b) of sub-rule (1) if the report of the Collector cannot be received within one month from the date of reference, the appointing authority may ¹[**] appoint the applicant subject to the condition that in case of adverse report made by the Collector, his services will be terminated without assigning any reason thereof.

9. (1) Appointment under these rules can be made only against the posts required to be filled up by direct recruitment and not against promotional posts.

(2) ²[Subject to the provisions contained in sub-rule (3) the applicant for appointment to a particular post, under the rehabilitation assistance scheme, must have the requisite qualifications as prescribed in the relevant recruitment Rules (1) Resolutions or Instructions regulating the recruitment to the said post.]

(3) ³[Where a widow of the deceased Government servant is appointed on compassionate ground against a Group D post, she is not required to satisfy the educational qualification prescribed for the said post, provided the duties attached to the post can be satisfactorily performed without having the requisite educational qualification.]

(4) ⁴[Family of a Government servant who dies while on re-employment or extension of service, shall not be eligible for any benefit under these rules.]

(5) ⁵[**]

(6) ⁶[Application for appointment under these rules shall be considered if it is received within one year from the date of death of the Government servant.]

(7) ⁷[If at the time of death of the Government servant, there is ward who is minor and who alone is available in the family of the deceased Government servant for employment, he/she shall apply for job under these rules on attaining the age of eighteen years and in no case beyond three years from the date of attaining the age of eighteen years.]

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1. Omitted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 2. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 3. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 4. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 5. Omitted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 6. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 7. Substituted vide G. A. Department Notification No. 26303, dated the 6th September 1999.

(8) The assistance shall not be available to the families of Government servants who died ¹[**] before issue of Labour & Employment Department Resolution No. 17188, dated the 9th September 1976, in respect of posts which are filled up by reference to the Employment Exchange and before issue of G. A. Department Resolution No. 21684-Gen., dated the 9th September 1982, in respect of posts filled up in pursuance of provisions in the relevant service rules.

(9) In exceptional cases, the maximum age limit may be relaxed by the competent authority in accordance with provisions of the Orissa Service Code.

(10) Before issue of appointment order the appointing authority shall ensure the production of the following documents :-

- (i) Submission of Medical Certificate of Health,
- (ii) Verification of Character and antecedents in respect of appointments in Departments of Government and Heads of Departments.
- (iii) ²[Character Certificates from two officers of Government not below the rank of Group B Government servant.]
- (iv) Submission of undertaking that he/she has only one spouse living, if he/she is married.
- ³[(v) Submission of undertaking through affidavit to the effect that he/she shall maintain the family members of the deceased Government servant excepting the member who is self sufficient as an earner and who is otherwise separate from the family after partition through a registered deed or after marriage.]

(11) ⁴[“Notwithstanding the period of limitation prescribed in sub-rule (6) delay not exceeding twelve months in submission of application for appointment under these rules may be condoned by the Administrative Department and delay exceeding 12 months may be condoned by the Chief Minister.]

Termination of services.

10. Suppression of correct information or furnishing of false information in the application shall render the applicant liable for removal from service in addition to other legal action to which he/she may be liable under the existing laws and this will also debar other members of his family from getting appointment under these rules.

⁵[10. A. If any person after execution of an undertaking under clause (v) of sub-rule (10) of the said Rule 9 violates the terms as specified therein the same act would amount to gross misconduct for imposition of major penalty by the appointing authority.]

11. ⁶[**]

Repeal and Savings.

12. All instructions corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed.

Notwithstanding such repeal any order passed or action taken under the instructions so repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

-
1. Omitted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 2. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 - 3 & 5. Inserted vide G. A. Department Notification No. 12627, dated the 12th April 2001.
 4. Substituted vide G. A. Department Notification No. 26303, dated the 6th September 1999.
 6. Deleted vide G. A. Department Notification No. 28761, dated the 7th October 1998.

13. Seniority of persons, appointed under these rules, 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 year as per the provisions of the relevant recruitment rules framed under Article 309 of the Constitution and in other cases according to their date of joining in the post.

Interpretation.

14. If any question arises relating to the interpretation of any provision of these rules, it shall be referred to the Government in General Administration Department for a decision.

Overriding Effect.

15. The provision of these rules shall have effect notwithstanding anything to the contrary in any other recruitment rules made under the proviso to Article 309 of the Constitution including the Orissa ex-Service men (Recruitment to the State Civil Services and Posts) Rules, 1985.

¹[16. (1) The State Government where satisfied that the operation of all or any provisions of these rules causes undue hardship in any particular case, it may dispense with or relax the provisions to such extent as it may consider necessary for dealing with the case in a just and equitable manner.

(2) Such cases shall be examined in General Administration Department and orders of Chief Minister shall be obtained.]

By order of the Governor

C. NARAYANASWAMY

Special Secretary to

Government

-
1. Inserted vide G. A. Department Notification No. 16289, dated 26-7-1993.

23 - ANNEXURE A

[(See Rule 8 (1) (a)]

FORM OF APPLICATION FOR APPOINTMENT UNDER THE REHABILITATION ASSISTANCE SCHEME (TO BE SUBMITTED IN DUPLICATE)

PART I

1. Name of the deceased Government Servant.
2. Designation and Office/Department of the Government Servant.
3. Whether permanent or temporary
4. Total length of Service rendered
5. Date of death (Enclose an attested copy of the death certificate issued by the Health & Family Welfare Department)
6. List of family members as per the legal heir certificate issued by the concerned Tahasildar.

7. Income and status of each of the legal heirs.
8. Is any of the members listed under item 6 has been appointed under compassionate ground ? If so, give particulars of such appointment.
9. Total assets of the deceased Government Servant
 - (a) Details of immovable property if any, in the name of deceased Government Servant and members of family.
 - (b) Movable property.
 - (c) Pension, family pension and T. I. ect.

PART II

10. Name of the candidate for appointment.
11. His/her relationship with the deceased Government Servant.
12. Date of birth.
13. Particulars of Educational/Technical qualification and experience, if any
14. Whether belongs to any of the following categories :-
 - (a) S. C. / S. T.
 - (b) EX-Servicemen
 - (c) Physically handicapped.
 - (d) Sportsmen.
15. The post applied for.

I, Shri/Smt./Kumari
 Son/Daughter/Wife of Shri
 hereby declare that the information furnished above is true to the best of my knowledge and belief. If any of the facts herein mentioned are found to be incorrect or false at a future date my services can be terminated by the appointing authority without furnishing notice or reasonable opportunity of hearing.

Date.....

Signature of the applicant

PART III

Forwarded to Collector for enquiry and report whether the family of the deceased Government Servant is in distress financially.

Appointing Authority
(Seal & Designation)

PART IV

(Certificate by Collector of the district)

Certified that the information furnished by the applicant in this application from have been enquired into and found correct/incorrect. The family of the deceased Government employee is in distress/not in distress. The annual income of the family from all sources excluding pension and T. I. is Rs. For the year.....

Forwarded to the

(Appointing Authority)
Collector & Dist. Magistrate
(Seal & Designation)

(No authority except the Collector & Dist. Magistrate shall sign this Certificate)

PART – II - INSTRUCTIONS

No. 21684-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 9th September 1982

Subject – Rehabilitation Assistance to the family of deceased or permanently disabled Government servant who suffers such disability while in Government service.

In resolution No. 17188-118/3-21/76-L. E. II., dated the 9th September 1976 of the erstwhile Labour, Employment & Housing Department (copy enclosed) it had been decided that appointing authorities would be competent to give employment to a member of the family of a deceased or permanently disabled employer who suffers such disability while in the service of the employee irrespective of whether the name of the candidate is sponsored by the Employment Exchange or not. This enabling provision is being resorted to in deserving cases. However these instructions do not apply to posts which are filled up by other means of recruitment.

After careful consideration Government have been pleased to decide that it would be desirable to extend concession to all Class III posts and service irrespective of whether recruitment is by notification of vacancies to the Employment Exchange or otherwise, in other words in deserving cases a member of the family of a Government Servant who dies or is permanently incapacitated while in government service could be appointed to any Class III posts under the appointing authority of that Government servant provided he possesses the qualification prescribed for the post, without insisting on the prescribed mode of recruitment in his case. The relevant recruitment rule may be amended accordingly.

Order – Ordered that this resolution be published in an extraordinary issue of the *Orissa Gazette* for general information and copies be forwarded to all Departments/Heads of Departments/all district offices/Secretary to the O. P. S. C.

By order of the Governor

C. NARAYANASWAMY

Special Secretary to Government

ANNEXURE A

No. 17188-III/3-21/76-L. E. H.

GOVERNMENT OF ORISSA

LABOUR, EMPLOYMENT & HOUSING DEPARTMENT

RESOLUTION

The 9th September 1976

Subject – Compulsory notification of vacancies and recruitment through Employment Exchange Special procedure to provide rehabilitation assistance to the families of employees who suffer permanently incapacitation or death while in service.

The State Government in their resolution No. 15-L. E. H., dated the 19th November 1975 have issued instructions laying down the procedure to be followed by Government Departments, Local Bodies, Quasi Government agencies, Statutory Bodies, Public Sector Enterprise and all Private Sector Establishments employing more than 1,000 persons in the matter of personnel recruitment. The basic policy underlaying those instructions is that all vacancies, except those specifically excluded, are required not only to be notified to the Employment Exchange, but are also to be filled up from among candidates sponsored by the Exchange unless the latter furnishes a non-availability certificate.

In industrial establishments a practice is ordinarily followed that in the case of premature death or permanent incapacitation of an employee for purposes of service, due to accident or otherwise, employment is given on a preferential basis to a member of the family in distress. Similar contingencies arise in Government Offices also. The practice of Providing employment as a measure of rehabilitation assistance to the family of a deceased or permanently disabled employee is a salutary one, and Government desire that such practice should increasingly be followed by all employing agencies. Since provision of employment on a preferential basis in such circumstances requires relaxation of the Employment Exchange procedure laid down in the resolution referred to above, government have been pleased to direct that the following special procedure should be followed in the matter of providing rehabilitation assistance.

Notwithstanding the instructions contained in resolution No. 19479-L. E. H., dated the 19th November 1975 appointing authorities would be competent to give employment to a member of the family of a deceased or permanently disabled employee who suffers such disability while in the service of the employer in question, irrespective of whether the name of the candidate is sponsored by the Employment Exchange. Notification of vacancies required under the Employment Exchanges (C. N. V.) Act being Mandatory, the establishment concerned is not absolved of the responsibility to notify to the Employment Exchange the occurrence of the vacancies. But at the time of notifying such vacancies the employer should clearly mention that since the vacancy is proposed to be filled

by a member of the family of a deceased/permanently disabled employee whose disability occurred while in service, sponsoring action by the Employment Exchange is not necessary.

Order – Ordered that this resolution be published in an extraordinary issue of the *Orissa Gazette* for General information.

By order of the Governor
S. KANUNGO
Secretary to Government

No. 20306-VIE/ABI/85-EYS.

GOVERNMENT OF ORISSA
EDUCATION & YOUTH SERVICES DEPARTMENT
RESOLUTION

The 20th May 1985

Subject – Rehabilitation assistance to the families of non-Government Primary School Teachers under Education & Youth Service Department who die or suffer from permanent incapacitation while in service.

Government have had under consideration for some times past a proposal for providing rehabilitation assistance to members of the families of a non-Government Primary School Teacher who dies or becomes permanently incapacitated for work while in service. After careful consideration Government have been pleased to decide that rehabilitation assistance may be made available to a member of the family of the deceased or permanently disabled non-Government Primary School Teacher subject to the following conditions :-

1. Once member of the family of the deceased or permanently disabled non-Government Primary School Teacher would be eligible for appointment in a Class III or Class IV post under Government including a post of Primary School Teacher or as the Primary School Teacher in a non-Government Primary School, subject to the condition that the member of the family who seeks to avail of this facility possesses the requisite educational or technical qualifications required for the post. If such a person seeks appointment as a Primary School Teacher whether in a Government or in a non-Government Primary School, he may be appointed as such if he possesses the requisite educational qualifications. If such a person does not possess the requisite training qualification, he/she shall be required to acquire the necessary training qualification within a period of three years from the date of appointment as a Teacher in a Primary School. An untrained person appointed as a Primary School Teacher would receive pay in the scale applicable to untrained matriculate teachers till he/she acquires the training qualifications.

2. The above facilities will be available to only one member of the family of the deceased or permanently disabled Primary School Teacher provided that the death or permanent disability has occurred prior to the normal date of superannuation and not during the period of re-employment or extension of service after retirement.

3. For the purposes of rehabilitation assistance being extended under this Resolution, the members of the family of the deceased or permanently disabled Primary School Teacher shall mean

- (a) husband or wife;
- (b) son or daughter including adopted son or daughter, step son or daughter.
- (c) Dependent brother or sister.

4. Applications for assistance under this Resolution shall ordinarily be received within the period of five years from the date of death or permanent disability.

5. Notwithstanding the instructions contained in Labour & Employment Department Resolution No. 19479-L. E. H., dated the 19th November 1975, appointing authorities would be competent to give employment to a member of the family of a deceased or permanently disabled employee who suffers such disability while in the service of the employer in question, irrespective of whether the name of the candidate is sponsored by the Employment Exchange. Notification of vacancies required under the Employment Exchanges (C. N. V.) Act, being mandatory the establishment concerned is not absolved of the responsibility to notify to the Employment Exchange the occurrence of the vacancies. But at the time of notifying such vacancies the employer should clearly mention that since the vacancy is proposed to be filled by a member of the family of a deceased/permanently disabled employee whose disability occurred while in service sponsoring action by the Employment Exchange is not necessary.

6. Rehabilitation assistance would be available only for initial appointment and not for promotion or further advancement in service.

Order – Ordered that the Resolution be published in an extraordinary issue of the *Orissa Gazette* for information of general public and copies be forwarded to all Departments/Heads of Departments/all Collectors.

By order of the Governor
R. C. SAMAL
Additional Secretary to Government

No. 13781-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

Dated the 3rd May 1988

To

All Departments of Government
All Heads of Departments
All Collectors.

Subject – Rehabilitation Assistance to the families of deceased or permanently disabled Government servant who die or suffer the disability while in service.

Some guidelines were prescribed in G. A. Department Memo. No. 24052, dated the 19th October 1983 for providing rehabilitation assistance to the families of Government servants who die or suffer permanent incapacitation while in service. The list of family members entitled to get such benefit under the scheme was defined in this Department Memo. No. 4192, dated the 18th February 1984.

Difficulties are being experienced by some of the appointing authorities to extend such benefit to an adopted son/daughter of the deceased or permanently incapacitated employee, since adopted son/daughter has not been included in the list of family members.

It has now been decided that an adopted son/daughter of a deceased or permanently disabled Government employee may be accepted as a member of the family of such Government servant for rehabilitation purpose provided the adoption has been legally perpetuated through a registered deed.

The above clarifications may be brought to the notice of all officers under your control.

B. B. MISHRA
Joint Secretary to Government

No. 4569-SC-6-1/93-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

Dated the 22nd February 1993

To

All Departments
All Heads of Departments
All Collectors.

Subject – Orissa Civil Service (Rehabilitation Assistance) Rules, 1990.

Procedures for appointment of family members of the deceased/disabled employees under the rehabilitation assistance scheme have been laid down under Orissa Civil Service (Rehabilitation Assistance) Rules, 1990. A doubt arose as to whether a widow appointed under the said scheme will lose her job if she gets re-marriage.

After careful consideration Government have been pleased to decide that a widow, appointed under the said scheme will be allowed to continue in service even after her re-marriage. All subordinate offices may be intimated accordingly.

M. B. K. RAO
Deputy Secretary to Government

[No. 27924-SC-6-52/95-(Pt.)-Gen.]

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 24th October 1996

From

Shri T. S. Chakraborty,
Under-Secretary to Government.

To

The Additional District Magistrate,
Ganjam.

Subject – Issue of clarification regarding providing employment under R. A. Scheme.

Sir,

In inviting a reference to your Letter No. 5775, dated the 29th August 1996 on the subject noted above I am directed to say that the membership of the family of an employee, who dies while in service or who retires on the ground of permanent incapacitation, is decided on the basis of the status of the family concerned on the very day of death or invalid retirement for the purpose of rehabilitation assistance scheme as per Rule 2 (b) of O. C. S. (R. A.) rules 1990. It means that the persons who were not separated from the family as per procedure established by law on or before the date of death or retirement of the Government servant concerned cannot be said to have been separated from the family for the purpose of determination of family members under the O. C. S. (R. A.) Rules, 1990 as amended up-to-date. Hence, any separation or adoption deed executed and registered after the date of death or invalid

retirement of an employee cannot be taken into consideration for the purpose of providing employment under R. A. Scheme to any one of his family members.

Yours faithfully,

T. S. CHAKRABORTY

Under-Secretary to Government

[No. 29686-SC.-6-71/97-(Pt.)-Gen.]

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

(Published in *Orissa Gazette* on 15th October 1998)

The 14th October 1998

Subject – Applicability of the provisions laid down in the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 to the families of non-Government Primary School Teachers. Teaching and non-Teaching staff of Aided Educational Institutions, Work Charged employees of the State Government and the employees of Public Sector Undertakings under the control of the State Government.

In order to ensure that the family members of a Government servant who dies while in service or retires on the grounds of permanent incapacitation, does not face immediate distress condition, the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 were framed under the proviso to Article 309 of the Constitution of India and the said rules came into force with effect from the 24th September 1990 vide General Administration Department Notification S. R. O. No. 394/90, dated the 13th September 1990.

The facilities provided under the above said rules were also made applicable to the families of (i) non-Government Primary School Teachers, (ii) Teaching and non-Teaching Staff of Aided Educational Institutions under the Education Department, (iii) the work charged employees of the State Government and (iv) the employees of Public Sector undertakings under the State Government. Law Department have advised now that under the proviso to Article 309 of the Constitution of India, rules can be framed by the Governor concerning the Services and Posts in connection with the affairs of the State Government and not otherwise.

Thus, rules concerning the employees of the non-Government Primary Schools, Aided Educational Institutions, Work charged Employees and Public Sector Undertakings cannot be framed under the proviso to Article 309 of the Constitution of India.

Therefore, on the advice of Law Department, Rule 11 has been deleted from the O. C. S. (Rehabilitation Assistance) Rules, 1990. But since Rehabilitation Assistance is conceived as a compassionate measure of saving the family of a deceased employee from immediate distress when the employee suddenly dies while in service, Government after careful consideration have decided that the benefit of Rehabilitation Assistance Scheme which has been extended for the family members of non-Government Primary School Teachers, Teaching and non-Teaching staff of Aided Educational Institutions under the Education Department, the work charged employees of the State Government and the employees of the Public Sector Undertakings under the State Government previously should continue. Hence it is ordered that the provisions laid down in the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 as amended from time to time shall *mutatis mutandis* be applicable to the families of the employees of the above categories with effect from the 24th September 1990.

Order – Ordered that the resolution be published in the extraordinary issue of the *Orissa Gazette*. Ordered also that copies of the Resolution be forwarded to All Departments of Government/All Heads of Departments/ Secretary to Governor/All Collectors/Registrar, Orissa High Court/Special Secretary, Orissa Public Service Commission/Secretary, Orissa Staff Selection Commission/Registrar, O. A. T.

By order of the Governor

PRIYABRATA PATNAIK

Special Secretary to Government

[No. 39937-SC-6-71/97-(Pt.)-Gen.]

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

From

Shri Priyabrata Patnaik, I. A. S.,
Special Secretary to Government.

To

All Departments of Government
All Heads of Departments
All Collectors.

The 30th November 1998

Subject – Amendment to Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 Clarification thereof.

The undersigned is directed to say that consequent upon amendment of Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 vide General Administration Department Notification No. 28761/Gen., dated the 7th October 1998, read with Resolution No. 29686, dated the 14th October 1998 a number of reference have been received from different quarters seeking clarification regarding interpretation of Rules 10 of the Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1998 with regard to the action to be taken in respect of cases of disabled Government employees which are pending prior to the 8th October 1998 and with regard to inclusion of pension and T. I while assessing the annual income of the family of the deceased employee.

After careful consideration of the references received it is clarified that :

- (i) The Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1998 came into force with effect from the 8th October 1998 i.e. the date on which they have been published in the extraordinary of the *Orissa Gazette* and hence these Amendment Rules have no retrospective effect. Therefore cases already disposed of either affirmatively or negatively prior to 8th October 1998 shall not be reopened.
- (ii) Cases which have already been initiated as per the provisions laid down in Orissa Civil Service (Rehabilitation Assistance) Rules 1990 prior to 8th October 1998 and are still pending shall be examined and disposed of as per the provisions contained in the rules as they stood before the amendments i.e. prior to 8th October 1998.
- (iii) In part IV of the prescribed application form appended to the Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1998, the words “including pension and T. I.” shall be read as “excluding pension and T. I.”
- (iv) Distress certificates may be issued in old forms in favour of the family of disabled/deceased employees, whose applications are pending prior to commencement of the Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1998.

These clarifications should be brought to the notice of the all the subordinate offices under their control for their information and future guidance.

P. PATTNAIK

Special Secretary to Government

No. 3033-SC-6-1/99-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

Dated the 28th January, 1999

To

All Departments of Government
All Heads of Departments
All Collectors.

Subject – Appointment of family members of the deceased employees under Rehabilitation Assistance Scheme Rulings of the Hon'ble Supreme Court of India.

The undersigned is directed to say that the Hon'ble Supreme Court in its judgements as indicated below has observed various aspects in the matter of appointment of family members of the deceased employees under Rehabilitation Assistance Scheme. The rulings of the Supreme Court which are reproduced below may be kept in view while considering cases of compassionate appointment :-

- (a) The Supreme Court in its judgement dated April 8-1993 in the case of Auditor General of India and others-Vrs-G. Anant Rajeswar Rao [(1994) I-SCC-192] has held that appointment on grounds of descent clearly violates Article 16(2) of the Constitution : but if the appointment is confined to the son or daughter or widow of the Government servant who died in harness and who needs immediate appointment on grounds of immediate need of assistance in the event of there being no other earning member in the family to supplement the loss of income from the bread winner to relieve the economic distress of the members of the family, it is unexceptionable.
- (b) The Supreme Court's judgement, dated May 4, 1994 in the case of Umesh Kumar Noggpal, Vrs. State of Haryana and Other [Jt 1994 (3) S. C. 525] has laid down the following important principles in this regard :
 - (i) Only dependents of an employee dying in harness leaving his family in penury and without any means of livelihood can be appointed on compassionate ground.
 - (ii) The posts in group 'C' and 'D' formerly Class II and (IV) are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds and no other posts, i.e., in the Group 'A' or Group 'B' category is expected or required to be given for this purpose as it is legally impermissible.
 - (iii) The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution and to help it get over the emergency.
 - (iv) Offering compassionate appointment as a matter of course irrespective of the financial condition of the family of the deceased Government servant is legally impermissible.
 - (v) Neither the qualification of the applicant (dependent family member) nor the post held by the deceased Government Servant is relevant. If the applicant finds it below his dignity to accept the post offered, he is free, not to do so. The post is not offered to cater to his status but to see the family through the economic calamity.

- (vi) Compassionate appointment can not be granted after lapse of a reasonable period and it is not a vested right which can be exercised at any time in future.
- (vii) Compassionate appointment can not be offered by an individual functionary on *ad hoc* basis.
- (c) The Supreme Court has held in its judgement, dated February 28, 1995 in the case of the Life Insurance Corporation of India *Vrs.* Miss. Asha Ramchandra Ambekar and others [J. T. 1994 (2) S. C. 183] that the High Courts and Administrative Tribunals can not give direction for appointment of a person on compassionate grounds but can merely direct consideration of the claim for such an appointment.
- (d) The Supreme Court has rules in the cases of Himachal Road Transport Corporation *Vrs* Dinesh Kumar [J. T. 1996 (5) S. C. 319] on May 7, 1996 and Hindustan Aeronautics Limited *Vrs.* Smt. A. Radhika Thirumalai [J. T. 1999 (9) S. C. 197] on October 9, 1996 that appointment on compassionate grounds can be made only if a vacancy is available for that purpose.
- (e) The Supreme Court has held in its judgement in the case of State of Haryana and others *Vrs.* Rani Devi and others [J. T. 1996 (6) S. C. 646] on July 15, 1996 that if the Scheme regarding appointment on compassionate ground is extended to all sorts of casual, *ad hoc* employees including those who are working as Apprentices, then such scheme can not be justified on constitutional grounds.

It is, therefore, requested that the above observations of the Hon'ble Supreme Court may be kept in view by the appointing authorities while considering the cases of appointments of family members of the deceased employees under Rehabilitation Assistance Scheme.

The subordinate offices under their control may be intimated accordingly.

PRIYABRATA PATTNAIK
Special Secretary to Government

No. 11928-SC-6-56/98-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 22nd April 1999

To

All Departments of Government
All Heads of Departments
All Collectors.

Subject – Clarification in respect of Orissa Civil Service (Rehabilitation Assistance) Rules, 1990.

The undersigned is directed to say that different Departments are submitting proposals to General Administration Department for obtaining orders of Chief Minister with regard to the availability of assistance of the scheme under Rule 9 (8) of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 and for condonation of delay of the period of limitation prescribed in Rule 9 (11) of the Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1992. After careful consideration of the matter, it has been decided by the Government in General Administration Department that in future, cases which come under the provisions laid down in Rule 9 (8) of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 and Rule 9 (11) of the Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1992 will be dealt with by the concerned Administrative Departments and they will obtain orders of Chief Minister without routing the proposals through the General Administration Department. Only such cases where operation of the existing rules cause under hardship then proposals will be submitted by the Department to General Administration Department for examination of such cases and obtaining orders of Chief Minister under the Relaxation provisions of Rule 16 of the Orissa Civil Services (Rehabilitation Assistance) (Second Amendment) Rules, 1993.

PRIYABRATA PATTNAIK
Special Secretary to Government

Memo. No. 41150-CCI. (S. C.)-15/99-CC.,

GOVERNMENT OF ORISSA
HOME DEPARTMENT

The 21st July 1999

To

All Departments of Government
(Branch-wise)

Subject – Appointment of the wards of the deceased government servants under Rehabilitation Assistance Scheme.

The undersigned is directed to say that a good number of applications are being received in this Department from various Departments of Government to consider giving appointment to the wards of the deceased Government servants under Rehabilitation Scheme against the vacancies available in the Departments of Secretariat under common cadre of Junior Assistants and Junior Grade Typists, the cadres of which are being controlled by the Home Department.

