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## PANCHAYATI RAJ & DRINKING WATER DEPARTMENT NOTIFICATION

*The 1<sup>st</sup> September 2017*

No. 16778---17-ENGG-05-2097-16/P.R & D.W-Inexercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of Orders and Instructions if any issued in this regard, except as respects things done or omitted to be done before such supersession, the Governor of Odisha hereby makes the following rules regulating the method of recruitment and conditions of service of the persons appointed to the Odisha Panchayati Raj Engineering Service, namely:-

1. Short title and commencement.-(1) These rules may be called the Odisha Panchayati Raj Engineering Service (Methods of Recruitment and Conditions of Service) Rules, 2017.

(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) “Commission” means the Odisha Public Service Commission;
- (b) “Committee” means the Departmental Promotion Committee constituted under rule 10;
- (c) “Ex-Serviceman” means a person as defined in the Odisha Ex-Servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
- (d) “Government” means the Government of Odisha;
- (e) “Persons with Disabilities (or physically Handicapped persons)” means persons who would be granted a disability certificate by competent authority as per the provisions under rule 4 of the Persons with Disabilities (Equal Opportunities, Protection of Right, and Full Participation) Odisha Rules-2003;

- (f) “Scheduled Castes and Scheduled Tribes” shall have reference to the Scheduled Caste and Scheduled Tribes specified in the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950 as the case may be, made under article 341 and 342 of the Constitution of India;
- (g) “SEBC” means the Socially and Educationally Backward Classes of citizens other than Scheduled Castes and Scheduled Tribes as may be specified by the Government from time to time;
- (h) “Service” means the Odisha Panchayati Raj Engineering Service;
- (i) “sportsperson” means persons who have been issued with identity card, as sportsperson by the Director, Sports, Odisha as per the Resolution No-24808/Gen. dated 18<sup>th</sup> November 1985 of General Administration Department; and
- (j) “Year” means Calendar Year.

(2) All other words and expressions used but not specifically defined in these rules shall, unless the context otherwise require, 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 grades namely:-

- (i) Superintending Engineer, Level-II.
- (ii) Executive Engineer.
- (iii) Deputy Executive Engineer, and
- (vi) Assistant Executive Engineer.

(2) Each grade of the service shall constitute a separate cadre.

4. Methods of recruitment.-(1) Subject to the provisions made in these rules, recruitment to different grades in the service shall be made by the following methods, namely :-

- (a) In respect of the Post of Assistant Executive Engineer both by way of direct recruitment by the Commission and promotion from the grade of Assistant Engineers of Odisha Diploma Engineer’s Service.
- (b) In respect of the Post of Superintending Engineer, Level-II, Executive Engineer and Deputy Executive Engineer by promotion from Executive Engineer, Deputy Executive Engineer and Assistant Executive Engineer respectively.

(2) The number of posts to be filled up by way of promotion under clause (a) of sub-rule(1) shall be 33 % (Thirty-three per centum) of the total posts and the remaining 67 % of the posts shall be filled up by direct recruitment:

Provided that the deputation of Superintending Engineer, Level-II, Executive Engineer, Deputy Executive Engineer and Asst. Executive Engineer from other Departments of Government shall continue till all the above posts are filled up by means of these rules.

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 ) Acts,1975 and the rules made thereunder; and
- (b) SEBC, Women, Sportsperson, Ex-Servicemen and Persons with Disabilities shall be made in accordance with the provisions made under such Act, Rules, orders or instructions issued on this behalf by Government from time to time.

6. Eligibility criteria for Direct Recruitment: - In order to be eligible for direct recruitment to the posts of Assistant Executive Engineer in the service, a candidate must satisfy the following conditions, namely:-

- (a) Nationality: He must be a citizen of India.
- (b) Minimum Educational Qualification: He must have possessed a Degree in Engineering (Civil) from any University or he must be an Associated Member of the Institution of Engineers of India.
- (c) Age Limits: He must have attained the age of 21 years and must not be above the age of 32 years on the 1<sup>st</sup> day of January of the year of recruitment:

Provided that the upper age limit in respect of reserved categories of candidates referred to in rule 5 shall be relaxed in accordance with the provisions of Act, rules, orders or instructions, for the time being in force, for the respective categories.

- (d) Knowledge in Odia: He must be able to read, write and speak Odia and must 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 as language subject in the final examination of Class VII or above from School or Educational Institution recognised by the Government of Odisha or the Central Government, or
  - (iv) Passed a test in Odia in Middle English School Standard conducted by the School and Mass Education Department/ Board of Secondary Education, Odisha.
- (e) Marital Status: If married, he must not have more than one spouse living: Provided that the State 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) Physical Fitness: He must be of good mental condition and bodily health and free from any physical defect likely to interfere with the discharge of his duties in the service.

7. Selection by the Commission: (1) When the Government decides to fill up the vacancies in the post of Assistant Executive Engineer by direct recruitment, Government will communicate to the Commission the number of vacancies in the post along with reserved vacancies thereof proposed to be filled up.

(2) The Commission on receipt of the requisition shall, in such manner as it thinks fit, invite applications from the eligible candidates.

(3) The Commission after receiving all the applications shall take steps to conduct competitive examination for selection of candidates in the manner given below:-

- (A) Competitive Examination shall comprise as follows:-
  - (i) Preliminary Examination shall be of one paper carrying 100 marks with duration of one and half hours with objective type questions of multiple choice with negative marking of twenty-five percent for every wrong answer allotted to that particular question.

