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EXCISE DEPARTMENT

NOTIFICATION

The 23rd May 2023

S.R. No. 278/2023—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of any rules or regulations or orders or instructions, except as respects things done or omitted to be done before such supersession, the Governor of Odisha hereby makes the following rules to regulate the method of recruitment and conditions of service of Assistants of the Offices Subordinate to Excise Directorate, Odisha, namely: -

1. Short title and commencement - (1) These rules may be called the Odisha Excise Ministerial Services (Method of Recruitment and Conditions of Service of Junior Assistants, Senior Assistants and Section Officers in the District Offices subordinate to Excise Directorate) Rules, 2023.

(2) They shall come into force from 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, Odisha;
- b. "Commission" means the Odisha Staff Selection Commission;
- c. "Commissioner" means the Excise Commissioner, Odisha;
- d. "Committee" means Departmental Promotion Committee constituted under Rule 10;

- e. "Departmental Examination" means the Preliminary and Final Accounts Examination conducted by the Board of Revenue, Odisha, Cuttack;
- f. "District Offices" means an Office subordinate to and under the administrative control of Excise Directorate, which includes District Excise Offices headed by Superintendent of Excise and Offices of Excise Deputy Commissioners;
- g. "Division" means Excise Intelligence & Enforcement Bureau Units constituted for Southern Division, Northern Division and Central Division;
- h. "Government" means Government of Odisha;
- i. "Ministerial Servant" shall have the same meaning as assigned to it under Rule 29 of the Orissa Service Code;
- j. "Persons with Disabilities" means a person who have been granted with disability certificates by the Competent Authority as per provision of The Rights of Persons with disabilities Act, 2016;
- k. "Recruitment Examination" means the Combined Graduate Level Recruitment Examination for Group-B and Group-C of different State Cadre Posts or Services conducted by the Odisha Staff Selection Commission;
- l. "Scheduled Castes and Scheduled Tribes" shall have reference to Scheduled Castes and Scheduled Tribes specified in the Constitution (Scheduled Caste) 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 as amended from time to time;
- 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 of persons prepared and published by the Odisha Staff Selection Commission, Bhubaneswar in case of direct recruitment and the list prepared by the Departmental Promotion Committee and approved by the Appointing Authority in case of promotion;

- o. "Sportsmen" means persons who have been issued with identity card as sportsmen by the Director of Sports as per Resolution No.24808/Gen., dated 18th November, 1985 of General Administration Department, as amended from time to time; and
- p. "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 - (1) The Service shall consist of the following cadres, namely:-

- (i) Junior Assistant (Excise);
- (ii) Senior Assistant (Excise); and
- (iii) Section Officer.

(2) Each category of the ministerial employees such as Section Officer, Senior Assistant (Excise) and Junior Assistant (Excise) of all District Offices shall form a separate cadre.

PART-II METHOD OF RECRUITMENT

4. Method of Recruitment - Subject to other provisions made in these rules, the recruitment to the posts in the service specified in rule 3 shall be made by the following methods, namely :-

- (1) Recruitment to the post of Junior Assistant (Excise) shall be made by way of, -
 - (i) direct recruitment through competitive Examination; and
 - (ii) promotion from amongst Group-D employees.
- (2) Appointment to the post of Senior Assistant (Excise) shall be made by way of promotion from amongst the post of Junior Assistant (Excise).
- (3) Appointment to the post of Section Officer shall be made by way of promotion from amongst the post of Senior Assistant (Excise).

5. Reservation - 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, 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 regard by the Government from time to time.

PART-III

DIRECT RECRUITMENT

6. Recruitment Procedure - (1) As nearly as but not more than 80% of the post of Junior Assistant (Excise) shall be filled up by way of Combined Graduate Level Recruitment Examination to be held once in a year by the Commission.