No.33213-2M-15/2004

Rule 8 (1) (d) of Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 provides that "the appointing authority, upon receipt of the report, consider the same and in case of favourable report, appoint the applicant in a suitable available vacancy under his control. The appointing authority may forward the applicant to the Heads of the Department with suitable recommendations. The Heads of the Department shall locate vacancies in other offices under his administrative control and direct the Heads of Office where there is a vacancy to appoint applicant. In cases arising in the offices of the Heads of the Department, the Heads of the Department shall appoint the candidates in his office or in the offices subordinate thereto.

as per provisions under OCS(RA) Rules, 1990 - clarification regarding.

In view of aforementioned clear provisions of the relevant Rules, early the responsibility of appointing persons under the Rehabilitation Scheme devolves either upon the concerned Administrative Department or lies with the Head of the Department under whom the deceased Government servant was working. Rehabilitation Assistance is conceived as a compassionate measure of saving the family of a Government servant from immediate distress on account of death of a Government servant while in service. The concept of providing employment to one of the family members of the deceased in deserving cases is based on the premise that in case of sudden death the family should not face starvation. Deserving Case has been defined u/R 2 (a) of the OCS(RA) Rules, 1990 as a case where the appointing authority is satisfied, after making such enquiry as may be necessary on the conditions outlined under Clauses (i) to (iv) of the said sub-rule, that the case deserves consideration.

2. It has come to the notice of the Government that different Appointing Authorities are interpreting the above rule differently, particularly the condition 2 (a) (iii) on the existence of distress condition, while determining "Deserving Case" for appointment under the Rehabilitation Assistance Scheme. As the objective of the scheme is to save the family from immediate starvation, it has direct relationship with the economic condition of the family of the deceased Government servant. Therefore, income derived from all sources including Family Pension and T.I. has to be taken into account while determining the distress condition of the family of the deceased Government servant. It has earlier been clarified in General Administration Department Circular Letter No. 6340/Gen., Dt.08.03.1991 that the family pension allowed to the members of the deceased Government servant will not count towards earning u/R 2 (a) (iii) of the OCS(RA) Rules, 1990. But Family Pension has to be certainly taken into account u/R 2 (a) (ii) of the said rules while determining the existence of distress condition of the family to determine deserving cases. But instead of acting as per clarifications issued, some Appointing Authorities have resorted to varying interpretations of the contents of General Administration Department Notification No. 28761 / Gen., Dt.07.10.1998, which required that Collector's Certificate to be given in Part-IV of the application form should mention annual income of the family from all sources excluding pension and T.I. The exclusion of 2 pension and T.I. in the Collector's Certificate was suggested on account of two reasons :

- i) Collector was not normally aware of the exact quantum of family pension and T.I. resulting in either delay in furnishing of certificate or furnishing of inaccurate information.
- ii) If the Collector's Certificate were to include Family Pension and T.I., there was a possibility of the Appointing Authority again adding Family Pension and T.I. leading to double counting of income on this score.

3. It is, therefore, clarified that as per the prevailing practice, the Collector while submitting required report u/R 2 (a) (iii) of the OCS(RA) Rules, 1990 shall state the annual income of the family from all sources excluding Family Pension and T.I. (as only pension sanctioning authority is aware of the quantum of earning from the said source). In order to ensure uniform interpretation of "distress condition" (and therefore eligibility of the family as a "deserving case"), the Government have, after taking into account the fifth pay revision, been pleased to decide that total annual family income from all sources including Family Pension and Temporary Increase (T.I.) must not exceed Rs.45,000/- for a family to be in a distress condition. The calculation of Annual Family income may be done by the concerned Appointing Authority by adding the following :

- i) Family Pension and T.I. as sanctioned by the Pension Sanctioning Authority/ admissible.
- ii) Income of the family from all other sources as certified by Collector in part-IV of the application form. The Collector's report will exclude the family Pension + T.I. as per the current instructions.

4. All pending cases for Rehabilitation Assistance under the OCS(RA) Rules, 1990 shall be disposed of as per the above clarification.

ORDER :

Ordered that the resolution be published in the extraordinary issue of the Orissa Gazette. Ordered also that copies of the resolution be forwarded to all Departments of Government / all Heads of Departments / all Collectors / Registrar, Orissa High Court /Special Secretary, Orissa Public Service Commission, Cuttack / Secretary, Staff Selection Commission, Orissa, Bhubaneswar / Registrar, Orissa Administrative Tribunal, Bhubaneswar.

By order of the Governor
T.K.PANDEY
Special Secretary to Government

RESERVED CATEGORIES

Serial No.	Reference No.	Date	Subject
PART I - RULES			
1.	Notification No. 22586 (Gen.)	16-10-1985	Orissa Ex-Servicemen (Recruitment to State Civil Services and Posts) Rules, 1985.
2.	Notification No. 11620 (Gen.)	28-04-2003	Orissa Ex-servicemen (Recruitment to State Civil Services and Posts) Amendment Rules, 2003.
3.	Notification No. 15791 (Gen.)	23-07-1994	Orissa Civil Services (Reservation of Vacancies for Women in Public Service) Rules, 1994.
PART II – INSTRUCTIONS			
(A) EX-SERVICEMEN			
1.	Office Memorandum No. 1758 (Gen.)	08-02-1963	Release of Civil Government Servants to take up Military Service during the present emergency.
2.	Circular No. 6225 (Gen.)	02-05-1963	Service benefits to State Government servants and outsiders who render approved Military Service on return to employment under State Government.
3.	Circular No. 17870 (Gen.)	05-12-1963	Ditto
4.	Circular No. 3361 (Gen.)	05-02-1964	Counting of Military Service rendered before or after the war in conjunction with was service for pension.
5.	Memo. No. 3195 (Gen.)	02-03-1964	Grant of concessions to war service candidates appointed to civil posts on a permanent basis- Counting of Military Service for purposes of civil pension.
6.	Circular No. 25845 (Gen.)	29-11-1966	Service benefits to State Government servants and outsiders who render approved Military Service during the present emergency on return to employment under State Government.
7.	Memo. No. 22070 (Gen.)	28-12-1970	Service benefits to State Government servants and outsiders who rendered approved Military Service on return to employment under State Government from the commencement of emergency – counting of Military Service.
8.	Circular No. 910 (Gen.)	18-01-1974	Service benefits to Civil Engineers and Doctors who undergo training for 4 years in Short Service Regular Commission in the Army under the Compulsory Service Liability Scheme.
9.	Office Memorandum No. 16819 (Gen.)	08-09-1976	Benefit of war service to ex-State personnel.
10.	Letter No. 8507 (Gen.)	25-03-1991	Clarification on extension of service benefits to Ex-Servicemen.
(1)	(2)	(3)	(4)

(B) PHYSICALLY HANDICAPPED & SPORTS PERSONS

- | | | | |
|----|--|------------|--|
| 1. | Office Memorandum No. 15680 (Gen.) | 18-07-1978 | Grant of concessions to physically handicapped persons in the matter of employment in Public Service. |
| 2. | Resolution No. 16443 (Gen.) | 24-07-1978 | Ditto |
| 3. | Resolution No. 15338 (Gen.) | 04-05-1981 | Reservation of vacancies for rehabilitation of physically handicapped persons in Class III and Class IV posts/services under the State Government and in Public Sector Undertakings. |

4.	Resolution No. 16189 (Gen.)	16-07-1982	Extension of reservation of vacancies for rehabilitation of physically handicapped persons in Class II Gazetted posts and Specially Gazetted posts under the State Government
5.	Circular No. 24031 (Gen.)	19-10-1983	Reservation of vacancies for rehabilitation of physically handicapped persons.
6.	Resolution No. 24808 (Gen.)	18-11-1985	Reservation of vacancies for sportsmen in Class II, Class III services/posts and in Class IV posts under the State Government.
7.	Circular No. 22677 (Gen.)	29-08-1991	Reservation of vacancies for rehabilitation of physically handicapped persons in Class III and Class IV posts/services under the State Government and Public Sector Undertakings.
8.	Resolution No. 748 (Gen.)	10-01-1997	Reservation for Ex-Servicemen/Physically handicapped persons and sports persons in 80 point Model Roster in services and posts of the State Government.
9.	Circular No. 26427 (Gen.)	08-09-1999	Reservation of vacancies for rehabilitation of physically handicapped persons in Group-B, Group-C and Group-D posts/services under the State Government and in Public Sector Undertakings.
10	Resolution No.25384 (Gen.)	20.09.2005	Reservation of vacancies in favour of Physically Handicapped persons, Sportsmen and Ex-Servicemen in initial recruitment in State Civil Services and posts.
11	Resolution No-3404 (Gen.)	13.02.2006	Reservation of vacancies for rehabilitation of persons with disabilities in Group-A,B,C,D posts under State Govt. and Public Sector Undertakings
(C) S. C. S. T. & O. B. C. (S. E. B. C.)			
1.	Letter No. 18259 (Gen.)	12-12-1963	Question as to whether candidates belonging to S. C. and S. T. of other States should also be eligible for reservation of posts as well as concess on in respect of maximum age-limits and application of examination fees prescribed in the relevant rules, etc.
2.	Circular No. 752	09-01-1998	Issue of Caste Certificate in favour of S. C./S.T./O. B. C. in prescribed format for appointment to the posts under Government of India.
(D) WOMEN			
1.	Resolution No. 43328 (Gen.)	23-12-1992	Reservation of vacancies for women's employment in public services.

PART I

RULES

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 16th October 1985

(Published in the *Orissa Gazette* on 18-12-1985)

No. 22586-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India the Governor of Orissa hereby makes the following rules, for regulating the recruitment of ex-servicemen in State Civil Services and Posts, namely :-

**Short Title and
commencement.**

1. (i) These rules may be called the Orissa Ex-Servicemen (Recruitment to State Civil Services and Posts) Rules, 1985.

(ii) They shall come into force on the date of their publication in the *Orissa Gazette*.

Definitions

2. In these rules, unless the context otherwise requires -

- (a) "Armed Forces of the Union" means the Naval, Military and Air Forces of the Union;
- (b) "Ex-Servicemen" means a person, who has served in any rank (whether as a combatant or as non-combatant, in the Armed Forces of the Union including the Armed Forces of the former Indian States, but excluding the Assam Rifles, Defence Security Crops, General Reserve Engineering Force, Lok Sahayak Sena and Territorial Army for a continuous period of not less than six months after attestation -
 - (i) has been released, otherwise than at his own request or by way of dismissal or discharge on account of misconduct or inefficiency, or has been transferred to the reserve pending such release, or
 - (ii) has to serve for not more than six months for completing the period of service as a requisite for becoming entitled to be released or transferred to the reserve as aforesaid, or
 - (iii) has been released at this own request, after completing five years service in the Armed forces of the Union;
- (c) "Reserve vacancies" means vacancies reserved under rule 4 for being filled by ex-Servicemen; and
- (d) "year" means the financial year.

Application

3. These rules shall apply to all the State Civil Services and Posts.

**Reservation of
vacancies.**

4. (1) Three per cent of the vacancies arising in a year in each of the categories of Class II posts and Class III posts and of such posts in each class II and Class III services or Class IV posts including permanent vacancies filed initially on a temporary basis and temporary vacancies which are likely to be made permanent or are likely to continue for three months and more to be filled by direct recruitment shall be reserved for being filled by Ex-servicemen as per the roster points shown in the schedule appended to these rules. Different Heads of Offices shall maintain a register regarding implementation of the reservation for the ex-servicemen and should furnish required return to their Administrative Department in such *pro forma* they have been furnishing return on appointment of S. C. & S. T. candidates.

(2) No vacancy reserved for ex-servicemen in a post required to be filled up otherwise than on the results of an open competitive examination under the relevant recruitment rules, shall be filled by the appointing authority by any other candidate, until and unless the said authority-

- (i) has obtained a "Non-availability Certificate" from the Employment Exchange,
- (ii) has verified the non-availability of a suitable candidate by reference to the Rajya Sainik Board, and
- (iii) has obtained approval of the State Government in the Administrative Department.

**Special provision
regarding age-
limit.**

5. (1) For appointment to any vacancy in State Civil Services, Class III and Class IV whether reserve or not under these rules, every ex-servicemen who has put in not less than six months continuous service in Armed Forces of the Union shall be allowed to deduct the period of such service from his actual age and if the resultant age does not exceed the maximum age-limit prescribed for the post or service for which he seeks appointment shall be deemed to satisfy the conditions regarding age-limit.

(2) For appointment to any vacancy in Class I or Class II State Civil Services or Posts filled by direct recruitment through the Orissa Public Service Commission, ex-servicemen and Commissioned Officers including Emergency Commissioned Officers and Short Service Commissioned Officers who satisfy the conditions prescribed in sub-clauses (i) to (iii) of clause (b) of rule 2 shall be allowed maximum relaxation of five years in the upper age-limit.

**Special provision
regarding
educational
qualification.**

6. (1) For appointment to any vacancy in class IV posts, reserved under these rules, every ex-servicemen who has put in not less than three years of service in the Armed Forces of the Union shall be exempted from the minimum educational qualification, if any, prescribed in respect of such posts.

(2) (a) For appointment to any vacancy in Class III posts reserved for ex-servicemen, the appointing authority may relax the minimum educational qualification where the qualification prescribed is a pass in the Middle School examination or any lower examination in favour of ex-servicemen who have put in atleast three years service in the Armed Force of the Union and who are otherwise considered fit and suitable for appointment to such posts, in view of their experience and other qualifications.

(b) For appointment to any vacancy in Class III posts to be filled partly by direct recruitment and partly by promotion or transfer, where the minimum educational or technical qualification prescribed for appointment by direct recruitment is higher than that prescribed for promotees or transferees, an ex-servicemen shall be deemed to satisfy the prescribed educational or technical qualification, if he -

- (i) satisfies the educational or technical qualification prescribed for direct recruitment to the post from which promotion or transfer to the post in question is allowed;
- (ii) has identical experience of work in a similar discipline and for the same number of years in the Armed Forces of the Union as prescribed for promotees or transferees.

Explanation – for the purposes of this rule, in computing the period of three years service, there shall be added any period of service which an ex-serviceman has rendered while serving in a corresponding post or posts in a civil department under the State Government, public sector undertaking or an autonomous organization under the State Government to the period of service rendered in the Armed Forces of the Union.

¹[(c) For appointment to any reserved vacancy in Class III (Group-C) posts an ex-serviceman, having Matriculation qualification or who has obtained the Indian Army Special Certificate of Education or the corresponding certificate in the Navy or the Air Force and has put in not less than 15 years of service in the Armed Forces of the Union may be considered eligible for appointment to the posts for which the essential educational qualification prescribed is graduation.]

Overriding Effect. 7. All rules regulating the recruitment of Persons to different posts and services under the State Government shall be subject to the provisions of these rules and shall be construed accordingly.

Interpretation. 8. If any question arises as to the interpretation of these rules, the question shall be referred to the Government in the General Administration Department for decision.

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1. Inserted vide G. A. Department Notification No. 19174-Gen., dated 25th June, 1999. Published in the *Orissa Gazette* and given effect to from 13th August 1999.

SCHEDULE

Model roster of 100 points showing the points now reserved for Scheduled Castes and Schedule Tribes, physically handicapped persons and ex-servicemen in initial appointment to posts and service in the State.

See Rule 4 (1)

Reserved quota 39 per cent

Scheduled Castes	..	15 per cent
Scheduled Tribes	..	23 per cent
Physically handicapped person	..	03 per cent
Ex-Servicemen	..	03 per cent

1. Scheduled Tribe	26. Unreserved
2. Unreserved	27. Scheduled Tribe
3. Scheduled Caste	28. Unreserved
4. Physically handicapped	29. Unreserved
5. Unreserved	30. Scheduled Caste
6. Scheduled Tribe	31. Scheduled Tribe
7. Unreserved	32. Unreserved
8. Sportsman	33. Ex-Serviceman
9. Unreserved	34. Physically handicapped
10. Scheduled Tribe	35. Unreserved
11. Scheduled Caste	36. Scheduled Tribe
12. Unreserved	37. Scheduled Caste
13. Unreserved	38. Unreserved
14. Scheduled Tribe	39. Unreserved
15. Unreserved	40. Scheduled Tribe

16.	Scheduled Caste	41.	Unreserved
17.	Unreserved	42.	Unreserved
18.	Scheduled Tribe	43.	Scheduled Caste
19.	Unreserved	44.	Scheduled Tribe
20.	Unreserved	45.	Unreserved
21.	Ex-Serviceman	46.	Unreserved
22.	Unreserved	47.	Ex-Serviceman
23.	Scheduled Tribe	48.	Unreserved
24.	Scheduled Caste	49.	Scheduled Tribe
25.	Unreserved	50.	Scheduled Caste
51.	Unreserved	76.	Scheduled Caste
52.	Unreserved	77.	Unreserved
53.	Scheduled Tribe	78.	Unreserved
54.	Unreserved	79.	Scheduled Tribe
55.	Unreserved	80.	Unreserved
56.	Scheduled Caste	81.	Unreserved
57.	Unreserved	82.	Unreserved
58.	Scheduled Tribe	83.	Scheduled Caste
59.	Unreserved	84.	Scheduled Tribe
60.	Unreserved	85.	Unreserved
61.	Unreserved	86.	Unreserved
62.	Scheduled Tribe	87.	Unreserved
63.	Scheduled Caste	88.	Scheduled Tribe
64.	Unreserved	89.	Unreserved
65.	Unreserved	90.	Scheduled Caste
66.	Scheduled Tribe	91.	Unreserved
67.	Unreserved	92.	Scheduled Tribe
68.	Unreserved	93.	Unreserved
69.	Physically handicapped	94.	Unreserved
70.	Scheduled Caste	95.	Unreserved
71.	Scheduled Tribe	96.	Scheduled Caste
72.	Unreserved	97.	Scheduled Tribe
73.	Unreserved	98.	Unreserved
74.	Unreserved	99.	Unreserved
75.	Scheduled Tribe	100.	Unreserved

¹[Note – If there are only two vacancies to be filled in a particular year, not more than one may be treated as reserved. If there be only one vacancy in a particular year which falls on a reserved point in the roster, it will be treated as unreserved in the first instance and filled accordingly but the reservation shall be carried forward to subsequent year (s). In the subsequent year (s) the reservation shall be applied by treating the vacancy arising in that year as reserved even though there might be only a single vacancy in that subsequent year (s).]

By order of the Governor
C. NARAYANASWAMY
Special Secretary to Government

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1. Inserted vide G. A. Department Notification No. 25637-Gen., dated 6th September 1988, Published in the *Orissa Gazette* and given effect to from 2nd December 1988.

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GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 23rd July 1994

(Published in the *Orissa Gazette* on the 8th August 1994)

No. 15791-2R/1-23/94-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules, for regulating the reservation for women candidates in State Civil Services and Posts, namely :-

**Short Title and
commencement.**

1. (1) These rules may be called the Orissa Civil Services (Reservation of Vacancies for Women in Public Services) Rules, 1994.

(2) They shall be deemed to have come into force with effect from the thirty-first December 1992.

Definitions

2. In these rules, unless the context otherwise requires -

(a) “Recruitment Rules means the rules framed under the proviso to Article 309 of the Constitution of India regulating recruitment to any Civil Services or Civil Posts in the rank of Class II, specially declared gazetted, Class III and Class IV by way of direct recruitment and include executive orders and instructions issued by the competent authority for that purpose; and

(b) “Year” means the calendar year in which the vacancies occur

Application

3. These rules shall apply to all the State Civil Services and Posts in the rank of Class II, specially declared gazetted, Class III and Class IV which are filled up by direct recruitment.

4. (1) the following percentage of vacancies, out of the total vacancies arising in a year in Class II, specially declared gazetted, Class III and Class IV services/posts to which women candidates are eligible to be appointed and which are filled up by way of direct recruitment, shall be reserved for the women candidates :-

Category	Women	Men	Total
(1)	(2)	(3)	(4)
Physically handicapped	1%	2%	3%
Sportsmen	0.33%	0.67%	1%
Ex-Servicemen	-	3%	3%
General candidates	18.33%	36.67%	55%

(2) Notwithstanding anything contained in sub-rule (1), reservation made in favour of women candidates in excess of 30% of the total vacancies in the Class II, specially declared gazetted, Class III and Class IV services/posts, shall continue.

(3) If in any year, the vacancies reserved for a particular category of women candidates specified under sub-rule (1) remain unfilled due to non-availability of suitable women candidates belonging to the respective category, the unfilled vacancies shall be filled up by suitable male candidates of the same category :

Provided that in case of non-availability of suitable male candidate of that category, the vacancy shall be filled up by women candidate of general category.

**Relaxation of
upper age limit.**

5. The upper age-limit in respect of the women candidates shall be relaxed by five years over and above the upper age-limit prescribed in the Orissa Civil Service (Fixation of Upper Age-limit) rules, 1989.

6. The provisions of these rules shall have overriding effect notwithstanding anything contrary in any other recruitment rules.

By order of the Governor
PRITIMAN SARKAR
Special Secretary to Government

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PART – II
(A) EX-SERVICEMEN
No. 1758-Gen.
GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
OFFICE MEMORANDUM

The 8th February 1963

Subject – Release of civil Government servants to take up Military Service during the present emergency.

It is found that quite a large number of State Government employees want to offer their Services for Military duty, during the present emergency. While appreciating such response and encouraging them to take up Military Service, Government however feel that, at the same time the efficiency of the civil Administration should also be maintained. The Civil Administration has to shoulder many additional burden of work because of the emergency. The policy of Government that even during the emergency there should be the minimum possible dislocation of development programmes is a further reason why unplanned depletion of civil Service cadres would be undesirable. Considering all these facts the Government have been pleased to decide as follows :-

- (a) As a general rule, officers of All-India Services and the State Service Class I should not be released for Military Services. The only exception may be for an officer who possesses any special qualification for Military Service and if it is considered that his employment in the Military would be of greater value to the country than his continuance in the civil posts.
- (b) With regard to other Services, where the cadres are large, Officers can be released for Military Services. For example, more officers of Class II Services can be released than Class I services, release of Class III Services will be more liberal than Class II and release of Class IV officers may be still more liberal and they should be allowed to apply freely.
- (c) But if the release of a Government servant of any category of cadre is likely to affect the maintenance of an essential Service, such an officer should not be released.
- (d) Services whose members require long training and experience to be really effective in the Military Service may not be released.
- (e) Persons with engineering and medical qualifications may be freely permitted to join Military Services unless they are employed in essential services important to the Defence effort.

2. Government have further decided that the procedure for dealing with applications for joining Military Service should be as follows :-

- (a) Where requests are made by the military authorities to have the services of a particular civil officer serving under State Government, all such request should be initially dealt with in Home Department who will consult the administrative department concerned.
- (b) In all other cases, the appointing authorities may dispose of the applications in accordance with the general policy laid down in paragraph 1 above.

R. N. MOHANTY
Joint Secretary to Government

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No. 6225-(88)-2R/1-2c/63-Gen.
GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
The 2nd May 1963

To

All Departments of Government/
All Heads of Departments/All Collectors.

Subject – Service benefits to State Government servants and outsiders who render approved Military Service on return to employment under State Government.

In the present emergency large scale recruitments are being made to the Army and other Defence Services connected with National Defence. To encourage Government employees as well as outsiders to join the Military Service during the present emergency Government have been considering to grant them some concessions in matters of recruitment to posts under them and conditions of service. After careful consideration it has been decided that Government servants of the State Government who are permitted to join Military service and persons who are recruited directly to the said service should get the concessions shown in Annexure I and Annexure II respectively on their return or recruitment to posts under Government, when they are released from the Army after satisfactory Military Service.

“Approved Military Service” would include service in the Armed Forces and services in the Territorial Army on mobilisation, Auxiliary Air Force, India Naval Reserve, Indian Naval Volutur Reserve and Military Police and Armed Force Reserve in service in Frontier States.

It is requested that the above decision of Government may be brought to the notice of all Government servants serving in the Departments/Heads of Departments/District Offices and all appointing authorities under the State Government.

ANNEXURE I

Service benefits to which employees of Government of Orissa will be eligible on their return to Civil Employment after satisfactory Military Service (as approved) and on their release from such service.

The following concessions are admissible to the employees of the State Government, who have served satisfactorily in the "Approved Military Service" and who return to appointments under the State Government, on release from such service.

1. *Retention of lien* – (a) All Government servants who are permitted to take up Approved Military Service under the present emergency will be allowed to retain lien in their civil posts during the period of their absence on Military Service to enable them to return to their civil posts on release from Military Service.

(b) Under the Orissa Service Code Rules a lien on the posts temporarily held by a civil Government servant cannot be granted. It has been decided that a temporary civil Government servant who is permitted to take up Approved Military Service should, if he so applies be permitted to return to his civil post on release from the Military Service provided the temporary post held by him continues to exist at that time. Where the temporary post is not in existence at the time of his return from the Military Service he will be absorbed in a similar post in preference to other candidates. The period of his Military Service will count towards his total length of service and his seniority, in the post in which he is absorbed on release from Military Service.

(c) If during the period of his War Service, the temporary post which was held by a Government servant is made permanent, the claim of the incumbent for confirmation against the post will be protected. Only on his declining to be confirmed against the post prior to his release another officer can be confirmed against it. On his return to this post after his release, he will be confirmed against the post.

2. *Promotion* – (a) During the period of such Approved Military Service normal prospects of promotion of the incumbent shall also be protected as a result of which the Government servant concerned will be entitled to *pro forma* promotion in his parent Department and also to seniority in the higher post to which he would otherwise have been entitled, if he had not proceeded on Military Service.

(b) 25 per cent of the posts falling vacant and which are to be filled up by promotion, selection and transfer every year, shall be kept reserved for such personnel. These may be filled up by temporary promotions to meet the immediate requirement of the work but these are to be reserved to be filled up ultimately by those returning after Approved Military Service.

3. *Pay* – (a) The Government servant who is permitted to take up such Military Service shall be entitled to draw during Military Service the civil rates of pay and allowances which would be admissible to him from time to time, had he not proceeded on Military Service or the military rates of pay and allowances whichever is higher. In the case of a civil Government servant who takes up Military Service as a J. C. O. other ranks, the civil rates of pay and allowances which would be admissible to him from time to time shall, however, be reduced by Rs. 25 on account of free rations.

(b) Where the civil rates of pay and allowances are admissible, the difference between those rates and the military rates will be paid by the Defence Authority and the debit thereof will subsequently be raised against the Civil Department concerned.

4. *Provident Fund* – A Government servant who takes up such Military Service during the present emergency shall while so employed and subject to the condition stated below retain his rights or liability as the case may be of subscribing in accordance with the rules of the fund concerned to any Provident Fund of which he is a member.

While in Military Service, subscriptions to the Provident Fund and the Government contributions towards the account of a subscriber to the Contributory Provident Fund will be calculated on the basis of the Government servants emoluments. The Government contribution where payable towards the Provident Fund Account of a subscriber during the period of Military Service will form a charge against the Defence Service estimates. Those estimates will, however, be entitled to a refund of the whole amount charged thereto on this account or of a portion thereof, as the case may be in any individual case in which the whole of the Government contribution with interest thereon or a fraction thereon is withheld under relevant rule of the Contributory Provident Fund Rules.

