

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 187 CUTTACK, THURSDAY, JANUARY 25, 2024/MAGHA 5, 1945

EXCISE DEPARTMENT

NOTIFICATION

The 16th January 2024

S.R.O. No. 38/2024—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of the provisions contained in the Odisha Lower Excise Service (Method of Recruitment and Conditions of Service) Rules, 2011, orders and instructions if any issued in this regard except in respect of things done or omitted to be done before such supersession, the Governor of Odisha is pleased to make the following rules to regulate the method of recruitment and conditions of service of the persons appointed to the post of Assistant Sub-Inspector of Excise, namely :—

PART - I

PRELIMINARY

1. Short title and Commencement. —

- (1) These rules may be called the Odisha Lower Excise Service (Method of Recruitment and Conditions of Service of Assistant Sub-Inspector of Excise) Rules, 2023.
- (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) “Appointing Authority” means the Excise Commissioner of Odisha ;
 - (b) “Assistant Sub-Inspector” means the Assistant Sub-Inspector of Excise ;
 - (c) “Cadre” means as defined under Rule 3 of these rules ;
 - (d) “Cadre Controlling Authority” means the Excise Commissioner, Odisha, who will control overall cadre management of the service ;
 - (e) “Commissioner” means the Excise Commissioner, Odisha ;
 - (f) “Constable” means the Excise Constable ;
 - (g) “Department” means the Excise Department, Odisha ;
 - (h) “Directorate” means the Excise Directorate, Odisha ;

- (i) "District Offices" means offices subordinate to and under the control of Excise Directorate, which includes District Excise Offices headed by Superintendents of Excise and offices of Deputy Commissioners of Excise ;
 - (j) "Division" means Excise Division comprising of specific Excise Districts of the State as notified by the Government and includes the Excise Intelligence and Enforcement Bureau Unit of the Division. The State Flying Squad will be part of the Central Division for the purpose of these rules ;
 - (k) "Government" means the Government of Odisha ;
 - (l) "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 ;
 - (m) "S.E.B.C." means the Socially and Educationally Backward Classes as defined in Clause (a) of Section (2) of the Odisha State Commission for Backward Classes Act, 1993 ;
 - (n) "Select List" means the list prepared under sub-rule (6) of Rule 6 of these rules ;
 - (o) "Selection Committee" means the Selection Committee constituted under sub-rule (4) of Rule 6 of these rules ;
 - (p) "Service" means the Odisha Lower Excise Service ;
 - (q) "State" means the State of Odisha ; and
 - (r) "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 and Cadre. —

- (1) The service shall consist of Assistant Sub-Inspectors of Excise.
- (2) The cadre shall be State Cadre.
- (3) An Assistant Sub-Inspector of Excise shall be posted in any District Excise Office or Excise Intelligence & Enforcement Bureau Unit in the State, which includes the State Flying Squad.

PART - II

METHOD OF RECRUITMENT

4. Method of Recruitment. — Recruitment to the posts of Assistant Sub-Inspector of Excise shall be made by way of promotion from among the eligible Excise Constables.

PART - III

PROMOTION

5. Eligibility for Promotion. — In order to be eligible for promotion to the rank of Assistant Sub-Inspector of Excise by selection, an Excise Constable must, —

- (a) have completed 7(seven) years of continuous service as on the first day of January of the year in which Selection Committee meets ;
- (b) not have received 5 (five) or more Black Service Marks ;
- (c) be physically fit ;
- (d) have passed the Departmental Training or In-house Training, as prescribed under these rules :

Provided that, a Constable who has not passed the Departmental Training or In-house Training, may be considered for promotion, if specifically exempted by the Government on the recommendation of the Commissioner ; and

- (e) have qualified in the written examination prescribed under Rule 6 of these rules.