- (2) The date on which and the places at which the Examinations are to be held, shall be as decided by the Commission.
- (3) The standard, syllabus and subjects of Examination shall be as decided by the Commission.
- (4) In the month of January each year, the Heads of all District Offices 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 Excise Directorate, Odisha and accordingly requisition of vacancies indicating category wise as specified under rule-5 shall be submitted before the Commission by the Appointing Authority.
- (5) On receipt of requisite information, the Commission shall issue advertisements inviting applications in two daily leading News Papers as well as in their website for wide circulation for appearing in the competitive examination for the post of Junior Assistant (Excise).
- (6) The Commission shall forward the list of successful candidates to the Appointing Authority.

- (7) The Appointing Authority shall issue appointment orders in respect of the selected candidates for posting them in the respective District Offices where vacancies are available.

7. Eligibility Criteria for Direct Recruitment - Subject to other provisions of this rules, in order to be eligible to appear in the competitive examination for the post of Junior Assistant (Excise) a candidate must, -

- (a) be a citizen of India;
- (b) have attained the age of 21 years and must not be above the age of 32 years as on the 1st day of January of the year in which recruitment is made:

Provided that the upper age limit in respect of reserved categories of candidates refer 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;

- (c) be good character and conduct;
- (d) be of sound health, good physique and active habits & free from organic defects or bodily infirmity;

Provided that, this condition is not applicable to Persons with Disabilities candidates;

- (e) have not more than one spouse living and in case of lady candidates, have not married a person who has a wife 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;

- (f) be able to speak, read and write Odia and have,–
- (i) passed Middle School Examination with Odia as a language subject; or
- (ii) passed matriculation or equivalent Examination with Odia as medium of examination in Non-language subject; or

- (iii) passed in Odia language subject in the final examination of class VII from a school or educational institution recognized by the Government or the Central Government; or
- (iv) passed a test in Odia in Middle English School standard conducted by the School & Mass Education Department; and
- (g) have passed +3 in Arts or Science or Commerce or such other qualification as are equivalent to +3 Examination with knowledge of Computer Skill.

8. Recruitment through promotion in the post of Junior Assistant

(Excise) - (1) As nearly as but not less than 20% of vacancies in the post of Junior Assistant (Excise) shall be filled up by way of promotion from amongst the Group-D employees working in District Offices on the basis of recommendation of the Departmental Promotional Committee constituted under sub-rule (1) of rule-10;

Provided that in case of required number of Group-D employees are not available for promotion to the posts of Junior Assistant (Excise) in a particular year, these vacancies shall be filled up by candidates recruited under Clause (i) of sub-rule (1) of rule-4.

- (2) No Group-D employees shall be eligible for promotion to the Post of Junior Assistant (Excise) unless he has given willingness to that effect in writing and has put minimum of 10 years of continuous service and has passed the Matriculation Examinations.
- (3) The Heads of all District Offices shall every year furnish the list of eligible Group-D employees along with their service particulars to the Appointing Authority basing on the date of appointment for consideration of their promotion to the rank of Junior Assistant (Excise).
- (4) A gradation list of all the recommended eligible Group-D employees shall be prepared by the Excise Directorate, Odisha basing on the date of appointment in the feeder cadre for the purpose of consideration of promotion to the rank of Junior Assistant (Excise). If the date of appointment falls on same date, then the age of the candidate to be taken into consideration and the senior most candidate to be selected.

PART-IV

PROMOTION TO THE POSTS OF SENIOR ASSISTANT (EXCISE)

AND SECTION OFFICER

9. Eligibility criteria for promotion - (1) No Junior Assistants (Excise) shall be considered for promotion to the post of Senior Assistant (Excise) unless he has rendered at least 4 (Four) years of continuous regular service as such on the 1st day of January of the year in which the committee meets and has passed the preliminary Accounts Examination as laid down in sub rule(1) of Rule 16.

(2) No Senior Assistants (Excise) shall be considered for promotion to the post of Section Officer unless he has rendered at least 4 (Four) years of continuous service as such on the 1st day of January of the year in which the committee meets and has passed the Final Accounts Examination conducted by Board of Revenue and as laid down in sub rule (2) of Rule-16.

