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HOME DEPARTMENT

NOTIFICATION

The 10th September 2008

No. 41548-OSS/1-11/2008(Pt.)— 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 Secretariat Service Rules, 1980, namely:—

1. (1) These rules may be called the Orissa Secretariat Service (Amendment) Rules, 2008.

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

2. In the Orissa Secretariat Service Rules, 1980, in the 1st proviso to rule 7 for the figure brackets and the word "7(seven)" the following shall be substituted, namely:—

"6(Six)"

3. In the said rules, in the rule 10, in sub-rule (3) the proviso to clause (a) shall be deleted.

By order of the Governor

TARUN KANTI MISHRA

Principal Secretary to Government

arranged on the basis of the total length of their continuous valid officiation in the eligible grade:

- * Provided that no Section Officer, Level-I shall be considered for inclusion in the list of Officers for consideration for promotion to the post of Under Secretary in the Service unless on the date the Selection Board meets he/she has rendered ^{6 (Six)} ~~7 (Seven)~~ years of continuous service in the rank of Section Officer, Level-II and Section Officer, Level-I taken together :

Provided further that no Assistant Law Officer or Law Officer in any Department of Government recruited from the Common Cadre except in case of the Law Department shall be considered for inclusion in the list of officers for consideration for promotion to the post of Under Secretary in the service unless his counterpart in the Common Cadre having held the post of Junior Assistant/Senior Assistant/Section Officer, Level-II/Section Officer, Level-I is eligible for such consideration.

Constitution of a Selection Board.

- **8. (1) There shall be constituted separate Selection Boards for selection of officers for promotion to the different categories of posts in the services.
- (2) (a) For selection of officers for promotion to the rank of Under Secretaries, the Selection Board shall consist of the following members namely :-
- (i) Secretary, Home Department.
 - (ii) Special Secretary, G. A. Department.
 - (iii) Secretary, Finance Department.
- (b) The senior most Secretary among the members shall preside over the meetings.
- (c) For selection of officers for promotion to the rank of Deputy Secretary and Joint Secretary, the Selection Board shall consist of :-
- (i) Chief Secretary or in his absence the Additional Chief Secretary to Government. -- Chairman.
 - (ii) Secretary to Government, Home Department. -- Member.
 - (iii) A Secretary to the Government nominated by the Chairman. -- Member.

Amended vide Home Deptt. Notification No. 41548-SSS dated 10.09.2008

* (d) For selection of Joint Secretaries for promotion to the rank of Additional Secretaries the Selection Board shall consist of :-

- | | | |
|--|----|-----------|
| (i) Chief Secretary to Government. | -- | Chairman. |
| (ii) Additional Chief Secretary to Government. | -- | Member. |
| (iii) Development Commissioner and Secretary to Government, Planning and Co-ordination Department. | -- | Member. |
| (iv) Secretary to Government, Home Department. | -- | Member. |

(3) The Chairman shall preside over the meeting of the Selection Board. The Deputy Secretary or the Joint Secretary of Home Department, as the case may be, dealing with the subject shall act as the Secretary of the Board without participating in the Selection and decision.

Meeting of the Selection Board.

9. The Selection Board constituted under rule 8 shall ordinarily meet once in a calendar year and at intervals ordinarily not exceeding fifteen months :

Provided that the Board may meet more than once in a calendar year if the select list relating to any grade has been exhausted or for any other good and sufficient reason to be recorded in writing.

Preparation by the Selection Board of lists of suitable Officers for promotion to the service.

*10. (1) Every Selection Board constituted under rule 8 shall prepare a list of Officers found suitable for promotion to the next higher rank for the selection for which such Board has been constituted.

(2) For preparation of the list of officers fit for promotion to the rank of Under Secretaries, list prepared under rule 7 shall be placed before the Board and for preparation of lists of officers fit for promotion to other ranks in the service, the gradation list of the eligible grade shall be placed before the Board.

