

The Odisha Gazette



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1528 CUTTACK, WEDNESDAY, AUGUST 7, 2013/SRAVANA 16, 1935

HOME DEPARTMENT

NOTIFICATION

The 27th July 2013

No. 27502—HOME-SPS-RULE-0001/2013-H.—In exercise of the powers conferred by the proviso to the Article 309 of the Constitution of India, the Governor of Odisha hereby makes the following rules regulating the Method of Recruitment and Conditions of Service of the persons appointed to the Odisha Armed Police Service, namely :—

PART I

GENERAL

1. Short title and commencement—(1) These rules may be called the "Odisha Armed Police Services (Method of Recruitment and Conditions of Service) Rules, 2013".

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

2. Definitions—(1) In these rules, unless the context otherwise requires,—

- (a) "Appointing Authority" means the Government of Odisha;
- (b) "Commission" means the Odisha Public Service Commission;
- (c) "Committee" means the Departmental Promotion Committee constituted under Rule 7;
- (d) "Ex servicemen" means persons as defined in the Odisha Ex servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
- (e) "Examination" means the Examination conducted under the Odisha Civil Services (Combined Competitive Recruitment Examination) Rules, 1991;
- (f) "Government" means the Government of Odisha;
- (g) "Group" means classification of the Officers on the basis of Scale of Pay and Grade Pay attached to each post made by the Government from time to time;
- (h) "Odisha Police Service" means the Service constituted and regulated by the Odisha Police Services (Method of Recruitment and Conditions of Service) Rules, 2011;

- (i) "Probationer" means a person appointed to the Service on probation and shall include a person appointed to officiate in the rank of Assistant Commandant in OSAP Cadre prior to commencement of these rules;
- (j) "Scheduled Castes and Scheduled Tribes" shall have reference to the Scheduled Castes and Scheduled Tribes specified in the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribe) Order, 1950, as the case may be, made under Article 341 and 342 of the Constitution of India respectively and as amended from time to time;
- (k) "SEBC" means "Socially and Educationally Backward Classes" as referred to in Clause (e) of Section 2 of the Odisha Reservation of Posts & Services (for Socially and Educationally Backward Classes), Act, 2008;
- (l) "Select List" means the list finally approved by Government under Rule 10;
- (m) "Service" means the Odisha Armed Police Service;
- (n) "Sports person" means persons who have been issued with Identity Card as sports person by the Director, Sports as per Resolution No. 24808-Gen., dated the 18th November 1985 of General Administration Department;
- (o) "State" means State of Odisha; and
- (p) "Year" means the calendar year.

(2) All other words and expressions used in these rules but not specifically defined shall, unless the context otherwise requires, have the same meaning as respectively assigned to them in the Odisha Service Code.

3. Constitution of the Service—The Service shall consist of the following grades, namely :—

- (a) Group 'A' (Junior Branch)
- (b) Group 'A' (Senior Branch)
- (c) Super Time Scale
- (d) Superior Administrative Grade

PART II

METHOD OF RECRUITMENT

4. Methods of Recruitment—Subject to the other provisions made in these rules, recruitment to different grades in the Service shall be made by the following methods, namely :—

(a) Group 'A' (Junior Branch) :

- (i) Not more than 25% of the posts in Group 'A' (Junior Branch) of the service, shall be filled up by officers of Odisha Police Service, Group 'A' (Junior Branch) recruited under Odisha Police Services (Method of Recruitment & Conditions of Service) Rules, 2013 directly through the examination;
- (ii) Not less than 75% of the posts in this grade shall be filled up by promotion from the rank of Inspector of Police (Armed) (hitherto designated as Subedar/Subedar Major/Reserve Inspector) :

Provided that till such time up to which direct recruit officers of Odisha Police Service Group 'A' (Junior Branch) are not available to fill up posts as mentioned at (i) above, Government may fill up the posts by way of promotion from the rank of Inspector of Police (Armed) (hitherto designated as Subedar/Subedar Major/Reserve Inspector of Police).

