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GENERAL ADMINISTRATION & PUBLIC GRIEVANCE DEPARTMENT

NOTIFICATION

The 8th March, 2019

No.7584-GAD-SC-RULES-0006/2019/GEN.--In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of the Odisha Ministerial Services (Method of Recruitment and Conditions of Service of Clerks and Assistants in the District Offices and Offices of the Heads of Departments) Rules, 1963, the Orders, Instruction; except as respects things done or omitted to be done before such supersession, the Governor of Odisha is pleased to make the following rules to regulate recruitment to the posts of Establishment Officer and Senior Establishment Officer in the District Offices, namely:--

PART-I

GENERAL

1. Short Title and Commencement :- (1) These rules may be called the Odisha Ministerial Services (Method of Recruitment and Conditions of Service of Establishment Officer and Senior Establishment Officer in the Office of the District Offices) Common Cadre Rules, 2019.

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

2. Definitions :- (1) In these rules, unless the context otherwise requires:--

- (a) "Commission" means the Odisha Public Service Commission;
- (b) "Committee" means the Departmental Promotion Committee Constituted under rule 8;
- (c) "Government" means the Government of Odisha;
- (d) "Persons with Disabilities" means persons who have been granted with disability Certificates by Competent Authority as per the provisions of the Rights of Persons with Disability Act, 2016 ;

- (e) "Scheduled Castes and Scheduled Tribes" shall have reference to the Scheduled Castes and Scheduled Tribes specified in the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribe) Order, 1950, as the case may be, made under Article 341 and 342 of the Constitution of India, respectively;
- (f) "Appointing and Cadre Controlling Authority" means the Collector; and
- (g) "Select List" means the list approved under rule 10.

(2) All other words and expressions used in these rules but not specifically defined shall, unless the context otherwise requires, have the same meaning as respectively assigned to them in the Odisha Service Code.

3. Constitution of Service :- The Cadre shall consist of following posts, namely: –

- (a) Establishments Officer; and
- (b) Senior Establishment Officer.

PART- II

4. Methods of Appointment :- Subject to other provisions made in these rules, the recruitment to the Posts in the service shall be made by the following methods, namely:–

- (a) Appointment to the post of Establishment Officer shall be made by way of promotion from amongst the eligible Section Officer of the concerned District Office;
- (b) Appointment to the post of Senior Establishment Officer shall be made by way of promotion from amongst the eligible Establishment Officer of the concerned District Office.

5. Reservations:– Notwithstanding anything contained in these rules reservation of vacancies or posts, as the case may be, for:–

- (a) Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder; and
- (b) Persons with Disabilities shall be made in accordance with the provisions made under such Act, rules, orders or instructions issued in this behalf by the Government from time to time.

PART- III

PROMOTION

6. Eligibility Criteria for Promotion:– (1) No Section Officer shall be promoted to the post of Establishment Officer, unless he has put in at least 1 (one) year of continuous service as such as on the 1st day of January in which the Committee meets.

(2) No Establishment Officer shall be promoted to the post of Senior Establishment Officer, unless he has put in at least 1 (one) year of continuous service as on the 1st day of January in which the Committee meets.

7. Common Gradation list for the purpose of promotion:--(1) A Common Gradation list of Section Officers/Establishment Officers of the District shall be prepared by the concerned Collector on the basis of select list prepared by the Odisha Subordinate Staff Selection Commission for appointment to the rank of Junior Assistant for the purpose of consideration of promotion the rank of Establishment Officer/Senior Establishment Officer respectively:

Provided that in case of non-availability of relevant select list in old cases, the date of appointment to the service as Junior Assistant (Junior Clerk) shall be the factor for determination of Inter Se-Seniority for preparation of the common gradation list of Section Officers/Establishment Officers respectively.

(2) All Heads of District Offices shall furnish the vacancy position with reservation breakup of the vacancies in the rank of Establishment Officer and Senior Establishment Officer separately latest by 31st December preceding the year of Departmental Promotion Committee positively.

