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## EXCISE DEPARTMENT

### NOTIFICATION

The 23rd May 2023

**S.R. No. 277/2023**—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 Sub-ordinate Excise Service (Method of Recruitment and Conditions of Service of Sub-Inspectors of Excise) Rules, 1980; the Odisha Sub-ordinate Excise Service (Appointment of Sub-Inspector of Excise by Promotion and by Direct Recruitment) Regulations, 1980 or any other Orders or Instruction except as respect 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 Sub-Inspector of Excise, namely:-

### **PART-I** **GENERAL**

**1. Short title and commencement** - (1) These rules may be called the Odisha Sub-ordinate Excise Service (Method of Recruitment and Conditions of Service of Sub-Inspectors 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, Odisha;

(b) "**Assistant Sub-Inspector**" means Assistant Sub-Inspector of Excise;

- (c) "**Commission**" means the Odisha Staff Selection Commission;
- (d) "**Commissioner**" means the Excise Commissioner, Odisha;
- (e) "**Department**" means the Excise Department;
- (f) "**District Office**" means the office sub-ordinate to and under the administrative control of Excise Directorate, Odisha, Cuttack;
- (g) "**Examination**" means the Combined Competitive Recruitment Examination to be conducted by Odisha Staff Selection Commission;
- (h) "**Ex-Servicemen**" means a person as defined in clause (b) of rule 2 of the Odisha Ex-Servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
- (i) "**Government**" means the Government of Odisha;
- (j) "**Physical Standard and Physical Efficiency Test**" means the physical standard measurement and physical efficiency test prescribed in the Combined Recruitment Examination of different posts having Physical Measurement and Physical Efficiency Test Rules, 2022 issued vide GA & PG Department Notification No.34819/Gen., dated 6.12.2022 or as decided by the Government from time to time;
- (k) "**Schedule Castes**" and "**Schedule Tribes**" shall have reference to the Scheduled Castes and Scheduled Tribes as specified in the Constitution (Schedule 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;
- (l) "**SEBC**" means the Socially and Educationally Backward Classes defined as Backward Classes as in clause (a) of Section (2) of the Odisha State Commission for Backward Classes Act, 1993 (Odisha Act 16 of 1993);
- (m) "**Selection Committee**" means the committee constituted under rule 11 of these Rules;
- (n) "**Select List**" means the list prepared under rule 8 of these rules for direct recruitment;

- (o) "**Service**" means the Odisha Sub-ordinate Excise Service constituted under rule 3 of these rules;
- (p) "**Sportsperson**" means a person who have been issued with identity card as sportsperson by the Director of Sports as per Resolution No.24808/Gen., dated the 18<sup>th</sup> November 1985 of General Administration Department or as decided by the Govt. from time to time;
- (q) "**Sub-Inspector**" means Sub-Inspector of Excise;
- (r) "**State**" means State of Odisha; and
- (s) "**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 post of Sub-Inspector of Excise.

## **PART-II**

### **METHOD OF RECRUITMENT**

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

(a) as nearly as but not more than 50% of the posts shall be filled up by way of direct recruitment through the Odisha Staff Selection Commission; and

(b) as nearly as but not less than 50% of the posts shall be filled up by way of promotion from among the suitable and eligible Assistant Sub-Inspectors of Excise.

**5. Reservations** - Notwithstanding anything contained in these rules reservation of vacancies or posts, as the case may be, for, -

- (1) candidates belonging to Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions contained in the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made there under, or any other law or rule in force at the relevant time; and
- (2) candidates belonging to S.E.B.C., Women, Sportspersons, Ex-Servicemen shall be made in accordance with the provisions made under such Acts, Rules, Orders or Instructions issued in this behalf by the Government from time to time:

Provided that there shall be no reservation of posts for the Persons with Disabilities (PwDs).