5. *Leave* – A permanent State Government servant who is permitted to take up such Military Service during the present emergency shall be allowed to earn leave during the period of Approved Military Service according to the State Leave Rules applicable to him before his transfer to Military Service. The amount of leave actually taken by such person while in the Military Service shall be deducted from his Civil Leave Account. Any case of excess consumption of leave during Military Service shall be condoned, but if the leave taken during the Military Service is less than the leave earned during that service according to the Civil Leave Rules the balance will be credited to their Civil Leave Account.

The Temporary Government servants during Military Service will be governed by the Military Leave Rules in all respects.

In all cases the leave salary will be paid by the Defence Authorities and no leave salary contribution shall be demanded by the State Government from the Ministry of Defence.

6. *Pension* – The period of Military Service will count for pension in full in the case of permanent Government servants subject to the usual conditions relating to the reckoning of qualifying service. In the case of temporary Government servants, the period will also count subject to the usual conditions on confirmation in a permanent post under the State Government.

7. *Fixation of initial pay* – (a) When a Government servant, after his Military Service, is appointed to a permanent or temporary post outside his parent department or cadre, the Military Service rendered by him shall be taken into account in fixing his initial pay in the new post, provided that he may reserve his choice for such concession in the next higher post.

(b) If such a Government servant reverts to the same post which he held prior to joining the Military Service or to any other post in his parent office held by him by *pro forma* promotion while in Military Service, he may reserve his choice for the next higher post.

(c) The Concession of counting War Service for fixation of initial pay is admissible once only at the choice of the Government servant and the option once exercised is irrevocable. If any one reserves his choice for the next higher post, he should exercise his option within three months from the date of joining of such post.

ANNEXURE II

Service benefits which will be available to persons who are directly recruited to Approved Military Service and who on their release from such Military Service are recruited to civil employment under the State Government

The following concessions are admissible to persons other than Government servants, who have rendered Approved Military Service; if such persons are recruited to civil posts under the State Government on release from such Military Service.

1. *Reservation of posts* – 25 per cent of the posts in different services falling vacant every year which are to be filled up by direct recruitment shall be reserved for those who are released from the army with Approved Military Service. These reserved posts may be filled only by temporary recruitment to meet immediate requirement of work but should ultimately be filled up by ex-Military personnel on their release from Approved Military Service.

2. *Relaxation of age for recruitment* – In calculating the age of a candidate who has rendered Approved Military Service condonation of over-age to the extent of the whole or part of the period of Approved Military Service rendered by such candidate will be allowed. Even where by condoning the over-age in the above manner the candidate is found still to exceed the maximum age limit prescribed for the service Government may relax it further in suitable cases to make the persons eligible for appointment to such service.

3. *Relaxation of educational qualification* – It has been decided that where a University Degree is the prescribed qualification, a Military Service candidate who has passed the Intermediate examination of a University will be eligible. The army special certificate will also be treated as equivalent to Matriculation. For technical services such as the engineering, medical and other services, the appointing authority in his discretion will be competent to relax the educational standard in favour of ex-Military candidates after taking into account their individual experience and fitness, The minimum qualification for educational service such as Professors, administrators and teachers will not however be relaxed.

4. *Conditions of service* – The period of such Military Service during the period of the emergency, will count for fixation of initial pay, seniority and pension. Leave other than extraordinary leave (While in Military Service) granted by a competent authority will be rewarded as a part of the Military Service.

Pay – In case of a candidate with Military Service who having been directly recruited to Military Service had no lien on any post under government before undertaking Military Service and who is appointed to a temporary or permanent post under Government on release from Military Service the initial pay will be fixed after taking into account the total period of his Military Service, irrespective of the posts held and pay drawn by him while in Military Service.

(b) *Seniority* – The actual period of service rendered in Approved Military Service shall count towards seniority. In other words, such a candidate should be allowed to antedate his seniority by the total length of his actual Military Service, the break in between the Approved Military Services rendered by the candidate and the break in between termination of Military Service and commencement of civil services being ignored from consideration. The seniority of such a candidate should be fixed according to the periods spent in Military Service, in the cadre under the State Government in which he is appointed for the first time and not thereafter.

A war service candidate will be treated as a directly recruited candidate but he will be placed above the direct recruits of the year. His seniority in the service should also be accordingly determined.

(c) *Pension* – The period of Military Service will count towards pension, subject to the usual conditions mentioned in Article 357-A of Civil Service Regulations when the Government servant is confirmed in a permanent post under the State Government.

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No. 17870-2R-1-30/63-Gen.

GOVERNMENT OF ORISSA POLITICAL & SERVICES DEPARTMENT

The 5th December 1963

From

Shri H. Sahu, B. A., O. S. S.,
Assistant Secretary to Government.

To

The Accountant-General, Orissa, Bhubaneswar

Subject – Service benefits to State Government servants and outsiders for Approved Military Service on return to employment under State Government.

Sir,

With reference to your No. TM-1-40-1052, dated the 2nd September 1963 (Copy enclosed) I am directed to say that your presumption that the benefits of counting the period of military service towards total length of service and seniority of a temporary Government servant permitted to take up military service in the post in which he is absorbed on release from the Military Service as provided in Para. 1 (b) of Annexure I appended to this Department circular Memo. No. 6225 (88) Gen., dated the 2nd May 1963 will be admissible only when the temporary Government servant is absorbed without break in Government service soon after his release from the military service is correct. The question of break may not be wise in such case as 25% of posts in different services falling vacant every year are to be reserved for such military service candidates. Where however the break occurs due to the fault of such a candidate he may be treated as a new entrant and will avail of the benefit for military service like an outsider under Annexure II of the said Memo.

Your presumption that according to Para. 1 (c) of Annexure I of the said Memo, a temporary Government servant who declines confirmation against the post he was holding while on war service will, on his return to this post after his release, be confirmed against the next available post is also confirmed.

Yours faithfully,

H. SAHU

Assistant Secretary to Government

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No. 152-Tax-1-40

OFFICE OF THE ACCOUNTANT-GENERAL, ORISSA

The 2nd September 1963

From

The Accountant-General, Orissa

To

The Secretary to the Government of Orissa,
Political & Services Department, Bhubaneswar.

Subject – Service benefits to State Government Servants and outsiders who render Approved Military Service on return to employment under State Government.

Sir,

I am to invite a reference to G. O. Vide P. & S. Department letter No. 6225-(88)-2R/1-20/63-Gen., dated the 2nd May 1963 on the subject mentioned above and to state that Para. (b) of Annexure I to the above orders gives the benefit of counting the period of military service towards total length of Service and seniority in the post in which the Government servant is absorbed on release from the military service. It is presumed that this benefit is admissible when the temporary Government servant is absorbed, without break in the Government service soon after the release from the military service.

2. According to Para. 1 (c) of the Annexure I referred to above, a temporary Government servant who declines confirmation against the post he was holding while on war service, will, on his return to this post after his release, be confirmed against the post. It is presumed that the officer on reversion will be confirmed against next available post.

The above presumptions may please be confirmed before accepting the orders in audit.

Yours faithfully,

H. SAHU

Assistant Secretary to Government

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No. 3361-2R/1-33/63-Gen.

**GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT**

The 5th February 1964

From

Shri N. K. Panda
Joint Secretary to Government.

To

The Inspector-General of Police, Orissa

Subject – Counting of military service rendered before or after the war in conjunction with war service for pension.

Sir,

I am directed to invite your attention to your letter No. 6-III-A., dated 19th March 1952 on the above subject addressed to the Secretary to the Government of Orissa, Home Department and to say that neither the State Government nor the Government of India have issued any orders regarding counting of military service rendered by Government servant before and after the last war in conjunction with war service for civil pension. There may, however, be no objection to cases of Government servants who have rendered military service in conjunction with war service before the 3rd September 1939 and after the 1st April 1946 being decided on the analogy of the orders communicated in the Finance Department Memo. No. 1059-1080-F., dated the 17th June 1936 (Copy enclosed).

Yours faithfully,

N. K. PANDA

Joint Secretary to Government

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Memo. No. 3195 (83) – 2R/1-33/63-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

The 2nd March 1964

To

All Departments of Government/ Heads of Departments/Registrar,

Orissa High Court/Secretary to Governor/Superintendent, Government Press.

Subject – Grant of concessions to war service candidates appointed to civil posts on a permanent basis counting of military service for purposes of civil pension.

The undersigned is directed to refer to the Home Department Memo. No. 17442 (55) – A., dated the 27th November 1953 according to which war service candidates appointed permanently to civil posts have been allowed to count for the purposes of civil pension the completed years of their satisfactory whole time war service rendered by them between the 3rd September 1939 and the 1st April 1946, whether as member of His Majesty's Forces or otherwise in world War II up to a maximum of five years. The State Government have since considered the question of allocation of the pensionary liability in respect of the qualifying service that may be added under the above orders. It has now been decided in consultation with the Finance Department that the general principles of allocation laid down in paragraph 14 of Section (B) (IV) of Appendix 3 to the Accounts Code. Vol. I, should be applied in respect of military service rendered in the last war, that may be counted for civil pension under the above orders.

Yours faithfully,

[ILLEGIBLE]

Joint Secretary to Government

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No. 25845 (127) – 2R/1-10/66-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

The 29th November 1966

To

All Departments of Government (Including all branches of P. & S. Department)/

All Heads of Departments/All District Magistrates.

Subject – Service benefits to State Government servants and outsiders who render approved Military Service during the present emergency on return to employment under State Government.

The under undersigned is directed to invite a reference to Paragraph 2 (a) of Annexure I appended to this Department circular Memo. No. 6225 (88)-Gen., dated the 2nd May 1963 wherein it has been laid down that during the period of approved military service normal prospects of promotion of the incumbent shall also be protected as a result of which the Government servant concerned will be entitled to *pro forma* promotion in his parent Department and also to seniority in the higher post to which he would otherwise have been entitled, if he had not proceeded on military service.

A question has been raised as to whether in cases where passing of any departmental examination (s) is a condition precedent to promotion, a civil Government servant, who had not already passed the prescribed examination (s) before taking up military service, should be allowed *pro forma* promotion while he is away on military service. After careful consideration Government have been pleased to decide that in such circumstances a civil Government servant who had not already passed the departmental examination (s) before taking up military service should not be promoted while he is away on such service but on reversion from military service he should be allowed to take as many chances to pass the prescribed examination (s) as he might have missed because of joining military service during the present emergency and if he passes the examination (s) in one of those chances, he should be promoted with retrospective effect from the date he would have been so promoted if he had passed

the examination (s) in the corresponding chance that he could have otherwise availed himself if, but for his joining military service. To provide for such promotion, sufficient number of persons promoted to the grade concerned should be kept on an officiating basis, if necessary, so that they could be reverted in the event of promotion of the persons, returning from approved military service.

[ILLEGIBLE]

Additional Secretary to Government

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No. 22070 (108) – 2R/1-5/70-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

The 28th December 1970

To

All Departments of Government/

All Heads of Departments/

All District Offices.

Subject – Service benefits to State Government Servants and outsiders who rendered approved Military Service on return to employment under State Government from the commencement of emergency-Counting of military Service.

It has come to the notice of Government that doubts have been expressed in regard to the period for which various concessions in matters of pay, seniority, pension, etc. to the State Government employees and outsiders on their return to civil employment from Military service as indicated in Political & Services Department Memo. No. 6225, dated the 2nd May 1963 should be given. In this Department letter No. 7566, dated the 12th May 1964 it has been clarified that the period of emergency started from the 26th October 1962, and the same, as is ascertained from the Government of India, ended on the 10th January 1968. As such, the concessions indicated in the letter referred to above will be extended only to the Government employees and outsiders who were recruited to military service in between the 26th October 1962 and the 10th January 1968 and to none else.

[ILLEGIBLE]

Additional Secretary to Government

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No. 910 (115) – SC/5-3/73-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

The 13th January 1974

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Subject – Service benefits to Civil Engineers and Doctors who undergo training for 4 years in Short Service Regular commission in the Army under the Compulsory Service Liability Scheme.

The State Government have had under consideration the question of allowing concessions in the matter of pay, leave and pension, etc., to the Civil Engineers as well as Doctors who served under Compulsory Service Liability Scheme in Short Service Regular Commission and reverted to their civil posts under the State Government from time to time.

2. The Compulsory Service Liability Scheme for Short Service Regular Commission introduced by Government of India, Ministry of Defence came into force during the year 1965 and continued onwards. The terms of the Commission under the Compulsory Liability Scheme was for a period of 4 years. The personnel who were inducted to the Short Service Regular Commission were allowed various concessions such as, pay, leave and pension, etc., which are regulated in terms of the Special Army Instructions issued by the government of India, Ministry of Defence. Paragraph 18 of the Special Army Instructions regarding Short Service Regular Commission provides that lien of an officer on the civil appointment, protection of civil pay, leave, provident fund benefits and other rights accruing in the civil employment will be regulated in accordance with the orders issued on that behalf by the Ministry of Home Affairs in the case of Central Government employees and by the respective State Governments in respect of their employees. The period of SSRC will count for increments of civil pay, promotion, pension and gratuity in civil appointment.

3. After careful consideration it has been decided that the Civil Engineers and Doctors of the State Government who have served under Compulsory Service Liability Scheme in Short Service Regular Commission shall on their return to the civil

employment be entitled to the above concessions after being released from the Short Service Regular commission which will be regulated in accordance with the principles laid down in the Annexure attached herewith.

4. It is requested that the above decision of Government may be brought to the notice of all Government Servants serving in the Department/Heads of Departments/District offices and all appointing authorities under the State Government.

[ILLEGIBLE]

Joint Secretary to Government

ANNEXURE

Service benefits to the State Government employees on their release from Short Service Regular Commission in the Army under the Compulsory Service Liability Scheme

1. *Retention of lien* – (a) All Civil Engineers and Doctors who are permitted to undergo training for 4 years in the Short Service Regular commission in the Army under the Compulsory Service Liability Scheme will be allowed to retain lien in their civil posts during period of their absence on SSRC to enable them to return to their civil posts on release from Short Service Regular Commission.

(b) Under the Orissa Service Code Rules, a lien on the posts temporarily held by a Civil Government Servant cannot be granted. It has been decided that temporary Civil Government Servant who is permitted to undergo training in the Short Service Regular Commission under the Compulsory Service Liability Scheme should, if he so applies, be permitted to return to his civil post on release from the SSRC provided the temporary post held by him continues to exist at that time, where the temporary post is not in existence at the time of his return from the Short Service Regular Commission, he will be absorbed in a similar post in preference to other candidates. The period of SSRC will count towards his total length of service and his seniority in the post in which he is absorbed on release from Short Service Regular Commission.

(c) If during the period of his training in the Short Service Regular commission, the temporary post which was held by a Civil Engineer/Doctor is made permanent, the claim of the incumbent for confirmation against the post will be protected. Only on his declining to be confirmed against the Post prior to his release an officer can be confirmed against it. On his return to this post after his release, he will be confirmed against the post.

2. *Promotion* – (a) During the period of such Short Service Regular Commission normally, prospects of promotion of the incumbent shall always be protected as a result of which the Government servant concerned will be entitled to *pro forma* promotion in his parent Department and also to seniority in the higher post to which he would otherwise have been entitled, if he had not proceeded on Short Service Regular Commission.

(b) 25 per cent of the posts falling vacant and which are to be filled up by promotion, selection and transfer every year, shall be kept reserved for such personnel. These may be filled up by temporary promotion to meet the immediate requirements of the work but these are to be reserved to be filled up ultimately by those returned after their satisfactory performance in the Short Service Regular Commission in the Army.

3. *Pay* – (a) The Civil Engineers/Doctors who are permitted to join training in the Short Service Regular Commission shall be entitled to draw during the period of SSRC the civil rates of pay and allowances which would be permissible to them from time to time, had they not proceeded on Short Service Regular Commission under the Compulsory Service Liability Scheme or the Army rates of pay and allowances which is higher.

(b) Where the civil rates of pay and allowances are admissible, difference between those rates and the army rates will be paid by Defence Authority and the debit thereof will subsequently be raised against the Civil Department concerned.

4. *Provident Fund* – The officer permitted to undergo training in the Short Service Regular Commission in the Army under the Compulsory Service Liability Scheme while so employed and subject to the condition stated below, retains his rights or liability, as the case may be, of subscribing in accordance with the rules of the fund concerned to any Provident Fund of which he is a member.

While on Short Service Regular Commission in the Army, subscriptions to the Provident Fund and the Government contributions towards the account of a subscriber to the Contributory Provident Fund will be calculated on the basis of the Government servants emoluments. The Government contributions which were payable towards the Provident Fund Account of a subscriber during the period of SSRC will form a charge against the Defence Service estimates. These estimates will, however, be entitled to a refund of the whole amount charged the rate on this account or of a portion thereof, as the case may be, in any individual case in which the whole of the Government contribution with interest thereof or a fraction thereon is withheld under relevant rules of the Contributory Provident Fund Rules.

5. *Leave* – A permanent Civil Engineer/Doctor is permitted to join training in the Short Service Regular Commission in the Army under the Compulsory Service Liability Scheme shall be allowed to earn leave during the period of SSRC of 4 years according to the State Leave Rules applicable to him before his transfer to the said service in the Army. The amount of leave actually taken by such person while in the Short Service Regular Commission in the Army shall be deducted from his civil leave account. Any case of excess consumption of leave during the period of SSRC shall be condoned, but if the leave taken during the period of such service is less than the leave earned during that service according to the Civil Leave Account.

The temporary Government servants during the period of Short Service Regular Commission will be governed by the Army Leave Rules in all respects.

In all cases the leave salary in respect of leave actually taken while in SSRC will be paid by the Defence Authorities and no leave salary contribution shall be demanded by the State Government from the Ministry of Defence.

6. *Pension* – The period of SSRC will count for pension in full in the case of permanent Government servant subject to the usual conditions relating to the reckoning of qualifying service. In the case of temporary government servants, the period will also count subject to the usual conditions on confirmation in a permanent post under the State Government.

7. *Fixation of initial pay* – (a) When a Civil Engineer/Doctor after completion of Short Service Regular Commission is appointed to a permanent or temporary post outside his parent Department or cadre the service rendered by him in SSRC in the Army shall be taken into account in fixing his initial pay in the new post, provided that he may reserve his choice for such concession in the next higher post.

(b) If such Government servant reverts to the same post which he held prior to joining the training in the Short Service Regular Commission in the Army or to any other post in his parent office held by him by *pro forma* promotion while in such service, he may reserve his choice for the next higher post.

(c) The concession of counting SSRC service for fixation of initial pay is admissible once only at the choice of the Government servant and the option once exercised is irrevocable. If any once reserves his choice for the next higher post, he should exercise his option within three months from the date of joining such post.

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No. 16819 (106) – 2R/1-4/76-Gen.
GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
OFFICE MEMORANDUM
The 8th September 1976

To

All Departments of Government/
All Heads of Departments.

Subject – Benefit or War Service to ex-State Personnel.

In Home Department Memo. No. 6490-(50) A dated the 16th June 1952 on the above mentioned subject it was intimated that the concessions available to war service candidates absorbed in services and posts under the State Government, will not be applicable to ex-State employees who rendered war service during the 3rd September 1939 to the 1st April 1946 and were subsequently absorbed under the State Government. The question of allowing such concessions to ex-State employees was under consideration of Government. On re-consideration, it has been decided that the ex-State employees who had rendered war service in between the 3rd September 1939 to the 1st April 1946 and were subsequently absorbed in services and posts under State Government, should be allowed to count the period of their war service for purposes of Civil Pension and D.C.R. gratuity only. The admissibility of this concession shall, in all cases, be subject to the general principles governing Pension and D. C. R. gratuity under the rules and instructions in force. In order to avail of the concession, Government servants in service, retired government servants and legal heirs of deceased Government servants shall, apply to the appropriate authority within 90 days of the date of issue of the memorandum.

This has been concurred in by the Finance Department in their U. O. R. No. 539-C. S.- III, dated the 23rd August 1976.

[ILLEGIBLE]

Joint Secretary to Government

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No. 8507 – (SC/5-2/91 (Pt.) – Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
The 25th March 1991

From

Shir M. V. A. Subba Rao,
Deputy Secretary to Government

To

The Chief Engineer,
Electricity, Bhubaneswar.

Subject – Clarification on extension of service benefits to ex-Servicemen.

Sir,

In inviting a reference to your letter No. 427, dated the 7th January 1991 on the subject noted above I am directed to say that the persons who were recruited to Military service during Indo-China and Indo-Pak war in between the period from the 26th October 1962 to the 10th January 1968 and the 3rd December 1971 to the 10th January 1973, respectively are only entitled to get the benefits as enumerated in Annexure II of this Department letter No. 6225, dated the 2nd May 1963. Copies of the Government order to that effect are enclosed herewith for ready reference as requested.

Yours faithfully,
M. V. A. SUBBA RAO

(B) – PHYSICALLY HANDICAPPED AND SPORTS PERSONS

No. 15680-Gen.

**GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
OFFICE MEMORANDUM**

The 18th July 1978

Subject – Grant of concessions to physically handicapped persons in the matter of employment in public service.

The question of making a suitable provision for enabling disabled persons to secure employment had been engaging the attention of Government for some time past. A physically handicapped person has been looked upon as an object of charity and pity in the society for the physical deformity he suffers from. It is often forgotten that despite of his permanent disability a physically handicapped person still possesses residual resources which in fact, would enable him to take fresh task involving physical ability or mental alertness. It is, therefore, necessary to provide all possible opportunities to the physically handicapped to develop their own personality and economic independence.

2. In consideration of the above fact the Governor has been pleased to decide that no less than one per cent of the vacancies in different services and posts under the Government to which direct recruitment is made, shall be reserved to be filled up by qualified disabled persons as defined in the following paragraph provided such persons possess the minimum prescribed qualifications and fulfill the conditions laid down in the relevant rules, regulations and orders.

3. The physically handicapped means and includes the following categories of physically handicapped persons :-

- (A) Blind – The blinds are those who are suffering from any of the following conditions :-
 - (a) Total absence of sight,
 - (b) Visual acuity not exceeding 6/60 or 20/200 (Snellen) in the better eye with correcting lenses,
 - (c) Limitation of the field of vision subtending at angle of 20 degrees or worse.
- (B) Deaf – The deaf are those in whom the sense of hearing is non-functional for the ordinary purposes of life. Generally loss of hearing at 70 decibels or above at 500, 1000 or 2000 frequencies will make residual hearing non-functional and will include deaf-mute persons.
- (C) Orthopaedically handicapped – The orthopaedically handicapped are those who have a physical defect or deformity which causes an interference with normal functioning of bones, muscles and joints.
- (D) Speech defective – A person suffering from Aphasia (Complete loss of speech but sense of hearing normal) or whose speech is not clear and/or normal.

4. The posts or category of posts reserved for the physically handicapped shall be intimated to the Director of Community Development and Social Welfare in the *pro forma* enclosed by 31st March each year.

5. A cell shall be constituted under the Community Development and Social Welfare Department to register the names of physically handicapped category-wise. The cell shall receive applications from physically handicapped for registration. Application for registration in the cell accompany certificate relating to educational qualification, the training, etc. if any, and certificate of age.

6. The Director of C. D. and S. W. will nominate Medical Experts for each category of physically handicapped persons for detailed medical examination for assessing the degree of disability and capability to perform the duties of different posts irrespective of the physical disability for which no fee shall be paid by the physically handicapped. The medical certificate so obtained from the Medical Expert shall be attached to the application of the physically handicapped persons by the Director, Community Development and Social Welfare and identity cards shall be issued to each physically handicapped persons on the said report.

7. The Director of Community Development and Social Welfare, keeping in view the educational qualification of the physically handicapped persons and the medical certificate obtained from the Medical Experts shall recommend the cases to different Departments for appointment against different posts reserved for the physically handicapped persons.

8. Each Department of Government after having due assessment of the nature and functional requirement of each category of post under them and having regard to functional suitability of each category of physically handicapped as contained in paragraph (3) above shall also, keeping in view the recommendation of the Director, Community Development and Social Welfare, fill up the posts in different categories reserved for the physically handicapped.

9. The physically handicapped persons, at the time of appointment against different posts reserved for them, shall produce the identity card issued in their favour by the Director, Community Development and Social Welfare. They shall not be subject to the usual medical examination provided in the respective service rules and regulations and other on first entry into the Government service.

10. In the event of non-availability of suitable candidates for appointment against the posts reserved for them, such vacancies shall be filled up by normal candidates and equivalent number of additional vacancies shall be reserved in the

subsequent year. Such of the vacancies which remain so unfilled, shall be carried forward to the subsequent three recruitment years at the maximum and thereafter such reservation would lapse.

11. The maximum age limit prescribed for appointment to various posts and services under the Government shall be relaxed by 5 years in case of physically handicapped persons.

12. The following concessions shall be allowed to the physically handicapped persons for their eligibility for appointment to posts and services under Government reserved for them :-

- (1) 5 per cent of marks wherever minimum percentage of marks in any examination is prescribed,
- (2) The condition or training/test/experience wherever prescribed shall not apply to the physically handicapped persons for appointment to posts reserved for them. Where a particular training is essential for appointment to a post the physically handicapped person shall complete such training within 2 years from the date of appointment.

13. Persons already in employment against different posts under the Government, who may suffer from physical handicap as defined in Para. (3) above shall also be entitled to be absorbed against the vacancies reserved in different posts and services for physically handicapped persons subject to the conditions laid down in this Office Memorandum.

14. The above instructions may be followed by different Departments of Government and the physically handicapped persons may be appointed against different posts reserved for them keeping in view their educational qualification and capability in consultation with the Director of Community Development and Social Welfare. Similar reservation may also be made in the posts in the public sector undertakings under their administrative control and disabled persons appointed against those posts according to their suitability.

[ILLEGIBLE]
Additional Secretary to Government

FORM

(Vide Paragraph 4)

Information of the earmarked posts for the employment of the physically handicapped

1. Year
2. Name of the Department
3. Total No. of posts in the Department

Category-wise –

Sl No.	Category of post	No. of posts
(1)	(2)	(3)
1.		
2.		
3.		
4.		
5.		

4. Categories of posts suitable for employment of the physically handicapped –

Sl No.	Category of post	Total No. of posts	Category of physically handicapped suitable for employment	No. of posts reserved for physically handicapped on the basis of 1%
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
5.				

5. Nature of duties of the posts reserved for the category of physically handicapped –

Sl No.	Category of post	Nature of duties
(1)	(2)	(3)
1.		
2.		
3.		

