VOLUME 20

Service Manuals, RTI & Office Procedure

Odisha Service Manual · inquiry handbook · office procedure · service rules · AIS · Right to Information

20

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About this volume

This volume brings together the Acts and the Government of Odisha orders, circulars, notifications and resolutions on service rules, disciplinary proceedings, office procedure and the Right to Information that are published on odisharevenuelaws.com. Each document is reproduced as issued, in its original form. Use the Contents page or the PDF bookmarks to jump to any document. Page numbers at the foot of each page run continuously through the volume. This is a compilation for ready reference only; for official purposes, please rely on the notified text and the latest orders of the Government.

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CRITERIA FOR ENTRY INTO GOVERNMENT SERVICE

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PART I - Rules			
1	Notification No. 33068-Gen.	27/10/1989	Orissa Civil Service(Fixation of Upper-Age-limit) Rules, 1989.
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(A) LANGUAGE QUALIFICATION			
1	Resolution No. 10719-Gen.	31/08/1961	Requirement of Domicile and Language qualification for entry into Government Service.
2	Resolution No. 21388-Gen.	12/09/1984	Language qualification for entry into Government Service
3	Circular No. 2783-Gen.	24/01/1989	Clarification regarding sanction of second increment of an officer after passing Oriya language test.
(B) ANTECEDENTS VERIFICATION			
1	Resolution No. 34438-Gen.	20/11/1999	Verification of character and antecedent of candidates before appointment into Government service
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PART-I-RULES

THE ORISSA CIVIL SERVICE (FIXATION OF UPPER AGE LIMIT) RULES, 1989
GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION
The 27th October 1989
(Published in Orissa Gazette on 27th October1989)

No. 33068-Gen.-In exercise of the powers conferred by the provision to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to regulate the upper age limit for entry into the service of Government in pensionable service namely:-

Short title and commencement-

1. (1) These rules may be called the Orissa Civil Service (Fixation of Upper Age Limit) Rules, 1989

(2) They shall come into force on the date of their publication in the Official Gazettee

[1][**IA** (a) "Physically Handicapped Persons" means such person as mentioned in the General Administration Department Resolution No. 15338-Gen., dated the 4th May 1981.]

(b)"Scheduled Castes and Scheduled Tribes" means such Castes and Tribes as notified by the President of India from time to time under Articles 341 and 342 of the Constitution of India respectively.

(c) "Socially and Educationally Backward Class" means the backward classes of Citizen other than the Scheduled Castes and Scheduled Tribes as may be specified by the State Government from time to time in the list under the Orissa State Commission for Backward Classes Act, 1993.

Upper age limit for entry into Government Service-

2. Notwithstanding anything contained in any recruitment rule regulating the method of recruitment in Civil Services and / or Civil Posts in Pensionable establishment under the State Government, the upper age limit for entry into Government Service shall be [2][Thirty-two] years except where a higher upper age limit has been prescribed for any such service or post:

[3][*]

[4][Provided further that if for any reason applications have not been invited by the authority competent to conduct examination during any particular year to fill up the vacancies of that year, applicants, who would have been eligible if applications, were invited during that year, shall be eligible to compete at the examination held in the subsequent year. This proviso will also apply to cases where advertisements have already been issued for recruitment to services and posts under Government but the process of recruitment has not commenced.]

[5][*]

Explanation – The expression "recruitment rules" shall mean the rules framed under the proviso to Article 309 of the Constitution of India regulating the recruitment to any Civil Service or authority for that purpose.

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1. Inserted vide G.A. Department Notification No. 31581-Gen., dated the 31st October 1998- Published in Orissa Gazette and given effect to from the 13th November 1998.
2. Substituted in G.A. Department Notification No. 8711-Gen., dated the 26th March 1991-Published in Orissa Gazette and given effect to from the 30th March 1991.
3. Deleted vide G.A. Department Notification No.31581-Gen., dated the 31st October 1998.

4. Inserted vide G.A. Department Notification No. 8402-Gen., dated the 28th April 1994 – Published in Orissa Gazette and given effect to from the 18th May 1994.

5. Deleted vide G.A. Department Notification No.31581-Gen., dated the 31st October 1998.

[1][**3.** The upper age limit prescribed for entry into Government service in rule 2, above shall be relaxed, in case of the following categories of persons, to the extent mentioned against each namely:-

(a)	Scheduled Castes	…	5 Years
(b)	Scheduled Tribes	…	5 Years
(c)	Women	…	5 Years
(d)	Socially& Educationally backward Classes	…	3 Years
(e)	Physically handicapped	…	10 Years]

4. A person who comes under more than one category mentioned in rule3, shall be eligible for only one benefit of relaxation which shall be considered most beneficial to him / her.

Explanation – A woman candidate belonging to Socially and Educationally Backward Class is eligible for relaxation of upper age limit by 5 years as woman and 3 years as Socially and Educationally Backward person as per rule 3, in such case, she shall be only eligible for 5 years of age relaxation, which is considered more beneficial to her.

By order of the Governor
R. K. NAYAK
Special Secretary to Government

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1. Added vide G.A. Department Notification No. 31581-Gen., dated the 31st October 1998.

PART II – Instructions

(A)LANGUAGE QUALIFICATION

No. 10719-Gen.

GOVERNMENT OF ORISSA
POLITICAL AND SERVICES DEPARTMENT

…….

RESOLUTION

The 31st August 1961

SUBJECT- Requirement of Domicile and Language Qualifications for entry into Governemnt service.

READ- Home Department Resolution No. 38-Ref., dated the 18th January 1949.

In Home Department Resolution No. 38-Reforms, dated the 18th January 1949, it has been laid down that in matters of Public employment preferences should be given to candidates who satisfy the criteria-

(1) That he should be permanent resident of the Province of Orissa (permanent resident has been defined as one who or one of whose parents has lived in the Province of Orissa for a minimum period of twelve years); and

(2) (a) that he is able to speak Oriya ; and
(b) if he is a literate person-
(i) is able to read and write it; and
(ii) has also passed a test in Oriya equivalent to the middle standard.

Consequent on the passing by Parliament of the Public Employment (Requirement as to Residence) Act, 1957, the requirement of residential qualification prescribed in Home Department resolution cited above in matters of appointment to the various posts and services under the State Government has become inoperative. Government has, therefore, decided that the domicile qualification shall no longer be a stipulation for entry into public services in the State. Modification of the existing recruitment rules to bring them in conformity with Section 2 of the aforesaid Act may be taken up by the Departments of Government.

2. The criteria of language qualification as contained in Home Department Resolution No. 38-Reforms, dated the 18th January 1949, will henceforward be regulated as follows-

(i) Generally, the language qualification as at present prescribed shall remain for employment in public services in the State. This should be so particularly as regards permanent posts;

(ii) For technical posts, whether permanent or temporary, recruitment may be made on the condition that within the prescribed probationary period the candidate selected should pass an examination in Oriya equivalent to the M.E'. Standard:

Provided that the language qualification shall not be insisted upon if so desired by Government in specific cases:

(iii) In certain technical posts, which require special qualifications, Government may relax the condition of language qualification entirely. This will have particular reference to contract posts or temporary posts.

3. Language tests will be held by the Education Department to test candidates by the M.E. Standard in Oriya to enable them to qualify for employment in public service by means of competitive examinations or otherwise. These will be conducted twice every year. Those who have passed Matriculation or an equivalent examination with Oriya as their second language may be exempted from passing the test.

4. The Departments of Government and Heads of Departments etc., are requested to amend their recruitment rules accordingly so as to exclude the residential qualification.

ORDER- Ordered that this resolution should be published in the Orissa Gazette.

Ordered also that copies of the resolution be forwarded to all Departments, all District Officers / all Heads of Departments / Superintendent, Orissa Government Press / Secretary to the Orissa Public Service Commission / Secretary to the Governor for information and communication to all appointing authorities under them.

By order of the Governor
B. R. PATEL
Secretary to Government

No. 21388-Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
…….

RESOLUTION
The 12TH September 1984
(Published in Orissa Gazette on 5th October, 1984)

SUBJECT: Language qualification for entry into Government service.

In General Administration Department Resolution No. 31513-Gen., dated the 16th December 1982, it was laid down that a candidate who has not passed the test in the M.E. School standard should be required to pass such a test within a period of one year of service failing which he will not be allowed to draw his second increment.

2. Now it has been decided that all official business shall be transacted in Oriya from the 1st April 1985, it is felt necessary that knowledge in Oriya should be made mandatory for recruitment to all Government jobs. In super session of the instruction communicated in G.A., Department Resolution No. 31513-Gen., dated the 16th December 1982, Government have therefore been pleased to decide that for all posts with entry qualification of Matriculation and above a pass in Oriya language test equivalent to M.E. standard should be made an essential pre-requisite.

3. Language tests will continue to be held twice a year by the Education & Y.S. Department to test candidates by M.E. standard in Oriya to enable them to qualify for employment in public service by means of competitive examination or otherwise as was laid down in erstwhile P &S Department Resolution No. 10719-Gen., dated the 31st August 1961.

———

ORDER- Ordered that this Resolution be published in an extraordinary issue of the Orissa Gazette for general information and copies be forwarded to all Departments of Government / all Head os Departments / all District Offices/ Secretary to O.P.S.C /

Secretary to the Governor for information and communication to all appointing authorities under them.

By order of the Governor
C. NARAYANSWAMI
Special Secretary to Government

No.2783-2 R/1-5/89-Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
…….

The 24TH January 1989

To

All Departments of Government
All Heads of Departments
All Collectors

SUBJECT:- Clarification regarding sanction of second increment of an officer after passing Oriya Language test.

In G.A. Department Resolution No. 21388/Gen., dated the 12th September 1984 it was laid down that for all posts with entry qualification of Matriculation and above, a pass in Oriya language test equivalent to M.E. standard should be an essential pre-requisite. No second increment of an officer who has failed to have a qualification of Oriya language test equivalent to M.E. standard should be sanctioned until the said incrumbent pases the aforesaid qualification. Doubts have been arisen as to whether the second increment of an incrumbent which was held up / disallowed due to non-passing the Oriya language test would be sanctioned from the date of passing the said test or from the actual date of its accrual.

2. In the above circumstance, the undersigned is directed to clarify that in cases prior to 12th September 1984 where the second and subsequent increment of an incumbent which was held up / disallowed due to the aforesaid reason may be sanctioned from the date of passing the said test. Delay, if any caused for passing the language test shall not have the effect of postponing the increments cumulatively, but arrear incremental dues shall not be allowed. Further, it is clarified that the subsequent increments shall fall due on the next anniversary date of appointment. This disposes of the letter No.574, dated the 5th May 1988 of the I.G.R.-cum-Excise Commissioner, Cuttack.

(ILLEGIBLE)
Under Secretary to Government

(B) ANTECEDENT VERIFICATION

No.34438-2R/1-6/1999-Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
…….

RESOLUTION
The 20TH November 1999

SUBJECT- Verification of the character and antecedents of candidates before appointment to Government service.

A detailed procedure for verification of character and antecedents of Government servants before appointment has been laid down in erstwhile Political and Services Department Memo No. 11852 / Gen., dated the 14th September 1957 read with their Memo No. 17139(78)/Gen., dated the 2nd December 1958 and G.A. Department Memo No. 24197, dated the 25th October 1984. It has been indicated therein that detailed verification of character and antecedents is necessary in the following eases:-

(i) Appointment to Class-I (Group-A) and Class II (Group-B) posts under the State Government
(ii) Appointment to Ministerial posts in State Secretariat and its attached offices and Heads of Departments.
(iii) Appointment to Class-III (Group-C) and Class-IV (Group-D) posts where such verification is considered particularly necessary in the interest of security and
(iv) In case of candidates who are unable to produce character certificates.

2. In other cases, appointment to Class-III (Group-C) and Class-IV (Group-D) posts, may be made on production of two character certificates from two Gazetted (Group-A and Group-B)officers.

3. It has been brought to the notice of the Government that delay in issue of appointment orders to the candidates selected by Orissa Public Service Commission/Orissa, Staff Selection Commission / Selection Committee / Selection Board takes Place invariably due to non-receipt of reports of verification of the character and antecedents of such candidates in time. This causes dislocation in transacting official business in different Government offices.

4. After careful consideration of the problems, Government have been pleased to decide that the appointing authority may issue temporary appointment orders to the candidates in order of merit in the select list subject to verification of their character and antecedents by the appropriate authority. Simultaneously, the appointing authority must seek from the appropriate authority, report on the character and antecedents of the candidate concerned and in case an adverse report is received his services shall be terminated forthwith in accordance with the provisions laid down in sub-clause (ii) of Clause (h) of Explanation under rule-13 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962. This stipulation should be indicated in the temporary

appointment order to be issued to the selected candidate. In case no adverse report is received, the temporary appointment shall be made final from the date the temporary appointment order was ussued.

———

ORDER- Ordered that the Resolution be published in the Orissa Gazette and copies thereof shall be forwarded to all Departments of Government / all Heads of Departments/ all Collectors / Registrar, Orissa High Court / Registrar, Orissa Administrative Tribunal / Special Secretary, O.P.S.C./ Secretary, Orissa Staff Selection Commission.

By order of the Governor
S. B. AGNIHOTRI
Special Secretary to Government

(C) UNDERTAKING

No. 22522 (150)-2M-33/94-Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
…….

The 18TH October 1994

To

All Departments of Government
All Heads of Departments
All Collectors

SUBJECT- Recovery of loan stipend from Government Servants who have availed loan stipend of the Higher Education (L.S.F.) Department.

The undersigned is directed to say that interest free loan stipend is being granted by the Government since 1946 to needy and deserving meritorious students out of the Orissa Loan Stipend Fund to enable them to prosecute higher studies in various subjects, both inside and outside the State. The borrowers are required to repay the loan in instalments as per the modalities prescribed in the Money Bond, which they execute while availing themselves of loan.

2. It has come to the notice of Government that most of the loanees do not repay the loan as per the terms of the agreement even after securing employment. In some cases neither they intimate their service particulars nor start repayment of loan of their

own accord. The Orissa Loan Stipend Fund Committee while reviewing the matter, have expressed their grave concern over the issue and have recommended to take adequate steps for realisation of the amount from the loan Stipendees.

3. After careful consideration Government have been pleased to decide that an undertaking in the enclosed from should be obtained from each Government employee at the time of his first appointment to the effect that the has / has not availed of loan stipend and in case he has availed of loan stipend, he should furnish the particulars thereof. On receipt of the above information, the employing organization shall pass on the same to the Loan Stipend Branch which shall help them to follow up recovery. Sanction of 1st increment may be withheld in case of those Government employees who fail to submit the aforementioned undertaking while entering into Government service.

4. These instructions may be meticulously followed.

PRITIMAN SARKAR
Special Secretary to Government

(FORM OF UNDERTAKING TO BE FURNISHED AT THE TIME OF 1ST APPOINTMENT)

I, Shri.....son of Shri ..... Village .....P.O. ..... P.S.....Tahasil, ...Dist. .....appointed as ..... in the Department / Office of the ..... declare that I have availed / not availed loan stipend amounting to Rs. ..... from the Department of Higher Education (erstwhile Education L.S.F. Department) against loan Ledger No. .....during my student career for prosecuting higher study in ..... Course during the year .....out of which I have already paid a sum of Rs. ..... leaving a balance of Rs.....

Full name and designation of the employee

COMBINED COMPETITIVE RECRUITMENT EXAMINATION RULES

Sl. No.	Reference No.	Date	Subject
01.	Notification No.16984	01.07.1991	Orissa Civil Services (Combined Competitive Recruitment Examination) Rules, 1991.
02.	Notification No.20282-Gen	19-07-2003	Orissa Civil Services (Combined Competitive Recruitment Examination) Amendment Rules, 2003.

GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION
The 1st July 1991
(Published in Orissa Gazette on 13th August 1991)

No. **16984/Gen.-** In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules for regulating the method of recruitment to certain State Civil Services, namely:-

Short title and commencement.

1. (1) These rules may be called the Orissa Civil Services (Combined Competitive Recruitment Examination) Rules, 1991.

(2) They shall come into force on the date of their publication in the Orissa Gazettee.

Definition

2. In these rules unless the context otherwise requires, -

(a) "Commission" means the Orissa Public Service Commission.

(b) "Examination" means the Orissa Civil Services Combined Competitive Recruitment Examination.

(c) "Government" means the Government of Orissa

(d) "Schedule " means the Schedule appended to these rules

(e) "Year" means the calendar year.

Direct recruitment

3. Appointment to services / posts mentioned in column (2) of Schedule which are required to be filled up by direct recruitment through competitive examination under the relevant Recruitment Rules / Regulations / Resolutions as mentioned in column (3) thereof shall notwithstanding anything to the contrary contained in such Rules / Regulations, be made in order of merit from out of the candidates recommended by the Commission under rule 15.

Provided that the Government may include any services / posts in the Schedule 1 for regulating direct recruitment to that service / post under this rule or exclude any service / postfrom the purview of this rule by notification in the official Gazette.

Holding of Examination

4. (1) The concerned Department of Government shall intimate [1][each year] vacancy position to the Commission through the G.A. Department indicating the posts reserved for candidates belonging to the categories of Scheduled Caste, Scheduled Tribe [2][Socially and Educationally backward Classes], Ex-servicemen, [3][Sportsmen] and Women.

(2) The Commission shall on receipt of the vacancy position from the G.A. Department announce and invite application from the candidates eligible to appear in the examination.

(3) The Commission shall conduct the combined competitive examination in the manner prescribed in Schedule II for recruitment to the Services / Posts mentioned in Schedule I by an order to be issued by the Commission on that behalf.

(4) The date on which and the place at which the examination will be held shall be decided and notified by the commission.

(5) The candidates shall be examined in any of the subject / subjects specified in Schedule III.

Condition of eligibility

5. In order to be eligible to compete for the examination a candidate must satisfy the following conditions, namely:-

(1) Nationality-

(i) He shall be a citizen of India

(ii) He shall be able to speak, read and write Oriya and shall have Oriya as a language subject in the H.S.C. Examination or an equivalent examination or has been declared to have passed a test in Oriya language equivalent to the Middle School standard conducted by the Education Department of the Government of Orissa.

(2) Age-

[4][(i) Candidate shall be under thirty-two years and over twenty-one years of age on the first day of August of the year in which applications are invited.]

Provided that-

[5][(a) Whether applications have not been invited by Commission during any particular year, to fill up the vacancies of that year, the applicants who would have been eligible to compete at the examination had the application been invited by the Commission during that year shall be eligible to compete at the xamination held in the subsequent year;] and

[6][(b)The maximum age limit in case of candidate belonging to Scheduled Castes or Scheduled Tribes shall be relaxed by five years;]

[7][(b)(1) The upper age limit in case of candidates belonging to Socially and Educationally backward Classes shall be relaxed by three years]

[8][(c) The upper age limit in case of candidates who are ex-servicemen, shall be relaxed in accordance with the Orissa Ex-Servicemen (Recruitment to State Civil Services and Posts) Rules, 1985.]

[9][(d) The upper age limit in case of Women candidates shall be relaxed by five years]

(ii) Evidence of age which shall be accepted by the Commission is that entered in the H.S.C. Examination or Matriculation or Secondary School leaving Certificate or a Certificate recognised by an Indian University as equivalent thereto.

(3) Educational Qualification-

He must hold a 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 from time to time.

NOTE- Copies of only degree certificates or provisional certificates issued by the University duly attested by a Gazetted Officer as true copies shall be accepted as evidence of Educational qualification. The originals shall be produced at the time of viva voce test.

Eligibility of Govt. Employees.

6. Government servants, whether temporary or permanent, are eligible to appear at the examination provided they possess the requisite qualifications and are within the prescribed age limit. Applications from Government Servants, shall however be rejected unless submitted through proper channel.

Fees

7. (1) No application shall be considered, unless it is accompanied by an Indian Postal Order or Challan as provided in the advertisement showing payment in to a Government Treasury the fees as may be prescribed by the Commission in consultation with the State Government for the purpose from time to time:-

Provided that a candidate belonging to the Scheduled Castes or Scheduled Tribes is exempted from payment of fee.

(2) No claim for refund of the fees shall in any circumstances be entertained.

Physical fitness.

8. A candidate must be of good mental condition and bodily health and free from any physical defect likely to interfere with the discharge of his duties as an officer of the service. A candidate who after such medical examination as the Government may prescribe, is not found to satisfy these requirements will not be appointed. Any candidate called for the personality test by the Commission may be required to undergo medical examination before the Medical Board. No fee shall be payable to the Medical Board by the candidate.

Identify

9. Candidates shall submit two copies of their recent passport size photographs duly signed by them and attested by a Gazetted officer, one of which shall be firmly fixed on the first page of the application from and the remaining one shall be firmly attached to it.

Disqualification

10. (1) Any attempt, on the part of candidate to obtain support for his candidature, by any means, may be held by the Commission to disqualify him for admission to the examination at any stage.

(2) No person who has more than one spouse living or in case of woman candidate if married to a person having a spouse living shall be eligible for appearing at the examination:

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

Eligibility for admission.

11. (1) The decision of the Commission as to the eligibility of a candidate for admission to the examination shall be final and no candidate to whom a certificate of admission has not been issued by the Commission shall be admitted to the examination.

(2) The application of a candidate shall be summarily rejected if the same is not complete in all respects as provided in the rules, regulations, application form and supplementary instructions to the candidates and is not received by the last date notified for the receipt of application.

Appearance in examination

12. [10][(1) The eligible candidates shall be required to appear in a preliminary test which shall consist of two papers, i.e., one in Indian Language [11][Oriya] and another in English. The candidates qualifying the preliminary test shall be called to appear in the written test on the subjects as prescribed in Schedule III.]

(2) The candidates, who secure such minimum qualifying marks in the written test, as may be fixed by the Commission, shall be called to appear at the interview for a personality test:-

Provided that the number of such candidates to be called for the personality test belonging to each category, shall not exceed twice the total number of vacancies likely to be filled up in different services.

No . of attempts

[12][13, Every candidate appearing at the examination, if he is otherwise eligible shall be permitted four attempts at the examination irrespective of the number of attempts he has availed of at the Orissa Administrative Service and other examinations of previous years held prior to enforcement of these rules:

Provided that –

(i) nothing herein shall apply in the case of S.C. & S.T. candidates.

(ii) Candidate belonging to the Socially and Educationally Backward Classes shall be permitted seven such attempts and

(iii) A candidate who has selected for appointment to any of the posts or services mentioned under category-II in column (2) of Schedule –I may, subject to his eligibility be allowed to compete again for Class –II service or services mentioned under category-I in column (2) of the said schedule.

NOTE – Notwithstanding the disqualification or cancellation of candidature the fact of appearance of the candidate at the examination will count as an attempt.

Preparation of merit list

14(1) On the basis of the results of the examination and tests conducted under Rule 12 the Commission shall prepare a common list of successful candidates found suitable for appointment in order of merit, subject to reservations under different categories and forward this list to Government for allotment of their names in the manner prescribed in Rule 15. This list shall also be published by the Commission for general information.

(2) The list prepared under sub-rule (1) shall include the names of successful candidates equal to the number of vacancies reported to the Commission.

[13][Provided that if the examination is conducted in a particular year taking together all the vacancies of the previous years, the list shall include the names of successful candidates equal to the number of the aggregate vacancies so reported to the Commission in different years including the current year.]

(3) The list submitted by the Commission shall be valid for one year from the date of its approval by the Government:

Provided that the State Government may, at any time, in consultation with the Commission for grave lapse in the conduct on the part of any person included in the list remove the name of such person from the list.

NOTE- (1) Final ranking of the candidates shall be on the basis of marks obtained in the written examination and interview;

[14][*]

(2) In case of two or more candidates securing the same marks in aggregate, the candidate securing higher marks in the personality test will be assigned higher position over the others.

(3) In case of candidates securing same marks in the aggregate and personality test the candidates securing higher marks in general studies will rank above other.

(4) In case of securing same marks in the personality test general studies and optional papers final ranking will be determined on the basis of age, i.e., those elder in age will be given preference over others.

Allotment

15. Candidates securing the highest places on the results of the examination shall subject to the order of preference that has been expressed by them in their applications, be allotted to those services up to the number of vacancies that are decided to be filled up [15][*] on the result of the examination. Due consideration

shall be given to the preference exercised by a candidate at the time of his application, for admission to the examination;

Provided that in cases where the preferences given by candidates become unworkable either due to the number of candidates giving preference for a particular service being more than one number of vacancies or vice versa, Government shall have the right to allot a candidate to any service for which he is consider most suitable irrespective of any preference given by him, in making such allotment, Government shall have regard as far as possible to the professional qualification and background that the candidate possesses.

Consideration for appointment

16. Candidates shall be considered for appointment to different services subject to availability of vacancies in the order in which their names appear in the list furnished by the Commission under rule 14.

Relaxed standard for S.C., S.T. & Ex-Servicemen candidates

17. Commission while drawing up the merit list under rule 14(1), shall arrange in order of merit of the candidates who have qualified by for such standard as the Commission may determine and of the candidates belonging to the [16][S.C., S.T. & Ex-Servicemen] who though not qualified by the standard are having due regard to the maintenance of efficiency of administration, declared by the Commission to be suitable for appointment to the service.

Penalty

18. A candidate who is or has been declared by the Commission to be guilty of –

(i) obtaining support for his candidature by any means; or
(ii) impersonation; or
(iii) procuring impersonation by any person; or
(iv) submitting fabricated document or document which have been tampered with; or
(v) making statements which are incorrect or false or suppressing material information; or
(vi) resorting to any other irregular or improper means in connection with his candidature for the examination; or
(vii) using unfair means during the examination; or
(viii) writing irrelevant matter including obscene language or pornographic matter in the script (s); or
(ix) misbehaving with the fellow examinees or the invigilator in any manner in the examination hall; or
(x) harassing or causing bodily harm to the staff employed / engaged by the Commission for the conduct of the examination ; or
(xi) violating any of the instructions contained in the admission certificate; or
(xii) attempting to commit or as the case may be, abetting the Commission of all or any of the acts specified in the forgoing clauses, may be liable –
  (a) to be disqualified by the Commission from the examination for which he is a candidate; or
  (b) to be debarred, either permanently or for a specified period-
  (i) by the commission, from appearing in any examination or selection held by them;
  (ii) by the State Government, from entering to any employment under them; and
  (c) if he is already in service under Government, to disciplinary action under the appropriate rules;

Provided that no penalty under this rule shall be imposed except after-

(i) giving the candidate an opportunity of making such representation to the Commission or Government, as the case may be, in writing as he may wish to make in that behalf; and
(ii) taking into consideration the representation, if any, submitted by the candidate within the period allowed to him by the Commission or the Government, as the case may be.

Right to appointment

19. Inclusion of the name of a candidate in the list confers no right to appointment unless Government are 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.

[17][19(A)Notwithstanding anything contained in these rules and the provisions of the recruitment rules specified in column (3) of Schedule –I;

(i) Where the Commission for any reason could not conduct the examination for one or more years in accordance with rule-4, a single examination may be conducted in the subsequent year for all the vacancies intimated during different years including the current year to the Commission, by treating them as the vacancies of the year in which the said examination is actually conducted and in that case the proviso to clause (1) of sub-rule (2) of rule –5 shall apply; and

(ii) Where a single examination is conducted, all the vacancies which are required to be filled up by promotion, selection or transfer, as the case may be, under the relevant recruitment rules, remained unfilled shall be treated as the vacancies of the year in which such examination is conducted.]

Repeal and Savings.

20. The rules / regulations specified in column (2) of Schedule – IV shall, to the extent as specified in column (3) thereof stand repealed:

Provided that notwithstanding such repeal any order made or action taken under the rules / regulations so repealed, shall be deemed to have been made or taken under these rules.

Interpretation

21. If any question arises relating to the interpretation of these rules it shall be referred to Government in the General Administration Department for decision.

NOTE

1. : Inserted vide G.A. Department Notification No.1982-Gen., dated the 23rd January 1993 published in Orissa Gazette and given effect to from the 25th January 1993.

2. : Inserted vide G.A. Department Notification No.28615-Gen., dated the 5th November 1996 published in Orissa Gazette and given effect to from the 15th November 1996.

3. : Substituted vide G.A. Department Notification No.1982-Gen., dated the 23rd January 1993

4. : Substituted vide G.A. Department Notification No.33634-Gen., dated the 7th September 1992

5 & 9. : Substituted vide G.A. Department Notification No.1982-Gen., dated the 23rd January 1993

7. : Inserted vide G.A. Department Notification No.28615-Gen., dated the 5th November 1996

6 & 8. : Substituted vide G.A. Department Notification No.33634-Gen., dated the 7th September 1992

10. : Substituted vide G.A. Department Notification No.28615 dated the 5th November 1996

11. : Substituted vide G.A. Department Notification No.5775 dated the 13th March 1997 & given effect to from 1st January 1994

12. : Substituted vide G.A. Department Notification No.43676-Gen., dated the 15th December 2000 published in Orissa Gazette and given effect to from the 15th December 2000

13 & 14 : Inserted and deleted vide G.A. Department Notification No. 26301-Gen., dated the 28th September 1996 published in and given effect to from the 25th October 1996.

15. : Deleted vide G.A. Department Notification No. 28615-Gen., dated the 5th November 1996.

16. : Substituted vide G.A. Department Notification No.20280-Gen., dated the 15th September 1994,- published in Orissa Gazette and given effect to from the 21st September 1994.

17. : Inserted vide G.A. Department Notification No.26301-Gen., dated the 28th September 1996

SCHEDUEL – I

(Vide Rule –3)

Sl. No.	Name of the Posts / Service	Relevant Recruitment Rules
(1)	(2)	(3)
	Category – I	
1.	Orissa Administrative Service, Class-II.	The Orissa Administrative Services, Class-II (Recruitment) Rules, 1978.
2.	Orissa Finance Service, Class-II	The Orissa Finance Service Rules, 1979.
3.	Orissa Co-operative Service, Class-II	The Orissa Co-operative (Recruitment and Conditions of Service) Rules, 1974.
4.	Orissa Employment Service, Class-II	The Orissa Employment Service, Class – II (Recruitment and Conditions of Service) Rules, 1990.
[1][5.]	Orissa Welfare Service, Class-II	Orissa Welfare Service (Method of Recruitment and Conditions of Service)Rules, 1992.
	Category – II	
6.	Sub-Registrars (Specially declared gazetted).	The Orissa Sub-Registrars (Recruitment and Conditions of Service) Rules, 1983.
7.	Orissa Settlement and Consolidation Service (Specially declared gazetted).	The Orissa Settlement and Consolidation Service (Recruitment and Conditions of Service)Rules, 1980
8.	Orissa Employment Service (Junior Employment Officer)	No. Service Rule

SCHEDUEL – II

[Vide Rule – 4 (3)]

THE SCHEME OF EXAMINATION

[2][1.] The competitive examination shall comprise as follows, namely:-

(i) Preliminary Test
(ii) Written Test
(iii) Personality Test or interview

2. Candidates who will qualify in the preliminary test shall be called by the Commission to appear in the written test. The qualifying marks in the preliminary test shall be such as may be fixed by the Commission. The written test shall comprise of six papers each carrying 300 marks in the subject prescribed in schedule-III. The marks obtained in the preliminary test shall not be counted for ranking.

3. Candidates who obtain such minimum qualifying marks in the written part of the examination may be fixed by the Commission at their discretion, shall be called for the personality test. [3][*] The personality test shall carry [4][200 marks (with no minimum qualifying marks)].

Total marks thus obtained by the candidates in the written examination and personality test would determine their final ranking. Candidates shall be allotted to the various services keeping in view their ranks in the examination and the preferences indicated by them for the various services.

NOTE

1. Inserted vide G.A. department Notification No. 31577/Gen., dated the 31st October 1998 and given effect from the 31st October 1998.

2 & 4. Substituted vide G.A. Department Notification No. 28615, dated the 5th November 1996
3. Deleted vide G.A. Department Notification No. 28615, dated the 5th November 1996.

SCHEDULE – III

[Vide Rule – 4 (5)]

Scheme and subjects for the examination

[1][1] The preliminary test shall consist of the following subjects :-

	Paper – I [2][Oriya]	300 marks
	Peper – II English	300 marks
NOTE- The preliminary test shall be matriculation standard. The test shall be of qualifying nature and marks obtained in these papers shall not be counted for ranking.		
1(A)	The written test shall consist of the following subjects:-	
Paper - I	General Studies –I	300 marks
Paper-II	General studies –II	300 marks
Paper-III	300 marks each	1200 marks
Paper-IV	Any two subjects to be selected from the list of	
Paper-V	optional set out below.	
Paper-VI	Each subject shall have two papers.	
Total Marks in written test		1800 marks
1 (B)	Personality test	200 marks
Total Marks in written & personality test		2000 marks
2.	List of Optional Subject-	
(1)	Agriculture	
(2)	Animal Husbandry and Veterinary Science	
(3)	Anthropology	
(4)	Botany	

(5)	Chemistry	
(6)	Civil Engineering	
(7)	Commerce & Accountancy	
(8)	Economics	
(9)	Electrical Engineering	
(10)	Geography	
(11)	Geology	
(12)	History	
(13)	Law	
(14)	Literature of one of the following languages- (i) Oriya (ii) Hindi (iii) Sanskrit (iv) Persian (v) English (vi) Urdu	
(15)	Management	
(16)	Mathematics	
(17)	Mechanical Engineering	
(18)	Philosophy	
(19)	Physics	
(20)	Political Science & International Relations	
(21)	Psychology	
(22)	Public Administration	
(23)	Sociology	
(24)	Statistics	
(25)	Zoology	
[3][(26)	Education]	
[4][(27)	Forestry]	
(28)	Home Science	
NOTE	(i) Candidate shall not be allowed to opt for the following combinations of subjects	
(a)	Oriya, Hindi, Persian, Sanskrit	
(b)	Civil Engineering, Mechanical Engineering, Electrical Engineering	
(c)	Mathematics, Statistics	
(d)	Anthropology, Sociology	
(e)	Political Science & International Relations and Public Administration	
(f)	Commerce & Accountancy and Management	
(g)	Agriculture and Animal Husbandry and Veterinary Science	
(h)	Management and Public Administration	
[3][(i)	Education and Psychology]	
[4][(j)	Geology and Geography]	
	(ii) The question papers for the examination shall be of conventional essay type	
	(iii) Each paper shall be of three hours duration	
	(iv) Candidates shall have to answer all the question papers, except the Indian Language Paper in English	
	(v) The question papers other than Indian Language papers shall be set in English	
	(vi) The details of syllabus are to be set out by the Commission	

3. General Instructions-

(i) Candidates must answer the papers in their own handwriting. In no circumstances, they will be allowed the help of a scribe to write the answers for them.

(ii) The commission shall be competent to fix the qualifying marks in any or all the subjects of the examination.
(iii) If a candidate's handwriting is not easily legible, a deduction will be made on this account from the total marks otherwise accruing to him.
(iv) Marks will not be allotted for mere superficial knowledge
(v) Credit will be given for orderly, effective and exact expression combined with due economy of words in all subjects of the examination.
(vi) In the question papers, wherever necessary questions involving the Metric system of weights and measures only will be set.
(vii) Candidates shall use only International, form of Indian numerals i.e.2,3,4,5,6, etc.) while answering question papers.
(viii) Candidates shall be permitted to bring and use battery operated pocket calculators for conventional (easy) type papers only.

Candidates shall not be permitted to use calculators for answering objective type papers (Test Booklets).

Personality Test

The candidate shall be interviewed by a Board who will have before them a record of his career. He will be asked questions on matters of general interest. The object of the interview will be to assess the personal suitability of the candidate for a career in public service. The object test shall be to judge the mental caliber of a candidate, his intellectual qualities as well as social traits and his interest in current affairs. Also some of the qualities to be judged will be mental alertness, critical powers of assimilation, clear and logical exposition, balance of judgment, variety and depth of interest, ability for social cohesion and leadership, intellectual and moral integrity.

SCHEDULE – V

(*See* Rule – 20)

Sl No.	Name of the Recruitment Rules/Regulations	Relevant provisions of the Recruitment Rules/Regulations
(1)	(2)	(3)
1.	The Orissa Administrative Service, Class-II (Recruitment) Rules, 1978.	Rule-4, sub-rule (2) of Rule-5, sub-rule (3) of Rule 7.
2.	The Orissa Administrative Service, Class-II (Appointment by Competitive Examination) Regulations, 1978.	The whole Regulations.
3.	The Orissa Finance Service Rules, 1979	Clause (a) of sub-rule (1) of Rule-3, Rule-5, sub-rule (i) of Rule-17.
4.	The Orissa Co-operative Service (Recruitment and Conditions of Service) Rules, 1974.	Clause (b) of sub-rule (2) of Rule-4, Rules – 9, 10, 11, 12, 13, 14, 15, 16, and clause (d) of Rule – 18.
5.	The Orissa Employment Service Rules, 1990.	Rules-7, 8, 9, 10, 11 & 12 of Chapter – III
6.	The Orissa Sub-Registrars (Recruitment and Conditions of Service) Rules, 1983.	Sub-rule (2) of Rule-1 and Rule-5
7.	The Orissa Settlement and Consolidation Service (Recruitment and Conditions of Service) Rules, 1980.	Rules-5, 6, 10, 11 and 13-A.

By order of the Governor

C. NARAYANASWAMY

Special Secretary to Government

1. Deleted vide G. A. Department Notification No. 28615/Gen., dated the 5th November 1996.

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GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

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NOTIFICATION

The 19th July 2003

S.R.O. No. 394/2003-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules further to amend the Orissa Civil Services (Combined Competitive Recruitment Examination) Rules, 1991, namely :-

1. (1) These rules may be called the Orissa Civil Services (Combined Competitive Recruitment Examination) Amendment Rules, 2003.

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

2. In the Orissa Civil Service (Combined Competitive Examination) Rules, 1991 in Schedule – III against Serial No. 2 under the heading list of Optional Subjects : after item 28th following items shall be inserted, namely :-

"29-Agricultural Engineering
30-Fisheries Science"

[No. 20282-2R/1-13/2003-Gen.]

By order of the Governor

S.SRINIVASAN

Special Secretary to Government

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3. CONDUCT RULES

Serial No.	Reference	Date	Subject
		PART I - RULES	
1.	Notification No. 4757 (Gen.)	07-04-1959	Orissa Government Servants' Conduct Rules, 1959.
		PART II – INSTRUCTIONS	
1.	P & S. Department Memorandum No. 4021 (82).	22-03-1958	Prohibition of Government servants from bidding at Government auction.
2.	Office Memorandum No. 3166 (Gen.)	21-03-1960	Procedure to be followed by Government servants dealing with money collected from public.
3.	Circular No. 2497 (Gen.)	01-03-1961	Standardised Agency System on Small Savings.
4.	Memo No. 6234 (Gen.)	20-05-1961	Precautions in dealing with cases of relatives.
5.	Memo No. 6610 (Gen.)	26-05-1961	Acquisition or disposal of movable or immovable property by Government servants.
6.	Circular No. 4278 (Gen.)	19-03-1964	Clarification on Rule 21 of Orissa Government Servants' Conduct Rules.
7.	Circular No. 10691 (Gen.)	13-05-1982	Participation of Government servants in the activities of Anand Marg-Clarification to Rule 5 (1).
8.	Circular No. 449 (Gen.)	17-01-1983	Purchase of land belonging to Adivasis.
9.	Circular No. 14040 (Gen.)	06-06-1984	Strict observance of provisions relating to consumption of intoxicating drinks and drugs.
10.	Chief Secretarys' D. O. letter No. 12457/cs.	25-04-1989	Prohibition of smoking in public places.
11.	Circular No. 25990 (Gen.)	15-09-1990	Encroachment of Govt. land
12.	Circular No. 13442 (Gen.)	18-05-1991	Executive Instructions on Rule 21
13.	Circular No. 27021 (Gen.)	04-10-1997	Code of Conduct of Government servants in connection with Press and Elected representatives.
14.	UOI No. 84	18-11-1999	Restriction on filing of representations by the relatives of Government employees pertaining to the problems of such employees.
15.	G. A. Department Circular Letter No. 12128.	07-04-2001	Prohibition of sexual harassment of working women.

PART I – RULES

THE ORISSA GOVERNMENT SERVANTS' CONDUCT RULES, 1959

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
NOTIFICATION

The 7th April 1959

Published in *Orissa Gazette* on the 1st May 1959

No. 4757 (Gen.)-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is hereby pleased to make the following rules to regulate the conduct of Government servants employed in connection with the affairs of the State of Orissa, namely;-

THE ORISSA GOVERNMENT SERVANTS' CONDUCT RULES, 1959

Short Title Definitions

1. These rules may be called the Orissa Government Servants' Conduct Rules, 1959

2. In these rules unless the context otherwise requires :-

(a) "Government" means -

(i) in the case of a Government servant who is outside India, whether on duty or on leave or whose services have been placed at the disposal of the Government of India, the Government of India;

(ii) in the case of a Government servant whose services have been placed at the disposal of the Government of another State, so long as he is serving within India, the Government of that State;

(iii) in all other cases, the Government of Orissa.

(b) "Government Servant" means any person appointed to serve in connection with the affairs of the State, in respect of whom the Government of Orissa is empowered to make rules under article 309 of the Constitution of India, whether for the time being such person is serving in connection with the affairs of the Government of India or of any State, or is on foreign service, or on leave.

(c) "Member of the family" in relation to a Government servant includes -

(i) the wife, child or step-child of such Government servant whether residing with him or not and in relation to a Government servant who is a woman, the husband residing with her and dependent on her, and

(ii) any other person related whether by blood or by marriage to the Government servant and wholly dependent on him or her, but does not include a wife or husband separate from the Government servant or a child or step-child who is no longer in any way dependent upon him or her, or of whose custody the Government servant has been deprived of by law.

[1][**3.** General-Every Government servant shall at all time, maintain absolute integrity, decorum of conduct and devotion to duty and shall not commit any act which amounts to personal immorality or failure to discharge duties properly.

Explanation-For the purpose of this Rule -

(a) 'personal immorality' means vicious habits relating to drink, sex and gambling which reduce the utility of a public servant so as to damage Government or the official generally in public esteem; and

(b) 'failure to discharge duties properly' includes all such acts and omissions on the part of a Government servant as are likely to weaken the position and prestige of the Government of the Union or the Government of Orissa or which indicates an absence of loyalty and devotion to the Union or any feeling of loyalty towards any State outside the Union.]

1.

Substituted by P. & S. Department Notification No. 27637/Gen., dated the 21st November 1979. Published in Orissa Gazette and given effect to from the 28th November 1979.

Obedience to Superiors

4. Obedience to superiors – Every Government servant shall at all times carry out the orders and act according to the instructions of his superior authorities so far as his official duties are concerned.

[4][4-A Prohibition of sexual harassment of working women -

(1) No Government servant shall indulge in any act of sexual harassment of any woman at her work place.

(2) Every Government servant who is in charge of work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation **–** For the purpose of this rule. "Sexual harassment" includes such unwelcome sexually determined behaviour, whether directly or otherwise, as -

(a) Physical contact and advances,

(b) Demand or request for sexual favours,

(c) Sexually coloured remarks,

(d) Showing any pornography; or

(e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.]

Taking part in politics etc.

5. (i) No Government servant shall be a member of or be otherwise associated with any political or communal party or any organisation which taken part in politics or communal activities, nor shall he take part in subscribe in aid of or assist in any other manner, any political or communal movement or activity.

(ii) It shall be the duty of every Government servant to endeavour to prevent any member of the family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be subversive of the Government as by law established, and where a Government servant fails to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government and act according to the directions given by the Government in this regard.

(iii) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final.

(iv) No Government servant shall canvass or otherwise interfere or use his influence in connection with, or take part in an election to any legislature or local authority :

Provided that -

(a) a Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted,

(b)

a Government servant shall not be deemed to have contravened the provisions of this rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being the force.

***Explanation* –** The display by a Government servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election, within the meaning of this sub-rule.

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1. Inserted vide G. A. Department Notification No. 33648/Gen., dated the 8th September 2000.

6. Connection with Press or Radio -

(i) No Government servant shall, except with the previous sanction of the Government, own, wholly or in part, or conduct or participate in editing or managing of any newspaper or other periodical publication.

(ii) No Government servant shall, except with the previous sanction of the Government or any other authority empowered by it in this behalf, or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that no such sanction shall be required if such contribution to any newspaper or periodical is on a purely literary, artistic or scientific subject and of occasional character.

Criticism of Government.

7. No Government servant shall in any radio broadcast or in any document published anonymously or in his own name, or in the name of any other person or in any communication to the Press, or in any public utterance, make any statement of fact or opinion -

(i) which has the effect of an adverse criticism of any current or recent policy or action of the Government of Orissa or the Government of India or the Government of any other State; or

(ii) which is capable of embarrassing, the relation between the Government of Orissa and the Government of India or the Government of any other State; or

(iii) which is capable of embarrassing the relations between the Government of India and the Government of any foreign State:

Provided that nothing in this rule shall apply to any statement made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

***Explanation I* –** Nothing contained in this rule shall be construed to limit or abridge the power of the Government to require any Government servant to publish and explain any policy or action of the Government in such manner as may appear to them to be expedient or necessary.

***Explanation II* –** For purposes of this rule a club shall be deemed to be a public place.

8. (1) No Government servant shall with a view to ventilating his grievance, whether such grievance is individual or general in character or for any other reason take to any strike, etc (including hunger-strike) from work whether such strike is partial or complete.

***Explanation* – 'Strike'** means a cessation of work by a person or a body of persons employed in any office acting singly or in combination or a concerted refusal, or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or accept employment.

[1][(2) No Government servant shall join any procession, demonstration or any other form of agitation which is likely to cause a breach of the public tranquility.].

(3) No Government servant shall join the public to ventilate his grievances even if such grievances are common with the public in a manner which is likely to cause a breach of the public tranquility.

Joining of Associations by Government Servants.

[2][**9.** No Government servant shall join, or continue to be a member of an association the objects or which are, in the opinion of Government, prejudicial to the interests of the sovereignty and integrity of India or public order of morality.]

1. Substituted vide P. & S. Department Notification NO. 17124, dated 8th December 1962, Orissa Gazette, Part III, Page 2256 of 1962.

2. Substituted in P. &S. Department No. 1674/Gen., dated the 11th February 1974 – Given effect to form the 11th February 1974.

[1][**9-A.** No Government servant shall, without the approval of Government, be or continue to be an office-bearer of a service association of Government servants of a particular category, if he does not belong to that category and he has no common interest in matters of that association.]

Evidence before Committee or any other authority.

10. (1) No Government servant shall, except with the previous sanction of the Government give evidence in connection with any inquiry conducted by any person, committee or authority :

Provided that no such sanction shall be necessary for giving evidence -

(a) at an inquiry before an authority appointed by the Government of Orissa, by the Government of India, by the Legislature of Orissa or by Parliament; or

(b) in any judicial inquiry; or

(c) in any Court.

(2) No Government servant giving such evidence shall criticise the policy of the Government of Orissa, the Government of India or any other State Government.

Unauthorised communicati-on of information.

11. No Government servant shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate directly or indirectly any official document or information to any Government servant or any other person to whom he is not authorised to communicate such document or information.

Subscriptions

12. No Government servant shall, except with the previous sanction of the Government or of such authority as may be empowered by it in this behalf, ask or accept contributions to or otherwise associate himself with the raising of any fund in pursuance of any object whatsoever.

13. No Government servant shall, except with the permission of the head of the office or department in which he works, shall apply for any concession, help or loan granted by the Government, if he is likely to deal with such application in his official capacity. The head of office or department shall, before granting such permission, satisfy himself that the applicant is not likely to take undue advantage of office in availing of the concession, help or loan.

Gift

14. (1) Save as otherwise provided in these rules, no Government servant shall, except with the previous sanction of the Government, accept or permit any member of his

family to accept any gift whatsoever from any person who is not a close relation of the family.

***Explanation* –** For the purpose of this sub-rule any trowel, key or other similar articles offered to a Government servant at the laying of the foundation stone or the opening of a public building or any ceremonial function shall be deemed to be a gift.

(2) A Government servant may accept or permit any member of his family to accept a gift of a reasonable value from personal friend on ceremonial occasions such as the functions connected with birth, death or marriage when the making or receiving of such gifts is in conformity with the prevailing religious or social customs.

(3) A Government servant may accept or permit any member of his family to accept gifts of trifling value from personal friends on other occasions.

(4) If any question arises whether a gift is of reasonable or trifling value, or where a Government servant is in any doubt whether a gift is of a reasonable or trifling value or not, a reference shall be made to the Government by such Government servant and the decision of the Government thereon shall be final.

***Explanation* –** Whether or not a gift should be treated as of a reasonable or trifling value shall depend on the social and economic standing of both the donor and the donee and the circumstances in which the gift is made. A gift exceeding Rs. 20 in value from a person who is not a close relation shall ordinarily be regarded as a gift not of trifling value.

[1] Added in P. &. S. Department Notification No. 18446/Gen., dated the 7th November 1974.

(5) Nothing in this rule shall be deemed to prevent any Government servant from sitting at the request of any public body for a portrait, bust or statue, not intended for presentation to him.

[1][**14-A.** No Government servant shall -

(i) give or take or abet the giving or taking of dowry; or

(ii) demand, directly or indirectly, from the parents or guardians of a bride or bride-groom, as the case may be, any dowry.

***Explanation* –** For the purposes of this rule, 'Dowry' has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961)]

Public demonstratio-ns in honour of Government servants.

15. No Government servant shall, except with the previous sanction of the Government, receive any complementary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other Government servant:

Provided that nothing gin this rule shall apply to -

(i) a farewell entertainment of a substantially private and informal character held in honour of any Government servant on the occasion of his retirement or transfer or of any person who has recently quitted service of any Government;

(ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

***Illustration* –** A. A. Deputy Collector is due to retire. B. another Deputy Collector in the district, may give a dinner in honour of A, to which select persons are invited.

Unauthorised pecuniary arrangements.

16. No Government servant shall enter into any pecuniary arrangement with another Government servant or any other person so as to afford any kind of advantage to either or both of them in any unauthorised manner or against the specific or implied provisions of any rule for the time being in force.

Private trade or employment

17. (1) No Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or under any employment:

[2][Provided that a Government servant may, without such sanction, undertake honorary work of a social or charitable nature or occasional work, a literary, artistic or scientific character, subject to the following conditions, namely :-

(i) he shall, within one month of his undertaking any such work, report to the Government giving full details;

(ii) his official duties do not thereby suffer; and

(iii) he shall discontinue any such work, if so directed by the Government:

Provided further that if the undertaking of any such work involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the Government.

***Explanation* –** (i) Canvassing by a Government servant in support of the business of insurance agency, commission agency, etc., owned or managed by any member of his family shall be deemed to be a breach of this sub-rule. [3][(ii)]

(2) No Government servant shall except with the previous sanction of the Government take part in the registration, promotion or management of any bank or other company registered under the Indian companies Act, 1956 or any other law for the time being in force:

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1. Inserted vide P. &. S. Deptt. Notification No. 9800/Gen., Dt. 24-5-1977 & given effect to from 24-5-1977.

2. Substituted vide P. & S. Department Notification No. 6883/Gen., Dt. 12-5-1973.

3. Deleted vide G. A. Department Notification No. 15559/Gen., Dt. 1-7-1980.

[1][Provided that a Government servant may take part in the registration, promotion or management of a Co-operative Society substantially for the benefit of Government servants or of a literary, scientific or chartitable society registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force, subject to the following conditions, namely:-

(i) he shall, within one month of his taking part in any such activity, report to the Government giving full details;

(ii) his official duties do not thereby suffer; and

(iii) he shall discontinue taking part in any such activities, if so directed by the Government:]

Provided further that if taking part in any such activities involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the Government.

(3) No Government servant shall hold a lottery for the disposal of his property or for any other purpose, except with the permission of Government

(4) A Government servant who is about to quit the station, district or t other local limits for which he has been appointed may, without

reference to any authority, dispose of any of his movable property by circulating list of it among the community generally or by causing it to be sold by public auction.

[2][(5) Every Government servant shall, if any member of his family is engaged in trade or business or owns or manages an insurance agency or commission agency, report that fact to Government.]

18. Action in respect of a relation – (1) Where a Government servant submits any proposal or opinion or takes any other action, whether for or against any individual related to him whether the relationship be distant or near, he shall with every such proposal, opinion or action, expressly state whether the individual is related to him, and if so related, the nature of the relationship.

(2) Where a Government servant has by any law, rule or order in force, power of deciding finally any proposal, opinion or any other action, and that proposal, opinion or action, is in respect of an individual related to him, whether the relationship be distant or near and whether that proposal, opinion or action affects the individual favourably or otherwise, he shall not take a decision but shall submit the case to his superior officer after explaining the reasons and the nature of relationship.

Investments landing and borrowings.

19. (1) No Government servant shall speculate in any investment -

Explanation **–** The habitual purchase or sale of securities of a notoriously fluctuating value shall be deemed to be speculation in investments within the meaning of this sub-rules.

(2) No Government servant shall make, or permit any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties and where a Government servant fails to prevent a member of his family from making an investment of this nature, he shall make a report to that effect to the Government forthwith.

(3) If any question arises whether a security or investment is of the nature referred to in sub-rule (1) or sub-rule (2) the matter shall be referred to the Government or any officer authorised by it in this behalf and the decision of the Government thereon shall be final.

(4) No Government servant shall, except with the previous sanction of the Government, lend money to any person possessing land or valuable property within the local limits of his authority, or at interest to any person:

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1. Substituted vide P. &. S. Department Notification No. 6883/Gen., dated. The 12th May 1973.

2. Added in P. &. S. Department Notification No. 13647/Gen., dated the 5th August 1970.

Provided that a Government servant may make an advance of pay to a Private servant, or give a loan of small amount free of interest to a personal friend or relative, even if such person possesses land within the local limits of his authority.

(5) No Government servant shall save in the ordinary course of business with a bank or firm of standing, borrow money from, or otherwise place himself under pecuniary obligation to any person within the local limits of his authority, nor shall be permit any member of his family, except with the previous sanction of the Government to enter into any such transaction:

Provided that a Government servant may accept a purely temporary loan of small amount free of interest from a personal friend or relative or operate a credit account with a bona fide tradesman.

Note – A pecuniary obligation means not only obligation arising out of a cash transaction but also the acceptance without consideration of any service or facility of other than trifling value.

(6) When a Government servant is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of sub-rule (4) or sub-rule (5), he shall forthwith report the circumstances to the Government and shall thereafter act in accordance with such order as may be passed by the Government.

Insolvency & Habitual Indebtedness.

20. A Government servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government servant, who becomes the subject of a legal proceeding for insolvency, shall forthwith report the full facts to the Government.

[1][20-A. A Government servant who is arrested due to involvement in criminal proceedings or otherwise shall intimate, the facts leading to his arrest immediately to his appointing authority and the authority to whom he is subordinate.]

Movable, Immovable & valuable property.

21. (1) No Government servant shall except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale gift or otherwise either in his own name or in the name of any member of his family or a benamidar:

Provided that any such transaction conducted otherwise than through a regular or reputed dealer shall require the previous sanction of the prescribed authority. :

[2][Provided further that nothing in this sub-rule shall apply in respect of the lease of a house taken by a Government servant for residential purposes.]