6. Selection Process. —

- (1) Determination of vacancy and issue of Notification — Every year, in the month of January the Commissioner shall determine the total number of vacancies in the post of Assistant Sub-Inspector of Excise which shall include the existing vacancy and anticipated vacancies as on the 31st December of the year. The Commissioner shall notify the vacancy and invite applications from the Constables for appearing in the written examination.

(2) Written Examination —

- (i) Every year, the Commissioner shall conduct a written examination as prescribed in the following table :

Sl. No.	Subject	Full Mark	Time
1	Law & Rules relating to Odisha Excise Act, Odisha Excise Rules, Odisha Excise Manual, Indian Penal Code, Criminal Procedure Code, The Indian Evidence Act, Excise Technical Manual.	100	1 and 1/2 Hours
2	Translation from Odia to English	25	1 Hour
	Translation from English to Odia	25	
	Total	150	2 and 1/2 Hours

- (ii) The written examination on the subject against Sl. No. 1 shall consist of multiple choice type questions and the examination shall be conducted in a transparent manner using OMR (Optical Mark Recognition) or OCR (Optical Character Recognition) sheet or any other objective modern method of assessment in vogue at relevant point of time.

- (iii) Candidates appearing in the written examination shall have to secure at least 35% (thirty-five per cent) of marks in each subject and also 40% (forty per cent) in aggregate to qualify in the written examination. The list of candidates, who qualify the written examination, shall be prepared divisionwise in order of their seniority in the post of Constable and the same shall remain valid for that calendar year only.

(3) Nomination before Selection Committee for Promotion —

- (i) Based on the principle of zone of consideration, nominations of candidates shall be called for by the Commissioner from the concerned Divisions and category-wise common seniority list shall be prepared on the basis of date of appointment order to the post of Constables for placing it before the Selection Committee. The nomination shall include certificate of physical fitness of each candidate from CDMO and annexed with the nomination roll :

Provided that in case, the date of appointment of two or more officers happens to be the same, the person elder in age shall be placed above the younger.

- (ii) The candidates, who have qualified in the written examination, but could not be found suitable for promotion by the Selection Committee, shall have no right to claim selection as Assistant Sub-Inspector of Excise.

(4) Constitution of Selection Committee —

- (i) There shall be constituted a Selection Committee consisting of following members for selection of Constables for promotion to the post of Assistant Sub-Inspector of Excise —

(a)	Additional Commissioner of Excise, Odisha	Chairman
(b)	Joint Commissioner of Excise, Odisha (Admn.)	Member
(c)	One Deputy Commissioner of Excise of any of the three Divisions, nominated by the Commissioner, by rotation.	Member
(d)	Establishment Officer, Excise Directorate	Member-Convener

- (ii) The Selection Committee shall ordinarily meet once in a year, to prepare Select List of suitable candidates for promotion to the post of Assistant Sub-Inspector of Excise.
- (iii) The Selection Committee while considering the case of promotion of suitable Constables shall follow the provisions of,—
- (a) The Odisha Reservation of Vacancies in Posts & Services (for Scheduled Castes & Scheduled Tribes) Act, 1975 and the rules made thereunder or any other law or rules in force at the relevant time;

- (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.

(5) Preparation of list of candidates for promotion —

- (i) The Selection Committee shall prepare a list of candidates found suitable for promotion to the posts of Assistant Sub-Inspector of Excise.
- (ii) The list of candidates prepared by the Selection Committee shall be equal to the sum of number of vacancies as determined under sub-rule (1) of Rule 6.
- (iii) The list of candidates prepared by the Selection Committee shall be arranged in order of their seniority in the common seniority list prepared under sub-rule (3) of Rule 6.

(6) Select List —

- (i) The list of candidates prepared by the Selection Committee for promotion to the posts of Assistant Sub-Inspector of Excise after approval of the Commissioner shall form the select list.
- (ii) Appointment of candidates shall be made in order in which their names appear in the select list.
- (iii) The select list shall ordinarily remain in force for a period of one year or till preparation of new select list, whichever is earlier.