(ii) Main Examination consisting of the following two papers having 300 marks each.

(a) General Science including basic sciences and general awareness/ knowledge.

(b) Specialised paper relating to the stream of Civil Engineering.

(B) Viva Voce Test shall be of 75 marks.

(4) The syllabus of both the Preliminary and Main examination shall be decided by the Commission.

(5) The qualifying marks in the preliminary examination shall be such as may be fixed by the Commission. The Candidates qualify the preliminary examination shall be called for to appear the main examination.

(6) The candidates, who secure such minimum qualifying marks in the main examination, as may be fixed by the Commission shall be called for to appear the viva voce test.

(7) The Commission shall prepare a list of selected candidates arranged in order of merit equal to the number of advertised vacancy on the basis of the marks secured in the main examination and viva voce test.

8. Approval of Select list in case of direct recruitment: (1) The list of selected candidates received from the Commission shall be placed before the Government for approval and on such approval, it shall form the Select list.

(2) Appointment to the grade of Assistant Executive Engineer shall be made in the order the names as they appear in the Select list.

(3) Every candidate included in the Select list shall be examined by a Medical Board and the candidate who fails to qualify the Medical Board shall not be eligible for appointment.

(4) The Select list shall ordinarily remain in force for one year from the date of its approval by the Government under sub-rule (1) or till such period beyond one year as may be approved by the Government.

9. Eligibility Criteria for Promotion. - In order to be eligible for promotion to the post of Superintending Engineer, Level-II, Executive Engineer, Deputy Executive Engineer and Asst. Executive Engineer, an Executive Engineer, Deputy Executive Engineer,

Asst. Executive Engineer and Assistant Engineer, as the case may be, must have completed at least five years of continuous service in the post held by them.

10. Constitution of Departmental Promotion Committee.-(1) There shall be constituted a committee for considering promotion of the officers to different grades in the service under sub rule (1) of Rule-3.

The committee for promotion to the post of Superintending Engineer, Level-II, Executive Engineer, Deputy Executive Engineer and Assistant Executive Engineer shall consist of:-

1. Principal Secretary/Commissioner-cum-Secretary of the Panchayati Raj & Drinking Water Department : Chairman
2. Director, Panchayati Raj, Panchayati Raj & Drinking Water Department : Member
3. Director, Special Projects, Panchayati Raj & Drinking Water Department : Member
4. Representative of Scheduled Tribes & Scheduled Caste Development Department : Member
5. Additional Secretary/ Joint Secretary/ Deputy Secretary of the Panchayati Raj & Drinking Water Department in charge of Establishment of Engineering Cadre : Member  
Convenor

Explanation: No member below the post for which promotion is considered shall take part in the meeting of DPC.

(2) The recommendation of the committee shall be valid and can be acted upon notwithstanding the absence of any one of its members other than the Chairman.

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

Provided further that member below the rank of the post considered for promotion shall not be treated as an absentee.

11. 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 next higher grade.

(2) The Committee while considering the cases of suitable officers and preparation of the list shall follow the provisions of;-

- (a) the Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988;
- (b) the Odisha Civil Services (Criteria for Promotion) Rules, 1992;
- (c) the Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003; and
- (d) the Odisha Reservation of Vacancies in posts and Services (for Scheduled castes and Scheduled Tribes) Act 1975 and the rules made there under, wherever applicable.

12. Consultation with the Commission.-(1) The recommendations of the committee under rule 10 shall be referred to the Commission for concurrence along with the list of all eligible officers, including those who have not been recommended together with the service particulars and other documents, 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 Government.

13. Select list in case of Promotion.-(1) The recommendations of the Commission in respect of reference made to it under sub-rule(1) of rule 12 shall be considered by Government and the list approved by Government shall form the select list.

(2) The list 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.

14. Appointment to any grade in the Service. - Appointment to different grades in the service shall be made in the order in which the names of officers appear in the select list prepared under rule 13.

15. Probation and Confirmation. – (1) Every person appointed to the service by direct recruitment shall be on probation for a period of two years and when appointed on promotion shall be on probation for a period of one year from date of joining the grade:

Provided that the appointing authority may, if think fit, in any case or class of cases, 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 held to be not being on actual duty

(2) The appointment of a probationer, in case of a direct recruitee 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 extension of such period, if any, and in case of a promotee, the officer shall deem to be reverted to his former grade.

(3) A probationer after completing the period of probation to the satisfaction of Government shall be eligible for confirmation subject to passing of Departmental and Professional Examination under Rule 18 and availability of permanent vacancy in the grade.

16. Interse Seniority. – The seniority of the officers appointed to any grade in the service in a particular year shall be in the order in which their names appear in the select list prepared under rule 8 and 13 as the case may be:

Provided that officers appointed on promotion against the vacancies of a year shall en-bloc be senior to those appointed by direct recruitment against the vacancies of that year, where the posts are being filled up both by way of promotion and direct recruitment.

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 Government.

18. Departmental and Professional Examination. – Every member of the service shall be liable to pass the Departmental and Professional Examination during the period of probation, as may be prescribed by the Government.

19. Relaxation. – When the Government are of the opinion that it is considered necessary or expedient so to do, in 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 employees in consultation with the Commission.



20. Interpretation. – If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

21. Power to issue instructions. – The Government may issue such instructions not inconsistent with the provisions of these rules as they may consider necessary to regulate the matters not specifically covered by the provisions of these rules.

By order of the Governor

D. K. SINGH

Commissioner- *cum*- Secretary to Government