[3][***Explanation*** **–** The prescribed authority for the purposes of this sub-rule shall be the controlling authority, namely:-

(a) in case of all officers the immediate superior authority under whom the officer is serving;

(b) in respect of Government servant on foreign service or on deputation to any other Department or any other Government the prescribed authority shall be the immediate superior authority to whom he is administratively subordinate.

Illustration **–** A sub-divisional Officer can give permission to a Tahasildar or any Gazetted, Non-gazetted Officer working under him. Similarly, the Tahasildar shall permit his subordinates to dispose of or acquire immovable or movable property. In case of the Department of the Government and Heads of the Department the Section Officer can permit the staff working under him in this matter.]

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1. Inserted vide P. &. S. Department Notification No. 14811/Gen., dated the 27th August 1970.

2. Added vide P. &. S. Department Notification No. 7830/Gen., dated the 19th April 1968.

3. Substituted vide P. & S. Department Notification No. 6301/Gen., dated the 3rd May 1973.

[1][(2) The controlling authority while according sanction for acquisition or disposal of property shall also send a copy of such sanction to Government through their Heads of Department.]

(3) A Government servant who [2][either in his own name or in the name of any member of his family] enters into any transaction concerning any movable property exceeding in value of *[Rs. 4,000] in case of Gazetted Officers and *[Rs. 2,000] in case of Non-Gazetted Officers, whether by way of purchase, sale or otherwise shall forthwith report such transaction to the prescribed authority referred to in sub-rule (1):

Provided that no Government servant shall, except with the previous sanction of Government, [2][either in his own name or in the name of any member or his family] enter into any transaction with or through any person other than a reputed dealer or agent of standing.

Explanation – For the purposes of this sub-rule, the expression, "Movable property" includes inter alia the following property, namely:-

(a) jewellery, insurance policies, shares, securities and debentures;

(b) loans advanced by such Government servant, whether secured or not;

(c) motor cars, motor cycles, horses or any other means of conveyance; and

(d) refrigerators, radios and radiograms.

(4) Every Government servant is required to make a true complete declaration before the end of January at an interval of every three years of all his assets movable and immovable and the value thereof as on the 31st December of the previous year in the form given in the Appendix-A. The declaration shall contain detailed particulars of the officer's assets and must include and specify the assets which are held by or in the name of his wife, children, other dependents or benamidars. The declaration shall be written by the officer in his own hand and submitted in a sealed cover to the authority as directed by the Government and such authority shall be responsible for its careful preservation. [3][It shall be obligatory on the part of the Government servants to submit the declarations in every three years and in the event of their failure to do so in time they shall be liable to disciplinary action. An Officer making a declaration found to be materially incomplete, misleading or false shall be liable for disciplinary action and even for dismissal from Government service.]

[1][***Note 1*** **–** The Secretary to Government in the Administrative Department in case of Gazetted Officers and Heads of Department or Head of Offices in case of Non-Gazetted Officers, shall be the authority to whom the declarations are to be submitted. The Chief Secretary to Government, in case of Secretary to Government and Heads of Departments, shall be the authority to whom the declarations are to be submitted. The G. A. Department shall act as the Co-ordinating Department in regard to this matter. Judicial Officers shall submit their property statements to the High Court for preservation.]

Note 2 **–** Officers who are on deputation or transferred temporarily to another cadre shall submit their property statements to their authority in the parent cadre in which they are borne or retain a lien. On their permanent transfer to another cadre or Department all sealed covers containing their statement shall be transmitted to the appropriate authority in their new cadre or department competent to preserve them.

Note 3 **–** In case of Government servants newly appointed to Government service they should declare their assets as on the date of appointment within three months from that date. They will make subsequent declaration along with others after the normal triennial period, notwithstanding the fact that three year have not elapsed since the submission of their first declaration.

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1. Added vide P. & S. Department Notification No. 6301/Gen., dated the 3rd May 1973.

2. Inserted vide G.A. Deptt. Notification No. 20470/Gen., dated the 1st July 1989, Published in Orissa Gazette and given effect to from the 11th August 1989.

* Substituted vide G. A. Deptt. Notification No. 6504/Gen., dated the 23rd February 1988, Published in Orissa Gazette and given effect to from the 30th March 1988.

3. Substituted vide P. & S. Deptt. Notification No. 6301/Gen., dated the 3rd May 1973.

4. Substituted vide P. & S. Deptt. Notification No. 1387/Gen., dated the 21st January 1969.

Note 4 – The first declaration shall be made by a Government servant in respect of all his assets, both movable and immovable and subsequent declaration need, only specify modification required in the statements of the previous occasion showing in detail the manner of fresh acquisition and disposal of property acquired previously.

[1][***Note 5 –*** notwithstanding anything contained in this sub-rule, every Government servant after his/her marriage, shall make a true and complete declaration of his/her assets afresh in the prescribed form within three months of marriage.]

[2][***Note 6 -*** [2][The Grade – D] Government servants shall not be required to submit declaration under this sub-rule.]

Vindication of acts and character of Government servant.

22. No Government servant shall except with the previous sanction of Government have recourse to any Court or to the Press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of defamatory character.

Explanation – Nothing in this rule shall be deemed to prohibit a Government servant from vindication his private character or any act done by him in his private capacity.

Canvassing of non-official or other influence.

23. No Government servant shall bring or attempt to bring any influence whether official or non-official to bear upon any authority to further his interests in respect of matters pertaining to his appointment under Government, promotion, pay and other service conditions.

Explanation – Intercession by an outsider on behalf of an officer shall be deemed as an attempt on the part of the officer to bring extraneous influence for furthering his official interests.

[4][**24.** Bigamous marriage - (1) No Government servant shall enter into, or contract a marriage with a person having a spouse living; and

(2) No Government servant, having a spouse living shall enter into, or contract, a marriage with any person;

Provided that the Government may permit a Government servant to enter into or contract, any such marriage as is referred to in clause (1) or clause (2), if they are satisfied that-

(a) such marriage is permissible under the personal law applicable to such Government servant and the other party to the marriage; and

(b) there are other grounds for so doing]

[3][**24.-A.** Drinking – A Government servant shall -

(a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(b) not be under the influence of any intoxicating drinks or drugs during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drugs;

(c) refrain from consuming any intoxicating drink or drug in a public place;

(d) not appear in a public place in a State of intoxication;

(e) not use any intoxicating drink or drug to excess.

Explanation **–** For the purpose of this rule "Public place" means any place or premises (including a conveyance) to which the public have or are permitted to have, access, whether on payment or otherwise.]

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1. Inserted vide G. A. Department Notification No. 19267/Gen., dated the 31st August 1995, Published in Orissa Gazette and given effect from the 22nd September 1995.
2. Renumbered vide G. A. Department Notification No. 19267/Gen., dated the 31st August 1995.
3. Substituted vide G. A. Department Notification No. 26321/Gen., dated the 30th September 1996.
4. Substituted vide P. & S. Department Notification No. 16637/Gen., dated the 30th September 1974.
5. Substituted vide P. & S. Department Notification No. 12852/Gen., dated the 16th July 1975.

Employment of Government servant outside his normal duties.

[1][**25.** A Government servant whose whole time is at the disposal of the Government which pays him may be employed in any manner required by the appropriate authority. For all his actions in such employment whether it is paid or honorary or whether it is under Government or under any other public or private body or institution, he shall be held responsible to Government irrespective of the fact whether such employment is outside the normal duties of the post he holds at the time under Government.]

Note **–** The appropriate authority with reference to this rule shall be, in case of Government servants belonging to a State Service, the Government and in other cases the Heads of the Department.

Proper use of amenities

26. No Government servant shall misuse or carelessly use, amenities provided for him by the Government to facilitate the discharge of his public duties.

Note **–** Violation or non-compliance with the instructions contained in Transport Department Circular No. 1004 (18) – T-TAC 106/59, dated the 21st February 1959 (See Appendix B) will amount to misuse of amenity for the purpose of rule-26.

Payment for purchases

27. Unless payment by instalment is customary, or specially provided, or a credit account is maintained with a bonafide tradesman, no Government servant shall withhold prompt and full payment for the articles purchased by him whether the purchases are made on tour or otherwise.

Use of services without payment

28. No Government servant shall without making proper and adequate payment, avail himself of any service of entertainment for which a hire or price or admission fee is charged.

Note **–** The prohibitions will not apply to occasional and unsolicited complimentary passes issued by the proprietors or managers of the service or entertainment.

Use of conveyances belonging to others

29. No Government servant shall, save in exceptional circumstances, use a conveyance belonging to private person except when such conveyance is public service vehicle and proper fare has been paid for its use, or use a conveyance belonging to a Government servant who is subordinate to him unless he travels with such subordinate officer on duty.

[2][***Note*** **-**The onus of establishing exceptional circumstances and payment of proper fare shall rest on the Government servant.]

Purchases through subordinates

30. No Government servant shall himself ask or permit his wife, or any other member of his family living with him to ask any Government servant who is subordinate to him, to make purchases locally or from out station, on behalf of him, his wife or other members of his family, whether on advance payment or otherwise:

Provided that this rule shall not apply to the purchases which the personal staff attached to the Government servant may make on behalf of such Government servants.

[3][**30-A-** (1) Every Government servant shall intimate his residential and postal address and changes, if any, to the head of Office/Department.

(2) It shall be the duty of the Government servant to make adequate arrangement for receipt of letters addressed to him at his residential address during his absences. Any letter sent by special messenger or service effected by properly addressing, pre-paying and posting by registered post, in the address intimated by him shall be deemed to have been duly delivered or served to him. If the letter returns with the postal remark, that the addressee refused to receive the letter or that the address is not found or otherwise not available, or any other similar endorsement or he refuses to receive any letter sent by special messenger, such omission, lapse or Commission or conduct, as the case may be, on the part of Government servant shall be treated as gross misconduct.]

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1. Original Rule 25 deleted and Rules 26 to 35 renumbered as Rules 25 to 34 vide P. & S. Department Notification No. 4386/Gen., dated the 16th April 1960.
2. Amended, vide P. & S. Department Notification No. 24716/Gen., dated the 15th November 1966.
3. Inserted, vide G. A. Department Notification No. 26321/Gen., dated the 30th September 1996.

Engagement of child labourer.

[4][**30.- B –** No child below the age of fourteen years shall be employed to work by any Government servant.]

Relaxation

31. Government may relax all or some of the provisions contained herein in respect of such Government servants particularly part time and contingency paid Government servants, as they may deem fit.

Interpretation

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

Delegation of powers

33. The Government may, by General or special order direct that any power exercisable by it or any Heads of Department under these rules (except the powers under rule 21 and this rule), shall subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

Repeal and savings

34. Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to Government servants under the control of the Government of Orissa are hereby repealed:

[2][Provided that an order made or action taken under the rules so repealed or any violation thereof shall be deemed to have been made or taken under or to be a violation of the corresponding provisions of these rules.]

By order of the Governor

B. SIVARAMAN

Chief Secretary to

Government

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1. Inserted, vide G. A. Department Notification No. 33642/Gen., dated the 8th September 2000.
2.

Substituted, vide P. & S. Department Notification No. 14875/Gen., dated the 8th December 1961.

APPENDIX A

FORM

Name (in full) of Officer

……

Designation

……

Pay

…….

A. Immovable Property

(1) Lands

Sl No.	Precise location	Area	Nature of land	Extent of interest	Value	In whose name (self, wife, child, dependant, other relation or benamidars) the asset is or was	Date and manner of acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

(2) Houses

Sl No.	Precise Location	Extent of interest	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(3) Immovable properties of other description (including mortgages and such other rights)

Sl No.	Brief description	Extent of interest	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

B. Movable Property

(1) Cash, Bank balance, Credit, Insurance Policies, Shares, Debentures, etc.

Sl No.	Description of Items	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Loans that may have been given to others	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(2) Other movable (including jewellery and other valuable, motor vehicle, refrigerators and other articles or materials of value of Rs. 4,000.00 and over for each item in respect of Gazetted Officers and Rs. 2,000.00 and over for each item in respect of Non-gazetted Officers).

Sl No.	Description of Items	Value	In whose name (self, wife, child, dependant, other relation or benamidar) the asset is or was	Date and manner or acquisition or disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

I hereby declare that the declaration made above is complete, true and correct to the best of my knowledge and belief.

Date…… Signature
…….

Note (1) – The categories of assets noted in brackets in above heads are only illustrative and not meant to be exhaustive. In case of jewelleries and ornaments their total weight in totals and their cash value should be given in column 3 of Form B (2).

Note (2) – The filling the Form, endeavour should be made to provide Government with as complete a picture as possible of the Government servant's assets and no asset of appreciable value should be omitted by reason of any literal interpretation of the directions given.

APPENDIX B

Copy of Government of Orissa, Transport Department Memo No. 1004-(18) TAR-106/59-T, dated the 21st February 1959, addressed to all Departments to Government.

Sub:- Driving of Government owned vehicles.

The undersigned is directed to say that the State Government had decided that vehicles owned by Government need not be insured compulsorily against third party risks. A copy of the Press Note issued by Government in this connection was forwarded to all Departments of Government and all Heads of Departments under the defunct Supply and Transport Department Memo No. 34662 (104) ST., dated the 1st September 1949. This however did not absolve the State Government from liability in respect of death, bodily injury or damage to property, etc. caused by Government vehicles. The claims arising out of any accident in which Government vehicles are involved have to be preferred against the Department which is in the administrative charge of the particular vehicle.

The State Government have accepted the legal liability of paying compensation arising out of accidents in which Government vehicles are involved and in accordance with the provision of Section 110 of the Motor Vehicles Act, 1939 as amended. Claims Tribunals have been constituted to settle all claims arising out of such accidents.

Government can not take any legal stand in such Tribunals if vehicles are driven by persons other than those appointed for the purpose. So Government have been pleased to order that, hereafter Government vehicles provided to Department or to quasi-Government organization should be driven only by Drivers appointed for the purpose where however due to temporary absence of a Driver it becomes necessary in the interest of Government work for the vehicle to be driven by any other person, having a valid driving licence, written permission of the immediate higher authority concerned should be obtained.

It should be made clear that in claims put forward before the Claims Tribunal in case of violation of the above rule, if Government are made liable to pay any compensation in pursuance of the award, the same shall be recovered from the officer driving the vehicle in addition to other action which may be taken against him.

A copy of this letter is being sent to all Heads of Departments. Receipt of this letter may be acknowledged.

PART II

INSTRUCTIONS

P. & S. Department memorandum, dated the 22nd March 1958 communicated in Memo. No. 4021 (82(.Gen.,-2R/1-24/58, dated the 22nd March 1958 to all3166
Departments of Government & etc.

Subject:- Prohibition of Government servants from bidding (either personally or by proxy) at Government auctions.

A question has been raised whether a specific provision should be added to the Government Servants' Conduct Rules regarding participation by Government servants in auctions of property owned or confiscated by Government. Even if the transaction is in fact free from any element of undue influence or dishonesty, the suspicion that all is not above board is bound to arise in case where property sold at Government auctions is purchased by Government servants, particularly by buyers belonging to the same department as the one by which or under whose orders the auction is conducted. While, therefore, it may not be necessary to frame a specific conduct rule for the purpose, it is obviously undesirable for Government servants to bid at auctions arranged by their own departments. Any Government servant who does so would be regarded as indulging in conduct unbecoming a Government servant within the meaning of the Conduct Rules.

These instructions will also apply to members of the All India Services serving under the State Government.

No. 3166

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

OFFICE MEMORANDUM

The 21st March, 1960

Subject – Procedure to be followed by Government servants dealing with money collected from the public.

Non-official organisations engaged in public welfare activities sometimes approach the State Government with the request to permit Government servants to serve in honorary capacity as president, secretary or member of the said organisations as it is considered that the association of the Government servant with such organisation will promote success in their activities. Each such case is dealt with on its merits and permission is given in suitable cases subject to the provisions of the Government Servants' Conduct Rules which apply to the Government servants in question.

2. Government have of late received complaints from the public that in some such cases moneys collected by a Government servant or under his authority have not been regularly accounted for or properly utilised. There is a further general complaint that the public are kept in the dark about the total amount collected from them and the amount actually spent for the purpose which was in view. Government have carefully considered these complaints and have found that the lack of suitable instructions in the matter is mainly responsible for giving rise to these complaints. They have, therefore, framed the present instructions which prescribe the procedure to be followed by the Government servants dealing with money collected from the public to be spent on general welfare activities and at the same time meet the persistent demand made on the Government that the accounts of such transactions should be published for general information.

Instructions

When a Government servant is permitted by Government to be an honorary president or honorary secretary of any public welfare institution like School, College, Hospital, etc. and to collect subscriptions donations, etc., on behalf of such institution, he is responsible for proper maintenance and control of account of such institution. The following instructions should therefore be followed in such cases-

(i) Cash Book

A Cash Book should maintain for recording all moneys received by him or his authorised agents on behalf of the institution by way of subscription, donation, etc. from the public and their subsequent disbursements. The Cash Book should be closed regularly completely checked in order to ensure that all receipts collected are brought to account and all expenditure and disbursements are authorised, acknowledged and properly vouched.

(ii) Receipt and Expenditure

(a) When the Government servant or his authorised agent receives money on behalf of the institution a receipt must be given to the payer duly signed by the Government servant himself or by his authorised agent, as the case may be;

(b) All receipts must be written in words and figures;

(c) Receipt Books in machine numbered printed forms should be used and before a receipt book is brought to use, the number of forms contained therein shall be counted and the result recorded in a conspicuous place in the book over the signature of the Government servant in charge. Unused receipt books and counterfoils of the used ones should be kept in safe custody and properly accounted for;

(d) A half-yearly statement of receipts and expenditure should be forwarded to the prescribed authority for its information;

(e) He shall cause proper accounts of the funds raised to be maintained by an official who shall act as treasurer;

(f) All moneys raised for the fund shall be promptly deposited in a bank (State Bank, Scheduled Bank, Co-operative Bank or Postal Savings Banks) lying near by and no fluid money shall be left in the hands of the persons associated with the collection;

(g) Whenever money is required for expenditure, it may be drawn from the bank and expended;

(h) Moneys raised for the fund shall not be mixed up with Government cash.

(iii) Audit

On the close of the financial or calendar year or the period specifically fixed, as the case may be, the accounts should be got audited by a recognised auditor appointed by the organisation and the audited statements of accounts should be published in at least one of the news papers having circulation in the area for general information, so that the donors may be in a position to know that their donations have been properly utilized.

Note :- The auditor may be either a Chartered Accountant or a member of the Audit organisation of the State Government. Special care shall be taken to see that the auditor is in no way connected with the organisation raising the funds or the purpose for which the funds are collected.

(iv) While forwarding a proposal to Government for necessary permission, the concerned authority shall also state the name and designation of the 'authorised agent' the 'treasurer' and the name of the Bank referred to in sub-paragraph (ii) as also the name and designation of the 'Auditor' referred to in sub-paragraph (iii) of paragraph 3. while according permission Government will nominate the "prescribed authority" referred to in sub-paragraph (ii) of paragraph 3.

A. K. MAZUMDAR

Additional Secretary to Government

No. 2497-261-2R/1-6-60/Gen.

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

The 1st March, 1961

From

Shri Bhupinder Singh, I. A. S.,
Deputy Secretary to Government.

To

All Collectros/S.D.O.s/B.D.O.s.

Sir,

I am directed to invite your attention to the Executive instructions under the Standardised Agency System, wherein it has been laid down that Collectors, B.D.Os. and S.D.Os. can appoint Agents under the Small Savings Schemes. Rule 17 of the Orissa Government Servants Conduct Rules, 1959 prescribes that no Government servant shall, except with the previous sanction of Government, engage directly or indirectly in any trade or business or undertake any employment. Accordingly whenever Government

Servants are asked to undertake work which does not come within the purview of any of the categories mentioned in the proviso to Rule 17 of the Orissa Government Servants Conduct Rules, 1959, separate Government permission is being given allowing the Government servants to undertake such work. The appointing authorities under the Standardised Agency System are, therefore, requested to see that steps are taken sufficiently early, before the appointment of Government Servants as Agents under the Standardised Agency System to move Government for necessary permission and so adjust the timing that along with the appointment order, Government permission allowing the Government servant to do the work of Small-Savings is also sent to him. This would mean that as soon as proposals for appointment are received suggesting appointment of Government servants as Agents, the concerned authority should approach the Government through proper channel, stating the name of the Government servant, the post held by him, a statement of fact that the Government servant can undertake the work without any detrimental effect on his normal functions and ensure that Government permission is taken, before the appointment order is issued. The appointing authority should also ensure that the letter of appointment should invariably be accompanied by a letter indicating that the permission of Government has already been taken allowing the particular Government servant to act in that capacity.

Yours faithfully,

BHUPINER SINGH
Deputy Secretary to Government

Memo No. 6234 (82) –2-R/1-48-61/Gen.

POLITICAL & SERVICES DEPARTMENT

The 20th May, 1961

To

All Departments of Government/all Heads of Departments/all Collectors.

The undersigned is directed to say that the Government has come across a case recently in which applications for loanees were forwarded by a superior officer without disclosing the fact that the applicant was a relative of the officer. Attention, in this connection, is invited to rule 18 of the Orissa Government Servants' Conduct Rules, 1959 which makes it incumbent that where a Government servant submits any proposal or opinion or takes any other action, whether for or against any individual related to him, whether the relationship be distant or near, he shall with every such proposal, opinion or action, expressly state whether the individual is related to him and, if so related, the nature of relationship. Further, it has been enjoined that where a Government servant has, by any law, rule or order in force, power of deciding finally any proposal, opinion or any other action and that proposal, opinion or action is in respect of an individual related to him, whether the relationship be distant or near, and whether that proposal, opinion or action affects the individual favourably or otherwise, he shall not take a decision but shall submit the case to his superior officer after explaining the reasons and the nature of relationship. Government expects that the provisions of this Rule as well as others contained in the Orissa Government Servants' Conduct Rules 1959 shall be observed strictly. Government servants should maintain absolute integrity, decorum of conduct and devotion to duty. In their conduct, they should give an appearance of fairness. For this purpose, it is imperative that every Government servant should familiarize himself with the Orissa Government servants' Conduct Rules thoroughly.

BHUPINDER SINGH

Deputy Secretary to

Government

Memo No. 6610 (84) – 2-R/1-47-61/Gen.

POLITICAL & SERVICES DEPARTMENT

The 26th May, 1961

To

All Departments/Heads of Departments/all Collectors.

Subject:- Acquisition or disposal of movable or immovable property by Government servants.

Rule 21 of the Government Servants' Conduct Rules, provides that any transaction conducted by a Government servant concerning any movable or immovable property otherwise then through a regular or reputed dealer or agent of standing shall require the previous sanction of the prescribed authority which in case of Gazetted officers in Government and in case of non-gazetted officers in the Heads of the Departments or office to whom property statements are submitted. Instances have come to the notice of Government where Heads of Departments have given their recommendations to Government to accord sanction to the transaction concerning movable or immovable property by Government servants under them without a report of enquiry about the antecedents of the party with or through whom the Government servant proposes to make the transaction. Such report is not necessary in case of regular or reputed dealers or agents of standing; but where the party is not a regular or reputed dealer, a report of enquiry regarding the antecedents should invariably be furnished to Government while recommending sanction. If the party is a reputed or regular dealer or agent of standing this should be clearly mentioned by the Head of the Department. This should be brought home to all concerned.

BHUPINDER SINGH

Deputy Secretary to Government

Memo No. 4278 (92) - Gen.

POLITICAL & SERVICES DEPARTMENT

The 19th March, 1964

To

All Departments/Heads of Departments.

Subject:- Clarification of Rule 21 of the Orissa Government Servants' conduct Rules, 1959.

The undersigned is directed to say that a question has arisen as to whether letting out of houses by Government servants will require the previous knowledge of the prescribed authority under Rule 21 of the Orissa Government Servants' Conduct Rules, 1959. After careful consideration, Government have been pleased to decide that letting out of houses by Government servants shall amount to disposal of immovable property by lease for a specified period and that in all cases, where transaction of letting out is not conducted through a regular or reputed dealer, previous sanction of the prescribed authority is necessary. It is, therefore, necessary that prior sanction of the prescribed authority be required under Rule 21 of the Orissa Government Servants' Conduct Rules, 1959 for letting out by the Government servants houses either in their own names or in the names of any member of their family or a *benamidar*. In future, in all such cases of letting out of houses, previous sanction of the prescribed authority should be obtained before the houses are let out.

S. N. SHARMA

Joint Secretary to Government

Memo No. 10691

DRAFT FOR APPROVAL

The 13th May, 1982

To

All Secretaries to Government / all Heads Departments/all Collectors.

Subject:- Participation of Government servants in the activities of the Anand Marg- Clarification of Rule 5(1) of the Government servants' Conduct Rules, 1959.

Sir,

I am directed to say that Rule 5 (1) of the Orissa Government Servants' Conduct Rule 1959, provides that "no Government servant shall be a member of or be otherwise associated with any political or communal party or any organization which takes part in political or communal activities, nor shall he take part in, subscribe in aid of, or assist in any other manner, any political or communal movement or activity". Rule 5 (iii) of the Conduct Rules further provides that "if any question arises whether any movement or activity falls within the scope of this Rule, the decision of the Government thereon shall be final".

2. In pursuance of this Rule it is clarified that membership of a participation in the activities of the movement known as the Anand Marg or any of its organisations by a Government servant would attract the provisions of sub-rule (i) of Rule 5 of the Orissa Government Servants' Conduct Rules, 1959. Any Government servant, who is a member of or is otherwise associated with or takes part in or subscribes in aid of, or assist in any other manner, the activities of the Anand Marg or any of its organisations listed out in the annexure to this order will be liable to disciplinary action.

3. It is requested that the above decision may be brought to the notice of all Government Servants under your administrative control and those employed in your and subordinate offices.

4. Receipt of this letter may please be acknowledged.

Yours faithfully,

C. NARAYAN SWAMY

Special Secretary to Government

ANNEXURE

1. V. S. S. (Volunteer Social Service)
2. Amra Bangali
3. The Progressive Federation of India
4. The Proutist Forum of India
5. Angika Samaj
6. Pragatisheel Majhi Samaj
7. Nagpuri Samaj
8. Maithili Samaj
9. Pragatisheel Bhojpuri Samaj
10. Awadhi Samaj
11. Braj Samaj
12. Bundeli Samaj
13. Garhwali Samaj
14. Kumaoni Samaj
15. Pragatisheel Naryana Samaj
16. Asi Punjabi
17. Proutist League
18. Utkal Samaj
19. Korala Samaj
20. Education, Relief & Welfare Section
21. Sevashrama Mission
22. Ananda Marga Universal Relief Team
23. Womens Welfare Department
24. Girl Volunteers

25. Spiritual Sports & Adventure Club
26. Proutist Block of India
27. Proutist Universal
28. Universal Proutist Labour Federation
29. Universal Proutist Youth Federation
30. Universal Proutist Student Federation
31. Universal Proutist Intellectual Federation
32. Universal Proutist Farmers Federation
33. Renaissance Artists & Writers Association
34. Renaissance Universal
35. Vaishnav Samaj
36. Bhojpuri Samaj
37. Chhatisgarh Samaj
38. Malwi Samaj
39. Vidarbha Samaj
40. Telengana Samaj
41. Circal Samaj
42. Navya Malayalam Samaj
43. Konkani Samaj
44. Kannad Samaj
45. Tulu Samaj
46. Dogri Samaj
47. Naryanvi Samaj
48. Pahari Samaj
49. Haroti Samaj
50. Sanyadri Samaj
51. Gujar Samaj
52. Goorgi Samaj
53. Tamil Samaj
54. Rayal Assema Samaj
55. Assam Unnayan Samaj
56. Mewari Samaj
57. Marwari Samaj
58. Kathiawari Samaj

No. 449 – S. C./6/1/83-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 15th/17th January, 1983

From

Shri S. M. Patnaik, I.A.S.
Chief Secretary, Orissa

To

All Secretaries to Government

All Heads of Department

All Collectors.

Sir,

In the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956, there is a clear prohibition of transfer of property belonging to a member of a Scheduled Tribe in a scheduled area to a person who does not belong to the Scheduled Tribe. It is true that the regulation contains a provision for effecting such transfer with the consent of the competent authority, but it is expected that this enabling clause will be sparingly used in exceptional circumstances only. Of late, however, Government have come across some cases of purchase of lands belonging to Adivasis by senior Government officers in the name of their relatives in the districts of Koraput and Phulbani.

2. It is the declared policy of Government that purchase of land belonging to Adivasis should, by no means, be encouraged. It has, therefore, been decided that Government servants and their relatives should completely dissociate themselves from such deals which are morally unjustified even if legally correct. Any violation of this instruction will be deemed as conduct unbecoming of a Government servant within the meaning of the Conduct Rules and render the Government servants concerned liable for disciplinary action.

3. These instructions may be brought to the notice of all Government servants under your control.

4. Please acknowledge receipt of this communication.

Yours faithfully,

S. M. PATNAIK

Chief Secretary

No. 14040/Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 6th June, 1984

To

All Secretaries to Department of Government

All Heads of Departments

All Collectors.

Subject:- Need for strict observance of the provisions relating to consumption of intoxicating drinks and drugs as contained in Orissa Government Servants' Conduct Rules, 1959.

Rule 24 (A) of Orissa Government Servants' Conduct Rules, 1959 provides that, every Government servant shall :-

a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

b) not be under the influence of any intoxicating drinks or drugs during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;

c) refrain from consuming any intoxicating drink or drug in a public place;

d) not appear in a public place in a State of intoxication;

e) not use any intoxicating drink or drug to excess.

2. it is hereby made clear that Government servants should not only observe and abide by the rules relating to intoxicating drinks or drugs in force in the area in which they happen to be for the time being,

but should also keep a strict watch on the conduct of other Government servants under their disciplinary control in this regard and should not hesitate to impose the severest punishment on such Government servants if they are proved guilty of violating the rules and instructions issued in this regard. It is, therefore, reiterated that :-

(i) every Government servant should scrupulously adhere to the provisions of the Conduct Rules relating to the consumption of intoxicating drinks or rugs;

(ii) the disciplinary authorities should keep a strict watch on the conduct of all Government servants in regard to matter covered by the aforesaid provisions of the Conduct Rules; and

(iii) the disciplinary authorities should take serious view of any violation of Rule 24(A) of the Orissa Government Servants' Conduct Rules, 1959 and should not hesitate to impose the severest punishment on such Government servants who are proved guilty of violating the said rules.

The above instructions may be brought to the notice of all Government servants and the disciplinary authorities under your control for strict compliance.

C. NARAYAN SWAMY
Special Secretary to
Government

CHIEF SECRETARYS' D. O. NO. 12457-CS., DATED THE 25TH APRIL 1989
TO ALL HEADS OF DEPARTMENTS & ETC.

The State Cancer Control Board in their meeting held on the 16th June 1988 have expressed grave concern about the harmful effects of the tobacco smoking. You are aware that smoking is harmful for health and causes the various incurable diseases. It is not only enemical to the smokers themselves, but also effects other persons present in close proximity besides polluting the environment.

2. Government have, therefore decided that smoking in all State Government offices/institutions/all public transport systems/all educational and cultural institutions/all conferences and meetings conducted by the State Government and other public authorities should be banned.

3. All Officers under your control may be requested to take personal interest in communicating this directive and ensure its implementation.

4. This order will also be applicable to local organisations, co-operative institutions, statutory boards and Government companies as also Government aided institutions and clubs.

5. The above directive of the State Government may be brought to the notice of all concerned.

No. 25990-SC/3-5/90/Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
The 15th September, 1984

To

All Departments of Government
All Heads of Departments
All Collectors.

It has come to the notice of the Government that a section of Government servants have developed a tendency, of late, to encroach upon Government lands in order to ultimately claim settlement of the land with them under the normal laws, rules and procedures. While Government have not been averse to the idea of sympathetically considering providing land to Government servants for housing purposes in deserving cases, the tendency to resort to encroachment of Government land with the ultimate purpose of claiming settlement of the land is reprehensible. This tendency on the part of the Government servants has the effect of encouraging others among the public to claim settlement of land through encroachments. The situation arising out of this is embarrassing for the Government.

2. Clause 3 of the Orissa Government Servants' Conduct Rules enjoins upon every Government servant that he shall, at all times, maintain absolute integrity, decorum of conduct and devotion to duty and shall not commit any act which amounts to personal immorality or failure to discharge duties properly. It is the conduct and character of Government servants that endows respect to the Government from the members of the public, the absence of it embarrasses the Government and reduces his effectiveness. Encroachment of Government land of whatever description and belonging to whatever Department is such an act of misconduct, which would attract the provisions of clause 3 of the Conduct Rules. Government expect that Government servants, taking advantage of the position they enjoy in their official capacity should refrain from attempts to acquire Government land by encroaching upon them either by themselves or through any member of their family.

3. It has also come to the notice of Government that in a number of cases encroachment of Government land by members of the public have been resorted to with the active connivance and continuing support of officers. Such connivance and support may be by over acts or intentional in action on the part of the officers of the Tahasils, Municipalities, Forest and Public Works Departments, whose duty is to detect encroachments and take timely action. It has always been enjoined upon the officers that any encroachment upon Government lands should be immediately dealt with and eviction of the unauthorised occupants effected, but the instructions are followed more in the breach than adherence in as much as there are a number of cases of encroachments which have been subject matters of litigations because the unauthorised occupants have claimed continuous possession over a long period of time. Apparently such occupation for a long period of time is definitely the result of inaction of the Government functionary to take timely action. Such cases would lead Government to believe that failure to take action timely is attributable to connivance and support for the unauthorised occupants. Apart from anything else, encroachment cases may resulting from this kind of inaction on the part of the functionaries is liable to be considered as an act of misconduct on the part of Government servants within the meaning of clause 3 of the Conduct Rules.

4. In consideration of all this, Government desire that whenever a case of encroachment upon Government land by any functionary of the Government comes to the notice of the Head of the Office and or the Controlling Officer, he should, apart from taking immediate action to evict the encroachers, initiate disciplinary proceedings against the officers concerned. In case where encroachment by members of the public for a long period of time are detected the Head of the Office or the Controlling Officer should make an immediate enquiry to ascertain as to how the encroachments could be allowed for a long time without taking any action. While taking action against the unauthorised occupant, the Head of the Office and or the Controlling Officer should immediately cause an enquiry to ascertain whether such continuous possession by an unauthorised occupant was not due to the negligence of duty of the Government functionaries concerned. When the enquiry reveals that there was negligence of duty, disciplinary proceedings should be started immediately against the officer concerned under intimation to the Administrative Department.

5. These instructions may be circulated among all offices under your control.

6. Receipt of this letter may please be acknowledged.

C. NARAYANA SWAMY

Special Secretary to

Government

No. 13442-2R/1-31/91-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 18th May, 1991

To

All Departments

All Heads of Departments

All Collectors.

Subject :- Executive Instructions on Rule 21 of the Orissa Government Servants' Conduct Rules, 1959.

The undersigned is directed to say that according to sub-rule (1) of Rule 21 of the Orissa Government Servants' Conduct Rules, 1959 no Government Servant shall except with the previous knowledge of the prescribed authority acquire or dispose of any immovable property by lease, mortgage, purchase, sale gift, or otherwise either in his own name or in the name of any member of his family or a benamidar. References have been made to this Department to clarify whether it will be construed as violation of sub-rule (1) of Rule 21 of the Orissa Government Servants' Conduct Rules, if the wife of a Government servant has purchased immovable property without obtaining prior permission of the competent authority and the Government servant himself has not purchased the property in the name of his wife.

2. It is therefore, clarified that all transactions both of immovable and movable property made out of the funds of the Government servant irrespective of the person in whose name the transaction is made should be governed strictly by sub-rules (1) and (3) of Rule 21 that is :-

(a) *Transactions in immovable property* – In all cases the transactions should be with the previous knowledge of the prescribed authority.

(b) *Transactions in movable property* – In all cases submission of a full report to the prescribed authority immediately after completion of the transactions is necessary.

3. Transactions entered into by the spouse or any other member of family of a Government servant out of his or her own funds (including Stridhan, gifts, inheritance) as distinct from the funds of Government servant himself, in his own name and in his or her own right would not attract the provisions of sub-rules (1) and (3) of Rule 21. In such cases, transactions made in immovable and movable property should be included in the property returns to be submitted by property should be reported to the prescribed authority immediately after the Government servant comes to know of them.

4. However, the transactions made in immovable and movable property by the spouse or any other member of family of a Government servant with some one with whom the Government servant has official dealings then the Government servant should obtain prior permission of the prescribed authority.

5. Gazetted Government servants who transfer any immovable property or movable property exceeding Rs. 4,000 in value and Non-Gazetted officers who transfer any immovable property or movable property exceeding Rs. 2,000 in value to any member of his family should report of obtain sanction of the prescribed authority in accordance with Rule 21.

C. NARAYANA SWAMY

Special Secretary to

Government

No. 27021-2R/1-12/97 (Pt.-II)-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 4th October, 1991

From

Shri H. S. Chahar, I. A. S.,
Special Secretary to Government

To

All Principal Secretarys to Government
All Commissioners-cum-Secretaries to Government
All Heads of Departments
All Collectors.

Subject:- Code of conduct of Government servants in connection with Press and Elected Representatives.

Sir,

I am directed to say that Rule 7 of the Orissa Government Servants' Conduct Rules, 1959 lays down that no Government servant shall, in any radio broadcast or in any document published anonymously or in his own name or in the name of any other person or any communication to the press, or in any public utterance make any statement of fact or opinion –

(i) which has the effect of an adverse criticism of any current or recent policy or action of the Government of Orissa, of the Government of India or the Government of any other State; or

(ii) which is capable of embarrassing the relation between the Government of Orissa and the Government of India or the Government of any other State; or

(iii) which is capable of embarrassing the relation between the Government of India and the Government of any foreign State:

Provided that nothing in this rule shall apply to the statement made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

"*Explanation I* – Nothing contained in this rule shall be construed to limit or abridge the power of the Government to require any Government servant to publish and explain any policy or action of the Government in such manner as may appear to them to be expedient or necessary.

Explanation II – For purposes of this rule a club shall be deemed to be a public place."

Similar provisions have also been made in the Rule 7 of All India Services (Conduct) Rule, 1968.

Further in Book Circular No. 47, dated the 10th July 1990 detailed instructions have been issued regarding the principles to be followed to maintain cordial relationship between the Members of Parliament and State Legislators and Government servants.

But it has come to the notice of the Government that the above instructions are not being followed scrupulously. It is once again, therefore, brought to the notice of all Government servants that Members of Parliament and State Legislators occupy very important place as representatives of the people. It should be part of the duty of every official to extend courtesies and provide adequate assistance to the Members to enable them to fulfill their obligations to the people. No Government servant should make statements or give opinion in public criticising the functioning of the Government or elected representatives.

Any violation of these instructions will attract suitable disciplinary action against the concerned Government servants.

These instructions may be brought to the notice of all subordinate officers for their information and future guidance.

Yours faithfully,
H. S. CHAHAR
Special Secretary to
Government

U. O. I. Note No. 84

GENERAL ADMINISTRATION DEPARTMENT

The 18th November, 1999

A number of instances have come to my notice where grievances pertaining to the problems of an employee are being raised by the relatives of such employee. Most often the spouse, sometimes the in-laws and in some rare case the grand parent (s). Such representations through one's relatives amounts to misconduct within the meaning of Rule 23 of the Orissa Government Servants' Conduct Rules, 1959 especially if such representation was made with the consent/knowledge of such employees. The relevant rule is quoted below :-

"No Government servant shall bring or attempt to bring any influence whether official or non-official to bear upon any authority to further his interests in respect of matters pertaining to his appointment under Government, promotion, pay and other service conditions."

It is possible that the concerned employees may take stand that such representation was made without his/her consent/knowledge. Therefore, all such representations received in future should be forwarded to the concerned employee asking him/her whether this representation has his/her consent. If the answer is in affirmative, the employee is liable for disciplinary action for misconduct under O. C. S. (CCA) Rule 1962 (Preferable under Rule 16). But if the answer is in the negative, no action on such representation is called for.

Such a step is necessary to curb the growing permissiveness in service matters, I am sure you would take note of this and to take suitable action. This matter may also be brought to the notice of all Heads of Departments/Public Sector Undertakings under your control.

All Principal Secretaries
All Commissioner-*cum*-Secretaries

S. B. AGNIHOTRI
Special Secretary, G. A. Department

No. 12128-SC/6/40/2001-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 7th April, 2001

From

Shri U. N. Behera, I. A. S.,
Special Secretary to Government

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Subject:- Prohibition of sexual harassment of working women.

The undersigned is directed to say that in the case of Vishaka and Others *Vrs*. State of Rajasthan and other **[JT 1997 (7) SC 884]**, the Hon'ble Supreme Court has laid down the following guidelines and norms to be observed to prevent sexual harassment of working women.

2. It shall be the duty of the employer or other responsible persons in work place or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

3. In pursuance of the guidelines of the Supreme Court the Orissa Government Servants' conduct Rules, 1959 have already been ammended and a new rule (rule 4-A prohibition of sexual harassment of working women) has been inserted vide Notification No. 33648-Gen., dated the 8th September 2000 (Copy enclosed as annexure I).

4. Any act of violation of the above provision of rule 4-A of the Orissa Government Servant's Conduct Rules, 1959 by any Government servant shall be treated as misconduct and appropriate

disciplinary action should be initiated against the delinquent Government servant in accordance with the provisions contained in Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

5. Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in every Department/Office for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints. Wherever such mechanism for redressal of grievance already exists it may be made more effective and in particular women officers should preferably handle such complaints.

6. Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines and norms laid down by the Hon'ble Supreme Court (Copy enclosed as Annexure II).

7. The above instructions should be brought to the notice of all subordinate offices under their control for strict compliance.

Yours faithfully,
U. N. BEHERA
Special Secretary to
Government

ANNEXURE I

No. 33648-2R/1/13/7/2000 Pt. II-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 8th September, 2000

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rule further to amend the Orissa Government Servants' Conduct Rules, 1959, namely :-

(1) This rule may be called the Orissa Government Servants' Conduct (Amendment) Rule, 2000.

(2) It shall come into force on the date of its publication in the *Orissa Gazette*.

In the Orissa Government Servants' Conduct Rules, 1959, after rule 4, the following rule shall be inserted, namely :-

Prohibition of sexual harassment of working women

"4-A – (1) No Government servant shall indulge in any act of sexual harassment of any woman at her work place.

(3) Every Government servant who is in charge of work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation – For the purpose of this rule, Sexual harassment includes such unwelcome sexually determined behaviour, whether directly or otherwise, as –

(a) physical contact and advances,

(b) demand or request for sexual favour,

(c) sexually coloured remarks,

(d) showing any pornography, or

(e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature".

By order of the Governor
S. B. AGNIHOTRI
Special Secretary to
Government

ANNEXURE II

GUIDELINES AND NORMS LAID DOWN BY THE HON'BLE SUPREME COURT IN VISHAKA & ORS. V. STATE OF RAJASTHAN & ORS. [JE 1997 (7) SC 384]

HAVING REGARD to the definition of Human Rights' in Section 2 (d) of the protection of Human Rights Act, 1993. TAKING NOTE of the fact that present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time.

It is necessary and expedient or employers in work places as well as other responsible, persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

1. Duty of the employer or other responsible persons in work places and other Institutions;

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of Sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

2. Definition:

(For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as –

(a) physical contact and advances;

(b) a demand or request for sexual favours;

(c) sexually coloured remarks;

(d) showing pornography;

(e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victims' employment or work whether she is drawing salary or honorarium or voluntary, whether in Government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the women have reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. Preventive steps:

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps –

(a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.

(b) The Rules/Regulations of Government and Public Sector Bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.

(c) As regards private employers steps should be taken to include the aforesaid Prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.

(d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work

places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. Criminal Proceedings :

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular it should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

5. Disciplinary Action :

Where such conduct amounts to misconduct in employment as defined by the relevant service rules appropriate disciplinary action should be initiated by the employer in accordance with those rules.

6. Complaint Mechanism :

Whether or not such conduct constitutes an offence under law or a breach of the service rules an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

7. Complaints Committee :

The complaint mechanism, referred to in (6) above, should be adequate to provide where necessary, a Complaints Committee, special counselor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints committee should involve a third party, either N. G. O. or other Body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government Department.

8. Workers Initiative :

Employees should be allowed to raise issues of sexual harassment at workers meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

9. Awareness :

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

10. Third Party Harassment :

Where sexual harassment occurs as a result of an act of omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms or support and preventive action.

11. The Central/State Government are requested to consider adopting suitable measures including legislation to assure that the guidelines laid down by this order are also observed by the employers in Private Sector.

12. These guidelines will not prejudice any rights available under the protection of Human Rights Act, 1993.

CRITERIA FOR PROMOTION

Serial No.	Reference	Date	Subject
(1)	(2)	(3)	(4)
	PART I - RULES		
1.	Notification No. 2402-Gen.	11-02-1987	Orissa Civil Services Rules, 1987
2.	Notification No. 21804-Gen.	29-07-1988	Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988.
3.	Notification No. 29904-Gen.	24-07-1992	Orissa Civil Services (Criteria for promotion) Rule, 1992.
4.	Notification No.20277-Gen	19-07-2003	Orissa Civil Services (Criteria for Promotion) Amendment Rules, 2003.
5.	Notification No.5906-Gen	25-02-2005	Orissa Civil Services (Criteria for Promotion) Amendment Rules, 2005
6	Notification No.19084-Gen	09-07.2003	Orissa Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.
	PART II – INSTRUCTIONS		
A. Zone of Consideration -			
1.	Circular No. 18500-Gen.	17-07-1991	Clarification to Orissa Civil Services (Zone of Consideration for promotion) Rule, 1988.
B. Departmental Promotion Committee -			
1.	Office Memorandum No. 21376-Gen.	29-12-1972	Constitution of Departmental Promotion Committee for promotion-appointment on adhoc basis.
2.	Office Memorandum No. 7165-A. I. S.	25-06-1983	Change in Procedure regarding Constitution of Departmental Promotion Committee / Selection Board.
3.	Office Memorandum No. 10280	23-08-1983	Constitution of Departmental Promotion Committee / Selection Board.
4.	Office memorandum No. 14154	06-08-1986	Representation of Women members in the various Committees/Boards concerned with Selection.
5.	Office Memorandum No. 2288	10-02-1987	Period of validity of Select list recommended by the Public Service Commission.
6.	Circular No. 18622-Gen.	12-06-1989	Deficiencies noticed by the P. S. C. in the proposal sent to them for giving promotion to different posts by various departments.
7.	Circular No. 15540-Gen.	20-07-1994	Implementation of the Suggestion and Observation of O. P. S. C.
8.	Office Memorandum No. 24519-Gen.	20-08-1999	Foregoing of promotions to Higher Rank/Grade.
C. Sealed Cover Procedure -			
1.	Office Memorandum No. 3928-Gen.	18-02-1994	Promotion of Government Servants against whom disciplinary / criminal proceedings are pending – Procedure to be followed.
2.	Office Memorandum No. 14640-Gen.	04-07-1995	- do -
3.	Office Memorandum No. 29699-Gen.	01-11-1997	- do -
4.	Circular No. 1598-Gen.	15-01-1999	- do -
5.	Office memorandum No. 3016-Gen.	28-01-1999	Promotion prospects of officers during pendency of disciplinary / criminal proceedings

			date of O.M. No. 29699-(Gen.), dated 01-11-1997.

D. *Ad hoc* Promotion -

1.	Memo No. 6600-Gen.	22-05-1962	Question whether appointments made by Government in the exigencies of Public Service beyond six months without the concurrence of the P.S.C. are liable to audit objection.
2.	Office Memorandum No. 6405-Gen.	22-02-1988	Validity of *ad hoc* promotions and appointments made by the Government.
3.	D. O. Letter No. 1617	20-01-1992	Consultation with P. S. C.
4.	Circular No. 21833-Gen.	28-09-1995	Instructions regarding promotion on *ad hoc* basis.
5.	Circular No. 7903-Gen.	15-04-1997	Instructions regarding regularisation of promotion and *ad hoc* basis.

E. Seniority -

1.	Home (Apptt.) Department Order No. 606-A.	07-02-1944	Rules regarding Fixation of Seniority.
2.	P. & S. Department Memo No. 8403-Gen.	10-07-1961	Procedure to be followed in making appointments, promotion, confirmation of persons in ex-cadre posts clarification.
3.	Resolution No. 21260-Gen.	16-06-2000	Fixation of Seniority between General, Scheduled Caste and Scheduled Tribe candidates in the promotional posts in State Civil Services / Posts.
4.	Office order No. 30083-Gen.	27-07-2000	Fixation of Seniority between General, Scheduled Caste and Scheduled Tribe candidates in the promotional posts in State Civil Services / Posts.
5.	Resolution No. 39734-Gen.	02-11-2000	Fixation of Seniority between General, Scheduled Caste and Scheduled Tribe candidates in the promotional posts in State Civil Services / Posts.
6.	Circular No. 39846-Gen.	03-11-2000	Guidelines to be followed in the matter of officiating appointment / promotion.
7.	Letter No.25954-Gen	12-09-2003	Timely references to Orissa Public Service Commission

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PART I – RULES

THE ORISSA CIVIL SERVICES RULES, 1987

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 11th February 1987

(Published in *Orissa Gazette* on 12-02-1987)

No. 2402-Gen. – In exercise of the powers conferred by Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules, namely :-

Short Title and commenceme-nt.

1. (1) These rules may be called the Orissa Civil Services Rules, 1987.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

Non-counting of *ad hoc* service.

2. The period of service rendered by a Government servant on an appointment or promotion made purely on *ad hoc*, temporary or officiating basis, for which prior consultation with the Orissa Public Service Commission is not necessary under Clause (i) of Regulation 3 (b) of the Orissa Public Service Commission (Limitations of Functions) Regulation shall not count towards fixation of seniority.

3. The provisions of these rules shall have overriding effect notwithstanding anything to the contrary contained in any other recruitment rules or orders or instructions for the time being in force.

By order of the Governor

M. P. MODI

Secretary to Government

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THE ORISSA CIVIL SERVICES (ZONE OF CONSIDERATION FOR PROMOTION) RULES, 1988

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 29th July 1988

(Published in *Orissa Gazette* on 08-08-1988)

No. 21804-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to regulate zone of consideration in the cases of promotion made to the Civil Services and Posts of the State, namely :-

Short Title and commenceme-nt.

1. (1) These rules may be called the Orissa Civil Services (Zone of Consideration for Promotion) Rule, 1988.

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

Definition

2. In these rules, unless the context otherwise requires:-

(a) General category "means the category of officers, employees or incumbents not belonging to the Scheduled Castes or Scheduled Tribes;

(b) "recruitment rules" means the rules framed under the proviso to Article 309 of the constitution of India regulating promotion to the respective State Civil Services and Posts and includes executive orders, instructions issued by the competent authority;

(c) "zone of consideration" means the zone in the gradation or seniority list of officers, employees, incumbents whose cases are considered for promotion to any Civil Service or Post of the State in a recruitment year.

Zone of consideration.

3. Except in cases where the provisions of the Orissa Reservation of vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975, and the rules framed there-under are applicable, in every case of promotion made by way of selection to any Civil Service or post of the state for which zone of consideration has been prescribed in the relevant recruitment rules; such zone of consideration shall be three times the estimated number of vacancies meant to be filled up from the General category in such Service or Posts notwithstanding anything to the contrary contained in the respective recruitment rule:

[1][Provided that where the estimated number of vacancies meant to be filed up is not more than three, the zone of consideration shall be ten.]

By order of the Governor

R. K. NAYAK

Special Secretary to Government

[1] Added vide G. A. Department Notification No. 37728, dated 29-12-1988 Published in *Orissa Gazette* and given effect to from dated 9-1-1989.

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THE ORISSA CIVIL SERVICES (CRITERIA FOR PROMOTION) RULES, 1992

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 24th July 1992

(Published in *Orissa Gazette* on 25-7-1992)

No. 29904-2R.-1-60/92-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to regulate the criteria for promotion to the State Civil Services and Posts, namely :-

Short Title and commenceme-nt.

1. (1) These rules may be called the Orissa Civil Services (Criteria for Promotion) Rules, 1992.

(2) They shall come into force on the date of their publication in the Official Gazette and shall apply to all cases of promotion made to the State Civil Services and Posts including the cases pending on the date of such publication.

Definition

2. In these rules, unless the context otherwise requires:-

(a) "Government" means the Government of Orissa.

(b) "Recruitment Rules" means the rules framed under the proviso to Article 309 of the Constitution of India regulating promotions to different State Civil Services and Posts and includes executive orders and instructions issued by the competent authority in this regard from time to time; and

(c) "Select List" means the list approved by the Government or the appointing authority, as the case may be, containing the names of officers considered suitable for promotion.

Criteria for Promotion.

3. Notwithstanding anything contained in the Recruitment Rules :-

(a) All promotions to the posts or grades of different Services/Civil posts under the State Government shall be made by selection;

(b) Selection for such promotion shall be made on the basis of merit and suitability in all respects with due regard to seniority and the names of persons included in the Select list shall be arranged in order of seniority in the feeder service or grade :

Provided that any junior officer of exceptional merit and suitability may be assigned a place higher than his seniors and in such cases the assignment of higher position to the junior officer shall be limited to the same batch or year of allotment except where an officer of the earlier batch or year of allotment is found unsuitable for promotion:

Provided further that where promotion is made from different services or posts and no common seniority among such officers exists, their names in the Select List shall be arranged on the basis of their merit adjudged during selection.

[1][**EXPLANATION** – The expression "batch or year of allotment means the calender year of the select list on the basis of which an officer is promoted to the next higher rank".]

[2]"(c) In order to judge the suitability of an officer for promotion, the Orissa Public Service Commission, the Departmental Promotion Committee, the Selection Committee or Selection Board, as the case may be, shall scrutinize preceding five available annual Confidential Character Rolls and other documents, if any, having a bearing on the performance and conduct of all eligible officers, unless for reasons to be recorded, it is considered necessary to refer to any earlier record to adjudge an officer's suitability:

Provided the available Confidential Character Rolls (C.C.Rs) taken into consideration for promotion as above shall include C.C.Rs covering at least a period of three years in preceding five years."

[3][Note I – The expression other documents means papers of whatsoever nature having bearing on the performance and conduct of eligible officers like C. B. I. or Vigilance reports, papers relating to departmental action and other confidential reports having nexus with an officer's performances which might have been prepared after giving an opportunity to an officer of being heard and not reflected in his C. C. R's. or service records.

1. Added vide G. A. Deptt. Notification No. 43691/Gen., dated 28-12-1998 & given effect to from 24-7-1992

2. Substituted vide G. A. Deptt. Notification No. 5906/Gen., dated 25-02-2005 & given effect to from 26-02-2005.

3. Substituted vide G.A. Deptt. Notification NO. 28836/Gen., dated 8-11-1996-Published in *Orissa Gazette* and given effect to from 25-7-1992.