(b) Group 'A' (Senior Branch) :

- (i) Not more than 25% of the posts in Group 'A' (Senior Branch) of the service, shall be filled up by officers of Odisha Police Service, Group 'A' (Senior Branch) who were recruited to the Odisha Police Service Group 'A' (Junior Branch) under Odisha Police Services (Method of Recruitment and Conditions of Service) Rules, 2010 directly through Combined Competitive Examination conducted by the Commission in accordance with the Odisha Civil Services (Combined Competitive Recruitment Examination) Rules, 1991;
- (ii) Not less than 75% of the posts in this grade shall be filled up by promotion from the rank of Odisha Armed Police Service Group 'A' (Junior Branch) :

Provided that till such time up to which eligible officers of Odisha Police Service Group 'A' (Senior Branch) are not available to fill up posts as mentioned at (i) above, Government may fill up the posts by way of promotion from the rank of Odisha Armed Police Service Group 'A' (Junior Branch).

(c) Supertime Scale :

- (i) Not more than 50% of the posts in Supertime Scale shall be filled up by officers of Odisha Police Service, Group 'A' (Super time Scale) who were recruited to the Odisha Police Service Group 'A' (Junior Branch) under Odisha Police Services (Method of Recruitment and Conditions of Service) Rules, 2010 directly through Combined Competitive Examination conducted by the Commission in accordance with the Odisha Civil Services (Combined Competitive Recruitment Examination) Rules, 1991;
- (ii) Not less than 50% of the posts in this grade shall be filled up by promotion from the rank of Odisha Armed Police Service Group 'A' (Senior Branch) :

Provided that till such time up to which eligible officers of the Odisha Police Service (Supertime Scale) are not available, Government may fill up posts as mentioned at (i) above by way of promotion from the rank of Odisha Armed Police Service Group 'A' (Senior Branch).

(d) Superior Administrative Grade :

All the posts in this grade shall be filled up by promotion from the rank of Odisha Armed Police Service (Supertime Scale) :

Provided that the number of posts as mentioned in (a), (b), (c) and (d) above to be filled up during a year shall be such as may be decided by Government from time to time.

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

- (a) Candidates belonging to Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and

Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder; and

- (b) Candidates belonging to SEBC, Women, Sportsperson and Ex servicemen shall be made in accordance with the provisions made under such Acts and Rules, Orders or Instructions issued in this behalf by the Government from time to time.

PART III

PROMOTION

6. Eligibility criteria for promotion—(1) No officer shall be eligible for promotion to the post in Odisha Armed Police Service Group 'A' (Junior Branch) of the service unless :—

- (i) He has rendered at least five years of continuous service in the rank of Inspector (Armed) (hitherto designated as Subedar/Subedar Major/Reserve Inspector of Police) as mentioned in sub-clause (ii) of Clause (a) of Rule 4 on the first day of January of year in which the Committee meets;
- (ii) He has passed the Departmental examination, if any, prescribed for the post.

(2) No officer appointed to the Odisha Armed Police Service Group 'A' (Junior Branch) under Rule 4 (a)(ii) shall be eligible for promotion to Odisha Armed Police Service Group 'A' (Senior Branch) unless (a) he has completed five years of continuous service in the grade of Odisha Armed Police Service Group 'A' (Junior Branch) as on the 1st day of January of the year in which the Committee meets.

(3) No officer appointed to the Odisha Armed Police Service Group 'A' (Senior Branch) of Rule 4 (b)(ii) shall be eligible for promotion to Odisha Armed Police Service (Supertime Scale) unless he has completed three years of continuous service in the grade of Odisha Armed Police Service Group 'A' (Senior Branch) as on the 1st day of January of the year in which the Committee meets.

(4) Appointment to Odisha Armed Police Service (Superior Administrative Grade) shall be made on promotion from amongst the officers of Odisha Armed Police Service (Supertime Scale) under sub-clause (ii) of Clause (c) of Rule 4 depending upon merit and suitability.

7. Constitution of Departmental Promotion Committee—(1) There shall be constituted a Committee for selection of officers for promotion to different grades other than Group 'A' (Junior Branch) in the Service with the following members, namely :—

- | | | |
|---|----|-----------------|
| (a) Chief Secretary | .. | Chairman |
| (b) Principal Secretary to Government, Home Department/
Commissioner-cum-Secretary, Home Department. | .. | Member |
| (c) D.G. & I.G. of Police, Odisha | .. | Member |
| (d) Deputy Secretary/Joint Secretary/ Additional
Secretary, Home Department in charge of the
Establishment. | .. | Member-Convenor |

(2) There shall be constituted a Committee for selection of officers for promotion to Group 'A' (Junior Branch) of the Service with the following members, namely :—