### **PART-III** **DIRECT RECRUITMENT**

**6. Recruitment Procedure** - (1) As nearly as but not more than 50% of the post of Sub-Inspector of Excise shall be filled up by way of direct recruitment through Odisha Staff Selection Commission to be held once in a year.

(2) Subject to the provisions as envisaged in clause (a) of rule 4, during the month of January of each year, the appointing authority shall intimate the total number of existing vacancies along with the anticipated vacancies likely to arise during the same year to be filled up by direct recruitment to the Odisha Staff Selection Commission indicating the posts to be reserved for candidates belonging to different reserved categories.

(3) The plan, pattern, scheme and subjects for the Examination for recruitment shall be such as decided by the Government from time to time;

**7. Eligibility Criteria for Direct Recruitment** – Subject to other provisions of this rules, in order to be eligible for direct recruitment, a candidate must, -

(a) be a citizen of India;

- (b) have attained the age of 21 (twenty-one) years and must not be above the age of 32 (thirty-two) years as on the first day of January of the year in which recruitment is made:

Provided that the upper age limit in respect of reserved categories of candidates prescribed under rule 5 of these rules shall be relaxed in accordance with the provisions of the Acts, Rules, Orders or Instructions for the time being in force, for their respective categories:

Provided further that in case of candidates who have rendered approved military service, condonation of over age to the extent of the whole or part of such approved military service (Ex-servicemen) rendered by such candidate shall be allowed.

- (c) have good moral character and also must be of good mental condition, bodily health and free from any physical defect that is likely to interfere with the discharge of duties as an officer of the service or post and the candidate, who after such medical examination, as the Government may prescribe is not found to satisfy these requirements, will not be appointed to the service; and
- (ii) have the minimum physical standards and should undergo physical efficiency tests (category wise and sex wise) as decided by GA & PG Department vide Notification No.34819/Gen., dated 6.12.2022, as amended from time to time by Government, which are qualifying in nature only.
- (d) (1) be of good character and shall enclose with his application the Certificate of Character from, –
- (i) the Headmaster of the School/Principal, Proctor, Dean or Professor in charge of the Department of teaching of the College or University in which he last studied; and
- (ii) two respectable persons (not being relations) who are well acquainted with him in private life and are unconnected with his College or University career.

(2) The self-attested copies of certificates of the candidate shall be forwarded with the application but the originals shall be produced at the time of the document verification.

(e) (i) have passed Bachelors' Degree in any discipline from a recognized University or such other educational qualification as may be considered equivalent thereto; and

(ii) have Bachelor's Degree from any University incorporated by an Act of the Central or a State Legislature in India or an Educational Institution established by an Act of Parliament or deemed to be a University under Section 3 of the University Grants Commission Act' 1956 or a Foreign University approved by the Central Government:

Provided that in case of candidates who joined approved military services must have passed Intermediate Examination from any recognized University which shall be sufficient.

(iii) The candidate shall be able to speak, read and write Odia and must have, -

(a) passed Middle School Examination with Odia as a Language subject; or

(b) passed H.S.C. or equivalent examination with Odia as a medium of examination in non-language subject; or

(c) passed in Odia as language subject in the final examination of Class-VII or above; or

(d) passed a test in Odia in Middle English School Standard conducted by the School and Mass Education Department of the Government of Odisha.

(iv) not have been convicted for any criminal offence; and

(v) 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.

**8. Select List -** (1) The shortlisted candidates of the written examination will undergo physical measurement and physical efficiency test, after which a common merit list shall be prepared by the Commission basing on the sum total of marks secured by the candidates in the written examination. The candidates shall be selected category wise in order of merit as per vacancies notified in the advertisement.

(2) Inclusion of a candidate's name in the list shall confer no right to appointment unless the Commissioner is satisfied after such enquiry as may be considered necessary, that the candidate having regard to his character and antecedents is suitable in all respects for appointment to the service.

(3) The list of candidates recommended by the Odisha Staff Selection Commission after conducting both written, physical standard of measurement and physical efficiency test for approval and list so approved by the Commissioner shall form the select list for appointment to the service.