Note II – The expression "Preceding five Years" means the Five years preceding the year in which the Selection Committee, Departmental Promotion Committee or Selection Board as the case may be, sits, but where the said committee sits for more than once such five years shall be reckoned from the date of its first meeting.]

Consideration of adverse remarks.

4. In order that vacancies are filled up by the most suitable persons with the utmost expedition consistent with an officer's right to seek expunction of an adverse remark, the following procedure shall be followed in cases where the records of an officer under consideration contain an adverse remarks :-

(a) If the officer has represented against an adverse remark and the representation has not been disposed of, the adverse remark shall be taken into consideration at the time of selection.

(b) If the remark has been expunged after consideration of his case by the Departmental Promotion Committee or the Selection Committee or the Selection Board as the case may be the fact shall forthwith be reported to the Public Service Commission and if the officer was refused promotion on *ad hoc* basis because of the said remark, his entitlement to such promotion shall be considered once again notwithstanding that it may involve the reversion of another officer.

(c) If expunction of the adverse entry is ordered after selection has been made on the recommendation of the Orissa Public Service Commission, his case will be referred once again to the Commission and if the Commission recommends his promotion and Government accept the said recommendation, the officer will be promoted from the date of his junior, not being a person of exceptional merit and suitability, was promoted and shall be entitled to all service benefits which he would have received but for the supersession on account of the adverse remarks.

(d) If, as a result of such retrospective promotion any junior officer has to be reverted, such reversion shall not entitle the said junior officer to claim continuance in the post on the strength of an earlier recommendation of the Orissa Public Service Commission.

5. The provisions of these rules shall have overriding effect notwithstanding anything to the contrary contained in any other Recruitment Rules or any other order or instructions for the time being in force.

Interpretation.

6. If any doubt arises on interpretation of any of the provisions of these rules, it shall be referred to Government in General Administration Department for final decision.

By order of the Governor

RAMAKANTA RATH

Chief Secretary to Government

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PART II – INSTRUCTIONS

(A) ZONE OF CONSIDERATION

GENERAL ADMINISTRATION DEPARTMENT

Dated the 17th July 1991

To

All Departments of Government

Subject – Clarification to Orissa Civil Service (Zone of Consideration for Promotion) Rules, 1988.

No. 18500-2R/1-22/91-Gen. – The undersigned is directed to say that it has been pointed out by the Chairman, Orissa Pubic Service Commission that some Departments of Government are not following the procedure laid down in the Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988 in the matter of promotion to different posts and services particularly in the meetings of D. P. C./Selection Boards held for the purpose.

2. According to the Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988 which came into force on the 8th August 1988, where the estimated number of vacancies is more than 3, the zone of consideration is three times the number of vacancies and where the estimated number of vacancies is not more than 3 the zone of consideration shall be 10. The above rules override any zone of consideration which may have been prescribed in different rules "except in case where the provisions of the Orissa Reservation of Vacancies in Posts and Services (for S. C. and S.Ts.) Act, 1975 and the rules framed there under are applicable".

3. Section 10 (1) of the ORV Act lays down the procedure for promotions to be made on the basis of seniority subject to fitness. Section 10 (3) of the said Act provides that there shall be no zone of consideration in respect of promotions based on seniority subject to fitness. In such cases the S.C./S.T. candidates shall be promoted to the next higher post or grade against the reserved vacancies irrespective of their position in the gradation list subject to satisfaction of prescribed minimum qualification and experience and found fit for such promotion.

3.2. In the event of non-availability of suitable S.C./S.T. candidates, the reserved vacancy shall not be filled up without de-reservation by the competent authority next higher to the appointing authority as per provision under Rule 5 (2) of the O.R.V. Rules.

3.3. In case of general candidates, the Zone of consideration shall be as in Para. 2 above.

4. In the case of promotion made by selection where the element of direct recruitment does not exceed 50% the detailed procedure laid down in Rules 7(a) and 7(b) of the O.R.V. Rules is to be followed. Rule 7(a) read with Section II-A(2) (b) deals with cases of promotion from Class-III to Class-II, within Class-II, from Class-II to Class-I and within Class-I. In these cases the selection will be made only from those S.C and S.T. Officers who are within the common zone of consideration, numbering seven times of the estimated number of vacancies.

ILLUSTRATION

Total No. of Vacancies	**…**	**10**
S. C.	**…**	**01**
S. T.	**…**	**03**
Unreserved	**…**	**06**

(i) Common zone of consideration for S. T. and S. C. 10 × 7 = 70.

(ii) Zone of consideration for unreserved category 6 × 3 = 18.

4.2. In the event of non-availability of suitable S. C./S. T. candidates for promotion, the reserved vacancy shall be filled up by suitable general candidates according to provision under Rule 5(3) of O.R.V. Rules. No de-reservation is necessary in such cases as per second proviso to Section 7 of the O.R.V. Act.

5. In the cases of promotion to Class-III posts and within Class-III posts on the basis of selection, the Zone of consideration numbering 7 is separate for the S.C. and S.T. Officers as per Rule 7 (b) of the O.R.V. Rules read with Section 11-A(2) (a) of the O.R.V. Act.

ILLUSTRATION

No. of Vacancies	**…**	**10**
S.C.	**…**	**01**
S.T.	**…**	**03**
Unreserved	**…**	**06**
Zone of consideration for -		
S.C.	**…**	**1 × 7 = 7**
S.T.	**…**	**3 × 7 = 21**
General	**…**	**6 × 3 = 18**

5.2. In case of non-availability of suitable S.C./S.T. candidates the reserved vacancy shall not be filled up without de-reservation by the competent authority, i.e. the next higher authority to the appointing authority as per provision under Rules 5(2) of the O.R.V. rules.

6. The above instructions may be brought to the notice of all concerned in their Departments and the respective Heads of Department, Public Sector Undertakings and Urban Local Bodies, etc., under their administrative control for their future guidance. H & T.W. Department have concurred in the instructions in their U.O.R. No. 68, dated the 21st June 1991.

C. NARAYANASWAMY
Special Secretary to Government

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(B) DEPARTMENTAL PROMOTION COMMITTEE

POLITICAL & SERVICES DEPARTMENT

OFFICE MEMORANDUM

The 29th December 1972/8th Pausa 1894

Subject:– Constitution of Departmental Promotion Committee for promotion – Appointment on *ad hoc* basis.

No. 21376-Gen.– It has been observed that a number of posts which are lying vacant in different Departments and Subordinate Offices are being filled up on an *ad hoc* basis by promotion in the exigencies of public service. While decision to fill up these vacancies cannot be deferred, it is essential that some principles are observed in the matter of selection and the principles are followed consistently. Unfortunately in a number of Departments, proper Rules for recruitment and promotion have not yet been framed. For these Departments and Subordinate Offices, it is all the more necessary that a regular procedure is adopted in filling up the vacancies in a fair and equitable manner. Even where recruitment rules have been framed for particular services, there must be a method to ensure that the principles adopted in the recruitment or cadre rules are actually followed in practice at the time of promotion or selection.

2. With a view to ensuring the above objective, the Departments are requested to set up immediately Departmental Promotion Committees where ever such Committees do not already exist. There is need for setting up such Committees for promotion to all categories of posts in the Departments or Heads of Departments or any subordinate office. Normally the Head of the Office and two other Members should be included in the Committee. Where there is need for co-opting any other specialist in view of the particular discipline for which promotion is being considered there should be provision for such co-option. For example, the Promotion Committee at the level of the Department should include the Secretary of the Department, the Head of the Department and at least one other member and if necessary, a representative of the discipline or division for which the selection is proposed to be made.

3. The Departments who have already set up Promotion Committees may review the existing arrangements in the light of the general guidelines indicated here. Those Departments and the Subordinate Offices who have not made any systematic arrangement in this regard should take immediate steps to set up such Committees. Where the Cadre Rules are under preparation suitable provision should be made in the Rules to set up such standing Committees to ensure that even when there is *ad hoc* promotion or selection, certain broad principles are observed. This is particularly important where *ad hoc* appointments in respect of gazetted posts are required to be referred to the O.P.S.C.

4. Copies of orders constituting such Committees at the level of Departments should be endorsed to P. &. S. Department for information. Departments are also requested to ensure that action as outlined here is taken immediately in all these Subordinate Offices and to send a compliance report to Political & Services Department not later than the 15th January 1973.

The receipt of this O.M. may be acknowledged in the first instance.

S. K. PaLIT

Additional Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 25th June 1983

Subject :- Change in procedure regarding constitution of Departmental Promotion Committee/Selection Board.

No. 7165-AIS-1. – Instructions were issued in Office Memorandum No. 14020-Gen., dated the 23rd May 1979 of erstwhile P. & S. Department for associating the Chairman/Member, P.S.C. with the Departmental Promotion Committee/Selection Board with the following objectives :-

(i) To cut down the delay which being caused as a result of references and counter references made between the Departments of Government and P.S.C. to finalise the select list from which promotions were to be made.

(ii) To obviate the difficulties that arose as a result of time gap between giving *ad hoc* promotion by the Departments on the recommendation of D.P.C./Selection Board and the receipt of the select list with the concurrence of P.S.C. and also in some cases on account of the P.S.C. not agreeing to include in the select list for promotion, officers who had been given *ad hoc* promotion s on the recommendation of the D.P.C./Selection Board.

In accordance with aforesaid office memorandum the Chairman, P.S.C. or Member, P.S.C. functions as the Chairman of the D.P.C./Selection Board at present.

2. Experience has shown that the association of the P.S.C. with the D.P.C/Selection Board has not helped in the matter of expediting the Commission's concurrence to the recommendation of D.P.C./Selection Board. This aspect was reviewed in the Secretaries meeting held on the 13th October 1982 and it was found that the revised procedure adopted in 1979 has not produced the desired results.

3. The question as to whether a convention can be evolved that in no case the recommendation of D.P.C./Selection Board would be modified and changed by the P.S.C. in view of the fact that P.S.C.is associated with the D.P.C./Selection Board, has been examined. It is found that it is not possible to establish such a practice since formal consultation with the Commission is obligatory in the case of promotions to Class-II and Class-I posts and the approval of the Commission to the recommendations of the Selection Board cannot be taken for granted on the ground that a Member of the Commission was associated with it.

4. Consultation with the commission is constitutional obligation in specified cases and this can be ensured only at the last stage when the recommendations of the D.P.C./Selection Board are seen by the entire Commission and their views furnished on the same. Associating the Chairman or Member of the Commission with the D.P.C./Selection Board cannot substitute for such mandatory consultation. It has also not resulted in reducing the time for obtaining the formal recommendations of the P.S.C.

5. In the above circumstances in supersession of this Department Office Memorandum No. 14020-Gen., dated the 23rd May 1979 Government have been pleased to decide to revert to the earlier practice of holding the meeting of the D.P.C./Selection Board independently without associating the P.S.C. with them and forwarding the recommendation of the D.P.C./Selection Board to the P.S.C. for formal concurrence. While adopting the revised procedure the Departments should, however, ensure that the recommendation of the Selection Board/D.P.C. with all relevant records are forwarded to the P.S.C. immediately after the meetings.

6. The Departments of Government are requested to take immediate steps to set up Selection Board/D.P.C. disassociating Chairman/Member, P.S.C. Where Statutory Rules have been framed under proviso to Article 309 of the Constitution of India for appointment to respective services by selection or promotion. Those rules may also be amended suitably disassociating Chairman/Member, P.S.C. from the Selection Board/D.P.C.

7. Necessary action may be taken in this regard by the concerned Departments within one month from the date of issue of this office Memorandum under intimation to General Administration Department.

C. NARAYANASWAMY
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 23rd August 1983

Subject :- Constitution of Departmental Promotion Committee/Selection Board.

No. 10280 – The question of prescribing fresh guidelines for constitution of Department Promotion Committees/Selection Boards has been under consideration of Government for some time. It has now been decided that the constitution of the Departmental Promotion Committees and Selection boards will be as indicated below :-

(i) *[For considering the promotion to posts in Senior Class-I and posts of Heads of Departments, the Departmental Promotion committees/Selection Boards will be headed by the Chief Secretary/Principal Secretary as the case may be and the Secretary of the Administrative Department and the Head of Department concerned will be Members. When the post of Head of Department is vacant the committee will consist of only two Members viz.; Chief Secretary/Principal Secretary and the Secretary of the Department. Where more than one Head of Department is concerned in the matter, then all those Heads of Department will be included as Members.]

* Substituted vide Corrigendum No. 315, dated the 16th January 1987.

(ii) For promotion to O.A.S.-II, O.A.S.-I (Junior Branch) and O.A.S.-I (Senior Branch), the Departmental Promotion Committee/Selection Board will be headed by the Chief Secretary and the Member, Board of Revenue, the Revenue Divisional Commissioners and the Secretary of the Administrative Department will be Members.

(iii) In all other cases, the Departmental Promotion committee/Selection Board will be headed by the Secretary of the Administrative Department. The Head/Heads of Department concerned and the Joint Secretary/deputy Secretary concerned will be Members.

Action may be taken to reconstitute the Departmental Promotion Committees/Selection Board in respect of your Department on the above lines under intimation to the General Administration Department.

C. NARAYANA SWAMY
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 6th August 1986

Subject–Representation of women members in the various Committees/Boards concerned with selection.

No. 14154 – The undersigned is directed to say that some important aspects relating to the service conditions of women employees, their recruitment and their conditions of service merit greater attention. It is observed that the percentage of women employees in State Government Service and in public sector organisations is quite low. It appears necessary to involve women in greater numbers in the machinery set up for selection of personnel for Government/Public Sector posts; women of proven merit and ability should also be nominated to the Selection Boards and Committees set up for recruitment to various posts and services.

2. On careful consideration, it has been decided that the Departments, Heads of Departments and District Offices should endeavour to nominate, to the extent possible, lady officers of proven ability and experience in the Selection Board/Committees concerned with selection of candidates for various posts & services under them. In case where a good number of lady candidates are expected to be available for the service/post, no effort should be spared in finding a suitable lady officer for inclusion in the Selection Board/Committee. In the event of such an officer not being available in the Department/Heads of Departments and District Offices itself there is no objection to nominate lady officer from any other office at the same station, if she is of the requisite status, ability and experience.

3. It is requested that the above decision may be brought to the notice of all concerned in the Departments/Heads of Department/District Offices and their attached and subordinate offices as also the Public Sector Undertakings and other Autonomous Bodies under their administrative control for appropriate action.

M. P. MODI
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 10th February 1987

Subject – Period of validity of Select list recommended by the Public Service Commission.

No. 2288-2R/1-87/86-Gen.- Regarding the period of validity of the recommendation of Public Service Commission for appointment to various posts and services, different provisions have been prescribed in different service rules and executive instructions issued severally in the past. It is felt that difficulties are being experienced in the matter of appointments where the period of validity of such recommendation has expired and fresh recommendation of Public Service Commission has not been received.

It is therefore, considered necessary to remove difficulties following a modified and uniform period of validity of Public Service Commission's recommendation. After careful consideration, Government have been pleased to decide as follows :-

(1) In case of initial recruitment through competitive examination the recommendation of Public Service Commission shall remain valid for a period of one year from the date of its approval by the Government. In extraordinary circumstances, however, when, for any reason, appointments have not been completed and the list in the recommendation has not been exhausted, Government by special order, may extend the validity period as necessary, but not later than the date of the next recommendation of the Public Service Commission.

(2) In case of promotions, the recommendation of Public Service Commission shall remain valid for a period of one year from the date of its approval by the Government.

This order issues in supersession of all previous orders issued in this behalf.

All Departments are requested to get their respective service rules amended in pursuance of this order.

M. P. MODI
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

No. 18622-2R/1-13/89 (pt.)-Gen.

From

Shri Binoy B. Mishra, Joint Secretary to Government

To

All Secretaries to Government.

Dated the 12th June 1989

Subject - Deficiencies noticed by the P.S.C. in the proposal sent to them for giving promotion to different posts by various departments.

Sir

I am directed to say that the Chairman and Members of the O.P.S.C. met the Chief Minister on the 19th May 1989 and raised the following issues which according to them need urgent attention of the State Government.

A number of deficiencies, as noted below, have been noticed in the proposals being sent to P.S.C. for promotion to different posts in the Government by various Department.

(a) Incomplete C.C.Rs. are being sent along with the proposals for promotion after giving *ad hoc* promotion to the concerned candidates. The P.S.C. chairman expressed surprise as to how promotion on *ad hoc* basis is given when C.C.Rs. are not complete.

(b) Attested gradation list is not submitted along with the proposals for promotion.

(c) There is no indication in the department's proposals as to whether the names of the Scheduled Caste/Scheduled Tribe candidates coming within the zone of consideration (7 times) have been considered.

(d) The chairman, P.S.C. also stated that long after *ad hoc* promotions are made proposals are sent to O.P.S.C for concurrence which causes avoidable delay. He, therefore, suggested that no proposal for *ad hoc* appointments should be initiated unless reference to P.S.C. has been made with the recommendation of the D.P.C.

You are therefore, requested to comply with the above points raised by the P.S.C. while filling up vacancies and sending proposals to P.S.C. of your Department and take suitable steps to avoid occurrence of such lapses in future. If you have any suggestion for change in this regard, it may kindly be sent to this Department at an early date.

Yours faithfully,
BINOY B. MISHRA
Joint Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

No. 15540-PSC-2/94-Gen.

To

All Departments of Government

Dated the 20th July 1994

Subject :- Implementation of the suggestion and observation of O.P.S.C.

The undersigned is directed to say that the Chairman, Orissa Public Service Commission presented the Annual Report of the Commission for the year 1991-92 to the Governor and Chief Minister during the 2nd fortnight of March, 1994. While examining the report in this Department it is noticed that the Commission have drawn the attention of Government regarding delayed offers of appointment, delayed acceptance of Commission's advice relating to promotion, delayed notification of recruitment rules and delayed acceptance of Commission's advice in disciplinary cases by different Departments of Government. Further, the commission have also drawn the attention of Government on the following issues :-

(i) Non-acceptance of Commission's advice

(ii) *Ad hoc* appointment

(iii) Incomplete references

(iv) Return of cases due to non-receipt of information/documents.

2. The Commission have expressed their deep concern in the matter of non-acceptance of their advice on certain cases and there is a rising tendency in the rate of non-acceptance of their advice. Therefore, due care and caution may be taken while obtaining Government orders in those cases when recommendation of the Commission is proposed to be over-ruled.

3. In the matter of *ad hoc* appointment and incomplete references instructions have already been issued in D.O. letter No. 1617, dated 20-1-1992 of the Chief Secretary, Orissa in which it has been impressed upon all concerned to discontinue the practice of *ad hoc* appointment and to ensure that references to the Commission when furnished should be completed in all respects in absence of which the Commission would not be able to make a recommendation. These instructions may be followed scrupulously.

4. As regards submission of complete/documents to the Commission a clarification has already been issued to all Departments in this Department Memo No. 4229-Gen., dated 21-2-1994. Therefore, while making a reference to the Commission complete documents as required in Rule 3 (c) of the O.C.S. (Criteria for Promotion) Rules, 1992 may be furnished for a quick action at their level.

5. The Commission have further observed that despite repeated observations made by them, proper assessment of vacancies is not being made by the Departments. The concerned Departments do not also intimate the tentative number of vacancies for being included in the Commission's advertisement for the information of the prospective candidates. Apart from failure to furnish forecast of vacancies in time, the Departments, who have to report the vacancies are unable to assess the requirement with exactitude. As a result, in respect of some of these recruitment, the number of vacancies notified initially in the advertisement by the Commission did not bear relation to the number of vacancies finally reported for being filled on the results of those recruitments. These figures are so much at variance with each other that it is difficult for the Commission to accept that there has been any systematic man power planning. The Commission have therefore urged that the recruiting departments should identify the cases of disparities in their initial and final demands and ensure that correct requirements are projected well in advance as far as possible.

6. The Commission have also observed that despite their repeated advice some Departments have not yet framed Rules regulating recruitment by promotion under Article 309 of the Constitution.

7. It is also observed by the Commission that the procedure laid down for imposition of major and minor penalties as provided under Rules 15 and 16 of the O.C.S. (C.C.A.) Rules, 1962 are not followed properly in many cases. Besides, a large number of cases referred to them for advice are found to be incomplete.

It is therefore, requested that the above observations of the Commission may be borne in mind for necessary guidance.

PRITIMAN SARKAR
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 20th August 1999

Subject :- Foregoing of promotion to Higher Rank/Grade.

No. 24519-S.C./6-35/99-Gen. – Promotion implies the advancement to a higher rank or grade in service career and hence it is normally accepted by a Government servant. It also involves shouldering of larger responsibility.

2. It is possible, however, that a Government employee, who is due for promotion or has already received the offer of promotion, may represent to forego the promotion.

3. A question has arisen whether a Government servant maybe allowed to forego the promotion (a) for a particular period after which he may opt to be considered for promotion once again or (b) forever with the condition that he maybe retained in a particular station or post.

4. After careful consideration, it is hereby clarified as follows :

(a) It is not desirable to introduce an element of optional deferment of promotion for temporary periods. To forego is to give up. An employee, who does not wish to accept the larger responsibility of a higher rank/grade, may forego the promotion once and for all.

(b) Secondly, the foregoing of promotion shall not be conditional. For example, no commitment can be given that an employee shall be retained in a particular station/office/post just because he has opted to forego the promotion.

(c) In case a Government servant opts for permanent and unconditional foregoing of promotion, an Office Order should be issued to that effect and an entry should be made in the Service Book. The resultant vacancy may be filled up by elevating the next eligible an suitable employee.

RAJENDRA KISHORE PANDA
Special Secretary to Government

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(C) SEALED COVER PROCEDURE

GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 18th February 1994

Subject:– Promotion of Government servants against whom disciplinary/criminal proceedings are pending procedure to be followed.

No. 3928-SC/3-2/93-Gen. – The question of the manner and method to be adopted by the Departmental Promotion Committee while selecting employees for promotion to the next higher grade in the context of an employee who is under suspension has been prescribed in this Department office Memorandum NO. 24—Gen., dated the 9th January 1987. This matter has been further considered be the Government and in supersession of this Department Office Memorandum referred to above, it has been decided as follows :-

2. Confirmation in the service

The State Government employees appointed in different cadres of service through relevant source of recruitment shall be confirmed in the service at the end of the period of probation subject to fulfillment of other conditions as prescribed for the purpose. A probationer who is under suspension or against whom disciplinary proceedings have been instituted or against whom a criminal case is pending in a Court, cannot be considered to have completed the period of probation to the satisfaction of State Government and as such, he cannot be confirmed in service before such proceedings are dropped or concluded in his favour.

3. Promotion of officers to the various posts/services

At the time of consideration of cases of officers for promotion, details of such officers in the zone of consideration falling under the following categories should be specifically brought to the notice of the concerned Screening Committee :-

(i) Government servants under suspension

(ii) Government servants in respect of whom a charge-sheet has been issued and disciplinary proceeding are pending; and

(iii) Government servants in respect of whom prosecution for criminal charge is pending.

4. The Screening Committee shall assess the suitability of the officers coming within the purview of the circumstances mentioned in Para. 2 above, along with other eligible candidates without taking into consideration the disciplinary case/criminal prosecution which is pending. The assessment of the Screening Committee including “Unfit for Promotion” and the grading awarded by It will be kept in a sealed cover. The cover will be superscribed “FINDINGS REGARDING THE SUITABILITY

FOR PROMOTION TO THE POST/SERVICE OF …… IN RESPECT OF SHRI ……. (Name of the Officer)". "NOT TO BE OPENED TILL THE TERMINATION OF THE DISCIPLINARY CASE/CRIMINAL PROSECUTION AGAINST SHRI ……..". The proceedings of the Screening Committee need only contain the note. "The findings are contained in the attachéd sealed cover".

5. The same procedure outlined in Para. 3 above will be adopted by the subsequent Screening Committees convened till the disciplinary case/criminal prosecution against the officer concerned is concluded.

6. On the conclusion of the disciplinary case/criminal prosecution, the sealed cover or covers shall be opened. In case the officer is completely exonerated, the due date of his promotion will be determined with reference to the findings of the Screening committee kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such findings. The Government servant may be promoted, if necessary, by reverting the junior-most officiating person. He may be promoted notionally with reference to the date of promotion of his junior.

In cases of complete exoneration, the officer will also be paid arrears of salaries and allowances. In other cases, the question of arrears will be decided by the State Government by taking into consideration all the facts and circumstances of the disciplinary/criminal proceedings, but where the Government denies arrears of salary or a part of it, the reasons for doing so shall be recorded.

7. If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next Screening Committee in the normal course and having regard to the penalty imposed on him.

8. It is necessary to ensure that the disciplinary case/criminal prosecution instituted against any officer is not unduly prolonged and all efforts to finalise expeditiously the proceeding should be taken so that the need for keeping the cases of officers in a sealed cover is limited to the barest minimum. It has, therefore, been decided that the appointing authorities concerned should review comprehensively the cases of Government servants, whose suitability for promotion to a higher grade has been kept in a sealed cover on the expiry of 6 months from the date of convening of the first Screening Committee which had adjudged his suitability and kept its findings in the sealed cover. Such a review should done subsequently also every six months. The review should, *inter alia*, cover the progress made in the disciplinary proceedings/criminal prosecution and further measures to be taken to expedite their completion.

9. An officer who is recommended for promotion by the Screening committee but in whose case any of the circumstances mentioned in Para. 3 above arise after the recommendations of the Screening Committee are received before he is actually promoted, will be considered as if his cases had been placed in a sealed cover by the Screening Committee. All the subsequent Committees shall assess the suitability of such officers along with other eligible candidates and place their assessment in a sealed cover. The sealed cover(s) will be opened on conclusion of the disciplinary case/criminal prosecution. In case the officer is completely exonerated, he would be promoted as per the procedure outlined in Para. 6 above and the question of grant of arrears would also be decided accordingly. If any penalty is imposed upon him as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover in his case shall not be acted upon.

PRITIMAN SARKAR
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 4th July 1995

Subject :- Promotion of Government Servants against whom disciplinary/criminal proceedings are pending procedure to be followed.

No. 14640-Gen. – The procedure to be adopted by the D.P.C., while selecting Employees for promotion to the next higher grade when any Disciplinary/Criminal Proceedings is pending has been laid down in G. A. Department Office Memorandum No. 3928-Gen., dated the 18th February 1994. It has come to the notice of the Government that difficulties are being experienced in the cases where disciplinary proceeding/criminal prosecutions against the Government Servants are pending for a long period without being disposed of. The delay is unfairly depriving of such Government Servants from getting promotions to the next higher grade.

2. The Government, after careful consideration of all the aspects and in partial modification of the instructions contained in G.A. Department Office Memorandum No. 3928-Gen., dated the 18th February 1994 referred to above, have been now pleased to decide as follows :-

(i) The disciplinary authorities, while framing charges against a delinquent Government Servant, should carefully consider the circumstances while deciding whether the delinquency merit framing of charges u/r 15 u/r 16 of O.C.S. (CCA) Rules, 1962, In the cases, where a minor penalty proceedings have been drawn up u/r 16 of O.C.S. (CCA) Rules, 1962, the "Sealed Cover" procedure shall not be applicable.

(ii) Where, the major penalty proceedings have been drawn up u/r 15 of O.C.S. (CCA) Rules, 1962, the procedure envisaged in G.A. Department Office Memorandum No. 3928, dated the 18th February 1994 should be followed.

(iii) In the cases, where criminal prosecution/disciplinary cases against the delinquent Government employees, have not come to an end even after the expiry of two years from the date of the meeting of the first

Departmental Promotion Committee, the Appointing Authority may review the withheld promotion cases (provided the delinquent Government employees are not under suspension) to consider the desirability of giving the *ad hoc* promotion keeping in view the following aspects :-

(a) Whether the promotion of the employee will be against the public interest

(b) Whether the charges are grave enough to warrant continued denial of promotion

(c) Whether there is likelihood of the case coming to a conclusion in the near future

(d) Whether the delay in the finalisation of the proceedings, departmental or in a Court of Law, is not directly or indirectly attributable to the employee concerned.

(e) Whether there is any likelihood of misuse of the Official position, that the employee may occupy after *ad hoc* promotion, which may adversely affect the conduct of the departmental case/criminal prosecution.

In case the Appointing Authority considers that it would not be against the public interest to allow *ad hoc* promotion to the employee concerned, his case should be placed before the next D.P.C. to be held in the normal course to decide whether the employee is suitable for promotion on *ad hoc* basis. If the employee is considered suitable, on the basis of the totality of his record of service, without taking into account the pending disciplinary case/criminal prosecution against him, an order of promotion may be issued making it clear that :-

(i) the promotion is being made purely on *ad hoc* basis and the *ad hoc* promotion will not confer nay right for regular promotion; and

(ii) the *ad hoc* promotion shall survive until further orders.

(iii) If should also be indicated in the orders that the Government reserve the right to cancel the *ad hoc* promotion at any time and revert the employee to the post from which he was promoted without assigning any reason therefor.

All other conditions contained in the aforesaid Office Memorandum remain unchanged.

SANTOSH KUMAR
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 1st November 1997

Subject – Promotion of Government servants against whom disciplinary/criminal proceedings are pending –procedure to be followed.

No. 29699-SC-3-5/97-Gen. – The procedure to be adopted by the Departmental Promotion Committee while selecting employees for promotion to the next higher grade when any disciplinary/criminal proceedings are pending has been laid down in General Administration Department Office Memorandum No. 3928-Gen., dated the 18th February 1994 and Office Memorandum No. 14640-Gen., dated the 4th July 1995. It has come to the notice of the Government that the Government servants who have been punished with any of the minor penalties as specified in Clauses (i) to (v) of Rule 13 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 in the disciplinary proceedings drawn up against them under Rule 15 of the above said Rules for imposing major penalties are deprived of getting promotion to higher grades which caused undue hardship to them.

2. The Government after careful consideration of all the aspects have now been pleased to decide to substitute Para. 6 and 7 of G. A. Department Office Memorandum No. 3928-Gen., dated the 18th February 1994 referred to above as follows :

Para. 6 On the conclusion of the disciplinary cases/criminal prosecution, the sealed cover or covers shall be opened. In case the officer is completely exonerated, the due date of his promotion will be determined with reference to the findings of the Screening Committee kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such findings. The Government Servant may be promoted, if necessary by reverting the junior-most employee who has been allowed officiating promotion. He may be promoted notionally with reference to the date of promotion of his junior.

6.2. In case of complete exoneration, the officer will also be paid arrears of Salaries and Allowances. In other cases, the question of arrears will be decided by the State Government by taking into consideration all the facts and Circumstances of the disciplinary/criminal proceeding, but where the Government denies arrear salary or part of it, the reasons for doing so be recorded.

6.3. In cases where, after completion of the disciplinary proceedings an officer has been punished with the following minor penalties, he shall be given promotion considering the findings in the 'sealed cover' from the date his immediate junior has been given promotion and his pay will be notionally fixed in the time-scale of the higher grade with effect from that date, but he will not be eligible for any arrear financial benefits for the period for which he has not actually worked in the higher grade post.

1. Fine

2. Censure

3. Withholding of increments

4. Recovery of any pecuniary loss caused

However, in cases where an officer has been punished with minor punishment of "Suspension" then the officer cannot get promotion with retrospective effect. In such cases, the date of promotion of the officer concerned will be postponed by the period for which he was actually under suspension. That means he will be promoted from the date on which his period of suspension will be over.

Similarly in cases where the punishment of 'withholding or promotion' has been imposed on the officer concerned, then the officer concerned cannot be promoted with retrospective effect even if he was found suitable for promotion as per recommendation kept in sealed cover and his cases will be taken up in the next Departmental Promotion Committee/Selection Board/Selection Committee for consideration of his promotion to next higher grade.

Para. 7 If any major penalty as specified in Clauses (vi) to (ix) of Orissa Civil Services (Classification, control and Appeal) Rules, 1962 is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next Departmental Promotion Committee/Selection Board/Selection Committee in the normal course and having regard to the penalty imposed on him.

3. This has been concurred in by the Finance Department in their U. O. R. No. 508-CS-I. dated the 16th September 1997.

H. S. CHAHAR
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

Dated the 15th january' 1999

To

All Department of Government/

All Heads of Departments/

All Collectors.

Subject – Promotion of Government servants against whom disciplinary/criminal proceedings are pending-Procedure to be followed.

No.1598-SC.-3-5/98-Gen. – The undersigned is directed to say that detailed instructions have been issued in G. A. Department Office Memorandum No. 3928, dated the 18th February 1994 indicating the manner and method to be adopted by the Departmental Promotion Committee while selecting the employees for promotion to the next higher grade. Clause (iii) of Para 3 of the said Office Memorandum provides that the Government servants in respect of whom prosecution for criminal charge is pending should not be promoted to next higher grade and the assessment of the Screening Committee including "Unfit for promotion" and the grading awarded by it will be kept in a sealed cover till finalisation of the said proceedings.

Doubts have been expressed whether after sanction of criminal prosecution against a Government servant, the recommendations of the Departmental Promotion Committee can be kept in a sealed cover. It is therefore, clarified that as per the decision in "Union of India, etc. *Vrs*. K. V. Janakiraman" reported in AIR 1991 SC 2010, the promotion of an employee cannot be withheld merely because a criminal proceeding is pending against him. To deny the said benefit it must be shown that at the relevant time the criminal case is pending at the stage when charge-sheet has already been issued to the employee. So the sealed cover procedure should be adopted only after the charge-sheet is issued to the employee and not before it.

The above clarification may be brought to the notice of all concerned.

PRIYABRATA PATNAIK
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 28th January 1999

Subject – Promotion prospects of Officers during pendency of Disciplinary/Criminal Proceedings – Date of effect of General Administration Department Office Memorandum No. 29699-GE., dated the 1st November 1997.

No. 3016-Doubts have been raised regarding the date from which General Administration Department Memorandum No. 29699, dated 1st November 1997 shall be given effect. It is clarified that Government after careful consideration have been pleased to decide that the executive instructions contained in Office Memorandum No. 29699, dated the 1st November 1997 *inter alia* intend to confer a benefit on an employee of the State Government whose career has been adversely affected by a

disciplinary proceedings which has resulted in a minor penalty to be inflicted on him. Hence, this benefit is to be conferred on such employee irrespective of the date of disposal of the proceedings. Any other view will be contrary to the principles of equity and natural justice.

PRIYABRATA PATNAIK
Special Secretary to Government

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(D) *AD HOC* PROMOTION

POLITICAL & SERVICES DEPARTMENT

Memo No. 6600 (18)- PSC.-13/62-Gen.

To

All Departments of Government

Dated the 22nd May 1962

Subject – Question whether appointments made by Government in the exigencies of Public Service beyond six months without the Concurrency of the Public Service Commission are liable to audit objections.

The undersigned is directed to say that the Accountant-General, Orissa has brought to the notice of Government that in a large number of cases extension of the terms of appointment to gazetted posts beyond six months has been made by Departments of Government without obtaining the concurrence of the Public Service Commission in contravention of Regulation 3 (b) (i) of the Orissa Public Service Commission (Limitation of Functions) Regulations. Such extension of the period of appointment according to Accountant-General is unauthorized and irregular and cannot be accepted in audit.

The point raised by the Accountant-General, Orissa was carefully considered by Government with reference to the legal interpretation of the provision of Article 320 (3) of the Constitution and the following clarifications are issued.

Under Regulation 3 (b) (i) of the Orissa Public Service Commission (Limitation of Functions) Regulations, Government can make temporary appointments, for a period not exceeding six months without consulting the Public Service Commission when it is necessary to make such appointments urgently. In cases where due to some reason or other, the recommendations of the Public Service Commission are not received before the expiry of the provisional appointment it become necessary to make fresh appointments not exceeding six months to avoid dislocation of work. If in any case there has been any such so called "extension" it must be conceded that the Limitation of Functions Regulation do not strictly contemplate an extension as such. The position is that there can be no question of extension but merely a question of fresh appointment in an emergent situation under the special provisions of the Regulations. Even if in any context Government while issuing orders used the word 'extension' that must virtually be construed as fresh appointments so long as Government have recorded their satisfaction that such an order was essential in the interest of public service and in the light of the Regulation.

A copy of this is being sent to the Accountant-General, Orissa for his information.

R. K. MOHANTY
Joint secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 22nd February 1988

No. 6405-SC/1-14/87-Gen. – Doubts and questions have been raised from time to time about the validity of the *ad hoc* promotions and appointments made by Government. Clearly there are two categories :

(a) Initial *ad hoc* appointments to direct recruitment posts.

(b) Promotion of Government servants to higher post on *ad hoc* basis.

2. In the erstwhile P. &. S. Department Memo No. 6600 (18) – Gen., dated the 22nd May 1962 (copy enclosed for ready reference) it was clarified that the Orissa Public Service Commission (Limitation of Functions) Regulation, 1952 does not, strictly speaking, contemplate an extension of *ad hoc* appointment and that even if any context Government while issuing orders used the word "extension" that must virtually be construed as fresh appointment so long as Government have recorded their satisfaction that such an order was essential in the interest of public service and in the light of the Regulations. Therefore, even if the provisional appointment is extended beyond one year, it will be deemed that fresh provisional appointment has started from the date from which the previous provisional appointment came to an end, and by virtue of extension of such provisional appointment the employee does not get right to the post.

3. (a) In the case of promotion, provisional appointment is extended beyond one year invariably by a Department due to non-receipt of concurrence of P.S.C. in time. Once there is a promotion, there are various consequential changes in the Department as the employees next below the promotees are also promoted to the different ranks. If the *ad hoc* appointment (promotion) is suddenly terminated after expiry of one year, the with then termination of such appointment the employees who have got consequential promotion will also stand reverted and this will cause various administrative inconveniences.

(b) The Law Department who were consulted in the matter have expressed their views that continuance of *ad hoc* appointment beyond one year in case of promotion is neither untenable nor irregular specially when it has been made clear that the appointment at any point of time is within the period of one year of *ad hoc* appointment. It is, however, made clear that the appointment authority shall issue a fresh order of *ad hoc* appointment soon after the previous term of *ad hoc* appointment comes to an end, provided such authority is satisfied in writing that such appointment is necessary in the interest of public service and

necessary steps have been taken by the Department for concurrence by the P.S.C. and there is delay at the end of the P.S.C. in according the concurrence.

(c) It is, however, clarified that if due to inadvertence no fresh order has been issued making the *ad hoc* appointment after the expiry of the previous term of *ad hoc* appointment, then it will be deemed as if the period after the expiry of the previous term of *ad hoc* appointment is a fresh appointment extending up to another term of one year. It is further made clear that if fresh *ad hoc* appointment is made on the date on which the former term of *ad hoc* appointment comes to an end (such appointment may also be made retrospectively if the exigencies of the circumstances so require) then there will be no need for reversion of the employees who have got consequential promotion on account of the *ad hoc* appointment.

4. In case of fresh recruitment, however, *ad hoc* appointment should terminate at a specified point of time so as to prevent complicacies. In issuing such fresh recruitment orders of *ad hoc* appointment, the date of termination of the appointment should be specifically mentioned in the appointment order so that another order of termination does not become necessary.

N. K. PANDA
Chief Secretary to Government

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D. O. No. 1617-Gen.
The 20th January 1992

R. K. Rath, I. A. S.,
Chief Secreatary and
Chief Development Commissioner, Orissa.

My dear,

I have been noticing that *ad hoc* appointments to posts which are required to be filled up in consultation with the Orissa Public Service Commission have become common practice whereas the power of Government to make such appointments has to be exercised in exceptional cases only. There is little justification in invoking this power to fill up vacancies which can be clearly foreseen. While it may be necessary to make *ad hoc* appointment to a newly created post which needs to be filled up immediately or to a vacancy that has arisen because of the death or resignation of the incumbent or his sudden deputation, there is little justification in resorting to it for filling up vacancies, caused by retirement. Each Department has all the information it needs to find out, well in advance, the date of vacancy and should, therefore, be in a position to convene a meeting of the Departmental Promotion Committee and make a reference to the Commission. There is no justification whatever in waiting till the vacancy actually arises and in filling it up on an *ad hoc* basis.

2. You would also have noticed that, once an *ad hoc* appointment is made, the effort at making a proper reference to the Commission and obtaining its advice expeditiously is far from adequate. In the result, such appointments continue for prolonged periods, sometimes beyond the specified period of one year. This technical difficulty is got over by issuing a fresh order of *ad hoc* appointment on the expiry of the tenure of the previous appointment. This is extremely undersirable and amounts to exercise of a power that, under the rules, should be exercised in consultation with the Commission.

3. I would request you to intervene so that steps are taken in time to fill up, in consultation with the Commission, vacancies that can be clearly foreseen and the tenure of such *ad hoc* appointments as have inevitably to be made is not prolonged unnecessarily or artificially. I would further request you to ensure that references to the Commission are complete in all respects since, in the absence of full information, the Commission will not be able to make a recommendation. An immediate review by you will, I have no doubt, improve matters.

Yours sincerely,
R. K. RATH

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(E) SENIORITY

RULES REGARDING FIXATION OF SENIORITY

[Government of Orissa, Home (Appointment) **Department Order No. 606-A.**, dated the 7th February 1994]

1. The Provincial Government have recently had under consideration the principles to be followed in determining the seniority of officers of the Provincial and Subordinate Services when more than one officer is appointed to a service at the same time. It has been decided that the following principles should be observed in future :-

(a) When officers are recruited by promotion and by direct appointment at the same time, the promoted officers will take precedence over the officers directly recruited.

(b) Officers promoted at the same time will ordinarily keep the position *inter se* which they held in the service from which they were promoted. Where promotions are from several services the appointing authority should determine the relative seniority of the officers concerned at the time of appointment.

(c) The decision regarding the seniority of direct recruits shall be made by the appointing authority at the time of their first appointment. In all cases such decisions shall be final.

2. Government do not consider it practicable to lay down definite criteria to determine the seniority of direct recruits. The following suggestions are, however, made for the guidance of the Departments concerned :-

(a) Direct recruits at the time of their first appointments maybe given an opportunity to supply any information which may be of value in determining their seniority.

(b) When direct recruits have been placed in order of merit by the Public Service Commission (or a Selection Committee) full consideration should be given to their opinion.

(c) Seniority may be determined by general consideration of merit by educational qualifications or by age or any previous experience in any post.

(d) It is not possible to give a scale showing the relative value of educational qualifications but if Departments experience difficulty, the advice of the Director of Public Instructions may be taken.

3. These instructions shall not apply to the Provincial Civil Service (Judicial Branch).

Memo No. 8403-Gen., dated the 10th July 1961
from the Political & Services Department to the Law Department

Subject – Procedure to be followed in making appointments, promotion, confirmation of persons in ex-cadre posts-Clarification.

With reference to Law Department Memo No. 2921-Est.-140/60-L., dated the 28th April 1961 on the subject noted above, the undersigned in directed to furnish the replies seriatim as below :-

(1) There is no instruction or rule laying down the procedure for filling up ex-cadre posts. Such posts can therefore be filled up either by direct recruitment or by promotion not strictly according to seniority as the appointing authority decides taking into account the duties involved and the ability of the candidates for such work.

(2) The Service in an ex-cadre post will not count for purposes of seniority, promotion and confirmation in the general cadre. On reversion to the regular cadre, the person will occupy his former position in the cadre.

(3) No employee in the general cadre has any legitimate claim for the ex-cadre post. The person who has been holding the ex-cadre post is the only person who can have a claim on the post for confirmation when it is made permanent.

(4) There is no hard and first rule to give officiating promotion to the ex-cadre post. The appointing authority is at liberty to fill up the officiating vacancy, either from the general cadre of the same Department or any other Department. So far the question whether the holder of the ex-cadre post can be given officiating promotion in the general cadre, this will be permissible, if he retains a lien or claim in the regular cadre and the chances of his promotion has arisen according to his seniority in the general cadre.

(5) The post of Grade I Assistant to the Chief Secretary is an ex-cadre post and the incumbent of the post is not a regular recruit though the P.S.C., but has been given promotion from the rank of diarist. As he does not hold nay permanent post in the general cadre of the P. & S. Department, he has no claim for promotion in the general cadre.

As Home Department deal with the matters relating to Ministerial Government servants, Law Department is advised to get the position confirmed from Home Department.

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No. 21260-2R/1-37/99 (Pt. II)-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 16th June 2000

Subject – Fixation of seniority between General, Scheduled Caste and Schedule Tribe candidates in the promotional post in State Civil Services/Posts.

The principle of fixation of seniority of General, Scheduled Caste and Scheduled Tribe candidate in the promotional posts is presently being regulated as per Welfare Department Circular No. 23820-W., dated the 8th August 1997, read with General Administration Department Circular No. 6807-Gen., dated the 13th March 1991. As per the said circular the employees belonging to S. C./S. T. categories are being accorded seniority on the basis of their position in the select list drawn up at the time of promotion. Consequently their seniors belonging to general category in the lower grade, who are promoted later, are being placed below the S.C./S.T. candidates promoted earlier at roster point.

2. Recently, a five-Judge bench of the Hon'ble Supreme Court of India in its judgement delivered on the 16th September 1999 in Ajit Singh and others *Vrs*. State of Punjab and others reported in J. T. 1999 (7) S.C.-153, held that the law laid down by the Supreme Court in Union of India *Vrs*. Virpal Singh Chouhan reported in 1995 (6) SCC 684 and Ajit Singh Januja *Vrs*. State of Punjab and others reported in 1996 (2) SCC 715 is the correct law, but not the law laid down in Jagadishlal and others *Vrs*. State of Haryana and others reported in J. T. 1997 (5) SC 387, which must be considered as confined to its own peculiar facts. As per the judgement, dated the 16th September 1999, the roster point promotees (reserved category) cannot count their seniority in the promoted category on the basis of their continuous officiation in the promoted post *vis-a-vis* the general candidates who were senior to them in the lower category and who were promoted later. On the other hand the senior general candidate at the lower level, if he reaches promotional level later, but before the further promotion of the reserved candidate, he will have to be treated as senior at the promotional level, to the reserved candidate, even if the reserved candidate was earlier promoted to the level.

3. The aforesaid directions of the Hon'ble Supreme Court of India in the above judgement is *inter alia* binding on all in view of the provisions contained in Article 141 of the Constitution of India Therefore, the State Government pending suitable

amendment to the relevant Act/Rules to conform to the aforesaid decision of the Apex Court have decided that the gradation lists of the different cadres in the State Civil Services/Posts should be revised and the *inter se* seniority of General, Scheduled Castes and Scheduled Tribes candidates should be refixed with effect from the 1st March 1996 by adopting the principles laid down as above by the Supreme Court of India but without causing reversion to the reserved candidates.

4. All the Departments of Government are requested to implement the above decision and issue necessary instruction to all the Heads of Departments and Public Sector undertakings and to other Appointing Authorities under their Administrative control for taking immediate action accordingly.

5. This supersedes the instructions contained in Welfare Department Circular No. 23820-W., dated the 8th August 1997 and General Administration Department Circular No. 6807-Gen., dated the 13th March 1999.

This has been concurred in by the Law Department in their U. O. R. No. 1493-L., dated the 5th October 1999.

Order – Ordered that the resolution be published in the *Orissa Gazettee* and copy forwarded to all Departments of Government/all Heads of Departments/all Collectors/Registrar, Orissa High Court/Registrar, O.A.T./Special Secretary, Orissa Public Service Commission, for information.

By order of the Governor
S. B. AGNIHOTRI
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE ORDER

The 27th July 2000

Subject – Fixation of seniority between General, Scheduled Castes and Schedule Tribes candidates in the promotional post in the State Civil Services/Posts.

No. 30083-2R/1-37/99 (Part-II)-Gen. – The undersigned is directed to invite reference to the G. A. Department Resolution No. 21260-Gen., dated the 16th June 2000 and to say that certain aspects of this resolution require a re-examination.

2. After carefully considering the issues involved, the Government have been pleased to decide that the G.A. Department Resolution No. 21260-Gen., dated the 16th June 2000 may be kept in abeyance pending such re-examination.

3. Government have further been pleased to decide that pending issue of further instruction after re-examination, promotions may not be processed or given effect to except in following cases –

(a) Promotions from base level posts;

(b) Cases where the gradation list remains unchanged whether the "Catch up" principle outlined in the resolution under reference is applied or not.

4. This order shall take immediate effect.

S. B. AGNIHOTRI
Special Secretary to Government

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No. 39734(e)-2R/1-27/2000 (Pt.)-Gen.
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 2nd November 2000

Subject – Fixation of seniority between General, Scheduled Castes and Schedule Tribes candidates in the promotional post in the State Civil Services/Posts.

In view of the pendency of a writ petition before the Hon'ble Orissa High Court arising out judgement in O. A. No. 1685/1988, the G. A. Department Resolution No. 21260-Gen., dated the 16th June 2000 and subsequent Office Order No. 30083-Gen., dated the 27th July 2000 on the above subject have been carefully reviewed. After such review, the Government have been pleased to decide that the instructions issued in the above cited Resolution and Office order shall stand modified and the guidelines issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) in their Office Memorandum No. 20011/1/96-Estt. (D) dated the 30th January 1997 and the clarification issued in Office Memorandum on the 21st March 1997 (copies enclosed) on the above subject will be followed as an interim measure. A copy of the above cited Office Memorandum and clarification issued by the Government of India on it are enclosed for reference.

This has been concurred in by the Law Department in their U. O. R. No. 1588-L., dated the 12th October 2000.

Order – Ordered that the Resolution be published in the extraordinary issue of the Orissa Gazette and copy forwarded to all Departments of Government/all Heads, of Departments/ all Collectors/Registrar, Orissa High Court/Registrar, Orissa Administrative Tribunal, Bhubaneswar/ Special Secretary, Orissa Public Service Commission/Secretary, Orissa Staff Selection Commission for information.

U. N. BEHERA

Special Secretary to Government

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GOVERNMENT OF INDIA

MINISTRY OF PERSONNEL, P. G. & PENSIONS

(DEPARTMENT OF PERSONNEL AND TRAINING)

OFFICE MEMORANDUM

New Delhi, the 21st March 1997

Subject – Seniority of S.C./S.T. Officers promoted earlier *vis-a-vis* General/O.B.C. Officers promoted later, clarification regarding Office Memorandum, dated the 30th January 1997.

No. 20011/2/97-Estt. (D) – The undersigned is directed to refer to the Department of Personnel and Training's Office Memorandum No. 20011/1/96-Estt. (D), dated the 30th January 1997 on the above subject and to say that according to Para 4 therein, the decision contained in the said Office Memorandum is effective from the date of its issue, i.e., 30th January 1997. In this context, it is clarified that the said Office memorandum does not contemplate revision of any seniority lists prevailing on the 30th January 1997, nor does it prohibit promotion of Officers (including S.C./S.T. Officers) on the basis of the seniority list prevailing on the 30th January 1997. If on the basis of the Seniority list prevailing on the 30th January 1997 a junior S.C./S.T. Officer is promoted to a higher post/grade because of the rule of reservation and his senior general O.B.C. officer is promoted subsequently to that higher post/grade, the said senior General/O.B.C. officer will regain his original seniority over his earlier promoted S.C./S.T. Officer in the immediate higher post/grade by virtue of this Departments aforesaid office Memorandum of the 30th January 1997.

2. It is also clarified that as at present seniority list prevailing on the crucial date for determining eligibility for promotion (i.e., the 1st July if A. C. Rs. are written calendar yearwise or the 1st October if A.C. Rs. written financial yearwise, as the case may be) shall be the basis for further promotion.

3. Hindi version will follow.

K. K. JHA

Director (E)

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GOVERNMENT OF INDIA

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS

(DEPARTMENT OF PERSONNEL AND TRAINING)

OFFICE MEMORANDUM

New Delhi, the 30th January 1997

Subject – Seniority of S.C./S.T. Officers promoted earlier *vis-a-vis* general candidate promoted later.

No. 20011/1/96-Estt. (D) – According to the general principle 5 (i) contained in M.H.A. O. M. No. 9/11/55 – R.P.S., dated the 22nd December 1959 and Para 2.2 in D.O.P.T. O.M. No. 22061/7/86 – Estt. (D), dated the 3rd July, 1986 read with D.O.P.T. O.M. No. 20011/5/90-Estt. (D), dated the 4th November 1992, (copy enclosed) seniority of a person regularly appointed to a post according to rule would be determined by the order of merit indicated at the time of initial appointment and seniority of persons promoted to various grades shall be determined in the order of selection for such promotion. Thus, persons appointed through an earlier selection will enbloc be senior to those promoted through subsequent selection.

2. The Supreme Court has in its judgement, dated the 10th October 1995 in the case of Union of India *Vs.* Virpal Singh Chauhan etc. (Jt 1995 (7) SC. 231) held as follows :-

> "Even if a Scheduled Caste/Scheduled Tribe candidate is promoted earlier by virtue of rule of reservation/roster than his senior general candidate and the senior general candidate is promoted later to the said higher grade, the general candidate regains his seniority over such earlier promoted Scheduled Caste/Scheduled Tribe candidate. The earlier promotion of the Scheduled Caste/Scheduled Tribe candidate in such a situation does not confer upon him seniority over the general candidate even though the general candidate is promoted later to that category".

3. Having regard to the above judgement of the Supreme Court, it has been decided to modify the existing policy of fixing seniority on Promotion on the lines mentioned in Para. 2 above. Accordingly it has been decided to and the following proviso to general principle 5 (i) contained in M.H.A. (now D.O.P.T.) O. M. No. 9/11/55-R.P.S., dated the 22nd December 1959 and Para. 2.2 of this Department O.M. No. 22011/7/86-Estt. (D), dated the 3rd July 1986 :

"Provided that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior general/O.B.C. candidate who is promoted later to the said immediate higher post grade, the general/O.B.C. candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/grade".

4. These order shall take effect from the date of issue of this Office Memorandum.

K. K. JHA
Director (E)

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GENERAL ADMINISTRATION DEPARTMENT

No. 39846-SC/H-1/2000-Gen.

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Dated the 3rd November 2000

Subject – Guidelines to be followed in the matter of officiating appointment/promotion.

The provisions under Rule 2 of the Orissa Civil Services Rules, 1987 provide that the period of service rendered by the Government Servant on an appointment or promotion made purely on temporary or officiating basis which does not exceed the period of one year and for which prior consultation with the Orissa Public Service Commission is not necessary shall not count towards seniority. Instances have come to notice where Appointing Authorities have allowed an employee in the lower post/grade to officiate in a higher post involving different nature of work or in a promotional post in the next higher grade due to administrative exigencies in terms of provision under Rule 31 of the Orissa Service Code.

2. Instances have also come to the notice of Government that incumbents officiating in a higher post/grade for a considerably long period put forth their claim for absorption against the post with benefits of seniority from the date of such officiation. Such claims have also been agitated in Courts of law.

3. In order to avoid such situations, it is decided that henceforth the appointing authorities shall (subject to provisions cited above) adhere to the following guidelines while allowing officiating appointments/promotions.

(i) In no case the officiating appointment/promotion shall exceed the period of one year and such appointment shall be terminated on completion of this period if not terminated prior thereto.

(ii) A condition shall be laid down in the appointment order to the effect that the employees concerned shall not be entitled to continue in the post unless otherwise eligible in the normal course and shall not be entitled to seniority on the basis of such officiation.

