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GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 24th January 2008

No.58-AR-I-3/07/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 optimum utilization of available manpower in Government by redeployment of surplus employees for filling up of vacancies in different Government establishments, namely:—

1. Short Title and Commencement:

- (1) These rules may be called the Orissa Rationalization of Personnel Rules, 2007.
- (2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. Definitions: In these rules, unless there is anything repugnant to the subject or context –

- (a) 'Appendix' means appendix appended to these rules.
- (b) 'Government' means the Government of Orissa.
- (c) 'Surplus Employee' means such Government employee whose service ceases to be required by any Government establishment or part of such establishment as determined by the Head of the Office and for the Appointing Authority of the said establishment.
- (d) 'Head of Office' means any authority declared to be such by the Administrative Department or Head of Department.

A. Identification of Surplus Employees

3. Duty to identify Surplus Employee : It shall be the duty of all Heads of Offices under the Government to identify surplus employees in their respective establishments after making an assessment of the manpower needs of the office at least once a year. While assessing the manpower requirements, the need for containing revenue expenditure

as stipulated under Orissa Fiscal Responsibility and Budget Management Act, 2005, the facility provided through computerization, the present cost of doing the same work etc. have to be kept in view.

4. Method of Identification: Identification of surplus employees may be done in a particular post or cadre in an establishment according to the seniority. The junior employees in a cadre or post shall be first treated as surplus in case only a part of the establishment is considered surplus.

5. Preparation of list: A list of such surplus employees shall be prepared in the prescribed format given in Appendix-1 by the Head of the Office. This list shall be communicated to the appointing authority, where Head of Office and appointing authority are different, for decision in respect of the requirement of the employees. A copy of the list shall also be sent to General Administration Department.

B. Internal Redeployment of Surplus Employees

6. Placement in the same Office: (1) Where the Head of the Office is the appointing authority of the surplus employee it may internally redeploy the surplus employee by placing him or her in other vacant post of the same establishment where there is a greater need of manpower and intimate the same to the Administrative Department and General Administration Department in the prescribed format in Appendix-2.

(2) Where the Head of the Office, not being the appointing authority of the surplus employee, obtains the approval of the appointing authority, it may redeploy the surplus employee in its own establishment as per necessity under intimation to the Administrative Department and General Administration Department in the prescribed format in Appendix-2.

7. Reporting by Head of Office and Appointing Authority: The Head of the Office shall report the details of surplus employees who could not be redeployed in the same establishment to the concerned appointing authority for redeployment in different establishments under its jurisdiction. The remaining surplus employees not redeployed by the appointing authority shall be reported by the appointing authority to concerned administrative department in the prescribed format in Appendix-1.

8. Redeployment within the same Department: The administrative department on receipt of said list of surplus employees shall redeploy them within the department where considered necessary upon an assessment of manpower needs in the department. It shall also submit the list of redeployed surplus employees to the General Administration Department in the format prescribed in Appendix-3.

C. Compilation of details of Surplus Employees by General Administration Department

9. Reporting to General Administration Department: The administrative department shall submit to the General Administration Department the details of surplus employees who could not be redeployed under the provisions of Rule 8 in the prescribed format given in Appendix-1.

10. Compilation: On receipt of such lists of surplus employees from the administrative department, General Administration Department shall compile the list in the prescribed format in Appendix-4.

11. Matters to be considered: The list of surplus employees shall be prepared on consideration of the following matters:—

- (a) Surplus employees shall be grouped together according to their cadres.
- (b) Within the same cadre the list shall be prepared according to their seniority.
- (c) If the surplus employees do not belong to any cadre they shall be grouped according to their posts and the list shall be prepared according to their length of service if otherwise decided.
- (d) For surplus employees not belonging to any cadre, within the same posts, the list may be prepared according to the entitled pay, i.e. the pay to which an employee is entitled taking into account all increments not sanctioned due to administrative delay and without the fault of the employee.

D. Filling up of vacancies

12. Vacancies to be first filled up by Redeployment: All vacancies, other than those to be filled up by promotion, shall first be filled up by redeployment of the surplus employees as sponsored by the appointing authority, administrative department or General Administration Department as the case may be. In case surplus employees are not available, the appointing authority may obtain the concurrence of General Administration Department and Finance Department for filling up the vacancies following due procedure.

13. Vacancies to be filled up by Promotion: Vacancies to be filled up by promotion at any time during a calendar year shall first be filled up by promotion before filling them up by way of redeployment. Any vacancy that remains unfilled by way of promotion due to the continuation of suspension, departmental proceedings, and unavailability of ACRs of the employees of the feeder grade shall not be filled up by redeployment :

Provided that, when the experience in the feeder post is considered essential for promotion to the higher post the vacancies shall not be filled up by way of redeployment, if the employees in the feeder grade are otherwise available but are not eligible for promotion for the time being.

14. Reporting of vacancies: For filling up the vacancies by redeployment, the Departments having vacancies in excess of their own surplus employees shall report the vacancies whenever such vacancies arise to the General Administration Department in the format prescribed in Appendix-5.

15. Sponsor of Surplus Employee: On receipt of the vacancies report, General Administration Department shall sponsor the names of surplus employees to the reporting departments for ensuring their appointment on redeployment through appropriate appointing authority.