* (3) (a) Zone of consideration for promotion to different posts shall be determined in accordance with the provisions as contained in the Orissa Civil Services, (Zone of consideration for promotion) Rules, 1988:

Provided that no officer shall be considered for inclusion in the list of officers fit for promotion to the higher posts in the service unless he has worked, including the period of *ad hoc* officiation, if any, under sub-rule (2) of rule 14 in the respective eligible grade for a period of one year.

*Deleted
vide H.D.
Notification
No. 41548/103
dt. 10.09.2008*

* (b) For preparation of the list of officers fit for promotion to the different categories of posts specified under rule 3, the Selection Board shall consider the cases of eligible officers coming within the zone of consideration as provided in clause (a) above.

* (4) The Selection Board shall not ordinarily recommend less than double the expected number of vacancies in each grade :

Provided that the Board may recommend less than double the number of expected vacancies, if adequate number of officers suitable for promotion to any of categories of posts in the service are not available or for reasons to be recorded in writing, the Board consider it expedient to recommend double the number of expected vacancies as aforesaid.

(5) Selection of officers for inclusion in the lists specified in sub-rule (1) shall be based on merit and suitability with due regard to seniority and experience.

(6) Names of officers considered fit for promotion to any grade in the service shall ordinarily be arranged in the order of their respective position in the list prepared under rule 7 or in the gradation list of eligible grade, as the case may be :

Provided that any officer who is of exceptional merit may be assigned a place higher than that of officers senior to him in the list prepared under rule 7 or in the gradation list of the eligible grade, as the case may be.

Review of Officer officiating on the basis of previous select list.

11. (1) The Selection Board shall review the cases of all officers who are officiating in any grade of the service on the basis of the previous select lists prepared under rule 13 and have not been confirmed in the ranks of which the lists relate and shall recommend regarding their suitability for continuance in the respective ranks :

Provided that the case of no officer who has officiated in any grade for a continuous period of not less than one year on the basis of the select list, shall be reviewed under the provisions of this sub-rule for continuance in that grade.

(2) If the Selection Board on review under sub-rule (1) considers that any officer is not fit to continue in the rank in which he is officiating on the basis of the Select List, it may recommend removal of the name of such officer from the concerned list.

(3) Names of officers, who are selected for the first time for promotion to a particular grade in any year, shall be placed below the officers, who are continuing to officiate in that grade on the basis of earlier select lists.

12. (1) The lists prepared by the Selection Board under rule 10 shall be referred to the Commission together with the following :-

(a) List prepared under rule 7

*(b) Gradation list in respect of other grades in the service along with the dates of birth of officers included therein.

(c) Particulars of all officers considered by the Board under sub-rule (3) of rule 10 in the *proforma* prescribed in Appendix-I together with a separate list of those officers who are not recommended by the Board for inclusion on the list prepared under rule 7.

*(d) The Confidential Character Rolls of all officers considered by the Selection Board under sub-rule (3) of rule 10, alongwith position of representation against adverse remarks, if any, in the Confidential Character Rolls of any officer included in the list as ascertained from the General Administration (S. E.) Department.

*(e) Up-to-date position about disciplinary proceedings pending or disposed of against an officer under consideration for promotion.

*(f) Sealed cover procedure as prescribed by Government in the G. A. Department shall be followed in respect of an officer coming within the zone of consideration for promotion who is under suspension till the officer concerned is reinstated.

(2) The recommendations made by the Board under sub-rule (1) of rule 11 shall also be forwarded to the commission together with the cases of those officers figuring in the previous select list who on review are considered not fit to continue in the select list and their Confidential Character Rolls.

(3) The Commission shall consider the list along with documents received under sub-rule (1) and the recommendations of the Board forwarded to it under sub-rule (2) and shall furnish its recommendation to Government in Home Department.

**Approval of
select list by
Government.**

13. (1) The recommendations of the Commission in respect of reference made to it under sub-rule (1) of rule 12 shall be considered by Government and the list of officers fit for promotion to different ranks in the service as approved by Government shall be the select list in respect of each rank.

