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## LAW DEPARTMENT

### NOTIFICATION

The 14th December, 2016

**S.R.O. No. 602/2016**—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of the Odisha Secretariat Legal Service Recruitment Rules, 1977 so far as it relates to appointment to the posts belonging to Translation Branch and except the things done or omitted to be done before such supersession, the Governor of Odisha is pleased to make the following rules to regulate recruitment and conditions of service of the officers recruited to the official language service in the Law Department, namely: —

1. Short title and commencement.— (1) These rules may be called the Odisha Secretariat Official Language Service (Method of Recruitment and Conditions of Service in the Law Department) Rules, 2016.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.— In these rules unless the context otherwise requires, —

- (a) “Appendix” means the Appendix appended to these rules;
- (b) “Commission” means the Odisha Public Service Commission;
- (c) “Committee” means the Selection Committee constituted under rule 11;
- (d) “Government” means the Government of Odisha in the Law Department;
- (e) “Scheduled Castes and Scheduled Tribes” means such Castes and Tribes as notified by the President of India respectively under Articles 341 and 342 of the Constitution of India;

- (f) "SEBC" means Socially and Educationally Backward Classes of citizens other than the Scheduled Castes and Scheduled Tribes as may be specified by the State Government, from time to time;
- (g) "Service" means the Odisha Secretariat Official Language Service constituted under rule 3;
- (h) "Year" means a calendar year; and
- (i) All other words and expressions which have been used but not specifically defined in these rules shall have the same meaning as, respectively, assigned to them in the Odisha Service Code.

3. Constitution of Service.— (1) There shall be constituted a service to be known as the Odisha Secretariat Official Language Service consisting of —

- (a) persons appointed to the service in accordance with the provisions of these rules;
- (b) persons appointed to the service at the commencement of these rules under rule 4.

(2) The service shall consist of the following categories of posts, namely:

- (a) Language Officer;
- (b) Research Officer;
- (c) Under Secretary;
- (d) Deputy Secretary; and
- (e) Joint Secretary.

(3) The posts specified in clauses (a) and (b) of sub-rule(2) shall be Group-'B' and all other posts specified in clauses (c), (d) and (e) of the said sub-rule shall be Group-'A'.

4. Existing Officers in the Service.— The officers who were appointed under the Odisha Secretariat Legal Service Recruitment Rules, 1977 and the Translators re-designated as Language Officer and continuing as such shall be deemed to have been appointed substantively in their respective posts in the service from the date of publication of these rules.

5. Strength of the Service.— (1) The Service shall consist of such number of permanent and temporary posts of the categories specified in sub-rule (2) of rule 3 as the Government may, by order, determine, from time to time.

(2) The scale of pay of all categories of posts specified in sub-rule (2) of rule 3 shall be such as may be determined by the Government, from time to time.

6. Appointment to the posts in the Service.— Appointment to the posts specified in clause (a) of sub-rule (2) of rule 3 shall be made by direct recruitment in the manner provided in rule 7 and to the posts specified in clauses (b) to (e) of the said sub-rule shall be made by promotion in the manner provided in rule 10.

7. Recruitment to the posts of Language Officer.— (1) The posts of Language Officer shall be filled up by way of direct recruitment through the Commission.

(2) Ordinarily in the month of January of the year, the Government shall intimate to the Commission the number of vacancies in the service already existing and the vacancies likely to occur in that year, indicating there in the number of post or posts required to be filled up by persons eligible under rule 9.

(3) On receipt of the intimation, the Commission shall make advertisement in two daily newspapers having wide circulation in Odisha, inviting applications for the competitive examination which shall consist of two parts i.e. written test and viva-voce test in accordance with the syllabus as specified in the Appendix.

(4) The Commission shall also indicate the likely date, time and place of the examination.

(5) The application form, the documents required to be accompanied with the application form, scrutiny of applications and the admission to the examination shall be such as may be decided by the Commission.

(6) The Commission shall call the candidates for viva-voce test who have secured not less than forty per centum of marks in aggregate, and in case of S.C & S.T candidates the marks may be reduced to thirty-five per centum, in the Written Test.