16. Principles of Redeployment: Redeployment shall be done basing on the following consideration:

- (a) The pay scale of the surplus employees and the pay scale of the vacant posts must preferably be identical.
- (b) If the pay scales referred to in (a) are not identical, such vacancies may be identified where the maximum of the pay scale is not more than 10% of the maximum of the pay scale of the surplus employees.
- (c) If the pay scales referred to in (a) are not identical, a surplus employee may be redeployed in a vacant post where the pay scale is lower on his/her consent and the willingness of the employee shall be obtained in the form prescribed at Appendix-6. However, the last basic pay drawn shall be fixed as provided under the Service Code.
- (d) In case a vacancy is to be filled up by promotion, redeployment will be made only if no person is available in the feeder grade during the calendar year, including those who may temporarily be barred due to pending departmental or vigilance proceeding and such like grounds.
- (e) Redeployment shall not be done against posts which may be required to be abolished according to the instructions issued by the Finance Department.

17. Publication: The redeploying authority shall issue the order of redeployment to the concerned surplus employees and ensure publication of the same in the official website of the concerned administrative department and in the official Gazette, wherever required. A copy of the order shall be sent to General Administration Department for

publication in its own website. Details of surplus employees redeployed shall be submitted to the General Administration Department in the formats prescribed for the purpose at Appendix-2 and 3. General Administration Department shall maintain the details of surplus employees redeployed in the prescribed format at Appendix-7.

E. Effect of the Redeployment Order

18. Seniority:

- (1) The seniority of the redeployed employees will be fixed according to a formula based on the length of service rendered by the redeployed employees.
- (2) One year of seniority will accrue for every three years of services rendered upto 24 years of service prior to the date of redeployment. For the period of service beyond 24 years, one year of seniority will accrue to the redeployed employee for every two years of service rendered earlier.
- (3) In case of fraction periods of less than three or two years, the accrual of seniority may be deemed to be one year if the remainder period is equal to or more than one year.
- (4) The *inter se* seniority of redeployed employees having dissimilar pay scales shall be determined on the basis of their pay scales. In case of identical pay scales of the redeployed employees the *inter se* seniority shall be determined on the basis of their pay fixed on the post redeployed. In case of same pay fixed on redeployment, the seniority will be determined according to the length of service. In case of same length of service, the seniority will be determined by the date of birth, the older employees getting priority over the younger employees.

19. Pay Protection: The pay of the employee redeployed to a vacant post corresponding to any pay scale shall not be less than the pay drawn by him on the post held prior to his redeployment. If the maximum of the pay scale of the post to which the employee is redeployed is lower than his earlier pay, then the pay will be fixed at the maximum of the pay scale. The differential amount (difference between his earlier pay prior to redeployment and the maximum pay of the new scale) will be treated as personal pay.

20. Relief of Surplus Employee: On the issue of the order of redeployment by the competent authority under these rules, the Head of the office of the redeployed employee shall relieve him from his post within fifteen days of the issue of redeployment order.

21. Abolition of post: On the relief of the redeployed employee, the post held by him will be abolished by the competent authority under intimation to all concerned.

22. Consequences of not joining: In case the surplus employee does not join in the redeployed post within the stipulated time without any reasonable cause, the same period may be treated as dies non.

23. Joining Time and T.A. : The redeployed surplus employee shall be entitled to the usual joining time and traveling allowance according to the relevant rules to enable him to join in the new post.

F. Miscellaneous

24. Reservation: In the matter of redeployment of surplus government employees, Orissa Reservation of Vacancies Act, 1975 and rules made there under shall not be applicable as the relevant Act and rules have already been applied at the time of their initial recruitment.

25. Training: The redeployed persons may be provided appropriate training by the appointing authority wherever it is deemed necessary.

26. Relaxation: The provisions of these rules may be relaxed by the General Administration Department in consultation with the Orissa Public Service Commission in order to give effect to the object of this rule.

27. Instructions by Government: Government may issue specific instructions from time to time for the effective implementation of the rules.

28. Overriding effect: These rules shall have overriding effect notwithstanding anything to the contrary contained in any other rule.

29. Interpretation: 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 decision which shall be final.

ORDER: Ordered that the Notification be published in the extraordinary issue of the *Orissa Gazette*. Ordered also that copies of the Notification be forwarded to all Departments of Government / all Heads of Departments / all Collectors / Registrar, Orissa High Court / Registrar, Orissa Administrative Tribunal / Special Secretary, Orissa Public Service Commission / Secretary, Orissa Staff Selection Commission.

By order of the Governor

M. SARAN

Special Secretary to Government

Appendix-6
{See Rule 16(c)}

Form for Willingness of Employee for Redeployment in a post carrying lower scale of pay

To,

Shri/ Smt.

Dear Sir/ Madam,

I hereby voluntarily and unconditionally submit my willingness to be redeployed in a (post name) that carries a pay scale lower than the scale of pay which I presently hold. I shall not lay any claim to payment of salary as per the scale of pay held by me prior to redeployment.

(M)

Date :

Signature of the Employee

Place :

Name of the Employee