- | | |
|---|-----------------|
| (a) Principal Secretary to Government, Home Department/Commissioner-cum-Secretary, Home Department. | Chairman |
| (b) Additional D.G. of Police of the State Police Headquarters or in his absence any Additional D.G.P. as nominated by the D.G. & I.G. of Police, Odisha. | Member |
| (c) An officer not below the rank of D.I.G. of Police to be nominated by the D.G. & I.G. of Police, Odisha. | Member |
| (d) Deputy Secretary/Joint Secretary/ Additional Secretary, Home Department in charge of the Establishment. | Member-Convenor |

(3) The recommendation of the Committee shall be valid and can be acted upon notwithstanding the absence of any one or more of its members other than the Chairman :

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

8. Procedure of selection by the Committee—(1) The Committee shall ordinarily meet at least once in each year preferably in the month of January to prepare a list of officers, as are held by them, suitable for promotion to the next higher grade taking into account the existing and anticipated vacancies for the year.

(2) The Committee while considering the cases for promotion of suitable officers, shall follow the provisions of :—

- (a) The Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988;
- (b) The Odisha Civil Services (Criteria for Promotion) Rules, 1992; and
- (c) The Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003 :

Provided that in case of promotion to Group 'A' (Junior Branch) Grade, the Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder shall also be followed.

9. Consultation with the Commission—(1) The recommendations of the Committee under sub-rule (3) of Rule 7 shall be referred to the Commission along with service particulars including performance appraisal reports of relevant periods, Gradation List, Departmental Clearance with respect to Vigilance, Disciplinary Proceedings, etc. in respect of all officers included in the list for its concurrence including those whose cases have not been recommended, being found unsuitable.

(2) The Commission shall consider the lists received along with service particulars and furnish its recommendations to the Government.

10. Select List—(1) The recommendations of the Commission in respect of reference made to it under sub-rule (1) of Rule 9 shall be considered by Government and the list approved by Government shall form the Select List for appointment to respective grades of the service.

(2) The list referred to under sub-rule (1) shall ordinarily be in force for a period of one year from the date of its approval by Government or until another Select List is prepared afresh, whichever is earlier.

(3) Appointment to various grades in the service shall be made in the order in which the names of the persons appear in the Select List :

Provided that the Government may, at any time in consultation with the Commission, for grave lapses in conduct or deterioration in standard of performance of duty on the part of any person included in the list remove the name of such person from the list.

PART IV

OTHER CONDITIONS OF SERVICE

11. Inter-se-seniority—The *inter-se-seniority* of the officers appointed to various grades in the service shall be in the order in which their names appear in the Select List under Rule 10.

12. Probation and Confirmation—(1) Every officer on appointment by promotion, to any grade in the service shall be placed on probation for a period of one year :

Provided that the appointing authority may, if thinks fit, in any case or class of cases extend the period of probation or revert to the feeder grade on ground of unsatisfactory performance :

Provided further that such period of probation shall not include—

- (a) Extraordinary leave;
- (b) Period of unauthorised absence; or
- (c) Any other period held to be not being on actual duty.

(2) The appointment of a probationer may, for good and sufficient reasons to be recorded in writing, be terminated by Government at any time without previous notice during the period of probation including extension of such period, if any, and after such termination, the officer shall deem to be reverted to his parent grade in case of appointment by promotion.

(3) On successful completion of the period of probation to the satisfaction of Government, an officer shall be eligible for confirmation subject to the availability of substantive post in the service.

13. Other Conditions of Service—The conditions of service in regard to matters not covered by these rules shall be the same as are or as may from time to time be prescribed by the Government.

PART V

MISCELLANEOUS

14. Relaxation—When it is considered by the Government that it is necessary or expedient so to do in public interest, it may, by order, for reasons to be recorded in writing, relax any of the

provisions of these rules in respect of any class or category of officers in consultation with the Commission.

15. Repeal and Saving—Odisha Police Service Rules, 1938 and the Odisha Special Armed Police (Method of Recruitment and Condition of Service) Rules, 2000 are hereby repealed :

Provided that notwithstanding any order or appointment made or action taken or things done under the rules, regulations, instructions or orders so repealed shall be deemed to have been made, taken or done under the corresponding provisions of these rules.

16. Interpretation—If any question arises relating to interpretation of these rules, the same shall be referred to Government whose decision thereon shall be final.

17. Power to issue instructions—The Government may issue executive instructions, not inconsistent with the provisions of these rules as they may consider necessary to regulate the matter not specifically covered by the provisions of these rules.

By order of the Governor

U. N. BEHERA

Additional Chief Secretary to Government