4. These instructions should be followed meticulously and the officiating appointments under each establishment should be reviewed immediately. In all instances where officiating appointment/promotions have exceeded one year, no further officiating appointment/promotion should be granted.

U. N. BEHERA
Special Secretary to Government

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GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
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NOTIFICATION

The 19th July 2003

No. 20277-2R/1-20/2003-Gen.-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules further to amend the Orissa Civil Services (Criteria for Promotion) Rules, 1992, namely :-

1. (1) These rules may be called the Orissa Civil Services (Criteria for Promotion) Amendment Rules, 2003.

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

2. In the Orissa Civil Services (Criteria for Promotion) Rules, 1992, in rule 3, for clause (c) excluding Note I and Note II there under, the following clause shall be substituted, namely :-

"(c) In order to judge the suitability of an officer for promotion, the Orissa Public Service Commission or the Departmental Promotion Committee or the Selection Committee or the Selection Board, as the case may be, shall scrutinize the confidential character rolls and other documents, if any, having a bearing on the performance and conduct of all eligible officers of the preceding 5 years only, unless for reasons to be recorded, it is considered necessary to refer to any earlier records to adjudge an officer's suitability."

By order of the

Governor

S.SRINIVASAN

Special Secretary to Government

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GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

*****

NOTIFICATION

The 9th July 2003

No. 19084-2R/1-11/2003-Gen.-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to regulate the criteria for selection initial appointment / promotion to the State Civil Services and Posts, namely :-

1. Short title, commencement and application –

(1) These rules may be called the Orissa Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.

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

(3) They shall apply to all cases of appointment including promotion made to the State Civil Services and Posts.

2. Definitions – In these rules the context otherwise requires -

(a) "Commission" means the Orissa Public Service Commission ;
(b) "Government" means the Government of Orissa ;
(c) "Service" means State Civil Service ; and
(d) "Year" means the calendar year.

3. Initial Recruitment -

The Commission / Orissa Staff Selection Commission / Selection Committee or the appointing authority in case where such bodies do not exist, or do not exercise their jurisdiction, shall, for the purpose of initial appointment to any Service / Post prepare a list through Competitive Examination containing the names of successful candidates 1.10 times the number of vacancies anticipated pertaining to that year :

Provided that in case where the list contains less number of successful Candidates than the vacancies anticipated, the reasons of such shortfall shall be recorded in writing by the recruiting agency.

4. Promotion -

(1) The Departmental Promotion Committee or the Selection Board or the Selection Committee as the case may be , for the purpose of appointment by selection or promotion to any Service / Post shall prepare a list of persons of the feeder grade of that Service / Post who are considered by them to be suitable for such appointment.

(2) The number of persons to be included in the list prepared under sub-rule (1) shall be 1.25 time the number of vacancies anticipated in the promotional Service / Post pertaining to that year :
provided that in case of promotion to Service / Post in which prior consultation with the Commission is mandatory the list shall be forwarded to the Commission with all requisite papers for concurrence :
provided further that if the Commission finds any person included in the list unsuitable for appointment to the Service / Post or if any such person included in the list retires from Government Service prior to the concurrence of the Commission, the Commission shall in his / her place insert the name of another person found suitable from out of the list of eligible persons under the zone of consideration.

5. Overriding Effect -
The provisions of these rules shall have overriding effect notwithstanding anything to the contrary contained in any other recruitment rules for the time being in force.

6. Interpretation-
If any doubt arises on interpretation of any of the provisions of these rules, the same shall be referred to Government in General Administration Department for decision.

By order of the Governor
S.SRINIVASAN
Special Secretary to Government

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Government of Orissa
General Administration Department
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No.2R/1-29/2003/25954/Gen., Dated 12.9.2003

To
All Departments of Government.

Sub: Timely references to Orissa Public Service Commission

The undersigned is directed to say that instructions were issued in D.O. letter No. 1617 dt. 20.1.92 of the Chief Secretary and G.A. Department letter No. 15540 dtd. 20.7.94 to ensure that proper reference complete in all respects is made to the OPSC for obtaining their advice expeditiously. But it is noticed that many Departments are causing inordinate delay in sending the proceedings of the Departmental Promotion Committee/Selection Board/Selection Committee to the Orissa Public Service Commission for their concurrence and as such adhoc appointments continue for prolonged periods.

1. The Commission have observed that proceedings of the DPC/Selection Board/ Selection Committee are referred to them after lapse of long gaps, which is matter of concern, and advised that complete references should be sent to them soon after the proceedings of the DPC are released.

2. Delay in sending references to the Commission, results in Officers continuing in promotional posts without regularisation of their service by OPSC which is not only irregular but also affects management of cadre. Sometimes the recommendations of the DPC are not fully agreed to by the Commission. The position of the officers in the select list prepared by the DPC is also altered by the Commission on the basis of CCRs and in that case, if the recommendation/concurrence of OPSC is not obtained within one year it may lead to court litigations and Government are needlessly dragged into such controversies.

3. All Departments are, therefore, impressed upon to take prompt and timely action in sending references to the Commission soon after completion of the proceedings of the Departmental Promotion Committee /Selection Board/Selection Committee and avoid initiating proposals for adhoc promotion unless reference to the OPSC is made along with the recommendations of the DPC.

These instructions may be followed meticulously.

Special Secretary to Government

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Government of Orissa
General Administration Department
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NOTIFICATION

Bhubaneswar , dated the 25th February 2005

No. 5906-2R/1-24/2004 / Gen.----- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules further to amend the Orissa Civil Services (Criteria for Promotion) Rules, 1992, namely :-

1. (I) These rules may be called the Orissa Civil Services (Criteria for Promotion) Amendment Rules, 2005.

(II) They shall come into force on the date of their publication in the Orissa Gazette.

2. In the Orissa Civil Services (Criteria for Promotion) Rules, 1992, in rule 3, for clause (c) excluding Note – I and Note – II thereunder the following clause shall be substituted, namely:-

"(c) In order to judge the suitability of an officer for promotion, the Orissa Public Service Commission, the Departmental Promotion Committee, the Selection Committee or Selection Board, as the case may be, shall scrutinise preceding five years available Confidential Character Rolls and other documents, if any, having a bearing on the performance and conduct of all eligible officers, unless for reasons to be recorded, it is considered necessary to refer to any earlier record to adjudge an officer's suitability:

Provided the available Confidential Character Rolls (C.C.Rs) taken into consideration for promotion as above shall include C.C.Rs covering at least a period of three years in preceding five years."

By order of the Governor

T.K. Pandey
Special Secretary to Government

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DEFENCE OF GOVERNMENT SERVANTS IN LEGAL PROCEEDINGS INSTRUCTIONS

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
(A) DEFENCE OF GOVERNMENT SERVANTS -			
1.	Circular No. 28222/Gen.	12-10-1990	Non-implementation of the orders of the SAT resulting to initiation of contempt Proceeding.
2.	Circular No. 42863/Gen.	06-12-2000	Contempt Proceedings against officers and employees of the State Government – their defence at expense of Government, if possible.
3	Resolution No.26574/Gen.	05-10-2005	Defence of officers and employees of the State Government impleaded in Contempt of Court proceedings, by Law Officers of the High Court.
(B) PROCEDURE OF DEALING WITH COURT JUDGEMENTS -			
1.	Law Department Circular No. 8013.	17-06-1993	..
2.	D. O. No. 13544	12-04-2001	Regarding filing of first Appeal before the Hon'ble High Court.

(A) DEFENCE OF GOVERNMENT SERVANTS

Letter No. 28222-Gen., dated 12th October 1990 from G.A. Department, Orissa, Bhubaneswar addressed to all Heads of Departments and others.

Subject - Non-implementation of the orders of the State Administrative Tribunal resulting to initiation of contempt proceeding.

It has come to the notice of Government that due to non-implementation of the orders/direction of the State Administrative Tribunal contempt proceeding are being started against the Secretaries to Government. There are cases where the date line fixed by the Tribunal for implementation of the orders or direction is already over and the aggrieved party has moved the Tribunal for contempt,

2. After careful consideration, it has been decided that in each Department an Officer not below the rank of Deputy Secretary and in each Heads of Department an Officer not below the rank of Deputy Director should be entrusted with the responsibility of monitoring the implementation of Court orders, All the cases where specific directions has been given by the Court should be sent to this Officer for perusal and for making a gist of the orders and the date by which it is to be implemented, He will maintain a diary of such cases and appraise the Secretary/Heads of Departments every month about progress of

implementation. The cases where the order is not implemented by the fixed date should be brought to the notice of Secretary/Heads of Department by this Officer.

3. This Officer will also be responsible for getting stay order vacated as and when necessary. It has to be ensured that the arrangement does not dilute the responsibility of the Branch Officer and the Heads of Department for ensuring implementation of the orders of the Court. It should be responsibility of the Branch Officer to see that conditional orders if any passed by the Court (for example, promotion being given subject to out come of the case i.e., *Sub judice* are implemented at the appropriate time, It should also be the responsibility of the Branch Officer and Heads of Departments to ensure submission of detailed Parawise comments in each case and to ensure preparation of counter by liaison with the Government Advocate.

4. The Government Advocate is being requested to distribute the cases among the different counsel department-wise so as to enable the Department to know with whom they are to keep contact.

Sd/-

Special Secretary to Government

GENERAL ADMINISTRATION DEPARTMENT
No. 42863-SC-6-33/98

From

Shri D. P. BAGCHI
Chief Secretary and Chief Development,
Commissioner, Orissa, Bhubaneswar.

To

All Secretaries to Government/
All Heads of Departments/
All Collectors.

Subject - Contempt proceedings against Officers and employees of the State Government- Their defence at the expense of Government – if permissible.

Sir,

Detailed instructions of the defence of Government servants in legal proceedings have been issued by the General Administration Department vide letter No. 14537-Gen., dated 26-5-1992 (copy enclosed) on the procedure to be followed for defending Government servants in legal proceedings. Para. 11 of the letter referred above, deals with the defence of Government servants on whom the contempt of court charges have been served. It has been provided in this paragraph that the Government servant concerned may be defended at Government cost, if the Administrative Department after careful consideration, have satisfied themselves that the Government servant was not personally responsible for non-implementation of the Court orders. It has been further provided therein that where the Administrative Department are not satisfied as above, on the basis of the facts available with them the defence of the Government servant should be left to himself.

2. The Hon'ble Supreme Court of India in Civil Appeal No. 8588-89 of 1997 in the case of Commissioner, Agra and others Vs. Rohtas Singh and others reported in AIR 1998, SC : 685 have laid down the following principles of law :-

(i) It is open to the State to nominate its Advocates to appear for its officials in contempt proceedings.

(ii) The State is entitled to authorise a Law Officer to appear in cases where the contempt consists of disobedience of an order of the Court by an Officer or employee of the State.

(iii) Where the conduct of the concerned official is contumacious, the Court can direct him to pay costs personally.

3. In view of the above principles laid down by the Hon'ble Supreme Court at Serials (i) and (ii) of Para. 2 above, the State Government after careful consideration have now decided that the Administrative

Department/Heads of Departments may request the Government Advocates and Standing Counsels for the State to appear and defend the Government officials against whom the notices for contempt of courts have been issued for any alleged act of omission or commission while performing their duties in their official capacities. It has also been further decided that in such cases the legal expenses will be borne by the concerned Administrative Department/Head of Department/Head of Office.

4. But, in view of the principles of law enunciated by the Supreme Court at Serial (iii) of Para. 2 above, Government have also decided that if on conclusion of the contempt proceedings, the Administrative Department/Head of the Department finds that Officer concerned had intentionally and knowingly committed the contempt of Court or has been held guilty of contempt charges by the Court/Tribunal, as the case may be, the fees paid to the Government Advocate or Standing Counsel who appear for the concerned Government employee in the contempt proceedings and other legal expenses incurred for the case shall be recovered from his salary provided further that such recovery will be initiated only if the contempt is considered to be intentional or based on any unauthorised action. Furthermore such recovery may be made only after the order under the Contempt of Courts Act attains its finality.

5. This Circular letter supersedes paragraph 11 of the G. A. Department Resolution No. 14537-Gen., dated the 26th May 1992 referred to above.

The above instructions may kindly be communicated to all the Subordinate Offices for their information and guidance. This issues with the concurrence of the Law Department communicated in their U.O.R. No. 1965, dated the 24th September 1998.

Yours faithfully,
D. P. BAGCHI
Chief Secretary

GENERAL ADMINISTRATION DEPARTMENT

No. 14537-Gen.

From

Shri R. K. Rath, I.A.S.,
Chief Secretary to Government.

To

All Secretaries to Government/
All Heads of Departments/
All Collectors.

Dated Bhubaneswar the 26th May 1992

Subject - Defence of Government Servants in Legal Proceedings.

Sir,

I am directed to say that instructions on defence of Government servants in legal proceedings were issued in the erstwhile P. & S. Department Memo Nos. 13984 (89)-Gen., dated the 14th November 1959 and 9284 (140)-Gen., dated 23rd June 1973. It has been considered necessary to consolidate and update these instructions. I am desired to say that, henceforward, the following instructions shall in supersession of all previous instructions, govern the defence of Government servants in legal proceedings.

(a) Proceedings initiated by Government against a Government servant in respect of matters connected with his official duties or position.

2. Normally, no assistance will be provided in such cases by Government to the Government servant for his defence. If, however, the proceedings conclude in his favour and Government are satisfied from the circumstances of the case that the Government servant was subjected to the strain of the proceedings without proper justification, they will consider whether the whole or any reasonable proportion of the expenses incurred by him in connection with his defence should be reimbursed to him. The decision shall be taken by the Administrative Department concerned.

(b) Proceedings in respect of matters not connected with official duties or position of the Government servant.

3. No assistance will be provided to a Government servant and no claim for reimbursement of expenses incurred by him will be entertained in respect of such proceedings, irrespective of whether the proceedings were initiated by a private party against a Government servant or *vice versa*.

(c) Proceedings initiated by a private party against a Government servant in respect of matters connected with his official duties or position.

4. Where a civil or criminal proceedings is taken out against a Government servant by a private party, Government will undertake his defence, whether or not they are impleaded as a party, if they are satisfied that the action of the Government servant has been *bona fide* and that there is, or would be, no conflict between his interest and the interest of Government. The Government servant should submit a report on facts of the case and should clearly certify that he has not exceeded the limits of his official duties and responsibilities towards the public or towards the complainant, and that he bears no personal malice against the complainant. He should further furnish a certificate which should read as follows or should be to the same effect;

> "The Government of Orissa having pleased to undertake my defence in the above proceedings (the description of which should be given above the certificate), I hereby agree to render such assistance to Government as may be required for my defence and further agree that I shall not hold Government in any way responsible if the proceedings end in a decision adverse to me".

The report and the certificate should be sent through his official superior who will record his views. In cases they deem proper, Government may conduct an enquiry in such manner as they think fit in order to decide whether they should undertake the defence of the Government servant.

5. In such proceedings, a Government servant may himself undertake his defence. Reimbursement of reasonable costs incurred by him may be considered in case the proceedings conclude in his favour. In determining the amount of costs to be so reimbursed, Government will consider how far the court has vindicated the case of the Government servant. The amount to be reimbursed will be decided in consultation with the Law Department unless the amount is equal to or less than the amount paid, in consultation with the Law Department, in any other similar case.

6. Where a Government servant undertakes his defence, an interest-free advance not exceeding Rs. 2,000 or up to three times his substantive pay, whichever is greater, may be granted. He may also be granted an advance from his Provident Fund not exceeding three months' pay or half of the balance outstanding at his credit, whichever is less.

7. The decision on whether Government should undertake the defence of the Government servant concerned will be taken by the Administrative Department without reference to the Law Department.

(d) Where a Government servant is permitted by Government to vindicate his conduct in a court of law.

8. Where a Government servant who has ought, in pursuance of rule 22 of the Orissa Government Servant's Conduct Rules, 1959, Government's sanction to vindicate his official conduct in any court and has obtained such sanction, he will be entitled to the advance referred to in paragraph 6 above. The question of reimbursement will be considered on the basis of the result of the proceedings and in the manner referred to in paragraph 5 above. This paragraph will also govern cases in which a Government servant is required by Government to vindicate his official conduct in a court of law.

The provisions of sub-sections (2) to (5) of Section 199 of the Code of Criminal Procedure, 1973 will be followed in cases in which Government decide to initiate criminal proceedings themselves against any person for an offence under Chapter XXI of the Indian Penal Code. Their decision in such cases will be based on the facts of each case.

CONTEMPT PROCEEDINGS

10. Situations in which orders of Courts are flouted clearly militate against the rule of law and therefore, Government are determined that such situations should be obviated and the authority and dignity of the courts upheld. Lately, however, there has been a significant increase in the number of cases in which private parties have alleged contempt of court against individual Government servants. In a number of such cases, the Government servant may have had no personal responsibility. For example, a Government servant against whom contempt is alleged may not have the power to implement the court's orders without obtaining the approval or sanction of higher authorities which may not have been received in time. There may, again, be case where the question of filing an appeal against the order passed by the court may be under the consideration of Government. In order that Government servants who have not acted either arbitrarily or with *mala fide* are provided with reasonable and timely assistance, it has been decided that he

Administrative Department should after examining the case on merits, decide whether or not the Government servant should be defended by Government, Where the proceedings are directed against the Secretary of the Department, orders of Government should be taken through the Chief Secretary.

11. When contempt charges are served on the Officer, the Law Officers of Government attached either to the High Court or to the Administrative Tribunal have to assist the High Court or the Tribunal in prosecution. They cannot obviously be engaged for the defence of the Government servant. It will be for the Administrative Department to decide whether some other counsel should be engaged for the purpose. Such decisions should be taken very carefully and after full satisfaction that the Government servant was personally not responsible for non-implementation of the order. Where available facts do not provide indubitable satisfaction or where the Government servant himself so desires, his defence maybe left to himself. He should be allowed the advance referred to in paragraph 6 above and the cost of defence may be reimbursed if the proceedings conclude in his favour. The amount to be reimbursed will be decided in consultation with the Law Department unless the fees are equal to or less than (a) what has been paid, on the advice of the Law Department, to any other such counsel of comparable experience and reputation in any other similar case or (b) the amount admissible to a Law Officer of Government.

12. These instruction may be communicated to all subordinate officers.

Yours faithfully,

R. K. RATH

Chief Secretary to Government

GENERAL ADMINISTRATION DEPARTMENT

R E S O L U T I O N

No. 26574 / GA, Bhubaneswar, dated the 05.10.2005

Sub: Defence of officers and employees of the State Government impleaded in Contempt of Court proceedings, by Law Officers of the High Court.

In consonance with the principles of law enunciated by the Supreme Court of India in Civil Appeal No. 8588-89 of 1997 in the case of Commissioner, Agra and others –vs.- Rohtas Singh and others reported in AIR 1998 SC 685, it has been stipulated vide Chief Secretary's Letter No. 42863 dated. 6th December 2000 that the Government Advocates and Standing Counsels for the state shall appear and defend the Government officials against whom the notices for contempt of court have been issued for any alleged act of omission or commission while performing their duties in the official capacities if requested by the Administrative Departments / Heads of Departments to which the contemnor belongs. But as per provisions laid down under clause (d) of rule 7 of the Law Officers of the High Court (Recruitment, Remuneration and Duties) Rules, 1974, the Law officers of the High Court shall be precluded from appearing at any of the contempt proceedings in favour of the contemnor without sanction of the State government. As a result of which the Law officers of the High Court have not been authorised to defend the contemnor without specific sanction of the State Government.

Instances have come to the notice of Government that individual sanction of Government in each case is not only time consuming but also results in neglecting the defence of the contemnor by the Law Officers attached to the High Court. It has therefore, been decided by the Government that any request for defence of the contemnor as per circular of General Administration Department referred to above shall be deemed to have been accorded with the sanction of Government as a prerequisite under clause (d) of rule 7 of the Law Officers of the High Court (Recruitment, Remuneration and Duties) Rules, 1974 and shall be defended by the Law officers attached to the High Court. Accordingly in partial modification of Chief Secretary's Letter No. 42863 dated.06.12.2000, the following sub-para may be added to para 3 of the said letter :

"The request for appearance of the Government Advocates or Standing Counsels, as the case may be, in such contempt cases shall be deemed to have the sanction of the State Government as required under clause (d) of rule 7 of the Law Officers of the High Court (Recruitment, Remuneration and Duties) Rules, 1974"

This has been concurred in by the Law Department in their UOR. No. 1229/L dated. 12.06.2005.

By Order of
Governor
Sd/-
Special Secretary to Government

(B) PROCEDURE OF DEALING WITH COURT JUDGEMENT

LAW DEPARTMENT

No. 8013-L.

The 17th June 1993

From

Shri R. N. Das, I.A.S.,
Chief Secretary, Orissa

To

All Secretaries to Government (by name)

Sir,

Instances have come to notice of Government where certain Departments of Government were found to have taken steps for carrying out the directions contained in the Judgements of the Hon'ble High Court of Orissa or the Central/State Administrative Tribunal even though a decision had been taken in the Law Department to file Special leave Petition in the Supreme Court against the same judgement. Such anomalous situations have arisen primarily because –

The Administrative Department concerned had decided to implement the judgement without seeking advice of Law Department on the question of advisability of filing Appeal in the Supreme Court and

The Law Department had examined the judgement and decided to file Special Leave Petition, without a reference from the Administrative Department concerned, on the basis of a copy of the judgement received directly by it in that Department from the Office of the Advocate-General or the Government Advocate.

With a view to obviating scope for such anomalous situations and conflicting decisions, it has been decided that on receipt of the judgement of the Hon'ble High Court of Orissa or of the Tribunals, the following procedure shall be followed :-

(a) On the receipt of a judgement the Administrative Department shall examine the facts and circumstances of the case, the likely effects of the judgement as also its implications for the future and take a view as to whether it would be appropriate to file a Special Leave Petition in the Supreme Court. It shall thereafter refer the relevant file to Law Department for its opinion/concurrence.

(b) If a copy of the judgement is received directly in the Law Department with or without the opinion of the Advocate-General/Government Advocate, the Law Department shall

examine whether there are adequate grounds for filing a Special Leave Petition. It shall simultaneously inform the Administrative Department concerned that the question as to whether S.L.P. should be filed is being examined in the Law Department and request the Administrative Department to furnish its views on this question in the relevant file forthwith. Where views of the Administrative Department are not made available to Law Department within a reasonable time, the Law Department will examine the matter without waiting for the opinion of the Administrative Department.

(c) After a reference has been made by the Administrative Department to Law Department in pursuance of sub-para (a) or an intimation has been received by the Administrative Department from the Law Department in pursuance of sub-para (b) above, the Administrative Department will take steps to implement the judgement only after receipt of opinion of the Law Department.

(d) The decision as to whether a Special Leave Petition shall or shall not be filed shall be communicated by the Law Department to the concerned Administrative Department well before the expiry of the date within which the directions contained in the judgement are required to be implemented so that the Administrative Department have adequate time to comply with the directions in case it is decided not to file S.L.P. and to take appropriate steps for filing S.L.P. if it is so decided.

Yours faithfully,
R. N. DAS
Chief Secretary to Government

Copy of D. O. No. 13544/WE, dated the 17th April 2001 of Shovesh Roy, Advocate-General Orissa addressed to the Legal Remembrancer, Law Department

Subject – Regarding filing of First Appeals before the Hon'ble High Court.

This is to inform you that at present the proposals to file First Appeals and other appeals are being dealt with direct by the Law Department without seeking opinion of the Advocate-General. Thereafter appeals are filed in the Hon'ble High Court as per the orders of the Government in the Law Department. But it is seen in almost all cases the sanction orders/proposals for such appeals are being received beyond the prescribed time limit. Moreover, the appeals are also filed with petitions under section 149 C.P.C. praying for time to file *ad valorem* Court fee. In many cases required amount for the purpose are also not received within the period as prayed for in such 149 petitions; as a result of which this office as well as Law Officers are facing embarrassment, you are aware that now-a-days, the Courts are very stiff in granting time to the State (Appellant) in such matters. In this connection there is a judgement of this Hon'ble High Court, which has been reported in 1987 (I) O.L.R. Page 35 may please be referred to for your appreciation.

In the above facts and circumstances, I request you to please instruct the Departments/Collectors to send in the proposals sufficiently before the expiry of the period of limitation and be in readiness to deposit the required amount with the office of the Advocate-General for legal expenses immediately after Government order is received to this effect to file appeal so as to avoid dismissal of the appeal.

This may be treated as VERY IMPORTANT.

GOVERNMENT OF ORISSA

LAW DEPARTMENT

No. 6984-ILR-72/96-L.

The 8th May, 2001

To

All Departments

Subject – Filing of first appeals before the Hon'ble High Court.

In communicating the order of the Chief Secretary it is intimated that Appeal proposals have been referred to the Law Department after the period of Limitation.

Some appeals have not been admitted due to non-satisfactory explanation of delay.

In this regard copy of D.O. Letter No. 13544/WE, dated the 17th April 2001 of the Advocate-General Orissa is enclosed herewith for reference.

It is thus requested to place Appeals proposals sufficiently before the expiry of the period of limitation and to be in readiness to deposit the required amount with the Office of the Advocate-General for legal expenses.

[ILLEGIBLE]

Additional Legal Remembrancer

DISCIPLINARY MEASURES

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
	PART I - RULES		
1.	Notification No. 5906 (Gen.)	07-05-1962	Orissa Civil Services (Classification, control and Appeal) Rules, 1962
	PART II – INSTRUCTIONS		
	(A) SUSPENSION		
1.	Circular No. 12429 (Gen.)	27-05-1993	Suspension of Government Servants-Circulation of forms under Rule 2 of O.C.S. (C.C. & A.) Rules, 1962.
2.	Circular No. 16552 (Gen.)	04-08-1994	Retirement of Government Servants on superannuation while under suspension.
3.	Circular No. 21934 (Gen.)	29-09-1995	Suspension of Government Servants and their reinstatement.
4.	Circular No. 11943 (Gen.)	22-04-1999	Guidelines for dealing with cases of suspension of officers.
5.	Office Memorandum No. 35691	03-12-1999	No prior explanation to be called for before placing an officer under suspension.
6.	Memo No.21884-Gen	06-08-2003	Defence of retired Government servants impleaded in contempt of court proceedings – Instructions regarding.
	(B) PROCEDURE OF DISPOSAL OF DEPARTMENTAL PROCEEDINGS		
1.	Circular No. 13787 (Gen.)	24-0-1968	Procedure for conducting departmental proceeding against a Government servant who avoids to accept charges framed against him or whose whereabouts are not known.
2.	Circular No. 5406 (Gen.)	12-04-1973	Delay in disposal of Departmental proceedings.
3.	Circular No. 9547 (Gen.)	28-06-1973	Disposal of Appeal and Review Petitions submitted by Government servants.
4.	P. & S. (Vig.) Department Circular No. 2515 (Vig.).	02-04-1975	Regarding disciplinary authority of Government servants on deputation – Rules 19 & 20 of the O.C.S. (C.C. & A.) Rules, 1962.
5.	Circular No. 19850 (Gen.)	11-11-1977	Review of orders in disciplinary cases.
6.	Circular No. 712 (Gen.)	12-01-1978	Procedure regarding disposal of disciplinary proceedings.

7.	Circular No. 516 (Gen.)	16-01-1987	Issue of Warning and placing of copies thereof in the C.C.R. folders.
8.	Circular No. 25922 (Gen.)	08-09-1988	Amendment to Orissa Civil Service (C.C. & A.) Rules, 1962.
9.	Office Memorandum No. 34289 (Gen.)	10-12-1990	Functional and effective control over O.A.S., Class I (Sr. Branch) Officers by Revenue Department.
10.	Circular Nos. 41121 (Gen.)	30-11-1992	Imposition of major penalty on Govt. servant dispensing with the enquiry as prescribed in the O.C.S. (C.C. & A.) Rules, 1962.
11.	Circular No. 11994 (Gen.)	22-05-1993	Clarification on Rule 31 of the O.C.S. (C.C. & A.) Rules, 1962.
12.	Circular No. 18470 (Gen.)	26-08-1993	Appointment of Inquiring Officer under O.C.S. (C.C. & A.) Rules, 1962 by the concerned Appointing Authority – Issue of clarification thereof.
13.	Circular No. 5501 (Gen.)	15-03-1994	Clarification in respect of de novo enquiry or fresh enquiry under O.C.S. (C.C. & A.) Rules, 1962.
14.	Circular No. 5175 (Gen.)	20-03-1995	Delay in disposal of Departmental Proceedings.
15.	Circular No. 28813 (Gen.)	07-11-1996	Delay in disposal of Department Proceedings due to non-production of relevant records before the Disciplinary Authority/ Inquiring Officer.
16.	Circular No. 7361 (Gen.)	25-03-1998	Timely initiation for disposal of disciplinary Proceedings.
17.	Circular No. 19489 (Gen.)	25-07-1998	Disposal of Appeals under Rule 29 of O.C.S. (C.C. & A.) Rules, 1962.
18.	Circular No. 26992 (Gen.)	16-09-1999	Non-reference of administrative actions for advice of the O.P.S.C.
19.	Circular No. 14596 (Gen.)	03-05-2001	Starting of Departmental Proceedings concurrently with criminal case on the same set of facts in cases where recovery of financial loss to Govt. is to be made.

(C) COMMISSIONER FOR DEPARTMENTAL INQUIRIES

1.	Circular No. 124 (A. T.)	02-05-1984	Reference of Departmental inquiries in major penalty proceedings to the Commissioner for Departmental Inquiries.
2.	Circular No. 300 (A. T.)	31-08-1984	Reference of Departmental proceedings to the Commissioner of Departmental Inquiries.
3.	Circular No. 21 (A. T.)	09-01-1985	Reference of Departmental inquiries in major penalty proceedings to the C. D. I.

4.	Office Memorandum No. 142 (D. P. T.)	10-08-1987	Reference of Departmental inquiries to the C.D.I.
5.	Circular No. 18 (D. P. T.)	08-01-1988	Reference of Departmental inquiries in major penalty proceedings to the C. D. I.
6.	Resolution No. 117 (D. P. T.)	16-05-1988	Travelling Allowance and Diet Allowance admissible to non-official witness appearing in the proceedings before the C. D. I.
7.	Circular No. 448 (D. P. T.)	29-11-1991	Reference of Departmental inquiries in major penalty proceedings to the Commissioner for Departmental Inquiries.
8.	Circular No. 27556 (G. A.)	17-10-1997	Appointment of State Representative (Vigilance) in place of State Representative (Gen.) as presenting officer.
9.	Circular No. 40085 (Gen.)	31-12-1997	Appointment of Additional presenting officer for the disciplinary proceedings.
10.	Circular No. 4375 (Gen.)	23-02-1998	Abolition of Disciplinary Proceedings Tribunal and transfer of pending D. P. T. cases to C .D. I. for inquiry.

(D) VIGILANCE INQUIRIES

1.	Circular No. 3224 (VL.)	06-10-1967	Departmental procedure for reference to Vigilance organization.
2.	Circular No. 24371 (Gen.)	03-09-1990	Strengthening internal vigilance in State Government Departments, Heads of Department offices and in District offices (Collectorate).
3.	Order No. 28578 (Gen.)	17-10-1990	Submission of files to Government in matters of sanction of prosecution on Vigilance reports/Enquiry reports, etc.
4.	Circular No. 19247 (Gen.)	07-09-1993	Initiation of Departmental Disciplinary proceedings/Disciplinary action on Vigilance report.
5.	D. O. Letter No. 22937	28-08-1997	Expeditious disposal of references made by the Vigilance Department for sanction of prosecution and taking Departmental action.

Top

PART I – RULES

THE ORISSA CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1962

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

NOTIFICATION

The 7th May 1962

No. 5906-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules, namely :-

The Orissa Civil Services (Classification, Control and Appeal) Rules, 1962

PART I – GENERAL

1. Short Title And Commencement – (a) These rules may be called the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

(b) They shall come into force at once.

2. Definition – In these rules, unless the context otherwise requires –

(a) "Appointing Authority" in relation to a Government means –

(i) the authority empowered to make appointments to the service of which the Government servant is, for the time being, a member or to the grade of the service in which the Government servant is, for the time being, included, or

(ii) the authority empowered to make appointments to the post which the Government servant, for the time being, holds, or

(iii) the authority which appointed the Government servant to such service, grade or post as the case may be, or

(iv) where the Government servant having been a permanent member of any other service or having substantively held any other permanent post, has been in continuous employment of Government, the authority which appointed him to that service or to any grade in that service or to that post;

(b) "Commission" means the Orissa Public Service Commission;

(c) "Disciplinary authority" in relation to the imposition of a penalty on a Government servant, means the authority competent under these rules to impose on him that penalty;

(d) "Government" means the Government of Orissa;

(e) "Department of Government" means the Departments prescribed under the Rules of Business and includes Orissa Legislative Assembly till separate rules are famed by the Governor;

(f) "Government servant" means a person who is a member of a service or who holds a civil post under the State and includes any such person on foreign service or whose services are temporarily placed at the disposal of the Union Government or any other State Government or a local or other authority and also any person in the service of the Union Government or any other State Government or a local or other authority whose services are temporarily placed at the disposal of the State Government;

(g) "Schedule" means the schedule to these rules;

(h) "Secretary" means a Secretary to the Government of Orissa in any Department and includes-

(i) a Special Secretary, or an Additional Secretary; and

[1][(ii) a Joint Secretary placed in independent charge of a Department]

(i) "Service" means a civil service of the State

[1. Substituted by P. & S. Department notification No. 15421-Gen., dated the 12 September 1974]

3. Application – (1) These rules apply to all Government servants except-

(a) persons in casual employment;

(b) persons subject to discharge from service on less than one month's notice;

(c) persons for whose appointment and other matters covered by these rules special provision is made by or under any law for the time being in force in regard to the matter covered by such law; and

(d) members of the All India Services.

(2) Notwithstanding anything contained in sub-rule (1), these rules shall apply to every Government Servant temporarily transferred to a service or post coming within exception (c) in sub-rule (1) to whom, but for such transfer, these rules would apply.

(3) Notwithstanding anything contained in sub-rule (1), the Governor may, by order, exclude from the operation of all or any of these rules any Government servant or class of Government servants.

(4) If any doubt arises –

(a) whether these rules or any of them apply to any person, or

(b) whether any person to whom these rules apply belongs to a particular service, the matter shall be referred to Governor whose decision thereon shall be final.

4. Special provision by agreement - where it is considered necessary to make special provision in respect of a Government servant inconsistent with any of these rules, the authority making the appointment may, by agreement with such Government servant, make such special provisions and thereof on these rules shall not apply to such Government servant to the extent to which the special provisions so made are inconsistent therewith :

Provided that, if the appointing authority is other than the Governor, the previous approval of the Governor shall be obtained by such authority.

5. Protection of right and privileges conferred by any law or agreement – Nothing in these rules shall operate to deprive any Government servant of any right or privilege to which he is entitled –

(a) by or under any law for the time being in force, or

(b) by the terms of any agreements subsisting between such person and the Governor at the commencement of these rules.

PART II - CLASSIFICATION

[1][6. Classification of services – The Civil Services of the State shall be classified as follows -

(i) State Civil Services, Group-A

(ii) State Civil Services, Group-B

(iii) State Civil Services, Group-C

If a service consists of more than one grade, the different grades may be included in different Groups.]

[2][7. Constitution of State Civil Services – The State Civil Services, Group-A, Group-B or Group-C shall consist of such Services as specified by a general or special order of the Governor in this behalf and shall consist of such grades and such posts as may be created in each such Service from time to time :

Provided that if, after the issue of the order of the Governor, any new State Civil Service is constituted it shall, till it is classified by another order of the Governor, be deemed to be a State Civil Service of the Class to which another classified State Civil Service carrying a comparable scale of pay belongs],

8. Classification of post – [3][(1) Civil Posts under the State other than those ordinarily held by persons to whom these rules do not apply or included in any State Civil Service shall by a general or special order of the Governor, issued in this behalf, be classified as follows :-

(i) State Civil Posts, Group-A

(ii) State Civil Posts, Group-B

1, 2 & 3 – Substituted by G. A. Department notification No. 17902-Gen., dated the 23rd May 2000 – Published in *Orissa Gazette* and given effect to from the 9th June 2000.

(iii) State Civil Posts, Group-C

(iv) State Civil Posts, Group-D]

(2) Any order made by the competent authority and in force immediately before the commencement of these rules relating to classification of civil posts under the State shall continue to be in force until altered, rescinded or amended by an order of Governor under sub-rule (1).

[1][(3) If any Civil post under the State has not been classified by an order of the Governor and a question as to its classification arises, the decision thereon of the appropriate department of Government after taking into account the class to which another Civil Post carrying a comparable scale of pay belongs, shall be final.]

[2][8-A. Reference to State Civil Services and State Civil Posts – All references to State Civil Services/State Civil Posts, Class-I, Class-II, Class-III and Class-IV in all Rules, Orders, Schedules, Notifications, Regulations, Instructions in force immediately before the commencement of these rules shall be construed as references to State Civil Services/State Civil Posts, Group-A, Group-B, Group-C and Group-D as the case may be and any reference to "class or classes" therein in this context shall be construed as reference to "Group or Groups" as the case may be.]

9. General State Service – State Civil Posts of any class, not included in any other State Civil Service, shall be deemed to be included in the General State Service of the corresponding class and a Government servant appointed to any such post shall be deemed to be a member of that service unless he is already a member of any other State Civil Service of the same class.

PART III – APPOINTING AUTHORITIES

10. Appointment to Group-A Services and Posts – All appointments to State Civil Services, Group-A and State Civil Post, Group-A, shall be made by the Governor :

Provided that the Governor may, by a general or special order and subject to such conditions as he may specify, delegate to any other authority the power to make such appointment.

11. Appointments to other service and posts – [(1) All appointments to State Civil Services (other than State Civil Services, Group-A and General State Services) shall be made by the authorities specified in this behalf in the Schedule].

(2) All appointments to State Civil Posts, Group-B, Group-C and Group-D included in the General State Services shall be made by the authorities specified in that behalf by a general or special order of the Governor or, where no such order has been made by the authorities specified in the Schedule in this behalf.

PART IV-SUSPENSION

12. Suspension – (1) The appointing authority or any authority to which it is subordinate or any authority empowered by the Governor or the appointing authority in that behalf may place a Government servant under suspension –

(a) where a disciplinary proceeding against him is contemplated or is pending, or

(b) where a case against him in respect of any criminal offence is under investigation or trial.

(2) A Government servant who is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of detention by an order of the appointing authority and shall remain under suspension until further orders.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

1, – Inserted vide G. A. Department Notification No. 6278-Gen., dated the 23rd February, 1989 – Published in the *Orissa Gazette* and given effect to from the 17th March 1989.

2. Inserted vide G. A. Department Notification No. 17902-Gen., dated the 23rd May 2000.

(4) Where penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of or by decision of a court of law

and disciplinary authority, on a consideration of the circumstances of the case decides to hold a further inquiry against him on the allegation on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the appointing authority from the date of the original orders of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) An order of suspension made or deemed to have been made under this rules may, at any time, be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

(6) The disciplinary authority, while passing the final order of punishment or of release in the disciplinary proceedings against the Government servant, shall give directions about the treatment of the period of suspension, which is passed not as a measure of substantive punishment but as suspension pending inquiry, and indicate whether the suspension would be a punishment or not.

PART – V

DISCIPLINE

13. Nature of penalties – The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely :-

(i) Fine;

(ii) Censure;

[1][(iii) Withholding of increments (without cumulative effect)]

(iii)-A. Withholding of promotion

(iv) Recovery from pay of the whole, or part of any pecuniary loss caused to Government, or to a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by Government, or to a local authority set up by an Act of Parliament or of the Legislature of State, by negligence or breach of orders :

(v) Suspension;

(vi) Reduction to a lower service, grade or post or to a lower time-scale or to a lower stage in a time-scale.

[2][(vi) A. Withholding of increments (with cumulative effect)]

(vii) Compulsory retirement;

(viii) Removal from service which shall not be disqualification for future employment, and

(ix) Dismissal from service which shall ordinarily be a disqualification for future employment :

Provided that the penalty of fine shall be imposed only on Group-D Government servants.

Explanation – The following shall not amount to a penalty within the meaning of this rule :-

(a) Withholding of increments of a Government servant for failure to pass a departmental examination in accordance with the rules or orders governing the service or post of the terms of his appointment;

(b) Stoppage of a Government servant at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;

(c) Non-promotion, whether in a substantive or officiating capacity, of a Government servant after consideration of hi case, to a service, grade or post for promotion to which he is eligible;

(d) Reversion to a lower service, grade or post of a Government servant officiating in a higher service, grade or post on the ground that he is considered, after trial, to be unsuitable for such higher service, grade or post, or on administrative grounds unconnected with his conduct;

1, – Substituted vide G. A. Department Notification No. 35070-Gen., dated the 20-11-1998 – Published in the *Orissa Gazette* and given effect to from 20-11-1998.

2. Inserted vide G. A. Department Notification No. 35070-Gen., dated 20-11-1998.

(e) Reversion to his permanent service, grade or post of a Government servant appointed on probation to another service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and order governing probation;

(f) Replacement of the service of a Government servant whose services have been borrowed from the Central or a State Government or an authority under the control of the Central or a State Government at the disposal of the authority which had lent his services;

(g) Compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;

(h) Termination of the services –

(i) of a Government servant appointed on probation during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation; or

(ii) of temporary Government servant in accordance with the terms of his appointment; or

(iii) of a Government servant employed under an agreement in accordance with the terms of such agreement.

14. Disciplinary Authorities – (1) The Governor may impose any of the penalties specified in rule 13 on any Government servant.

(2) Without prejudice to the provisions of sub-rule(4), any of the penalties specified in rule 13 may be imposed on a member of a Civil Service or a person appointed to a Civil post by the appointing authority or the authority specified in Schedule or by any other authority empowered in this behalf by a general or special order of the Governor.

(3) Subject to the provisions of sub-rule (4), the power to impose any of the penalties specified in rule 13 may also be exercised in the case of a member of a Civil Service, Class III or Civil Service, Class IV –

(a) if he is Serving in a Department of the Government, by the Secretary to the Government of Orissa in that Department;

(b) if he is serving in any other office, by the head of that office, except where the head of that office is lower in rank than the authority competent to impose the penalty under sub-rule (2).

(4) Notwithstanding anything contained in this rule –

(a) no penalty specified in Clauses (vi) to (ix) of rule 13 shall be imposed by any authority lower than the appointing authority;

(b) where a Government servant, who is a member of a Service or is substantively appointed to any Civil Post, is temporarily appointed to any other service or post and the authority which would have been competent under sub-rule (2) to impose upon him any of the penalties specified in Clauses (vi) to (ix) of rule 13 had he not been so appointed to such other service or post is not subordinate to the authority competent to impose any of the said penalties after such appointment, the latter authority shall not impose any such penalty except after consultation with the former authority.

15. Procedure for imposing Major Penalties – (1) Without prejudice to the provisions of the Public Servants(Inquiry) Act, 1850, no order imposing on a Government servant any of the penalties specified in Clauses (vi) to (ix) of rule 13 shall be passed except after an inquiry held as far as may be in the manner hereinafter provided.

(2) The disciplinary authority shall frame definite charges on the basis of the allegations on which the inquiry is to be held. Such charges, together with a statement of the allegations on which they are based, shall be communicated in writing to the Government servant and he shall be required to submit, within such time as may be specified by the disciplinary authority, not ordinarily exceeding one month, a written statement of his defence and also to state whether he desires to be heard in person.

Explanation – In this sub-rule and in sub-rule (3), the expression, 'disciplinary authority' shall include the authority competent under these rules to impose upon the Government servant any of the penalties specified in Clauses (i) to (v) of rule 13.

(3) The Government servant shall, fr the purpose of preparing his defence, be supplied with all the records on which the allegations are based. He shall also be permitted to inspect and take extracts from such

other official records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the disciplinary authority such records are not relevant for the purpose or it is against public interest to allow him access thereto.

(4) On receipt of the written statement of defence or, if no such statement is received within the time specified, the disciplinary authority may itself inquire into such of the charges as are not admitted or, if it considers it necessary so to do, appoint a Board of Inquiry or an inquiring officer for the purpose.

Provided that if, after considering the written statement of defence, the disciplinary authority is of the view that the facts of the case do not justify the award of a major penalty, it shall determine, after recording reasons thereof, what other penalty or penalties, if any, as specified in Clauses (i) to (v) of rule 13 should be imposed and shall after consulting the Commission where such consultation is necessary, pass appropriate order.

(5) The disciplinary authority may nominate any person to present the case in support of the charges before the authority inquiring into the charges (hereinafter referred to as the 'inquiring authority'). The Government servant shall have the right to engage a legal practitioner to present his case if the person nominated by the disciplinary authority, as aforesaid, is a legal practitioner. The inquiring authority may also, having regard to the circumstances of the case, permit the Government servant to be represented by a legal practitioner.

(6) The inquiring authority, shall, in the course of the inquiry consider such documentary evidence, and take such oral evidence as may be relevant or material in regard to the charges. The Government servant shall be entitled to cross-examine witness examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the Government servant and the witness examined in his defence. If the inquiring authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

(7) At the conclusion of the inquiry, the inquiring authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefore. If in the opinion of such authority, the proceedings of the inquiry establish charges different from those originally framed, it may record its findings on such charges, provided that findings on such charges shall not be recorded, unless the Government servant has admitted the facts constituting them or has had an opportunity of defending himself against them. The inquiring authority may recommend the punishment to be inflicted when the charges are established on the findings.

(8) The record of the inquiry shall include –

(i) the charges framed against the Government servant and the statement of allegations furnished to him under sub-rule(2);

(ii) his written statement of defence, if any;

(iii) the oral evidence taken in the course of the inquiry;

(iv) the documentary evidence considered in the course of the inquiry;

(v) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry;

(vi) a report setting out the findings on each charge and the reasons therefore; and

(vii) the recommendations of the inquiring authority, if any, regarding the punishment to be inflicted.

(9) The disciplinary authority shall, if it is not the inquiring authority, consider the record of the inquiry and record its findings on each charge.

[1][(10) (i) (a) If the inquiring officer is not the disciplinary authority, the disciplinary authority shall furnish to the delinquent Government servant a copy of the report of the inquiring officer and give him a notice by registered post or otherwise calling upon him to submit within a period of fifteen days such representation as he may wish to make against the findings of the Inquiring Authority.

(b) On receipt of the representation referred to in sub-clause (a) if the disciplinary authority having regard to the findings on the charges, is of the opinion that any of the penalties specified in clauses (vi) to (ix) of rule 13 should be imposed, he shall furnish to the delinquent Government servant a statement of its findings along with brief reasons for disagreement, if any, with the findings of the inquiring officer and give him a notice by registered post or otherwise stating the penalty proposed to be imposed on him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed penalty :

[2][Provided that in every case in which it is necessary to consult the Commission under the provision of the Constitution of India and the Orissa Public Service Commission (Limitation of Functions) Regulation, 1989, the record of inquiry together with copies of the notices given under sub-clauses (a) and (b) and the representations, if any, received in response thereto within the specified time shall be forwarded by the disciplinary authority to the Commission for its advice.]

(c) On receipt of the advice from the Commission the disciplinary authority shall consider the representation, if any, made by the Government servant and the advice given by the Commission and shall pass appropriate orders in the case.

(d) In any case in which it is not necessary to consult the Orissa Public Service Commission, the disciplinary authority shall consider the representation, if any, made by the Government servant in response to the notice under sub-clause (b) and pass appropriate orders in the case.

(ii) The orders passed by the disciplinary authority shall be communicated to the Government servant who shall also be supplied with a copy of the report of the inquiring authority and where the disciplinary authority is not the inquiring authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority, as well as a copy of the advice of the Commission, where the Commission has been consulted, and brief statement of reasons for non-acceptance of the advice of the Commission, if the disciplinary authority has not accepted such advice.

(11) [3][**]

(12) [4][**]

16. Procedure for Imposing Minor penalties – (1) No order imposing any of the penalties specified in clauses (i) to (v) of rule 13 shall be passed except after –

(a) the Government servant is informed in writing of the proposal to take action against him and of the allegation on which it is proposed to be taken and given an opportunity to make any representation he may wish to make;

(b) such representation, if any, is taken into consideration by the disciplinary authority; and

(c) the Commission is consulted in cases where such consultation is necessary.

(2) The record of proceedings in such cases shall include –

(i) a copy of the intimation to the Government servant of the proposal to take action against him;

(ii) a copy of the statement of allegations communicated to him;

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1. – Substituted by the G. A. Department Notification No. 17902-Gen., dated 23-5-2000.

2. Substituted by the G. A. Department Notification No. 6013-Gen., dated 15-2-2001. Published in *Orissa Gazette* and given effect to from 17-2.2001.

3. & 4. – Deleted vide G. A. Department Notification No. 13644-Gen., dated 16-6-1982. Published in Orissa Gazette and given effect to from 25-6-1982.

(iii) his representation, if any;

(iv) the advice of the Commission, if any; and

(v) the orders on the case together with the reasons therefor.

17. Joint Inquiry – (1) Where two or more Government servants are concerned in any case, the Governor or any other authority competent to impose the penalty of dismissal from service on all such

Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

(2) Subject to the provision of sub-rule (4) of rule 14 any such order shall specify –

(i) the authority which may function as the disciplinary authority for the purpose of such common proceedings;

(ii) the penalties specified in rule 13 which such disciplinary authority shall be competent to impose; and

(iii) whether the procedure prescribed in rule 16; may be followed in the proceedings.

18. Special procedure in certain cases – Notwithstanding anything contained in rules 15, 16 and 17 –

(i) where a penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge; or

(ii) where the disciplinary authority is satisfied for reasons to be recorded in writing by that authority, that it is not reasonably practicable to follow the procedure prescribed in the said rule; or

(iii) where the Governor is satisfied that in the interest of the security of the State it is not expedient to follow such procedure.

The disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit ;

Provided that the Commission shall be consulted before passing such orders in any case in which consultation is necessary.

19. Provision regarding Officers lent to the Union or other State Governments, etc. – (1) Where the services of a Government servant are lent to the Union or another State Government or an authority subordinate thereto or to a local or other authority [hereinafter, in this rule referred to as the "borrowing authority"] the borrowing authority shall have the powers of the appointing authority for the purpose of placing him under suspension in accordance with rule 12 and of the disciplinary authority for the purpose of taking disciplinary action against him :

Provided that the borrowing authority shall forthwith inform the authority which lent his services (hereinafter, in this rule referred to as the "lending authority") of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be :

Provided further that if the borrowing authority is other than the Union or a State Government, the concurrence of the lending authority shall be taken before such action is taken except that in the event of the Government servant being implicated in a criminal case such action can be taken by such borrowing authority against him in anticipation of such concurrence. In the event of disagreement between the borrowing and the lending authority, the services of the Government servant shall be replaced at the disposal of the later.

(2) In the light of the findings in the disciplinary proceedings taken against the Government servant –

(i) if the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (v) of rule 13 should be imposed on him, it may, in consultation with the lending authority, pass such orders on the case as it deems necessary :

Provided that, in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority.

(ii) if the borrowing authority is of the opinion that any of the penalties specified in clauses (vi) to (ix) of rule 13 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and, thereupon, the lending authority may, if it is the disciplinary authority, pass such orders thereon as it deems necessary or, if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it deems necessary :

Provided that in passing any such order the disciplinary authority shall comply with the provision of sub-rules (10) and (11) of rule 15.

Explanation – The disciplinary authority may make an order under this clause on the record of the inquiry transmitted by the borrowing authority or after holding such further inquiry as it may deem necessary.

20. Provision regarding officers borrowed from Union or other State Government, etc. – (1) Where an order of suspension is made or a disciplinary proceeding is drawn against a Government servant whose services

have been borrowed from the union or any other state government or an authority subordinate thereto or a local or other authority, the authority lending his services ("hereinafter, in this rule referred to as the lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be :

Provided that in the case of the lending authority being other than the Union or a State Government, action on the basis of the second proviso to rule 19 shall be taken.

(2) In the light of the findings in the disciplinary proceedings drawn against the Government servant –

(i) if the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (v) of rule 13 should be imposed on him, it may, subject to the provisions of sub-rule (10) of rule 15, after consultation with the lending authority pass such orders on the case as it deems necessary:

Provided that, in the event of a difference of opinion between the borrowing authority and the lending authority the services of the Government servant shall be replaced at the disposal of the lending authority.

(ii) if the disciplinary authority is of the opinion that any of the penalties specified in clauses (vi) to (ix) of rule 13 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

PART VI - APPEALS

21. Orders made by Governor not Appealable – Notwithstanding anything contained in this Part, no appeal shall lie against any order made by the Governor.

22. Appeal against orders imposing penalties – (1) A member of an Orissa Civil Service, Group "C" or an Orissa Civil Service, Group "D" may appeal against an order imposing upon him any of the penalties specified in rule 13 to the authority specially empowered by an order made by the Governor in that behalf or in the absence of any such order to the authority specified in the schedule or where no such authority is specified to the authority to which the authority imposing the penalty, is immediately subordinate.

(2) A member of an Orissa Civil Service, Group "A" or an Orissa Civil Service, Group "B", against whom an order imposing any of the penalties specified in rule 13 is made by an authority other than the Governor may appeal against such order to the Governor.

(3) Notwithstanding anything contained in sub-rules (1) and (2), an appeal against an order in a common proceeding held under Rule 17 shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate.

Explanation – In this rule the expression 'member of an Orissa Civil Service' includes a person who has ceased to be a member of that Service.

23. Appeal against other orders – (1) A Government servant may appeal against an order which –

(a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by any rules or by agreement, or

(b) interprets to his disadvantage the provision of any such rules or agreement, to the Governor if the order is passed by the authority which made the rules or agreement, as the case may be, or by any authority to which such authority is subordinate, and to the authority which made rules or agreement, if the order is passed by any other authority.

(2) An appeal against an order –

(a) stopping a Government servant at the efficiency bar in time-scale on the ground of his unfitness to cross the bar;

(b) reverting to a lower service, grade or post, a Government servant officiating in a higher service, grade or post, otherwise than as a penalty;

(c) reducing or withholding the pension or denying the maximum pension admissible under the rules; and

(d) determining the pay and allowances for he period of suspension to be paid to a Government servant on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose, shall lie –

(i) in the case of an order made in respect of a Government servant on whom the penalty of dismissal from service can be imposed only by the Governor, to the Governor; and

(ii) in the case of an order made in respect of any other Government servant, to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie.

Explanation – In this rule –

(i) the expression of "Government servant" includes a person who has ceased to be in Government service;

(ii) the expression "pension" includes additional pension, gratuity and any other retirement benefit.

24. Period of limitation for Appeals – No appeals under these rules shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against :

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

25. Form and contents of Appeal – (1) Every person submitting an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

26. Submission of Appeal – Every appeal shall be submitted to the authority which made the order appealed against :

Provided that, if such authority is not the head of the office in which the appellant may be serving or if he is not subordinate to the head of such office, the appeal shall be submitted to the head of such office who shall forward it forthwith to the said authority :

Provided further that a, copy of the appeal may be submitted direct to the appellate authority.

