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HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

The 12th January, 2021

No.962—HFW-AYUR-AYURM-0072/2016/H.— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Odisha hereby makes the following rules regulating the methods of recruitment and conditions of service of the persons appointed to the different posts of the Odisha Ayurvedic Drugs Enforcement Service , namely:—

PART-I

PRELIMINARY

1. Short title and commencement. —

(1) These rules may be called the Odisha Ayurvedic Drug Enforcement Service, (Methods of Recruitment and Conditions of Service) Rules, 2020.

(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 10;
- (c) “Council” means the Odisha State Council of Ayurvedic Medicine constituted under the Odisha Ayurvedic Medicine Act., 1960, (14 of 1960);
- (d) “Ex-servicemen” means persons as defined in the Odisha Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
- (e) “Government” means the Government of Odisha;

(f) "Persons with Disabilities" means persons who have been granted with a disability certificate by the competent authority as per the provisions of the Rights of Persons with Disabilities Act., 2016 (49 of 2016);

(g) "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;

(h) "SEBC" means the Socially and Educationally Backward Classes of citizens other than the schedule casts and schedule tribes as may be specified from time to time.

(i) "Select List " means list prepared Under Sub-Rule'(2)'of Rule "8" in case of direct recruitment and under Sub-Rule (1) of Rule 13 in case of promotion.

(j) "Service" means the Odisha Ayurvedic Drug Enforcement Service;

(K) "Sports Person" means persons who have been issued with identity card as sportsmen by the Director, Sports and Youth Services, Odisha as per the Resolution No. 24808/Gen. dated 18th November, 1985 of the General Administration Department;

(l) "State" means the State of Odisha, and

(m) "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 Service –The Service shall consist of the persons recruited to the service in accordance with provision of this rules:—

(a) Deputy Drug Controller; group-A

(b) Assistant Drug Controller; and group-A

(c) Drug Inspector. Group-B

The recruitment and appointment to the service mentioned above shall be under the administrative control of the Health & F.W. Department.

PART-II
METHOD OF RECRUITMENT

2. Methods of recruitment.— Subject to the provisions made in these rules; recruitment to different grades in the service shall be made by the following methods, namely: —

- (a) Recruitment to the post of Drugs Inspector shall be made through direct recruitment by the commission;
- (b) Appointment to the post of Assistant Drugs Controller in the service shall be made by way of promotion from amongst Drugs Inspectors; and
- (c) Appointment to the post of Deputy Drugs Controller in the service shall be made by way of promotion from amongst the post of Assistant Drugs Controllers.

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 the Posts and Services (for Scheduled Castes and Scheduled Tribes) Act., 1975 and the rules made there under; and
- (b) SEBC, Women, Sportsmen, Ex- Servicemen and 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
DIRECT RECRUITMENT

6. Procedure for Direct Requirement. —

(1) Recruitment to the post of Drugs Inspector in the service shall be made by way of competitive written and viva voce examination to be held once a year.

(2) The competitive written and viva voce examination under sub-rule (1) shall be conducted by the commission and the date on which and the places at which the written examination are to be held shall be fixed by the commission.

(3) In the month of January, the government shall intimate the existing vacancies and anticipated vacancies likely to occur during the year to be filled up by way of direct

recruitment, to the commission indicating the number of posts to be reserved for candidates belonging to different reserved categories as specified under rule 5.

(4) The Commission shall, on receipt of the vacancy position from the government, invite applications from the candidates in such manner as may be decided by them.

(5) Competitive Examination shall be based on written test in the following manner, namely:—

(a) Written test shall carry 100 marks comprising of objective type (multiple choice) questions.

(b) There shall be negative marking for each wrong answer and for each wrong answer 0.25 marks shall be deducted from the marks awarded for correct answers.

(c) Syllabus for the said examination shall be as per the curriculum of Bachelor of Ayurvedic Medicine and Surgery (BAMS) degree course.

(d) Viva voce test-20 marks

(e) Candidates who obtain such minimum qualifying marks as may be fixed by the Commission at their discretion shall be placed in the select list in order of merit.

7. Eligibility Criteria — In order to be eligible for direct recruitment, a candidate must

(a) Be a citizen of India;

(b) Must have attained the age of 21 years and must not be above 32 years on the 1st day of January of the year of recruitment:

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, in force for the respective categories.

