

Annexure-V

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HOME DEPARTMENT

NOTIFICATION

The 21st December 1996

S. R. O. No. 996/96—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 regulating the Method of Recruitment and Conditions of Service of persons appointed to the Orissa State Forensic Science Service, namely—

PART I

Preliminary

Short Title and Commencement

1. (1) These rules may be called "The Orissa Forensic Science Service (Method of Recruitment and Conditions of Service) Rules, 1996".
- (2) They shall come in to force on the date of their publication in the official Gazette.

Definitions

2. (1) In these rules, unless the context otherwise requires—
 - (a) 'Appointing Authority' means the Government of Orissa in respect of all the posts belonging to Grade 'A' and Grade 'B' and the Director General and Inspector General of Police in respect of all the posts belonging to Grade 'C';
 - (b) 'Board' means the Selection Board constituted under rule 9;
 - (c) 'Commission' means (i) the Orissa Public Service Commission in respect of the posts belong to Grade 'A' and Grade 'B', and (ii) the Orissa Subordinate Staff Selection Commission constituted under the Orissa Subordinate Staff Selection Commission Rules, 1993 in respect of posts belonging to Grade 'C';
 - (d) 'Director' means the Director of the State Forensic Science Laboratory;
 - (e) 'Direct Recruit' means a person recruited and appointed to the service from the open market;
 - (f) 'Division' means the different streams of specialties in Forensic Science Service, such as Physics, Ballistics, Chemistry, Toxicology, Biology, Serology and Lat-detection;

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- (g) 'Forensic Science Laboratory' includes the State Forensic Science Laboratory, Regional Forensic Science Laboratory District Forensic Science Laboratory and any other Forensic Science Laboratory established by the State Government;
- (h) 'Grade' means classification of the officers on the basis of the scale of pay attached to each post made by the Government in General Administration Department Resolution No. 21317, dated the 22nd September 1995;
- (i) 'Government' means the Government of Orissa in the Home Department;
- (j) 'Head of Department' means the Director General and Inspector General of Police, Orissa;
- (k) 'Scheduled Castes and Scheduled Tribes' means such castes and tribes as notified by the President of India under Articles 341 and 342 of the Constitution of India respectively;
- (l) 'Socially and Educationally Backward Class' means such class as mentioned in the notification No. 25455 (TW), dated the 10th September 1993 of the Government of Orissa in the Welfare Department, as amended from time to time;
- (m) 'State' means the State of Orissa;
- (n) 'Service' means the Orissa Forensic Science Laboratories service;
- (o) 'Select List' means the list approved by the appointing authority containing the names of officers considered suitable for appointment/promotion, as the case may be,
- (p) 'Year' means the Calendar year.

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

PART II

The Service

Constitution of Service:

3. The service shall consist of the following categories of posts, i. e., Grade 'A' Grade 'B' and Grade 'C' namely:—

- (a) Grade 'A'—
- (i) Director;
 - (ii) Joint Director;
 - (iii) Deputy Director and
 - (iv) Assistant Director.

Explanation I—The person/persons earlier appointed as Sociologist shall be designated as Deputy Director on the date of publication of these rules.

Explanation II—Senior Scientific Officers shall be designated as Assistant Directors and merged with the cadre of the Assistant Director of the respective Division and shall be placed below the Junior most Assistant Director of the respective Division appointed prior to the date of publication of these rules.

- (b) Grade 'B' . . .

Proceeded by Scientific Officer
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Explanation—From the date of coming into force of these rules, the post of Assistant Director (Lie Detection) shall be designated as 'Scientific Officer.'

(c) Grade 'C'—

Laboratory Assistant

Divisions of a Laboratory

4. (1) The Forensic Science Laboratories may each have one or more of the following divisions/specialities, namely:—

- (i) Physics;
- (ii) Chemistry;
- (iii) Biology;
- (iv) Serology;
- (v) Ballistics;
- (vi) Toxicology;
- (vii) Lie-detection

(2) The members of the Service, or upto the rank of Assistant Director working in the divisions specified under Sub-rule (1) shall form separate and distinct State Cadres.

Explanation—On the date of publication of these rules all the Laboratory Assistants, Scientific Officers and the Assistant Directors shall be allotted to one of the divisions/specialities depending upon their academic qualifications and the background of their working experience. After having been allotted to a division, the person shall be deemed to have the requisite qualification for holding that post in that division and shall not be placed in any other division.

(3) All the recruitment/promotions up to the rank of Assistant Director shall be made divisionwise.

Explanation I—The Laboratory Assistant of a particular division will be considered for promotion to the post of Scientific Officer of that division only.

Explanation II—Scientific Officer of a particular division will be considered for promotion to the post of Assistant Director of the division only.

Explanation III—Separate gradation list shall be maintained in every division up to the rank of Assistant Director.