(7) There shall be a Committee constituted for the purpose of conducting viva-voce test of the candidates selected in the written test which shall be constituted by the Commission and the Committee may co-opt a Subject Expert as Adviser and the Secretary to Government in Law Department or any officer of Law Department not below the rank of Joint Secretary of the service authorized by the Secretary to Government, Law Department as the representative to participate in the selection by the Committee.

(8) After the written and viva-voce test are over, the Commission shall prepare a list of successful candidates which shall be equal to the number of vacancies advertised by the Commission in accordance with the merit of the candidates.

(9) The Commission shall forward the list of the candidates so prepared under sub-rule (8) to the Government for approval and after receiving the approval the same shall form the select list.

8. Validity of the Select list.— (1) The select list, unless the Government otherwise decides, shall remain in force for a period of one year from the date of its approval by the Government under sub-rule (9) of rule 7.

(2) Mere inclusion of the name of a candidate in the select list shall not confer any right for appointment unless, after inquiry, it is found that the candidate is suitable in all respect for being appointed to the service.

9. Eligibility.— (1) In order to be eligible for the post specified in clause (a) of sub-rule (2) of rule 3, a candidate must, —

- (i) have completed graduation with Odia as Honours subject or graduation with English as Honours subject and Odia as Pass or compulsory subject or post-graduation in Odia subject and graduation in Law from a recognised University;
- (ii) be not less than twenty-one years and not more than thirty-two years on the 1st day of January of the year in which the advertisement is made;
- (iii) be a citizen of India;
- (iv) be of good character; and
- (v) have not more than one spouse living, if married:

Provided that Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing to exempt any person from the operation of this rule.

(2) Notwithstanding anything contained in clause (ii) of sub-rule (1) but subject to other provisions of the said sub-rule, a person who has completed Graduation with Odia as Honours subject or graduation with English as Honours subject and Odia as Pass or Compulsory subject or post-graduation in Odia subject and graduation in Law from a recognised University, along with experience of at least seven years of service or at least three years of service in case of a person having experience of at least one year in the translation work in any Group 'C' or Group-'B' post in any one or more Department of Government and has not completed 45 years of age on the 1<sup>st</sup> day of January of the year in which the advertisement is made shall be eligible to participate in the competitive Examination under rule 7.

10. Appointment by way of promotion.— (1) The posts of Research Officer shall be filled up by promotion from among the persons holding the post of Language Officer at least for a period of five years as such and found to be suitable.

(2) The post of Under Secretary of the service shall be filled up by way of promotion from among the persons holding the post of Research Officer at least for a period of two years as such and found to be suitable.

(3) The post of Deputy Secretary of the service shall be filled up by way of promotion from among the persons holding the post of Under Secretary at least for a period of two years as such and found to be suitable.

(4) The post of Joint Secretary of the service shall be filled up by way of promotion from among the persons holding the post of Deputy Secretary at least for a period of two years as such and found to be suitable.

(5) Notwithstanding anything contained in sub-rules (1) to (4), a vacancy required to be filled up by promotion, —

(a) to the post of Research Officer or Under Secretary, as the case may be, shall be filled up by way of deputation of a Lecturer in any recognized College or University having requisite qualification prescribed for Language Officer and having at least five years experience as such; and

(b) to the post of the Deputy Secretary or Joint Secretary, as the case may be, shall be filled up by way of deputation of a Lecturer in any recognized College or University having requisite qualification prescribed for Language Officer and having at least seven years experience as such,

if suitable officers in the Service are not available to fill up the posts mentioned in sub-rules(1) to (4).

11. Constitution of Selection Committee.— (1) For the purpose of referring the names of persons to the Commission for appointment to any of the posts of the service by promotion, for their consideration, the names of persons eligible for such appointment shall be placed before a Selection Committee.