(2) The select list shall remain in force for a period of two years with effect from the date on which the list was approved by Government under sub-rule (1) or till the corresponding continuing select list is prepared under sub-rule (3) of rule 13 whichever is earlier.

(3) The recommendations of the Commission on the reference made to it under sub-rule (2) of rule 12 shall be considered by Government and the list approved by Government shall be the continuing select lists of officers fit for promotion to the concerned grade.

(4) If the Commission considers that any officer is not fit to continue in the rank in which he has been officiating on the basis of the select list and recommends removal of the name of such officers from the concerned list and Government approve the recommendations of the Commission in regard, the name of such officer shall be removed from the list and upon such removal, the officer shall revert to the lower service, grade or posts from which he was promoted.

(5) Upon reversion in pursuance of sub-rule (4) the officer shall occupy the same position in the lower service, grade or post which he would have occupied but for his promotion.

NOTE :- Reversions in pursuance of sub-rules (4) and (5) of this rule shall be deemed to be reversions under explanation (d) below rule 13 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

(6) Subject to sub-rule (4) the list approved by Government under sub-rule (3) shall remain in force until it is further reviewed under these rules.

**Appointment
to service.**

14. (1) Appointment to different ranks in the service shall be made in the order in which the names appear in the continuing select list as well as Select Lists for the time being in force.

(2) When a select list is not in force or has been exhausted and it is necessary to make temporary appointments urgently, appointments may be made to different grade of the service on *ad hoc* basis for a period not exceeding one year on the basis of the lists prepared by the Selection Board under rule 10 :

Provided that *ad hoc* appointments made under this sub-rule may be extended beyond the aforesaid period with the prior concurrence of the Commission.

(3) Officers appointed to any grade of the service for the first time on the basis of select lists prepared under these rules shall be on probation for a period of one year:

Provided that the period of *ad hoc* appointment made under sub-rule (2) shall not count towards the period of probation.

(4) Government may, for good and sufficient reason, extend the period of probation of any officer.

Pay.

15. Officers appointed to different ranks of the service shall draw pay at such rate and in such scales of pay as may be prescribed by Government from time to time.

Inter-se Seniority.

16. The inter-se-seniority of officers appointed to any rank in the service shall be in the order in which their names are arranged in the select lists approved by Government under rule 13.

Other conditions of service.

17. The conditions of service of the members of the services in regard to matters not covered by these rules shall be the same as are or as may from time to time be applicable generally to other State Service Officers of similar rank.

Interpretation.*

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

Reservation of vacancies of Scheduled Castes and Scheduled Tribes.

19. Vacancies shall be reserved for appointment and promotion in favour of candidates belonging to Scheduled Castes and Scheduled Tribes and shall be filled up as prescribed in the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and rules made thereunder.

Repeal and Saving.

20. The Orissa Secretariat Services Rules, 1958 shall stand repealed with effect from the date these rules come into force :

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the provisions of these rules.

Relaxation. **

21. Where the State Government are of the 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 the rules in respect of any Class or category of employees in the interest of the Public Service in consultation with the Commission.

* Notification No.52952, dated 20.07.1987

** Notification No.22056, dated 12.04.2001

APPENDIX - I

Particulars of officers eligible for consideration for first appointment to the service.

1. Name.
2. Designation and the Department in which he is working.
3. Date of birth.
4. Age on 1st January of the year of report.
5. Date of continuous valid appointment in the eligible grade.
6. Total length of continuous valid service in the eligible grade on 1st January of the year of report.

Certified that the above information is correct on the basis of records.

Deputy Secretary to Government,
.....Department.

APPENDIX - II

Seniority list of officers eligible for consideration.

Name of officer.	Designation.	Date of valid continuous officiation in the eligible grade.	Total length of continuous valid service in the eligible grade.	Date of birth.	Age on 1st January of the year of report.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Certified that the above information is correct on the basis of records.

Deputy Secretary to Government,
.....Department.

By order of the Governor
SITAKANTA MAHAPATRA
Secretary to Government