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GENERAL ADMINISTRATION AND PUBLIC GRIEVANCE DEPARTMENT

NOTIFICATION

The 2nd March 2019

No. 7051—GAD-SC-RULES-0017/2018-Gen.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of the Orissa Heads of Department (Establishment Officers) Recruitment Rules, 1991, Orders and Instructions, 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 Officers, Administrative Officers and Senior Administrative Officers in the offices of Heads of Department, namely:—

PART I

GENERAL

1. Short title and commencement.—

- (1) These rules may be called the Odisha Heads of Department (Method of Recruitment and Conditions of Service of Establishment Officers, Administrative Officers and Senior Administrative Officers in the office of the Heads of Departments) Common Cadre Rules, 2019.
- (2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. 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) “Department” means the respective Administrative Department of the Secretariat as prescribed in the Odisha Government Rules of Business framed under Clause (3) of Article 166 of the Constitution of India;
- (d) “Government” means the Government of Odisha in Home Department;
- (e) “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 ;

- (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 Article 341 and 342 of the Constitution of India, respectively;
- (g) "Heads of Department" means the Heads of Department as mentioned in Appendix 3 of the Odisha Service Code;
- (h) "Disciplinary Authority" means Government in Home Department;
- (i) "Appointing Authority" means Government in Home Department; and
- (j) "Select List" means the list approved under Rule 11.

(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;
- (b) Administrative Officer; and
- (c) Senior Administrative 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 Officers of the Heads of Departments;
- (b) appointment to the post of Administrative Officer shall be made by way of promotion from amongst the eligible Establishment Officers; and
- (c) appointment to the post of Senior Administrative Officer shall be made by way of promotion from amongst the eligible Administrative Officers on the basis of merit and suitability in all respects with due regard to seniority.

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 there-under; 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.

PROMOTION**6. Eligibility criteria for promotion.—**

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

7. Common gradation list for the purpose of promotion.—

- (1) A common gradation list of Section Officers, Establishment Officers and Administrative Officers of all the Heads of Departments shall be prepared separately for each grade in each year by the Government in Home Department prior to holding the Departmental Promotion Committee for consideration of promotion to the next higher grades.
- (2) All Heads of Departments shall submit the list of Section Officers, Establishment Officers and Administrative Officers along with their service particulars to Home Department as per sanctioned strength and vacancies with reservation break up for preparation of common gradation list and consideration for promotion.
- (3) The position in the select list prepared by the recruiting agencies for the post of Junior Assistant shall be the factor for determination of *inter se* seniority in each grade of Section Officer, Establishment Officer and Administrative Officer :

Provided that in case of non-availability of select list prepared by the recruiting agencies, the date of appointment into the service as Junior Assistant shall be the factor for determination of *inter se* seniority for preparation of common gradation list of Section Officers, Establishment Officers and Administrative Officers. In case, the date of appointment of two or more officers is same, the officer elder in age will be assigned higher position in the gradation list over the younger in age.

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, Administrative Officer and Senior Administrative Officer, namely:—
 - (i) Secretary to Government, Home Department . . . Member
 - (ii) Secretary to Government, Finance Department . . . Member
 - (iii) Secretary to Government, G.A. & P.G. Department . . . Member

- (iv) An officer of Scheduled Tribe & Scheduled Caste Development . . . Member Department not below the rank of Deputy Secretary nominated by the Secretary of the Department.
- (v) Joint Secretary or Additional Secretary in charge of Heads of . . . Convener Department Common Cadre.
- (2) The senior most Secretary from amongst the members shall be the Chairman.
- (3) 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 thereunder,
 - (b) the Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988,
 - (c) the Odisha Civil Services (Criteria for Promotion) Rules, 1992,
 - (d) the Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003; and
 - (e) the Odisha Rights of Persons with Disability Rules, 2018.

10. Consultation with the Commission.—

- (1) The recommendations of the Committee shall be referred to the Commission for concurrence along with a list of all eligible candidates, including those who have not been recommended together with the service particulars relating to their academic qualification, teaching experience, research and field 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.

11. Select list.—

- (1) The recommendations of the Commission in respect of reference made to it under sub-rule (1) of Rule 10 shall, after being approved by Government, 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) Appointment to any post in the service shall be in the order in which their names appear in the select list.

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 year 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 deem 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 Department may be required to undergo such training as may be prescribed 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 Assistants 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 to do so 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 in consultation with Government in General Administration and Public Grievance Department.

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

By order of the Governor

GIRISH S. N.

Special Secretary to Government