(4) The select list referred to under sub rule (3) shall ordinarily be in force for a period of one year from the date of its approval by the Commission or until another select list is prepared, whichever is earlier.

**9.Appointment of candidates to the post of Sub-Inspector of Excise -**

The appointment to the service by direct recruitment shall be made by the Excise Commissioner in the order in which the name of the candidates appear in the select list furnished by the Odisha Staff Selection Commission.

**PART-IV**  
**PROMOTION**

**10. Conditions of eligibility criteria for promotion -** No Assistant Sub-Inspector of Excise shall be eligible for promotion to the post of Sub-Inspector of Excise unless, -

(a) he has rendered at least 3 (three) years of continuous regular service in the post of Assistant Sub-Inspector of Excise on the first

day of January of the year in which the Selection Committee meets;  
and

(b) he has possessed outstanding merit and ability.

**11. Constitution of Selection Committee -** (1) There shall be constituted a Selection Committee with the following members for selection of Assistant Sub-Inspectors of Excise for appointment by way of promotion to the post of Sub-Inspector of Excise :-.

- |  |   |                  |
|--|---|------------------|
| (a) Excise Commissioner, Odisha                                | : | Chairman         |
| (b) A nominee of Secretary to Government,<br>Excise Department | : | Member           |
| (c) Additional or Joint Commissioner of Excise                 | : | Member           |
| (d) Establishment Officer, Excise Directorate                  | : | Member-Secretary |

(2) The Selection Committee shall ordinarily meet during the month of January of every year to prepare the select list of suitable candidates for appointment as Sub-Inspector of Excise.

(3) The Selection Committee while considering the cases for promotion of suitable officers, shall follow the provisions of, -

- (a) The Odisha Civil Service (Zone of consideration for promotion) Rules, 1988;
- (b) The Odisha Civil Service (Criteria for promotion) Rules, 1992;
- (c) The Odisha Civil Service (Criteria for selection for appointment including promotion) Rules, 2003; and
- (d) The Odisha Reservation of Vacancies in Post and Services (for Scheduled Casts and Scheduled Tribes) Act, 1975 and the rules made there under or any other law or rules in force at the relevant time.

**12. Preparation of list of candidates for promotion -** The Selection Committee will prepare a list of candidates recommended for promotion to the rank of Sub-Inspector of Excise which shall be arranged according to their date of appointment in the Assistant Sub-Inspectors of Excise post.



- 13. Procedure for sponsoring the names by the District Offices** - The District office will prepare a list of eligible candidates for promotion, from among the Assistant Sub-Inspector of Excise working under them and send their names with their service particulars, records, confidential character roll and status of filing of annual property statement in HRMS portal or otherwise to the Chairman of the Selection Committee by the month of October.

**PART-V**

**OTHER CONDITIONS OF SERVICE**

- 14. Gradation and Seniority** - There shall be a common gradation list and the seniority of persons appointed as Sub-Inspector under clause (a) and (b) of rule 4 of these rules in respect of any year in the following manner, namely :-
- (a) persons appointed by way of direct recruitment ranked *inter se* in the order in which their names appear in the select list prepared by the Odisha Staff Selection Commission.
  - (b) persons appointed to the service by promotion from amongst the Assistant Sub-Inspector of Excise ranked *inter se* in the order in which their names appear in the select list.
  - (c) persons appointed on promotion will *en bloc* be senior to the officers appointed by direct recruitment in that particular year.
- 15. Training** - Every person appointed as Sub-Inspector of Excise shall undergo institutional training on excise matter at "BijuPattnaik State Police Academy, Bhubaneswar" or any other designated Institute for such period and in such manner as the Government may by order direct.
- 16. Departmental Examination** - (1) Every person appointed as Sub-Inspector of Excise shall be required to pass final examination at the end of training in the "BijuPattnaik State Police Academy, Bhubaneswar" or any other designated Institute.
- (2) The Government may prescribe the Departmental Examination, after passing of which only the officers may be considered for promotion to the next higher grade.