6. No. of physically handicapped already employed –

Sl No.	Category of post
--------	------------------

(1)	(2)	Category of physically handicapped employee (3)	No. of physically handicapped employed (4)
1.			
2.			
3.			
4.			
5.			

7. No. of posts to be filled in by the physically handicapped –

Sl No.	Category of post	Category of physically handicapped who can be employed (3)	No. of posts filled in by the physically handicapped (4)
(1)	(2)	(3)	(4)
1.			
2.			
3.			

Secretary to Government

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No. 16443-2R/1-15/78-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
RESOLUTION
The 24th July 1978

Subject – Grant of concessions to physically handicapped persons in the matter of employment in public service.

The question of making a suitable provision for enabling disabled persons to secure employment had been engaging the attention of Government for sometime past. A physically handicapped person has been looked upon as an object of charity and pity in the society for the physical deformity he suffers from. It is often forgotten that despite of his permanent disability a physically handicapped person still possesses residual resources which in fact, would enable him to take fresh tasks involving physical ability or mental alertness. It is, therefore, necessary to provide all possible opportunities to the physically handicapped to develop their own personality and economic independence.

2. In consideration of the above fact the Governor has been pleased to decide that no less than one per cent of the vacancies in different services and posts under the Government to which direct recruitment is made, shall be reserved to be filled up by qualified disabled persons as defined in the following paragraph provided such persons possess the minimum prescribed qualifications and fulfill the conditions laid down in the relevant rules, regulations and orders.

3. The physically handicapped means and includes the following categories of physically handicapped persons :-

- (A) Blind – The Blind are those who are suffering from any of the following conditions :-
- (a) Total absence of sight,
 - (b) Visual acuity not exceeding 6/60 or 20/200 (Snellen) in the better eye with correcting lenses,
 - (c) Limitation of the field of vision subtending at angle of 20 degrees or worse.
- (B) Deaf – The deaf are those in whom the sense of hearing is non-functional for the ordinary purposes of life. Generally loss of hearing at 70 decibels or above at 500, 1000 or 2000 frequencies will make residual hearing non-functional and will include deaf-mute persons.
- (C) Orthopaedically handicapped – The orthopaedically handicapped are those who have a physical defect or deformity which causes an interference with normal functioning of bones, muscles and joints.
- (D) Speech defective – A person suffering from Aphasia (Complete loss of speech but sense of hearing normal) or whose speech is not clear and/or normal.

4. The posts or category of posts reserved for the physically handicapped shall be intimated to the Director of Community Development and Social Welfare as in the following *pro forma* by 31st March each year.

FORM

Information of the earmarked posts for the employment of the physically handicapped

1. Year
2. Name of the Department
3. Total No. of posts in the Department

Category-wise –

Sl No.	Category of post	No. of post
(1)	(2)	(3)
1.		
2.		
3.		

4. Categories of posts suitable for employment of the physically handicapped –

Sl No.	Category of post	Total No. of posts	Category of physically handicapped suitable for employment	No. of posts reserved for physically handicapped on the basis of 1%
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
5.				

5. Nature of duties of the posts reserved for the category of physically handicapped –

Sl No.	Category of post	Nature of duties
(1)	(2)	(3)

1.

2.

3.

6. No. of physically handicapped already employed –

Sl No.	Category of post	Category of physically handicapped employee	No. of physically handicapped employed
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			

7. No. of posts to be filled in by the physically handicapped –

Sl No.	Category of post	Category of physically handicapped who can be employed	No. of posts filled in by the physically handicapped
(1)	(2)	(3)	(4)
1.			
2.			
3.			

Secretary to Government

5. A cell shall be constituted under the Community Development and Social Welfare Department to register the names of physically handicapped categorywise. The cell shall receive applications from physically handicapped for registration. Application for registration in the cell shall accompany certificate relating to educational qualification, the training, etc., if any and certificate of age.

6. The Director of C. D. & S. W. will nominate Medical Experts for each category of physically handicapped persons for detailed medical examination for assessing the degree of disability and capability to perform the duties of different posts irrespective of the physical disability for which no fee shall be paid by the physically handicapped. The medical certificate so obtained from the Medical Expert shall be attached to the application of the physically handicapped persons by the Director, Community Development & Social Welfare and identity cards shall be issued to each physically handicapped persons on the said report.

7. The Director of Community Development & Social Welfare, keeping in view the educational qualification of the physically handicapped persons and the medical certificate obtained from the Medical Experts, shall recommend the cases to different Departments for appointment against different posts reserved for the physically handicapped persons.

8. Each Department of Government after having due assessment of the nature and functional requirement of each category of post under them and having regard to functional suitability of each category of physically handicapped as contained in paragraph (3) above, shall also, keeping in view the recommendation of the Director, Community Development & Social Welfare, fill up the post in different categories reserved for the physically handicapped.

9. The physically handicapped persons, at the time of appointment against different posts reserved for them shall produce the identity card issued in their favour by the Director, Community Development & Social Welfare. They shall not be subject to the usual medical examination provided in the respective service, rules and regulations and other on first entry into the Government service.

10. In the event of non-availability of suitable candidates for appointment against the posts reserved for them, such vacancies shall be filled up by normal candidates and equivalent number of additional vacancies shall be reserved in the subsequent year. Such of the vacancies which remain so unfilled, shall be carried forward to the subsequent three recruitment years at the maximum and thereafter such reservation would lapse.

11. The maximum age-limit prescribed for appointment to various posts and services under the Government shall be relaxed by 5 years in case of physically handicapped persons.

12. The following concessions shall be allowed to the physically handicapped persons for their eligibility for appointment to posts and services under Government reserved for them :-

- (1) 5 per cent of marks wherever minimum percentage of marks in any examination is prescribed,
- (2) The condition or training/test/experience wherever prescribed shall not apply to the physically handicapped persons for appointment to posts reserved for them, Where a particular training is essential for appointment to a post the physically handicapped person shall complete such training within 2 years from the date of appointment.

13. Persons already in employment against different posts under the Government who may suffer from physical handicap as defined in Para. (3) above shall also be entitled to be absorbed against the vacancies reserved in different posts and services for physically handicapped persons subject to the conditions laid down in this Resolution.

14. The above instructions may be followed by different Departments of Government and the physically handicapped persons may be appointed against different posts reserved for them keeping in view their educational qualification and capability in consultation with the Director of Community Development & Social Welfare. Similar reservation may also be made in the posts in the public sector undertakings under their administrative control and disabled persons appointed against those posts according to their suitability.

Order – Ordered that this Resolution be published in the *Orissa Gazette*.

Ordered also that copies of the Resolution be forwarded to all Departments of Government/all Heads of Departments/all District Offices/Director, Printing, Stationery and Publication/Secretary, O. P. S. C./Registrar, Orissa High Court/Secretary to Governor for information and communication to all appointing authorities under them.

By order of the Governor
A. N. TIWARI
Additional Secretary to Government

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No. 15338-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 4th May 1981

(Published in the *Orissa Gazette* on 12-8-1981)

Subject – Reservation of vacancies for rehabilitation of physically handicapped persons in Class III and Class IV posts/services under the State Government and in Public Sector Undertakings.

Read – Resolution No. 16443-Gen., dated the 24th July 1978.

Consequent upon the decision of the Government of India in the year, 1978, the State Government made reservation of 1% of vacancies for rehabilitation of physically handicapped persons in the public service.

2. Government of India have now, on consideration of the matter, have decided that for the purpose of employment of the blind, the deaf and the orthopaedically handicapped persons, the reservation in Group C. & D. posts and services for physically handicapped persons should be made to the following extent under the Central Government.

Category of the handicapped	Percentage of reservation
1. The Blind	1%
2. The Deaf	1%
3. The Orthopaedically handicapped	1%

¹3. Accordingly it has been decided by the State Government that the reservations for filling the Group 'C' and Group 'D' posts and services under the State Government and Public Sector Undertakings should be made for rehabilitation of physically handicapped persons of the above categories at the initial stage of recruitment. The categorisation of the physically handicapped persons for employment will be on the basis of definition as per Annexure.

4. The reservation of posts and services should be made separately for each of the aforesaid three categories of the physically handicapped persons with provision for inter-exchange of vacancies if candidates belonging to a particular category of persons are not available or if the nature of vacancies in an office is such that a given category of persons cannot be employed. If in any year, the vacancies reserved for these categories are not filled up, the reservations should be carried over for a period up to three recruitment years. In order to implement these reservation orders, the jobs which can be performed by various categories of physically handicapped persons without loss of productivity, should be identified by the Government/Departments concerned.

5. Where a department consider that it is not possible to provide employment for the physically handicapped persons to the extent of reservation in view of the nature of duties expected to be performed by the employees in that particular Department, that Department could be partly or fully exempted from implementing the reservation orders. The grant of such exemption shall be decided by an inter-Departmental Committee of C.D. & R. R. (G. A.) (O. & M.) Department of Health and the Administrative Department concerned would be represented.

6. In the categories of jobs which are identified by the Government/Departments as being particularly suitable for handicapped persons other things being the same preference should be given to handicapped persons for such jobs even in excess of the quota reserved for them in accordance with the instructions contained in paragraph 2 above.

1. Amended vide G. A. Department Corrigendum No. 27375, dated the 13th October 1997.

7. With a view to ensuring reservation of vacancies for the physically handicapped persons in Class III and Class IV posts/services under the State Government and Public Sector Undertakings, it has been decided that a continuous account of the vacancies arising in Class III and Class IV posts services from year to year may be kept. Thus the 34th vacancy occurring in a particular recruitment year would be earmarked for the Blind, Similarly, the 67th vacancy and 100th vacancy would be reserved for the Deaf and the Orthopaedically handicapped, respectively in cycle of 100 vacancies. In case any of these vacancies are reserved for the S. C. and S. T. candidates or ex-servicemen, the next clearly available vacancy should be reserved for the physically handicapped persons.

8. The physically handicapped persons are entitled to relaxation of upper age-limit up to 10 years for purpose of appointment to Class III and Class IV posts/services. Nothing in this Resolution shall affect reservations, relaxation of age-limit and other concessions required to be provided for all special categories of persons in accordance with the orders issued by the State Government.

9. Regarding medical examination of physically handicapped persons, they are to be viewed with utmost sympathy for medical examination. On nomination by the C. D. & R. R. Department, physically handicapped persons should not be subjected to the usual medical examination on first appointment and the question should be decided on the basis of the reports of the Medical Board attached to the C. D. & R. R. Department for the physically handicapped. In case a physically handicapped person appointed in Class III/Class IV post and service is found medically unfit for such post or service he is holding and from which he is proposed to be discharged or has been discharged may, wherever, practicable, be considered for another identical/equivalent post for which he may be found suitable against direct recruitment quota without insisting on the condition of appointment through the C. D. & R. R. Department for this purpose, his previous service under State Government or Public Sector Undertakings should be deducted from his actual age and if the resultant age does not exceed the prescribed maximum age-limit by more than three years, he should be deemed to satisfy the condition of upper age-limit for appointment to the posts or services in question under the State Government. Further, in case of a Government Servant or a servant in Public Sector Undertakings retired on medical grounds, his son/daughter/near relative can be considered for appointment on compassionate grounds if the family of the Orthopaedically handicapped Government Servant is in great distress after his premature retirement.

10. A consolidated list of jobs in Class III and Class IV posts/services suitable for each of the categories i.e. the blind, the deaf and orthopaedically handicapped which would help the appointing authorities in appointing physically handicapped persons against 3% of the quota as fixed against such posts/services as are available in the various departments under the State Government and Public Sector Undertakings, is enclosed as Annexure.

By order of the Governor

C. NARAYANASWAMY

Additional Secretary to Government

Definition of the categories of the handicapped for purposes of reservation in employment

The blind are those who suffer from either of the following conditions :-

- (a) Total absence of sight
- (b) Visual acuity not exceeding 6/60 or 20/200 (Snellen) in the better eye with correcting lenses
- (c) Limitation of the field of vision subtending an angle of 20 degrees or worse.

THE DEAF

The Deaf are those in whom the sense of hearing is non-functional for ordinary purposes of life. They do not hear/understand sounds at all even with amplified speech. The cases included in this category will be those having hearing loss more than 90 decibels in the better ear (profound impairment) or total loss of hearing in both ears.

THE ORTHOPAEDICALLY HANDICAPPED

The orthopaedically handicapped are those who have a physical defect or deformity which causes an interference with the normal functioning of the bones, muscles and joints.

JOBS IN GROUPS CLASS III AND CLASS IV POSTS & SERVICES SUITABLE FOR THE PHYSICALLY HANDICAPPED

Sl No. (1)	Category of handicap (2)	Occupational groups (3)
I	Orthopaedically Handicapped-	
	(a) Upper Extremities	
	(i) Major defects	Accounts Clerks (U), Copyholders (U), Office Clerks (U-A), Office Superintendents/Peons (U), (U)/Proof Readers (U), Receptionists (U), Stamp Vendors (Postal), Watermen (U).
	(ii) Minor defects	Caretakers (A), Chowkidars (A), Copyholders, Dak Messengers Daftaris (A), Documentation Assistants (A), Editorial Assistant (A), Gardeners, Farash, Gestetner Operators, Junior Engineers (Civil), Key-punch Operators (A), Laboratory Assistants (Chemical), Laboratory Assistants (Clinical), Laboratory Assistants, Library Clerks (A), Liftmen (A), Meter Readers, Office Clerks (A), Office Superintendents, Peons, Photographic Retouchers, Proof Readers, Receptionists, Research Investigators, Retiring Room Attendants, Salesmen (Shop) (A), Scientific Assistants, Security Guards (A), Store Keepers (A), Statistical Assistants, Sub-Postmasters (A), Sweepers, Teachers, (Primary), Telegraph Messengers, Technical Assistants, Telephone Operators (A), Time Keepers (A), Translators (A), Typists (A), Waiting Room Attendants (A), Watermen, Ward Boys/Ayachs (A), Wireless Operators (A).
	(b) Lower Extremities -	
	(i) Major defects	Accounts Clerks, Computers, Copyholders, Editorial Assistants, Head Compositors (A), Junior Engineers (Civil) (only designing jobs), Key-punch Operators, Liftmen, Office Clerks, Office Superintendent, Painters Projectionists (A-MNR), Proof Readers, Radio Technicians, Receptionists, Stenographers, Stamp Vendors (Postal), Sub-Postmaster, Telephone Operator, Telex Operators, Translators, Typists.
	(ii) Minor defects	Architectural Assistants (A-MNR), Book Binders, Caretakers (A-MNR), Carpenters (A), Cashiers (A), Compounders, Chowkidars (A-MNR), Commercial Artists, Daftaris (MNR), Documentation Assistants (A-MNR), Dressers, Draughtsmen Ferro Printers, Farash, Gestetner Operator, Instrumentationists, Staff Artists (A-MNR), Laboratory Assistants (Chemical), Laboratory Assistants (Clinical), Librarians (Junior) (A-MNR), Library Clerks (A-MNR), Musicians (Staff Artists) (MNR), Packers, Peons (MNR), Photographer (MNR), Photographic Retouchers. Retiring Room Attendants (MNR), Salesman (Shop) (MNR), Statistical Assistants (MNR), Sweepers (MNR), Teachers (Deaf), Teachers (Primary), Technical Assistants (MNR), Time-Keepers (A), Tracers, Vehicle Cleaners (MNR), Waiting Room Attendants (MNR), Watermen, Wireless Operators.
II	Deaf and deaf and dumb	Accounts Clerks, Book Binders, Canteen Boys, Carpenters, Computers, Commercial Artists, Daftaris, Ferro Printers, Hstfrntrd, Hrdymor Operators, Hand Compositors, Key-punch Operators, Meter Readers, Office Clerks, Packers, Painters, Photographers, Photographic Retouchers, Statistical Assistants, Store-keepers, Sweepers, Telex Operators, Translators, Tracers, Typists, Vehicle Cleaners, Waterman.
III	Deaf	Postmen, Telegraph Messengers
IV	Partially Deaf	Architectural Assistants (A), Caretakers (A), Cashiers, Compounders, Chowkidars (A), Dak Messengers, Draftsmen (A), Dressers, Editorial

		Assistants, Electricians, Junior Engineers (Civil) (A), Laboratory Assistants (Chemical), Laboratory Assistants (Clinical), Laboratory Attendants, Librarians (Junior) (A), Library Clerks (A), Peons, Postmen, Projectionists (A), Research Investigators, Retiring Room Attendants, Scientific Assistants, Salesmen (Shop)(A), Stenographers (A), Security Guards (A), Stamp Vendor (Postal) (A), Sub-Postmasters (A), Technical Assistants, Teachers (Deaf) (A), Teachers (Primary) (A), Time-keepers (A), Waiting Room Attendants, Ward Boys/Ayabs.
V	Blind	Announcers at Railway Stations, Bus Stops and Airports (T), Cane Weavers (T), Instrumentalists (Staff Artists) (T), Messengers (T), Musician (T), Music Teachers (T), Office Superintendents (H), Packers (T), Stenographers (with Dictaphone and Digital Typewriters), Teachers (Primary) (T. & A.), Telephone Operators (Small Boards with Electronic Beep and Embossed Digital Operators), Press Operators, Stampers, Weavers, Packers, Drillers, Store Chippers, Teachers in Social Sciences.
VI	Partially Blind	Dak Messengers, Despatch Clerk (T), Gardeners (T), Gestetner Operators (T. & A.), Liftmen (T and digital controls), Peons, Receptionist (T. & A.), Retiring Room Attendants, Sweepers, Waterman (T), Waiting Room Attendants, Lottery Ticket Sellers.

EXPLANATIONS – U = Unilateral = with Aids, T = With Training, H = With a Helper, MNR = Mobility not restricted.

Note – 1. Jobs which can be performed by those having deformities can also be performed by those having minor deformities, Job which can be performed by Deaf can be performed by partially Deaf also Jobs which can be performed by Blind can be performed by partially Blind also.

Note – 2. There would be a number of jobs in each occupational group. These have not been given separately. For example, Office Clerks include, Lower Division Clerks and Upper Division Clerks, Stenographers include Junior and Senior Stenographers.

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No. 16189-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 16th July 1982

(Published in the *Orissa Gazette* on 5th August 1982)

Subject – Extension of reservation of vacancies for rehabilitation of physically handicapped persons in Class II gazetted posts and specially gazetted posts under the State Government.

On the basis of the decision of Government of India, the State Government have decided in General Administration Department Resolution No. 15338-Gen., dated the 4th May 1981 that 3 per cent of the vacancies in Class III and Class IV services/posts under the State Government to which directed recruitment is made shall be reserved for the physically handicapped persons.

After careful consideration Government have further decided to extend the aforesaid reservation of 3 per cent of vacancies for physically handicapped persons to gazetted posts in Class II and specially gazetted services and posts under the State Government to which the direct recruitment is made. In any case where it is felt that it will not be possible to appoint the physically handicapped persons in any particular service or group of posts, the Department concerned may take Government orders exempting the particular posts or services in consultation with the General Administration Department. This will take effect retrospectively from the 4th May 1981.

Order – Ordered that this resolution be published in the *Orissa Gazette*.

Ordered also that copies of the Resolution be forwarded to all Departments of Government/all Heads of Departments/all district offices/Director, Printing, Stationery and Publication/Secretary, O. P. S. C./Registrar, Orissa High Court/Secretary to Governor for information and communication to all appointing authorities under them.

By order of the Governor
C. NARAYANASWAMY
Special Secretary to Government

No. 24031-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 19th October 1983

To

All Departments of Government.

Subject – Reservation of vacancies for rehabilitation of physically handicapped persons.

The undersigned is directed to invite a reference to this Department Resolution No. 16443-Gen., dated the 24th July 1978, and subsequent Resolutions No. 15338-Gen., dated the 4th May 1981 and No. 16189-Gen., dated the 16th July 1982 on the subject noted above and to say that this Department's Resolutions dated the 4th May 1981 has not superseded the Resolution, dated the 24th July 1978 excepting in bringing out some modifications on certain points like relaxation of the upper age-limit for appointment to various posts/services, etc. In Resolution No. 16189, dated the 16th July 1982 Government have further decided to extend the aforesaid reservation of 3% of vacancies for physically handicapped persons to gazetted posts in Class II and specially gazetted services/posts under the State Government to which direct recruitment is made.

It is hereby clarified that in the matter of all appointments of physically handicapped persons including appointments to Class II and specially gazetted posts, the upper age-limit will be relaxed by 10 years. Similarly the other concessions regarding marks and experiences, training, etc. allowed to physically handicapped persons as indicated in Para. 12 of the Office Memorandum No. 15680-Gen., dated the 18th July 1978 will be available to these appointments.

By order of the Governor

[ILLEGIBLE]

Under-Secretary to Government

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No. 24808-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 18th November 1985

(Published in the *Orissa Gazette* on the 17th December 1985)

Subject – Reservation of vacancies for sportsmen in Class II, Class III services/posts and in Class IV posts under the State Government.

In their Resolution No. 1099-S. C., dated the 16th February 1985, the Tourism, Sports & Culture (Sports & Culture) Department have decided to adopt a Sports Policy, broadly in keeping with the National Policy guidelines for ensuring systematic and concerted efforts for development of sports and games in the State. Besides certain other facilities provided for the sportsmen under the Sports Policy, a decision has also been taken that once per cent of the jobs in the Government and Public Sector Organisations will be kept reserved for deserving sportsmen representing the State subject to their meeting the minimum educational requirement.

2. In order to implement this decision in a systematic manner, it has now been decided by Government that one per cent of vacancies arising in year in each of the categories of Class II and Class III services/posts and in Class IV posts filled by direct recruitment should be reserved for the sportsmen. Further, it has been decided that the 8th Vacancy in cycle of 100 vacancies should be reserved for sportsmen.

3. A cell shall be constituted in the Directorate of Sports to register the names of the sportsmen and one of the Assistant Directors will remain in charge of this cell. The Assistant Director in-charge shall receive applications from the sportsmen for registration. Applications for registration shall be accompanied with certificates relating to educational qualification and training, etc. and also with a certificate to the effect that the candidate is a sportsman and participates and represents the State in regular Open National Events and Championships.

4. Recognised Associations/Federations/Organising bodies may issue the sports certificates to the candidates who participated or represented in the Open National Events and Championships. The Director, Sports shall issue identity cards to the deserving sportsmen on the basis of the above certificates.

5. The sportsmen shall produce the identity card issued in their favour by the Director, Sports at the time of their appointment against the posts reserved for them.

6. The above instructions may be followed by different Departments and Heads of Departments and the relevant recruitment rules framed by the Departments of Government may be amended accordingly.

Order – Ordered that this Resolution be published in the *Orissa Gazette*. Ordered also that copies of the resolution be forwarded to all Departments of Government/all Heads of Departments/all District Offices/Director Printing, Stationery & Publication, Orissa, Cuttack/Secretary, O. P. S. C., Cuttack/Registrar, High Court, Cuttack/Secretary to Governor for information and communication to all appointing authorities under them.

By order of the Governor
C. NARAYANASWAMY
Special Secretary to Government

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No. 22677-SC/6-19/91-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 29th August 1991

To

The Harijan & Tribal Welfare Department/The Education Department.

Subject – Reservation of vacancies for rehabilitation of physically handicapped persons in Class III and Class IV posts/services under the State Government and Public Sector Undertakings.

The undersigned is directed to say that it has been brought to the notice of this Department that no reservations are being kept for the posts of Teachers other than the Primary School Teachers for the rehabilitation of physically handicapped persons on the ground that no such post has been specified in the annexure appended to this Department Resolution No. 15338, dated 4th May 1981. In this connection attention is invited to paragraph 3 of this Department's Resolution referred to above read with Para. 2 of this Department's Resolution No. 16433, dated the 24th July 1978 wherein Government, have taken a decision to keep reservation in all Class III and Class IV posts under the State Government and Public Sector Undertakings for rehabilitation of physically handicapped persons. But the very intention of Government to append the listed jobs as annexure to this Department's Resolution No. 15338, dated the 4th May 1981 is that the physically handicapped persons can be absorbed in excess of the reserved quota fixed for them in these listed jobs. This was clearly mentioned in Para. 6 of this Department's Resolution issued on the 4th May 1981.

In view of the above decision of Government communicated to all concerned there should be no reason as to why the physically handicapped persons shall be deprived of getting the specified reserved quota for their rehabilitation in the post of Secondary School teachers which is Class III post. Besides, Government have also decided that reservation in Class II gazetted posts/services shall be made which are filled up by way of direct recruitment for the physically handicapped candidates which was communicated to all concerned vide this Department's Resolution No. 16159, dated the 16th July 1982. Hence action should be taken accordingly to adhere the aforesaid decision of Government.

This disposes of the reference made by Harijan & Tribal Welfare Department vide their U. O. I. No. 103, dated the 28th January 1991.

[ILLEGIBLE]
Deputy Secretary to Government

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No. 748-SC-2R/1-31/96-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 10th January 1997

(Published in the *Orissa Gazette* on the 12th February 1997)

Subject – Reservation for ex-servicemen/physically handicapped persons and sports persons in 80 Point Model Roster in services & posts of the State Government.

The extent of reservation for initial recruitment in the Civil Services and posts of Government of Orissa for the ex-servicemen/physically handicapped persons and the sports persons has been respectively fixed at 3% (vide G. A. Department Notification No. 22586-Gen., dated the 16th October 1985), 3% (vide G. A. Department Resolution No. 15338-Gen., dated the 4th May 1981) and 1% (vide G. A. Department Resolution No. 24808-Gen., dated the 18th November 1985). The reservation for the physically handicapped persons and the sports persons have been further qualified by Rule 4 of the Orissa Civil Services (Reservation of Vacancies for Women in Public Services) Rules, 1994. These rules provide for the reservation of 33% for women in direct recruitment. This means that in case of physically handicapped persons and sports persons for every two men appointed on the basis of the reservation meant for them, there shall be one woman belonging to that category.

2. The reservation for the abovesaid categories of persons has not been reflected in the 80-Point Model Roster of the State Government prescribed by the erstwhile Tribal Welfare Department in their notification S.R.O. No. 339/94, dated the 21st

April 1994 and modified later by the Welfare Department Resolution No. 15599-W., dated the 27th June 1996 for reflecting 27% reservation for the members of the Socially and Economically Backward Classes (S. E. B. C.).

3. The Government have been pleased to decide that the reservation for the ex-servicemen, physically handicapped persons and sports persons need not be reflected in the Model Roster. Such persons, when selected as per the reservation provided for them, shall claim the vacancies reserved for the categories to which they may belong to, which means that the ex-servicemen, physically handicapped persons/sports persons, if belonging to Scheduled Castes will claim the vacancy reserved for Scheduled Castes; belonging to Scheduled Tribes will claim the vacancy reserved for the Scheduled Tribes and so on. Thus the ex-servicemen/physically handicapped persons, sports persons, who do not belong to either of the reserved categories (i.e. S. C./S. T./ S. E. B. C.) would claim the unreserved vacancies.