PART - IV

OTHER CONDITIONS OF SERVICE

7. *Inter se* Seniority. — The *inter se* seniority of the Assistant Sub-Inspector of Excise appointed in a particular year shall be in the order in which their names appear in the select list.

8. Probation : —

- (1) Every person appointed to the service shall be on probation for a period of one year from the date of joining :

Provided that the appointing authority may, if thinks fit in any case or class of cases for good and sufficient reasons to be recorded in writing, extend the period of probation :

Provided further that such period of probation shall not include,—

- (a) extraordinary leave ;
- (b) period of unauthorized absence ; or
- (c) any other period for which the person concerned 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 Appointing Authority at any time without previous notice during the period of probation including extension of such period, if any, and after termination the probationer shall be reverted to his former post.
- (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.

9. Training. —

- (1) Every person appointed as Assistant Sub-Inspector of Excise shall undergo 3 (three) months institutional training at any Training Institute decided and approved by the Commissioner or in the form of an in-house training designed and conducted by the Commissioner. The training pattern, structure, syllabus and method of examinations shall be decided by the Commissioner :

Provided the duration of training may be extended or reduced by such periods and in such manner as the Government may by order direct.

- (2) During the basic course of institutional training, periodical examinations may be conducted. At the end of institutional training, final examination shall be conducted. The Trainee Assistant Sub-Inspectors shall be required to pass the final examination of Assistant Sub-Inspectors Course of Training with marks as prescribed by the Commissioner.
- (3) After the completion of institutional training, they shall be attached for 15 days in a manufacturing unit and for one month in an Excise Station for practical training.
- (4) On successful completion of the training and passing the final examination conducted by the designated training institute, the candidate shall be declared to have passed the Assistant Sub-Inspectors Course of Training and will be placed in a State List to be maintained at Excise Directorate.
- (5) The *inter se* seniority in the rank of Assistant Sub-Inspectors of Excise shall be determined on the basis of marks obtained by them in the final examination of Assistant Sub-Inspector Course of Training and in case two or more candidates secure equal marks, the names will be arranged according to the relative seniority in the rank of Constable and the seniority in the rank of Assistant Sub-Inspector shall be reckoned from the date of passing the final examination in Assistant Sub-Inspector Course of Training.
- (6) Prior to successful completion of training course and pending passing of final training examination conducted at designated training centers, the Trainee Assistant Sub-Inspectors of Excise shall not be bestowed with the rank of Assistant Sub-Inspector nor shall be entrusted with any duty to conduct any investigation as per the provisions of Odisha Excise Act, 2008 or any other Act empowering Assistant Sub-Inspectors of Excise to carry out investigation.

- (7) The candidates failing in the examination shall be allowed two more chances to clear the subject(s) in which he had failed without further training and in the event of failure to clear the subject(s) in two successive attempts, he shall be reverted to the substantive rank, i.e. the rank immediately held prior to joining as Trainee Assistant Sub-Inspector.
- (8) The annual increments shall not be allowed unless and until the aforesaid examination is passed by the Trainee Assistant Sub-Inspectors and substantive promotion to and confirmation in the rank of Assistant Sub-Inspector should be done by the competent authority as prescribed, after passing the final examination in Assistant Sub-Inspectors Course of Training according to availability of vacancies of Assistant Sub-Inspectors of Excise on the State Cadre basis.

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

PART - V

MISCELLANEOUS

11. Relaxation. — The Government may, if consider 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.

12. Interpretation. — If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Government in Excise Department, whose decision thereon shall be final.

13. Power to issue Instruction. — The Government may also issue executive instruction, not inconsistent with the provisions of these rules as they may consider necessary to regulate the matter not specifically covered by these rules.

[No. 271—EXC-FE-ESTT-0005/2023-Ex.]

By order of the Governor

SUSHIL KUMAR LOHANI

Principal Secretary to Government