

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1231, CUTTACK, SATURDAY, JULY 22, 2017/ ASADHA 31, 1939

GENERAL ADMINISTRATION & PUBLIC GRIEVANCE DEPARTMENT

ORDER

The 19th July, 2017

Subject: Applicability of the provisions of the Odisha Group-‘C’ & Group-‘D’ (Contractual Appointment) Rules, 2013 and the Odisha Group-‘B’ (Contractual Appointment) Rules, 2013 to the recruitments for which advertisements were made prior to commencement of these Rules.

No.15592-GAD-SC-GCS-0002/2015/Gen.— Whereas, as per the policy decision of the Government, the provisions of regular recruitment to various Group-‘C’ & Group-‘D’ Posts and Group-‘B’ Posts under the Government were substituted by ‘contractual recruitment’ as per the provision made under the Odisha Group-‘C’ and Group-‘D’ Posts (Contractual Appointment) Rules, 2013 Published in the Gazette on 18th November, 2013 and Odisha Group-‘B’ (Contractual Appointment) Rules, 2013 Published in the Gazette on 17th January, 2014.

And, whereas, it has come to the notice of the Government that, the provisions of the said Rules were interpreted differently and while in some cases appointments were made on contractual basis as per the provisions made under sub-rule-(2) of rule-5 of the said Rules, in other cases regular appointments were allowed after publication of these Rules basing upon the onset of the process of recruitment, i.e. issue of the advertisement prior to the coming into force of the above Rules.

And, whereas, with a view to streamline the issue, guidelines were issued in G.A. Department Circular No. 18826, dated the 31st August, 2016 on the basis of the views of the Learned Advocate General, Odisha and in consultation with the Law Department that, all initial appointments which are governed under the provisions of Odisha Group-‘C’ and

Group-‘D’ Posts (Contractual Appointment) Rules, 2013 and Odisha Group-‘B’ (Contractual Appointment) Rules, 2013 shall be on ‘contractual basis’ w.e.f. the date of commencement of these Rules even if the onset of the recruitment process had started prior to coming into force of these Rules.

And, whereas, a large number of cases have been filed before different Courts of Law to challenge the above instructions shouting the relief to allow regular appointments on the ground that, applications were invited in the advertisement for regular recruitment and the recruitment was completed without modification of the advertisement for contractual appointment.

And, whereas, considering the ground exhibited in the litigations, it is now opined by the Law Department that, **“where advertisements have been made for regular posts prior to coming into force of 2013 Rules and the conditions of such advertisements remain unaltered till the recruitment process is complete, appointments to such posts should be made as per the relevant recruitment rules without treating them as contractual under the provisions of 2013 Rules .”**

Therefore, after careful consideration, Government have been pleased to relax the provisions of sub-rule (2) of rule 5 of both the Contractual Rules, 2013 by invoking the powers conferred under the relaxation provisions prescribed under both these Rules so as to allow those appointments, pursuant to the advertisement made for regular appointment prior to commencement of both these Contractual Rules but subsequently not converted to contractual appointment by way of re-advertisement as on regular basis.

All earlier instructions/clarifications issued on the issue stand modified to the above extent. This has been concurred in by the Finance Department.

ORDER

Ordered that this order shall be published in the Extraordinary issue of the *Odisha Gazette* for general information.

By Order of the Governor

A. K. K. MEENA

Special Secretary to Government