PART III

Method of Recruitment to the Service

Method of Recruitment to Grade 'A' Posts

5. (1) Recruitment to the post of Director shall be made by promotion from the rank of Joint Director having the following requisite qualifications:—

- (a) He must have completed three years of service in the rank of Joint Director on the first day of the year of recruitment;

Explanation—If no suitable and eligible candidate is available with the prescribed qualification from amongst the Joint Directors working in the service, the Government may fill up the post of Director by an officer of Indian Police Service or by way of deputation from Orissa Education Service in the rank of Professor in any of the subjects like Physics, Chemistry or Zoology.

(2) Recruitment to the post of Joint Director shall be made by promotion from the rank of Deputy Director having the following qualifications namely:—

- (a) He must have rendered minimum six years of service in the rank of Deputy Director as on the first day of the year of recruitment.

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Explanation—If no suitable and eligible candidate is available from amongst the Deputy Directors working in the service, the Government may fill up the post of Joint Director by way of deputation from Orissa Education Service in the rank of Reader in any of the subjects like physics, Chemistry or Zoology.

(3) Recruitment to the post of Deputy Director shall be made by promotion from the rank of Assistant Directors who have completed 16 years of service in the State Forensic Service out of which 8 years of service shall be in the rank of Assistant Director in any division of the State Forensic Science Service as on the first day of the year of recruitment.

(4) Recruitment to the post of Assistant Director in a division shall be made by promotion from the rank of Scientific Officers, who have completed at least 8 years of service as Scientific Officer in the State Forensic Science Services in the same division as on the 1st day of the year of recruitment. Method of recruitment to Grade 'B' Service.

6. (1) Fifty per cent of the total vacancies arising in a recruitment year in any Division of Grade 'B' posts shall be filled up by direct recruitment from open market through the Commission.

(2) In order to be eligible, the candidates must have Masters Degree from a recognised university in the subject mentioned against the respective Divisions as mentioned below and must have secured a minimum 60 per cent of the aggregate marks.

Name of Division	Subject
(i) Physics	Physics
(ii) Chemistry	Chemistry
(iii) Biology	Zoology
(iv) Serology	Zoology
(v) Ballistics	Physice
(vi) Toxicology	Chemistry
(vii) Lie-detection	Psychology

Explanation—The in-service candidates working as Laboratory Assistants may also apply for the post of Scientific Officer as a candidate from open market if he is otherwise eligible.

(3) Every year, preferably in the month of January the number of vacancies to be filled up by way of direct recruitment to the post of Scientific Officer, shall be intimated to the Commission indicating clearly the vacancies reserved for Scheduled Castes, Scheduled Tribes, Socially and Economically Backward Classes and others in accordance with the provisions of the relevant Acts and Rules made in this respect.

(4) The Commission will select and recommend suitable candidates, for direct recruitment in order of merit and prepare the list of such candidates not exceeding the number of vacancies that were notified.

(5) Remaining fifty per cent of vacancies, in the rank of Scientific Officer in a recruitment year, shall be filled up by promotion from the post of Laboratory Assistants working in the same division who have completed at least 10 years of service in the rank of Laboratory Assistant in the State Forensic Science Service.

Method of Recruitment to Grade 'C' posts

7. (1) The vacancy in the post of Laboratory Assistant in a division arising in a recruitment year shall be filled up by direct recruitment through the Commission. The candidates must have, M. Sc. Degree from a recognised University in the subject of the division as mentioned in Sub-rule (2) of rule 6 above, having secured a minimum 60 per cent of the aggregate marks.

(2) The appointing authority shall, preferably in the month of January every year, intimate the number of vacancies to be filled up to the Commission, indicating clearly the vacancies reserved for Scheduled Castes, Scheduled Tribes, Socially and Economically Backward Classes and others in accordance with the provisions of the relevant Act and Rules made in this respect.

(3) The Commission will select and recommend suitable candidates for direct recruitment in order of merit and prepare the select list of such candidates not exceeding the number of vacancies that were notified.

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Explanation—The Commission will formulate the procedure of selection of suitable candidates in consultation with the State Government.

(4) This list so prepared will remain valid for a period of one year from the date of its recommendation by the Commission.

8. **General qualification for direct recruits**—In order to be eligible for direct recruitment to Grade 'B' and Grade 'C' Services a candidate must fulfil the following criteria in addition to the educational qualifications as provided under sub-rule (2) of the rule 6 and sub-rule (1) of rule 7 of those rules, respectively, namely:—

(a) He must be a citizen of India;

(b) He must be able to speak, read and write Oriya and must have passed a language test in Oriya equivalent to the Middle School Standard;

(c) He must ordinarily be not below the age of 21 years and above 32 years:

Provided that the upper age limit shall be relaxed in respect of Scheduled Caste/ Scheduled Tribe/Socially and Economically Backward Classes/Women candidates/ Sportsmen/Ex-servicemen as per the provisions of relevant Acts, Rules and Instructions made by the Government from time to time;

Provided further that in case of a candidate falling into more than one of the categories mentioned above, he/she will be eligible to claim only one of the age relaxations whichever is more beneficial to him/her;

(d) He must have sound health, good physique, active habits and be free from organic defects or bodily/mental infirmity,

(e) He must not have more than one spouse living.