(2) The Selection Committee for the purpose of considering promotion to Group-‘A’ posts in the service other than Under Secretary shall consist of —

- |       |   |   |          |
|-------|---|---|----------|
| (i)   | Secretary to Government,<br>Law Department.   | - | Chairman |
| (ii)  | Legal Remembrancer and ex-officio<br>Special Secretary to Government,<br>Law Department.  | - | Member   |
| (iii) | Special Secretary to Government or<br>Addl. Secretary to Government as nominated<br>by the Secretary to Government, Law Department. | - | Member   |

(3) The Selection Committee for considering appointment to the posts of Under Secretary and other Group-‘B’ posts in the Service, by promotion, shall consist of –

- (i) Secretary to Government, Law Deptt. - Chairman
- (ii) Legal Remembrancer and ex-officio - Member  
Special Secretary to Government,  
Law Department or Special Secretary/  
Additional Secretary to Government  
as nominated by the Secretary to Government ,  
Law Department.
- (iii) Joint Secretary or Deputy Secretary  
to Government of the service as  
nominated by the Secretary to Government ,  
Law Department. - Member

(4) The Selection Committee constituted under sub-rules (2) and (3) shall also consider the suitability of a person for appointment on deputation to posts in the service for which the Selection Committee has been constituted.

12. Seniority. – Seniority of the candidates appointed to the service shall be fixed according to their position in the select list.

13. Reservation of vacancies and other concession.— (1) There shall be reservation of vacancies for candidates, –

- (a) belonging to the Scheduled Castes and Scheduled Tribes, in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Service (For Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made there under; and
- (b) belonging to S.E.B.C., Women, Orthopedically Handicapped, Sportsperson and ex-servicemen in accordance with rules or instructions in force issued by the State Government, from time to time.

(2) Nothing in these rules shall affect other concessions including age relaxation required to be provided for Scheduled Castes, Scheduled Tribes, SEBC, women and other special category of persons in accordance with the orders issued by the State Government, from time to time, in this regard.

14. Probation and Confirmation.— (1) Every person appointed to any post in the service by direct recruitment shall be on probation for a period of one year and when appointed on promotion shall be on probation for a period of one year from the date of joining the post:

Provided that the Government may, if think fit, in any case or class of cases, extend the period of probation but in no case it shall exceed more than one year:

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 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 extended period, if any, in case of a direct recruit and in case of a promotee, the employee shall deem to be reverted to his former cadre or post.

(3) The period of probation shall count from the date of joining of the Officer on his appointment:

Provided that the whole or any part of the period during which a person has previously held continuous officiating or temporary appointment in a post included in the cadre of the service may be allowed by the Government to count towards the period of probation prescribed under this rule.

(4) An officer shall be confirmed in the service after the Government find him suitable in every respect for permanent appointment in the service after satisfactory completion of the probation period subject to availability of a permanent post and the period of probation shall count towards increment.

15. Relaxation.— Where the Government are of opinion 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 of the provisions of these rules in respect of any class or category of persons in consultation with the Commission.

16. Interpretation.— If any question relating to the interpretation of any of the provisions of these rules arises, it shall be referred to the Government for decision.

## **Appendix**

(See rule 7)

The written examination shall be on the following two papers and each of the paper shall carry 150 marks with duration of two hours.

A. Written Examination: —

### **Paper-I**

- (a) Translation of a passage from English to Odia consisting of 100 words:
  - (b) Translation of a passage from Odia to English consisting of 100 words
  - (c) A short Essay in English of about 150 words:
  - (d) A short Essay in Odia of about 150 words:
- 150 marks

### **Paper-II**

- (a) Indian Penal Code, 1860
  - (b) The Code of Civil Procedure, 1908
  - (c) The Code of Criminal Procedure, 1973
  - (d) The Indian Evidence Act, 1872
- 150 marks

**Note:** — (i) A candidate may answer all the questions in Paper-II in either Odia or English Language.

(ii) The standard of Paper- I shall be of degree course and Paper-II shall be that of LLB course.

(iii) The Questions in Paper-I and Paper-II shall be of subjective type.

B. Viva-Voice test: — Viva-Voce test shall carry 40 (forty) marks and question to be asked in viva-voce test which shall also cover questions from Prashasan Sabdakosha published by Odia Bhasa Pratisthan.

[No. 12570-III-OE-19/2016/L.]

By order of the Governor

BIBHU PRASAD ROUTRAY  
Principal Secretary to Government