4. The ex-servicemen/physically handicapped persons/sports persons together constitute 7% of the reservation. All appointing authorities may, therefore, take care to ensure that one person belonging to these categories is selected for roughly every 14 vacancies filled up so as to ensure that they are recruited proportionately.

5. All Departments of Government are requested to intimate the above instructions to Heads of Department/Public Sector Undertakings and other appointing authorities under their control for taking necessary action while filling up the vacancies.

Ordered that the Resolution be published in the extraordinary issue of the Orissa Gazette. Ordered also that copies of the Resolution be forwarded to all Departments of Government/all Heads of Departments/Secretary to Governor/all Collectors/Registrar, Orissa High Court/Secretary, Orissa Public Service Commission/Director, Printing, Stationery & Publication.

By order of the Governor
SANTOSH KUMAR
Special Secretary to Government

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No. 26427-2R/1-28/97-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 8th September 1999

To

All Departments of Government/

All Heads of Departments/All Collectors.

Subject – Reservation of vacancies for rehabilitation of physically handicapped persons in Group-B, Group-C and Group-D posts/services under the State Government and in Public Sector Undertakings.

The undersigned is directed to say that detailed instructions have been issued in G. A. Department Resolution No. 15338, dated the 4th May 1981 and Resolution No. 16189, dated the 16th July 1982 regarding reservation of vacancies for rehabilitation of physically handicapped persons in Class III, Class IV posts and in Class II Gazetted posts and specially Gazetted posts/services under the State Government and in Public Sector Undertakings. Out of 3% of reservation meant for physically handicapped persons 1% has been earmarked for visually handicapped candidates. It was impressed upon all concerned that utmost care should be taken for rehabilitation of physically handicapped persons in above class of posts/services.

It is matter of great concern that though 610 candidates had been empanelled by the National Institute for the visually Handicapped in 1995, so far only 68 of them have been appointed. The validity of the panel has been extended up to the 31st December 1999. On a representation made by apex level organisation for the blind, Prime Minister has expressed his concern at the slow progress of appointment even though there is 3% reservation for the disabled persons (1% being for visually handicapped) under the Persons with Disabilities Equal Opportunities, Protection of Right and Full Participation) Act, 1995 in all Government establishments.

It is, therefore, requested that necessary steps may be taken to expedite the appointment of visually handicapped persons against the reservation made for them in accordance with the instructions issued in G. A. Department Resolutions referred to above.

The subordinate offices under your control may be intimated accordingly.

S. B. AGNIHOTRI
Special Secretary to Government

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(C) S. C., S. T., & O. B. C. (S. E. B. C.)

No. 18259-2R/1-47/63-Gen.

**GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT**

The 12th December 1963

From

Shri N. K. Panda,
Deputy Secretary to Government

To

The Secretary to the Orissa
Public Service Commission, Cuttack.

Subject – Question as to whether candidates belonging to Scheduled Castes and Scheduled Tribes of other States should also be eligible for reservation of posts as well as concessions in respect of maximum age limits and application of examination fees prescribed in the relevant rules, etc.

Sir,

With reference to your letter No. 2988-P. S. C., dated the 9th October 1963 on the subject noted above, I am directed to say that concessions given to Scheduled Castes and Scheduled Tribes in the matter of appointment to public posts are in discharge of the responsibility of the State Government to undertake measures for the welfare and advancement of the Scheduled Tribes and Scheduled Castes found in the State. In the fitness of things, the State Government can have no similar responsibility for the welfare and advancement of the Scheduled Tribes and Scheduled Castes found in the other States. The reservation of posts for the Scheduled Castes and Scheduled Tribes made in the State is influenced by the proportion in which Scheduled Castes and Scheduled Tribes are found in this State. The posts so reserved can have no room for absorbing the Scheduled Castes and Scheduled Tribes found all over the country. The fact also remains that what is a Scheduled Caste in one State need not necessarily be a Scheduled Caste in another State.

In consideration of what is stated above Government are of the view that it will not be proper to throw open the reserved quota in public services to members of Scheduled Castes or Tribes not belonging to this State. Scheduled Castes and Schedule Tribes in other States may compete for appointments in this State in common with the candidates who do not belong to the Scheduled Castes and Scheduled Tribes either in this State or in any other States.

As regards Para. 2 of your letter under reference I may mention that necessary supply of copies of rules in question is understood to have been made to you by the Superintendent, Government Press, Cuttack before 20th November 1963.

Yours faithfully,

N. K. PANDA

Deputy Secretary to Government

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No. - 752 (e)-2M-160/97-Gen.

**GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT**

The 9th January 1998

To

All Departments of Government
All Heads of Departments
All Collectors.

Subject – Issue of caste certificate in favour of S. C./S. T./O. B. C. in prescribed format for appointments to the posts under Government of India.

The undersigned is directed to enclose herewith the copy of letter No. 6-17/97-P & P-I. dated the 15th September 1997 of the Government of India alongwith the prescribed format for issue of caste certificate in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes for appointment to posts under the Government of India and the list of competent authorities empowered to issue castes/tribe certificates for information and necessary action.

The subordinate offices may be intimated accordingly.

T. S. CHAKRABORTY

Deputy Secretary to Government

Copy of D. O. No. 6/17/97-P & P-I., dated the 15th September 1997 of Shri B. Sankaran, Government of India, Staff Selection Commission, New Delhi addressed to Shri S. B. Mishra, I. A. S., Chief Secretary, Government of Orissa, Bhubaneswar.....

Kindly refer to this Commission's letter of even No. dated the 5th June 1997 requesting therein to issue caste/community certificate in the prescribed format only. As Commission is accepting the certificate only in the format prescribed by Department of Personnel and Training, I am sending a copy of each format for SC/ST and OBC certificates currently being accepted by this Commission.

If the difficulty is encountered in issuing certificates in these formats, Estt. (SCT) Division of the Department of Personnel & Training, North Block, New Delhi, may please be suitably addressed.

FORMAT FOR SC/ST CERTIFICATE

A candidate who claims to belong to one of the Scheduled Castes or the Scheduled Tribes should submit in support of his claim attested/certified copy of a certificate in the form given below, the District Officer or the Sub-divisional Officer or any other Officer as indicated below of the district in which his parents (or surviving parent) ordinarily reside who has been designated by the State Government concerned as competent to issue such a certificate. If both his parents are dead, the officer signing the certificate should be of the district in which the candidate himself ordinarily resides otherwise than for the purpose of his own education. Wherever photograph is an integral part of the certificate, the Commission would accept only attested photocopies of such certificates and not any other attested or true copy.

The form of the certificate to be produced by Scheduled Castes and Scheduled Tribes candidates applying for appointment to posts under Government of India.

This is to certify that Shri/Smt./Ku.*
..... son/daughter * of of village/ town *
..... in district/Division * of the State/Union
Territory * belongs to the
..... Caste/Tribe *
..... which is recognised as Scheduled Caste/Scheduled
Tribe * under :-

The Constitution (Scheduled Castes) Order, 1950
..... the Constitution (Scheduled Tribes) Order, 1950
..... the Constitution (Scheduled
Castes) Union Territories Order, 1951 *
..... the Constitution (Scheduled
Tribes) Union Territories Order, 1951 *.....

[As amended by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956 the Bombay Reorganisation Act, 1960, the Punjab Reorganisation Act, 1966, the State of Himachal Pradesh Act, 1970, the North-Eastern Area (Reorganisation) Act, 1971 and the Scheduled Castes and Scheduled Tribes Order (Amendment Act), 1976].

The Constitution (Jammu & Kashmir) Scheduled Castes Order, 1956 *
The Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959 as amended by the Scheduled Casts and Scheduled Tribes Order (Amendment Act), 1976 *
The Constitution (Dadar and Nagar Haveli) Scheduled Castes Order, 1962
The Constitution (Dadar and Nagar Haveli) Scheduled Tribes Order, 1962
The Constitution (Pondicherry) Scheduled Castes Order, 1964@
The Constitution (Scheduled Tribe) (Uttar Pradesh) Order, 1967@
The Constitution (Goa, Daman & Diu) Scheduled Castes Order, 1968@
The Constitution (Goa, Daman & Diu) Scheduled Tribes Order, 1968@
The Constitution (Nagaland) Scheduled Tribes Order, 1970@
The Constitution (Sikkim) Scheduled Castes Order, 1978@
The Constitution (Sikkim) Scheduled Tribes Order, 1978@
The Constitution (Jammu & Kashmir) Scheduled Tribes Order, 1978@
The Constitution (SC) Orders (Amendment) Act, 1990@
The Constitution (ST) Orders, (Amendment) Ordinance Act, 1991@
The Constitution (ST) Orders (Second Amendment) Act, 1991

The Constitution (S. T.) Orders (Amendments) Ordinance, (1996)

2%. Applicable in the case of Scheduled Castes, Scheduled Tribes persons who have migrated from one State/Union Territory Administration.

This certificate is issued on the basis of the Scheduled Castes/Scheduled Tribes. Certificate issued to
Shri/Smt.....
..... Father/mother * of Shri/Smt/ Kumari *
..... Village/Town *

..... District/Division *
..... of State/Union Territory *
..... who belong to the
..... Caste/Tribe which is recognized as a
Scheduled Caste/Scheduled Tribe in the State/Union Territory * issued by the
..... dated

3%. Shri/Smt.Kumari and /or his/her family ordinarily reside (s) in village/town * of
District/Division * of the State/Union Territory of

Signature

**** Designation

(With seal of office)

State/Union Territory

Place

Date

* Please delete the words which are not
applicable

Please quote specific presidential Order

% Delete the paragraph which is not
applicable.

Note – The term ordinarily reside (s) used here will have the same meaning as in Section 20 of the Representation of
the People Act, 1950.

List of authorities empowered to issue Caste/Tribe certificate :-

- (i) District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy
Commissioner/Deputy Director/1st Class Stipendiary Magistrate/Sub-divisional Magistrate/Extra Assistant
Commissioner/Taluka Magistrate/Executive Magistrate.
- (ii) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
- (iii) Revenue Officers not below the rank of Tahasildar.
- (iv) Sub-divisional Officers of the area where the candidate and/or his family normally resides.

Note – S. T. candidates belong to Tamil Nadu State should submit Castes Certificate only FROM THE REVENUE
DIVISIONAL OFFICER.

**FORM OF CERTIFICATE TO BE PRODUCED BY OTHER BACKWARD CLASSES APPLYING FOR
APPOINTMENT TO POSTS UNDER THE GOVERNMENT OF INDIA**

This is to certify that son/daughter
of of village District/Division
..... in the State
..... belongs to the community which is recognised
as a backward class under

- (i) Resolution No. 12011/68/93-BCC (C), dated the 10th September 1993 published in the Gazette of India,
Extraordinary, Part1, Section I, No. 1, dated the 13th September 1993.
- (ii) Resolution No. 12011/9/94-BCC., dated the 19th October 1994, published in the Gazette of India,
Extraordinary Part 1, Section 1, No. 163, dated the 20th October 1994.
- (iii) Resolution No. 12011/7/95-BCC, dated the 24th May 1995 published in the Gazette of India, Extraordinary,
Part 1, Section 1, No. 88, dated the 25th May 1995.
- (iv) Resolution No. 12011/44/96-BCC, dated the 6th December 1996, published in the Gazette of India,
Extraordinary, Part-I, Section 1, No. 210 dated the 11th December 1996.

Shri and/or his family ordinarily reside (s) in the District/Division of the
..... State. This is also to certify that he/she does not belong to the persons/section (Creamy Layer)
mentioned in Column (3) of the Schedule to the Government of India, Department of Personnel and Training, O. M. No.
36012/22/93-Estt. (SCT), dated the 8th September 1993.

District Magistrate

Deputy Commissioner, etc.

Dated

Seal

N. B. – (a) The term “ordinarily” used here will have the same meaning as in Section 20 of the Representation of the People Act, 1950.

(b) The authorities competent to issue Caste Certificate are indicated below :-

- (i) District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/ Additional Deputy Commissioner/Deputy Collector/1st Class Stipendiary Magistrate/Sub-divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner (not below the rank of 1st Class Stipendiary Magistrate).
- (ii) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
- (iii) Revenue Officers not below the rank of Tahasildar, and
- (iv) Sub-divisional Officer of the area where the candidate and/or his family resides :

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(D) WOMEN

No. 43328-2M-54/92-Gen.

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 23rd December 1992

(Published in the *Orissa Gazette* on the 31st December 1992)

Subject – Reservation of vacancies for women’s employment in public services.

Women in our society face several disabilities both social and economic. These disabilities emanate from gender bias which may be said to be embedded in our culture during centuries of foreign rule. While the need to eliminate discrimination against women has come to be widely accepted, this acceptance is seldom accompanied by specific measures.

2. From the Census of 1991, it is revealed that even though State’s population is almost equally divided between two sexes i.e. male, and female and the literacy of male and female was 62.37% and 34.40%, respectively. It is also revealed that the representation of women in public services is very insignificant in comparison to their percentage of literacy. The State Government have, through what clearly is a revolutionary effort, ensured larger representation of women in Urban, Local Bodies and Panchyati Raj bodies through statutory provisions in the relevant laws. This needs to be supported by expanding opportunities for employment of women in public services. Therefore, the State Government have decided that there shall be reservation to the extent of 1/3rd of vacancies arising in a year in each of the Class II, Class III including specially declared gazetted and Class IV services/posts filled up by direct recruitment. The details of reservation to be kept for women of each category shall be as follows :-

Category	Women	Men	Total
(1)	(2)	(3)	(4)
Scheduled Castes	5%	10%	15%
Scheduled Tribes	7.66%	15.34%	23%
Physically handicapped	1%	2%	3%
Sportsmen	0.33%	0.67%	1%
Ex-servicemen	-	3%	3%
General candidates	18.33%	36.67%	55%
Total	32.32%	67.68%	100%

3. If in any year, the vacancies reserved for these categories remain unfilled due to non-availability of the eligible women candidates belonging to the relevant category, the unfilled vacancies shall be filled up by male candidates of the same category.

4. The women candidates are entitled to relaxation of upper age limit up to five years for purpose of appointment to the posts/services, reserved for them.

5. The provisions of reservation in services/posts so far relating to the category of physically handicapped, sportsmen and general candidates shall come into effect from the date of publication of this Resolution in the *Orissa Gazette* and the reservation relating to SC/ST shall be effective after the provisions under O. R. V. Act, 1975 are amended by T. W. Department.

6. The above instructions may be followed by different Departments, Heads of the Departments and District Offices and the relevant recruitment rules framed by the Departments of Government may be amended accordingly.

7. Concerned Departments of Government shall issue suitable instructions to the Corporations/State Government undertakings under their control to make necessary provision in the recruitment rules, framed by them.

Order – Ordered that this Resolution be published in the *Orissa Gazette*. Ordered also that copies of the Resolution be forwarded to all Departments of the Government/all Heads of the Departments/all District Offices/ Director, Printing, Stationery and Publication, Orissa, Cuttack/Secretary, Orissa Public Service Commission, Cuttack/Registrar, High Court of Orissa, Cuttack/Secretary to Governor, Orissa/Registrar, O. A. T., Bhubaneswar for information and communication to all appointing authorities under them.

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Government of Orissa
General Administration Department

By order of the Governor
B. P. MOHANTY
Additional Secretary to Government

NOTIFICATION

Bhubaneswar, Dated the 28th April, 2003.

No.2R/1-22/2002/11620/ Gen., In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules further to amend the Orissa Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985 namely :-

1. (1) These rules may be called the Orissa Ex-servicemen (Recruitment to State Civil Services and Posts) Amendment Rules, 2003.
- (2) They shall come into force on the date of their publication in the Orissa Gazette.
2. In the Orissa Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985 (herein after referred to as the said rules), for the words and numericals "Class-I", "Class-II", "Class-III", "Class-IV" wherever they occur, the words and letter "Group-A", "Group-B", "Group-C" and "Group-D" shall respectively be substituted.
3. In the said rules for Clause (d) of rule-2, the following clause shall be substituted, namely :-
(d) 'year' means the Calender year".
4. In the said rules, after clause (C) of sub-rule (d) of rule-6, the following clause shall be inserted namely :- " (d) For appointment to any reserved vacancy in Group-C and Group-D posts, where the prescribed minimum educational qualification is matriculation, the appointing authority, may, at his discretion relax the minimum educational qualifications in favour of an ex-servicemen who has passed the Indian Army Class-I Examination or equivalent Examination in the Navy or the Air Force, and has put in at least 15 years of Service in the Armed Forces of the Union and is otherwise considered fit to hold the post, in view of his experience and other qualifications".

By order of the Governor

S.Srinivasan
Special Secretary to Government

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Government of Orissa
General Administration Department

RESOLUTION

No. 25384 / Gen. Bhubaneswar, dated 20.09.2005
2R/1-34/2004

Sub: Reservation of vacancies in favour of Physically Handicapped persons, Sportsmen and Ex-Servicemen in initial recruitment in State Civil Services and posts.

The State Government have reserved 3% of the vacancies for Physically Handicapped persons, 1% for Sportsmen, 3% for Ex-Servicemen in case of initial recruitments in State Civil Services and posts in Resolution No. 15338 dt.04.05.1981, Resolution No. 24808 dt.18.11.1985 and Notification No. 22586 dt.16.10.1985 respectively. No post for the above three categories has been earmarked in the 80 point model roster prescribed by the erstwhile Tribal Welfare Department vide their Notification No.13157 dt.21.04.1994 and as modified vide Resolution No.15599/W., dated.27.06.1996.

2. The reservation for Physically Handicapped, Sportsmen and Ex-servicemen together constitutes 7% of the vacancies pertaining to Group 'B', 'C' & 'D' (Class II, III and IV) services / posts filled up by direct recruitment – which is roughly 1 in 14 vacancies.

Instructions have been issued in General Administration Department Resolution No. 748., dt.10.01.1997 to the effect that the Appointing Authorities should take care to ensure that one person belonging to the above three categories is selected for roughly every 14 vacancies filled up so as to ensure that they are recruited proportionately.

3. It has come to the notice of Government that many appointing authorities accord less priority to Physically Handicapped candidates giving preference to Ex-Servicemen and Sportsmen for the reason that under existing instructions, there is no earmarked roster points for these categories and these categories are being treated by many appointing authorities as one block. With a view to providing fair and adequate representation to the Persons with Disabilities (Physically Handicapped) in the State Civil Services and posts and as a matter of compliance of the requirements of Section 33 of the Persons with Disabilities (Physically Handicapped) (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, it is desirable to specify vacancies for each of the above categories.

4. After careful consideration, Government have been pleased to decide that in the 80 point model roster presently in force, 3 from the category of Persons with Disabilities (Physically Handicapped), 2 from Ex-servicemen and 1 from Sportsmen shall be appointed in the manner specified in the **Schedule**. Resolutions / instructions / guidelines issued by this Department earlier stand modified to the above extent.

5. Persons belonging to Persons with Disabilities (Physically Handicapped), Sportsmen and Ex-Servicemen categories when selected as per the reservation provided for them, shall claim the vacancies reserved for the categories to which they may belong to which means that Persons with Disabilities (Physically Handicapped) / Sportsmen / Ex-servicemen, if belonging to schedule Castes will claim the vacancy reserved for Schedule Castes, belonging to Scheduled Tribes will claim the vacancy reserved for the Scheduled Tribes and those belonging to the S & EBC will claim the vacancy reserved for S & EBC. Thus, the Persons with Disabilities (Physically Handicapped) / Sportsmen / Ex-Servicemen, who do not belong to either of the reserved categories i.e., SC / ST / S & EBC would claim the unreserved vacancies.

6. The appointing authorities while notifying vacancies to be filled up as per the model roster, shall accord priority for the physically handicapped (persons with disabilities) so that the percentage of reservation for the above category is first achieved.

7. The vacancies arising in a year pertaining to the above categories shall also be filled up by women candidates belonging to that particular category (except Ex-servicemen) as per provisions contained in OCS (Reservation of vacancies for woman in Public Service) Rules, 1994.

8. The above instructions may be followed by all the Departments and Heads of Departments and the relevant recruitment rules framed by the Departments of the Government may be amended accordingly.

ORDER :

Ordered that the Resolution be published in the Orissa Gazette. Ordered also that copies of the Resolution be forwarded to all Departments of Government / All Heads of Departments / All Collectors / Registrar, Orissa High Court / Registrar, Orissa Administrative Tribunal / Secretary, Orissa Public Service Commission / Secretary, Orissa Staff Selection Commission / Director, Printing, Stationery and Publication, Orissa, Cuttack / Secretary to Governor for information and communication to all appointing authorities under them.

By order of the Governor

(T.K. Pandey)

Special Secretary to Government

Memo No. 25385 / Gen., Dated. 20.09.2005

Copy forwarded to the Director, Printing, Stationary and Publications, Orissa, Cuttack for information with a request to publish the resolution in the next issue of the Orissa Gazette and 300 (three hundred) copies to this Department for official use.

Deputy Secretary to Government

Memo No. 25386 / Gen., Dated. 20.09.2005

Copy forwarded to all Departments of Government / All Heads of Departments / All Collectors / Registrar, Orissa High Court / Registrar, Orissa Administrative Tribunal / Secretary, Orissa Public Service Commission, Cuttack / Secretary, Orissa Staff Selection Commission, Bhubaneswar for information and necessary action.

Deputy Secretary to Government

Memo No. 25387 / Gen., Dated. 20.09.2005

Copy forwarded to all branches of G.A. Department / Guard file (20 copies) / G.A. Department Library (10 copies) for information and necessary action.

Deputy Secretary to Government

SCHEDULE
80 POINT MODEL ROSTER

1 - S.T.	28 - S.C. (W)	54 - S.C.
2 - U.R.	29 - SEBC	55 - SEBC (W)
3 - SEBC	30 - S.T.	56 - U.R.
4 - S.C.	31 - U.R.	57 - SEBC
5 - U.R. One person	32 - SEBC (W) One person	58 - S.T. One person
6 - SEBC from P.W.D.	33 - U.R. (W) from P.W.D.	59 - U.R. (W) from
7 - U.R. (W) (P.H.) Blind	34 - S.T. (W) (P.H.) Deaf	60 - S.C. P.H. (OH)
8 - S.T. (W)	35 - SEBC	61 - SEBC
9 - SEBC (W)	36 - S.C.	62 - S.T. (W)
10 - S.C. (W)	37 - U.R.	63 - U.R.
11 - U.R.	38 - S.T.	64 - SEBC (W)
12 - S.T.	39 - SEBC	65 - U.R.
13 - U.R.	40 - U.R.	66 - S.C. (W)
14 - SEBC	41 - U.R. (W)	67 - SEBC
15 - U.R. (W)	42 - S.C.	68 - S.T.
16 - S.C.	43 - SEBC (W)	69 - U.R. (W)
17 - S.T.	44 - S.T.	70 - S.T.
18 - S.T.	45 - U.R.	71 - SEBC
19 - SEBC One person	46 - S.C. (W) One person	72 - S.C. One person
20 - S.T. (W) from Ex-	47 - U.R. from	73 - U.R. from Ex-
21 - U.R. servicemen	48 - S.T. (W) Sportspersons	74 - SEBC (W) servicemen
22 - S.C.	49 - SEBC	75 - U.R.
23 - SEBC (W)	50 - U.R. (W)	76 - S.T. (W)
24 - U.R. (W)	51 - SEBC	77 - SEBC
25 - SEBC	52 - S.T.	78 - S.C.

26 - S.T.		53 - U.R.		79 - U.R. (W)	
27 - U.R.				80 - S.T.	

Explanation:

1. Three Physically Handicapped persons one each from the Blind, the deaf and the Orthopaedically Handicapped shall be appointed while filling up posts covering roster point number 1 to 14, 28 to 40 and 54 to 67 respectively.
2. Two Ex-servicemen shall be appointed while filling up posts covering roster point number 15 to 27 and 68 to 80.
3. One Sportsman shall be appointed while filling up posts covering roster point number 41 to 53.

ILLUSTRATION

Suppose an Appointing Authority intends to fill up vacancies pertaining to roster point No.10 to 20 in the 80 Point Model Roster. The office processing the roster will do normal checks with respect to SC, ST, UR & SEBC categories on the one hand as well as Women as a category on the other including any carry forward vacancies, if any. Then it will also determine whether in the roster register (point 1-9) one person from PWD blind (or in exchange other PWD Deaf or PWD OH) category has been earlier appointed or not. It may be noted if any PWD has been appointed, he would have also claimed the vacancy reserved for the categories to which he belongs as SC,ST, SEBC, UR (or as a Women). If in the roster point 1-9, nobody from PWD has been earlier appointed, obviously for range of roster point 10-20, 1 PWD (blind) will need to be advertised.

Further, as per the scheme suggested in the above schedule, one person should also be from Ex-servicemen category in the range of roster point from 15-27. Therefore, between 15-20 range of roster points, one person from Ex-servicemen may also be advertised. Once again, the Ex-servicemen will claim the vacancy reserved for any of the categories such as SC,ST, SEBC, UR or Women as the case may be. Thus, in the range of roster point 10-20, appointing authority in this case will advertise 1 person from PWD (Blind) and 1 person from Ex-servicemen category. If no PWD (Blind or any other PWD in exchange) is available within 10-20 in the range advertised (10-20) roster point, then this reservation will be carried forward and 1 person from PWD (blind) would again be advertised in the next lot of vacancies starting from roster point 21.

It may be noted that the broad approach, which is proposed to be followed, is to keep the primary reservation category of ST, SEBC, and SC as the basic requirement. However, while filling up a particular lot of vacancies it is necessary to first check whether the additional overlapping reservation can also be covered. This can be achieved by constantly trying, in the process of filling up of a particular lot of vacancies, to cover the overlapped categories i.e., women, persons with disability, ex-servicemen and sports persons. In other words, while filling up any vacancy the list of available candidates for selection should be scanned to check whether women, PWD, ex-servicemen or sports persons are available among the same. So long as the vacancy of the overlapping category exists, priority has to be given to them while keeping the primary reservations inviolate. In other words, if there is a vacancy of PWD and PWD candidate is available, irrespective of the inter-se merit among different candidates PWD is to be appointed so long as he also fulfils the primary reservation category of SC, ST and SEBC. Obviously if it is not reserved in the primary category or belongs to UR group, the overlapping reservation becomes the primary reservation. If the post is reserved for women and no additional overlapping category reservation is applicable then first preference is to be given to women so long as the quota remains unfulfilled.