27. Withholding of Appeals – (1) The authority which made the order appealed against may withhold the appeal if –

(i) it is an appeal against an order from which no appeal lies; or

(ii) it does not comply with any of the provisions of rule 25; or

(iii) it is not submitted within the period specified in rule 24 and no of reasonable cause is shown for the delay; or

(iv) it is a repetition of an appeal already decided and no new facts or circumstances are adduced:

Provided that, an appeal withheld on the ground only that it does not comply with the provisions of rule 25 shall be returned to the appellant and, if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld.

(2) Where an appeal is withheld the appellant shall be informed of the fact and the reasons therefor.

(3) At the commencement of each quarter a list of the appeals withheld by any authority during the previous quarter together with the reasons for withholding them shall be furnished by that authority to the appellate authority.

28. Transmission of Appeals – (1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under rule 27 together with its comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under rule 27 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

29. Consideration of Appeals – (1) In the case of an appeal against an order imposing any of the penalties specified in rule 13, the appellate authority shall consider –

(a) whether the procedure prescribed in these rules has been complied with and, if not, whether such non-compliance has resulted in violation of any provisions of the constitution or in failure of justice;

(b) whether the findings are justified; and

(c) whether the penalty imposed is excessive, adequate or inadequate;

and, after consultation with the commission if such consultation is necessary in the case, pass orders –

(i) setting aside, reducing, confirming or enhancing the penalty; or

(ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that –

(i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;

(ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and

(iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (vi) to (ix) of rule 13 an inquiry under rule 15 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 18, itself hold such inquiry or direct that such inquiry be held and, thereafter, on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

(2) In the case of an appeal against any order specified in rule 23 the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

(3) Copies of orders passed by the appellate authority shall be supplied to the appellant free of cost.

30. Implementation of orders in Appeal – The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

PART VII - REVIEW

31. Governor's power to review – Notwithstanding anything contained in these rules, the Governor may, on his own motion or otherwise, after calling for the records of the case, review any order which is made or is appealable under these rules or the rules repealed by rule 33 and, after consultation with the Commission where such consultation is necessary :-

(a) confirm, modify or set aside the orders;

(b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order;

(c) remit the case to the authority which made the order or any other authority directing such further action or inquiry as he considers proper in the circumstances of the case; or

(d) pass such other orders as he deems fit :

Provided that –

(i) an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty;

(ii) if the Governor proposes to impose any of the penalties specified in clauses (vi) to (ix) or rule 13 in a case where an inquiry under rule 15 has not been held, he shall, subject to the provisions of rule 18, direct that such inquiry be held, and thereafter, on consideration of the proceedings of such inquiry and after giving the person concerned an opportunity of making any representation which he may wish to make against such penalty, pass such orders as he may deem fit.

32. Review of orders in Disciplinary Cases – The authority to which an appeal against an order imposing any of the penalties specified in rule 13 lies may, of its own motion or otherwise, call for the records of the case in a disciplinary proceedings, review any order passed in such a case and after consultation with the Commission, where such consultation is necessary, pass such orders as it deems fit as if the Government servant had preferred an appeal against such order :

Provided that no action under this rule shall be initiated more than six months after the date of the order to be reviewed.

PART VIII - MISCELLANEOUS

33. Repeal and Savings – (1) The Civil Services (classification, control and Appeal) Rules, 1930 and the Bihar and Orissa subordinate Services (Discipline and Appeal) Rules, 1935, and any notifications issued and orders made under any such rules to the extent to which they apply to persons to whom these rules apply and in so far as they relate to classification of Orissa Civil Services specified in the schedule or confer powers to make appointments, impose penalties or entertain appeals are hereby repealed :

Provided that –

(a) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder,

(b) any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of as far as may be in accordance with the provisions of these rules.

(2) Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeals which had accrued to him under the rules, notifications or orders repealed by sub-rule (1) in respect of any order passed before the commencement of these rules.

(3) An appeal, pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed in accordance with these rules.

34. Removal of Doubts – Where a doubt arises as to who is the head of any office or as to whether any authority is subordinate to or higher than any other authority or as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Governor whose decision thereon shall be final.

By order of the Governor

B. SIVARAMAN

Chief Secretary to Government

[1][SCHEDULE [2](**)]

Sl No.	Description of the Services/Post	Appointing Authority	Authorities competent to impose penalties		Appellate Authority
			Authority	Penalties which may be imposed with reference to item number in rule 13	
(1)	(2)	(3)	(4)	(5)	(6)
1.	State Civil Services, Class II and State Civil posts, Class II.	Government	In respect of Officer Serving- (i) in any Department of the Secretariat –	(ii) to (v)	Government

			Secretary of the Department and		
			(ii) under any Heads of the Department – Head of the Department.	(ii) to (v)	Government
2.	Specially declared gazetted service/posts.	(a) For employees serving in any department of the Secretariat except those belonging to the Orissa Secretariat Service – Secretary of the Department	Secretary of the Department concerned.	All excluding (i)	Government
		(b) For employees belonging to the Orissa Secretariat Service – Secretary, Home Department.	(i) Secretary of the Department concerned.	(ii) to (v)	Government
			(ii) Secretary of the Home Department.	(vi) to (ix)	Government
		(c) For employees serving in any other Office – Head of the Department.	Head of the Department	All excluding (i)	Secretary of the concerned Department
3.	State Civil Service, Class-III and State Civil Posts, Class-III.	(a) For employees serving in any Department of the Secretariat – Secretary of the Department.	(i) Secretary of the Department	All excluding (i)	Government
			(ii) An officer of the rank of Under-Secretary or above in charge of the Establishment.	(ii) to (v)	Secretary of the Department.

1. Substituted by G. A. Department Notification No. 14094-Gen., dated the 5th May 1988.
2. Deleted by G. A. Department Notification No. 6278-Gen., dated the 23rd February 1989.

(1)	(2)	(3)	(4)	(5)	(6)
		(b) For employees serving in the Office of any Head of the Department.	(i) Head of the Department	All excluding (i)	Secretary of the concerned Department.
			(ii) Establishment Officer or any other officer of equivalent or higher rank nominated by the Head of the Department.	(ii) to (v)	Head of the Department.
			(i) Collector	(ii) to (v)	

		In respect of Extension Officer (including the Junior Engineer; Additional Junior Engineer, Social Education Organiser, Progress Assistant; Industries Promotion Officer; and Sub-Inspector of Schools) – Head of the Department			Secretary of the concerned Department.
			(ii) Head of the Department	All excluding (i)	Secretary of the concerned Department.
		(d) For employees serving in any other office – Head of the Department or Head of the office, as the case may be.	(A) In respect of employees appointed by the Head of the Department -		
			(i) Head of the Department	All excluding (i)	Secretary of the concerned Department.
			(ii) Head of the office	(ii) to (v)	Head of the Department.
			(B) In respect of the employees appointed by the Head of Office – Head of the office.	All excluding (i)	Head of the Department.
4.	State Civil Posts Class-IV.	(a) For employees serving in any Department of the Secretariat – Secretary of the Department	(i) An officer of the rank of Under-Secretary or above in-charge of the establishment.	(i) to (v)	Secretary of the Department.
			(ii) Secretary of the Department	All	Government

(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**
		(b) For employees serving in the office of any Head of the Department – Head of the Department.	(i) Establishment officer or any other officer nominated by Head of the Department.	(i) to (v)	Head of the Department.
			(ii) Head of the Department.	All	Government
		(c) For employees attached to respective Departments of a Medical college –	(i) Professor and Head of the Department.	(i) to (v)	Superinten-dent of the Medical College.

	Superintendent of the College.			
		(ii) Superintendent of the College.	All	Director of Medical Education and Training.
(d)	For employees serving in any other office – Head of the office.	Head of the office	All	Head of the Department.

PART – II

[(A) SUSPENSION]

[No. 12429-SC/3-4/92-Gen.]

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 27th May 1993

To

All the Departments of Government

Subject - Suspension of Government Servants, Circulation forms under Rule 2 of O.C.S. (C.C. & A.) Rules, 1962.

The undersigned is directed to send herewith three draft forms, i.e., Form No. 1 under Clause (a), Form No. II under Clause (b) both under sub-rule (1) or Rule 12 and Form No. III under sub-rule 2 of Rule 12 of O.C.S. (C. C. & A.) Rules, 1962 for their information and guidance.

M. B. K. RAO

Deputy Secretary to Government

FORM No. I

Office Order

WHEREAS a disciplinary proceeding against Shri …… (Name and designation of the Government servant) is contemplated/pending. NOW, THEREFORE, the Governor of Orissa/the Appointing Authority/the Competent Authority, in exercise of the powers conferred by clause (a) of sub-rule (1) of Rule 12 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962, hereby places the said Shri …….. under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the Headquarters of Shri…… (name and designation of the Government servant shall be …… (name of the place) and the said Shri ……... shall not leave the Headquarters without obtaining the previous permission of the undersigned/Competent Authority and he shall be entitled to the payment of subsistence allowance in accordance with Rule 90 of the Orissa Service Code.

By order of the Governor
Secretary to Government

OR

Name and designation of
The Suspending Authority.

FORM No. II

Office Order

WHEREAS a case against Shri ……. (name and designation of the Government servant) in respect of any criminal offence is under investigation/inquiry/trial;

NOW, THEREFORE, the Governor of Orissa/the Appointing Authority/the Competent Authority, in exercise of the powers conferred by clause (b) of sub-rule (1) or Rule 12 of the Orissa Civil Service (Classification, Control and Appeal) Rules, 1962, hereby places the said Shri ……. under suspension with immediate effect.

It is further order that during the period that this order shall remain in force the Headquarters of Shri…….. (name and designation of the Government servant) shall be ……. (name of the place) and the said Shri …… shall not leave the headquarters without obtaining the previous permission of the undersigned/Competent Authority and he shall be entitled to the payment of subsistence allowance in accordance with Rule 90 of the Orissa Service Code.

By order of the Governor
Secretary to Government

OR

Name and designation of
the Suspending Authority.

FORM No. III

Office Order

WHEREAS a case against Shri ……. (name and designation of the Government servant) in respect of a criminal offence is under investigation, and WHEREAS the said Shri ……. was detained in custody on …… for a period exceeding forty-eight hours.

NOW, THEREFORE, the said Shri …….. is deemed to have been suspended with effect from the date of detention, i.e. the …… in terms of sub-rule (2) of Rule 12 of the Orissa Civil Services (Classification, control and Appeal) Rules, 1962 and shall remain under suspension until further orders.

Designation of the
Suspending Authority

No. 16552-SC/3-1/94-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

To

All Departments of Government/
All Heads of Departments/
All Collectors.

The 4th August 1994

Subject – Retirement of Government servant on superannuation while under suspension.

References are being received from various quarters seeking clarification as to whether a Government employee can superannuate during suspension period or it is necessary that he should be reinstated before superannuation.

2. After careful consideration, it is clarified that Rule 91 (1) of the Orissa Service Code clearly envisages retirement on superannuation of a Government servant while under suspension, Reinstatement of the suspended employee solely for the purpose of retirement and determination of pensionary benefits is not warranted by the service and pension rules in force.

Rule 7 (2) (a) and rule 66 (1) of the Orissa Civil Services (Pension) Rules, 1992 provide for payment as also the mode of calculation of provisional pension to a Government servant against whom any departmental or

judicial proceedings is pending on the date of his retirement. Further, a departmental proceeding initiated while the Government servant was in service may be continued even after his retirement on superannuation, as provided by Rule 7 (2) (a) of Orissa Civil Services (Pension) Rules, 1992.

The Subordinate offices may be informed accordingly.

PRITIMAN SARKAR
Special Secretary to Government

From

Shri R. N. DAS, I. A. S.

Chief Secretary and Chief Development Commissioner, Orissa

To

The Director-*cum*-Director-General & Inspector-General of Police and *ex officio* Special Secretary to Government, General Administration (Vig.) Department, Orissa, Cuttack.

Bhubaneswar, dated the 28th/29th September 1995

Subject – Suspension of Government Servant and their reinstatement.

Sir,

A large number of Government servants are placed under suspension, pending institution of Criminal cases or when such cases are *sub judice*. Prolongation of suspension of a Government servant not only causes hardship to him but also financial loss to Government. The question whether a Government servant under suspension against whom a Criminal case is proposed to be instituted or *sub judice* in a Court of Law could be reinstated was under consideration of Government.

2. Detailed guidelines for dealing with suspension cases have been issued in G. A. Department D. O. letter No. 24042, dated 13-9-1991 (Copy enclosed). In spite of such guidelines, it has come to the notice of Government that more than 2 years elapse before filing charge-sheets against Government servants disproportionate assets cases. During this period incumbents are placed under suspension which continues for long periods. It is noticed that charge-sheets are filed against delinquent officers in some cases, while in some other cases final reports are submitted in the absence of sufficient evidence.

3. In order to minimise hardship to Government servants it is desirable that Vigilance should endeavour complete investigation within a period of six months from the date of house search where for inescapable reasons, it is not possible to complete investigation within the aforesaid period of six months, reason for non-completion of investigation should be communicated to Government in detail and also indicating the period within which investigation is expected to be completed, If investigation is not completed within the extended period, Government servant under suspension should be reinstated.

4. You may like to review the position and take suitable and appropriate steps to complete investigation within the aforesaid reasonable period of time.

Thanking you,

Yours faithfully,

R. N. DAS

Chief Secretary to Government

Memo No. 21934-Gen., dated the 29th September 1995

Copy forwarded to all Departments of Government/all Heads of Departments/ all District Magistrates.

Sd/-

O.S.D. to Chief Secretary and *exfficio* Deputy Secretary to Government

D. O. No. 24042

SHRI R. K. RATH, I. A. S.

Chief Secretary and Chief Development
Commissioner, Orissa

To

All Secretaries to Government

All Head of Departments.

Bhubaneswar, Dated the 13th September 1991

Subject – Guidelines for dealing with cases of suspension of officers.

Sir,

I am directed to say that the growing habit of dealing routinely with case in which an officer has been placed under suspension has been viewed with concern and unhappiness by government. An officer is placed under suspension when there is *prima facie* evidence of gross misconduct or serious dereliction in duty, especially in financial matters on his part and there is a reasonable presumption that the proceedings are likely to culminate in the award of major penalty. It is therefore necessary that the charges against him should be enquired into and disposed of with the utmost expedition. It has, however, been noticed that, after an officer is placed under suspension, the urgency with which the suspension was processed is lost and the proceedings against him are dealt with like other proceedings where charges are far less serious and where it has not been considered necessary to suspend the officer. In the result, the officer suffers continued inconvenience and humiliation and Government have to pay him the subsistence allowance without getting any work from him. The less, in financial terms, to Government will be higher if the officer is ultimately absolved of the charges against him.

2. It has accordingly been considered necessary that departmental or criminal proceedings against an officer who has been placed under suspension should be governed by the following principles :

(a) Where an officer is placed under suspension, charges against him should be served on him within three months of the date of suspension.

(b) Since the order of suspension is based on *prima facie* evidence of gross misconduct or serious dereliction in duty there should ordinarily be no difficulty in initiating departmental proceedings during three moths of suspension. If it has not been possible to complete investigation into all the allegations, an effort should be made to prepare the charge-sheet on the basis of the major allegations and serve it on the officer. This may be followed by a supplementary charge-sheet.

(c) The period of suspension should not ordinarily extend beyond six months from the date of framing of charges, Where, for inevitable reasons, it is not possible to dispose of the proceedings within the aforesaid period of six months, the reasons for continuing the suspension should be explained in details, and approval for continued suspension should be sought from –

(i) the Chief Minister, in cases where the officer is a Class II officer or an officer of higher rank; and

(ii) the Appellate Authority, as specified in the Orissa Civil Service (Classification, control & Appeal) Rules, 1962, in the case of other officers.

(d) The aforesaid time limits should be kept in view where criminal proceedings are contemplated or are in progress. In the larger number of cases, criminal proceedings originate from allegations of acquisition of disproportionate assets, defalcation of public fund and misconduct resulting in conferment or appropriation of undue financial benefits. Investigation in such cases naturally requires more time since evidence has to be collected from several sources including, sometimes, sources outside the State. If the charges cannot be filed within three months of the date of suspension or the proceedings are unlikely to be concluded within six months of the date of suspension or the submission of the charge-sheet, extension of the time limit should be sought from the appointing authority in the case of officers other than those in Class II or higher rank and from the Chief Minister in the case of officers of Class II or higher rank.

(e) Departmental proceedings where an officer has been placed under suspension should be reviewed atleast quarterly. This review should be conducted by the Head of the department for non-Gazetted Officers under his control, and by the Secretary of the Department for all Gazetted Officers and for non-Gazetted Officers in the Department. Such reviews are essential in order that cases of the nature under reference are processed with the utmost expedition and suspension does not continue for an inordinately long period.

3. I am to request you to keep the aforesaid guidelines in vies in dealing with cases involving suspension of officer. I would also like to impress on you that suspension should be ordered only where it is found necessary in public interest that the officer concerned should not be allowed to continue in office, even at a different station. It should not be resorted to lightly and without serious reflection on the gravity of the allegations.

Yours faithfully,

R. K. RATH

Chief Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 11943-SC/3-4/99-Gen.

From

SHRI PRIYABRATA PATTNAIK, I. A. S.,

Special Secretary to Government

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Bhubaneswar, dated the 22nd April 1999

Subject – Guidelines for dealing with cases of suspension of Officers.

Sir,

I am directed to say that in Chief Secretary's D. O. letter No. 24042/Gen., dated the 13th September 1991, guidelines have been issued for dealing with the cases of suspension of Officers. In the introductory Paragraph of the said letter it has been pointed out that – "An Officer is placed under suspension when there is

Prima facie evidence of Gross misconduct or serious dereliction in duty, especially in financial matters, on his part and there is a reasonable presumption that the proceedings are likely to culminate in the award of a major penalty. It is, therefore, necessary that the charges against him should be enquired into and disposed of with the utmost expedition. It has, however, been noticed that, after an Officer is placed under suspension the urgency with which the suspension was processed is lost and the proceedings against him are dealt with like other proceedings where the charges are far less serious and where it has not been considered necessary to suspend the Officer. In the result, the Officer suffers continued inconvenience and humiliation and Government have to pay him the subsistence allowance without getting any work from him".

It has been observed by the Hon'ble O. A. T. in O. A. No. 910 of 1997 that in spite of the above instructions, the Appointing Authorities/Disciplinary Authorities are suspending employees in a routine manner without taking into consideration the gravity of misconduct sought to be enquired into or investigated. Consequently, when the affected employees approach the Hon'ble Orissa Administrative Tribunal, orders are passed by the Tribunal setting aside the suspension where it is unwarranted and mechanically ordered without proper application of mind and paying heed to the above cited instructions and the employees are re-instated in service forthwith.

It is, therefore, impressed on all concerned that in future suspension should not be taken recourse to as a routine. For placing an employee under suspension, there must be materials available suggesting commission of grave offence justifying suspension. Each case has to be considered carefully depending on the nature of allegation, gravity of the situation and the impact it creates on the service for the continuance of the delinquent employee in service, when disciplinary proceedings against him are contemplated or when disciplinary proceedings are pending against him or when a case against him in respect of criminal offence is under investigation or when a case against him in respect of criminal offence is under trial.

It is, therefore, requested that these instructions may be brought to the notice of all Appointing Authorities and Disciplinary Authorities for their future guidance.

Yours faithfully,

PRIYABRATA PATTNAIK

Special Secretary to Government

No. 35691-SC/-3/99

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 3rd December 1999

No. 35691-SC/3-3/99 – In the erstwhile Political and Services Department Order No. 1000, dated the 27th October, 1962, (Copy enclosed) Instructions were issued to the effect that before placing a Government Servant under suspension on Vigilance report, an opportunity should be given to him to explain his conduct within a reasonable period and, on receipt of such explanation, decision to place the officer under suspension will be taken.

2. But Sub-rules (i) & (ii), of Rule 12 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962, clearly envisage the circumstances in which a Government servant can be placed under suspension. In view of the provisions contained in these rules, there is no special justification for calling for the explanation of an officer before consideration to place him under suspension on the basis of vigilance report.

Accordingly, government after careful consideration, do hereby withdraw the afore mentioned Political and Services Department Order No. 1000, dated the 27th October, 1962.

S. B. AGNIHOTRI

Special Secretary to Government

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

VIGILANCE BRANCH

ORDER

The 27 October 1962

No. 1000 – Government had under consideration for sometime past, the question of affording to an Officer to be placed under suspension on Vigilance report, an opportunity to explain his conduct before passing the order of suspension. After a careful consideration of the question, Government have been pleased to order that henceforward, when Government in the Political & Services (Vigilance) Department consider that an Officer be Placed under suspension on Vigilance report, they may call for the explanation of the Officer concerned. The gist of the Vigilance report shall be communicated to the delinquent officer and a reasonable time allowed to him for offering the explanation. If the explanation is not received within the time so fixed by Government or if the explanation on being received is considered to be unsatisfactory, Government in the Political & Services (Vigilance) Department may take a decision to place the Officer under suspension. This calling for an explanation from the delinquent officer is meant to afford an opportunity to the delinquent officer for offering his say in the matter before his suspension is ordered.

Government have further been pleased to order that, in cases where certain points remain obscure during vigilance enquiry, the Political & Services (Vigilance) Department may seek clarifications of such points from the delinquent officer at the stage of the enquiry.

This order will come into force with immediate effect.

B. SIVARAMAN

Chief Secretary to Government

(B) PROCEDURE OF DISPOSAL OF DEPARTMENTAL PROCEEDINGS

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

No. 13787 (126) – 2R/1-25/68-Gen.

To

All Departments of Government (including all branches of P. & S. Department)/

All Heads of Departments/All District Offices.

Bhubaneswar, dated the 24th July 1968

Subject - Procedure for conducting Departmental proceeding against a Government servant who avoids to accept charges framed against him or whose whereabouts are not known.

The nature of penalties which can be imposed on a Government servant for good and sufficient reasons has been laid down in rule 13 of the Orissa Civil Services (Clarification, Control and Appeal) Rules, 1962. Procedure for imposition of major and minor penalties has been prescribed in rule 15 and 16 respectively of the said Rules. No major penalty can be imposed on a Government servant without holding an enquiry as envisaged in the Classification, Control and Appeal Rules and as indicated in Art. 311 (2) of the Constitution. Art. 311 (2) envisages two opportunities to be given to a delinquent and it is only after compliance with the procedures laid down therein that any of the penalties can be imposed on him. No minor penalty shall be imposed without giving an opportunity to the Government servant concerned to make any representation he may wish to make. The Classification, Control and Appeal Rules do not however, indicate the procedure to be followed which the delinquent avoids to receive charges framed against him or where his whereabouts are not known. After careful consideration Government have been pleased to decide that in such circumstances the following procedures should be followed.

Major penalties – If the whereabouts of the delinquent are not known or he avoids to accept a copy of the charges, etc., the only alternative left is to publish in a newspaper the fact that charges had been framed

against him for his acts and omissions which may be specified briefly, stating therein that charges could not be communicated to him as his whereabouts are not known and calling upon him to appear before the concerned authority on any particular day to receive a copy of the charges and to submit a written statement of his defence if in pursuance of this notice the delinquent submits a written statement of his defence, the enquiry may be conducted in the prescribed manner and further action taken as per the Rules. If in spite of this notice the delinquent does not appear before the concerned authority or does not submit written statement of his defence, the enquiry may be conducted in his absence and a decision taken on merits whether he is guilty. If in such a case the concerned authority comes to a tentative decision that the delinquent is either to be dismissed, removed, compulsorily retired or reduced in rank, a second show-cause notice has to be served upon the delinquent either by serving it upon him or if his whereabouts are not known by publishing the same in the newspaper directing him to show-cause by a fixed date why the penalty, proposed should not be imposed upon him. If in response to this notice he appears or show-cause the authority concerned should take that into consideration and pass appropriate orders. If in response to that notice the delinquent does not show any cause final orders have to be passed. The final order passed in case has to be communicated to the delinquent in the manner indicated above.

Minor penalties – Where charges framed against the delinquent could not be communicated to him for the reasons mentioned earlier a notice in the manner as mentioned earlier should be published in the newspaper. If in response to this notice no written statement of defence is submitted within the stipulated date, the competent authority in consideration of the case on its merit may pass final orders and communicate the same to him in his address available with him.

[ILLEGIBLE]

Additional Secretary to

Government

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

No. 5406 (27) – 2R/1-5/73

To

All Secretaries to Government (By name)

Dated the 12th April 1973

Subject – Delay in disposal of departmental proceedings.

Reference - No. 3559 (76) – O & M- 139/57 dated 15th March 1958, No. 13912-Vig.-26/59 (81)-Gen., dated 10th November 1959, No. 160 (95)-AT., dated the 17th April 1964 and No. 2009 (28)-Gen., dated the 8th September 1966.

Sir,

I am directed to say that in spite of issue of instructions from time to time on the subject referred to above, Government have observed that proper attention is not being paid by the concerned authorities for expeditious disposal of departmental proceedings started against Government servants. As a result, those departmental proceedings are unduly protracted causing hardship to the delinquent Government servant as well as loss to Government by way of payment of subsistence allowance for a long period. This can be avoided if the suspending authorities exercise proper discretion while suspending the Government servant and take Prompt action in disposing of cases pending against the suspended officers.

2. All Departments of Government, Heads of Departments and District Offices were requested to maintain a statement of persons placed under suspension in the *pro forma* prescribed in Political & Services Department Memo No. 3559 – OM-139/57-Gen., dated the 15th March 1958 It is noticed that these instructions have not been systematically followed. The quarterly return prescribed in Chief Secretary's D. O. No. 20094 (29)-Gen., dated the 8th September 1966 addressed to all Secretaries is also not being regularly submitted to the Political & Services Department.

3. This was recently reviewed by the Governor in a meeting of Secretaries. He desired that all concerned should attach the highest priority to this item of work, It is therefore requested that information may be furnished in the following *pro forma* so as to reach this Department by the 20th April 1973 for the information of Governor.

PRO FORMA

(1)	(2)	(3)	(4)	(5)	(6)
Sl No.	**Name & designation of the officer suspended**	**Date of suspension**	**Reasons for delay in finalisation of the Proceedings**	**Steps taken for expeditious disposal of the proceedings**	**Remarks**

Yours faithfully,

S. K. PALIT

Additional Secretary to Government

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

Memo No. 9547 (173) – 2R/1-9/73-Gen.

To

All Departments

All Heads of Departments.

Bhubaneswar, dated the 28th June 1973

Dated the 7th Ashadha, 1895

Subject – Disposal of Appeal and Review Petitions submitted by Government servants.

It has been observed that sometimes cases of memorials, representations, reviews or appeals from the Government servants are delayed inordinately in the various Departments or Heads of Departments. It causes frustration and also defeats the purpose for which an employee submits a memorial or appeal against the orders of the disciplinary authority. In the Political & Services Department Memo No. 5103 (73), dated 19-4-1959 a time limit of 3 months has been prescribed for the disposal of memorial and representations. It has now been decided that in future all appeal petitions submitted by Government servants shall be disposed of ordinarily within a period of 6 months from the date of their receipt by the appointing authorities.

Petitions for review against the decisions of the lower authorities in all matters affecting the service conditions of Government employees may also be dealt with expeditiously and all possible steps should be taken to ensure that they are finally disposed of within a period not exceeding 6 months.

Petitions for appeals and reviews so far as disciplinary matters are concerned should be disposed of keeping in view the provisions contained in the Orissa Civil Services (Classification, Control & Appeal) Rules, 1962.

The above instructions may be brought to the notice of subordinate offices for their guidance. Government will view with displeasure any deviation from these instructions.

[ILLEGIBLE]

Deputy Secretary to Government

P. & S. (VIG.) DEPARTMENT No. 2515 (70)-VIG., DATED 2-4-1975 TO ALL SECRETARIES TO GOVERNMENT AND OTHERS

Subject - Regarding Disciplinary authority of Government servants on Deputation Rules 19 and 20 of the O. C. S. (C. C. & A.) Rules, 1962.

According to Rules 19 and 20 of the O. C. S. (C. C. & A.) Rules, 1962 the borrowing Department of a Government servant can frame charges against a borrowed officer for his lapses/irregularities committed, while serving under he borrowing authority and while inflicting any of the major penalties indicated in Rule 13 of the said Rules he may refer the matter to the lending authority. Of late a doubt has arisen if the borrowing authority can frame charges in a disciplinary proceedings, after a borrowed officer is reverted to his parent department, for his lapse while serving under the borrowing authority inquire into the same and inflict any of the minor penalties indicated in Rule 13 of the said Rules. So the matter was referred to Law Department for their views.

The Law Department are of the opinion that the power conferred on the borrowing authority can only be exercised so long the Government servant on deputation continues to remain under its administrative control. Once the employee is reverted back to his parent service under the Government he ceases to be amenable to the administrative and disciplinary jurisdiction of the borrowing authority. Therefore, after such replacement, the borrowing authority cannot frame charges, enquire into it and inflict punishment on the employee for his lapses committed while serving under it. In such cases, it will be proper for the borrowing authority to request the lending authority to take suitable disciplinary action.

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

No. 19850-SC-6-168/77-Gen.

To

All Departments of Government.

Bhubaneswar, dated the 11th November 1977

Subject – Review of orders in disciplinary cases.

The undersigned is directed to say that a question as to whether the punishing authority, who is not the appellate authority, can review his order, was under consideration in this Department. After careful consideration, it has been decided that since there is no provision in C. C. A. Rules authorising the disciplinary authority to review his own orders the said authority is not competent to review his decision once taken in the matter. The appellate authority can however, either on his own motion or otherwise, review the orders passed by the disciplinary authority.

[ILLEGIBLE]
Under-Secretary to Government

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

No. 712-SC-6-9/78-Gen.

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Bhubaneswar, dated the 12th January 1978

Subject – Procedure regarding disposal of disciplinary proceedings.

I am directed to say that it has come to the notice of Government that in a number of Departmental proceedings drawn up against Government employees, Enquiring Officers are being appointed along with the framing of charges and the delinquent employee is directed to submit his explanation to the Enquiring Officer

direct. Such a procedure is not in accordance with the provisions contained in Rule 15 (2), read with Rule 15 (4) of the Orissa Civil Services (C. C. & A.) Rules, 1962. Rule 15 (2) of the aforesaid Rules provides that the disciplinary authority shall frame definite charges on the basis of allegations on which the enquiry is to be held. Such charges together with a statement of the allegations on which they are based shall be communicated in writing to the Government servant who shall be required to submit a written statement of his defence. According to Rule 15 (4) of the aforesaid Rules, on receipt of the written statement of defence or if such statement is not received within the time specified, the disciplinary authority may itself enquire into such of the charges as are not admitted or it consider if necessary so to do, appoint a Board of Enquiry or an Enquiring Officer for the purpose.

In view of the clear provisions of law indicated above, appointment of Enquiring Officer along with framing of charges is premature and the direction given to he delinquent Government servant to furnish his explanation direct to the Enquiring Officer is irregular.

As adoption of incorrect procedure for conducting disciplinary proceedings may give rise to legal complications, the undersigned is directed to request that in future while framing charges in Departmental proceedings, no Enquiring Officer need be appointed along with framing of charges nor the delinquent Government servant be directed to furnish his explanation to the Enquiring Officer. The question of appointing an Enquiring Officer should be taken up only when the disciplinary authority after going through the written statement of defence of the employee concerned feels the necessity of appointing such an Enquiring Officer or a Board of Enquiry.

This may please be brought to the notice of all disciplinary authorities working under you for guidance.

K. RAMAMURTHY
Chief Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 516-SC-3/20/85-Gen.

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Dated the 16th January 1987

Subject – Issue of warning and placing of copies thereof in the C. C. R. Folders.

Clarification is often sought from this Department whether a warning by the disciplinary authority issued to an Officer upon the results of disciplinary proceedings, should be entered in the confidential character roll or a copy of it should be kept in the C. C. R. dossier. “Warning” is not one of punishments listed in C. C. & A. Rules, but if it is entered in the C. C. R., it would tent-amount to censure.

It is hereby clarified that if the disciplinary authority, at the conclusion of a disciplinary proceedings, wishes to award the punishment of “warning” to be recorded in the C. C. R. or placed in the C. C. R. dossier, it should appropriately be termed as “censure”.

This supersedes this Department circular No. 1593-SE, dated the 12th February 1985.

M. P. MODI

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 25922-SC-6/11/88-Gen.

To

All Departments of Government.

Dated the 8th September 1988

Subject – Amendment to Orissa Civil Services (C. C. & A.) Rules, 1962.

In his D. O. letter No. 25935, dated 17th/18th August 1988 the Additional Chief Secretary had impressed upon the Secretaries the need for revision of the Schedule 'B' appended to the Orissa Civil Services (C. C. & A.), Rule 1962.

The undersigned is directed to say that in course of discussion with departmental officers it is found that the distinction, between the State Civil Services and Civil Posts are not well understood. In view of this, it is clarified that a post belonging to any Classification when included in a Cadre Rule framed by Governor under Article 309 of the Constitution of India comes within the meaning of the State Civil Services and the post for which no cadre rule has been framed will be known as State Civil Posts.

All Departments are requested to prepare the revised list accordingly and furnish the same to this Department for inclusion in the Schedule to be published under Rule 7 of O. C. S. (C. C. & A.), Rules. Departments which have already submitted the information earlier are also requested to give a relook to the matter and prepare the information according to guidelines given above. While sending the information copies of the concerned cadre rules may also be sent.

[ILLEGIBLE]

Joint Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM No. 34289

The 10th December 1990

Subject – Functional and effective control over Orissa Administrative Service, Class-I (Senior Branch) Officers by Revenue Department.

The question of ensuring effective control over the Officers of Orissa Administrative Service, Class-I (Senior Branch) working under the administrative of Revenue Department was under consideration of the State Government for sometime past. It has been decided that the Revenue Department are empowered to call for the explanation of Addl. District Magistrate (Revenue), Addl. District Magistrate (Land Reforms), Deputy Director, Consolidation and Settlement Officer for the lapses, if any, committed by them and submit draft charges against those Officers to G. A. Department. The Revenue Department will ensure that the charges conform to the requirements of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962. The G. A. Department shall Process the draft charges, obtain Government orders and take subsequent follow up action.

C. NARAYANASWAMY

Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. 41121-S.C.-3-2/92-Gen.

To

All Departments of Government
All Heads of Department
All Collectors.

The 30th November 1992

Subject – Imposition of Major Penalty on Government servant dispensing with the enquiry as prescribed in the Orissa Civil Services (Clarification, Control and Appeal) Rules, 1962.

The undersigned is directed to say that procedure for imposition of any of the Major penalties as specified in Rule-13 (IV) to (IX) of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 on Government servants by the disciplinary authority has been prescribed under Rule 15 of the same Rules and in the normal circumstances, before a Major penalty is imposed, an enquiry has to be conducted invariably.

2. It has come to the notice of Government that in some cases the disciplinary authority had imposed the major penalty of dismissal from service on Government servants following the proviso (b) to Article 311 (2) of the constitution of India and thereby dispensing with the enquiry as provided in Rule 15 of the said rules though

there are no such compelling reasons to dispense with the enquiry. The aggrieved Government servants had filed writ petitions against the dismissal orders under Article 226 of the Constitution of India and obtained orders of the Administrative Tribunal quashing the dismissal orders and for their reinstatement in service from the date of their dismissal and for payment of back wages on account of dismissal. This verdict of the Court compelled the Government to pay for the periods they had not really worked.

3. It is therefore clarified that the extraordinary power conferred on the disciplinary authority under proviso (b) to Article 311 (2) of the Constitution to impose major penalties on Government servants by dispensing with the procedure laid down in Rule 15 of the O. C. S. (Classification, Control and Appeal) Rules, 1962 has to be exercised with proper care and caution as such action of the disciplinary authority is subject to judicial review. Two essential conditions have to be satisfied to dispense with the enquiry. They are that the offences committed would lead to dismissal, removal, compulsory retirement or reduction in rank of the employee, and it is not reasonably practicable to hold such enquiry. Each time the above said extraordinary power is exercised, legal consultation at the proper level should invariably be made to ensure that such orders will be maintainable in the eye of law.

It is further requested that of suitable instructions to the subordinate officers under your control are to be issued accordingly explaining the above provisions of law. It may be impressed on them that while resorting to action under Rule 18 of the Orissa civil Services (Classification, Control and Appeal) Rules, 1962 it should be clearly recorded that it is not reasonably practicable to follow the procedure prescribed in the said Rule.

T. K. MISHRA
Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
No. 11994-S.C.-3-4/92-Gen.

To

All Departments
All Heads of Departments.

Dated the 22nd May 1993

Subject – Clarification on Rule 31 of the O. C. S. (C. C. & A.) Rules, 1962.

Doubts have been expressed in different quarters on the followings points :-

(1) Whether the power of review under Rule 31 can be exercised only once or more than once

(2) Whether the power of review under the above Rule is conferred only on the Governor or whether the Minister or Ministers concerned can exercise powers.

The points were examined and Government have been advised by Law Department that the Reviewing authority having once exercised the powers of review becomes functious officio and the said Power cannot be exercised from time to time because (a) there is no scope to review a order already passed in a review and (b) Rule 31 itself provides that the Governor may review any order which is made or is appealable under these rules.

2. Government have further been advised by Law Department that the expression "Governor" under Rule 31 means the Minister in charge of the Administrative Department. The above interpretation is based on the decision of the Hon'ble Supreme Court in Samser Singh *Vrs*. State of Punjab (AIR 1974, Supreme Court 2192) which was again reiterated in Union of India *Vrs*. Sripati Ranjan Biswas (AIS 1975, Supreme Court 1755). This view is also supported by the fact that a case under Rule 31 is not required to be submitted either to the Chief Minister or the Governor under instruction 14 of the instructions issued under Rules of Business.

It is, therefore, requested that all concerned may be informed accordingly.

S. M. PATNAIK
Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
No. 18470-S.C.-3-3/93 (Pt.-VI)-Gen.

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Bhubaneswar, dated the 26th August 1993

Subject – Appointment of Inquiring Officer under O. C. S. (C. C. & A.) Rules, 1962 by the concerned appointing authority – issue of clarification thereof.

Doubts have arisen in certain quarters as to who should be the authority competent to sign the orders appointing the Inquiring Officer as per the provisions of the O. C. S. (C. C. & A.) Rules 1962 ? Rule 15 (4) of the above rules provide that the disciplinary authority may appoint an Inquiring Officer. In the proceedings relating to Gazetted Officers, Government is the disciplinary authority. For the purpose of the statute, Government is usual, by represented its Secretary and hence, the order appointing the Inquiring Officer should be signed by the Secretary. The provisions of the Orissa Government's Rules of Business provide that every order or Instruction of the Government shall be signed either by Secretary, Special Secretary, Joint Secretary, Deputy Secretary or an Under-Secretary who are mainly meant for the convenient transaction of the day-to-day executive action of the Government of the State. Since appointment of an Inquiring Officer is not an executive act, but a statutory power to be exercised through exercise of discretion the meaning of Secretary in the Rules of Business should not apply to matters involving statutory powers. This may be brought to the notice of all concerned.

R. C. MISHRA
Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 5501-S.C./3-1/94(Pt-III)-Gen.

To

All Departments of Government
All Heads of Departments
All Collectors.

Bhubaneswar, dated the 15th March 1994

Subject – Clarification in respect of *de novo* enquiry or fresh enquiry under Orissa Civil Services (C. C. & A.) Rules, 1962.

I am directed to say that Collector of a district appointed an Officer of the District Office to enquire into charges framed against one Revenue Inspector in the Departmental proceedings and when the enquiry report was received, he did not accept the enquiry report, but passed orders for re-enquiry by appointing another Enquiry Officer, as he was of view that the Officer, who had been earlier appointed as Enquiry Officer, had not applied his mind to the case. Hence, the question arose about appointment of a fresh Enquiry Officer on this same set of charges. The Law Department of the Government were consulted in the matter and they are of view that as per judicial pronouncements, both of Orissa Administrative Tribunal as well as Supreme Court. Rule 15

of the O.C.S. (C. C. & A.) Rules, 1952 does not provide for re-enquiry or fresh enquiry on the self-some charges if the Disciplinary Authority disagrees with the findings of the Enquiry Officer. Even if there is no specific provision in the Rules, the Disciplinary Authority can remit/remand the proceedings to the Enquiry Officer if he finds that the enquiry report suffers from same material irregularity. In all such cases, the proceedings have to be remitted back to the very same Enquiry Officer who conducted the enquiry with direction to record further evidence and given findings on each charge. The only exception is that another Enquiry Officer can be appointed where the previous Enquiry Officer is dead or has retired from Government service or is not available.

These instructions may be brought to the notice of all concerned.

PRITIMAN SARKAR

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 5175-S.C./4-12/1994-Gen.

From

Pritiman Sarkar
Special Secretary to Government.

To

All Secretaries to Government/

All Heads of Departments/

All Collectors.

Bhubaneswar dated the 20th March 1995

Subject – Delay in disposal of Departmental Proceedings.

Sir,

I am directed to say that, it has come to the notice of the Government that adequate attention is not being paid by the concerned authorities for expeditious disposal of Departmental proceedings start against Government servants. Sometime due to such delay, the Government servants under suspension, remain as such for a considerably long time and thereby undergo considerable difficulties.

and heavy loss is also caused to Government for paying them Subsistence Allowance. Suitable instructions were issued to all Departments of Government in the erstwhile P. & S. Department Memo No. 3559 (76)-Gen., dated 15-3-1958 for expeditions disposal of Departmental proceedings. It was indicated therein that monthly review would be made of all undisposed cases and a form was prescribed for the purpose. It appears no follow up action has been taken on the instructions issued in the said memo. It now appears that such Departmental proceedings are pending at various levels and are not attended to so that they are mounting up every month.

2. The matter has been carefully examined by Government who feel that the existing machinery of administration should keep an effective check on the progress of disposal of Departmental proceedings. All Departmental proceedings pending for more than 2 months should therefore be reviewed every month. The object of such review is not only to keep an effective check on the progress of the Departmental proceedings, but to issue correctives to subordinate authorities wherever irregularities are detected as well.

3. An Office Memorandum prescribing time limit for each stage of the Departmental proceedings for expeditious disposal of the Departmental proceedings is under issue. The time limit prescribed in the said Office Memorandum should be meticulously followed so that the delinquent officers are not put to unnecessary harassment.

You are requested to communicate these instructions to offices subordinate to you and to acknowledge the receipt of this letter.

Yours faithfully,

PRITIMAN SARKAR

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 28813-SC-3-6/96-Gen.

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Dated the 7th November 1996

Subject – Delay in disposal of Departmental proceedings due to non-production of relevant records before the Disciplinary Authority/Inquiring Officers.

Of late it has come to the notice of the Government that finalisation of a large number of Departmental proceedings instituted against Government servants are delayed for a long period of time due to non-production of the relevant records before the Disciplinary Authority/Inquiring Officer. Further, Departmental proceedings drawn up against officials responsible for misappropriation defalcation of Government money are inordinately delayed because the records on which the charges are framed are often seized by the Vigilance Authorities for investigation into the criminal cases and, therefore, not made available readily to the Inquiring Officer/Disciplinary Authority. The Public Accounts Committee in their 11th Report on the Appropriation Accounts and the report of the Comptroller and Auditor-General of India for the year 1988-89 relating to the Health and Family Welfare Department have expressed their grave concern in the matter of delay in disposal of Disciplinary proceedings for long period of time due to non-availability of records.

2. In order t over-come such difficulties, it has been decided to proceed in the matter as given below :-

(i) The Vigilance Organisation, who have seized the relevant records, may supply as far as possible xerox copy of the relevant records in their custody to the concerned Disciplinary Authority and the Inquiring Officer on receipt of their request in respect of cases where criminal and departmental action are taken simultaneously for the same set of charges.

(ii) The Vigilance Organisation and other concerned authorities may on request hand over all the relevant original records in their custody to the Disciplinary Authority/Inquiring Officer in respect of cases, where departmental action has been initiated under the provisions of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

(iii) The Vigilance Organisation and other concerned authorities may also permit the delinquent officers to peruse the seized records and take notes therefrom in order to enable them to prepare their defence properly. This may, however, be done only on the request of the Disciplinary Authority/Inquiring Officer, who shall submit the list of the relevant documents to the Vigilance Organisation and other concerned authorities for the purpose, so that only relevant records are allowed to be perused by the delinquent officer.

(iv) While sending their requests for supply of xerox copies or for handing over the original records, the Disciplinary Authority and Inquiring Officer may scrutinise carefully their requirement and send a list of those records only, which are really considered relevant for the purpose.

3. The Disciplinary proceedings pending due to non-availability of seized records may now be disposed of accordingly.

R. K. BHUJABAL

Chief Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 7361-CDI-Misc.-2/98-Gen.

From

Shri S. B. Mishra, I.A.S.,

Chief Secretary, Orissa.

To

All Principal Secretaries/Secretaries to Government.

Dated the 25th March 1998

Subject – Timely initiation for disposal of Disciplinary proceedings.

Sir,

Rule 15 of the Orissa Civil Services (C. C. & A.) Rules, 1962, clearly delineates the procedure for initiation of Disciplinary proceedings for major penalties, appointment of Enquiring Officer and enquiry into the charges. It has been clearly provided in sub-rule (2) of Rule 15 that the charges drawn up against the delinquent officer should be definite and such charges together with a statement of allegations on which they are based shall be communicated in writing to the Government servant and he shall be required to submit within such time as may be specified by the disciplinary authority, not ordinarily exceeding one month, a written statement of his defence. Sub-rule (4) of the said rule further provides that on receipt of the written statement of the defence or, if no such statement is received within the time specified, the disciplinary authority may itself enquire into such of the charges as are not admitted or if it considers it necessary so to do, appoint a Board of enquiry or an Enquiring Officer for the purpose.

2. In spite of the clear provisions enunciated above it has been brought to my notice that Disciplinary proceedings are initiated against delinquent officers long after commission of any misconduct or irregularity and again an unusually long period is taken by the disciplinary authorities in taking a decision to appoint an Enquiring Officer to enquire into the allegations. Recently the Commissioner, Departmental Enquires has been appointed as the Enquiring Officer in some proceedings after 15 to 20 years of the date of commission of misconduct or irregularity, out of which delay at the Department level to appoint Inquiring Officer was 6-7 years. Such delay invariably does not help in achieving the purpose for which the proceedings are initiated, because the evidence becomes weak due to such long delays and at times records are not available at the time of enquiry. Recently in some cases also the State Administrative Tribunal has taken adverse view on the delay in initiation and disposal of the proceeding and have ordered for exoneration of the delinquent officers on this ground. Such unusual delay is therefore neither in the interest of the Government to punish the real delinquents nor in the interest of justice.

3. I would, therefore, request you to ensure that Disciplinary proceedings, wherever necessary should be initiated with promptitude. The delinquent officers should normally not be given more time than the prescribed 30 days in submission of their statement of defence. If no such statement of defence is submitted within the prescribed time, the disciplinary authority should straight away take steps to enquire himself or appoint an Enquiring Officer to enquire into the charges. This process should in no case take more than a months time. After the appointment of the Enquiring Officer, the disciplinary authority should make periodical review of the pending proceeding with the Enquiring Officers and ensure that the proceedings do not take more than 3 month's by the Enquiring Officer to submit his enquiry report.

4. This should be strictly adhered to so that Disciplinary proceedings contemplated against any officer/employee are disposed of quickly to punish the real delinquents.

5. This may also be brought to the notice of all Heads of Departments and subordinate offices under your control.

Yours faithfully,

S. B. MISHRA

Chief Secretary

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 19489-SC-3-1/97 (Pt. VIII)-Gen.

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Bhubaneswar dated the 25th July 1998

Subject – Disposal of Appeals under Rule 29 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

The undersigned is directed to say that Rule 29 of the Orissa Civil Services (Classification Control and Appeal) Rules, 1962 envisages the procedure for consideration and disposal of appeals submitted by the concerned Government servants against the penalty imposed on them in Disciplinary proceedings. Rules 90 and 91 of the Orissa Service Code lay down the principles for entitlement of pay/allowances by the Government servant during the period of suspension.

It has come to the notice of Government that the principles laid down under the aforesaid rules are not being followed strictly by the Appellate Authorities. It is therefore requested that Appellate Authorities in dealing with appeals have to apply their mind and considered all the different aspects enumerated in clauses (a), (b) and (c) of Rule 29 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 and pass a speaking order indicating therein that appeal was disposed of on consideration of all the different aspects required under Rule 29 (1) of the above said Rules, Similarly, orders passed under Rules 90 and 91 of the Orissa Service Code are not supported by reasons.

It is therefore, impressed upon all concerned that the provisions contained in Rule 29 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 should be strictly adhered to while disposing of Appeal Petitions and steps should be taken to give reasons Invariably while passing orders under Rules 90 and 91 of the Orissa Service Code in order to ensure proper disposal of the appeal petitions and to determine properly the admissibility of pay and allowances for the period of suspension.

PRIYABRATA PATNAIK

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 26992-SC-3-8/99-Gen.

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Bhubaneswar, dated the 16th September 1999

Subject – Non-reference of administrative actions for advice of the Orissa Public Service Commission.

The undersigned is directed to say that in pursuance of provisions contained under the Orissa Public Service Commission (Limitations of Functions) Regulations, 1989, read with provisions of Rules 15 and 16 of O.C.S. (C. C. & A.) Rules, 1962, the Orissa Public Service Commission shall be consulted (wherever necessary) before imposition of any of the penalties specified under Rule 13 of Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 on a Government Servant.

2. But it is reported by the Orissa Public Service Commission that a good number of proposals are being referred to them for advice/concurrence relating to disciplinary proceeding cases and imposition of the following punishments on the concerned Government servants :-

(1) Treating the period of unauthorised absence from duty as extraordinary leave not to be counted as service.

(2) Warning to be careful in future

(3) Warning to be recorded in C. C. Rolls

(4) Treating the period of absence from a particular date till resumption of duty as leave without pay.

3. The above penalties are not the prescribed punishments as specified under Rule 13 of the O. C. S. (C.C. & A.) Rules, 1962.

These are the administrative action to be taken by the concerned authority after completion of procedural formalities in which Orissa Public Service Commission is not required to offer their advice/concurrence.

4. It is, therefore, clarified that the disciplinary proceedings in which the concerned authority propose to take administrative actions on a Government servant, they need not refer the same to Orissa Public Service Commission for advice/concurrence since the Orissa Public Service Commission confine their advice on the punishments specified in Rule 13 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962. It is further clarified that administrative actions as suggested at serials 1 and 4 referred to in Para. 2 above cannot be imposed as a measure of penalty if leave is available in the leave accounts of the concerned Government servant.

S. B. AGNIHOTRI

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

Memo No. 14596-IM-18-2000-Gen.

From

Shri U. N. Behera, I.A.S.,

Special Secretary to Government

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Bhubaneswar, dated the 3rd May 2001

Subject – Starting of Departmental Proceedings concurrently with the Criminal case on the same set of facts in cases where recovery of financial loss to Government is to be made.

Instructions were issued in the erstwhile Political & Services (A.T.) Department letter No. 298-A.T.P. 23/62, dated the 28th August 1962 to the effect that in the absence of any legal bar, a departmental enquiry can

be started or continued when a criminal case is *sub judice*, on the same set of facts, provided no scope is allowed, to cause any embarrassment to the Court trying the criminal case, as a result of the departmental proceedings. But, it is observed that these instructions are not strictly being followed. Consequently recovery of financial loss caused to the Government by the delinquent Officers cannot be made due to non-initiation of departmental proceedings. The Hon'ble Supreme Court of India in Civil Appeal No. 3129 of 1988 (Arising out of S.L.P. (C) No. 10467 of 1987), dated the 6th September 1988 reported in A.I.R. 1988, Supreme Court 2118 has clarified that there is no legal bar for taking criminal action and disciplinary proceedings simultaneously against the delinquent employee upon the same set of facts with regard to the particulars of individual situation.

Government, therefore, wish to bring to the notice of all concerned that in future while sanctioning prosecution either under Section 197 (1) of the Code of Criminal Procedure, 1973 (Act 2 of 1974) for the criminal offences relating to Indian Penal Code and causing financial loss to the Government or under Section 19(i) (b) of the Prevention of Corruption Act, 1988 (Act 49 of 1988) for the offence of criminal misconduct committed as outlined in Section 13 (i) (c) of Prevention of Corruption Act, 1988 and causing financial loss to the Government, the prosecuting authorities have to invariably send draft charges alongwith articles of charge, statement of allegations and memo of evidence to the concerned disciplinary authorities under whom the delinquent employee is working for initiating proceedings under rule 15 of the Orissa Civil Services (Classification, Control & Appeal) Rules, 1962 and for serving a copy of the charge-memo on the concerned delinquent employee immediately in order to safeguard the interest of the Government. It is further clarified that acquittal of delinquent employee in a criminal case does not '*ipso facto*' put a stop to any disciplinary proceeding initiated against him. An Officer acquitted in a criminal case may be found guilty in a departmental enquiry as in the later, a less rigorous standard of evidence is insisted upon.

U N. BEHERA

Special Secretary to Government

(C) COMMISSIONER FOR DEPARTMENTAL INQUIRIES

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 124-A. T.

To

All Departments of Government.

Bhubaneswar, dated the 2nd May 1984

Subject – Reference of departmental inquiries in major penalty proceedings to the Commissioner for Departmental Inquiries.

A post of Commissioner for Departmental Inquiries (C. D. I.) has been created in the G. A. Department for conducting inquiries in major penalty proceedings against officers and employees of the Secretariat up to the rank of Deputy Secretary. A post of State Representative (S. R.) has also been created for presenting the evidence in support of the charges in all such inquiries before the C. D. I. It has been decided that reference of inquiries to the C. D. I. will be governed by the following principles :-

(i) The present practice of the Administrative Tribunal conducting inquiries in cases which are investigated by Vigilance will continue. All cases which are investigated by the Vigilance

Department and which come within the purview of the Disciplinary Proceedings (A. T.) Rules, 1961 should be referred to the A. T. All other inquiries should be referred to the C. D. I.

(ii) Only cases in which the misconduct was committed by the charged officer while working in the Secretariat should be referred to the C. D. I. Cases where the charged officers are now working in the Secretariat, but had committed the misconduct in some other office should not be referred to the C. D. I.

(iii) Only cases in which the inquiring authority has not yet been appointed should be entrusted to the C. D. I. No attempt should be made to transfer a case in which an enquiring authority has already been appointed, to the C. D. I. Such cases are expected to be disposed of by the inquiring officers already appointed.

(iv) It goes without saying that only inquiries where action was initiated by the departments under Rule 15 of the Orissa Civil Services (C. C. & A.) Rules, 1962 will be entrusted to the C. D. I. Minor penalty proceedings initiated under Rule 16 of the C. C. & A. rules in which no inquiry is called for will not be referred to the C. D. I.

(v) The C. D. I. conducts the inquiry as the representative of the department which initiated the proceedings. He does not frame the charges. The department will frame charges and obtain the written statement of defence of the officer. If the charges were not admitted in the written statement of defence or if no written statement of defence is submitted by the stipulated date then the disciplinary authority may issue orders appointing the C. D. I. as the inquiring authority under Rule 15 (4) and the S. R. as the Presenting Officer under Rule 15 (5) of the C. C. & A. Rules. Sample forms of the orders appointing the C. D. I. as the Inquiring Authority and the S. R. as the Presenting Officer are given at Annexures I and II.

