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(Authoritative English Text of this Department Notification No. FDS-A(3)-2/97-II-Loose Dated 26.10.2009 as required under clause (3) of Article 348 of the Constitution of India)

Government of Himachal Pradesh
Food, Civil Supplies & Consumer Affairs Department.

No. FDS- FDS-A(3)-2/97-II-Loose Dated Shimla-2, 26th October, 2009

NOTIFICATION

In exercise of the powers conferred by proviso to article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of District Controller, Food, Civil Supplies & Consumer Affairs, Class-I, (Gazetted), in the Himachal Pradesh Food, Civil Supplies and Consumer Affairs Department as per Annexure-"A" attached to this notification, namely:-

Short title and commencement:

- 1.(1) These rules may be called the Himachal Pradesh Food, Civil Supplies and Consumer Affairs Department, District Controller, Food, Civil Supplies & Consumer Affairs, Class-I, (Gazetted) Recruitment and Promotion Rules, 2009.
- (2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

Repeal and Savings:

- 2 (1) The Recruitment and Promotion Rules for the post of District Food and Supplies Controller notified vide notification No. 1-5/79-Co-op(F&S) dated 28-12-1973 and as amended from time to time are hereby repealed to the extent these pertain to the post of District Food & Supplies Controller.
- (2) Notwithstanding such repeal, any appointment made or any thing done or any action taken under the rules so repealed under rule-2(1) supra shall be deemed to have been validly made, done or taken under these rules.

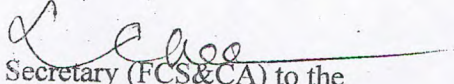
By Order

Anil Khachi
Secretary (FCS&CA) to the
Government of Himachal Pradesh.

Endst.No. FDS-A(3)-2/97-II-Loose Dated Shimla-2, 26th October, 2009

Copy to:

1. The Director, Food, Civil Supplies and Consumer Affairs, Himachal Pradesh, Shimla-9 with 5 spare copies.
2. The Secretary, H.P.Public Service Commission, Shimla-2 w.r.t. letter No.1-6/71-PSC-Part dated 10-8-2009 alongwith 3 spare copies.
3. The Controller, Legal Metrology, Weights & Measures, H.P. Shimla-9
4. The Senior Law Officer, Law Department, H.P.Secretariat, Shimla-2.
5. The Guard File/80 spare copies.


Special Secretary (FCS&CA) to the
Government of Himachal Pradesh.

Annexure-A

Recruitment and Promotion Rules for the post of District Controller, Food, Civil Supplies & Consumer Affairs, Class-I (Gazetted) in the Department of Food, Civil Supplies & Consumer Affairs, Himachal Pradesh

1. Name of the Post: District Controller, Food, Civil Supplies & Consumer Affairs.
2. Number of Posts: 12 (Twelve).
3. Classification: Class -I (Gazetted).
4. Scale of Pay:
 - (i) Pay Scale for Regular Incumbents: Rs.7220-220-8100-275-10300-340-11660.
 - (ii) Emoluments for Contract employees: As per details given Column No. 15-A.
5. Whether Selection Post or non selection post: Selection
6. Age for direct recruitment: 45 years and below.

Provided that the upper age limit for direct recruits will not be applicable to the candidates already in service of the Government including those who have been appointed on adhoc or on contract basis;

Provided further that if a candidate appointed on adhoc basis or on contract basis had become overage on the date when he/she was appointed as such he/she shall not be eligible for any relaxation in the prescribed age limit by virtue of his/her such adhoc or contract appointment;

Provided further that upper age limit is relaxable for Scheduled Castes/ Scheduled Tribes/ Other categories of persons to the extent permissible under the general or special order (s) of the Himachal Pradesh Government;

Provided further that the employees of all the Public Sector, Corporations and Autonomous Bodies who happened to be Government Servants before absorption in Public Sector/ Corporations/ Autonomous Bodies at the time of initial constitutions of such Corporations/ Autonomous Bodies shall be allowed, age-concession in direct recruitment as admissible to Government Servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations/ Autonomous Bodies who were/ are subsequently appointed by such Corporations/ Autonomous Bodies and who are/ were finally absorbed in the service of such Corporations/ Autonomous Bodies after initial constitution of the Public Sector Corporations/ Autonomous Bodies.

Note: - (1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is /are advertised for inviting applications or notified to the Employment Exchanges or as the case may be.

(2) Age and experience in the case of direct recruitment, relaxable at the discretion of the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

- 7 Minimum educational and other qualifications required for direct recruitment. **(a) ESSENTIAL QUALIFICATIONS:-**
As may be prescribed for direct recruitment to H.P. Administrative Services from time to time.
- 8 Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotee(s). **(b) Desirable qualifications:**
Knowledge of customs/manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.
Age: Not applicable.
Educational Qualification: Not applicable.
- 9 Period of Probation, if any. Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.
10. Method of recruitment whether by direct recruitment or by promotion, deputation, transfer and the percentage of posts to be filled in by various methods.
1. 25% by direct recruitment on regular basis or by recruitment on contract basis as the case may be. The contract employees will get emoluments as given Col.No. 15-A and will be governed by service conditions as specified in the said column.
2. 75% by promotion.
- 11 In case by recruitment by promotion, deputation, transfer, grade from which promotion /transfer is to be made
(i) 50% by promotion from amongst the Food & Supplies officers who possess three years regular service or regular combined with continuous adhoc service rendered, if any, in the grade.
(ii) 20% by promotion from amongst the Superintendent Gr.-II who possess three years regular service or regular combined with continuous adhoc service rendered, if any, in the grade.
(iii) 5% by promotion from amongst the Technical Assistant who possess three years regular service or regular combined with continuous adhoc service rendered, if any, in the grade.

For filling up the posts the following roster shall be followed:

- 1st post Food & Supplies Officer.
- 2nd post Food & Supplies Officer.
- 3rd post Superintendent Gr.II
- 4th post Direct recruitment.
- 5th post Food & Supplies Officer.
- 6th post Food & Supplies Officer.
- 7th post Superintendent Gr.II
- 8th post Direct recruitment.
- 9th post Food & Supplies Officer.
- 10th post Food & Supplies Officer.
- 11th post Superintendent Gr.II
- 12th post Direct recruitment.

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- 13th post Food & Supplies Officer.
14th post Food & Supplies Officer.
15th post Superintendent Gr.II
16th post Direct recruitment.
17th post Food & Supplies Officer.
18th post Food & Supplies Officer.
19th post Technical Assistant
20th post Direct recruitment.

Note:-This roster will be rotated after every 20 post till the representation to all the categories is achieved by the given percentage thereafter the vacancy is to be filled up from the category which vacates the post.

(1) Provided that for the purpose of promotion every employee shall have to serve at least one term in Tribal/Difficult Areas subject to adequate number of post(s) available in such areas:

Provided further that the Provisio(1) supra shall not be applicable in the case of those employees who have five years or less service, left for superannuation.

Provided further that Officers/Officials who have not served at least one tenure in Tribal/Difficult Area shall be transferred to such areas strictly in accordance with his/her seniority in the respective cadre.

Explanation I: For the purpose of provision I supra the "term" in Tribal/Difficult Areas shall mean normally three years or less period of posting in such areas keeping in view the administrative requirements and performance of the employee.

Explanation II: For the purpose of Proviso I supra the Tribal/Difficult Areas shall be as under:

1. District Lahaul & Spiti
2. Pangi and Bharmour sub-division of Chamba District.
3. Dodra Kwar Area of Rohru Sub-Division.
4. Pandrah Bis Pargana, Munish Darkali and Gram Panchat Kashapat, Gram Panchats of Rampur Tehsil of Distt. Shimla.
5. Pandra Bis Pargana of Kullu District.
6. Bara Bhangal Areas of Baijnath Sub-Division of Kangra District.
7. District Kinnaur
8. Kathwar and Korga Patwar Circles of Kamrau Sub-Tehsil, Bhaladh Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmour District.
9. Khanyol-Bagra Patwar Circle of Karsog Tehsil, Gada Gussaini, Mathyani, Ghanyar, Thachi, Baggi, Somgad and Kholanal of Bali-Chowki sub-Tehsil Jharwar, Kutgarh, Graman, Devgarh Trailla, Ropa, Kathog, Silh Badhwani, Hastpur, Ghamrehar and Bhatehar Patwar Circle of Padhar Tehsil, Chiuni, Kalipar, Mangrah, Tach Bagra, North Magru and South Magru Patwar Circls of Thunag Teshil and Batwara Patwar Circle of Sunder Nagar Tehsil in

Mandi District.

(1) In all cases of promotion, the continuous adhoc service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition that the adhoc appointment/ promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R&P Rules;

(i) In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including the service rendered on adhoc basis, followed by regular service / appointment) in the feeder post in view of the provision referred to above, all person senior to him in the respective category/post/ cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration;

Provided further that all incumbents to be considered for promotion shall possess the minimum qualifying service of atleast 03 years or that prescribed in the R&P Rules for the post, whichever is less;

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion.

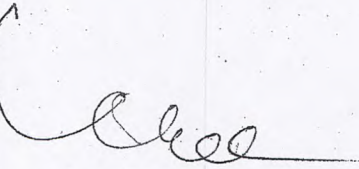

EXPLANATION: - The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be ex-servicemen recruited under the provisions of Rule-3 of Demobilized Armed Forces Personnel (Reservation of Services in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority there under or recruited under the provisions of Rule-3 of Ex-Servicemen (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there under.

(2) Similarly, in all cases of confirmation continuous adhoc service rendered on the feeder post, if any, prior to the regular appointment /promotion had shall be taken into account towards the length of service, if the adhoc appointment /promotion had been made after proper selection and in accordance with the provision of the R&P Rules;

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged."

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- 12. If a Departmental promotion Committee exists, what is its Composition? DPC to be presided over by the Chairman, H.P. Public Service Commission or a Member thereof to be nominated by him.
- 13. Circumstances under which the Himachal Pradesh Public Service Commission to be consulted in making As required under the Law.

- 14 recruitment
Essential requirements for a direct recruitment
- A candidate for appointment to any service or post must be a citizen of India
15. Selection for appointment to the post by direct recruitment.
- Selection for appointment to the post in case of direct recruitment shall be made on the basis of viva voce test if the H.P. Public Service Commission or other recruiting authority, as the case may be, so considered necessary or expedient by a written test or a practical test, the standard/syllabus etc. of which will be determined by the Commission/other recruiting authority, as the case may be.
15. Selection for appointment to the post by contract appointment.
- (A)
- Notwithstanding anything contained in these rules, contract appointments to the post will be made subject to the terms and conditions given below:-
- (I). CONCEPT**
- (a). Under this policy, the District Controller, Food, Civil Supplies & Consumer Affairs in the Department of Food Civil Supplies & Consumer Affairs, H.P. will be engaged on contract basis initially for one year, which may be extendable on year to year basis.
- (b). **POST FALLS WITHIN THE PURVIEW OF HPPSC:-**
The Secretary, Food, Civil Supplies & Consumer affairs, to the Govt. of H.P. after obtaining the approval of the Govt. to fill up the vacant post on contract basis will place the requisition with the concerned recruiting agency i.e. H.P. Public Service Commission.
- (c). The selection will be made in accordance with the eligibility conditions prescribed in these Rules.
- (II). CONTRACTUAL EMOLUMENTS:**
The District Controller, Food, Civil Supplies & Consumer Affairs in the Department of Food, Civil Supplies & Consumer Affairs, H.P. appointed on contract basis will be paid consolidated fixed contractual amount @ Rs. 10830/- P.M.(which shall be equal to initial of the pay scale + Dearness pay). An amount of Rs. 220 /-(equal to annual increase in the minimum/initial start of the pay scale of the post) as annual increase in contractual emoluments for the subsequent year(s) will be allowed if contract is extended beyond one year.
- (III). APPOINTING/DISCIPLINARY AUTHORITY:**
The Secretary, Food, Civil Supplies & Consumer Affairs, to the Govt. of Himachal Pradesh will be Appointing and Disciplinary Authority.
- (IV). SELECTION PROCESS:**
Selection for appointment to the post in the case of Contract appointment will be made on the basis of viva-voce test or if consider necessary or expedient by a written test or practical test the standard/syllabus etc. of which will be determined by the concerned recruiting agency i.e. H.P. Public Service Commission.
- (V). COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS:**
As may be constituted by the concerned recruiting agency i.e. H.P. Public Service Commission.
- (VI). AGREEMENT:**
After selection of a candidate, he/she shall sign an agreement
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as per Annexure-B appended to these rules.

(VII). TERMS & CONDITIONS:

- (a). The Contract appointee will be paid fixed contractual amount @ Rs. 10830/- per month (which shall be equal to initial of the pay scale + Dearness pay). The Contract appointee will be entitled for increase in contractual amount @ Rs. 220 /- (equal to annual increase in the minimum/initial start of the pay scale of the post) for further extended years and no other allied benefits such as senior/selection scale etc. will be given.
- (b). The service of the Contract Appointee will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found satisfactory.
- (c). Contract appointee will be entitled for one day casual leave after putting one month service. This leave can be accumulated up to one year. No leave of any other kind is admissible to the contract appointee. He/she shall not be entitled for Medical Reimbursement and LTC etc. only maternity leave will be given as per Rules.
- (d). Unauthorized absence from the duty without the approval of the Controlling Officer shall automatically lead to the termination of the contract. Contract appointee shall not be entitled for contractual amount for the period of absence from duty.
- (e). Transfer of contract appointee will not be permitted from one place to another in any case.
- (f). Selected candidate will have to submit a certificate of his/her fitness from a Govt./Registered medical Practitioner. Women candidate, pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women candidate will be re-examined for the fitness from an authorized Medical Officer/Practitioner.
- (g). Contract appointee will be entitled to TA/DA if required to go on tour in connection with his/her official duties at the same rate as applicable to regular officials at the minimum of pay scale.
- (h). Provisions of service rules like FR, SR, Leave Rules, GPF Rules/Pension Rules & Conduct Rules etc. as are applicable in case of regular employees will not be applicable in the case of contract appointees. They will be entitled for emoluments etc. as detailed in this Column.

The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/ Scheduled Tribes/Other Backward Classes/ Other categories of persons issued by the Himachal Pradesh Government from time to time.

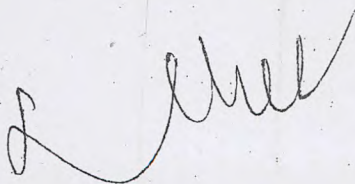
Every member of the service shall pass a departmental examination as prescribed in the Departmental Examination Rules 1997 as amended from time to time.

Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the H.P Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons or posts.

16 Reservation

17 Departmental Examination

18 Power to relax



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ANNEXURE-"B"

Form of contract/agreement to be executed between the _____ (Name of the post) and the Government of Himachal Pradesh through (Designation of the Appointing Authority).

This agreement is made on this _____ day of _____ in the year _____ Between Sh./Smt.-----S/o/D/oShri----- R/O _____

Contract appointee (here-in-after called the First Party), and the Governor, Himachal Pradesh through (Designation of the Appointing Authority) Himachal Pradesh (here-in-after the Second Party).

Whereas, the Second Party has engaged the aforesaid First Party and the First Party has agreed to serve as a -----(Name of the post) on contract basis on the following terms & conditions :-

1. That the First Party shall remain in the service of the Second Party as a -----(Name of the post) for a period of 1 year commencing on day of _____ and ending on the day of _____. It is specifically mentioned and agreed upon by both the parties that the contract of the First Party with Second Party shall ipso-facto stand terminated on the last working day i.e. on----- .And information and notice shall not be necessary.
2. The contractual amount of the First Party will be -----per month.
3. The service of First Party will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found good or if a regular incumbent is appointed/posted against the vacancy for which the first party was engaged on contract.
4. The contractual -----(Name of the post) will be entitled for one day casual leave after putting in one month service. This leave can be accumulated upto one year. No leave of any kind is admissible to the contractual----- (Name of the post). He will not be entitled for Medical Reimbursement and LTC etc. Only maternity leave will be given as per Rules.
5. Unauthorized absence from the duty without the approval of the Controlling Officer shall automatically lead to the termination of the contract. A contractual ----- (Name of the post) will not be entitled for contractual amount for the period of absence from duty.
6. Transfer of a official appointed on contract basis will not be permitted from one place to another in any case.
7. Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. In case of women candidates pregnant beyond twelve weeks will render her temporarily unfit till the confinement is over. The women candidates should be re-examined for fitness from an authorized Medical Officer/Practitioner.
8. Contract appointee shall be entitled to TA/DA if required to go on tour in connection with his/her official duties at the same rate as applicable to regular counter-part official at the minimum of pay scale.

9. The employees Group Insurance Scheme as well as EPF/GPF will not be applicable to contractual appointee(s).

IN WITNESS the FIRST PARTY AND SECOND PARTY have herein to set their hands the day, month and year first above written.

IN THE PRESENCE OF WITNESS:

1 _____

(Name and Full Address)

2 _____

(Name and Full Address)

SIGNATURE OF THE FIRST PARTY.

IN THE PRESENCE OF WITNESS:

1 _____

(Name and Full Address)

2 _____

(Name and Full Address)

SIGNATURE OF THE SECOND PARTY