[Top](#)

STAFF SELECTION COMMISSION RULES

Serial No.	Reference No.	Date	Subject
1.	Notification No. 25673 (Gen.)	23-11-1983	Orissa Staff Selection Commission Rules, 1993.
2.	Notification No. 25371 (Gen.)	20-09-1997	Orissa Staff Selection Commission (Preservation and Destruction of Records) Rules, 1997.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 23rd November 1993

(Published in *Orissa Gazette* on the 13th December 1993)

No. 25673 – 2R/1-69/93-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India the Governor of Orissa is pleased to make the following rules, to regulate the method of Recruitment to all Class-III Civil posts and services under the State Government which form the State Cadres, namely :-

Short Title and commencement.

1. (1) These rules may be called the Orissa Staff Selection Commission Rules, 1993.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

Definitions

2. In these rules, unless the context otherwise requires -

- (a) “Collector” means the Collector of the District;
- (b) “Commission’ means the Staff Selection commission constituted under Rule 3 of these rules;
- (c) “Department of Government” means the Administrative Department of Government;
- (d) “District Superintendent” means the Additional District Magistrate in charge of the District Establishment of a district;
- (e) “Government” means the State Government of Orissa;
- (f) “Heads of Department” means the Heads of Department as specified in Appendix III appended to the Orissa Service Code;
- (g) “Secretary” means the ¹[Secretary of the Commission];

- (h) “Scheduled Castes” and “Scheduled Tribes” means such castes and tribes as notified by the President of India under Articles 341 and 342, respectively, of the Constitution of India from time to time;
- (i) “State” means the State of Orissa;
- (j) “Superintendent” means the Sub-Collector of a Revenue Sub-division;
- (k) “Year” means a calendar year;

3. (1) There shall be a Staff Selection Commission in the State.

(2) ²[The Headquarters of the Commission shall be located at such place as may be determined by the Government from time to time.]

(3) The Commission shall consists of a Chairman and a Member to be appointed by Government.

(4) There shall be a Secretary and such other staff appointed by Government to assist the Commission in its day to day functioning.

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- 1. Substituted vide G. A. Department Notification No. 19439, dated the 28th June 1999.
 - 2. Substituted vide G. A. Department Notification No. 12227, dated the 25th May 1998.

(5) The rank of the Chairman and Member of the Commission shall be such as may be determined by the Government from time to time.

(6) ¹[The Commission shall function under the administrative control of the General Administration Department.]

(7) The Chairman of the Commission shall exercise all the administrative and financial powers vested in Heads of Department and the Secretary shall function as the Heads of office.

(8) The Commission shall conduct the recruitment examination for all Class III Civil Services/Posts under the State Government as mentioned in Rule 4 and ensure the declaration of the results of the said examinations.

(9) The Commission shall formulate a set of regulation to regulate the manner for conducting recruitment examinations.

(10) ²[The Chairman shall nominate expert (s) in particular discipline/trade for each selection wherever necessary from among the State Government officers, Professors of Universities of the State or Academicians or Officers of Government of India or of other state or of Public Sector Undertakings whether in service or retired and from among other eminent persons having specialise knowledge in the particular discipline/trade.]

(11) The Secretary shall be responsible for carrying out the entire process of conducting the recruitment examinations including appointment of the question setters/examiners, obtaining question papers, keeping them in safe custody, ensuring the identity of the candidates, timely supply of question papers, to the different centers, proper invigilation, safe custody of answer books, tabulation of marks obtained by candidates in such examinations and publishing the results ³[under the supervision of the Chairman.]

4. The Commission shall conduct direct recruitment through competitive examination in respect of Class III Civil Posts/Services as listed under Schedule I:

Provided that the Government may, from time to time, include in the list any service/post under Schedule I or exclude and service/post from the said list by Notification in Official Gazette.

Intimation to the Commission,

5. The Department of Government/Heads of Department shall every year in the month of January intimate the Commission indicating the number of vacancies including those anticipated in course of the year in Form A.

Advertisement of vacancies.

6. On receipt of intimations of vacancies under rule 4, the Secretary in consultation with the Chairman shall issue advertisement in the leading local newspapers inviting application from eligible candidates for appearing in the competitive recruitment examination.

Note – The application for the competitive examination may be in such form as may be decided by the Commission.

Eligibility of Candidate.

7. (1) A candidate in order to be eligible for appearing at the competitive examination must satisfy the following conditions, namely :-

- (a) He shall be a citizen of India;
- (b) He shall possess requisite qualification prescribed for the post/service in the recruitment rule or instruction for which examination is being conducted.
- (c) ⁴[His age shall not be less than the minimum age limit as prescribed under rule 15 A of the Orissa Service Code on the first day of January of the year in which recruitment is held, and his age shall not be more than the upper age limit as prescribed in the Orissa Civil Service (Fixation of Upper Age-limit) Rules, 1989:

Provided that the maximum age-limit shall be relaxed by five years in case of Scheduled Castes and the Scheduled Tribes candidates, ten years in case of physically handicapped candidates, and to such extent as provided in the Orissa ex-Service Men (Recruitment to State Civil Services and Posts) Rules, 1985 in respect of ex-service men.]

1 2 3 & 4. Substituted vide G. A. Department Notification No. 19439, dated the 28th June 1999.

- (d) He shall be of good character.
- (e) He shall be of sound health, good physique and active habits and free from organic defects or bodily infirmity.

Note - This provision shall not be applicable in case of physically handicapped candidates.

- (f) He must have passed Middle School examination with Oriya as a language subject :

OR

have passed Matriculation or 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 VII or above :

OR

have passed a test in Oriya in Middle English School Standard conducted by the Education Department;

- (g) He must have required physical standard/other technical qualifications in respect of any service or post if any, specified under relevant recruitment rules/instructions.
- (h) He must fulfill any other special condition as may be specified under relevant recruitment rules/instructions.

(2) No person who has more than one spouse living shall be eligible for appearing at the competitive examination.

NOTE – If the competitive examination could not be conducted by the commission in any particular year and the likely vacancies for that year are combined with the likely vacancies of the subsequent year, the candidates eligible to appear at the examination for the year for which examination could not be held shall be entitled to appear at the examination held in the subsequent year.

Admission of the candidate to examination.

8. The decision of the Chairman as to the eligibility or otherwise of a candidate for admission to any examination shall be final.

Preference for the posts by the candidate.

9. A candidate is required to indicate the order of preference for the post for which he intends to appear at the combined competitive examination and the service in which he wants to be appointed, if selected, in his application form, in case the Commission decides to conduct an examination for common category of posts.

Examination fees and remuneration to examiners.

10. (1) No application for admission to any examination shall be considered unless it is accompanied by a Treasury Challan showing payment in the Government Treasury, the examination fees as specified in the advertisement :

Provided that the candidates belonging to Scheduled Castes and Scheduled Tribes shall not pay any such examination fee.

(2) No claim for refund of fees shall be entertained in any circumstances.

(3) The Commission shall decide the rates of remuneration payable to different examiners/staff/officers/Invigilators engaged in connection with the examination.

Competitive examination.

11. (1) competitive Examination shall be held at a center or centers to be announced by the Commission considering the number of the candidates appearing for the said examination.

(2) The Commission may fix up such centers at the district or sub-divisional headquarters. If necessary, in consultation with the Collectors. The date, time and place for the examination shall be intimated to the candidates at least one month before the examination ¹[and the same shall be published sufficiently ahead in two leading local newspapers].

Arrangements for and conduct of the examination.

12. (1) The District Superintendent or the Superintendent, as the case may be, shall conduct the written examination under guidance and direction of the Commission.

(2) The District Superintendent shall in consultation with the Commission appoint as many as Deputy Superintendents from among the Gazetted Officers under his jurisdiction in order to ensure smooth conduct of the said written examination in the district.

(3) The District Superintendent and the Superintendent shall have power for requisitioning the local educational building ²[or the buildings belonging to the State Government, Public Sector Undertakings or the like for the purpose of conducting the examination].

(4) The examination shall be held preferably on any public holidays so that the education of the students does not suffer.

(5) The District Superintendent shall have power to appoint required number of Invigilators from among the Gazetted or responsible non-Gazetted officers under his jurisdiction.

(6) The District Superintendent or the Superintendent, as the case may be shall make necessary sitting arrangements for the candidates admitted for the examination.

(7) The District Superintendent/Superintendent shall have the power to recommend any penalty under Rule 18 of these rules to the Commission and orders of the Commission in this respect shall be final.

(8) the District Superintendent/Superintendent shall ensure safe custody and despatch of all confidential matters relating to the examination.

(9) Whenever necessary the District Superintendent/Superintendent may seek advice of the Collector and the Collector may give instructions in the interest of impartiality and fair play in conducting the examination.

(10) Setting of questions and evaluation of the answer papers shall be done centrally.

(11) Invigilators and Supervisors of the written examination shall be appointed from outside the Sub-division as far as practicable.

Plan of examination.

³[13. The commission shall conduct the recruitment examination as per the syllabus and the pattern of examination as may be decided by them in consultation with the concerned Administrative Department of State Government. However, while fixing up the marks for the oral test/interview/personality test, the Commission and Administrative Department shall ensure that the marks allotted to such oral test/interview/personality test shall not exceed 12.2% of the total marks allotted.]

Selection of candidates.

14. The following guidelines shall be followed in conducting recruitment to various posts and services by the Commission, namely :-

- (i) There shall be a written test for every category of recruitment.
- (ii) In addition to the written test *viva voce* test may be conducted by Commission if it is satisfied that such test is necessary to select candidates for the post for which examination is held.
- (iii) Method of central evaluation of answer papers shall be such as may be decided by the Commission.

1 & 3. Added vide G. A. Department Notification No. 19439-Gen., dated the 28th June 1999.

2. Inserted vide G. A. Department Notification No. 19439-Gen., dated the 28th June 1999.

- (iv) If two or more candidates have obtained equal marks in the aggregate, the order of merit shall be determined in accordance with the marks secured by such candidates in their respective academic career and if the marks thus secured are equal then the merit shall be decided according to their seniority in age.
- (v) Any other standards and syllabus prescribed by the Government, if any, for any particular post/service from time to time shall be adopted.

Select list and its validity.

15. (1) The Commission shall prepare the select list of the successful candidates in order of merit on the basis of the recruitment examination which shall be equal to the number of vacancies for which requisitions are received.

(2) The select list shall be published in the notice board of the Commission ¹[and in two leading local newspapers] in the form of notification under intimation to the appropriate appointing authority if any specified in the respective recruitment rules.

(3) The select list for each recruitment examination shall be valid for one year from the date of its publication or till the publication of the result of the next recruitment examination whichever is earlier.

Allotment of candidates and seniority.

16. (1) The Commission shall allot candidates in the order in which their names appear in the select list to Departments of Government and Heads of Departments as per their vacancy position intimated under rule 4. At the time of allotment due consideration shall be given to the preference indicated by the candidates in their applications. But the Commission reserves the right to assign any candidate to any service/post with due regard to his merit. Formal orders of appointment shall be issued to such allotted candidates by the appointing authorities concerned.

(2) The relative seniority of a candidate appointed to a post in a particular grade or service by the appointing authority in particular year shall be determined with reference to his position in the select list from which he is appointed.

(3) In case of failure of any selected candidate to join the post, the appointing authority may request the Commission for furnishing a supplementary list of the successful candidates and in that case the Commission shall furnish a supplementary list of successful candidates.

Relaxation.

17. Where the Government are of opinion that it is necessary or expedient to do so, they may by order and 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 public interest.

Penalty.

18. A candidate who is or has been, declared by the Commission to be guilty of -

- (i) Obtaining support for his candidature by any means; or
- (ii) impersonation; or
- (iii) procuring impersonation by any person; or
- (iv) submitting fabricated documents, or documents which have been tampered with; or
- (v) making statements which are incorrect or false or suppressing material information; or
- (vi) resorting to any other irregular or improper means in connection with his candidature for the examination; or
- (vii) adopting unfair means during the examination; or
- (viii) writing obscene language or pornographic matter, in the scripts; or
- (ix) misbehaving with fellow examinees or the invigilators in any manner in the examination hall; or
- (x) harassing or causing bodily harm to the staff employed/engaged by the Commission for the conduct of the examination; or
- (xi) violating any of the instructions contained in the admission certificates; or

1. Added vide G. A. Department Notification No. 19439-Gen., dated the 28th June 1999.

attempting to commit or, as the case may be, abetting the Commission of all or any of the acts specified in the foregoing clauses shall be liable -

- (a) to be disqualified by the Commission from the examination for which he is candidate; or
- (b) to be debarred, either permanently or for a specified period -
 - (i) by the commission, from appearing in any examination or selection held by them; or
 - (ii) by the State Government, from entering to any employment under them; or
- (c) if he is already in service under Government, to disciplinary action under the appropriate rules;

Provided that no penalty under this rule shall be imposed except after -

- (i) giving the candidate an opportunity of making such representation to the Commission or Government, as the case may be, in writing as he may wish to make in that behalf; and
- (ii) taking into consideration the representation, if any, submitted by the candidate within the period allowed to him by the Commission or the Government, as the case may be.

Rules not applicable to staff of certain offices.

19. These rules shall not apply to recruitment of the staff of the High Court, the District and Subordinate Courts, the officers of Orissa Public Service Commission, Orissa Legislative Assembly and Governor's Secretariat.

Overriding effect.

20. Save as otherwise provided, the provisions of these rules shall have overriding effect on the provision of other recruitment rules regulating direct recruitment to the Class III Civil Services/Posts constituting State cadre.

Interpretation.

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

By order of the Governor
PRITIMAN SARKAR
Special Secretary to

Government

¹[SCHEDULE]

List of Civil Posts/Services

(See rule 4)

Sl No.	Name of the Department	Name of the Posts/Services	
(1)	(2)	(3)	
1.	Agriculture	1	² [*]
		2	² [*]
2.	Commerce & Transport (Commerce)	1	³ [*]

3.	Commerce & Transport (Transport)	1	Junior M. V. I.
4.	Energy	1	⁴ [*]
5.	Finance	1	Auditor Local Fund
		2	Small Savings Officer (Senior Grade)
		3	Inspector of Commercial Tax
		4	Accountant
		5	Auditor (Common Cadre)
6.	Fisheries & Animal Resources Development	1	⁵ [*]
		2	Statistical Investigator
		3	Statistical Assistant
		4	Agricultural Overseer
7.	Forest & Environment	1	Ranger
8.	Food Supply and Consumer Welfare	1	Inspector of Weights and Measures
		2	Assistant Analyst
9.	General Administration	1	Junior Assistant of Heads of Departments
		2	Junior Stenographer of Heads of Departments
		3	Junior Typist of Heads of Departments
10.	Health & Family Welfare	1	Artist-cum-Photographer
		2	Projectionist
11.	Home	1	Prison Welfare Officers
		2	Sub-divisional Probation Officers
		3	After Care Officers
		4	Sub-Inspector of Police
		5	Sergeant
		6	Laboratory Assistant
		7	Sub-Assistant Jailor

1. Substituted vide G. A. Department notification No. 19559, dated the 27th July 1998.

2. & 5. Excluded vide G. A. Department notification No. 3591, dated the 4th February 1999.

3. & 4. Excluded vide G. A. Department notification No. 8780, dated the 27th March 1999.

(1)	(2)	(3)
	8	Assistant Jailor
	9	Zamadar
	10	Wireless Assistant
	11	A. S. I. (Mechanical)
	12	A. S. I. (Operator)
	13	Assistant Librarian

		14	Women S. I.
		15	Dog S. I.
		16	Reporter S. I.
		17	Steno S. I.
		18	Handwriting Bureau S. I.
		19	W. T. S. I.
		20	Teleprinter S. I.
		21	Photo S. I.
		22	Operator S. I.
		23	Station Officer (Fire Brigade)
		24	Building S. I.
		25	Junior Typist of Secretariat
		26	Junior Stenographer of Secretariat
		27	¹ [Junior Assistant of Secretariat]
		28	² [Junior Stenographer A. S. I. (M)]
12.	H. & U. D.	1	³ [*]
13.	Industries	1	Industrial Promotion Officer
14.	I. & P. R.	1	Radio Inspector
		2	O. I. S. (Jr. Branch)
15.	L. & E.	1	Junior Employment Officer
		2	Rural Labour Inspector
		3	Statistical Assistant
		4	Assistant Labour Officer
16.	Panchayati Raj	1	⁴ [*]
17.	P. & C.	1	Statistical Investigator
		2	Senior Economic Investigator
		3	Cartographer
18.	R. & E.	1	Excise Sub-Inspector
		2	Auditor

1. Included vide G. A. Department Notification No. 28455, dated the 6th October 1998.

2. Included vide G. A. Department Notification No. 34539, dated the 14th December 2000.

3. & 4. Excluded vide G. A. Department Notification No. 8780, dated the 27th March 1999.

(1)	(2)	(3)
19.	Rural Development	1 ¹ [*] 2 Statistical Investigator 3 Statistical Assistant
20.	Department of Steel & Mines	1 Assistant Geologist 2 Assistant Geophysicist 3 Senior Laboratory Assistant

		4	Instrument Assistant
		5	Scientific Assistant
		6	Senior Surveyor
		7	Junior Inspector of Mines
21.	Sports & Youth Services	1	Assistant District Sports Officer
		2	Coaches
22.	Tourism & Culture	1	Assistant Tourist Officer
		2	District Cultural Officer
23.	Handloom & Textile	1	Weaving Supervisor
		2	Inspector of Textiles
		3	Field Assistant Sericulture
24.	Water Resources	1	Assistant Silt Analyst
		2	Assistant Chemist
		3	Assistant Embankment Inspector
		4	Junior Laboratory Assistant
		5	² [*]
25.	Works Department	1	³ [*]
		2	Architectural Assistant
26.	Women & Child Development	1	Statistical Assistant

4[SCHEDULE II]

FORM A

(See rule 5)

1. Name of the post/services
2. Number of vacancies already existing on the 1st January of the year
3. Number of vacancies, likely to occur during the year
4. Total number of vacancies (2+3)
5. Number of permanent vacancies
6. Number of temporary vacancies likely to continue on permanent basis
7. Number of purely temporary vacancies

1. 2. & 3. Excluded vide G. A. Department Notification No. 8780, dated the 27th March 1999.

4. Substituted vide G. A. Department Notification No. 19439, dated the 28th June 1999.

8. Number of vacancies reserved for –
 - (a) Scheduled Castes
 - (b) Scheduled Tribes
 - (c) Physically Handicapped
 - (d) Ex-Servicemen
 - (e) Sportsman

- (f) Women
- (g) Socially & Educationally Backward Classes
- 9. Minimum educational qualification for the post
- 10. Desirable qualification and experience
- 11. Age-limit for the post
- 12. Name of the appointing authority
- 13. Scale of pay of the post
- 14. Special provision provided under the relevant recruitment rules or instructions, if any.
- 15. Any other information, if any.

Signature

Date

¹[*]

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION

The 20th September 1997

(Published in the *Orissa Gazette* on the 14th November 1997)

No. 25371-OSSSC-4/96-Gen. – In exercise of the powers conferred by sub-clause (1) of clause (c) of sub-section (2) of Section 3 of the Destruction of Record Act, 1917 (5 of 1917), the State Government do hereby make the following rules for the disposal by destruction of various records relating to the recruitment examination conducted by the Orissa Staff Selection Commission as are, in the opinion of the State Government, not of sufficient public value to justify their preservation, namely :-

**Short Title and
commencement.**

1. (1) These rules may be called the Orissa Staff Selection Commission (Preservation and Destruction of Records) Rules, 1997.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

Definitions

2. (1) In these rules, unless the context otherwise requires -

- (a) “Application Form” means the application submitted by the candidate in response to the advertisement published by the Commission;
- (b) “Answer Paper” means the answer scripts and the question-cum-answer scripts used by the candidates in the examination;

1. Deleted vide G. A. Department Notification No. 19439, dated the 28th June 1999.

(c) “Admission Letter” means the letter issued under the authority of the Commission permitting a candidate to appear in the recruitment examination;

(d) “Broad sheet” means the statement containing the Biodata and the marks secured in the written examination of any recruitment examination conducted by the Commission;

- (e) “Commission” means the Orissa Staff Selection Commission;
- (f) “Committee” means a Committee constituted under rule 4;
- (g) “Government” means the Government of Orissa;
- (h) “Index Register” means the register of applications containing the Biodata, other related data and marks secured by the candidates;
- (i) “Mark Folios” means the folios containing the marks of the candidates in any particular recruitment examination;
- (j) “Secretary” means the Secretary-*cum*-Controller of Examinations of the Commission;
- (k) “Schedule” means schedule to these rules;
- (l) “Unused question-*cum*-answer sheet” means the unused question-*cum*-answer sheets provided by the Commission for any particular examination;
- (m) “*Viva voce* test” means the oral interview test conducted by the Commission in any particular recruitment examination;
- (n) “Year” means the calendar year;

(2) Words and expressions used but not defined in these rules; unless the context otherwise requires shall have the same meaning as respectively assigned to them in the Orissa Records Manual, 1964.

Period of preservation.

3. The period of preservation of different types of papers relating to different recruitment examinations shall be as provided in the Schedule.

Committee.

4. There shall be constituted a Committee for recommendation of the destruction of papers consisting of the following members, namely :-

- (i) Secretary;
- (ii) Deputy Secretary; and
- (iii) Section Officer (Examination section).

Destruction of documents.

5. After due expiry of the period of preservation in respect of the paper as mentioned in the Schedule, such papers will be destroyed in the manner as may be decided by the Commission on the recommendation of the Committee.

Interpretation.

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

SCHEDULE

STATEMENT SHOWING DURATION OF PRESERVATION OF VARIOUS RECORDS AND FILES

Sl No.	Dist of Records and Files	Duration of Preservation	Remarks
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(1)	(2)	(3)	(4)
1.	Application forms of candidates	Six months of publication of select list.	To be destroyed either by burning or by selling to a paper mill for recycling or in any other manner decided by the Commission.
2.	Answer papers of candidates not selected in the written test.	Six months of publication of select list.	Ditto
3.	Answer papers of candidates called for <i>viva voce</i> but not selected finally.	One year of the publication of select list.	Ditto
4.	Answer papers of candidates called for <i>viva voce</i> test.	Ditto	Ditto
5.	Answer papers of candidate selected finally.	Ditto	Ditto
6.	Unused question-cum-answer sheets	One month after the concerned examination is over.	Ditto
7.	Unused question papers	Ditto	Ditto
8.	Index Register	Five years from the date of publication of the results.	Ditto
9.	Mark Folios	Ditto	Ditto
10.	Application forms, answer books and other connected papers of cases locked up in litigation/vigilance enquiry.	Till the finalisation of the case and appeal is over.	Ditto
11.	Broad sheet	One year from the date of publication of the results.	Ditto
12.	List of candidates centrewise allotted to different centers for different examinations.	One year from the publication of the select list.	Ditto
13.	Fee Register	Three years	Ditto
14.	Sanction of posts of officers and staff in the office of the Commission.	Thirty-five years	Ditto
15.	Orders and correspondence regarding payment of advance to the officers and staff of the Commission.	Two years from the date of adjustment of the advance.	Ditto
16.	Files regarding pay, T. A. and contingent etcetera.	Twelve years	Ditto
17.	Budget estimate of the Commission	Five years from the date of submission of Administration Department	Ditto
18.	Important decisions and orders of Government in general nature.	Permanent	Ditto
19.	Unclassified circulars and orders of Government in general nature.	Permanent	Ditto

(1)	(2)	(3)	(4)
20.	Proceeding of the conferences and meetings of the Staff Selection Commission	Three years	To be destroyed by burning or selling to a paper mill for recycling or in any other manner decided by the Commission.
21.	Select list and results of competitive examinations for direct recruitment and other test.	Thirty-five years from the date of publication of such list.	Ditto
22.	Secret correspondence with examiners and printers etcetera.	Three years from the date of issue.	Ditto
23.	Requisitions for forms and other enquiries form.	One year from the date of receipt.	Ditto
24.	Refund of fees to candidates	Six months from the date of receipt.	Ditto
25.	Periodical returns and reports relating to establishment.	Three years from the date of issue.	Ditto
26.	All miscellaneous files and papers relating to establishment.	Three years	Ditto
27.	Disciplinary cases, memorials, appeals and representations.	Twenty five years	Ditto
28.	Departmental manuals and codes amendments.	Permanent	Ditto
29.	Notification issued by Government regarding appointments.	- do -	Ditto
30.	Important decisions of the Commission	- do -	Ditto
31.	Personal files regarding appointments and sanction of pensions of the Officers and staff of the Commission.	- do -	Ditto
32.	Service Book	- do -	Ditto
33.	C. C. R. of the staff of Commission	Four years after retirement of the concerned staff.	To be destroyed by burning or selling to a paper mill for recycling or in any other manner decided by the Commission.
34.	Selection of candidates for promotion	Twelve years from the date of selection	Ditto
35.	Papers relating to reimbursement of legal expenses and recoveries.	Twelve years	Ditto
36.	Press Notes and advertisement by the Commission.	Three years from the date of publication.	Ditto
37.	Receipt, issue and file registers	Permanent	-
38.	Manuscript question paper	One year from the date of publication of the results of the examination.	To be destroyed by burning or selling to a paper mill for recycling or in any other manner decided by the Commission.
39.	Attendance sheet and absentee statement		Ditto

40.	Admission letter	<p>One year from the date of publication of the results of the examination.</p> <p>Six months</p> <p>Ditto</p>
	<p>Government</p>	<p>By order of the Governor H S CHAHAR Special Secretary to</p>

TRANSFER AND POSTING

INSTRUCTIONS

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
1.	Office Memorandum No. 14151 (Gen.)	06-08-1986	Posting of husband and wife at the same station.
2.	Circular No. 31359 (Gen.)	13-12-1991	Policy relating to transfer and posting of couples employed under the State Government.
3.	Circular No. 27559 (Gen.) (Oriya)	21-09-1998	Ditto
4.	Resolution No. 1 (Gen.)	01-01-2000	Special dispensation in respect of recruitments and filling up posts relating to State cadres in KBK/Gajapati/Kandhamal and Boudh districts.
5.	Office Memorandum No. 23536 (Gen.)	10-07-2000	Policy relating to the transfer of Government servants during 2000-2001.
6.	Resolution No. 24003 (Gen.)	16-08-2001	Policy relating to transfer of Government servants in KBK districts.

[No. 14151/Gen.]

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

(Published in the *Orissa Gazette* on 3-10-1986)

The 6th August 1986

Subject – Posting of husband and wife at the same station.

The question of formation of an approach to the posting at the same place of husband and wife, if both are in State Government service, has been raised on several occasions. Generally, requests of Government servants for posting of husband and wife at the same station receive sympathetic consideration

each case is decided on merits, keeping in view the administrative requirements. It is considered necessary to adopt an approach which can enable women employed under the Government to discharge their responsibilities as wife/mother on the one hand and productive workers on the other more effectively.