(3) All Heads of District Offices shall also furnish the list of eligible Section Officers and Establishment Officers along with their service particulars of their office to the Collector latest by 31st December preceding the year of Departmental Promotion Committee positively for the purpose of consideration of promotion to the next higher rank.

8. Constitution of Committee:--(1) There shall be constituted a Departmental Promotion Committee with the following members to consider the case of promotion of eligible officers to the post of Establishment Officer and Senior Establishment Officer, namely:--

(i)	Collector	:	Chairman
(ii)	Additional District Magistrate	:	Member
(iii)	An representative of Board of Revenue not below the rank of Group-A (SB)	:	Member
(iv)	District Welfare Office	:	Member
(v)	Establishment Officer of the concerned Collectorate	:	Convener

(2) 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.

9. Procedure for Selection by the Committee:– (1) The Committee shall meet at least once in a year preferably in the month of January to prepare a list of officers, as are held by them, suitable for promotion to the next higher grade taking into the existing vacancies and the anticipated vacancies of the year.

(2) The Committee while considering the promotion cases of suitable officers and preparation of the list shall follow the provisions of:–

- (a) the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made there under,
- (b) the Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988,
- (c) the Odisha Civil Services (Criteria for Promotion) Rules, 1992, and
- (d) the Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.
- (e) the Odisha Rights of Persons with Disability Rules, 2018.

10. Select List:–(1) The recommendations of the committee along with a list of all eligible candidates, including those who have not been recommended together with the service particulars, shall be referred to the Commission for concurrence and on obtaining concurrence of the Commission, the same shall form the select list.

(2) The lists referred to under sub-rule (1) shall ordinarily be in force for a period of one year from the date of its approval by the Government or until another select list is prepared afresh whichever is earlier.

(3) The Collector shall allocate Offices to the selected candidates and issue orders of promotion on the basis of the merit position of the selected candidates *vis-à-vis* the availability of vacancies.

11. Transfer and posting:– The Collector shall make transfer/posting of the Establishment Officer and Senior Establishment Officer irrespective of the Offices where they were initially posted as Junior Assistant as per administrative requirement and vacancy position of the District Offices.

PART-IV

OTHER CONDITIONS OF SERVICE

12. Probation and Confirmation:– (1) Every person appointed to any grade in the service shall be on probation for a period of one years from the date of joining in the post:

Provided that the Appointing Authority may, if think fit in any case or class of cases for good and sufficient reasons to be recorded in writing, extend the period of probation for another year but not exceeding two years:

Provided further that such period of probation shall not include—

- (a) extraordinary leave;
- (b) period of unauthorized absence; or
- (c) any other period held to be not being on actual duty.

(2) The appointment of a probationer shall, for good and sufficient reasons to be recorded in writing, be terminated by Government at any time without previous notice during the period of probation including extension of such period, if any, and after such termination, the employee shall be deemed to be reverted to his/ her former cadre/post, if he/she is a promotee.

(3) A probationer after completing the period of probation to the satisfaction of Government shall be eligible for confirmation subject to the availability of substantive vacancy in the service.

13. Training:—The Establishment Officer (s) of each Heads of Office may be required to undergo such training as may be directed by Government from time to time.

14. The Inter Se-Seniority:— The Inter Se-Seniority of the officers appointed to any post in the service in a particular year shall be in the order in which their names are arranged in the Select List of Junior Assistant (Junior Clerk) from which they are appointed.

15. Other Conditions of Service:— The conditions of service in regard to matters not covered by these rules shall be the same as are or as may from time to time be prescribed by the State Government.

PART-V

MISCELLANEOUS

16. Relaxation:— When it is considered by the Government that it is necessary or expedient so to do in the public interest, it may, by order, for reasons to be recorded in writing, relax any provision of these rules in respect of any class or category of the employees.

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

By Order of the Governor

GIRISH S.N.

Special Secretary to Government