10. Constitution of Committee - (1) There shall be a Departmental promotion Committee consisting of the following officers to consider the case of promotion of eligible employees to the post of Junior Assistants (Excise), Senior Assistant (Excise) and Section Officer, namely:—

| | | |
|-----|--|-----------------|
| (a) | Excise Commissioner, Odisha | Chairman |
| (b) | Additional Commissioner of Excise | Member |
| (c) | Joint Commissioner of Excise (Admn. & Revenue) | Member |
| (d) | Deputy Commissioner of Excise (Admn.) | Member |
| (e) | Administrative Officer | Member |
| (f) | Establishment officer | Member-Convener |

(2) The Departmental Promotional Committee shall consider the suitability of eligible employees for promotion to the higher grade and accordingly prepare a list of such employees. The list prepared by the Committee shall be valid and can be acted upon notwithstanding the absence of any of its member other than the Chairman:

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

(3) The Commissioner shall issue Appointment Orders strictly in accordance with the Select List against the vacancies available in the Cadre in any District Office.

(4) The Select List so prepared shall remain valid for one year from the date of its approval by the Appointing Authority.

11. Procedure for selection by the committee - (1) The committee shall meet at least once in a year preferably in the month of December to prepare a list of officers, as are held by them, suitable for promotion to the post of Junior Assistant (Excise), Senior Assistant (Excise) and Section Officer taking into account the existing vacancies and the anticipated vacancies of the next year.

(2) The Committee while considering the promotion cases of suitable officers and preparing the list, shall follow the provisions of, –

- (a) the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes & 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 Disabilities Rules, 2018.

12. Select List - (1) The lists of persons prepared by the Commission in case of direct recruitment for the posts of Junior Assistants and by the Committee in case of promotion to the posts of Junior Assistants, Senior Assistants and Section Officers shall form the select list upon publication for general information and approval of the Appointing Authority respectively.

(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 publication or approval of the Appointing Authority 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-V

OTHER CONDITIONS OF SERVICE

13. Probation and Confirmation - (1) All persons appointed to any of the post in the service shall be on probation for a period of two years in case of direct recruitment and one year in case of promotion which shall be counted from the date of joining the post:

Provided that the period of probation shall not include the following, -

- (a) Extra-ordinary leave;
- (b) Period of unauthorized leave; and
- (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 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 former post, if he 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.

14. Gradation list - (1) The Gradation list of direct recruit Junior Assistants (Excise) shall be prepared on the basis of their position in the select list prepared by the Commission.

(2) The persons appointed other than the direct recruits in the year shall take rank below the direct recruits appointed during the year.

(3) The gradation list of Senior Assistants (Excise) and Section Officers shall be prepared on the basis of their position in the select list prepared by the Departmental Promotion Committee.

15. Transfer of Junior Assistant (Excise), Senior Assistant (Excise) and Section Officer - The Services of employees in the Cadre of Junior Assistant (Excise), Senior Assistant (Excise) and Section Officer shall be transferable. No employees shall be allowed to continue more than three years in a particular District Office. However, such employees can be transferred by the Excise Commissioner, Odisha at any point of time from one office to another on administrative grounds and in the interest of public service.

16. Departmental Examination - (1) The Junior Assistant (Excise) of the District Offices shall be required to pass the Preliminary Accounts Examination which is held by the Board of Revenue under rule 163-A of the Bihar and Odisha Board's miscellaneous Rules, 1928.

(2) The Senior Assistant of the District Offices shall be required to pass the final Accounts Examination which is held by the Board of Revenue under rule 163-A of the Bihar and Odisha Board's miscellaneous Rules, 1928.

(3) No one shall be exempted from passing the Departmental examinations.

17. 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-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 these provisions of these rules in respect of any class or category of employees.

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

[No. 3646—EXC-FE-CS-0002/2021-Ex.]

By order of the Governor

S. K. LOHANI

Principal Secretary to Government