The Education & Youth Service Department in their letter No. 30541-1E/M-42/63-E., dated the 27th December 1963, had decided that in order to avoid dislocation of work in the teaching institutions whenever transfer of any individual teacher from one place to another is contemplated the transfer question should invariably be viewed from the stand point of individual's wife or husband if she/he happens to serve as co-worker in the same institution at the same place under the control of Government for the purpose of affording facility of their posting at one and the same station. As far as practicable such transfers should normally be made at the beginning of the session. Health & Family Welfare Department vide their circular No. 17168-II, dated the 24th July 1974, have also decided that to the extent permissible and possible and without detriment to public service, husband and wife may be posted together (when the employee is a lady, she may as far as possible be posted at the same station where her husband is).

Thus, the need to post husband and wife together at the same station as far as possible, has been recognised by many appointing authorities.

It is reiterated that as far as possible and keeping in view the administrative feasibility and necessity, the husband and wife (where both are State Government employees) should be posted to the same station.

M. P. MODI

Special Secretary to

Government

[No. 31359-2R/I/91Gen.]

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

Bhubaneswar, dated 13th December 1991

From

Shri Tarun Kanti Mishra, I. A. S.
Special Secretary to Government.

To

The Secretaries to all Departments.

Subject – Policy relating to transfer and posting of couples employed under State Government.

Sir,

I am directed to invite a reference to General Administration Department's letter No. 28100, dated 10-10-1990 wherein the policy of the Government relating to transfer and posting of husband and wife working under the State Government was enunciated. In this letter it was clarified that couples should be posted as far as possible in one station or in the neighbouring stations not being their home districts.

"Recently, the Supreme Court, in case of Bank of India Vrs. Jagjit Singh Mehta have held that the departmental authorities should consider the fact of separation of husband and wife along with the exigencies of administration. In the words of the Supreme Court, the authorities will enable the two spouses to live together at one station if it is possible without any detriment to the administrative needs and the claim of other employees". While choosing the career and a particular service the couple have to bear in mind the possibility of separation and be prepared to face such a hardship if the administrative needs and transfer policy do not permit the posting of both at once place without sacrifice of the requirements of the administration and the needs of other employees. In such a case the couple have to make their choice at the threshold between the career prospects and family life. After giving preference to the career prospect, they cannot as of right claim to stay together at a particular station.

Yours faithfully,

T. K. MISHRA
Special Secretary to

Government
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

No. 1

The 1st January 2000

Subject – Special dispensation in respect of recruitments and filling up posts relating to State Cadres in KBK/Gajapati/Kandhamal and Boudh district.

The district of K. B. K. region, Gajapati, Kandhamal & Boudh have been facing perennial problem in the matter of filling up of vacancies in different services and posts relating to State cadres. Officers and staff related to different Departments posted to these districts try various methods to avoid placement in these districts notwithstanding the provision of Rule, 23 of the Orissa Government Conduct Rules, 1951. This Rule stipulates that no government servant shall bring or attempt to bring any influence to further his interests in respect of matters pertaining to his appointment and other service conditions.

As a consequence, Officers and staff who do not just to put such pressure or are unable to put such pressure continue to work in these districts for disproportionately long periods in their service career.

As a result of the above, people in these districts are deprived of their legitimate share in the benefits of different developmental schemes of the Government.

Government has been actively considering for some time about effective steps to curb the tendency of avoiding postings to these districts and prescribed effective and practical remedial measures to ensure that Governance is not impaired in these districts or development process is not hampered on account of non-availability of officers and staff in different services/posts relating to State level cadres.

(2) Government after careful consideration of the above problem have decided that there should be a set of instructions which could ensure that all the sanctioned posts in the above districts get filled up and there will be no vacancies in different services/posts any time due to non-joining of the Government servants posted to these districts. Accordingly, Government have been pleased to decide that :

- (a) In all State level posts, the first posting upon recruitment will be made in the districts of K. B. K. region, Gajapati, Kandhamal and Boudh districts. Similarly, upon first promotion to any State level post all the incumbents would be first posted in the K. B. K., Gajapati, kandhamal and Boudh districts.
- (b) The above posting will be normally for a duration of 3 years. The period of leave of any kind will not be counted while calculating the period of three years.
- (c) If all the vacant posts in the above districts in the concerned category are filled up, the person having spent maximum period of stay in K. B. K./Gajapati/Kandhamal & Boudh districts in that cadre will be shifted out of K. B. K./Gajapati/Kandhamal/Boudh areas and the steps as laid down in Sub-Para. (a) above will be operate.

(3) It is impressed upon all concerned that the principles indicated under Para. 2 above should be followed strictly and any deviation to it will be viewed seriously. The concerned Secretary and Head of Department will be held responsible for the deviation. Only in rarest of rare cases the Secretary of the Administrative Department will recommend a deviation from the above practice to the K. B. K., Chief Administrator (Special Area Development) who will for reasons recorded in writing recommend the case to the Chief Minister through Chief Secretary, if considered appropriate. Only with written prior approval of the Chief Minister, a deviation can be made from the above scheme.

Order – Ordered that the Resolution be published in an extraordinary issue of the *Orissa Gazette* and copies thereof be supplied to all Departments/all Heads of Departments/all Collectors/Registrar of Orissa High Court/Registrar, O. A. T./Special Secretary, O. P. S. C./Secretary, Staff Selection Commission/Deputy Director General, Gopabandhu Academy of Administration.

By order of the Governor

S. B. AGNIHOTRI
Special Secretary to

Government

No. 23536 – O. & M. (2) – 6/2000-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 10th July 2000

To

All Departments of Government.

Subject – Policy relating to the transfer of Government servants during 2000-2001.

Ref. - 1. G. A. Department O. & M. No. 19538, dated the 29th July 1991 (Copy enclosed)

2. Book Circular No. 42

3. G. A. Department O. & M. No. 10271, dated the 20th May 1995 (Copy enclosed)

The undersigned is directed to state that the period for normal transfer of Government employees for the current year is already over.

All Department of Government should, therefore, ensure that no normal transfers should be made during the current year. Transfer proposals made, if any, should be governed by the prescribed provisions issued by this Department from time to time. These include, in particular, the reference (1), (2) and (3) cited above.

S. B. AGNIHOTRI
Special Secretary to

Government

No. 24003/Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 16th August 2001

While reiterating the contents of this Department's Resolution of 1st January 2000 duly published in the extraordinary issue of the Orissa Gazette, of the 29th February 2000 the undersigned is directed to say that Government have decided to show some special consideration to the officers and staff who are liable to all Orissa transfers, for working in the K. B. K. areas and in the Gajapati, Kandhamal and Boudh districts :-

(i) An employee liable to all Orissa transfers, who goes on posting to any of the districts referred to above, will, after completion of 3 years of service excluding the period spent on leave, be offered the posting of his choice. The concerned employee will give two options and as far as practicable his first option will be respected failing which the second option will be taken into consideration. His options will be in favour of whole districts and not for any particular place of posting.

If a Government employee is in occupation of a Government quarter prior to his transfer to any of the districts mentioned above, he would be allowed to retain the same at normal rent, if he so wishes. Such retention would be allowed only on the grounds of children's education or health of close family members. This facility will be available for a maximum period of 3 years or till the employee is in service in the above mentioned districts, whichever is earlier. This facility will be available to all places in Orissa including Cuttack and Bhubaneswar.

By order of the Governor
D. P. BAGCHI
Chief Secretary to Government

Circular No. 19538-9/91-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 29th July 1991

To

All Departments of Government
All Revenue Divisional Commissioners
All Heads of Departments
All Collectors.

Subject – Policy relating to transfer and posting of Government servants.

In order to examine the policy of transfer and posting of Government servants and to formulate appropriate guideline for ensuring efficient and responsive administration without causing undue hardship to the officers, a Cabinet Sub-Committee was first set up by the Parliamentary Affairs Department in Resolution No. 10300, dated the 20th April 1990 and reconstituted as vide Resolution No. 3046, dated the 6th July 1991.

2. The reconstituted Sub-Committee met on the 9th July 1991 and formulated their recommendations on the subject. The Government after careful consideration of the recommendations of the Sub-Committee have been please to lay down the following principles to regulate the transfers and postings of Government servants.

- (i) No officer of the rank of Class II and above shall be allowed to remain in a particular district for more than six years. For this purpose each Revenue District would be treated as a separate district.
- (ii) Officers should ordinarily be transferred after completion of three years in a station but nothing herein contained prevents the transferring authorities from transferring the officer earlier than three years it is any time when as considered necessary in the public interest.
- (iii) Posting of officers in their home districts should be avoided in cases of postings of Collectors, Additional District Magistrate, S. Ps., Additional S. Ps., Conservator of Forests, Divisional Forest Officers, Inspectors of Schools, Superintendent of Excise, Commercial Tax Officers, Regional Transport Officers, Motor Vehicle Inspectors and Civil Supplies Officers.

Sub-Collectors, Officers in-charge of the Police-stations and Inspectors of Police and Uniformed Sub-Inspectors and Assistant Sub-Inspectors of Police-stations and Out-Post should not be posted in their home Sub-divisions.

- (iv) Officers belonging to the District level cadres and B. D. Os./Tahasildar/Additional Tahasildars shall not be posted in their home Tahasils and home Blocks.
- (v) Officers may be posted to their home districts two years before their retirement, subject to the restrictions indicated in clauses (iii) & (iv) above.
- (vi) Officers completing six years of continuous service in the Districts of Koraput, Kalahandi and Phulbani may be posted to their home districts subject to the restrictions indicated in clauses (iii) and (iv) above.
- (vii) In respect of officers of non-transferable services like the Ministerial cadres in the Secretariat and in the Heads of Departments, nobody shall remain in a seat for more than three years. This can only, in special circumstances be extended up to six years.
- (viii) Office-bearers of the recognized Service Associations should not be disturbed from their posts during the current year, (1991-92).

- (ix) Whenever any provision in Book Circular No. 42 or any other Government Circular is found contrary or contradictory to the above stated guidelines of the Government, these guidelines should prevail, and the Government Circulars may accordingly be modified :

Provided that any of the above mentioned principles may be relaxed only in public interest, on administrative grounds and in hard cases supported by detailed reasons to be recorded. All proposals for relaxation involving Class I and Class II officers should be put up to the C. M. through the Minister concerned, for orders. Other cases are to be decided by the Minister in-charge of the Department.

3. Receipt of this Circular may please be acknowledged.

Government

C. NARAYANASWAMY
Special Secretary to

No. 10271

WORK-CHARGED EMPLOYEES

INSTRUCTIONS

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
1.	Resolution No. 9488/94	18-06-1974	Formulation of instructions Governing Recruitment and Conditions of Service of Work-charged employees.
2.	Circular No. 12465 (Gen.)	25-04-1989	Age of superannuation of post-Clarification regarding.
3.	Circular No. 22107 (Gen.) (Oriya)	19-07-1989	Privilege of holding Green Cards by the Work-charged employees.

No. 9488/94

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

RESOLUTION

The 18th June 1974

(Published in the *Orissa Gazette* on the 16th August 1974)

Subject – Formulation of instructions governing Recruitment and Conditions of Service of Work-charged employees.

The question of formulation of uniform set of instructions to regulate the recruitment and conditions of service of the employees under the work-charged establishments under different Departments of Government has been engaging the attention of Government for some time past. The need for early formulation of such instructions has been felt not only because the different Departments are following different principles in such matters but also because the number of work-charged employees has substantially increased due to expansion of development activities.

Government after careful consideration have framed a set of instruction (a copy of which is enclosed) to regulate the recruitment and conditions of service of work-charged employees and order that the concerned Departments shall follow the instructions in future.

Order – Ordered that the Resolution be published in the *Orissa Gazette*.

Ordered also that copies of the Resolution should be forwarded to all Departments of Government/all Heads of Departments/all Collectors/Accountant-General, Orissa for information and necessary action.

By order of the Governor
S. K. PALIT
Additional Secretary to

Government

INSTRUCTIONS TO REGULATE APPOINTMENT AND CONDITIONS OF SERVICE OF THE ORISSA WORK-CHARGED EMPLOYEES

Short Title and
commencement
and scope.

1. (1) These instructions may be called the Orissa Work-charged Employees (Appointment and Conditions of Service) Instruction, 1974.

¹[(2) The said instructions should come into force with effect from the date of issue of this.]

(3) These Instructions shall be applicable to those employees whose pay and allowances are debitable to the concerned item of work for which they are employed :

Provided that these Instructions shall not be applicable to those employees borne on a regular establishment notwithstanding the fact that their pay and allowances are charged to the item of work for which they are employed for the time being.

Provided further that these Instructions shall not operate to the disadvantage of any workman who is covered by any labour laws or terms of any award, agreement or contract of service and in such event the relevant provisions of such labour laws or terms of any award agreement or contract of service shall be applicable to him.

1. Substituted vide G. A. Department Notification No. 13703, dated the 19th August 1974.

Definitions

2. (1) In these Instructions unless there is anything repugnant in the subject or context.

- (a) "Appointing authority" means
 - (i) The authority who appointed a work-charged employee before the commencement of these Instructions or,
 - (ii) the authority not below the rank of Executive Engineer who is in-charge of the execution of the work, or
 - (iii) such other authority as may be notified from time to time by the Government.
- (b) "Approved Service" means continuous service including authorized leave.
- (c) "Chief Engineer" means a Chief Engineer under the control of any of the Departments mentioned in item (g) below :
- (d) "Employer" in case of a work-charged establishment which is treated as an industry for the purpose of Industrial Dispute Act, 1947 means such authority as prescribed by the State Government or where no authority is prescribed, the Head of the Department concerned.
- (e) "Employees" means work-charged employees
- (f) "Establishment" means work-charged establishment
- (g) "Executive Engineer" means an Executive Engineer under the administrative control of Works Department or Water Resources

Department or Energy Department or Rural Development Department or Housing and Urban Development Department.

- (h) “Government” means the State Government of Orissa
- (i) “Heads of Department” means the Government servants mentioned in Appendix 3 of Orissa Service Code.
- (j) “Pay” means an amount drawn monthly by an employee for the post held by him in the work-charged establishment and excludes dearness allowance and other temporary additions to the emoluments granted by Government from time to time.
- (k) “Post” means a work-charged post
- (l) “Prescribed qualification” for recruitment to any work-charged post shall be the same qualifications as prescribed for a corresponding post in the regular establishment. Where there is no corresponding post in the regular establishment, the qualification will be prescribed by the appointing authority.
- (m) “Skilled employees” are those employed in posts notified as “skilled” from time to time by Government.
- (n) “Sub-divisional Officer” means a Sub-divisional Officer under the administrative control of any Department mentioned in items (g) above.
- (o) “Superintending Engineer” means a Superintending Engineer under the administrative control of any Department mentioned in item (g) above.
- (p) “Unskilled employees” are employees other than those notified as “Skilled”.
- (q) “Work-charged Establishment” means an establishment where the pay and allowances of the employees are charged to the item of work for which they are employed.

**Tenure and
condition of
appointment.**

2. (1) Work-charged Establishment shall consist of employees of two categories, namely (1) those employed for actual execution of work and (2) those for general supervision of a specific work or of sub-works of a specific project or subordinate supervision of departmental labour, stores and machinery in connection with such work or sub-work. When employees borne on regular establishment are employed on work of this nature, their pay and allowances should be charged direct to the work. If the entertainment of work-charged establishment is contemplated for supervision in connection with any work. The cost should be invariably shown as a separate sub-head of the estimate for that work. Pay and allowances of those employed for the actual execution of work should be debited to the concerned item of work.

(2) The employment of a person appointed under the work-charged establishment for a particular work will cease on completion of the work or it can be terminated earlier at any time without assigning any reason.

(3) the whole time of a work-charged employee is at the disposal of Government and no over time allowance can be claimed on any account.

4. (1) No person below 18 years age shall be appointed to the work-charged posts.

NOTE – Of the vacancies 16.25 per cent is reserved for Scheduled Castes and 22.50 per cent for Scheduled Tribes subject to the conditions that they satisfy the minimum standard of suitability for appointment to the posts.

(2) Retrenched and skilled employees may be given preference for appointment by the appointing authority.

(3) No person shall be appointed either directly or by promotion to a post if he does not possess the qualifications and experience required for the post prescribed by the appointing authority.

(4) No person shall be appointed to a post without a medical certificate of fitness from a Medical Officer of the State Government not below the rank of Civil Assistant Surgeon.

(5) The appointing authority shall satisfy himself as to the character and antecedent of the persons appointed to the work-charged establishment.

**Pay and
increment.**

5. ¹[(1) All employees shall be appointed on the scale of pay as may be prescribed for the post unless otherwise decided by Government :]

Provided that in the case of skilled or experienced employees, who was drawing pay at rate higher than the minimum on the date of appointment in any Government, Semi-Government or Public Sector Undertakings or Corporations, the Head of the Department may fix the initial pay of the employee at a higher stage in the time scale by allowing advance increments up to two in the maximum :

Provided further that the Head of the Department is satisfied that more than two such advance increments are justified he shall obtain prior sanction of Government in the administrative Department.

(2) Increment in the time scale of pay shall be drawn subject to satisfactory service.

(3) Service in any post carrying higher scale of pay and leave other than extraordinary leave will count for increment in the post held by the incumbent.

**Leave and
Leave Salary.**

6. (1) Any leave as admissible under these instructions may be granted by the appointing authority.

(2) Leave cannot be claimed as a matter of right. When exigencies of public service so require discretion to refuse or revoke such leave is reserved to the appointing authority.

(3) Subject to the approval of the Sub-divisional Officer a person belonging to the work-charged establishment may avail of casual leave up to a maximum of 10 days in a calendar year. The Sub-divisional Officer may in his discretion grant special casual leave to an employee up to a maximum of 5 days in a calendar year. Casual leave can be combined with special casual leave or a Gazetted public holiday or off-day as admissible but the total period of absence of an employee on casual leave, special casual leave, holidays and off-days shall not exceed 10 days at a time.

(4) Leave may not be granted to a member of such establishment except after the production of a medical certificate signed by a medical practitioner with qualifications not less than those of Assistant Surgeon. It must be certified therein that the applicant is unfit for duty on account of ill health and the period for which leave is recommended must be definitely stated.

1. Substituted vide G. A. Department Notification No. 21962, dated the 4th September 1979.

(5) Leave may be granted up to one month for each year of approved service under Government, subject to a maximum of three months at any one time, provided that no leave may in any case be granted unless the applicant has rendered approved service under Government for at least three years continuously.

(6) Leave salary shall be equal to half the pay drawn at the time of taking leave, provided that in the case of a person to whom the Workmen's Compensation Act, 1932 applies the amount of leave salary payable under this clause shall be reduced by the amount of compensation payable under Section 4 (1) D of the said Act.

(7) Before returning to duty the employee shall be required to produce a medical certificate, signed by a medical practitioner with qualifications not less than those of Assistant Surgeon stating that he is fit to return to duty.

(8) Maternity leave may be granted to women employees up to a maximum of 6 weeks provided that leave salary for the period of maternity leave shall be at the rate equal to half the pay last drawn at the time of proceeding on such leave.

(9) The sanctioning authority may not insist on production of medical certificate in the case of casual leave, ¹[(Special casual leave)] or maternity leave.

Weekly off.

7. All employees are eligible for one off-day full pay in a week either on a Sunday or on any other day in the week to be reckoned from Monday, in lieu thereof. They will also be eligible to avail of Gazetted holidays not exceeding 15 days in a calendar year as detailed below, provided, however that the authority sanctioning leave may refuse an employee permission to avail of any such holiday in the exigencies of public service. In such cases, the employees may be allowed an off-day on some other day according to the discretion of such authority -

1.	Makar Sankranti	...	One day
2.	Republic Day	...	One day
3.	Siva Ratri	...	One day
4.	Moharrum	...	One day
5.	Holi	...	One day
6.	Ganesh Puja	...	One day
7.	Biswakarma Puja	...	One day
8.	Durga Puja and Dashahara	...	Four days
9.	Mahatma Gandhi's Birthday	...	One day
10.	Kumar Purnima	...	One day
11.	Diwali	...	One day
12.	Prathamastami	...	One day

Savings

8. Employees, whose conditions of service, leave etc. are regulated by specific enactments like the Industrial Disputes Act or Factories Act shall be governed by the relevant provisions of those Acts. Paragraphs 6 and 7 of these instructions will be applicable only to those employees, who are not covered under specific enactments.

Travelling Allowance.

9. Travelling allowance may be granted to an employee who is transferred in the exigencies of public service. Such allowance shall be limited to actual traveling expenses the amount of which shall be determined by the appointing authority, but in no case such actual traveling expenses shall exceed the amount admissible under Orissa T. A. Rules.

Advances

10. The employees may be allowed bicycle and festival advances by the appointing authority in his discretion who will also determine the terms and conditions of such advances according to individual circumstances but in no case such terms and conditions shall be more liberal than those for temporary Government servants.

Contribution to Provident Fund.

11. All employees covered under the Employees Provident Fund Scheme shall contribute regularly to the Employees Provident Fund after completing one year of service. Such of the employees who are not covered by the Employees, Provident Fund Scheme shall contribute regularly to the Contributory Provident Fund after completion of one year of service.

1. Substituted vide G. A. Department Notification No. 9039, dated the 30th April 1983.

Maintenance of Service Rolls.

12. Service Rolls of the employees shall be maintained in the forms as will be prescribed.

13. Free medical aid shall be given to all employees who may also be given reimbursement of the cost of medicines to the extent to be determined by the appointing authority in individual case.

Retirement.

¹[14. The work-charged employees shall ordinarily be retained in service up to the age of 58 years :-

Provided that a Grade – D employee shall or an artisan workman who is working in the work-charged establishment but he is at par with Grade – D employee shall retire on attaining the age of 60 years.

Provided further that the work-charged employees can be required by the appointing authority in public interest to retire at any time before attaining the age of superannuation on a month's notice or a month's pay in lieu thereof.]

Gratuity.

15. The employees shall be allowed gratuity at the rate of half a month's pay for every completed year of service subject to the maximum of 15 months' pay on retirement, invalidation except where it is caused by intemperance and death while in service subject to the condition that this concession shall be allowed only to the employees rendered continuous service for a minimum period of 10 years. Pay for this purpose shall be the pay last drawn :

Provided that employees whose service conditions are governed by special enactment or labour laws would be entitled to gratuity as provided under such special enactment or laws, and not under the above instructions.

²[Provided further that an employee who after having rendered continuous service for a minimum period of 10 years is absorbed under the regular establishment, shall be entitled to gratuity admissible under these instructions for the period of service under the work-charged establishment, if the appointing authority gives a certificate that the employee would have continued to serve in the work-charged establishment on or after 19-8-1974 but for his absorption in the regular establishment. In such cases, the gratuity admissible will be paid to the employee at the time of retirement, invalidation or death while in service along with pension and or gratuity for the period of service under the regular establishment.]

Misconduct.

16. The acts and omissions mentioned below by an employee shall constitute misconduct and shall be punishable under these instructions :-

- (1) Wilful insubordination or disobedience either individually or in combination with another or other to any lawful order of a superior.
- (2) Striking work or inciting others to strike work with another or others in contravention of any law or any rule having the force of law.
- (3) Stay-in strike.
- (4) Adoption of slowtacts or abatement or instigation thereof.
- (5) Theft, fraud or dishonesty in connection with the establishment's work or property or property of the employees.
- (6) Taking or giving bribe or any illegal gratification whatsoever or indulging in corrupt practices.

1. Substituted vide G. A. Department Notification No. 3562, dated the 19th February 1997.

2. Inserted vide G. A. Department Notification No. 8072, dated the 5th April 1978.

- (7) Habitual late attendance.
- (8) Habitual breach of any standing orders or any other rules of the establishment.
- (9) Negligence or neglect of duty malingering or sleeping during duty hours.
- (10) Sabotage or wilful damage to or causing loss of the establishment's goods or property or any irresponsible action resulting in damage to any goods or property of the establishment.
- (11) Drunkenness, disorderly, insolent or indecent behaviour or any acts subversive of discipline, on the premises of the establishment or at the place of employment or in course of performance of duty.
- (12) Conviction by a court of law for a criminal offence involving violence or moral turpitude.
- (13) Loitering during duty hours.
- (14) Unauthorised absence from the place of duty.
- (15) Acceptance of gifts or presentation exceeding Rs. 20 in value from other excepting close relations of the family without permission of the Head of office.
- (16) Borrowing money from subordinate employees.
- (17) Unauthorised use or unauthorized occupation of the Government quarters or land.
- (18) Gambling within the establishment's premises.
- (19) Quarrelling and fighting in the establishment's premises.
- (20) Smoking in non-smoking areas of the Establishment's premises.
- (21) Furnishing false information regarding one's name father's name, age, qualification previous service and address etc. at the time of employment and in course of normal work.
- (22) Failure to carry out work in accordance with the instructions given by the officers of the establishment or through delegated authorities.
- (23) Hiding away or attempting to hide away any articles or materials of the establishment.
- (24) Failure to report at once to his superior any defect which the employee may notice in any equipment connected with his work.
- (25) Refusal to accept charge-sheet, order or any other official communication issued by a competent authority.
- (26) 'Gherao', 'Dharana', hunger strike, protest, fast work to rule.
- (27) Mass casual leave or earned leave.
- (28)

Approaching Government and any higher authority without permission of the appointing authority in connection with the terms of his employment, non-employment, transfer, promotion demotion or disciplinary action.

- (29) Association with or being a member of any political or communal party or organization or subscribing in aid of or assisting in any other manner any political or communal movement or activity.
- (30) Canvassing or interfering or participating otherwise than by voting in election to Parliament, Legislative Assembly or local authorities in which he has a right to vote.
- (31) Except with the previous sanction of the head of office, owing wholly or in part, conducting or participating in editing or managing of any newspaper periodical or publication, radio broadcasts, or contributing any article or writing a letter to any newspaper or periodical provided that no such sanction shall be necessary if such contribution to any newspaper or periodical is on a purely literary, artistic or scientific subject and of occasional character.
- (32) Engaging directly or indirectly in any trade or business or undertaking any employment with the exception of honorary work of a social or charitable nature or occasional work of literary, artistic or scientific character.
- (33) Acquiring or disposing of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family or a benamidar without the Previous sanction of the Head of the Department when any such transaction is conducted otherwise than through a regular or reputed dealer.
- (34) Entering into any transaction by way of purchase, sale or otherwise concerning any property exceeding in value of Rs. 200 otherwise than through a reputed dealer, without prior permission of the Head of office.
- (35) Failure to furnish true and complete declaration of assets in accordance with prescribed instructions.
- (36) Misuse or careless use of amenities provided for him by the establishment to facilitate discharge of his duties.
- (37) Wilful absence from duty after expiry of leave.
- (38) Any other act or omission, which, in the opinion of the appointing authority offend against the norms of decency, normality, discipline or loyalty to the Union or the State Government.
- (39) Furnishing false information in the application for post on the basis of which he is appointed.
- (40) Joining a lightening strike or acting in furtherance of such a strike.