PART IV

Constitution of Selection Board for promotion

9. (1) The composition of the Board for promotion to the post of Grade 'A' category under these rules, shall be as follows:—

- | | | |
|--|----|----------|
| (i) Chief Secretary/Additional Chief Secretary | .. | Chairman |
| (ii) Secretary to Government, Home Department | .. | Member |
| (iii) Director General & Inspector General of Police | .. | Member |

The Board may co-opt. the services of the experts for evaluating the service record or research work of the candidates.

(2) The composition of the Board for selection of suitable officers for promotion to the posts in Grade 'B' shall be as follows:—

- | | | |
|---|----|----------|
| (i) Secretary to Government, Home Department | .. | Chairman |
| (ii) Director General and Inspector General of Police | .. | Member |
| (iii) Director, State Forensic Science Laboratory | .. | Member |

The Board may Co-opt. the services of the experts for evaluating the service record or research work of the candidates.

(3) The appointing authority shall determine the existing and anticipated vacancies during the course of the year and prepare a list of eligible officers coming within the zone of consideration and the said list will be placed before the Board along with their Confidential Character Rolls and service record of the last five years for consideration.

(4) The respective Board for promotion to Grade 'A' and Grade 'B' services may meet at least once in a year, preferably in the month of January and prepare the list of officers considered and found suitable for promotion.

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(5) The Process of promotion shall be governed by the following rules, namely :—

(i) The Orissa Civil Services (Criteria for Promotion) Rules, 1992 ;

(ii) The Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988 ;

(iii) The Orissa Reservation of Vacancies Act, 1975 and rules made thereunder.

(6) The list of the officers considered and found suitable for promotion shall be sent along with the necessary service records of the officer to the Commission for their recommendations.

PART V

The Select List

10. (1) The list of the officers considered and found suitable for direct appointment/promotion and recommended by the respective Commission and approved by the Government shall be treated as the Select List for appointment to the service.

(2) Appointment shall be made from the Select List in the order in which the names appear

(3) The Select List will remain valid for a period of one year from the date of its approval by the Government.

PART VI

Departmental Examination and Training

11. (1) On appointment to the post of Scientific Officer in Grade 'B' and Laboratory Assistant in Grade 'C', as the case may be, the officers may be called upon to undergo the course of training as directed by Government from time to time.

(2) The Government may prescribe a course of training at any stage, so as to develop the overall competency of the officers.

(3) The Government may prescribe Departmental Examinations, subject to which only the officers may be considered for promotion to the next higher grades.

PART VII

Probation and Confirmation in Service

Probation

12. (1) Every person on appointment to a post in the service shall be on probation for a period of two years in case of direct recruitment and one year in case of promotion.

(2) The probation period shall not include the following :—

(a) Extraordinary leave ;

(b) Period of unauthorised absence ;

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

(3) The appointing authority may extend the period of probation or terminate the service of a person appointed on probation in case of a direct recruitment or revert him/her to his/her previous post in case of a person appointed by promotion, during the period of his/her probation, if the work and conduct of the person is found to be unsatisfactory.

Confirmation

13. A person appointed to a post in the service may be confirmed against a substantive post, if available, on successful completion of the probation period and on passing of the Departmental Examination prescribed, if any, by the Government.

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PART VIII
Gradation List

14. (1) The appointing authority shall maintain the Gradation Lists separately for each grade.

(2) The Gradation List will contain the name, qualification, date of joining in the post and the date of confirmation.

(3) The *inter se* seniority of the direct recruits shall be determined as per the position assigned to them in the Select List prepared on the basis of recommendation of the Commission.

(4) The *inter se* seniority of the promotees to each rank shall be determined as per the position assigned to them in the Select List basing on which they were promoted.

(5) The seniority of the promotees and direct recruits will be determined as follows :—

The promotees of a year shall be placed above the direct recruits of that recruitment year irrespective of the dates of their joining in the post.

(6) A combined Gradation List of the Assistant Directors of all the Divisions shall be maintained separately only for the purpose of determination of the zone of consideration for promotion to the rank of Deputy Director.

Explanation I—The date of joining in the post of Assistant Director of their divisions shall constitute the criteria in preparing the combined Gradation List.

Explanation II—The persons joining in the same calendar year shall be treated as the Assistant Director belonging to the same batch of year of allotment. If two or more persons of different divisions have joined in the post of Assistant Director on the same date, their *inter se* seniority shall be reckoned in a manner that the person, who is senior in age, shall be held senior in the Gradation List.

PART IX
Relaxation

15. The Government may, for reasons to be recorded in the writing, relax any provision of these rules in respect of any class or category of the employees in the public interest.

Savings

16. All appointments made prior to the issue of these rules shall be deemed to have been made in accordance with the provisions of these rules.

Interpretation

17. If any question arises, relating to the interpretation of these rules, it shall be referred to the Government in Home Department for decision.

Issue of executive instructions

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

[No. 68067—PMD/2-30/96]

By order of the Governor

S. C. HOTA

Commissioner-cum-Secretary to Government

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