(vi) The following documents should be sent to the C. D. I. alongwith the appointment order :-

(a) Copy of the order initiating the proceedings, charges and statement of imputations

(b) List of documents to be produced in support of the charges

(c) List of witnesses with their present addresses who are to be examined in support of the charges.

(d) Copy of the written statement of defence, if any, submitted by the charged officer

(e) Copy of the order appointing the S. R. as the P. O.

(vii) The following documents should be furnished to the S. R. alongwith the order appointing him as the Presenting Officer :-

(a) Copy of the order initiating the proceedings, charges and statement of imputations

(b) Documents to be produced in support of the charges

(c) List of witnesses to be examined in support of the charges

(d) Copy of the written statement of defence, if any, submitted by the charged officer

(e) Copy of the order appointing the C. D. I. as the Inquiring Authority.

(viii) Orders appointing the C. D. I. as the Inquiring Authority and the S. R. as the Presenting Officer should issue only after the written statement of defence has been received and considered by the disciplinary authority or when no written statement of defence is submitted and the disciplinary authority is satisfied that it is not necessary to wait for it any longer. The departments will strait refrain from appointing the C. D. I. simultaneously with the initiation of the proceedings. In this connection, their attention is drawn to the erstwhile P. & S. Department Circular No. 712-SC/6-9/78-Gen., dated the 12th January 1978.

(ix) The State Representative, who will be presenting the case in support of the charges before the C.D.I. should be properly briefed and given necessary assistance by the department initiating the proceedings. In all matters relating to interpretation of departmental rules and procedures and other technical matters, he will take the assistance of the department who will furnish him

with the required information and clarification. The Secretary of the Department should specially designate an officer of his Department who is conversant with the case for this purpose.

(x) On completion of the inquiry, the C. D. I. will furnish his report together with the oral and documentary evidence adduced during the inquiry to the disciplinary authority. The disciplinary authority will examine the report and pass final orders on the findings and recommendation of the C. D. I.

(xi) Thought the C. D. I. is under the administrative control of the G. A. Department, the G. A. Department will not interfere in any way with the conduct of the inquiry. In all matters relating to a particular inquiry, the C. D. I. will correspond with the departments direct. However, the G. A. Department will review the disposal of cases by the C. D. I. and take appropriate steps to ensure, that disposal is up-to-date. To facilitate this review, the department while appointing the C. D. I. as the Inquiring Authority should endorse a copy of the appointment order to the G. A. Department.

C. NARAYANASWAMY

Special Secretary to Government

ANNEXURE I

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION (A. T.) DEPARTMENT

OFFICE ORDER

Whereas disciplinary proceedings under Rule 15 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 have been initiated against Shri …… Vide this Department Office Order No. …….. dated ……

* And Whereas, Shri …… in his written statement of defence dated …….. did not admit the charges which he was called upon to explain;

* And whereas, no written statement of defence was submitted by Shri …… by the specified date as directed;

And whereas, it is considered necessary to appoint an Inquiring Officer to enquire into the charges.

Now, the * State Government/undersigned do/does hereby appoint the Commissioner for Departmental Inquiries, G. A. Department as the Inquiring Officer under Rule 15 (4) of the Orissa Civil Services (Classification, control and Appeal) rules, 1962 for the purpose of inquiring into the charges and submitting his report containing his findings to the * State Government/undersigned.

*** By order of the Governor**

Secretary to Government

* Strike off what is not applicable.

ANNEXURE II

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

OFFICE ORDER

Whereas disciplinary proceedings under Rule 15 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 have been initiated against Shri …….. vide this Department Office Order No. ……, dated …… -;

And whereas, it has been considered necessary to enquire into the charges through an Inquiring Officer and accordingly the Commissioner for Departmental Inquiries, G. A. Department has been appointed as the Inquiring Officer;

Now, the * State Government/undersigned do/does hereby appoint the State Representative, G. A. Department as the presenting officer under Rule 15 (5) of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 for adducing evidence and presenting the case in support of the charges before the Commissioner for Departmental Inquiries.

*** By order of the Governor**

Secretary to Government

Dated ……

* Strike off what is not applicable.

Copy to the State Representative, G. A. Department for information and necessary action. The following documents are enclosed :-

(a) Copy of the order initiating the proceedings, charges and statement of imputations

(b) Documents to be produced in support of the charges

(c) List of witnesses to be examined in support of the charges

(d) Copy of the written statement of defence, submitted by the charged officer

(e) A copy of this Department Order No …….., dated ……. appointing the Commissioner for Departmental Inquiries, G. A. Department as the Inquiring Authority.

2. Copy to Shri …….. (Charged Officer) for information.

3. Copy to Special Secretary , G. A. Department for information and record.

Secretary to Government

Memo No ……. Dated …….

Copy to the Commissioner for Departmental Inquiries for information and necessary action. The following documents are enclosed :-

(a) A copy of the order initiating the proceedings, charges and statement of imputations

(b) List of documents to be produced in support of the charges

(c) List of witnesses with their present addresses who are to be examined in support of the charges.

(d) A copy of the written statement of defence submitted by the charged officer

(e) A copy of this Department Order No. ……. Dated ……. appointing the State Representative as the Presenting Officer.

(2) Copy to Shri …… (Charged Officer) for information and necessary action. He is hereby directed to appear before the C. D. I. on such dates and places as may be indicated by him.

(3) Copy to Special Secretary, G. A. Department for information and record.

Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION (A. T.) DEPARTMENT

Memo No. 300-A. T.

To

All Secretaries to Government

Bhubaneswar, dated the 31st August 1984

Subject – Reference of departmental proceedings to the Commissioner for Departmental Inquiries.

I am directed to say that in partial modification of the guidelines issued in this department letter No. 124(35)/80, dated 2-5-1984 regarding transfer of inquiries in major penalty proceedings to the Commissioner for Departmental Inquiries, it has now been decided that proceedings against Class-IV employees should not be transferred to him and may be enquired into by the officers of the Department concerned.

C. NARAYANASWAMY

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION (A. T.) DEPARTMENT

No. 21-A. T.

To

All Departments of Government

Bhubaneswar, dated the 9th January 1985

Subject – Reference of departmental enquiries in major penalty proceedings to the Commissioner for Departmental Inquiries.

Instructions were issued in this Department letter No. 124 (35), dated the 2nd May 1984 that only cases in which the misconduct was committed by the charged officers while working in the Secretariat should be referred to the Commissioner for Departmental Inquiries. It was made clear therein that cases where the charged officers are now working in the Secretariat but had committed misconduct in some other offices should not be referred to the C. D. I. But it has come to light that a number of disciplinary proceedings for the misconduct committed by the Gazetted Officers in other offices are also pending in different Departments for enquiry. Extension of the jurisdiction of the Commissioner for Departmental Inquiries has therefore been felt necessary for speedy disposal of such cases.

2. It has now been decided that inquiries against Gazetted Officers where the lapses were committed in other offices are also to be entrusted to the C. D. I. provided the disciplinary authority of the charged officer is of the rank of Secretary to Government and above. In all such cases, the Proceedings will be initiated by the disciplinary authorities under the C. C. & A. Rules and the C. D. I. will be appointed as the enquiring authority. The procedure laid down in this Department circular referred to above will also be followed in these cases. The Departments of Government will obtain the orders of the Disciplinary authority concerned for entrusting the cases to the C. D. I.

In the cases investigated by the Vigilance which are not considered serious enough to be sent to the A. T., the Vigilance Department will suggest action to be taken with the orders of the Chief Secretary and if it is decided to initiate major penalty proceedings, the case will be entrusted to the C. D. I. for enquiry. On receipt of intimation from the Vigilance Department, the Administrative Department will frame charges in such cases and take further appropriate action. If charges are not admitted by the impugned officer, the C. D. I. should be appointed as the enquiring authority following the procedure prescribed in this Department circular referred to above.

C. NARAYANA SWAMY

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION (D. P. T.) DEPARTMENT

No. 142-DPT.

OFFICE MEMORANDUM

To

All Departments of Government

Bhubaneswar, dated the 10th August 1987

Subject – Reference of departmental Inquiries to the Commissioner for Departmental Inquiries.

It has come to notice that disciplinary proceedings against Government employees are being referred to the Commissioner for Departmental Inquiries notwithstanding whether Government are the disciplinary authority or not. The intention of the Government is not to entrust the Commissioner for Departmental Inquiries with the disciplinary proceedings for all of employees. The jurisdiction of the Commissioner has been defined by this Department from time to time.

Instructions were issued in this Department letter No. 124 (35), dated 2-5-1984 to the effect that disciplinary proceedings in respect of employees serving in the Secretariat only should be referred to the Commissioner for Departmental Inquiries. Subsequently the jurisdiction of the Commissioner has been extended in General Administration Department Circular No. 21, dated 9-1-1985 in respect of Gazetted Officers in whose cases Government are the disciplinary authority. In view of the circulars referred to above disciplinary proceedings against employees in whose respect Government are not disciplinary authority are to be referred to the Commissioner for Departmental Inquiries.

It has also come to the notice of Government that certain composite cases where several employees are involved in one individual proceeding are being referred to the Commissioner for Departmental Inquiries even though all of them are not under the disciplinary authority of the Government. In one case, a proceeding against a Tahasildar and a Revenue Inspector has been referred to the C. D. I. Obviously within the meaning of this Department circulars mentioned above the case of the Revenue Inspector is not to be referred to the C. D. I. In such cases of composite proceeding which cannot be split, reference for inquiries should not be made to the Commissioner for Departmental Inquiries.

It is requested that this may be followed by all concerned.

M. P. MODI

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION (D. P. T.) DEPARTMENT

No. 18 (30)-D. P. T.

To

All Departments of Government

Bhubaneswar, dated the 8th January 1988

Subject – Reference to departmental Inquiries in major penalty proceedings to the Commissioner for Departmental Inquiries.

The undersigned is directed to invite reference to this Department letter No. 124 (30), dated the 2nd May 1984 on the subject indicated above and to say that instructions have been given in the circular that the State Representative (S. R.) should be properly briefed and given necessary assistance by the Department in all matters relating to interpretation of departmental rules and procedures and other technical matters and the Secretaries of the Departments should specifically designate an Officer of their department to assist the State Representative (S.R.) who is conversant with the case for this purpose. In this connection it is pointed out that the officer who is so designated by the Department to assist the State Representative can be appointed as Additional Presenting Officer henceforth and can also appear along with the State Representative before the Commissioner for Departmental Inquiries or whenever the State Representative is not available. It is requested that the above instruction may be followed while referring the case to he Commissioner for Departmental Inquiries henceforward.

B. B. MISHRA

Joint Secretary to Government

No. 117-DPT.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 16th May 1988

Subject – Travelling Allowance and Diet Allowance admissible to non-official witnesses appearing in the proceeding before the Commissioner for Departmental Inquiries.

A Post of Commissioner for Departmental Inquiries has been created in G. A. Department Circular No. 124 (30)-At., dated the 2nd May 1984 for conducting inquiries in major penalty proceedings against officers and employees up to the rank of Deputy Secretary. In the process of conducting these proceedings the C. D. I. examines witnesses, both official and non-official. These witnesses will be required to be paid Travelling Allowance and Daily Allowance for appearing before the C. D. I. The Government have had under consideration the rates at which Travelling Allowance and Daily Allowance should be paid to the witnesses appearing before the C. D. I.

2. After Careful consideration of the matter, the Governor has been pleased to decide that the Travelling Allowance and Diet Allowance for the non-official witnesses appearing in the proceedings before the C. D. I. should be brought at par with those admissible to the non-official witnesses attending the Disciplinary Proceedings Tribunal, Orissa as detailed in the Schedule below :-

SCHEDULE

Class of witness	Maximum diet allowance per diet	By road or boat	By rail or steamer	For coming on foot where no conveyance is available	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
(a) Wage earning type.	Rs. 10	Actual conveyance charges of Bus, Rickshaw, Bullock-cart or boat.	Second Class fare with conveyance charges from station to attending place.	Not exceeding Rs. 1.50 for every 16 K.Ms. of distance traveled as the CDI may fix.	
(b) Skilled type.	Rs. 15	- do -	- do -	- do -	
(c) Superior Class.	Rs. 20	- do -	First Class fare with	- do -	

	conveyance charges from station to attending place.

3. These rates shall come into force with effect from the date of issue of this Resolution.

ORDER – Ordered that the Resolution be published in *Orissa Gazette* for general information.

Ordered also that copies of the Resolution be forwarded to the Commissioner, Departmental Inquiries / Accountant-General/All Departments of Government/All Heads of Departments/All District Magistrates / Secretary to Governor/Special Secretary, G. A. (Vigilance) Department/ All Branches of G. A. Department for information.

By order of the Governor

BINOY B. MISRA

Joint Secretary to Government

Copy of Letter No. 448 (30)-DPT., dated the 29th November 1991 from Government of Orissa, General Administration (DPT) Department, addressed to all Departments of Government.

Subject – Reference of departmental inquiries in major penalty proceedings to the Commissioner for Departmental Inquiries.

The undersigned is directed to invite a reference to this Department Letter No. 124 (3)-A.T., dated 2-5-1984 on the subject indicated above and to say it has been reported by the C. D. I. that although it was clearly mentioned that the Administrative Departments while referring Departmental Inquiries in major penalty proceedings to Commissioner for Departmental Inquiries should also furnish list of witnesses to be examined with their present address they hardly attend to the same and that only the charge-sheet and the explanations with annexures which are often voluminous in nature are received. It becomes difficult on the part of the C. D. I. to find out the list of witnesses to be examined with their present address, they hardly do to the same and that only the charge-sheet and the explanation with annexures which are often voluminous in nature are received. It becomes difficult on the part of the C. D. I. to find-out the list of document to be exhibited and list of witnesses to be examined from said records. Consequently enquiry into the proceedings is prolonged unnecessarily.

It is therefore, requested that Administrative Departments of Government while entrusting C. D. I. with enquiry in to Departmental proceedings, should furnish the documents as stated in the memo referred above failing which C. D. I. may not accept these cases. It is further requested that there are deficiencies as regards submission of documents in the cases which are now pending with the C. D. I., the Departmental will promptly make good the same after receipt of request from the Enquiring Authority henceforward.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 27556 – C. D. I. (Misc.) 1-1/97 G. A.

From

Shri H. S. CHAHAR, I.A.S.,
Special Secretary to Government

To

All Principal Secretaries to Government/
All Commissioner-*cum*-Secretaries to Government/
All Secretaries to Government.

Dated, the 17th October 1997

Subject – Appointment of State Representative (Vigilance) in place of State Representative (General) as Presenting Officer for the Disciplinary Proceedings initiated on the basis of vigilance report referred to the Commissioner for Departmental Inquiries, General Administration Department for inquiry.

Sir,

I am directed to say that after abolition of Departmental Proceedings Tribunal, the General Administration (Vigilance) Department have posted one Deputy Superintendent of Police (Vigilance) as State Representative in the office of the Commissioner for Departmental Inquiries to Present the case before the Departmental Proceedings in which Commissioner for Departmental Inquiries is appointed as Inquiring Officer. The State Representative attached to office of the Commissioner for Departmental Inquiries is invariably being appointed as Presenting Officer.

Now, it has been decided to appoint State Representative (Vigilance) in place of State Representative (General) in those cases which have been initiated on the basis of Vigilance report.

It is therefore, requested that all the Departments may appoint the State Representative (Vigilance) as Presenting Officer in those Departmental Proceedings which have been initiated on the basis of Vigilance report in order of smooth progress of the inquiry.

Yours faithfully,

H. S. CHAHAR

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 40085 – C. D. I. (Misc.) 1/97-Gen.

From

Shri H. S. CHAHAR, I.A.S.,
Special Secretary to Government

To

All Principal Secretaries to Government/
All Commissioner-*cum*-Secretaries to Government/
All Secretaries to Government.

Dated, the 31st December 1997

Subject – Appointment of Additional Presenting Officer for the Disciplinary Proceedings referred to the Commissioner for Departmental Inquiries of General Administration Department for inquiry.

Ref : This Department letter No. 172-Gen., dated 5-4-1997 and No. 27556-CDI., dated 17-10-1997.

Sir,

I am directed to say that in some of the departmental proceedings which have been initiated on the basis of the Vigilance enquiry reports, the concerned Investigating Officers of the G. A. (Vigilance) Department are being appointed as the Additional Presenting Officers to assist the Presenting Officer in the inquiries conducted by the Commissioner for Departmental Inquiries of G. A. Department. Since in such cases the State Representative (Vigilance), who is an Officer of O. P. S. Cadre and belonging to G. A. (Vigilance) Department is appointed as Presenting Officer and the concerned Investigating Officer is cited as a witness to give his oral evidence, the latter's appointment as Additional Presenting Officer will not be in the interest of proper presentation of the case before the Inquiring Officer.

Now, it has been decided by the Government that in such cases a departmental officer of the appropriate rank who is conversant with the facts of the case as well as departmental policy, rules and instructions may be appointed as the Additional Presenting Officer.

Yours faithfully,

H. S. CHAHAR

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 4375 – C. D. I.- (Misc.) 3-97-CDI.

From

Shri H. S. CHAHAR, I.A.S.,
Special Secretary to Government

To

All Principal Secretaries to Government/
All Commissioner-*cum*-Secretaries to Government/
All Secretaries to Government.

Dated, the 23rd February 1998

Subject – Abolition of Disciplinary Proceedings Tribunal and transfer of pending D. P. T. cases to the C.D.I. for inquiry.

Sir,

I am directed to invite a reference to the G. A. Department Office Memo No. 92 (150), dated the 21st February 1997 and No. 242 (150), dated the 23rd June 1997 on the subject cited above. It is decided by the Government that on the abolition of Disciplinary Proceeding Tribunal and transfer of pending D. P. T. cases to the C. D. I. for inquiry in cases where the charges have not been framed by the D. P. T. before the transfer of the case, the Disciplinary Authority should frame the specific charges against the Delinquent Officer in accordance with the Rule 15 (4) of the O. C. S. (C. C. & A.) Rules, 1962 and the procedure prescribed in the same Rules should be followed. But in cases where charges have been framed against the D.Os. by the Departmental Proceedings Tribunal before the D. P. T. cases were transferred to the C. D. I. no specific appointment in favour of the C. D. I. as Inquiring Officer need be made. The Disciplinary Authority should have to appoint a Presenting Officer and an Additional Presenting Officer in each case as per Government instruction issued from time to time. Since all the cases have been initiated on the basis of Vigilance Inquiry Reports, the State Representative (Vigilance) should be appointed as Presenting Officer and a suitable Officer of the Department may be appointed as the Additional Presenting Officer.

Yours faithfully,

H. S. CHAHAR

Special Secretary to Government

(D) VIGILANCE INQUIRIES

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

(VIGILANCE BRANCH)

No. 3224 (205) – VL.

To

All Secretaries to Government

All Heads of Departments

All District Offices

Cuttack, dated the 6th October 1967

Subject – Departmental procedure for reference to Vigilance Organisation.

In Home Department's Notification No. 19872-Ref., dated the 13th August 1962, Government specified the nature of offences that are to be investigated by the Vigilance Organisation. It has been brought to my notice that the Vigilance Organisation has been receiving a large number of references from Departments for enquiry although those are not within their scope as specified in the above notification. Matters calling for disciplinary proceedings by appropriate authority appear to have been referred to Vigilance Department for enquiry. Offences of the nature of Criminal misappropriation, breach of trust cheating and the like, which are to be normally referred to the local Police for investigation, are being referred to the Vigilance Organisation. In consequence of such references the workload of the Vigilance Organisation has considerably increased. I would like to impress upon you that it is the responsibility of the Secretaries and Heads of Departments to maintain the efficiency and integrity of the Government servants working under them and if they find in course of their inspections, tours, from Audit Reports and other sources that there has been any failure in the discharge of the duties properly on the part of any subordinate officer working under them, they should initiate disciplinary action immediately in accordance with the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 and if the lapses fall within the definition of any offence, these should promptly be referred to the local Police for investigation and due legal action. The tendency of shifting this responsibility to the Vigilance Organisation should cease forthwith.

If the Secretary/Head of the Department thinks that any case is of such a special nature as to be referred to the Vigilance Organisation, he should refer the matter to me or discuss with me indicating the reasons for such a course. If I consider that the reference deserves Investigation/Enquiry by Vigilance, I shall pass specific orders for such a course.

A. K. BARREN

Chief Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 24371 – IN-54/90-Gen.

From

Smt. C. Narayanaswamy, I.A.S.,
Special Secretary to Government

To

All Secretaries to Government/
All Heads of Departments
All Collectors.

Bhubaneswar, dated the 3rd September 1990

Subject – Strengthening Internal Vigilance in State Government Departments, Heads of Department Offices, Corporations and in District Offices (Collectorates).

Sir,

I am directed to refer to this Department Letter No. 5114-Gen., dated the 18th June 1984 according to which Internal Vigilance Officers were to be appointed in all Departments of Government and the offices of Heads of Department. It has now been decided that Internal Vigilance Officers should also be appointed in the Corporations (PSUS) and in the District Offices. The procedure for selection and appointment of Internal Vigilance Officers in the Secretariat and Offices of Heads of Department has been laid down in the letter under reference. The same procedure would be followed in the case of the Corporations (PSUS) and the District

Offices. Proposals for appointment of Internal Vigilance Officer in corporation (PSU) should be submitted to the Chairman of the Corporation (PSU), while proposals for appointment of Internal Vigilance Officer in the District Offices should be submitted to the R. D. Cs. concerned.

2. It has further been decided that in addition to the duties allotted to them in the letter under reference the Internal Vigilance Officers will deal with all Vigilance reports, complaints having a vigilance angle and enquiries arising out of vigilance cases. They will keep track of defaulters in submission of property returns and to take steps so that the property returns are given up-to-date.

3. In order to enable them to discharge these duties efficiently Internal Vigilance Cells should be set up in all Departments of Government, Heads of Department, Corporations (PSUS) and in the District Offices. These will be full fledged Sections which will be formed by redeployment of the existing staff within the Offices.

4. This Internal vigilance Cells will function directly under the Internal Vigilance Officers and all vigilance reports, departmental enquiries arising out of vigilance cases, matters pertaining to defaults in property returns and complaints having a vigilance angle will be dealt with the Internal Vigilance Cells.

5. The Internal Vigilance Officers will prepare and furnish quarterly reports to the Secretary to Government/H.O.D./Managing Director/Collector as the case may be regarding disposal of Vigilance cases in the *pro forma* enclosed to this letter, by the 15th of the month following the Quarter.

6. Suitable instructions may please be issued to the Heads of Departments and corporations (PSUS) accordingly.

7. Action taken on these instructions may be reported by the Departments to the G. A. Department/and by others to their Administrative Departments within a month.

Yours faithfully,

Smt. C. NARAYANASWAMY

Special Secretary to Government

ANNEXURE

QUARTERLY REPORT OF VIGILANCE CASES TO BE FURNISHED BY INTERNAL VIGILANCE OFFICERS TO THE G. A. DEPARTMENT

Name of the Department …… Report for the quarter ending ……

Category of Vigilance cases	Pending at the beginning of the quarter	Received during the quarter	Total	Disposal during the quarter	Balance
Investigation reports					
Disciplinary proceeding arising out of vigilance reports					

(1) No. of prosecution sanctioned.

(2) No. of disciplinary proceedings started.

(3) No. of suspect officials on whom major penalty was imposed.

(4) No. of suspect officials on whom minor penalty was imposed.

(5) No. of complaints referred to State Vigilance Department for investigation.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

ORDER

Bhubaneswar, dated the 17th October 1990

Subject – Submission of files to Government in matters of Sanction of prosecution on Vigilance Reports/Enquiry Reports of the Disciplinary Proceedings Tribunal, representations on service matters involving Class-II and other higher categories of officers.

No. 28578-2M.-61/90 – The question of submission of files to Government for orders on matters of sanction of prosecution on the reports of Vigilance Organisation, enquiry reports of the Disciplinary Proceedings Tribunal and representations on service matters involving Class-II and other higher categories of officers was under consideration. After careful consideration it has been decided that the cases may be processed for Government orders in the manner indicated below –

(i) If they pertain to Secretaries, Heads of Department and Officers of equivalent rank and members of All-India Services, they will be submitted to Chief Minister through the Chief Secretary.

(ii) If they pertain to other categories of Senior Class-I Officers, they will be submitted to Chief Minister through Additional Chief Secretary.

(iii) If they involve, Class-II and Junior Class-I Officers they will be submitted to Chief Minister direct by the Special Secretary.

M. V. A. SUBARAO

Deputy Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 19247 – 3M-47/93-Gen.

To

All Departments of Government
All Heads of Departments
All District Offices.

The 7th September 1993

Subject – Initiation of Departmental Disciplinary proceedings/Disciplinary action on Vigilance Report.

In the erstwhile P. & S. (Gen.) Department Letter No. 6634-Gen., dated the 27th May 1961 and Letter No. 2612-2R-I-8/63 (Gen.), dated the 20th February 1963 instructions were issued wherein it was emphasised that Government Departments/Heads of Departments should initiate action for drawal of disciplinary proceedings against delinquent officers on the report of the Vigilance Branch of the erstwhile P. & S. Department without unnecessary delay, treating the enquiry conducted by the Vigilance and its report as adequate basis for such departmental action, in terms of the provisions contained in the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

Several instances have come to the notice of Government where the above guidelines and orders of Government have not been followed properly by Departmental Authorities and initiation of departmental disciplinary action is being unnecessarily delayed, thereby defeating the purpose of such enquiry and at times, to the detriment of the delinquent officer (s). Instances are many where due to such delays the concerned delinquent officer is allowed to proceed on retirement without any action being initiated against him. It has also

been brought to the notice of Government that some Departments do not promptly acknowledge receipt of the Vigilance Enquiry Report and after issue of reminders, at times covering three to four years, intimate about non-receipt of such reports even though the same have been delivered through messenger and receipt obtained in Peon Book.

It is reiterated that it shall be the responsibility of the concerned Disciplinary Authorities to acknowledge promptly the receipt of Vigilance Enquiry Reports and initiate immediate action for drawal of departmental disciplinary proceedings within three months from the date of receipt of such reports at the latest. This task should be entrusted to the Internal Vigilance Organisation of the concerned Department/Office so that responsibility for non-compliance can be fixed.

R. N. DAS

Chief Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 22937

To

All Principal Secretaries to Government

All Secretaries to Government.

The 28th August 1997

Subject – Expeditious disposal of references made by the Vigilance Department for sanction of prosecution and taking Departmental action.

Sir,

During a recent review of the activities of the Vigilance Department, it is revealed that proposals for sanction of prosecution are not cleared promptly by the Departments and the Heads of Departments, Public Sector Undertakings and Subordinate Offices under their control. In some cases proposals are kept pending for several months resulting in delay in filing of charge sheet by the Vigilance Department. As you know the longer the delay, the less is the chance of success of the case in the Court of Law.

2. The experience in respect of proposals sent by the vigilance for taking Departmental action is still worse. These are not only delayed but also end up in many cases in exoneration of the delinquents as a consequence of improper enquiry. In most of the cases the Vigilance Department is also not kept informed of the outcome of such references.

3. In order to tide over such situation it is imperative that the Departments/Heads of Department/Public Sector Undertakings/Subordinate Offices should ensure that all proposals for sanction of prosecution should be cleared by them within 2 months. During this period any clarification required from the Vigilance should be obtained and there should in no case be a plea to delay the matter. Similarly the proposals or Departmental actions should be cleared within 6 months positively and the disciplinary authorities should take care to see that the enquiries are properly held before passing their final orders. The IVOs./CVOs. in the Departments/Heads of Departments/Public Sector Undertakings should be made responsible to monitor all these references on day to day basis.

4. The above instructions should be brought to the notice of the Heads Departments/Public Sector Undertakings and Sub ordinate Offices under your control. This should also be periodically reviewed by you to ensure that Vigilance cases/enquiries reach their logical end expeditiously.

5. Progress of sanction of prosecution and Departmental action arising out of Vigilance cases/enquiries would be reviewed once every 3 months in the fortnightly meeting of Secretaries and Special Secretaries to which Director, Vigilance would be invited to participate with a Department-wise pending list.

Yours faithfully,

Government of Orissa
General Administration Department
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Memo No. 21884 / Gen., Date 06.08.2003
SC/6-18/2003

To

All Secretaries to Government
All Heads of Departments
All Collectors.

Sub: Defence of retired Government servants impleaded in contempt of court proceedings –
Instructions regarding.

Elaborate procedures have been laid in G.A.Department letter No. 14537/Gen., dated 26.05.1992 to regulate the defence of Government servants in legal proceedings. Paragraph 10 and 11 of the above cited letter prescribe detailed instruction to deal with the defence of Government servants against whom the contempt of court charges have been served. A set of revised procedure have also been inserted under Para – 11 of the letter vide G.A. Department Circular Letter No. 42863, dated 06.12.2000.

Instances have now come to the notice of Government that sometimes notice for contempt of court proceedings have also been served on Government servants even after their retirement from Government service basing upon their official work discharged during their service. Since the safeguards provided in para-11 of the above cited circular do not cover the retired Government servants, they are left to shoulder such responsibilities alone.

In order to provide reasonable assistance to the retired Government servants facing contempt of court proceedings, the State Government, after careful consideration, have decided that the retired Government servants served with contempt notice for anything done in their official capacity during their service tenure should also be entitled to the safeguards enshrined in the G.A. Department circular letter dated 6.12.2000 subject to the following conditions:

(a) The retired Government servant shall engage a lawyer of his choice.
(b) The legal expenses shall only be reimbursed in the event of his success or being exonerated in the contempt proceedings
(c) The fee of the lawyer shall not exceed the fees admissible to the Government Advocate/Standing Counsels.
(d) The concerned Administrative Departments/Heads of Departments/Office shall bear the legal expenses.
(e) The Law Department, the Administrative Department, Heads of Department and Head of office as the case may be shall take up such matters seriously and extend all possible co-operation and assistance to the retired Government servants impleaded in Contempt proceedings.

The above instructions may be communicated to all the subordinate offices for their information and guidance. This is being issued in consultation with the Law Department vide their UOR No.402/L., dated 11.3.2003.

Special Secretary

to Government

Top

DISTRICT CADRES

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
	PART I - RULES		
1.	Notification No. 22591 (Gen.)	16-10-1985	Orissa Ministerial Services (Method of Recruitment to the posts of Junior Clerk in the District Offices) Rules, 1985.
2.	Notification No. 14838 (Gen.)	20-08-1986	Orissa Ministerial Services (Regularisation of Recruitment and Condition of Service of Irregular Recruits in the District Offices and Offices Subordinate thereto) Rules, 1986.
3.	Notification No. 25788 (Gen.)	16-09-1988	Orissa District and Subordinate Offices Stenographers Service (Recruitment and Conditions of Service of Stenographers) Rules, 1988.
	PART II – INSTRUCTIONS		
1.	Letter No. 12411 (Gen.)	01-05-1979	Regularisation of Service of irregular recruits to posts of L. D. Clerks in the District and Subordinate Offices under the Administrative Control of Department other than Revenue Department after 15-4-1963.
2.	Circular No. 151174 (Gen.)	26-06-1980	Appointment of L. D. Clerks in the District and Subordinate Offices other than those under the Revenue Department from among the candidates successful in the recruitment tests conducted by R. D. Cs.
3.	Letter No. 10038 (Gen.)	10-05-1983	Regularisation of Service of irregular recruits to posts of L. D. Clerks in the District and Subordinate Offices under the Administrative Control of Departments other than Revenue Department after 15-4-1963.
4.	Resolution No. 5248 (Gen.)	27-02-1985	Procedure to be followed for recruitment to Non-Gazetted Posts/Services.
5.	Circular No. 8052 (Gen.)	18-04-1987	Irregular recruitments against the posts of Junior Clerks in the District and Sub-divisional Offices.
6.	Resolution No. 21671 (Gen.)	17-09-1987	Procedure for recruitment of Non-Gazetted Posts/Services at the Divisional / Range and District Levels.
7.	Circular No. 13363 (Gen.)	30-04-1988	Recruitment of Jr. Clerks in the District Offices under O. M. S. Rules, 1985.

8.	Circular No. 15947 (Gen.)	25-05-1988	Recruitment of Jr. Clerks.

(1)	(2)	(3)	(4)
9.	Circular No. 28695 (Gen.)	01-10-1988	Clarification regarding holding of type test under O. M. S. Rules, 1985.
10.	Resolution No. 31148 (Gen.)	01-11-1988	Provision of a Personal Assistant (Specially declared Gazette) to Collectors.
11.	Resolution No. 32538 (Gen.)	16-11-1988	Procedure for Direct recruitment to non-gazetted posts/services and specially declared gazetted posts.
12.	Circular No. 11752 (Gen.)	19-04-1989	Recruitment to Class-IV posts in District range, circle and divisional offices.
13.	D.O. Letter No. 15485 (C. S.) (Oriya)	20-05-1989	Irregular appointment of Jr. Clerks in the District and Sub-divisional offices.
14.	Circular No. 29815 (Gen.) (Oriya)	22-09-1989	Recruitment of Class-IV employees in the District Offices.
15.	Circular No. 9197 (Gen.)	30-03-1991	Regularisation of irregular recruitment against the post of Jr. Clerks in the District and Subordinate offices.
16.	Resolution No. 18380 (Gen.)	26-08-1993	Inter-district transfer of Class-III and Class-IV employees (other than Junior Clerks).
17.	Circular No. 14400 (Gen.)	01-07-1995	Sanction of remuneration to the Examiners, etc. engaged in connection with the recruitment examination of Jr. Clerks under O. M. S. Rules, 1985.
18.	Circular No. 21890 (Gen.)	29-09-1995	Irregular recruitment against the posts of Jr. Clerk in the District and Subordinate offices.
19.	Office Memorandum No. 31775 (Gen.)	13-12-1996	Guidelines for redeployment of Surplus Staff of mother district to the newly created districts on reorganisation of the districts.
20.	Office Memorandum No. 37338 (Gen.)	22-12-1997	Guidelines for redeployment of Surplus Staff of mother district to the newly created districts on reorganisation of the districts.
21.	Resolution No. 23326 (Gen.) (Oriya).	28-08-1998	Recruitment procedure for Group '(C)' posts in the district Cadres.
22.	Circular No. 11945 (Gen.)	22-04-1999	Rationalisation of the staffing pattern in the District Level offices and Subordinate offices thereunder.

PART I – RULES

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 16th October 1985

Published in *Orissa Gazette* on the 6th March 1986

No. 22591-Gen.-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules to regulate the method of recruitment to the posts of Junior Clerks in the District Offices and offices Subordinate thereto, namely :-

Short Title and Commencement.

1. (1) These rules may be called the Orissa Ministerial Services (Method of Recruitment to the Posts of Junior Clerk in the District Offices) Rules, 1985.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

Definitions

2. In these rules, unless the context otherwise requires -

(a) "Appendix" means the Appendix appended to these rules;

(b) "Board" means the Board of Examiners constituted under rule 4;

(c) "District Office" means an office subordinate to and under the administrative control of a Head of Department mentioned in Appendix 3 of the Orissa Service Code and includes the Office of a Heads of Department as aforesaid to which the Orissa Ministerial Services Method of Recruitment to Posts of Junior Assistant in the Office of Heads of Departments Rules, 1975 do not apply and the Ministerial Service cadre which consists of Junior Clerks and Senior Clerks;

(d) "Government" means the Government of Orissa;

(e) "Post" means the post of Junior Clerk in the district offices;

(f) "Scheduled Castes" and "Scheduled Tribes" shall mean such castes and tribes as are notified by the President of India under Article 341 and 342 respectively of the Constitution of India;

(g) "Year" means the calendar year.

Recruitment

[1][3. Recruitment to the posts shall be made by the following method -

(i) Direct recruitment by means of a competitive examination to be held ordinarily once in a year.

(ii) Promotion from among Group D employees.]

Competitive Examination.

4. (1) The competitive examination for recruitment to the posts of Junior Clerk in the District Offices of each district shall be conducted by the Board of Examiners consisting of the Collector of the District as the Chairman and two other Heads of District Offices nominated by the Chairman as members.

(2) The Collector of each Revenue District will conduct the competitive examination for all District Offices having their headquarters within his district.

Intimation of the number of vacancies.

5. Every year in the month of April, the Heads of all District Offices shall intimate to the Chairman of the Board in the form given below the number of vacancies of Junior Clerks already existing at the time and those likely to occur during the subsequent months of the year.

(i) Number of vacancies already existing

(ii) Number of expected vacancies, likely to occur during the year

(iii) Total

(iv) Number of permanent vacancies

(v) Number of temporary vacancies likely to continue on a permanent basis

(vi) Number of purely temporary vacancies

(vii) Number of vacancies reserved for Scheduled Tribes and Scheduled Castes

1. Substituted vide G. A. Department Notification No. 10973-Gen., dated 30th March 2001.

Notification of vacancies.

6. [1][On receipt of requisite information, the Chairman of the Board shall issue the information for advertisement in the local newspapers inviting applications for the competitive examination indicating therein the number of reserved vacancies.]

Eligibility of candidates.

7. (1) A candidate in order to be eligible for appearing in the competitive examination shall-

(a) be a citizen of India;

(b) have registered his/her name in any Employment Exchange in the District on or before the date of submission of application for the competitive examination;

(c) have passed the Matriculation or equivalent Examination;

(d) not be less than eighteen years and not more than [2][thirty-two] years of age on the 1st day of April of the year in which recruitment is made;

(e) be a good character;

(f) be of sound health, good physique, active habits;

(g) be able to speak, read and write Oriya and has-

(i) passed the M. E. Examination with Oriya as language subject ; or

(ii) passed the Matriculation or equivalent examination with Oriya as the medium of Examination in non-language subjects; or

(iii) passed in Oriya as language subject in the final examination of Class VII or above, or

(iv) passed a test in Oriya in M. E. School standard conducted by the Education Department.

(2) No person who has more than one spouse living shall be eligible for appearing in the competitive examination :

Provided that the Collector may, if satisfied that there are special reasons for doing so exempt any person from the operation of this sub-rule.

[3][(3) (a) No application except in case of candidates belonging to Scheduled Castes / Scheduled Tribes shall be considered unless it is accompanied by a Treasury Chalan showing payment into a Government Treasury an amount as may be determined by Government from time to time by order notified in the official Gazette as fees for application and examination under the Head "0075-Miscellaneous General Services – 800 – Other Receipts (A) – Other Examination Fees".

(b) No claim for refund of fee referred to in clause (a) shall be entertained in any case.]

[4][(4) Notwithstanding anything contained in this rule, a Group D employee who is not more than forty years of age on the 1st day of April of the year in which recruitment is made and possesses the requisite educational qualifications prescribed in clauses (c) and (g) of sub-rule (1) shall be eligible to appear in the competitive examination for recruitment to the Posts of Junior Clerk in the District Offices.]

1. Substituted vide G. A. Department Notification No. 2514-Gen., dated the 13th February 1987 – Published in *Orissa Gazette* and given effect to from the 13th February 1987.

2. Substituted vide G. A. Department Notification No. 8711-Gen., dated the 26th March 1991 – Published in *Orissa Gazette* and given effect to from the 30th March 1991.

3. Inserted vide G. A. Department Notification No. 19206-Gen., dated 30th June 1988 – Published in *Orissa Gazette* and given effect to from the 7th July 1988.

4. Inserted vide G. A. Department Notification No. 6012-Gen., dated 15th March 1997 – Published in *Orissa Gazette* and given effect to from the 4th April 1997.

8. [1][Before finalisation of the list of successful candidates, the Chairman of the Board shall get verified that the names of such candidates were registered with an Employment Exchange in the District on or before the date of the application for the competitive examination.]

Holding of Examination.

9. [2][(1) On receipt of the application, the Chairman of the Board shall arrange to hold the competitive examination at his District Headquarters and/or at any other place or places according to necessity and convenience.]

(2) The date, time and place of the examination shall be intimated to the candidate by the Board.

Standard of syllabus of examination.

10. The competitive examination shall consist of a written test for three hours duration, which shall consist of objective type questions to test the candidate's, intelligence, alertness, general knowledge and clear thinking. There shall be no viva voce. The standard of examination shall be equivalent to that of Matriculation and the question paper shall be modeled on the lines indicated in the Appendix to these rules. There shall also a test in typewriting.

Allotment of successful Candidates and size of the select list.

11. (1) The chairman of the Board shall ensure completion of evaluation of answer papers and preparation of the list of successful candidates who have qualified by such standard as will be decided by him ordinarily within two months from the date of examination. The candidates names shall be arranged in order of merit on the basis of marks secured by them in the examination conducted by Board. This list of successful candidates drawn in order of merit [3][shall be equal to] the number of vacancies as determined under rule 6.

(2) The Chairman shall allot candidates in the order in which their names appear in the list prepared under sub-rule (1) to the District Offices according to the requirement intimated by them. Formal orders of appointment shall be issued to such allotted candidates by the appointing authorities concerned.

(3) Once appointed as a ministerial officer in a District Office, a candidate shall not be transferred outside the jurisdiction of his appointing authority, except for administrative reasons or in public interest.

(4) Notwithstanding anything to the contrary in sub-rule (3), where a Junior Clerk by a representation addressed to the Head of the Department concerned, seeks on his/her own account, transfer from one district to another, the Head of the Department may allow such transfer subject to the following conditions, namely :-

(a) the Junior Clerk seeking such transfer must have rendered not less than three years of service in the district in which he/she is serving;

(b) vacancy is available in the district to which the transfer is sought;

(c) the Junior Clerk shall, upon such transfer, forfeit his/her seniority for his/her post/service and shall, in the gradation list of Junior Clerks in relation to the year in which he/she is transferred rank below the junior most Junior Clerks of the district to which he/she is so transferred :

Provided that where two or more Junior Clerks join a district office in a particular year on transfer under the sub-rule, the *inter se* seniority of such Junior Clerks shall be determined taking into account the period of service rendered by them prior to such transfer;

(d) the last pay drawn by the Junior Clerk shall be protected and his/her normal date of annual increment shall remain unchanged without prejudice to the operation of any other rules applicable to his/her; and

(e) Subject to above, the past service of the Junior Clerk shall count for calculation of leave and pension and other benefits.

Note – A mutual transfer shall also be subject to the provisions of this sub-rule.

1. Substituted vide G. A. Department Notification No. 2514-Gen., dated the 13th February 1987 – Published in *Orissa Gazette* and given effect to from the 13th February 1987.
2. Substituted vide G. A. Department Notification No. 10165-Gen., dated the 31st March 1988 – Published in *Orissa Gazette* and given effect to from the 31st March 1988.
3. Substituted vide G. A. Department Notification No. 9518-Gen., dated the 5th April 1991 – Published in *Orissa Gazette* and given effect to from the 24th April 1991.

Promotion from among Group-D employees.

[1][11A. (1) 10% of vacancies in the posts of Junior Clerk in the District Offices shall be filled up by way of promotion from among the Group-D employees of the District Offices of the concerned district on the basis of recommendation of the Departmental Promotion Committee constituted under rule 11-C :

Provided that in case required number of Group-D employees are not available for promotion to the post of Junior Clerk in a particular year, these vacancies shall be filled up by candidates recruited under rule 3 (i).

(2) No Group-D employees shall be promoted to the post of Junior Clerk unless he has given willingness to that effect in writing and has put in minimum of 10 years of continuous service and has passed the Matriculation or equivalent examination,

11B. The Heads of all district offices while intimating the number of vacancies in the posts of Junior Clerk of their offices under rule 5, shall also furnish the list of eligible Group-D employees along with their service particulars.

11C. Constitution of Departmental Promotion Committee :-

There shall be a Departmental Promotion committee to consider the eligible Group-D employees for promotion to the posts of Junior Clerk consisting of the following officials :-

(i)	Collector of the district	Chairman
(ii)	Two other Heads of district offices	Member
(iii)	Establishment Officer of the Collectorate	Secretary

11D. (1) The Departmental Promotion Committee while preparing the list of suitable Group-D employees for promotion to the post of Junior Clerk shall follow the provisions of the Orissa Civil Services (Zone of consideration for promotion) Rules, 1988, and the Orissa Civil Services (Criteria for Promotion) Rules, 1992.

(2) The Departmental Promotion committee shall take into consideration the service records of the employees. If nothing adverse is found in the service records; the employee concerned shall be treated to have a clean career of service.

(3) A viva voce test shall be conducted by the Departmental Promotion Committee.]

Validity of the Select List.

12. [2][The select list prepared under Sub-rule (1) of rule 11 in case of direct recruitment and by the Departmental Promotion committee in case of promotion under rule 11D-(1) to the post of Junior Clerk shall remain valid for a period of one year from the date of publication of the same or till drawal of the next year's list, whichever is earlier.]

Probation

13. (1) All appointments against permanent vacancies shall be made on probation for a period of two years only with effect from the date of appointment.

(2) The appointing authority may terminate the services of a probationer or extend his probation for such further period as he may consider necessary if during the period of probation the candidate's work or conduct is found to be unsatisfactory or there are reasons to believe that the candidate will not become efficient.

Relaxation

14. Where the Government are of opinion that it is necessary or expedient to do so, they may by order and 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 public interest.

Seniority

15. (1) The relative seniority of each candidate appointed under rule 11(2) in a District Office shall be determined with reference to his position in the competitive examination held in a particular year.

(2) [3][persons appointed under the scheme of rehabilitation assistance or otherwise in relaxation of the provision of these rules under rule 14 shall take rank below those appointed under rule 11 in a particular year.]

1 & 2. added vide G. A. Department Notification No. 10973/Gen., dated the 30th March 2001.

3. Substituted vide G. A. Department Notification No. 9518/Gen., dated the 5th April 1991.

[1][(3) persons appointed to the posts of Junior Clerk by way of promotion under rule 11-A shall take rank below those appointed under rule 11 and above those appointed under the Scheme of rehabilitation assistance or otherwise in relaxation of the provision of these rules under rule 14 in a particular year.]

Special provisions for reservation.

16. Nothing in these rules shall affect reservation and other concessions required to be provided for the Scheduled Caste or Scheduled Tribe candidates in accordance with the provisions of the Orissa Reservation of vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder and for physically handicapped persons in accordance with General Administration Department Resolution No. 15338/Gen., dated 4th May 1981.

Rules not applicable to staff of certain offices.

17. These rules shall not apply to the staff of the High Court and the District Subordinate Courts to whom the Orissa District and Subordinate Courts Ministerial Services (Method of Recruitment and conditions of Service) Rules, 1969 apply and also to the offices of the [2][Commissioner of Endowments and District Police Offices.]

Repeal and savings.

18. the Orissa Ministerial Service (Method of Recruitment to the posts of Junior Clerk in the District Offices) Rules, 1982 are hereby repealed :

Provided that save as otherwise provided in these rules, any order made or action taken under the rules repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

Interpretation.

20. If any question arises relating to the interpretation of these rules, it shall be referred to Government in the General Administration Department for a decision.

1. Added vide G. A. Department Notification No. 10973/Gen., dated the 30th March 2001.

2. Substituted vide G. A. Department Notification No. 9131/Gen., dated the 30th March 1991 – Published in the *Orissa Gazette* and given effect to from the 6th February 1990.

APPENDIX

(*See* Rule 10)

1. Objective Language Test (English and Oriya) – 40 marks in test

(a) Question Test English –

(i) Correct use of tense,

(ii) Correct use of preposition,

(iii) Correct use of articles,

(iv) Correct use of verbs and its agreement

(These questions shall consist of a series of sentences with blanks and a group of verbs, prepositions, etc., against each sentence and the candidate shall be required to tick off the correct verb, proposition, article or tense as the case may require.)

(b) Question to test Oriya –

(i) Oriya Grammar (Objective type) 30 marks

(ii) Translation (One English passage to be translated into Oriya) 10 marks

(iii) A letter to be written in Oriya 20 marks

2. Objective General knowledge –

In this category, there should be a series of matching questions of different categories like –

(a) Matching Historical events with dates, personalities and places,

(b) Geographical facts with places,

(c) States, countries and institutions with headquarters,

(d) Books and authors,

(e) Scientific facts and discoveries with dates, persons and uses,

(f) Current events with places and personalities, and,

(g) Matching questions of miscellaneous type,

3. Objective Mathematics –

Under this, there will be a series of question in practical Mathematics required for day-to-day use. The questions would be such as to test candidate's ability to work out fractions, decimals, percentage and averages with quickness and accuracy,

4. Test in typewriting

There shall be a test in typewriting to know that the candidates have fair knowledge in typewriting.

Note – For each group excepting Group 4, 100 marks should be allotted and Group 4 will be allotted with 30 marks making an aggregate of 330 marks.

By order of the Governor

C. NARAYANASWAMY

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 20th August 1986

No. 14838-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India the Governor of Orissa is pleased to make the following rules to regularise the appointments of certain irregular recruits in the District Offices and Offices subordinate thereto, namely :-

Short title and Commenceme-nt.

1. (1) These rules may be called the Orissa Ministerial Services (Regularisation of Recruitment and Conditions of Service of Irregular Recruits in the District Offices and Offices subordinate thereto.) Rules, 1986.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*

Definitions

2. (1) In these rules, unless the context otherwise requires :-

(a) "Irregular recruit" means a person appointed in the regular vacancy to the post of Lower Division Clerk or Junior Clerk as the case may be, in any district office or an office subordinate thereto on or before the 8th October 1982 in contravention of the provision of the Orissa Ministerial Service (Method of Recruitment and Conditions of Service of Clerks and Assistants in the District Office and Offices of the Heads of Department

Rules, 1963 or any other rules regulating the recruitment to such posts prior to the 8th October 1982.

(b) "Posts" means the posts of Lower Division Clerks now designated as Junior Clerks in the District Offices and Offices of subordinate thereto. -

(c) "Regular vacancy" means a vacancy which is not a casual or leave vacancy

(d) "Year" means the calendar year

(2) Words and expressions used in the rules and not defined shall have the same meaning respectively assigned to them in the rules referred to in clause (a) of sub-rule (1).

Validation and regularisation of irregular recruits.

3. Notwithstanding anything contained in any rules regulating recruitment to the posts, the irregular recruits, appointed in the regular vacancies on or before the 8th October 1982 shall be deemed to have been validly and regularly recruited and appointed as Lower Division Clerks or Junior Clerks as the case may be, if they have passed matriculation or an equivalent examination prior to their appointments as such.

Seniority

4. (1) The seniority of all the irregular recruits shall be fixed below the Junior Clerks regularly recruited for before 8th October 1982 under the appropriate rules regulating the recruitment to the posts.

(2) (i) The *inter se* seniority of the irregular recruits shall be determined according to their date of joining.

(ii) If the date of joining is the same in respect of two or more irregular recruits, their *inter se* seniority shall be determined in accordance with the position given to them in the order of selection.

Interpretation.

5. If any question arises relating to the interpretation of these rules it shall be referred to Government in the General Administration Department for decision.

By order of the Governor

M. P. MODI

Special Secretary to Government

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 7th September 1988

(Published in *Orissa Gazette* on the 16th September 1988)

No.25788-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules for regulation of recruitment and conditions of service of persons appointed to the posts in the Orissa District and Subordinate Offices Stenographic Service, namely :-

PART I

Preliminary

Short title & commenceme-nt.

1. (1) These Rules may be called the Orissa District and Subordinate Offices Stenographers' Service (Recruitment and Conditions of Service of Stenographers) Rules, 1988.

(2) They shall come into force on the date of their publication in the Orissa Gazette

Definitions

2. In these rules, unless the context otherwise requires -

(a) "Appendix" means the Appendix to these rules;

(b) "Board of Examiners" means the Board of Examiners constituted under rule 4;

(c) "Collector" means the collector of the district;

(d) "District Office" means an office subordinate to and under the administrative control of a Head of Department;

(e) "Government" means the Government of Orissa;

(f) "Head of Department" means a Head of the Department listed in Appendix 3 of the Orissa Service Code;

(g) "Scheduled Castes" and "Scheduled Tribes" means such castes and tribes as are notified by the President of India under Articles 341 and 342, respectively of the Constitution of India;

(h) "Service" means the Orissa District and Subordinate Offices Stenographic Service;

(i) "Year" means the Calendar year.

PART II

Constitution and Composition of Cadre

Constitution and Composition of Cadre.

3. (1) Except as provided in these Rules, there shall be a common cadre for Stenographers of a District Office including offices subordinate thereto.

[1][(2) Each cadre of the Service shall consist of the posts of Junior Stenographers, Senior Stenographers and Personal Assistants.]

PART III

Recruitment of Junior Stenographers

Constitution of the Board of Examiners.

4. (1) There shall be constituted in each district for the purpose of selection of candidates for recruitment to the posts of Junior Stenographers, a Board of Examiners consisting of the following members, namely :-

(i)	Collector	Chairman
(ii)	Two other heads of District offices of the District nominated by the Collector	Members

(2) The Establishment Officer of the Collectorate shall be the Secretary of the Board of Examiners.

1. Substituted vide G. A. Department Notification No. 7096, dated the 6th April 1994, Published in *Orissa Gazette* and given effect to from the 22nd April 1994.

Direct Recruitment through competitive examination.

5. (1) The posts of Junior Stenographers shall be filled up by direct recruitment through competitive examination which shall ordinarily be held annually by the Board of Examiners.

(2) The time, date and place of the examination shall be as determined by the Board of Examiners which shall also select persons who would set questions, conduct the tests and evaluate answers.

Intimation of number of vacancies.

6. (1) In the month of January each year the Head of every District Office whose headquarters is within the District shall intimate the Employment Exchanges concerned and the Chairman of the Board of Examiners of that district the number of vacancies including those expected to occur during the subsequent months of the year of intimation.

(2) On receipt of the intimation referred to in sub-rule (1) the Chairman of the Board shall issue an advertisement in two vernacular newspapers circulating in the State, inviting applications for the competitive examination indicating therein the number of reserved vacancies.

(3) On receipt of the applications, the Chairman of the Board shall arrange to hold the competitive examination as provided in Rules 5 (2).

Conditions of eligibility.

7. In order to be eligible for appearing in the examination for recruitment to the posts of Junior Stenographers, candidate must :-

(a) be a citizen of India;

(b)

have registered his/her name in any employment exchange in the district on or before the date of submission of application for the competitive examination;

(c) not be less than eighteen years and more than twenty-eight years of age on the first day of January of the year in which vacancies are notified to the Employment Exchanges:

Provided that the maximum age-limit shall be relaxed by five years in case of candidates belonging to the Scheduled Castes and Scheduled Tribes and ten years in case of Physically handicapped persons and to such extent in case of candidates of such other categories as the Government may, be general or special order, specify from time to time;

(d) have passed the High School Certificate Examination conducted by the Board of Secondary Education, Orissa or an equivalent examination;

(e) not be having more than one spouse living or, in the case of a lady candidate, have not married a persons who has a wife living :

Provided that Government may if satisfied that there are special reasons for doing so, exempt a candidate from the operation of this rule ;

(f) have passed the Middle English School Examination with Oriya as a language subject;

Or

have passed the High School Certificate Examination o an equivalent examination with Oriya as medium of examination in non-language subject;

Or

have passed in Oriya as language subject in the final examination of Class VII or above;

Or

have passed a test in Oriya of Middle English School standard conducted by the Education Department; and

(g) possess a minimum speed of forty words per minute in typewriting and eighty words per minute in shorthand in English.