**17. Termination of Service for failure to pass Departmental Examination** - Any Sub-Inspector who does not pass the final examination at the end of the training shall be liable to be discharged from service, if he is a direct recruit and reverted to his former post, if he is a promotee:

Provided that if the Commissioner may in special cases exempt a Sub-Inspector from passing the final examination or allow him more chances not exceeding three to pass the examination by order, for reasons to be recorded in writing.

**18. Probation** - (1) Every person on appointment to a post in the service shall be on probation for a period of two years, if he is a direct recruit and one year, if he is recruited by promotion, from the date of joining the post:

Provided that the Government 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.

(2) The period of probation shall not include the following, namely:-

(a) extraordinary leave;

(b) period of unauthorized absence; or

(c) any other period for which the person concerned is held not to be on actual duty.

(3) 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 officer shall deem to be reverted to his former cadre or post, if he has been appointed on promotion.

(4) After successful completion of probation, a Sub-Inspector shall be eligible for confirmation, if the following conditions are satisfied namely :-

(a) a permanent post against which he can be confirmed is available;

- (b) he has passed or has been exempted from passing the final examination at the end of the training;
- (c) other conditions for confirmation as prescribed in the Odisha Service Code shall be applicable; and
- (d) the Commissioner will consider the candidate to be suitable for confirmation.

**19. Initial Pay and Increments** - (1) The initial pay of Sub-Inspector appointed by direct recruitment shall be fixed at the minimum of the time-scale of pay prescribed for the post of Sub-Inspector Excise.

(2) The initial pay of Sub-Inspector of Excise appointed by promotion shall be regulated under the provisions of the Orissa Service Code.

(3) The Sub-Inspector of Excise shall be entitled to draw the first increment in time-scale of pay on completion of one year of service as Sub-Inspector.

(4) The Sub-Inspector shall be entitled to the second increment in the time-scale of pay after, -

(a) he completed two years of service as such; and

(b) he has passed the Departmental Examination.

(5) Drawl of subsequent increments in the time-scale of pay attach to the post of Sub-Inspector shall be regulated under the provisions of Odisha Service Code.

**Explanation I** - A Sub-Inspector who has passed the Departmental Examination shall be deemed to have passed it on the last date of such examination and if he has passed it by instalments, then on the last date

of the examination in which he finally passed it and any benefit admissible to him/her on such passing is admissible with effect from the date following it.

**Explanation II** - Where the accrual of second increment in the time-scale of pay is delayed due to non-passing of Departmental Examination, then on passing such examination the pay shall be fixed at the stage in time-scale of pay to which the Officer would have been entitled had he passed the examination within two years from the date of appointment without claims to arrears and the next increment would fall due on the next anniversary date of his appointment subject to other rules governing sanctions of increments in the time-scale of pay.

**Explanation III** - A Sub-Inspector who has not been sent for training within the period of two years of service for the reasons not attributable to him, he shall on passing the Departmental Examination subsequently in one chance be deemed to have passed the examination within the prescribed period.

**20. 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 Commissioner or State Govt.

## **PART-VI**

### **MISCELLANEOUS**

**21. Relaxation** - The Government may, if consider necessary or expedient to do so in the public interest, by order, for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class of category of officers of the service.

**22. 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 the provision of these rules.

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

**24. Repeal and Savings** - All rules relating to the recruitment of Sub-Inspectors of Excise in Odisha and orders corresponding to these rules are hereby repealed:

Provided that save as otherwise specified in these rules, any appointment or order made or things done or action taken under the rules or orders so repealed shall be deemed to have been made, done and taken under these rules.

[ No. 3636—EXC-FE-CS-0002/2022-Ex. ]

By order of the Governor

S. K. LOHANI

Principal Secretary to Government