(c) Be able to read, write and speak odia; and must have —

(i) passed Middle School examination with Odia as a language subject; **or**

(ii) passed matriculations or equivalent examination with Odia as medium of examination in non-language subject; **or**

(iii) Passed a test in Odia in Middle English School standard conducted by the Board of Secondary Education, Odisha or School and Mass Education Department;

(d) Not have more than one spouse living:

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.

- (e) Have a degree in Ayurvedic System or a degree in Ayurveda Pharmacy, as the case may be, conferred by a university or its equivalent degree recognized by the Central Government or the State Government for this purpose as prescribed under the provision of the Drugs and cosmetics Act., 1940 and the Rules made there under;
- (f) be of sound mental and physical health, good physique and active habits and free from organic defects or bodily infirmity and communicable diseases which would likely to interfere with discharge of his /her duties in the service and candidate, who after such medical examination is not found to satisfy those requirements, shall not be appointed to the service.

8. Select list in case of Direct Recruitment. — (1) the commission shall prepare a list of selected candidates arranged in order of merit equal to the number of advertised vacancies on the basis of marks secured in the competitive written and viva voce examination.

(2) the recommendation of the commission under sub-rule (1) shall, after being approved by the Government, from the select list.

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

(4) Appointment to any post in the service shall be in the order in which their names appear in the select list.

PART-IV PROMOTION

9. Eligibility Criteria for Promotion—

1.No Drugs Inspector shall be eligible for promotion to the post of Assistant Drugs Controller unless he has completed 7 (seven) Years of continuous service as such as on the 1st day of January of the year in which the Committee meets.

2.No Assistant Drugs Controller shall be eligible for promotion to the post of Deputy Drugs Controller unless he has completed 5 (five) years of continuous service as such as on the 1st day of January of the year in which the committee meets

10. Constitution of Committee.— (1) There shall be committee consisting of the following members to consider the cases of promotions of eligible officers to the posts of Assistant Drugs Controller and Deputy Drugs Controller, namely—

- | | | |
|--------------------------------------------------------|---|----------|
| (a) Secretary to Government, H & F W Deptt. | - | Chairman |
| (b) Additional Secretary to Government, H & F W Deptt. | - | Member |

(c) Director AYUSH, Odisha, Bhubaneswar. - Member

(d) An officer not below the rank of Deputy Secretary to Government, in charge of the establishment of the service - Member-Convener

(2) The recommendation of the Committee shall be valid and can be operated upon notwithstanding the absence of any of its member other than the Chairman;

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

11. Procedure of Selection by the Committee. — (1) The Committee shall meet at least once in a year to prepare a list of officers, suitable for promotion to the next higher grade taking into account the existing vacancies, if any, and 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; whenever required,

(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.

12. Consultation with the Commission— (1) The recommendations of the Committee under sub-rule (2) of rule-10 shall be referred to the Commission for concurrence along with a list of all eligible candidates, together with the service particulars relating to their gradation list, CCR, academic qualification and experience, if any.

(2) The Commission shall consider the list along with the service particulars received under sub-rule (1) and shall furnish its recommendations to the Government.

13. Select List in case of promotion— (1) The merit list prepared by the Commission and the recommendations of the Commission in respect of reference made to it under sub-rule (1) of rule 12 shall be considered by the Government and the list approved by the Government shall form the select list.

(2) The select list shall ordinarily remain 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) Appointment to the service shall be made in the order the names of the persons appear in the select list.

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

PART-V

OTHER CONDITIONS OF SERVICE

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

15. Probation— (1) Every person appointed in the service by direct recruitment shall be on probation for a period of two years and in case of appointment 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 for good and sufficient reasons to be recorded in writing, extend the period of probation not exceeding two years:

Provided further that such period of probation shall not include:

- (a) Extra ordinary leave:
- (b) Period of un-authorized 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 by the Government at any time without previous notice during the period of probation including extension of such period, if any, and in case of Promotee after such termination, the employee shall deem to be reverted to his/ her former cadre/post.

16. Confirmation.—A probationer after completing the period of probation to the satisfaction of the Government shall be confirmed by order of the Government in

consultation with the Commission, subject to availability of the permanent and substantive vacancy in the respective grade of the service.

17. Other condition of Service.—The conditions of services of the members of the service in regard to matters not covered by these rules shall be same as or as may be from time to time prescribed by the Government.

PART-VI

MISCELLANEOUS

18. 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 of the provisions of these rules in respect of any class or category of the employees in consultation with the Commission.

19. 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
P. K. MOHAPATRA
Additional Chief Secretary to Government