Recruitment test.

8. (1) The recruitment examination for the posts of Junior Stenographer shall comprise the following tests, namely :-

(a) Typewriting tests in English and Oriya;

(b) Shorthand tests in English and Oriya, and

(c) Written tests in English and Oriya.

(2) The standard and syllabus for the tests specified under sub-rule (1) shall be setforth in the Appendix.

(3) Before finalisation of the list of successful candidates, the Chairman of the Board shall get verified that the names of such candidates were registered with an employment exchange in the district on or before the last date of the application fixed fro the competitive examination.

(4) The results of the examination should be placed before the Board for consideration and approval.

(5) A select list of successful candidates containing ordinarily not more than double the number of vacancies intimated under sub-rule (1) of rule 6 shall be drawn up in order of merit and shall be published in such manner as the Government may, from time to time, direct.

Period of validity of the select list.

9. The select list published under sub-rule (4) of rule 8 shall remain valid for a period of one year from the date of its publication or till the publication of the results of the next recruitment examination whichever is earlier.

Inclusion in the Select list confers no right to appointment

10. Inclusion of names of candidates in the select list confers no right to appointment which shall depend, among other circumstances, on the actual availability.

Allotment of candidates for appointment.

11. The Chairman of the Board of Examiners shall allot the successful candidates to the District Offices according to their requirement. Appointment orders shall be issued by the concerned appointing authorities.

Production of original certificates by candidates.

12. On receipt of appointment orders, candidates shall produce -

(a) their High School or equivalent examination certificate.

(b) a certificate of good character, caste and other certificates, in original as may be necessary for verification of their educational qualifications and the date of birth, etc. by the respective appointing authorities at the time of their joining.

Consequence of failure to join assignment.

13. Failure on the part of a candidate to join the assignment by the date specified in the appointment order, shall, in the absence of any extension of the said date by the appointing authority, amount to forfeiture of his claim for such appointment.

PART IV

Appointment of Senior Stenographers

Promotion to the posts of Senior Stenographers and Personal Assistants.

[1][14. (1) The posts of Senior Stenographers in a cadre shall be filled up by promotion of Junior Stenographers in the cadre who have completed three years of continuous service as Junior Stenographer.

(2) The post of Personal Assistant in a cadre shall be filled up by promotion of Senior Stenographers in the cadre who have completed nine years of continuous service as Senior Stenographer.

Note – For the purpose of sub-rules (1) and (2) "cadre" shall be deemed to include all posts in all offices in a District under a Head of the Department.

(3) The Departmental Promotion Committee for the purpose of sub-rules (1) and (2) shall be constituted as follows :-

(a)	The Senior most Head of the Office	Chairman
(b)	Once or two other officers of the Establishment to be nominated by the Chairman.	Member
(c)	Officer-in-Charge of the Establishment	Secretary

(4) The Departmental promotion Committee shall follow the provisions contained in the Orissa Civil Service (Criteria for Promotion) Rules, 1992, the Orissa Civil Service (Zone of Consideration for Promotion) Rules, 1998 for selection of candidates.

(5) The select list approved by the Departmental Promotion Committee constituted under sub-rule (3) shall remain valid for a period of one year from the date of its approval.]

1. Substituted vide G. A. – Department Notification No. 7096, dated, 6-4-1994.

PART V

General

Reservation

15. Notwithstanding anything contained in these rules for the direct recruitment and promotion under these rules, vacancies shall be reserved for and filled up by -

(i) Candidates belonging to Scheduled Castes and Scheduled Tribes in accordance with the provisions contained in the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules framed thereunder;

(ii) Candidates who are physically handicapped, at the rate of three per cent as provided in the Resolution of the Government in the General Administration Department No. 15338-Gen., dated the 4th May 1981;

(iii) Ex-servicemen, at the rate of three per cent as provided in the Orissa Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;

(iv)

By sportsmen, at the rate of one per cent, as provided in the Resolution of the Government in the General Administration Department No. 24808-Gen., dated the 18th November 1985; and

(v) Candidates of such other categories and at such rate or rates as the Government may from time to time direct :

Provided that the vacancies reserved under this clause in addition to those reserved under clauses (i), (ii), (iii) and (iv) shall, in no case, exceed fifty per cent of the total number of vacancies:

Provided further that in the absence of candidates eligible to fill the reserved vacancies referred to in clause (iii) or clause (iv), the vacancies will be deemed to have been dereserved and available fro other candidates.

Probation

16. Every person appointed to a post in the service shall be on probation normally for a period of two years from the date of his appointment. If during or at the end of the said period he is found unfit to continue further -

(a) his services shall be terminated if he is a direct recruit;

(b) he shall be reverted to his former post if he is a promotee:

Provided that in the absence of an order to the effect that the probation has been satisfactorily completed, the period of probation shall be deemed to have been extended till the date of order when issued or the date specified in such order which shall in no case, be more than a year from the date of expiry of the normal period of probation.

Training and departmental examinations/ tests.

17. Members of the service shall be required to undergo such training or to pass such tests or departmental examinations as may be prescribed by Government from time to time.

Appointment under Rehabilitation Assistance Scheme.

18. Nothing in these rules shall apply to initial appointment of Junior Stenographers under the Rehabilitation Assistance Scheme envisaged in the Resolution of Government in the General Administration Department :

Provided that all cases where vacancies are filled up under the said Scheme, shall be intimated to the Chairman of the Board of Examiners at the time of sending the annual information of vacancies under sub-rule (1) of rule 6 with an explanatory note to the effect.

Filling up vacancies after the list of successful candidates is exhausted.

19. In case a vacancy occurs in he cadre of Junior Stenographers after the list of successful candidates for the year has been exhausted and before the publication, announcement of select list of the next examination, such vacancy may be filled up by a successful candidate of the previous year, who is within the maximum age-limit prescribed under these rules and failng that by any candidate who satisfied the conditions laid down in rule 7. In the later event, the appointment shall be purely temporary and shall not continue beyond the date when the select list of the next year's examination is published.

Seniority

20. (1) The relative seniority of each Junior Stenographer in a cadre shall be determined with reference to his position in the Select list published under sub-rule (4) of rule 8. Candidates appointed under rules 18, 19 and 21 shall, subject to sub-rule (2), take their seniority below the Junior Stenographers recruited in that year under rule 11.

(2) The candidates appointed under rule 19 shall rank above those appointed under rule 18 who, in turn, shall rank above those appointed under rule 21 in the same recruitment year.

Relaxation

21. When it is considered by the Government that if 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.

Restriction on transfer.

22. A person, who has been appointed as a Stenographer under these rules to any cadre may be, in public interest or on administrative grounds transferred to another cadre in the same district, but no such transfer shall be made from a district office under one Head of the Department to a district office under another.

[1][22-A. Notwithstanding anything contained in rule 22, where a stenographer, by a representation addressed to the concerned Head of the Department seeks his/her transfer on his/her own account from the District to another, the Head of the Department, may allow such transfer subject to the following conditions, namely :-

(a) the stenographer seeking such transfer must have rendered not less than three years of service in the district in which he/she is serving;

(b) vacancy is available in the district to which the transfer is sought;

(c) the Stenographer shall, upon such transfer forfeit his/her seniority for his/her past service and shall in the gradation list of Stenographers in relation to the year in which he/she is transferred rank below the junior most Stenographer of the district to which he/she is so transferred.

Provided that where two or more Stenographers join in a District Office in a particular year on transfer under this rule, the *inter se* seniority of such Stenographers shall be determined taking into account the period of service rendered by them prior to such transfer;

(d) the last pay drawn by the Stenographer shall be protected and his/her normal date of annual increment shall remain unchanged without prejudice to the operation of any other rules applicable to his/her; and

(e) the past service of the Stenographer shall count for calculation of leave and pension and other benefits.

Note – A mutual transfer shall also be subject to the provision of this rule.]

Rules not applicable to staff of the District and Subordinate Courts.

23. These rules shall not apply to the staff of the District and Subordinate Courts to whom the Orissa District and subordinate Court's Ministerial Services (Method of Recruitment and Conditions of Service) Rules, 1969, apply.

Repeal and Savings.

24. The Orissa Stenographic Service (Recruitment and Conditions of Service of Personal Assistants and Stenographers in the Offices of the Head of Departments and District Offices) Rules, 1982 framed by Revenue and Excise Department, the Orissa Works Department Subordinate Stenographer's Recruitment Rules, 1983 and any other Rules or executive instructions issued by different Departments of Government, so far as they regulate the recruitment and conditions of service of Junior Stenographers and Senior Stenographers in District Offices are hereby repealed :

Provided that anything done or any action taken under the provisions of the rules and instructions so repealed till the date of enforcement of these rules shall be deemed to have been done or taken under the provisions of these rules.

Interpretation.

25. If any question arises relating to the interpretation of these rules, it shall be referred to Government in the General Administration Department for decision.

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1. Inserted vide G. A. Department Notification No. 16604, dated the 5th August 1994, Published in *Orissa Gazette* and given effect to from the 26th August 1994.

APPENDIX

STANDARD AND SYLLABUS

[*See* sub-rule (2) of Rule 8]

A. Typewriting and Shorthand Tests

I. Typewriting test - English **50 Marks**

(a) The test will be held for 10 minutes at a speed of 40 words per minute from a printed matter (400 words approximately).

(b) While assessing the accuracy of reproduction, 5 marks will be deducted for each mistake in the typed script. A candidate whose script reveals more than 6 mistakes will be eliminated as disqualified.

II. Shorthand Test - English **50 Marks**

The test will comprise dictation from a printed matter (240 words approximately) for 3 minutes at the rate of 80 words per minute. Time allowed for transcription will

be 15 minutes. The apportionment of marks for the evaluation of answer scripts will be as follows :-

(a)	Dictation in Shorthand - Script	**25 Marks**
	While assessing the ability to take down dictation in Shorthand script, one mark will be deducted for each mistake.	
(b)	Transcription	**25 Marks**
	While assessing the ability to transcribe, one mark will be deducted for each mistake.	

B. Language Test **30 Marks**

This test should aim at evaluating candidate's knowledge of the English and Oriya language. There will be a common question paper. It will be designed as follow :-

(i)	Translation of a passage from English to Oriya	**5 Marks**
(ii)	Translation of a passage from Oriya to English	**5 Marks**
(iii)	An essay in Oriya	**10 Marks**
(iv)	Questions aimed at assessing the candidate's working knowledge of the English language.	**10 Marks**

(The question may require the candidate to give correct spellings of words; to select, from given words and phrases, the most appropriate for filling in blank in sentences; to correct grammatical mistakes in given sentences; to select from a given group of words, those with opposite meanings and to punctuate a passage.}

By order of the Governor
R. K. NAYAK
Special Secretary to Government

PART II - INSTRUCTIONS

POLITICAL AND SERVICES DEPARTMENT

No. 12411 – SC/6-139/77-Gen.

From

Shri A. N. Tiwari, I. A. S.,

Special Secretary to Government

To

The Secretary to Board of Revenue, Orissa, Cuttack

Bhubaneswar, dated the 1st May 1979

Subject – Regularisation of service of irregular recruits to posts of L. D. Clerks in the District and Subordinate Offices under the administrative control of Department other than Revenue Department after the 15th April 1963.

Sir,

I am directed to say that cases of irregular recruitments made in the District and Subordinate Offices up to the 15th April 1963 were regularized in G. O. No. 950-R., dated the 6th January 1973. When it was subsequently noticed that even after coming into force of the O. M. S. Rules from the 15th April 1963, there have also been cases of irregular recruitments made in various District and Subordinate Offices for some reasons or other Government were also pleased to regularize cases of irregular recruitment made in District and

Subordinate Offices under the administrative control of Revenue Department after the 15th April 1963 as per Regularisation Rule, 1975. So far as District and Subordinate Offices under other Departments are concerned there have been quite a large number of irregular recruitments after the 15th April 1963.

After careful consideration of the position Government have been pleased to decide that the cases of all such irregular recruits who were appointed as L. D. Clerks in District and Subordinate Offices under the administrative control of other Departments after the 15th April 1963 till now or the date of coming in to force of separate Recruitment Rules where already framed, whichever is earlier, should be regularised in the following manner;-

(a) All L. D. Clerks who have passed Matriculation or any equivalent examination shall be deemed to have been validly and regularly recruited and appointed as such and they shall not be required to pass the Recruitment Examination or any special qualifying test in lieu thereof prescribed by Government.

(b) All L. D. Clerks who have not Passed Matriculation or any equivalent examination shall also be deemed to have validly and regularly recruited and appointed as such and they shall not be required to pass any special qualifying test in lieu thereof prescribed by Government.

(c) The seniority of these clerks shall be fixed taking into account their services from the date of appointment as L. D. Clerks. In the Gradation List of L. D. Clerks the clerks under category (a) above shall rank immediately below the L. D. Clerks recruited during the same year under Recruitment Rules then in force and the L. D. Clerks coming under the category of (b) above recruited during the same year shall rank immediately below the L. D. Clerks under category (a) above. According to the revised Gradation List to be prepared as above, they may be confirmed against permanent post if available, provided they fulfill all other conditions necessary for confirmation.

(d) Refixation of seniority of these Clerks as mentioned in (c) above shall not entitle them to any promotional or financial benefits retrospectively,

All concerned are being informed.

Yours faithfully,

A. N. TIWARI

Special Secretary to Government

Copy of Letter No. 151174-Gen., dated the 26 June 1980 of Government of Orissa General Administration Department addressed to the all Departments of Government.

Subject – Appointment of L. D. Clerks in District and Subordinate Offices other than those under the Revenue Department from among the candidates successful in the recruitment test conducted by R. D. Cs.

The undersigned is directed to invite reference to Revenue Department Circular No. 950-R., dated the 6th January 1973 regularising the irregular recruitment of L. D. Clerks in the District and Subordinate Offices other than the Revenue Department prior to the 15th April 1963 O. M. S. Rules, 1963 were promulgated.

2. Subsequently P. & S. Department issued Circular No. 12411-Gen., dated the 1st May 1979 copy of which was sent to all Departments and Heads of Departments in memo No. 12412/Gen., of even date regularized the services of irregular recruitments to the posts of L. D. Clerks in the District and Subordinate Offices under the administrative control of departments other than Revenue Department i.e., after O. M. S. Rules, 1963 above circular of P. &. S. Department that suitable measures should be taken to ensure that no irregular recruitments should be made hence forward. The experience shows that the irregular recruitment to the Post of L. D. Clerks in the District and Subordinate Offices other than the Revenue Department still continues.

3. With a view of preventing the recurrence of such irregular recruitment in the offices of District and Subordinate Offices other than those under the Revenue Department it has been decided by Government that the District and Subordinate offices who have no Statutory recruitment Rules should appropriately fill up the posts of L. D. Clerks by candidates who have come out successful from the examination conducted by R. D. Cs. for appointment in the District and Subordinate Offices under the Revenue Department.

4. It is therefore impressed upon all concerned that according to the existing rules and instructions the District and Subordinate Offices other than Revenue Department who have not framed their statutory recruitment rules should take candidates for filling up the vacancies in the post of L. D. Clerks by passed

candidates from the examination conducted by the R. D. Cs. So the question of filling up posts of L. D. Clerks in those District and Subordinate Offices in the irregular way would not arise.

5. It is hoped all concerned should scrupulously follow the above guidelines for filling up posts of L. D. Clerks in the District and Subordinate Offices other than the Revenue Department. If then any deviation is brought to the notice of Government it would be seriously viewed.

6. It has been concurred in by Revenue Department in their U. O. R. No. 184/R., dated the 9th May 1980.

A. N. TIWARI

Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 10038/-Gen.

From

Mrs. C. Narayanaswamy, I. A. S.,

Special Secretary to Government.

To

The Secretary to Board of Revenue,

Orissa, Cuttack.

Subject – Regularisation of service of irregular recruits to posts of L. D. Clerks in the District and Subordinate Offices under the Administrative Control of Departments other than Revenue Department after the 15th April 1963.

Sir,

I am directed to say that consequent upon regularization of irregular recruitments of Junior Clerks in the District and Subordinate Offices under the administrative control of various Departments other than the Revenue Department after the 15th April 1963 in this Department letter No. 12411-Gen., dated the 1st May 1979 it has been decided that such Junior Clerks will be allowed to draw their usual annual increments with retrospective effect from the date of their original appointments as L. D. Clerk., as per normal rules.

2. This has been concurred in by the Revenue Department in their U. O. R. No. 377-R., dated the 24th October 1980 and the Finance Department in their U. O. R. No. 53-C.S.I., dated the 20th January 1983.

Yours faithfully,

C. NARAYANASWAMY

Special Secretary to Government

No. 5248-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 27th February 1985

(Published in *The Orissa Gazette* on 4-4-1985)

Subject – Procedure to be followed for recruitment to non-Gazetted posts/services.

In order to eliminate malpractices in the matter of recruitment to non-Gazetted posts and services and to streamline the procedure for recruitments conducted at the State Level for such posts, the incumbents of which are transferable from district, to district it has been decided to prescribe the following guidelines which should be meticulously followed by all Departments and Heads of Departments :-

(i) There shall be a Selection Board with the following members to conduct all such recruitments to non-gazetted posts/services :-

(1)	Head of the Department concerned	**Chairman**
(2)	A representative of the administrative department not below the rank of Deputy Secretary.	**Member**
(3)	An officer of equivalent rank of another Department who would be an outside member (to be selected and invited by the Head of the Department/appointing authority).	**Member**
(4)	The office-in-charge of Field Establishment will act as the Secretary to the Selection Board.	**Secretary**

(ii) There shall be written and viva voce tests for the candidates who possess the minimum qualification prescribed for the posts.

(iii) The Selection Board is to conduct these tests

(iv) Questions for the written test to be conducted by the Board are to be set by a Senior Class-I Officer who is not a member of the Selection Board. The question papers will remain in the custody of the Chairman of the Selection Board and it would be his responsibility to ensure that there is no leakage.

(v) Allocation of marks for different tests will be as follows :-

(1) 50% of the total marks shall be allotted for the written test

(2) 10% of the total marks will be allotted for viva voce test

(3) 30% of the total marks will be allotted for the academic qualification

(4) 10% of the total marks will be allotted to physical and endurance test. Where no physical or endurance tests are necessary, the written examination will carry 60% of the total marks. Marks meant for the academic qualification will be awarded on the basis of the division or percentage of marks secured in that examination.

(vi) If the qualification prescribed for the post is Matriculation, the marks secured in the Matriculation will be the basis for awarding marks for academic qualification. No weightage will be given to higher examinations which the candidate might have passed. To make it more clear, if the prescribed qualification is Matriculation, a Graduate would get no benefit for passing the higher examination and only his performance in the Matriculation examination will be considered.

(vii) As far as possible, objective questions should be set for the written test. Descriptive questions should be avoided to eliminate the subjective element in evaluation.

(viii) Invigilators for the written examination should be drawn from other offices and the date of examination should be intimated to the Secretary of the administrative department who may depute observers at his discretion to satisfy himself that there is no malpractice in conducting the examination.

(ix) In case of large scale recruitments, the Vigilance Department may also be kept informed by the Chairman of the Selection Board.

The Administrative Departments are requested to amend their recruitment rules wherever necessary by incorporating these provisions.

———————

Order – Ordered that this resolution be published in the extraordinary issue of the Orissa Gazette and copies thereof be forwarded to all Departments of Government/all Heads of Departments/all District Offices/ Accountant-General, Orissa/Secretary, Orissa Public Service Commission, Cuttack/Secretary to the Governor.

By order of the Governor
C. NARAYANASWAMY
Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 8052-Gen.

From

Shri L. I. Parija, I. A. S.

Chief Secretary to Government.

To

The Secretaries of all Departments of Government.

The 18th April 1987

Subject – Irregular recruitments against the post of Junior Clerks in the District and Sub-divisional Offices.

Sir,

The Orissa Ministerial Service (Method of Recruitment to the Post of Junior Clerks in District Offices) Rules, 1985 provides that recruitment against the post of Junior Clerks in the District and Sub-divisional Offices shall be made only from the list of candidates found qualified in the recruitment test conducted by the Collectors.

But it has come to the notice of Government that certain appointing authorities at the district levels are not honouring the list of successful candidates prepared by the Collectors and are going on appointing outsiders on temporary / *ad hoc* basis. This action on the part of the appointing authorities is clear violation of the statutory provisions enshrined in the Rule. It is undesirable that persons who have not gone through regular recruitment examination or are otherwise disqualified in the recruitment examination get into regular jobs to the deprivation of candidates who have legitimately qualified for the jobs. This practice of by-passing regular recruitment should stop forthwith.

I am directed to request you to instruct all appointing authorities under the control of your Department to immediately terminate the services of *ad hoc* temporary employees appointed by them and to fill up the vacancies by candidates from the list drawn up by the Collectors. The appointing authorities should be clearly told that deviation from this instruction will result in disciplinary action.

Action taken in the matter may be intimated to the General Administration Department.

Yours faithfully,

L. I. PARIJA

Chief Secretary to Government

No. 21671-2R/1-50/87-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 17th September 1987

Subject – Procedure for recruitment of non-Gazetted posts/services at the Divisional/Range and District Levels.

A procedure for selection of personnel for non-Gazetted posts and services at he level of Heads of Departments was prescribed in Resolution No. 5248-Gen., dated the 27th February 1985. It is felt necessary that, in same parlance, a regular procedure is adopted in respect of non-Gazetted posts and services at the level of Divisional/Range and District Levels in order that proper representation of candidates from the respective districts is facilitated and a uniform manner of selection is adopted in respect of all field offices under the Heads of the Departments. Government have been pleased to prescribe the following procedure for selection of personnel in respect of non-Gazetted posts and services at Range, Divisional and District Levels which are not governed by any regular cadre rules framed under Article 309 of the Constitution.

There shall be a Selection Board consisting of the following Members to conduct recruitment to the non-Gazetted post and services :-

(a)	Collector of the district	**Chairman**
(b)	Head of the Office concerned	**Member**
(c)	Two officers of the other offices located in the district, who would be outside members to be selected by the Chairman.	**Member**
(d)	Officer-in-charge of the Establishment Section of the office concerned	**Member-Secretary.**

In case the Collector is unable to attend the Selection Board he will nominate an Officer of A. D. M. rank to represent him in the Board. In such event the Collector will nominate one of the members to be the Presiding Officer of the Board. In case the Head of the Office concerned is himself the Officer in-charge of the establishment, he will function as the Member-Secretary.

2. The selection shall be out of the candidates sponsored by the Employment Exchange (s) of the district. In case the Selection Board decides to invite applications for posts through open advertisement only such candidates as are registered in the Employment Exchanges in the district on or before the date of application shall be eligible to apply. The Head of the Office shall intimate the vacancy to the chairman in April every year or at least one month prior to the expected date of vacancy.

3. The following tests shall be conducted by the Selection Board :-

(i) A written test including test on technical acumen when the post/service is technical in nature.

(ii) A viva voce test.

4. Questions for the written test shall be set by a Senior Class-I Officer who is not a Member of the Selection Board. Valuation of answer papers shall be done by such examiners who are not members of the Selection Board. It shall be responsibility of the Head of the Office concerned to ensure safe custody of the question papers and answer papers. As far as possible objective type of questions should be set for the written test. Descriptive question shall be avoided.

5. Allocation of marks for different tests will be as follows :-

(a) 50% of the total marks shall be allotted for the written test;

(b) 10% of the total marks shall be allotted for viva voce test;

(c) 30% of the total marks shall be allotted for the academic qualification;

(d) 10% of the total marks shall be allotted to physical and endurance test. Where such tests are not necessary the written examination will carry 60%.

6. Persons possessing higher qualification than the minimum prescribed for a particular post will receive no weightage for such higher qualification. The marks set apart for educational qualification shall be awarded entirely on the basis of performance in the examination for the minimum requisite qualification.

7. Only those securing thirty per cent or more in the written test shall be called for the subsequent tests.

8. Invigilators for the written examination shall be drawn from other Offices and date of examination and viva voce shall be intimated by the Head of the Office.

9. The Board shall prepare a list of successful candidates which shall not be more than one and a half times the number of vacancies. This will obviate the necessity of making *ad hoc* appointments.

10. The Selection Board shall meet as and when required, but ordinarily, once a year.

The Administrative Departments and Heads of Departments are requested to amend or revise the instructions or orders issued in the past wherever necessary by incorporating these provisions.

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Order – Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies thereof forwarded to all Department /all Heads of Department/all District Offices.

By order of the Governor
M. P. MODI
Special Secretary to Government

No. 13363-2R/1-20/87-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

From

Shri B. D. Das
Under-Secretary to Government

To

All Collectors.

The 30th April 1988

Subject – Recruitment of Jr. Clerks in the district offices under O. M. S. Rules, 1985

Sir,

I am directed to say that Rule 10 of O. M. S. Rules, 1985 provides that there shall be a type test in addition to written examination and in order to remove difficulties that being experienced by the Collectors to conduct the typing test for a huge number of candidates due to lack of type writer, space, supervision facilities, etc.

It has now been decided that only such candidates who come out successful in the written examination and secure a position within the range of four times of the estimated vacancies shall be called for a typing test under the existing rule.

Yours faithfully,
B. D. DAS
Under-Secretary to Government

No. 15947-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

From

Shri Binoy B. Mishra
Joint Secretary to Government

To

All Collectors.

The 25th May 1988

Subject – Recruitment of Jr. Clerks.

Sir,

I am directed to say that instances of offices in the district level approaching this Department direct to allow them to fill up the posts of Jr. Clerks on *ad hoc* basis in absence of qualified candidates in the panel maintained by you in terms of O. M. S. Rules, 1985 are rather becoming frequent. The delay of conducting the recruitment examination and sponsoring of candidates to the other district offices in time is creating a problem for the offices. You are aware of the fact that recruitment to the posts of Jr. clerks by following the procedure other than that as prescribed in O. M. S. Rules may lead to violation of statutory provision and creates unhealthy situation in administration. Besides, all the district and sub-ordinate offices are being pressurised from time to time to terminate the services of all irregular recruits and fill up the same by the suitable candidates sponsored by the Collector. In such circumstances, if recruitment examination is not conducted in time, normal functioning of the offices will suffer.

In view of this, you are requested to conduct the recruitment examination under O. M. S. Rules, 1985 at the earliest, if not done, and sponsor the qualified candidates to the offices concerned according to their requisition filed with you.

Action taken in this matter may please be intimated to this Department at an early date.

Yours faithfully,
BINOY B. MISRA
Joint Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

No. 28695-2R/1-1/88-Gen.

From

Shri Binoy B. Mishra

Joint Secretary to Government

To

All Collectors.

The 1st October 1988

Subject – Clarification regarding holding of type test under O. M. S. rules, 1985.

Sir,

I am directed to say that Para. 4 of Appendix appended to the O. M. S. rules, 1985 prescribes that there shall be a type writing test to judge the proficiency of the candidates of having fair knowledge in typewriting to manage the day to day official work. For this purpose, some marks have also been prescribed in the concerned rules. But minimum qualifying marks have not been prescribed.

Clarifications are being sought for form this Department as to whether a candidate without having a fair knowledge in typewriting shall be selected for appointment for the post of Junior Clerks. This is a wrong proposition. A candidate to be selected shall have to acquire qualifying marks out of the marks prescribed for typewriting test.

In order to make it clear, it has been decided that a candidate should be considered to have fair knowledge in typewriting if he can type at least 20 words per minute on average from a printed matter lasting for not less than 10 minutes with mistakes not exceeding 1½ per cent for appointment of Junior Clerks.

This disposes the letter No. 6710, dt. 13-9-88 of Collector, Puri

This supersedes this Department clarification issued to Collector, Balasore vide letter No. 6205, dt. 19-2-1988.

Yours faithfully,
BINOY B. MISHRA
Joint Secretary to Government

GOVERNMENT OF ORISSANo. 31148-SC.-6-4/87-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

(Published in *Orissa Gazette* on the 3rd March 1989)

The 1st November 1988

Subject – Provision of Personal Assistant (Specially declared Gazetted) to Collectors.

The question of providing a Personal Assistant to assist the Collector in his day to day work was under active consideration and after careful consideration, Governor has been pleased to create a post of Personal Assistant to Collector in the scale of Rs. 1,365-45-1,455-50-1,755-E.B.-55-2085-E.B.-60-2,385 by upgrading one of the post of Senior Stenographers attached to the Collector. The other post of Senior Stenographer shall continue as such.

2. Governor has also been pleased to decide that the Personal Assistant attached to Collector shall enjoy the status of specially declared Gazetted Officer under sub-rule (ii) of Rule 17 of the Orissa Service Code. His duty chart will be as in the Annexure.

3. Further, the Governor has in pursuance of sub-rule (2) of Rule 11 of the Orissa Civil Services (C. C. & A.) Rules, 1962 been pleased to direct that the Collectors shall be the appointing and disciplinary authority in respect of the above post.

Order – Ordered that this Resolution be published in the extraordinary issue of the *Orissa Gazette* and copies thereof be forwarded to all Departments of Government / all Heads of Departments / Accountant-General, Orissa/Deputy Accountant-General, Orissa, Puri / Secretary, Orissa Public Service Commission / all Collectors.

ANNEXURE

DUTIES OF P.As. ATTACHED TO COLLECTORS

1. To attend the duties as Stenographer
2. To handle such of the Correspondences which are secret and confidential and which are not to be dealt with in the office.
3. To prepare the Officer's tour programme and arrange its circulation to all concerned
4. To make arrangements for journey and other official requirements of the collector while on tour
5. To draw up the engagement list of the Collector
6. To put up files and papers in time required by collector for any meeting or conference
7. To arrange interviews with the Head of Department
8. To collect papers and files and submit these in time to the Collector
9. To prepare tour particulars and to send them to the concerned Section for preparation of the Officer's T. A. Bill.
10. To keep necessary articles of stationery and books of reference for the Collector for use in his office and at residential office and to keep them in safe custody and to maintain these to-date.
11. To maintain a stock book of furniture, books, periodicals, if any, be supplied to the residence of the officer and to verify it every quarter and give a certificate in the stock book that the stock in register actually tallies with the stock in hand.
12. To perform such other duties as may be assigned to him by the Collector depending upon the work handled in the office.

By order of the Governor
BINOY B. MISHRA
Joint Secretary to Government

No. 32538-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 16th November 1988

(Published in the *Orissa Gazette* on 4-1-1989)

Subject – Procedure for direct recruitment to non-Gazetted posts/services and specially declared gazetted posts.

Government have been continuously attempting to ensure impartiality and fair-play in process of recruitment to different services and posts. In recent past in Resolution No. 5248, dated the 27th February 1985, a system of selection was introduced in respect of services/posts of the Class III under the Heads of the Departments in which Selection Boards were formed with outsiders and insider evently balanced. The system was extended to selection of personnel for services/posts in districts where the Collector was made the

Chairman of all Selection Boards for all Divisional, Range, Circle and District Offices of all Departments vide Resolution No. 21671, dated the 17th September 1987 of the General Administration Department.

Government have considered the feelings expressed at different quarters that the process of recruitment should be further streamlined in order to completely do away with my scope for malpractices in recruitment. On careful consideration Government have been pleased to lay down the following guidelines for selection of personnel for various services and posts at the State and District Levels, both in respect of specially declared gazetted the class III non-Gazetted services and posts including extension and ministerial cadres :-

(1) There shall be written test for every category of recruitment

(2) Marks obtained in the academic examination of University, Board or Council shall be given due weightage. Apportionment of marks shall 40 per cent for marks obtained in the academic examination and 60 per cent for written test.

(3) Higher educational qualification than prescribed for a service or post shall not be given any Premium.

(4) No viva voce test shall be conducted

(5) The written test shall be conducted simultaneously in districts or subdivisions so that candidates from every district get the opportunity to sit for the examination. Question setting and valuation of answer papers shall be done centrally.

(6) The written examination shall be held in the districts with the Collector as the supervising authority.

(7) The panel of successful candidate shall be three times of the total number of vacancies in order to provide adequate cushion for unforeseen vacancies.

(8) The minimum educational qualification for the posts/services for district cadre shall be pass in H.S.C. or such other equivalent examination.

(9) Invigilators and supervisors of the examination shall be from outside the district

(10) Typewriting tests for ministerial officers in the district cadres shall be done both in English and Oriya with a speed of 20 words per minute in English and 10 words per minute in Oriya as the minimum standard.

(11) If there is necessity of examining the physical fitness of a candidate for a particular post/service the Administrative Department shall make specific mention about it in the relevant cadre rules.

(12) The existing Board of Examiners with the Member, Board of Revenue as it Chairman shall be entrusted with the selection of personnel for State level cadres and posts and shall also be authority to control and regulate selections in respect of District/Range/Circle level services and posts. A whole-time Director of Examination with requisite staff shall be appointed under the Board of Revenue for the purpose.

(13) These guidelines shall, however, not be applicable to recruitment of Teachers.

This supersedes this Department Resolutions No. 5248, dated the 27th February 1985 and No. 21671, dated the 17th September 1987 and other orders issued in this behalf by different Departments from time to time. Framing and/or amendment of the relevant recruitment rules, and issue of detailed instructions should be done expeditiously.

Order – Ordered that this Resolution be published in the Orissa Gazette and copies thereof be forwarded to all Departments of Government/all Heads of Departments/all collectors/Accountant-General, Orissa/Secretary, Orissa Public Service Commission, Cuttack/ Registrar, Orissa Administrative Tribunal/Secretary to Governor.

By order of the Governor
R. K. NAYAK

No. 11752-2R.-1-50/87 (pt.)-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 19th April 1989

To

All Departments of Government/

All Heads of Departments/

All Collectors.

A system of selection of non-Gazetted posts under the Heads of Departments was introduced in this Department Resolution No. 5248-Gen., dated the 27th February 1985 in order to eliminate any scope for malpractice in the matter of recruitment. This system was extended to selection of personnel for non-Gazetted services/posts for all the district, divisional, range and circle offices in this Department Resolution No. 21671-Gen., dated the 17th September 1987. The selection for Class IV post in the district level offices is regulated under this Resolution. In the above two Resolutions methods of test have been prescribed for selection of suitable candidates by the Selection Board.

2. Subsequently, the procedure of recruitment to Class III posts including specially declared Gazetted posts have been revised in this Department Resolution No. 32538-Gen., dated the 16th November 1988 in supersession of this Department Resolutions, dated the 27th February 1985 and dated the 17th September 1987. In the changed procedure, the Director of Examination and the Member, Board of Revenue as the Chairman of the Board of Examiners have been entrusted with the selection of candidates to such posts/services.

3. On the enforcement of this Resolution, doubts have been raised at certain quarters as to whether the recruitment to Class IV posts in district, range, circle and divisional offices will be regulated under this Department Resolution, dated the 17th September 1987.

4. After careful consideration, it has been decided that the selection for Class IV posts in district, range, circle and divisional offices shall be regulated under this Department Resolution No. 21671-Gen., dated the 17th September 1987 with the Collector of the concerned district as the Chairman of the Selection Board.

5. It has, further been decided that the qualifying tests prescribed in this Department Resolution No. 21671, dated the 17th September 1987 for selection of personnel shall not be applicable to Class IV employees. In the matter of selection of such personnel the following procedures shall be followed.

The selection Board shall consist of the following officers :-

1.	Collector	…	Chairman
2.	District Employment Officer	…	Member
3.	Any other officer of any district office other than the Collectorate	…	Member
4.	Establishment Officer of the Collectorate	…	Member-Convenor

(i) For posts for which pass in Middle School is required, the candidates shall be required to read and write English and Oriya Passage; and

(ii) For posts for which minimum qualification prescribed is 'literate' the candidate shall be required to read a few lines of simple Oriya and sign his signature;

(iii) No written test is necessary for the purpose;

(iv) No premium shall be given for qualification higher than the minimum prescribed;

(v) The candidates shall be required to undergo a cycling test, provided that the physically handicapped persons shall be exempted from this tests.

6. Every office located in the district has a separate cadre of Class IV servants. But selection of candidates for each office separately would be time consuming and cumbersome. So the Collector may hold one test once in a year, preferably in the month of January and prepare a Select List. Candidates from the select list

shall be sponsored to different offices as per requisition as and when vacancies occur. This Select List shall remain valid for a period of one year or till the next list is prepared whichever is earlier.

7. In case the Collector cannot preside over the Selection Board, he may depute any other officer from his office to represent him. In that event the Senior most Officer present in the Board shall preside over the meeting, which shall be decided by the Collector.

8. This instruction may be circulated amongst all the subordinate offices under their administrative control.

R. K. NAYAK

Special Secretary to Government

No. 9197-2R.-1-1/91-G.A.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

From

Smt. C. Narayanaswamy, I. A. S.,

Special Secretary to Government,

General Administration Department.

To

The Secretaries to Government of all Departments.

Dated the 30th March 1991

Subject – Regularisation of irregular recruitments against the post of Junior Clerks in the District Offices and Sub-ordinate Offices.

Sir,

I am directed to say that in pursuance of Chief Secretary's letter No. 8052, dated the 18th April 1987 and letter No. 15485, dated the 20th May 1989, the services of Junior Clerks who were appointed in the District and Sub-ordinate Offices in contravention of the provisions under Orissa Ministerial Services (Method of Recruitment of Junior Clerks in the District Offices) Rules, 1985 were terminated by the appointing authorities.

2. It has come to the notice of the Government that some such Junior Clerks are, however, continuing in service by virtue of the interim stay order granted by the Orissa Administrative Tribunal. In the meantime, some proposals for regularisation of such irregular appointments in the post of Junior Clerks in the District and Sub-ordinate offices have also been received from various quarters for confirmation of Government. But the exact number of such irregular recruits in respect of each establishment made from the 9th October 1982 to date is not known.

3. All Departments have, therefore, been requested in this Department letter No. 2393, dated the 23rd January 1991 to intimate the total number of such irregular appointments. But the replies from most of the Department and Heads of Departments are still awaited.

4. After carefully considering the problems relating to regularization of such irregular appointments in the District and Sub-ordinate offices, Government have approved the following principles. You are therefore, requested to take necessary follow up action accordingly to solve the problems faced by such irregular recruits.

(1) Such recruits should have put in at least one year continuous service in one or more spells in the same office. *Ad hoc* appointees of this category whose services have been terminated may be allowed to join and work in such offices provisionally subject to availability of vacancies.

(2) Two chances should be given to them to appear in the next two consecutive recruitment examinations.

(3) Condonation of age may be done by the Collector, both for appearing in the examination and for appointment.

(4) Details of such appointments should be furnished to the collector/Head of Department/and to the concerned administrative department.

5. These will not apply to the irregular recruits of the Treasury Branch of the Finance Department.

6. The candidates recruited by the State Level Board in connection with the takeover of the Institutions under the D. D. A. in Koraput district would be treated as regular recruits.

Yours faithfully,

C. NARAYANASWAMY

Special Secretary to Government

No. 18380-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

(Published in *Orissa Gazette* on 2nd November 1993)

RESOLUTION

The 26th August 1993

Subject – Inter-district transfer of Class III and Class IV employees (other than Junior Clerks).

Representations have been received from different Departments of Government for transfer of Class III, and Class IV employees from one district to another. As such employees are borne in district cadres, inter district transfer in their cases has not been provided for in the relevant Recruitment Rules/Instructions issued by Government from time to time. But inter-district transfer of Junior Clerks has been allowed by amendment of the Orissa Ministerial Service (Method of Recruitment to the Post of Junior Clerks in District Offices) Rules, 1985 vide G. A. Department notification No. 28949, dated the 15th July 1992 published in Orissa Extraordinary Gazette No. 1066, dated the 30th July 1992. The question of extending similar facility to other categories of Class III and Class IV employees was under consideration of Government. After careful consideration, Government have been pleased to decide that inter-district transfer of Class III and Class IV Government employees belonging to district cadre may be permitted subject to the following conditions :-

(i) The employee seeking such transfer must have rendered not less than 3 years of service in the district in which he/she was appointed and is serving and must undertake to abide by the conditions stipulated in this resolution and such orders as may be issued by Government from time to time;

(ii) A vacancy in the relevant post of the same category is available in the district to which the transfer is sought;

(iii) The employee shall, upon such transfer, forfeit his/her seniority for his/her past service and shall in the gradation list of the cadre (to which transfer is sought) in relation to the year in which he/she is transferred rank below the junior most employee of the district to which he/she is transferred :

Provided that where two or more employees join in a district is a reserved vacancy, a person belonging to that reserved category can only be appointed against that vacancy on inter-district transfer.

Provided that where two or more employees join in a district in a particular year on such transfer the inter-se-seniority of such employees shall be determined taking into account the date of valid appointment in the cadre in which they were appointed, prior to such transfer;

(iv) The last pay drawn by the employees shall be protected and his/her normal date of annual increment shall remain unchanged without prejudice to the operations of any other rules applicable to him/her; and

(v) Subject to above, the past service of the employee shall count for calculation of leave and pension and other pensionary benefits.

Note – A mutual transfer shall also be subject to the above conditions.

Order – Ordered that this Resolution be published in the extraordinary issue of the Orissa Gazette and copies thereof be forwarded to all Departments of Government/all Heads of Departments/all Collectors.

By order of the Governor
R. C. MISHRA
Special Secretary to Government

No. 14400-2R.-1-79/94-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

From

Shri P. K. Mohanty,
O. S. D. to Chief Secretary &
ex officio Deputy Secretary to Government.

To

All Collelctors.

Dated the 1st July 1995

Subject – Sanction of remuneration to the Examiners, etc. engaged in connection with the recruitment examination of Junior Clerks under O. M. S. Rules, 1985.

Sir,

I am directed to say that the question of enhancement of remuneration to the Examiners, etc. engaged in connection with the recruitment examination of Junior Clerks in the District and Sub-ordinate Offices under O.M.S. Ruels, 1985 was under consideration of Government for sometime past.

After careful consideration, Government have been pleased to decide that the payment of remuneration to Examiners, Question Setters, etc. engaged in the said recruitment examination shall be at the revised rates as specified below :-

1.	Evaluation of answer papers	Rs. 1.50 paise per paper
2.	Viva Voce Test	Rs. 1.00 per candidate
3.	Tabulation Fees	Rs. 0.50 paise per candidate
4.	For Question Setters	Rs. 40.00 per paper
5.	For Type Test	Rs. 0.75 paise per paper
6.	Conveyance allowance for Invigilators	Rs. 5.00 per day

This supersedes this Department letter No. 19402-Gen., dated the 2nd July 1988.

Accountant-General, Orissa is being informed separately.

Yours faithfully,
P. K. MOHANTY
O. S. D. to Chief Secretary & *ex officio*
Deputy Secretary to Government

No. 21890-2R.-1-34/95-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

From

Shri Santosh Kumar, I. A. S.,

Special Secretary to Government,

To

All the Secretaries to Government (By name)

Dated the 29th September 1995

Subject – Irregular recruitments against the posts of Junior Clerks in the District and Sub-ordinate Offices.

Sir,

I am directed to invite a reference to this Department letter No. 22357, dated the 7th October 1994 and subsequent reminder No. 3845, dated the 22nd February 1995 on the above subject and to say that despite existence of Recruitment Rules, governing appointment to the posts of Junior Clerks in District and Sub-ordinate Offices, some appointing authorities had recruited candidates in contravention of the provisions of the Orissa Ministerial Services (Method of Recruitment to the post of Junior Clerks in District Offices) Rules, 1985 to the posts of Junior Clerks in different District Offices during the period 1982 to 1987 and also allowed them to continue in those posts. Later on they approached the Government for regularization of such irregular appointments. However, in pursuance to instructions contained in Chief Secretary's letter No. 8052, dated the 18th April 1987 and letter No. 15484, dated the 20th May 1989 the Services of some of such irregularly Junior Clerks were terminated by the appointing authorities.

2. Being aggrieved by such decision of the Government, some of the irregular recruits took shelter in the Orissa Administrative Tribunal. The Tribunal in their order dated the 23rd December 1993 in O. A. No. 8 of 1988 and 40 other similar cases have directed that since the applicants have already completed more than 5 years of service in the posts of Junior Clerks, they may be treated to have been regularly appointed to such posts with continuity of service and other service benefits.

3. Before taking any action for regularization of services of such irregular recruits the various Departments of the Government were requested vide General Administration Department letter No. 22357 dated the 7th October 1994 to state the reasons for making such irregular appointments. The said, information could not be received from most of the Departments in spite of issue of reminders.

4. Meanwhile more than one and half year have passed from the date of delivery of the judgement of the Tribunal, yet the orders of O. A.T. have not been implemented. It is, therefore, requested that the Administrative Department may implement the orders of Hon'ble Tribunal in the said cases immediately. Difficulties faced, if any, may be brought to the notice of this Department. The implementation of the orders of the Tribunal may kindly be confirmed also.

Yours faithfully,

SANTOSH KUMAR

Special Secretary to Government

No. 31775-SC/6-73/96-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 13th December 1996

Subject – Guidelines for re-deployment of surplus staff of mother district to the newly created districts on re-organisation of the district.

The re-organisation of the districts in the State has inevitably rendered a lot of staff surplus in the mother districts, not only in the Collectorate but also in the various district offices. It has been decided by the Government that different categories of posts created in the new districts on re-organisation shall be filled up by

deployment of the staff rendered surplus in the mother district. In order to regulate the deployment of surplus staff, the Revenue and Excise Department in their letter No. 42820, dated the 21st September 1993 read with letter No. 39900, dated the 5th September 1994 have issued the guidelines and action accordingly has already been taken by the concerned authorities in most of the districts. The guidelines by Revenue and Excise Department may have no binding effect on all the district offices of various Departments.

2. To overcome this difficulty and after careful consideration, the Government in General Administration Department have been pleased to decide that the following principles shall be followed for deployment of the staff rendered surplus in the mother districts.

2.1. Action for re-deployment of employees borne in the cadres of mother district shall be taken by the respective district cadre controlling authorities of the mother district.

2.2. The cases of the employees, who have already been assigned to the newly created district and have joined there before the issue of these Guidelines need not be re-opened. This is, however, subject to any order or direction that may have been received from a Court or Tribunal on the subject.

2.3. Employees borne in the cadre of the mother district, except those covered by para-2.2, may be asked to submit their order of preference for continuing in the cadre of the mother district or for assignment to the cadres of the districts carved out of the mother district. Those who fail to submit their preference maybe presumed to have opted for the mother district only.

2.4. As far as practicable and subject to the vacancies available in the relevant grades the assignment of the employees to the cadre of the mother district or the cadres of the newly created districts may be made on the basis of the position in the gradation list of the original district cadre taking into account their preferences. To illustrate, if there are 15 vacancies in a cadre in a district and 30 employees have given their first preference for the district, the senior-most 15 employees of the 30 will be allotted to that district. Having exhausted the first preference, the second and subsequent preferences may be acted upon in that order.

2.5. For splitting the sanctioned posts of the undivided district instructions issued to the district offices by the Government in the respective Administrative Departments shall be followed.

2.6. If all the vacant posts in a cadre of the districts, carved out of the mother district, cannot be filled up on the basis of the preferences as above, the posts shall be filled up by following the "bottom up" principle subject to the following exceptions :-

(i) The widow or any other female member of the family of a deceased or disabled Government Servant who has been appointed under the rehabilitation assistance scheme may be allowed to continue in the mother district unless she prefers to be assigned to some other district carved out of the mother district.

(ii) An employee who had come on transfer to the cadre of the mother district from another district by forgoing his/her seniority in pursuance to General Administration Notification No. 28949, dated the 15th July 1992 and Resolution No. 18380, dated 26th August 1993 maybe allowed to continue in the cadre of the mother district unless he/she prefers to be assigned to some other district carved out of the mother district.

(iii) The employees, whose son/daughter is/are already enrolled in a school for blind, deaf, dumb or mentally retarded, may be allowed to continue in the cadre of mother district, if similar institutions are not available in the other newly created districts. The proof of admission and continuance of studies of their children in such institutions shall be produced by the employees for the satisfaction of the cadre controlling authority,

3. The re-employment of the remaining surplus staff and the separation of the cadre on the basis of the above principles may be finalized as soon as possible.

4. This supersedes the Revenue and Excise Department letter No. 42820, dated the 21st September 1993 and letter No. 39900, dated the 5th September 1994.

5. Any order passed or action taken under the instructions so issued by the Revenue and Excise Department in their letter referred to above shall be deemed to have been passed or taken under these instruction.

6. This has been concurred in by P. & C. Department, Revenue & Excise Department vide their UOR No. 895/ADC, dated the 12th August 1996 and UOR No. 80/PSR, dated the 25th July 1996, respectively.

SANTOSH KUMAR
Special Secretary to Government

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 22nd December 1997

Subject – Guidelines for re-deployment of surplus staff of mother district in the newly created Districts on Re-organisation of the District.

No. 37338 – SC./6-73/96-Gen. – Consequent upon re-organisation of the districts in the State, detailed guidelines for re-deployment of surplus staff of mother district to the newly created districts have been issued in G. A. Department Office Memorandum No. 31775, dated the 13th December 1996. It has come to the notice of the Government that difficulties are being experienced at different levels for re-deployment of surplus staff. The Hon'ble Orissa Administrative Tribunal in O. A. No. 256 (C)/97 have also directed that while re-deploying the staffs the provisions of the Orissa Reservation of vacancies in Posts and Services (For Scheduled Castes and Scheduled Tribes) Act, 1975 should also be kept in mind so that the promotional vacancies in the higher grade are properly utilized in all the districts and the shortage under the reserved categories should be proportionately distributed between the newly created districts.

After careful consideration of all the aspects, Government have been pleased to modify the G. A. Department Office Memorandum No. 31775, dated the 13th December 1996 referred to above as follows :-

1. A sub-para (iv) shall be added after sub-para (iii) of Para. 2.6 to the following effect –

   "All Heads of Departments are authorised to take decision in case the re-deployment of the employees causes grave hardship to the person concerned".

2. A sub-para (v) shall be added after sub-para (iv) of para 2.6 –

   "While deciding the cases of re-deployment the authority concerned shall as far as practicable try to maintain the required percentage of representation of Reserved category candidates in the concerned cadre of employees. Such percentage shall be decided on the basis of the total strength of the concerned cadre in the mother district as well as in the newly created district".

3. Para. 4 of the said office memorandum shall be substituted as follows :-

   "This supersedes Revenue and Excise Department letter No. 42820, dated the 21st September 1993, letter No. 39900, dated the 5th September 1994 and letter No. 23682, dated the 31st May 1996.

These modifications have been concurred in by the Planning and Co-ordination Department vide their UOR No. 259, dated the 2nd May 1997 and by the Revenue and Excise Department vide their UOR No. 96, dated the 1st September 1997.

H. S. CHAHAR
Special Secretary to Government

No. 11945-2R/1-36/98-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Dated the 22nd April 1999

Subject – Rationalisation of the staffing pattern in the District Level Offices and Subordinate Offices thereunder.

The undersigned is directed to say that the State Government in Revenue Department Resolution No. 9892-R., dated the 10th February 1984 read with Resolution No. 13582-R., dated the 25th February 1984 copies enclosed, along with copy of relevant Finance Department O. M. No. 47905 F., dated the 26th September 1986 had taken certain decisions to rationalise the staffing pattern in the District Level Offices under the administrative control of different Departments of Government, after considering the recommendations made by the Sub-Committee constituted under the Chairmanship of the member, Board of Revenue for the purpose. Under Para VIII (a) of the said Resolution, it has been specified that the ratio for entertaining Supervisory posts in the rank of Head Clerk should be 1:12. In other words there should be one Head Clerk for twelve Senior Clerks and Junior Clerks taken together and an additional post of Head Clerk would be admissible for the remaining seven or more additional Ministerial Offices, if any. For this purpose, the existing yardstick and non-yardstick Supervisory posts should also be taken into account. However there should be a supervisory post of Head Clerk in each and every office having three Ministerial Officers in the minimum in case no supervisory Posts of equivalent rank or higher rank already exists.

2. But different service associations have Putforth their demands before the Government stating therein that the yardstick prescribed by Government in the aforesaid Resolutions for entertaining supervisory posts in the rank of Head Clerk in district level offices are not being followed in most of the district level offices as a result of which the cadre of the ministerial officers in such offices suffers a lot.

3. Considering the problem faced by the ministerial officers in district level offices, it has been decided on the recommendations of the Standing Committee constituted under the Chairmanship of the Chief Secretary that the yardstick prescribed by Government in Revenue & Excise Department Resolution No. 9892, dated the 10th February 1984 read with Resolution No. 13582, dated the 25th February 1984 for entertaining supervisory posts in the rank of Head Clerk in district level offices should be strictly followed. Further, it has been decided that in the district level offices where the number of the ministerial officers is less than 12, the supervisory posts of Head Clerk may be created wherever necessary following usual procedure prescribed for the purpose on non-yardstick basis.

The Subordinate Offices may be intimated accordingly.

Yours faithfully,
PRIYABRATA PATNAIK
Special Secretary to Government

No. 47905-CS-I-192/86-F.

GOVERNMENT OF ORISSA

FINANCE DEPARTMENT

OFFICE MEMORANDUM

The 26th September 1986

Subject – Creation of the post of Head Clerk in the field offices.

In Finance Department Memorandum No. 22736-BT-I-9/86-F., dated 11-4-1986 the Government have banned creation or upgradaton of posts in the Non-Plan Sector. With a view to ensuring strict economy in the Non-Plan expenditure, the question of entertainment of supervisory posts in the rank of Head Clerks in the field offices applying the norm as fixed by the Revenue and Excise Department in their Resolution No. 13582, dated 25-2-1984 was under consideration of Government for some time past. After careful consideration, the Government have decided that the post of Head Clerks in the field offices shall be filled up by creation/upgradation on the basis of the following principles :-

(a) One post of Head Clerk is admissible for 3 to 18 sanctioned posts of Senior Clerks and Junior Clerk taken together. In case an Office has only 3 posts of Clerks, a post of Head Clerk may be created and in all other cases, the post of Head Clerk may be created by upgradation.

(b) Two posts of Head Clerks are admissible for 19 to 24 sanctioned posts of Senior Clerks and Junior Clerks taken together.

(c) Two Head Clerks are admissible for 25 to 35 sanctioned posts of Senior Clerks and Junior Clerks taken together.

(d) Three Head Clerks are admissible for 36 to 47 sanctioned posts of Senior Clerks and Junior Clerks taken together.

(e) Thereafter, the post of Head Clerk will be admissible by way of upgradation on the ratio of 1:12, i.e., one post of Head Clerk for every 12 sanctioned posts of Senior Clerks and Junior Clerks taken together.

(f) The supervisory post, like Office Superintendent wherever existing shall not be taken into account in computing the number of posts of Head Clerks in an Office.

2. On the basis of the above principles the Government have decided to create/upgrade 343 number of posts of Head Clerks for the field offices as per the statement enclosed. The concerned Administrative Department shall issue sanction orders accordingly.

3. For creation/upgradation of posts of Head Clerks in future the concerned Administrative Department shall formulate proposals on the basis of the above principles and obtain prior concurrence of the Finance Department.