Penalties.

17. (1) The following penalties may be imposed by the appointing authority on an employee for misconduct as defined in paragraph 16 -

- (i) Fine,
- (ii) Censure,
- (iii) Withholding of increments or promotion,
- (iv) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.

- (v) Suspension,
- (vi) Reduction to a lower service, grade or post or to a lower time-scale or to a lower stage in time scale.
- (vii) Compulsory retirement
- (viii) Removal from service which shall ordinarily be a disqualification for future employment.

(2) When the appointing authority is satisfied that there is *Prima facie* evidence of any allegation detailed in Paragraph 16 of these Instructions against a work-charged employee he shall frame charge of such allegation against the delinquent and shall communicate a copy thereof together with the copies of the documents if any, on which the charge is based asking for the explanation in writing of the delinquent within a period of not less than 15 days from the date of receipt of such charge.

After due consideration of such explanation as the delinquent may offer the appointing authority may, if he finds the delinquent guilty of the charge, come to a tentative decision as to the punishment to be imposed on the delinquent and shall issue notice to the delinquent to show cause within a period of not less than 15 days from the date of receipt of such notice as to why the tentative decision shall not be made absolute. After careful consideration of the cause shown, if any by the delinquent, the appointing authority shall take the final decision in the matter of punishment to be imposed on the delinquent :

Provided that if any oral evidence is required to be taken the same shall be taken in presence of the delinquent.

(3) The services of an employee may also be terminated by the appointing authority in the following cases :-

- (a) on his attaining superannuation
- (b) for continuous absence on grounds of ill health for one year or more
- (c) on an employee being declared medically unfit

(4) The services of an employee appointed as a substitute against a suspension/leave vacancy may be terminated at any time during such period by giving 7 days notice or 7 days pay in lieu thereof, irrespective of whether the principal employee has or has not returned to duty :

Provided that no such notice or pay in lieu of such notice shall be given when an appointment of a substitute is for a specific period and is terminated in terms of orders of appointment or on the expiry of the specified period of appointment, as the case may be.

(5) The services of employees who are governed by special enactments are liable to be terminated otherwise than by way of punishment as provided in such enactment in addition to the special sub-Paras. (1, 2 & 3) above.

Appeal.

18. (1) No appeal shall lie against any order made by the appointing authority imposing the penalty of fine or censure.

(2) Appeal against orders imposing penalties other than those of fine and censure shall lie before the authority next higher to the appointing authority and the decision of such authority shall be final.

No. 12465/Gen.

GENERAL ADMINISTRATION DEPARTMENT

The 25th April 1989

From

Shri Binoy B. Mishra,
Joint Secretary to Government

To

The Accountant-General
Orissa, Bhubaneswar.

Subject – Age of superannuation of post – Clarification regarding.

Sir,

With reference to your letter No. Pen. 9 – Irrigation – 338, dated 25th November, 1988 on the subject noted above, I am directed to say that the age of superannuation of a particular post is always determined according to classification of posts under Orissa Civil Services (Classification, Control and Appeal) Rules, 1962. This classification has been made in consideration of the job prescribed for the post. The scale of pay of the post held by an employees should not be taken into account in the context of the age of his superannuation. It appears from this Department notification No. 13973, dated 27-7-1968 that the post of Work Sarkar and Amin have been classified as Class III posts whereas the post of Patrol has been classified as Class IV. Hence, the age of superannuation of the post of Patrol should be 60 years according to rule. But in cases of Work Sarkar and Amin, the age of superannuation should be 58 years.

It is further clarified that the age of superannuation of an employee first appointed as Work-charged staff and subsequently brought over to the regular establishment prior to his retirement shall be at par with that of the employee already appointed to work under regular establishment.

This is issued in consultation with Finance Department.

Yours faithfully,
BINOY B. MISHRA
Joint Secretary to Government.

O. G. P. - MP-II-42 (G. A.) - 1, 000-28-6-2002

APPENDICES

Supplementary at :-

* **APPENDIX - I**

** **APPENDIX - II**

*** **APPENDIX - III**

**** **APPENDIX - IV**

***** **APPENDIX - V**

APPENDIX I

No. 10237-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 20th March 2002

Subject – Seniority of the Scheduled Castes and Scheduled Tribes Government servants on promotion by virtue of rule of reservation/roster.

The principle of fixation of *inter se* seniority of General, Scheduled Caste and Scheduled Tribe Government servants in the promotional posts has engaged the attention of the Government for sometime past. Earlier Government in their Resolution No. 39734 (e)-Gen., dated the 2nd November 2000 has adopted the principle of fixation of seniority between General, Scheduled Castes and Scheduled Tribes candidates in the promotional posts in the State Civil Services/posts as an interim measure in pursuance of the guidelines contained in Office Memorandum No. 20011/1/96-Esst. (D), dated the 30th January 1997 and No. 20011/2/97-Esst. (D), dated the 21st March 1997 of the Government of India, Ministry of Personnel, P. G. and Pensions (Department of Personnel and Training). Meanwhile the Government of India, Ministry of Personnel, Public Grievance and Pension (Department of Personnel and Training) in their Office Memorandum No. 20011/1/2001-Esst. (D), dated the 21st January 2002 have decided to negate the effects of the Office Memorandum, dated the 30th January 1997 and 21st March 1997 after amending Article 16 (4-A) of the constitution right from the date of its inclusion in the constitution, i.e., 17th June 1995 with a view to allowing the Government servants belonging to Scheduled Castes and Scheduled Tribes to retain their seniority in the case of promotion by virtue of rule of reservation.

2. In the above premises, the Government after careful consideration, have been pleased to decide to withdraw the G. A. Department Resolution No. 39734 (e)-Gen., dated the 2nd November 2000 along with the previous Resolution No. 21260-Gen., dated the 16th June 2000 and Office Order No. 30083-Gen., dated the

27th July 2000 on the subject. The guidelines issued by the Government of India, Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) in their Office Memorandum No. 20011/1/2001-Estt. (D), dated the 21st January 2002 (Copy enclosed) shall be followed in letter and spirit for fixation of seniority of SC/ST Government servants on promotion by virtue of rules of reservation in the State Civil Services/Posts. In other words, consequent upon withdrawal of DOPT O. M. No. 20011-1/1996-Estt. (D), dated the 30th January 1997, read with DOPT. O. M. No. 20011/2/1997-Estt. (D), dated the 21st March 1997, the catch up principle enunciated therein and adopted by the State Government in G. A. Department Resolution No. 39734, dated the 2nd November 2000 shall not be followed any longer. The Government servants belonging to S.Cs./S.Ts. shall retain their seniority in the case of promotion by virtue of rule of reservation. On the other hand the Government servants belonging to General/O. B. C. category promoted later will be placed junior to the S.C./S.T. government servants promoted earlier even though by virtue of the rule of reservation.

3. All the Departments of Government are requested to implement the above decision and issue necessary instructions to all the Heads of Departments, Public Sector Undertakings and other Appointing Authorities under their administrative control for taking immediate action accordingly.

4. This has been concurred in by the Law Department in their U. O. R. No. 363-L., dated the 2nd March 2002.

By order of the Governor

B. C. DAS

Additional Secretary to

Government

No. 20011/1/2001-Estt. (D)

GOVERNMENT OF INDIA

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS DEPARTMENT OF
PERSONNEL AND TRAINING**

New Delhi, dated the 21st January 2002

OFFICE MEMORANDUM

Subject – Seniority of SC/ST Government servants on promotion by virtue of rule of reservation/roster.

The seniority of a person appointed to a post is determined according to the general principle 5 (i) contained in MHA O. M. No. 9-11/55-RPS., dated the 22nd December 1959 and Para. 2.2 in DOPT O. M. No. 2211-7/86/Estt. (D), dated the 3rd July 1986 read with DOPT O. M. No. 20011-5/90-Estt. (D), dated the 4th November 1992 (copy enclosed). Seniority of such person is determined by the order of merit indicated at the time of initial appointment and seniority of persons promoted to various grades is determined in the order of selection for such promotion. Thus, as per the aforementioned instructions persons appointed through an earlier selection would enbloc be senior to those promoted through subsequent selection.

2. This position was reviewed subsequent to the Judgement of the Supreme Court, dated the 10th October 1995 in the case of Union of India Vs. Virpal Singh Chauhan, etc. [JT 1995 (7) SC 231] and it was decided vide DOPT O. M. No. 20011-1/96-Estt. (D), dated the 30th January 1997, to modify the then existing policy by addition of the proviso to general principle 5 (i) contained in MHA (Now DOPT) O. M. No. 9-11/55-RPS, dated the 22nd December 1959 and Para. 2.2 in DOPT O. M. No. 22011-7/786-Estt. (D), dated the 3rd July 1986, which stipulated that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior general/OBC candidates who is promoted later to the said immediate higher post/grade, the general/OBC candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/grade.

3. The Government have now decided to negate the effects of the DOPT O. M., dated the 30th January 1997 by amending Article 16 (4-A) of the Constitution right from the date of its inclusion in the Constitution i.e. the 17th June 1995 with a view to allow the Government servants belonging to SCs/Sts. to retain the seniority in the case of promotion by virtue of rule of reservation. In other words, the candidates belonging to general/OBC

category promoted later will be placed junior to the SC/ST Government servants promoted earlier even though by virtue of the rule of reservation.

4. Therefore in pursuance of the aforementioned Constitution (Eighty-fifth) Amendment Act, 2001, it has been decided as follows :

- (i) (a) SC/ST Government servants shall, on their promotion by virtue of rule of reservation/roster, be entitled to consequential seniority also; and
- (b) the above decision shall be effective from the 17th June 1995
- (ii) The instructions contained in DOPT O. M. No. 20011-1/96-Estt. (D), dated the 30th January 1997 as well as the clarifications contained in DOPT O. M. No. 20011-2/97-Estt. (D), dated the 21st March 1997 shall stand withdrawn w.e.f. the 30th January 1997 itself.
- (iii) Seniority of Government servants determined in the light of O. M., dated the 30th January 1997 shall be revised as if that O. M. was never issued.
- (iv) (a) On the basis of the revised seniority, consequential benefits like promotion, pay, pension, etc. should be allowed to the concerned SC/ST Government servants (but without arrears by applying principle of 'no work no pay').
- (b) For this purpose, senior SC/ST Government servants may be granted promotion with effect from the date of promotion of their immediate junior general/OBC Government servants.
- (c) Such promotion of SC/ST Government servant may be ordered with the approval of Appointing Authority of the post to which the Government servant is to be promoted at each level after following normal procedure of DPC (including consultation with UPSC).
- (d) Except seniority other consequential benefits like promotion, pay, etc. (including retrieval benefits in respects of those who have already retired) allowed to general/OBC Government servant by virtue of implementation of O. M., dated the 30th January 1997 and/or in pursuance of the directions of CAT/Court should be protected as personal to them.

5. All Ministries/Departments are requested to bring the above decisions to the notice of all concerned for guidance and compliance. Necessary action to implement the decisions contained in Para. (iii) above may be completed within three months from the date of issue of these instructions and necessary action to implement the decision at Para. (iv) above may be completed within 6 months from the date of issue of these instructions.

6. Hindi version will follow.

ALOK SAXENA

Deputy Secretary to Government of India

No. 24896-S.C./6-34/2001-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 3rd August 2002

To

All Departments of Government

All Heads of Departments

All Collectors.

Subject – Timely holding of meeting of Departmental Promotion Committee/Selection Board.

It has been noticed that some times Departmental Promotion Committee/Selection Board do not meet in time to select suitable persons for promotion to higher ranks. Consequently a good number of posts in higher ranks remain vacant, which affects the Administration of various programmes.

2. In order to hold the meetings of Departmental Promotion Committee/Selection Board promptly and allow promotions in time, henceforth the following guidelines shall be strictly adhered to:

2.1. After computing the vacancies pertaining to the year, the list of eligible persons shall be prepared in advance before the Departmental Promotion Committee/Selection Board meets. Simultaneously, reports on criminal case/disciplinary proceedings, if any pending against such persons and also their confidential character rolls for the relevant periods shall be called for from the concerned authorities. Necessary compliance shall be made by the concerned authorities to the requisitioning authorities within one month of requisition.

2.2 On receipt of clearance reports on criminal cases/disciplinary proceedings and the confidential character rolls, necessary memorandum/statement to be placed before the Departmental Promotion Committee/Selection Board shall be prepared by the end of the month immediately preceding the month in which the Departmental Promotion Committee/Selection Board shall meet.

2.3. At least three days' notice shall be given to the members while convening the meeting of Departmental Promotion Committee/Selection Board.

2.4. The relevant Cadre rules, the O. C. S. (Criteria for Promotion) Rules, 1992, the O. C. S. (Zone of Consideration) Rules, 1988, the O. R. V. Act, 1975 and rules framed thereunder, the sealed cover procedure prescribed in G. A. Department O. M. No. 3928, dated the 18th February 1994 and subsequent instructions thereon shall be properly kept in view while preparing the memorandum and the same shall also be placed before the Departmental Promotion Committee/Selection Board for correct and fair selection.

S. SRINIVASAN

Special Secretary to Government

APPENDIX II

No. 36908 (e) – SC. 3/34/2002-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 30th November 2002

To

All Departments of Government

All Heads of Departments

All Collectors.

Subject – Framing of charges in major penalty proceedings U/R 15 (2) of the O. C. S. (C. C. & A.) Rules, 1962
– Use of standard Forms regarding -

The Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 U/R 15 envisages detailed procedures regulating imposition of major penalty on a Government servant. Sub-rule (2) of the said Rule implies that the disciplinary authority shall frame definite charges on the basis of allegations on which the inquiry is to be conducted and that the charges together with a statement of allegations shall be communicated to the Government servant calling upon him to submit his written statement of defence within a specified time.

Instances have come to the notice of Government that charge-sheet in major penalty proceedings are at present being drawn up by the disciplinary authorities using non-standard forms which vary from one another. With a view to ensuring uniformity in all such major penalty proceedings, it has been decided to follow the enclosed standard form comprising four parts viz (i) memorandum, (ii) Articles of charge, (iii) Statement of imputation of misconduct and (iv) Memos. of evidence. This form and format should be uniformly adopted in future.

It is requested that all the disciplinary authorities should strictly adhere to the above standard forms henceforth. All subordinate offices functioning under their control may be informed accordingly.

R. N. BOHIDAR

MEMORANDUM

No.....

Date

Shri is hereby informed that it is proposed to hold an inquiry against him under Rule 15 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962. The substance of the imputations of misconduct in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct in support of the articles of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained is also enclosed (Annexure-III).

2. Shri is directed to submit his written statement of defence within 30 days from the date of this memorandum and also to state if he desires to be heard in person.

3. He may peruse the relevant records in the office of the and take relevant extract thereof to submit his written statement of defence with permission from the competent authority.

4. If he fails to submit his written statement of defence within the stipulated period of 30 days from the date of receipt of this memorandum, it will be presumed that he has no explanation to offer and action will be taken as deemed proper *ex parte*.

5. The receipt of the memorandum should be acknowledged by him.

*

By order of the Governor

Secretary to Government

or

Designation of the Disciplinary/Authority

* To be used in cases where the Appointing/Disciplinary Authority are the Government.

ANNEXURE I

ARTICLES OF CHARGE

Shri has been committed following irregularities :-

*(That

.....
.....)

Thus the following articles of charge are framed against him for violation of Rule
..... of the Orissa Government Servant's Conduct Rules, 1959.

- I.
- II.
- III.

* Definite and distinct articles of charge drawn from substance of imputations of misconduct or misbehaviour.

ANNEXURE II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

Statement of imputations of misconduct in support of the articles of charge framed against
Shri..... (name and designation of the
Government servant).

- * Article I
- * Article II
- * Article III

* Statement of all relevant facts in support of each articles of charge.

ANNEXURE III

MEMOS. OF EVIDENCE

Articles of Charge	Documents by which the charge is proposed to be sustained	Witness by whom the charge is proposed to be sustained
1.		
2.		
3.		

No. 36911 (e) – SC. /3-34/2002-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 30th November 2002

To

All Departments of Government

All Heads of Departments

All Collectors.

Subject – Suspension of Government Servant U/R 12 (2) of the O. C. S. (C. C. & A.) Rules, 1962 – Use of prescribed forms regarding -

Elaborate provisions have been envisaged under rule 12 in Chapter IV of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 on placing a Government Servant under suspension. In order to ensure that orders of suspension so made under these rules are comprehensive and consistent in each case, all Departments of Government have been provided with model standard Forms i.e. Form No. I and Form No. II under clauses (a) and (b) respectively of sub-rule (1) and Form No. III under sub-rule (2) of Rule 12 vide G. A. Department letter No. 12429/Gen., dated the 27th May 1993, (copy along with copies of Forms I, II, and III enclosed) for guidance. But instances have come to the notice that the said Forms are not being strictly adhered to while issuing orders of suspension.

It is therefore, impressed upon all the Administrative Departments/Heads of Departments/Collectors to use the said prescribed Forms while placing a Government Servant under suspension henceforth.

This may also be brought to the notice of all subordinate authorities working under their control.

R. N. BOHIDAR

Special Secretary to Government

No. 12429– SC/3-4/92-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 27th May 1993

To

All Departments of Government.

Subject – Suspension of Government Servants circulation of forms under Rule 12 of O. C. S. (C. C. & A.) Rules, 1962.

The undersigned is directed to send herewith three draft forms i.e. Form No. I under clause (a), Form No. II under clause (b) both under sub-rule (1) of Rule 12 and Form No. III under sub-rule (2) of Rule 12 of O. C. S. (C. C. & A.) Rules, 1962 for their information and guidance.

M. B. K. RAO

Deputy Secretary to Government

FORM NO. I

OFFICE ORDER

WHEREAS a disciplinary proceeding against Shri (name and designation of the Government Servant) is contemplated/pending, NOW, THEREFORE, the Governor of Orissa/the Appointing Authority/the Competent Authority, in exercise of the powers conferred by clause (a) of sub-rule (1) of Rule 12 of the Orissa Civil Services (Classification Control and Appeal) Rules, 1962, hereby places the said Shri..... under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force, the Headquarters of Shri..... (name and designation of the Government Servant) shall be (name of the place) and the said Shri shall not leave

the Headquarters without obtaining the previous permission of the undersigned/Competent Authority and he shall be entitled to the payment of subsistence allowance in accordance with Rule 90 of the Orissa Service Code.

*

By order of the Governor
Secretary to Government
or
Designation of the Suspending Authority

* To be used in cases where the Appointing/Disciplinary Authority are the Government.

FORM NO. II

OFFICE ORDER

WHEREAS a case against Shri
..... (Name and designation of the Government Servant) in
respect of any Criminal Offence is under investigation/inquiry/trial. NOW, THEREFORE, the Governor of
Orissa/the Appointing Authority/the Competent Authority, in exercise of the powers conferred by clause (b) of
sub-rule (1) of Rule 12 of the Orissa Civil Services (Classification Control and Appeal) Rules, 1962, hereby
places the said Shri.....
under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force, the Headquarters of
Shri..... (Name and designation
of the Government Servant) shall be (Name of the
place) and the said Shri shall
not leave the Headquarters without obtaining the previous permission of the undersigned/Competent Authority
and he shall be entitled to the payment of subsistence allowance in accordance with Rule 90 of the Orissa
Service Code.

*

By order of the Governor
Secretary to Government
or
Designation of the Suspending Authority

* To be used in cases where the Appointing/Disciplinary Authority are the Government.

FORM NO. III

OFFICE ORDER

WHEREAS a case against Shri
..... (Name and designation of the Government Servant) in
respect of any Criminal Offence is under investigation, and Whereas the said Shri
..... was detained in custody on
..... for a period exceeding forty-eight hours.

NOW, THEREFORE, the said Shri is
deemed to have been suspended with effect from the date of detention i.e., the

..... in terms of sub-rule (2) of Rule 12 of the Orissa Civil Services (Classification, Control and Appeal) Ruls, 1962 and shall remain under suspension until further orders.

*

By order of the Governor

Secretary to Government

or

Designation of the Suspending Authority

* To be used in cases where the Appointing/Disciplinary Authority are the Government.

APPENDIX III

No. 8596-2M-64/93-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 2nd May 1994

To

All Departments of Government

All Heads of the Departments

All District Offices.

Subject – Action against Government servants to be taken if they are later found ineligible or unqualified for their initial recruitment.

It has been brought to the notice of Government that in some cases Government servants are appointed to different posts/services without possessing the requisite qualifications prescribed for the said post by furnishing false information or producing false certificate.

2. A question has now arisen as to whether a Government servant can be discharged from service where it is discovered later that the Government servant was not qualified or eligible for his initial recruitment in service. the Supreme Court in its judgement in the District Collector, Vizianagaram *Vs.* M. Tripura Sundari Devi [1990 (4) SLR 237] went into this issue and observed as under :-

“It must further be realized by all concerned that when an advertisement mentions a particular qualification and an appointment is made in disregard of the same, it is not a matter only between the appointing authority and the appointee concerned, the aggrieved are all those who had similar or better qualifications than the appointee or appointees but who had not applied for the post because they did not possess the qualifications mentioned in the advertisement. It amounts to a fraud on public to appoint a person with inferior qualifications in such circumstances unless it is clearly stated that the qualifications are relaxable. No Court should be a party to the perpetuation of the fraudulent practice.”

3. Government after careful examination and in consultation with the Law Department have decided that whenever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules, etc. for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. If he is a probationer or a temporary Govt. servant, he should be discharged or his services should be terminated. If he has become a permanent Government servant, an inquiry as prescribed under Rule 15 of O. C. S. (C. C. & A.) Rules, 1962 may be conducted and if the charges are proved, the Government servant should be removed or dismissed from service. In no circumstances should any other penalty be imposed.

4. Such discharge, termination, removal or dismissal from service would, however, be without prejudice to the right of the Government to prosecute such Government servants.

5. All Departments/Heads of Departments/Collectors are requested to bring the above to the notice of all concerned for information and necessary action.

The receipt of the letter may kindly be acknowledged.

PRITIMAN SARKAR
Special Secretary to Government

APPENDIX IV

No. 7902-O. S. S. C. - 30/2000-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION

The 2nd March 2001

In exercise of the powers conferred by the proviso to Rule 4 of the Orissa Staff Selection Commission Rules, 1993, the Governor of Orissa has been pleased to include in the list, the post of Inspector of Supplies under schedule I appended to the Orissa Staff Selection Commission (Amendment) Rules, 1998 as follows :-

In the said schedule in serial No. 8 against the Department "Food Supplies and Consumer Welfare" the following post shall be added in column (3), namely :-

"3. Inspector of Supplies."

By order of the Governor
U. N. BEHERA
Special Secretary to Government

No. 7906-O. S. S. C. - 23/2000-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION

The 2nd March 2001

In exercise of the powers conferred by the proviso to Rule 4 of the Orissa Staff Selection Commission Rules, 1993, the State Government do hereby include in the list, the posts of Gram Panchayat Extension Officer and Progress Assistant under schedule I appended to the Orissa Staff Selection Commission (Amendment) Rules, 1998 as follows :-

In the said schedule in serial No. 16 against the Department "Panchayati Raj" the following posts shall be added in column (3), namely :-

- "1. Gram Panchayat Extension Officer
2. Progress Assistant."

By order of the Governor
U. N. BEHERA
Special Secretary to Government

No. 20925-O. S. S. C. - 53/2002-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION

The 1st July 2002

In exercise of the powers conferred by the proviso to Rule 4 of the Orissa Staff Selection Commission Rules, 1993, the State Government do hereby include in the list, the posts of Homoeopathic medical Officers

(H.M.O.) and Ayurvedic Medical Officer (A. M. O.) under schedule I appended to the Orissa Staff Selection Commission (Amendment) Rules, 1998 as follows :-

In the said schedule in serial No. 10 against the Department "Health & Family Welfare" the following posts shall be added in column (3), namely :-

"3. Homoeopathic Medical Officer

4. Ayurvedic Medical Officer."

By order of the Governor

U. N. BEHERA

Special Secretary to Government

APPENDIX V

No. 22392-O. & M. – 4-8/97-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 3rd August 1999

Subject – Large scale transfer of Group 'C' officers.

The undersigned is directed to say that instance of large scale transfers, in some Departments of Group 'C' Officers of Government, thereby causing serious difficulties, both financial and physical to the low paid employees, have come to the notice of the Government. Analysis of some of these cases reveal that almost all such transfers have been ordered in the Administrative Departments and that the functions of the appointing authority or of the delegated Authorities have been taken over by the Departments of government. Such upward withdrawal of powers has resulted in longer chains of transfer, often not warranted by administrative expediency and sometime involving employees who have not even served a year at the previous station. Such transfers done in the Administrative Departments give raise to certain complications like :-

- (a) loss of the line of command because the transferred employee comes to believe that he (she) can easily bypass the controlling authority in the field formation, and
- (b) a longer chain of transfers in which a number of unwilling or suffering employees go on leave thereby leaving some posts vacant for long periods, and
- (c) the dust thrown up by large scale transfers does not settle down for months together and employees throng the Secretariat corridors to modify/cancel their postings, and
- (d) the bills on account of their Transfer Travelling Allowance go on mounting and remain unpaid for years together for want of adequate allotment under T. A. head and when paid, it makes a heavy burden on the budget.

All Departments are therefore, impressed upon that the existing delegation of powers in respect of transfers and postings exercisable by authorities as per Orissa Service Code, read with Appendix I thereof, must be respected. Departments which have not made delegation should work out the same. The number of functionaries transferred should be confined to the barest minimum. No transfer should take place after 15th August 1999 ordinarily. Any deviation from these instructions without prior approval of the Chief Minister would be seriously viewed.

SAHADEV SAHOO

Chief Secretary, Orissa

No. 21642-O. & M. – 9/2002-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 6th July 2002

Subject – Transfer Policy.

Subsequent to the issue of General Administration Department Office Memorandum No. 14357-Gen., dated the 30th April 2001 regarding transfer policy of Government servants, certain doubts have arisen in different quarters regarding implementation of transfer policy 2001-2002 for the current year (2002-2003).

It is clarified that the directives issued in G. A. Department O. M. No. 14357-Gen., dated the 30th April 2001 hold good in all respects for the current year, i.e., 2002-2003 and subsequent years, unless and otherwise any modification to this effect is issued by G. A. Department.

S. SRINIVASAN
Special Secretary to Government