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GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 16th January, 2014

No. 1001-GAD-SC-RULES-0012-2013/Gen.— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of the orders and instructions issued in this respect, if any, except as respects things done or omitted to be done before such supersession, the Governor of Odisha is pleased to make the following rules regulating the method of recruitment and conditions of service of the posts of Drivers of Light Motor Vehicle in the Departments of Government, Heads of Department, District and sub-ordinate offices, namely:—

1. Short title and Commencement:

(1) These rules may be called the Odisha Government Drivers(Light Motor Vehicle) Group 'C' (Method of Recruitment and Conditions of Service) Rules, 2013.

(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) "Board" means the Selection Board constituted under rule 8;
- (b) "Driver" means Driver(Light Motor Vehicle);
- (c) "Ex-servicemen" means persons as defined in the Odisha Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
- (d) "Government" means the Government of Odisha;
- (e) "Light Motor Vehicle" means light motor vehicle as defined in clause (21) of Section 2 of the Motor Vehicles Act, 1988(59 of 1988);

- (f) "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 Articles 341 and 342 of the Constitution of India, respectively;
- (g) "SEBC" means the Socially and Educationally Backward Classes referred to in clause (e) of Section 2 the Orissa Reservation of Posts and Service (for Socially and Educationally Backward Classes) Act, 2008(Orissa Act 6 of 2009);
- (h) "Service" means Odisha Government Drivers(Light Motor Vehicle) service;
- (i) "Sportsmen" means persons who have been issued with identity card as sportsmen by the Director, Sports as per Resolution of the Government in the General Administration Department vide No. 24808/Gen. dated the 18th November,1985; and
- (j) "Year" means the Calendar Year.

(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 cadres:

(1) The service shall consist of the posts of Driver and Senior Driver.

(2) The posts of Driver and Senior Driver in each Department of Government, Heads of Department, District and sub-ordinate offices shall form separate cadres.

(3) The Driver and Senior Drivers working in the Departments of Government, Heads of Department, District and sub-ordinate offices, on the date of commencement of these rules shall be deemed to have been appointed to the posts in the Scales of Pay corresponding to those which they were holding on regular basis on the date of the initial constitution.

4. Methods of recruitment:

Subject to other provisions made in these rules, the appointment to the Post of—

- (a) Driver shall be made by way of direct recruitment; and
- (b) Senior Driver by way of Promotion.

5. Reservations:

(1) 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) SEBC, women, sportsmen, and Ex-servicemen shall be made in accordance with the provisions made under such Act, rules, orders or instructions issued in this behalf by Government from time to time.

(2) There shall not be any reservation for persons with disabilities.

6. Recruitment Procedure:

(1) Direct recruitment to the post of Driver shall be made by way of competitive examination by the Board to be held once a year subject to availability of vacancies.

(2) There shall be a written examination and Trade Test.

(3) The date on which and the place(s) at which the examination are to be held shall be fixed by the Board.

(4) The standard, syllabus and subjects of examination shall be as may be decided by the Board.

7. Eligibility Criteria for Direct Recruitment:

In order to be eligible for the competitive examination under sub-rule (1) of rule 6, a candidate must —

(i) be a citizen of India.

(ii) have attained the age of twenty one years and must not be above the age of thirty two years:

Provided that the upper age limit in respect of reserved categories of candidates referred to in rule 5 shall be relaxed in accordance with the provisions of the Act, rules, orders or instructions, for the time being in force, for their respective categories.

- (iii) be able to read, write and speak Odia; and have –
- (a) passed Middle School examination with Odia as a language subject; or
 - (b) passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject; or
 - (c) passed in Odia as language subject in the final examination of Class VII from a school or educational institution recognized by Government or the Central Government ;or
 - (d) passed a test in Odia language in Middle English School Standard conducted by the Government in School & Mass Education Department.
- (iv) have passed Higher Secondary School Certificate examination(10+2) or its equivalent from any recognised School, Board or Institution and have possessed–
- (a) a valid driving Licence for Light Motor Vehicle;
 - (b) knowledge of motor mechanism; and
 - (c) experience of driving a motor car for at least three years.
- (v) not have more than one spouse living, if married:
- Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person or there are other grounds for doing so, exempt any person from the operation of this rule.
- (vi) be of good mental condition and bodily health and free from any physical defect likely to interfere with the discharge of his duties in the service. A candidate, who after such medical examination as the Government may prescribe, is not found to satisfy these requirements shall not be appointed to the service.

8. Constitution of Selection Board:

(1) There shall be constituted a Selection Board consisting of four members including the Motor Vehicle Inspector of Local Road Transport Office (RTO) and the senior most member of the Department, Heads of Department, District and sub-ordinate offices, as the case may be, shall be the Chairman.

(2) The Appointing Authority shall nominate the Board members.

(3) No member shall be below Group A Cadre.

9. Preparation of Merit List:

(1) After the written examination and Trade Test are over, the Board shall prepare a list of successful candidates, which shall be equal to the number of vacancies advertised by the Board, in accordance with the merit of the candidates.

(2) The recommendation of the Board shall be valid and can be acted upon notwithstanding the absence of any one of its members other than the Chairman:

Provided that the member so absenting was duly invited to attend the meeting of the Board and the majority of members of the Board attended the meeting.

10. Eligibility Criteria for Promotion:

In order to be eligible for consideration, by the Board, for promotion to the post of Senior Driver under clause (b) of rule 4, a Driver must—

(i) completed at least nine years regular service in the post of Driver, and

(ii) be subjected to the following Trade Test—

(a) ability read English numerals and figures;

(b) having good knowledge to traffic regulations;

(c) ability to locate faults and carry out minor running repairs; and

(d) ability to change and correctly inflate tyres.

(iii) have successfully completed the probation period in the grade of Driver.

11. Constitution of Board:

The Selection Board constituted under rule 8 shall judge the suitability of eligible Driver for promotion to the post of Senior Driver.

12. Procedure for Selection by the Board:

(1) The Board shall meet at least once in a year preferably in the month of January to prepare a list of candidates suitable for promotion to the next higher grade taking into account the existing vacancies and the anticipated vacancies of the year.

(2) The Board while considering the promotion 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 thereunder,

(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.

13. Select List:

(1) The merit list drawn up by the Board under sub-rule (1) rule 9 and sub-rule (1) of rule 12 after being approved by the Appointing Authority 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 Appointing Authority or until another select list is prepared afresh whichever is earlier.

(3) Appointment shall be made in the order in which their names appear in the select list.

14. Probation and Confirmation:

(1) Every person appointed to the service by direct recruitment shall be on probation for a period of two years and when appointed on promotion shall be on probation for a period of one year from the date of joining the post:

Provided that the Appointing Authority may, if think fit in any case or class of cases, extend the period of probation for one year more:

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 may, for good and sufficient reasons to be recorded in writing, be terminated in case of a Driver and be reverted to his former post in case of a Senior Driver at any time without previous notice during the period of probation including extension of such period, if any.

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

15. Inter se-seniority:

The *inter se*-seniority of the persons appointed in a particular year shall be in the order in which their names appear in the select list.

16. 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 Government.

16. Relaxation:

When it is considered by 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 of the provisions of these rules in respect of any class or category of the employees.

18. Interpretation:

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

By Order of the Governor

NITEN CHANDRA
Special Secretary to Government