4. These instructions are issued with the approval of Cabinet.

5. The above instructions will come into force with immediate effect.

[ILLEGIBLE]

Commissioner-*cum*-Secretary to Government

No. 9892-IIE(C)-161/83-RE.

GOVERNMENT OF ORISSA

REVENUE AND EXCISE DEPARTMENT

RESOLUTION

The 10th February 1984

Subject – Rationalisation of the Staffing Pattern in the District level Offices & subordinate Offices thereunder.

The Government have been considering, for some time past, to rationalise the staffing pattern in the district level offices under the administrative control of different Departments of Government. A Sub-committee which had been constituted under the Chairmanship of the Member, Board of Revenue in Home Department Resolution No. 11903-Assn., dated the 10th March 1981 to go into matter, submitted its report on the 31st March 1982. The State Government, after careful consideration, have accepted the recommendations of the Sub-committee and have, accordingly, decided as follows :

Yardstick for corresponden-ce.

I. For the purpose of dealing with correspondence, the yardstick of 2000 receipts and issues taken together for one Clerk, as prescribed in Revenue Department G. O. No. 27814-R., dated the 1st May 1964, should be adopted in all the District level Offices and Subordinate Offices thereunder. The position should be reviewed in respect of offices where a different yardstick is followed at present :

Provided that, in respect of Block Offices where the Extension Officers are required to attend to substantial percentage of correspondences relating to their subjects directly, the procedure of determining the requirement of ministerial staff should be the total number of posts admissible on yardstick basis (i.e., one Clerk for 2000 receipts and issues taken together) minus the total number of Extension Officers available, but in no case the minimum number of ministerial officers (excluding the supervisory officer) should be less than three.

Yardstick for case work.

II. For the purpose of processing of cases such as leases, offences, permits, appeal cases on other miscellaneous cases of this nature, the yardstick of one clerk at the rate of 1000 contested cases or 2000 uncontested cases, as prescribed in the aforecited G. O. of Revenue Department, should be adopted in all the District level offices in respect of Forest Department, Finance (Commercial Tax) Department and such other Departments where such cases are handled, except in respect of criminal cases for which separate yardsticks have been prescribed by the Home Department and the Law Department. The position should be reviewed in respect of offices where a different yardstick is followed at present.

Yardstick for Bill Budget

III. For the purpose of dealing with work relating to bill, budget, establishment, forms and stationery, the yardstick of one clerk for every sixty employees (both Gazetted and

Establishment Forms and Stationery.

non-Gazetted employees working under the District Offices whose appointing authority is the said District Officer but who may be working elsewhere), as prescribed in the aforecited G. O. of the Revenue Department, should be adopted in all the District level offices and subordinate offices thereunder in respect of all the Departments :

Provided, however, that adoption of this yardstick may not be a feasible proposition for offices like those of District Inspectors of Schools and Block Development Officers and hence it is necessary to examine the prospects of computerizing the preparation of bill etc. in these offices and other similar offices. In case some of the existing employees would be found to be surplus on account of such computerization, they may be utilized for other purposes without facing retrenchment.

Post of Record Keeper.

IV. For the purpose of systematic maintenance and preservation of record, there should be one post of Record Keeper on non-receipt basis for each District Level Office, without prejudice to the yardstick prescribed in G. O. No. 27834-R., dated the 1st May 1964 for the Revenue Department.

Specified posts for Offices under Engineering Departments/ Block Offices.

V. For the purpose of handling work relating to accounts and stores, the existing yardstick of (a) one clerk for each Subdivision under the Division (to act as sub-divisional Auditor under the Divisional Accountant), (b) one Cashier for the Divisional Office and (c) one Store Keeper for the Divisional Office should continue to be operative on non-receipt basis in respect of the Works Department. These yardsticks may be adopted in other Engineering Departments also. The yardstick of one Cashier and one Store Keeper may also be adopted, on non-receipt basis in respect of the Block Offices.

Yardstick for House rent collection and revenue receipts.

VI. For the purpose of collection of house rent and revenue receipts, the yardstick of 150 houses for one clerk, as prescribed by the Works Department should be adopted in all such Departments entrusted with the responsibility of collection of house rent and revenue receipts of like nature.

1:2 Ratio of Senior Clerks and Junior Clerks.

VII. Among the total number of clerks admissible, the existing ratio of one Senior Clerk for two Junior Clerks should continue and this pattern should be adopted in all District level offices and Subordinate offices thereunder in respect of all Departments.

Supervisory posts, Head Clerk and Head Assistant.

VIII. (a) Government decision regarding entertainment of supervisory posts in the rank of Head Clerk/Head Assistant will be taken on considering the recommendations of the Pay Commission, 1983.

Office Superintendent.

(b) The supervisory posts in the rank of Office Superintendent, wherever they exist should continue.

Test Typing

IX. At the entry stage of the ministerial service, there should be a non-qualifying test in typing, but the said test should not be obligatory. The Junior Clerks who do not 'appear in or do not' pass the said test should be required to pass the test during the period of their probation failing which they will not be eligible to draw any further increments.

2. Each Department of Government should finalise the yardsticks, on receipt and non-receipt basis, for entertainment of staff in respect of the District level offices and Sub-ordinate offices thereunder in its administrative hierarchy, keeping in view the criteria indicated above and the specific functional activities pertaining to the said offices.

Order – Ordered that the Resolution be published in the Orissa Gazette and copies thereof be forwarded to all concerned for information an necessary action.

By order of the Governor
GIAN CHAND
Chief Secretary to Government

No. 13582-IIE(G)-161/83-R.

GOVERNMENT OF ORISSA

REVENUE AND EXCISE DEPARTMENT

RESOLUTION

The 25th February 1984

Subject – Rationalisation of the Staffing Pattern in the District Level Offices and Subordinate Offices thereunder.

The State Government in their Resolution No. 9892-R., dated the 10th February 1984 had taken certain decisions to rationalise the staffing pattern in the district level office under the administrative control of different departments of Government, after considering the recommendations made by the Sub-committee constituted under the Chairmanship of the Member, Board of Revenue for the purpose.

2. While considering the question of prescribing the yardstick for the creation of supervisory posts of Head Clerk and Head Assistant it was mentioned in paragraph VIII (a) of the said Resolution that "Government decision regarding entertainment of supervisory posts in the rank of Head Clerk/Head Assistant will be taken on considering the recommendation of the Pay Commission, 1983."

3. After further consideration, Government have been pleased to decided that paragraph VIII of the aforecited Resolution will stand modified as follows :

Supervisory posts-Head Clerk.

"VIII (a) The ratio for entertaining supervisory posts in the rank of Head Clerk should be 1:12. In other words, there should be one Head Clerk for twelve Senior Clerks and Junior Clerks taken together and an additional post of Head Clerk would be admissible for the remaining seven or more additional ministerial officers, if any. For this purpose, the existing yardstick and non-yardstick supervisory posts should be taken into account. However, there should be a supervisory post of Head Clerk in each and every office having three ministerial officers in the minimum in case no supervisory post of equivalent rank or higher rank already exists."

Head Assistant and Superintende-nts.

"(b) The supervisory posts in the rank of Head Assistant or Office Superintendent, wherever they exist, should continue."

Order – Ordered that the Resolution be published in the *Orissa Gazette* and copies thereof be forwarded to all concerned for information and necessary action.

By order of the Governor
GIAN CHAND
Chief Secretary to Government

DIPLOMA ENGINEERS

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
	PART I - RULES		
1.	Notification No. 6514 (Gen.)	23-03-1982	Orissa Junior Engineers (Constitution of Cadre) Rules, 1982
	PART II – INSTRUCTIONS		
1.	Circular No. 14870 (Gen.)	20-08-1986	Relaxation of under age of Diploma Holders for appointment as Junior Engineers
2.	Resolution No. 9419 (Gen.)	03-04-1991	Employment of unemployed Diploma Engineers of different discipline under the Government Departments/Government Undertakings.
3.	Resolution No. 2739 (Gen.)	08-02-1995	Employment of unemployed Diploma Engineers of different discipline under the Government Departments/Government Undertakings.
4.	Resolution No. 5468 (Gen.)	02-02-2000	Employment of unemployed Diploma Engineers – Reconstitution of Committee.

PART-I RULES

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 23rd March 1982

(Published in the *Orissa Gazette* on the 15th May 1982)

No. 6514/Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor is pleased to make the following rules, namely :-

1. (1) These rules may be called the Orissa Junior Engineers (Constitution of Cadre) Rules, 1982

(2) They shall come into force on the date of their publication in the official gazette

2. Definitions – In these rules unless the context otherwise requires –

(a) "Cadre" means the cadre of Junior Engineer constituted under sub-rule 1 of rule 5

(b) "Government" means the State Government of Orissa

3. The post of Junior Engineer shall be non-gazetted ranks and shall carry such scales of pay as Government may, from time to time determine.

4. Each Department of Government, which has a cadre of Junior Engineers constituted under the Orissa Junior Engineer's Cadre (Recruitment and Condition of Service) Rule, 1972 and a cadre of Sub-Assistant Engineer shall on date of Commencement of these rules, have a cadre of Junior Engineers.

5. (1) The cadre of Junior Engineers shall comprise –

(a) Junior Engineers recruited under the Orissa Junior Engineers Cadre (Recruitment and Conditions of Service) Rules, 1972, who continue as such on the date of commencement of these rules, and

(b) The Sub-Assistant Engineers continuing as such on the date of commencement of these rules, and

(c) Junior Engineers appointed after the commencement of these rules;

(2) The Sub-Assistant Engineers referred to in clause (b) of sub-rule (1) shall on and from the date of commencement of these rules be re-designated as Junior Engineers.

6. The Seniority of Junior Engineers in the Cadre on the date of commencement of these rules shall be as follows :-

(1) Without prejudice to the *inter se*-seniority among the officers belonging to each group, the group of officers referred to in clause (a) of sub-rule (1) of rule 5 shall enblock be senior to the group of officers referred to in clause (b) of sub-rule (1) of rule 5.

(2) The inter se-seniority among the officers belonging to each group referred to in clauses (a) and (b) of sub-rule (1) of rule 5 as it stood immediately prior to commencement of these rules shall remain unaltered.

7. Save as otherwise provided in these rules, The Orissa Junior Engineers, Cadre (Recruitment and Conditions of Service) Rules, 1972, are hereby repealed.

By order of the Governor
C. NARAYANASWAMY
Special Secretary to
Government

PART-II - INSTRUCTIONS

No. 14870-2R/1-52/86Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 20th August 1986

From

Shri R. N. Misra, O. A. S. (I)
Deputy Secretary to Government.

To

The Chairman, Committee of Chief
Engineers and concerned Heads of Departments and
Chief Engineers, P. H., Orissa.

Subject – Relaxation of under-age of Diploma holders for appointment as Junior Engineers.

Sir,

I am directed to invite a reference to your letter No. 2120, dated the 2nd May 1986 on the subject noted above and to say that the minimum age of entry into Government service of Junior Engineers should be taken to be 21 years as in case of other Gazetted Government servants in Class-I, Class-II and Class-III services.

Yours faithfully,
R. N. MISRA
Deputy Secretary to
Government

No. 9419-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 3rd April 1991

Subject – Employment of un-employed Diploma Engineers of different disciplines under the Government Departments/Government Undertakings.

Read – P. & S. Department Resolution No. 19877-SC/6-98/79-Gen., dated the 6th August 1979.

Instructions were issued in the erstwhile Political and Services Department (now General Administration Department) Resolution No. 19877 – SC/6-98/79-Gen., dated the 6th August 1979 (copy enclosed) and Irrigation and Power Department letter No. 41816, dated 11th September 1989 for constitution of a Committee consisting of Chief Engineers and other Heads of Departments concerned for appointment of Diploma Holders in Civil and Electrical Engineering to different Departments and other Government Offices after obtaining information from the concerned Departments regarding their requirements.

2. But there was no provision in the aforesaid Resolution for recruitment of Junior Engineers other than Civil an Electrical. After careful consideration Government have been pleased to decide that the said Committee with the following officials as Chairman and Members will also empanel Diploma Holders of all Engineering disciplines :-

1.	Chief Engineer, Delta & Flood Control (Irrigation)	…	Member
2.	Chief Engineer, Roads	…	Member
3.	C. E., Electricity and Electrical Projects	…	Member
4.	C. E., Buildings - I	…	Member
5.	C. E., P. H. - I	…	Member
6.	C. E., National Highway	…	Member
7.	C. E., Mechanical of Irrigation Deptt.	…	Member
8.	Establishment Officer, Office of the C. E., National Highway.	…	Secretary of the Committee

The Committee may co-opt. any other Chief Engineer/Head of the Department/Corporation as a Member as may be necessary. The Senior most Chief Engineer will act as Chairman of the Committee.

3. The Criteria for selection by the Committee shall be fixed taking into consideration the requirements of different Departments/Corporations.

4. All appointments in the Government Departments, Undertakings and other Government institutions are to be made from this panel of candidates maintained by the Committee. Other provisions as contained in the erstwhile P. & S. Department resolution referred to above shall remain unaltered.

Order – Ordered that the Resolution be published in the *Orissa Gazette* for general information.

Ordered also that copy of the Resolution be forwarded to all Departments of Government/all Heads of Departments/Member, Board of Revenue/all District Collectors/Secretary to Governor/Registrar, Orissa High Court/Secretary, O. P. S. C./Principal Secretary to Chief Minister and Director of Printing, Stationery and Publication, Orissa, Cuttack.

By order of the Governor
C. NARAYANASWAMY
Special Secretary to
Government

No. 19877/Gen.

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

RESOLUTION

The 6th August 1979

Subject – Constitution of a Committee for recruitment of Diploma Holders in Civil Engineering.

Read – L. E. & H. Department Resolution No. 6383/LEH., dated the 24th April, 1973.

Government in P. & C. Department were so far maintaining the list of Diploma Holders in Civil Engineering and sponsoring them to different Departments to meet their requirement.

2. This system was conceived as a temporary arrangement and required to be continued till L. E.& H. Department took steps for opening a Technical Manpower Employment Exchange. In the meantime, L. E. & H. Department have constituted a Technical Manpower Employment Exchange which has been functioning from April 24, 1973. After formation of the Technical Manpower Employment Exchange, there is no need for the P. & C. Department to function as a Control Agency for recruitment of Diploma Holders in Civil Engineering. On the other hand, it is considered appropriate that Chief Engineers and the concerned Heads of Departments should be associated with the recruitment of Diploma Holder in Civil Engineering as per the practice followed in early sixties.

3. After careful consideration, Government have been pleased to constitute a Committee consisting of the Chief Engineers and other Heads of Departments concerned for the above purpose. The

Establishment Officer attached to the National Highway Organisation will work as Secretary of the Committee.

4. The Committee will allocate the Diploma Holders, in Civil Engineering to different Departments according to their requirement form the list of candidates available with the Technical Manpower Employment Exchange. All appointments are to be made from the list of candidates sponsored by the said Exchange and in case it fails to furnish candidates within a specified period of three weeks recruitment may be made from the open market. The responsibilities of the Committee would be to allocate the Civil Diploma Holders to different branches and allottees would have to report to duty within a fortnight of their receiving intimation of appointment.

Order – Ordered that the Resolution be published in the *Orissa Gazette* for general information.

Ordered also that copies of the Resolution be forwarded to all Departments of Government, all Heads of Departments, all District Offices, Secretary to Governor, Registrar, Orissa High Court, Secretary, Orissa Public Service Commission and Director of Printing, Stationery and Publication, Orissa, Cuttack for information and communication to the subordinate officers under them.

By order of the Governor
A. N. TIWARI
Special Secretary to
Government

No. 2739-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 8th February 1995

(Published in the *Orissa Gazette* on the 3rd March 1995)

Subject – Employment of unemployed Diploma Engineers of different disciplines under the Government Departments/Government Undertakings.

General Administration Department in their Resolution No. 9419, dated the 3rd April 1991, have constituted a Committee to empanel Diploma Holders of all Engineering disciplines for appointment of Diploma Holders wherein it has been provided that the senior most Chief Engineer will act as Chairman of the Committee. But subsequently Government have been pleased to decide that Chief Engineer, National Highway, will be the Chairman of the said Committee irrespective of his seniority.

Accordingly, the works "The senior most Chief Engineer" occurring in the last sentence in paragraph 2 of the General Administration Department Resolution No. 9419-Gen., dated the 3rd April 1991, are hereby substituted by the words "The Chief Engineer, National Highway".

This will take effect from the date of issue of this Resolution.

Order – Ordered that the Resolution be published in the *Orissa Gazette* for general information and copies be forwarded to all Departments of Government/all Heads of Departments/Member, Board of Revenue/all District Collectors/Secretary to Governor/Registrar, Orissa High Court/Secretary, OPSC/Principal Secretary to Chief Minister and Director of Printing, Stationery and Publication, Orissa, Cuttack.

By order of the Governor
PRITIMAN SARKAR

Special Secretary to

Government

No. 5468-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 2nd February 2000

Subject – Employment of unemployed Diploma Engineers of different Disciplines under the Government Departments/Government Undertakings- Reconstitution of Committee.

Detailed guidelines have been issued in General Administration Department Resolution No. 9419-Gen., dated the 3rd April 1991, read with Resolution No. 2739, dated the 8th February 1995 prescribing the procedure for employment of unemployed Diploma Engineers of different Disciplines under Government Departments/ Government Undertakings. Under Para. 2 of the said Resolution, a Committee under the Chairmanship of the Chief Engineer, National Highway has been constituted to empanel Diploma holders of all Engineering disciplines for their appointment under the Government Departments/Government Undertakings.

2. In the meantime, several changes have been made in the designation of post of Chief Engineer and some of the posts of Chief Engineers have been upgraded to that of Engineer-in-Chief and the post of Chief Engineer, Delta & Flood Control has been abolished, against which the post of Engineer-in-Chief, Water Resources, has been created. In view of the changed circumstances, the question of reconstitution of Committee to empanel Diploma Holders of all Engineering disciplines for appointment was under consideration of Government for sometime past.

3. After careful consideration, Government have been pleased to decided that in partial modification of Para. 2 of G. A. Department Resolution No. 9419, dated the 3rd April 1991 the Committee with the following officials is reconstituted to empanel Diploma holders of all Engineering disciplines for appointment in Government Departments/Government Undertaking :-

(1)	Engineer-in-Chief (Civil)	…	Chairman
(2)	Engineer-in-Chief (Water Resources)	…	Member
(3)	Engineer-in-Chief (Electrical)	…	Member
(4)	Engineer-in-Chief (Public Health)	…	Member
(5)	Chief Engineer (Buildings)	…	Member
(6)	Chief Engineer (National Highway)	…	Member
(7)	Chief Engineer (Mechanical)	…	Member
(8)	Establishment Officer-I, office of the E.I.C. (Civil)	…	Secretary

4. All other conditions as stipulated in G. A. Department Resolution No. 9419, dated the 3rd April 1991 shall remain unchanged.

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Order – Ordered that the Resolution be published in the *Orissa Gazette* for general information and copies be forwarded to all Departments of Government/all Heads of Departments/Member, Board of Revenue/all Collectors/Secretary to Governor/Registrar, Orissa High Court/Registrar, Orissa Administrative Tribunal/Secretary, O. P. S. C.

By order of the Governor

S. B. AGNIHOTRI

Special Secretary to Government

ENGAGEMENT OF RETIRED OFFICERS

INSTRUCTIONS

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
1.	Circular No. 28560 (Gen.)	13-11-1991	Procedure to be followed in case of regularization of overstayal period in serive.
2.	Circular No. 2102 (Gen.)	30-01-1995	Procedure to be followed in case of regularization of overstayal period in service of retired Government servants who are staying in Government service beyond he date of normal retirement and recovery of emoluments received by the employees concerned thereof.
3.	Resolution No. 19637 (Gen.)	30-06-1999	Guidelines relating to engagement of retired Government functionaries.
4.	Resolution No.31998-Gen	22-11-2003	Guidelines relating to engagement of retired Government Functionaries.
5.	Resolution No. 30168 (Gen.)	13-10-1999	Guidelines relating to engagement of retired Government functionaries-deployment of retired Doctors in K. B. K. region.

No. 28560 (179) – 2R/1-70/91 (Pt)-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 13th November 1991

From

Shri T. K. Mishra, I. A. S.
Special Secretary to Government

To

All Secretaries to Government/
All Heads of Departments/
All Collectors.

Subject – Procedure to be followed in case of regularization of overstayal period in service of retired Government servants by way of re-employment and proposals affecting the service conditions of individual Government servants so far as creation of posts and antedating of promotion etc. in compliance to the Court's orders.

Sir,

I am directed to invite your attention to the erstwhile Political and Services Department letter No. 14572(25) – SC/1-21/68-Gen., dated the 5th August 1968 wherein the procedure has been laid down for the re-employment and extension of superannuated officers. According to the said procedure, re-employment shall not be granted as a matter of course but it may only be granted in the exigencies of public service. The Administrative Department will have to informally consult the Minister in charge before giving views about the proposal of re-employment and consult the General Administration and Finance Departments and after their views obtained will have to submit the proposal to the Chief Secretary/Additional Chief Secretary/Development Commissioner who will record his views and submit the case to the Minister concerned. In case the General Administration and Finance Departments disagree to the proposal they shall have to consult the Minister in charge of their department before endorsing their views to the sponsoring department. If the administrative Department still feels that the matter is to be placed before the Cabinet, the views of General Administration and Finance Departments shall be placed in the Memorandum and specific approval of the Chief Minister obtained to place it before the Cabinet.

2. Of late, it has been observed that a number of cases are being referred to the General Administration Department relating to the grant of re-employment to the retired Government servants to regularize their period of overstayal beyond the normal age of superannuation either due to lack of proper supervision of the concerned authority or otherwise. In such cases, to avoid embarrassment, regularization of the overstayal period is made by way of re-employment. In one such case of regularization of overstayal period relating to the Irrigation Department, approval of the Cabinet was sought for on the 26th June 1991. This case was approved by the Cabinet with the observation that overstayal in service beyond the age of superannuation is occurring in different departments from time to time and responsibility should be fixed for such overstayal in each case.

3. In another case of overstayal period relating to the Finance Department, approval of the Cabinet was sought for, on the 3rd September 1991. The case was approved by the Cabinet with the observation that proposals affecting the service conditions of individual Government servants such as creation of posts, antedating of promotion etc. in compliance to the Court's orders or proposals for regularization of the period of overstayal in service as re-employment t need not be brought to the Cabinet and that such cases should be decided in future under orders of the Chief Minister.

In view of the above change of policy, proposals in future affecting the service conditions of individual Government servants such as creation of posts and antedating of promotion etc. in compliance to the Court's order or proposals for regularization of the period of overstayal of Government servants beyond the age of superannuation as re-employment need not be submitted to the Cabinet and such cases should be disposed of after obtaining orders of the Chief Minister. But responsibility should invariably be fixed in each case on the concerned officers before obtaining the orders of Chief Minister for regularizing the period of overstayl after the normal age of superannuation as re-employment.

Yours faithfully,
T. K. MISHRA
Special Secretary to
Government

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No. 2102 – 2R/1-27/94-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 30th January1995

To

All Departments of Government
All Heads of Departments
All Collectors.

Subject – Procedure to be followed in case of regularization of overstayal period in service of retired Government servants who are staying in Government service beyond the date of normal retirement and recovery of emoluments received by the employees concerned thereof.

Sir,

I am directed to say that in the past detailed instructions were issued in Book Circular No. 40 and in the erstwhile P. & S. Department letter No. 14572 (25), dated the 5th August 1968, Resolution No. 3642, dated the 19/20th February 1968 and G. A. Department No. 28560 (175), dated the 13th November 1991 stipulating the procedure to be followed in case of regularization of overstayal period in service of retired Government servants by way of re-employment. Despite such instructions several cases are being referred to G. A. Department for regularization of overstayal period in service in case of a good number of Government employees by way of re-employment without following the guidelines meticulously. Overstayal in service occurs either due to manipulation of the date of birth of an employee in his Service Book/Service Roll or on account of Court order staying operation of retirement notice issued by Government or due to non issuance of retirement notice by the appointing authority at the appropriate time. Thus continuance in service of a Government servant beyond the date of superanuation not only creates financial burden on the State exchequer but also puts the Government into an embarrassing position as well. Manipulation of date of birth in the Service Records is not possible without connivance of the custodian of Records. Officers and staff dealing with the establishment matters are supposed to keep watch on timely retirement of employees concerned. Therefore, due to their negligence or with their knowledge at times some employees manage to continue in Government service beyond their date of superannuation. In order to avoid re-employment in service and to hold officers and staff responsible for such re-employment, the following guidelines are prescribed :-

(i) No alternation of the date of birth once recorded in the Service Book/Service Roll of an employee, shall be made excepting in case of clerical error without prior approval of the State Government. An application for effecting a change in the date of birth shall be summarily rejected if-

(a) filed after five years of entry into Government service, or

(b) the change would lower the applicant's age to an extent that he/she would have been ineligible to appear in any of the academic or recruitment examination for appointment to any service or post under the Government.

(ii) No Government servant will be allowed to dispute his date of birth on completion of the period of probation and after completion of one year of service in case of Class IV employees.

(iii) The Government servant shall be deemed to retire from service on his normal date of superannuation and no notice to a Government servant to retire from service on attaining the age of superannuation is required according to Rule 40 (5) of the O. C. S. (Pension) Rules, 1992.

(iv) If a Government servant continues in service beyond the date of his normal superannuation or compulsory retirement by manipulation of Service Book or Government Records, the officers and staff for whose negligence in duty the employee concerned found opportunity to overstay in service should be taken to task. In case of overstayal by manipulation of records as well as suppression of facts, charges against Officers/Staff concerned should be established through a departmental proceeding so that recovery of the salary received by the Government servant overstayed in service, can be effected from the employees responsible for such overstayal along with such other punishments as are considered appropriate by the Disciplinary Authority.

2. Proposals for regularization of overstayal period in service by a Government Employee should be submitted to the Chief Minister as clarified in Para. 4 of the G. A. Department Circular No. 28560, dated the 13th November 1991, keeping the aforesaid guidelines in view.

Concurrence of G. A. Department and Finance Department should invariably by taken before the proposal is submitted to the Chief Minister.

3. The above instructions are issued after consultation with the Finance Department and Law Department.

Yours faithfully,
[ILLEGIBLE]
Special Secretary to
Government

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No. 19637-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

(Published in *Orissa Gazette* on the 13 August 1999)

The 30th June1999

Subject – Guideline relating to engagement of Retired Government Functionaries.

There was a time when the number of persons having professional expertise, especially in the scientific technical and paratechnical spheres, was limited in the country in general and in Orissa in particular. In view of such acute scarcity, there was then a need on certain occasions to engage some retired persons of professional excellence in Government assignments by way of (a) extension of service or (b) re-employment or (c) contractual appointment for specified periods, ordinarily not beyond the age of sixty years of age.

2. The situation has now undergone a drastic change because of the following facts :-

(a) There are numerous functionaries available at different levels in various hierarchies of Government organizations who are equally equipped to handle any technical or administrative matter and who can with equal dexterity handle the intended function. It would be unfair to them if they are denied the opportunity to shoulder the higher responsibility by due elevation.

(b) The current age is a time of explosion of multidisciplinary knowledge. There is continual acquisition and updating of skills in managerial and technological spheres. Yesterday's expertise is today's obsolescence. It is, therefore, in the public interest to induct fresh talents rather than to rehire antiquated hands.

(c) Nothing prevents a retired but public spirited expert of renown to offer his council and positive suggestions for the consideration of Government even if he is not given a formal extension or re-employment or contractual appointment. He can also contribute to the society by getting associated with voluntary organizations committed for socio-economic welfare of the people at large.

(d) The inclination to seek such continuance in an assignment on the part of a Government functionary towards the fag-end of his service and the tendency to recommend such propositions on the part of the superior authority sometimes lead to situations which are not desirable.

3. Considering the matter from all angles, the State Government have decided, in supersession of all earlier instruction, that no proposal for re-engagement of any retiring/retired functionary shall hereafter be considered in any circumstances, except in the situations specified hereunder :-

(a) Appointments of retiring/retired Government officers made as per the provisions contained in the Constitution of India or Central/State Status (such as Chairman/Members of Public Service Commission, Tribunals, etc.), or

(b) Honorary appointments of retiring/retired Government officers as Directors of Boards of Directors of Public Enterprises or Presidents/Vice-Presidents of State Academies (for specified terms), provided that no such appointments shall continue beyond the age of sixty-five years, or

(c) Membership of retired Government functionaries in any Advisory Body or a Committee on honorary basis for specified periods.

4. The only exception that may be allowed relates to the appointment of a Special Secretary/Officer-on-Special Duty (in lieu of one post of Private Secretary) to a Minister/Minister of State/Deputy Minister. In case a member of the Council of Ministers whishes to engage a retired Government officer for the said purpose in consideration of his usefulness because of similar past experiences, such a retired officer may be engaged with the prior approval of the Chief Minister, subject to the following terms and conditions :-

(1) The appointment shall be on contract basis and shall be co-terminous with the appointment of the Member of the Council of Ministers. It shall also be terminable on one month's notice, on either side, even during the period of incumbency of the Member of the Council of Ministers.

(2) The rank of the retired officer must not have been less than that of an Under-Secretary to Government at the time of retirement. He may be designated as Officer-on-Special Duty, ordinarily. If, however, be held a position of or above the rank of Additional Secretary to Government, he may be designated as Special Secretary.

(3) He must not have been punished in any Departmental Proceedings during his service career, nor must he have been a member of any political party after his retirement.

(4) A retired officer against whom a Vigilance case or Criminal prosecution or disciplinary proceeding is pending shall not be eligible for such engagement.

4.2. The proposal for such appointment shall be placed for the consideration of the Chief Minister after obtaining the clearance of the Vigilance Organisation and the concurrence of the General Administration Department and Finance Department.

4.3. (a) The appointee shall be entitled to get a consolidated pay as determined by the Parliamentary Affairs Department on the advice of the Finance Department. [1][The emoluments to be paid for re-engagement should be on the basis of fixation of such emolument for re-employed retired persons].

(b) The appointee shall not be eligible to get Dearness Allowance or any other Special Pay or Allowances over and above the said consolidated pay.

(c) During the period of the contract appointment, the appointee may be accommodated in government Quarters, subject to the availability, provided he pays [1][normal rent as applicable to a Government servant occupying government accommodation].

(d) During the period of the contract appointment, the appointee shall also be entitled to get (i) Travelling Allowance for approved tours at the rate he was eligible for at the time of his retirement and (ii) the benefit of reimbursement of the cost of medicines as applicable to Government servants.

(e) The period of the contract appointment shall not be counted as Government service for the purpose of pension or any other retirement benefits.

5. With immediate effect the engagement of all retired Government functionaries by way of extension of service/re-appointment/contract appointment (which are contrary to the guidelines) shall stand terminated.

6. This Resolution shall come into force with immediate effect.

Order – Ordered that the Resolution be published in the *Orissa Gazette* and copies thereof be forwarded to all concerned.

By order of the Governor
RAJENDRA KISHORE
PANDA
Special Secretary to
Government

1. Substituted vide corrigendum No. 2525-Gen., dated the 15th January 2000.

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No. 30168-Gen
Government of Orissa
General Administration Department
RESOLUTION
The 13th October' 1999

Subject – Guidelines relating to Engagement of Retired Government functionaries-Deployment of retired Doctors in K. B. K. region.

Whereas guidelines were issued in this Department Resolution No. 19637-Gen., dated the 30th June 1999 putting stringent restriction on re-deployment of retired personnel in Government Departments/Agencies and whereas the review of its implementation revealed that the circumstances necessitating deployment of retired Doctors in the K. B. K. region are completely different from those which necessitated the above Resolution.

The Government, therefore, have been pleased to decide that the aforesaid Resolution would not be applicable in the case of filling up vacant posts of general Doctors and Veterinary Surgeons in the K. B. K. region (up to 60 years age) until further orders.

This Resolution shall come into effect immediately.

Order – Ordered that the Resolution be published in the *Orissa Gazette* and copies thereof be forwarded to all concerned.

By order of the Governor
S. B. AGNIHOTRI
Special Secretary to
Government

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Government of Orissa
General Administration Department
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RESOLUTION
Dtd. 22.11.2003

Sub: Guidelines relating to engagement of retired Government Functionaries.

No. 2R/1-27/2003/31998/Gen., Government have been pleased to decide that merit alone should determine tenures of Directors of Board of Directors of Public Enterprises, Presidents and Vice-Presidents of State Academies and there should be no age bar for such appointments. Accordingly, General Administration Department Resolution No. 19637 / Gen., dt. 30.06.1999 is amended to the extent as follows:

1. In clause (b) of the said resolution, the following shall be substituted namely:

There would be no age bar for honorary appointments for specified periods of retiring / retired Government officers as Directors of Board of Directors of Public Enterprises or Presidents / Vice-Presidents of State.

Academies, provided that the persons to be appointed have good health and are fit.

ORDERS : Ordered that the resolution be published in the extraordinary, issue in the Orissa Gazette and copies thereof be forwarded to all concerned.

By order of the Governor,

T.K.Pandey

Special Secretary to Government

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GROUP 'D' EMPLOYEES

INSTRUCTIONS

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
1.	Circular No. 29787 (Gen.)	15-12-1979	Method of recruitment and duties of Group 'D' posts.
2.	Circular No. 201561 (Gen.)	27-08-1983	Employment of Class IV Government servant in work of purely private nature.
3.	Resolution No. 3180 (Gen.)	09-02-1994	Promotion of Class IV employees to Class III posts.
4.	Circular No. 22801 (Gen.)	22-10-1994	Promotion of Class IV employees to Class III posts.
5.	Resolution No. 16140 (Gen.) Oriya.	30-05-1996	Certain concessions admissible to Class IV employees.
6.	Resolution No. 2196 (Gen.)	29-01-1997	Promotion of Group 'D" employees to Group 'C' Posts.
7.	Resolution No. 7205 (Gen.)	23-03-1998	Promotion of Group 'D' employees to Group 'C' Posts.
8.	Circular No. 4206 (Gen.) Oriya.	08-02-1999	Appointment of Treasury peons as Treasury Sarkars.

No. 29787-Gen.

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

The 15th December 1979

To

All Departments of Government.

Subject – Amendment to Orissa Secretariat Instructions.

The undersigned is directed to say that the Orissa Secretariat Instructions shall stand amended as indicated below with immediate effect.

2. The existing Rules 1-8-A shall be substituted by the following :-

"A-1. DUTIES OF JAMADAR

(1) To bring letters from the Post Office and place these before the officer concerned after putting date stamp.

(2) To arrange papers and files on the table of the officer.

(3) To remain in attendance at the office room of the officer to attend to the calls of the Officer.

(4) To carry files and papers to and from the office room of the officers.

(5) To attend to the Officer's Telephones in the absence of the officer to whom he is attached.

(6) To attend to any other official work that may be entrusted to him by the officer concerned.

A-2 DUTIES OF DAFTARY

(1) To attend to all types of roneo works.

(2) To bind and stitch all new and old registers except the binding of Gazettes of Law Department.

(3) To seal all confidential letters and files, etc.

(4) To attend to all pasting works of the Department.

(5) To rule the papers and registers when required.

(6) To clean inkpots and pens of the officers and assistants.

(7) To bring departmental indents of stationery articles on requisition and distribute those among the staff.

(8) To supply sized papers to typists.

(9) To prepare envelopes, etc. for issue of letters, parcels and packets, etc.

(10) To affix stamps on cover of Government letters.

(11) To carry daily Government letters, registered letters, parcels, etc. to post office for despatch.

(12) To attend to any other official work assigned to him by the officer, S. O. or Superintendent.

A-3 DUTIES OF LITERATE PEON ATTACHED TO ISSUE SECTION

(1) To return drafts, spare copies, etc. to concerned staff after issue and help despatcher in office work.

(2) To take signature pad from Issue Branch to concerned officers for signature.

(3) To take official telegrams/wireless message/telex messages, etc. to their respective places for despatch.

(4) To keep postal receipts in relevant register of Issue Section.

(5) To take delivery of parcels/packets of Department from Railway Station/Post Office/Registration offices, etc.

(6) To distribute official daks both inside and outside the office.

(7) To attend to any other official work entrusted by the Head Typist.

A-4 DUTIES OF ORDERLY PEON

(1) To carry files, daks, official papers and books, etc. as and when required from office to residence office and *vice versa* of the officers to whom he is attached.

(2) To attend to the office work (including carrying messages/orders) at the residence office of the officer to whom he is attached.

(3) To attend to any other official duties which maybe assigned by the officer to whom he is attached.

(4) To return the signature pads after signature of the concerned officer to Issue Branch.

(5) To attended to any other official calls of the officer he is attached to.

A-5 DUTIES OF OFFICE PEON

(1) To take attendance register from office to officer and back

(2) To attend to all official calls of the office staff and other to whom attached

(3) To take files from the officer to office and *vice versa*

(4) To take Diary, Transit U. O. I., U. O. R. Registers, Log Books, etc. to the desired places as and when required by Officers/Assistants/Section Officers/Diarist, etc.

(5) To attend to any other official duties as and when required by his official superiors.

A-6 DUTIES OF FARASH

(1) To clean the Surahis and supply drinking water in office rooms of the Department to which he is attached.

(2) To dust furniture, files and racks kept in the Department as well as in office rooms of the officers concerned.

(3) To arrange and rearrange furniture of the conference hall and rooms of Ministers, State Ministers and Dy. Ministers as and when necessary.

(4) To attend to any other official duties as may be assigned to him from time to time by his official superiors.

A-7 DUTIES OF SWEEPER

(1) To sweep and wash the allotted office room and clean courtyards and other premises of the Secretariat building.

(2) To wash and clean lavatories, washing basins and urinals and spray disinfectant supplied for the purpose.

(3) To remove cobwebs from walls and ceilings of the offices, lavatories, urinals and garage of the Secretariat.

(4) To change and refill sand of the spintoons placed at different corners of the Secretariat building.

(5) To attend to any other official work as may be assigned to him from time to time by his official superior.

A-8 DUTIES OF CHOWKIDAR

(1) To keep a watch over the office premises

(2) To open and close different rooms and halls used as offices before and after working hours, respectively.

A-9 DUTIES OF PROCESS SERVER

(1) To serve notice on the party concerned

(2) To help the concerned assistants and officers in all office work, when not required to do out-door duty.

A-10 DUTIES OF CHAINMAN

(1) To assist Revenue Inspector/Amin to whom he is attached in the field work

(2) To work as a peon in the office when there is no field work.

A-11 DUTIES OF HEAD MALI

(1) To supervise the work of Malis and Mulias working under him

(2) To take care of garden/park/avenue site, etc.

(3) To distribute work among the Malis and Mulias working under him

(4) To take daily attendance of Malis working under him

(5) To supervise grafting and planting of flower plants and fruit trees.

A-12 DUTIES OF MALIS AND MULIAS

(1) To plant and graft fruit trees and flower plants

(2) To weed garden, manure plants and trees

(3) To water lawn, decorative plants and other fruit trees

(4) To arrange flower beds

(5) To prepare seedlings

(6) To grow seasonal flowers, to keep garden, lawn, etc. neat and tidy

(7) To attend to all connected work in garden, park, etc. as per direction of their superiors."

3. The following shall be added as Rules II-28 under Chapter II of the Orissa Secretariat Instructions :-

"II-28. Recruitment to the post of office peons, orderly peons process server, chowkidars, farashes and sweepers shall be made through the Employment Exchange. The age of the candidates for recruitment to these posts shall not be less than 18 years nor more than 32 years, provided that the upper age limit of candidates belonging to S.C./S.T. shall be relaxed by 5 years.

The candidates for appointment to these posts shall have passed M. E. examination provided that for the posts of Farash, Sweeper and Chowkidar the requirement of educational qualification shall be literate and for the posts of process server a candidate shall have passed 10th Class.

Posts of Daftaries and Jamadars shall be filled up by promotion from among the peons, orderly peons etc. within the Department on the basis of suitability with due regard to seniority."

4. These instruction shall also *mutatis mutandis* apply to such categories of posts and employees in all other State Government offices.

[ILLEGIBLE]

Deputy Secretary to

Government

No. 201561-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 27th August 1983

From

Smt. M. Debi, O.A.S. (I)

Deputy Secretary to Government

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Subject – Employment of Class IV Government servants in work of purely private nature.

Sir,

In inviting reference to this Department letter No. 19239 (113) – Gen., dated the 16th October 1965 and subsequent reminder No. 11897 (118) – Gen., dated the 5th June 1967 on the subject indicated above. I am desired to say that it was impressed on all concerned that Class IV Government servants under their control should not be engaged in work of purely private nature, against their will. Inspite of the circulars issued in this regard from time to time, it is complained by the low paid Government Servants Association that the practice of engaging Class IV employees in work of purely domestic nature is still continuing. Government, therefore, reiterate their decision communicated in the above said circulars and impress on all concerned that Class IV Government servants under their control should not be engaged in work of purely private nature against their will. Violation of this rule shall be enquired into and suitable actions in the matter will be taken.

Yours faithfully,

M. DEBI

Deputy Secretary to Government

No. 3180-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

(Published in *Orissa Gazette* on the 25th February 1994)

The 9th February 1994

Subject – Promotion of Class IV Employees to Class III Post.

In order to provide adequate promotional facilities to qualified Class IV Government servants to Class III posts, Government after careful consideration have been pleased to decide that 50 per cent of the vacancies arising in the categories of Class III posts like Recorder, Assistant Recorder, Diarist, Pasting Clerk and similar other posts in which noting and drafting are not ordinarily required should be filled up by Class IV employees who have passed at least M. E. School Certificate Examination or an equivalent examination and have rendered not less than 5 years of service under Government, provided they come out successful in a qualifying test prescribed for the purpose in this resolution.

The candidates will be subjected to simple *viva voce* for testing their intelligence, general knowledge and ability to read and write simple English and Oriya. This test should be regarded as

qualifying test and not a merit test so that the senior successful employees are not superseded by the junior employees by virtue of securing more marks in the qualifying test.

2. It is further decided that the remaining 50 per cent vacancies will be filled up from amongst the Class IV employees who have passed Matriculation or an equivalent examination and have rendered not less than 5 years of service and Record Supplier and Treasury Sarkar, who are Matriculates. In case sufficient number of Matriculate candidates are not available, the vacancies meant for them shall be filed up by suitable candidates by direct recruitment of Matriculates.

3. If the vacancy arising in a particular year, is one, it should go to Non-matriculate candidates, whereas the next vacancy of he same year or subsequent year shall be filled up by the Matriculate candidates. In other words, every alternative vacancy in Class III posts like Recorder, Assistant Recorder, Diarist, Pasting Clerk and similar other post shall be filled up by Matriculate Class IV employees.

4. It has also been decided that the posts of Record Supplier and Treasury Sarkars which are Class III posts just above Class IV posts should be entirely filled up from among suitable Class IV employees i.e. Daftaries, Jamadars, Peons, who possessed the minimum educational qualification of M. E. Standard. The Record Supplier, Treasury Sarkar, who have passed M. E. School Certificate Examination will however, be allowed to compete in the test prescribed for Class IV employees in paragraph I for promotion to other Class III posts like Recorder, Assistant Recorder, Diarist, Pasting Clerk against the 50 per cent quota meant for Non-matriculate Class IV employees.

5. For each Department of Government the qualifying test will be conducted once a year by a committee consisting of two officers of the rank of Joint Secretary/Deputy Secretary to Government to be nominated by the Secretary of the Department and the Under-Secretary/Section Officer in charge of office Estt. in the Department. In respect of other offices the qualifying test will be conducted by a Committee consisting of the officer in charge of the office establishment in the office of the appointing authority and two other Gazetted Officers to be nominated by the appointing authority. The senior most officer will preside over the meeting of the Committee.

6. This supersedes erstwhile Political and Services Department Memo. No. 9433 (70) – Gen., dated the 27th July 1957, Resolution No. 7427-Gen., dated the 6th April 1966 and General Administration Department Resolution No. 2174-Gen., dated the 21st January 1982, Resolution No. 25441-Gen., dated the 14th November 1984 and Resolution No. 16858-Gen., dated the 25th September 1986.

Order – Ordered that the Resolution be published in the *Orissa Gazette* and copy forwarded to all Departments of Government/all Heads of Departments/Board of Revenue/all Revenue Divisional Commissioners/ all Collectors for information.

By order of the Governor

PRITIMAN SARKAR

Special Secretary to

Government

No. 22801-SC/6-65/94-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

The 22nd October 1994

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Subject – Promotion of Class IV employees to Class III Posts.

In partial modification of the instruction contained under paragraph 4 of General Administration Department Resolution No. 3180-Gen. Dated the 9th February 1994 on the above subject, the undersigned is directed to say that the Record Supplier and Treasury Sarkar who have passed M. E. School Certificate Examination will be allowed to compete in the test prescribed for Class IV employees in paragraph 1 for promotion to other Class III posts like Recorder, Assistant Recorder, Diarist, Pasting Clerk against the 50% quota meant for Non-matriculate Class IV employees, But the provisions for testing their intelligence and general knowledge as provided under paragraph 1 of the Resolution shall not be applicable to them. However they will be subjected to simple *viva voce* for testing their ability to read and write simple English and Oriya.

The above instruction may be brought to the notice of all concerned.

PRITIMAN SARKAR

Special Secretary to

Government

No. 2196-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

(Published in *Orissa Gazette* on the 7th February 1997)

The 29th January 1997

Subject – Promotion of Group 'D' employees to Group 'C' Posts.

For enhancing the promotion prospects of the Group 'D' Government Servants, after careful consideration the Government have been pleased to order as follows :-

1. The base cadre of Group 'D' posts shall comprise of posts like Peon, Orderly Peon, Choukidar, Choukidar-*cum*-Sweeper, Gardener, Collection Peon, Night Watchman, Sweeper, Process Server, Treasury Peon, etc. borne in the regular establishment in an Office in the scale of pay Rs. 750-940, which is the lowest scale of pay in the Group 'D' posts/services. All recruitments to this scale of pay shall be made direct in the prescribed manner, i.e. by open advertisement/notifying the vacancies with the employment exchange.

2. The recruitment to the Group 'D' Posts/Services in the next higher scale of Pay, i.e. Rs. 775-1,025 (the highest scale for Group 'D' post) shall be done by promotion only. All the persons, who have passed the M. E. School Certificate Examination or any equivalent examination from any recognized institution and have completed 5 years of continuous regular service by working in an office in the lowest Group 'D' scale of pay, would be eligible for consideration if they fall within the Zone of consideration.

3. The Group 'D' employees, working in the highest Group 'D' scale of pay, who have completed a minimum of 3 years of Service, would be eligible for being considered for promotion to the Group 'C' services/posts in the scale of pay of Rs. 800-1,150 like Record Supplier, Treasury Sarkar and similar other posts, where the nature of work does not involve the noting and drafting. These Group 'C' Services/Posts shall be filled up by promotion only.

4. The Group 'C' Services/Posts in the next higher scale of pay of Rs. 950-1,500 like Junior Grade Diarist, Junior Grade Recorder, Pasting Clerk and similar other posts, not ordinarily involving the noting and drafting, would also be filled up by promotion only by the Group 'C' employees, who have completed at least five years of service in Group 'C' posts carrying the scale of pay of Rs. 800-1,150 as referred in Para. 3 above.

5. If the eligible persons in the next below grade of pay are not available for promotion for the above recruitments, for one reason or other, then persons working in the next lower grade may be considered for promotion, if they otherwise fulfil the eligibility criteria excepting the work experience.

6. If there are more than one cadres and/or isolated posts in the same feeder grade in an office, a combined gradation list of all the persons working in such cadres/isolated posts shall be prepared on the basis of their date of joining in the regular service for determining the Zone of consideration for promotion. In case two employees have joined the service in the same grade on the same date, the employees, who is elder in age, would be held senior.

7. No confidential character rolls are maintained for Group 'D' employees. They may, therefore, be assessed for promotion by the Departmental Promotion Committee (to be constituted by the Appointing Authority) on the basis of their service records. If nothing adverse is found in the service records of the employees, they may be considered suitable for promotion, provided they fulifl the eligibility criteria. The qualifying *Viva voce* test may be held for deciding his ability to read and write Oriya, simple English and for assessing his general intelligence.

8. The reservation in direct recruitment and in promotion, as provided in the relevant act and rules of the State Government, shall be followed in the above recruitments. The reserved posts shall be filled up only by the members of the reserved category. In case of recruitment by promotion from the feeder grade, the members of the reserved category may be granted the accelerated promotions. However, they would not be entitled to the accelerated seniority. This would mean that the members of the General Category will regain their seniority of the feeder grade or of the combined gradation list referred in Para. 6 above, as the case may be, on promotion to the higher grade in case the members of the reserved category junior to them were promoted earlier by observing the policy of reservation.

9. The Orissa Civil Service (Criteria for Promotion) Rules, 1992 and the Orissa Civil Service (Zone of Consideration) Rule, 1988 shall be followed in all the recruitments made by promotion to above posts.

10. The aforesaid instructions shall be given effect to from the date of issue of this resolution. The cases already disposed of according to instruction, which were in effect prior to issue of this resolution shall not be reopened. This supersedes General Administration Department Resolution No. 3180-Gen., dated the 9th February 1994.

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Order – Ordered that the Resolution be published in the *Orissa Gazette* and copy forwarded to all Departments of Government/all Heads of Department/Member, Board of Revenue/all R. D. Cs./all Collectors for information.

By order of the Governor

SANTOSH KUMAR

Special Secretary to

Government

No. 7205-SC.-6-38/97-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

(Published in *Orissa Gazette* on the 3rd April 1998)

The 23rd March 1998

Subject – Promotion of Group 'D' employees to Group 'C' Posts.

Guidelines for promotion of Group-D employees to Group-C posts were issued in General Administration Department Resolution No. 2196, dated the 29th January 1997. Para. 2 of said Resolution provides that Group-D employees in the scale of Rs. 750-940 who have passed the M. E. School Certificate Examination or any equivalent examination from any recognized institution and have completed 5 years of continuous regular service by working in an office would be eligible for consideration for promotion to Group-D posts/services in the next higher scale of pay, i.e. Rs. 775-1.025 if they fall within the zone of consideration.

2. The educational qualification for different Group-D posts was prescribed in G. A. Department Memo. No. 29787-Gen., dated the 15th December 1979. Prior to issue of said Memo several persons were recruited to different Group-D posts without possessing the requisite educational qualification as prescribed in aforesaid memo. Similarly several persons were recruited to the posts of Peon and Orderly Peon without passing M. E. School Certificate Examination. So they will be deprived of getting promotion to Group-D posts in higher scale of pay Rs. 775-1.025. The question of relaxation of their educational qualification for promotion to such post was under consideration of Government for sometime past.

3. In partial modification of Para. 2 of G. A. Department Resolution No. 2196, dated the 29th January 1997. Government have been pleased to decide that the Group-D employees who were recruited prior to issue of G. A. Department memo No. 29787, dated the 15th December 1979 shall also be considered for promotion to Group-D posts in higher scale of pay of Rs. 775-1,025 even if they had not passed the M. E. School Certificate Examination, if they are otherwise eligible.

4. Further the provisions for *viva voce* test for deciding his/her ability to read and write Oriya, simple English and for assessing his general intelligence as provided in Para. 7 of G. A. Department Resolution No. 2196, dated the 29th January 1997 shall not be applicable to them. However, they will be subjected to simple *viva voce* for testing their ability to read simple Oriya and proficiency in the work of Stitching and Binding to discharge the duties of Daftary.

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Order-Ordered that the Resolution be published in the *Orissa Gazette* and copy forwarded to all Departments of Government/all Heads of Departments/Member, Board of Revenue/all Revenue Divisional Commissioners/all Collectors for information.

By order of the Governor

H. S. CHAHAR

Special Secretary to

Government

GENERAL CONDITIONS OF SERVICE

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
	PART I - RULES		
1.	Notification No. 13867 (Gen.)	04-09-1964	Orissa Government Servants Application for Posts Rules, 1964.
	PART II - INSTRUCTIONS		
1.	Circular No. 7711 (Gen.)	14-07-1960	Procedure to be adopted for terminating the services of temporary Government servants.
2.	Circular No. 63 (Gen.)	03-01-1962	Rule relating to power of the State Government to dispense with or relax the requirements of any rule relating to conditions of service of State Government servants for dealing with any case in a just and equitable manner.
3.	Circular No. 18489	24-12-1962	Filling up of vacancies through Employment Exchange.
4.	Memo. No. 8215 (Gen.)	15-04-1966	Maintenance of Gradation lists of officers of all classes and to print them every year.
5.	Resolution No. 828 (Gen.)	17-01-1976	Recognition of various Sanskrit Examinations conduced by the Rastriya Sanskrit Sansthan, New Delhi for purposes of employment under the State Government.
6.	Resolution No. 19781 (Gen.)	22-08-1983	Dispensing with the recommendation of the Heads of Departments for allowing a Government servant to cross the E. B.
7.	Circular No. 11763 (Gen.)	02-07-1986	Principles to be followed in acceptance of resignation tendered by Government servants.
8.	Circular No. 6266 (Gen.)	25-03-1987	Change of surname by Government servants.
9.	Circular No. 15946 (Gen.)	25-05-1988	Change of permanent address in Service Book.

PART I - RULES

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

NOTIFICATION

The 4th September 1964

No. 13867/Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules, namely :-

THE ORISSA GOVERNMENT SERVANTS' APPLICATION FOR POSTS RULES, 1964

1. *Short title and commencement* – (a) These rules may be called the Orissa Government Servants' Application for Posts Rules, 1964.

(b) They shall come into force at once.

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

(a) "Appointing Authority" means the authority competent to make appointment to the post which the Government servant holds at the time of making application for appointment to any post elsewhere;

(b) "Government" means the Government of Orissa;

(c) "Government servant" means a person who is a member of a Civil Service of the State or who holds a Civil Post under the State.

3. *Application through the appointing Authority* – A Government servant applying for appointment to a post elsewhere shall submit his application through the Appointing Authority.

4. *Eligibility for making application* – Notwithstanding anything contained in these rules –

(a) the Appointing Authority shall not forward any application for appointment to a post elsewhere made by a Government servant who does not posses the qualifications and who does not fulfil the conditions, if any, required for the post applied for;

(b) no application of a Government servant shall be forwarded by the Appointing Authority for employment in private firms or undertakings.

5. *Forwarding applications of Permanent and temporary Government servants* – (1) No application of a Government servant, who holds a permanent post in the office in which he is working or who is likely to be made permanent in the post held by him or in any other post in the office in which he is working, shall be forwarded by the Appointing Authority for his appointment to a post elsewhere:

Provided that in the interest of public service and of the applicant, the application may be forwarded;

(2) The application of a Government servant, who is not likely to be made permanent in the post held by him or in any other post in the office in which he is working, shall be forwarded by the Appointing Authority.

6. *Forwarding applications of Government servants who received special training at the cost of Government* – No application of a Government who has received special training or technical education at Government expense, shall be forwarded by the Appointing Authority for appointment to a post elsewhere before the expiry of the period for which he has executed a bond or an agreement to serve under Government: