

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

03rd March, 2018

No. FDS-A(3)-2/2014 Dated: Shimla-171002,

NOTIFICATION

In exercise of the powers conferred by proviso to article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with Himachal Pradesh Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Inspector, Legal Metrology, Class-III, (Non-Gazetted) in the Weights and Measures Organization of the Food, Civil Supplies and Consumer Affairs Department, Himachal Pradesh. 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 (Weights & Measures) Inspector, Legal Metrology, Class-III, (Non-Gazetted), Recruitment and Promotion Rules, 2018.
- 2 (2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.
- Repeal and savings: 2 (1) The Himachal Pradesh Food, Civil Supplies & Consumer Affairs Department (Weights & Measures) Inspector, Legal Metrology, Class-III, (Non-Gazetted), Recruitment and promotion Rules, 2015 notified vide notification No. FDS-A(3)-2/2014 dated 2nd November, 2015, are hereby repealed.
- 2 (2) Notwithstanding such repeal, any appointment made or any thing done or any action taken under the rules so repealed under rule-2(1) supra shall be deemed to have been validly made, done or taken under these rules.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,

Onkar Chand Sharma
Principal Secretary (FCS&CA) to the
Government of Himachal Pradesh.

03rd March, 2018

Endst.No. No. FDS- A(3)-2/2014 Dated Shimla-171002,
Copy to:

1. The Secretary, H.P. Public Service Commission, Shimla-2 with reference to his letter No.1-5/17-PSC-Part- dated 22nd December, 2017 alongwith a copy of the rules for information and record.
- 2 The Director, Food, Civil Supplies and Consumer Affairs, Himachal Pradesh, Shimla-9.
- 3 The Addl. LR-cum-Addl. Secretary, Law to the Government of Himachal Pradesh.
- 4 Guard file/Spare copies.


(Om Parkash Bhandari)
Deputy Secretary (FCS&CA) to the
Government of Himachal Pradesh.
Ph. 2880825

RECRUITMENT AND PROMOTION RULES FOR THE POST OF INSPECTOR,
LEGAL METROLOGY CLASS-III, (NON-GAZETTED) IN THE WEIGHTS &
MEASURES ORGANIZATION OF THE FOOD CIVIL SUPPLIES & CONSUMER
AFFAIRS DEPARTMENT, HIMACHAL PRADESH

Name of Post:	Inspector, Legal Metrology
Number of Post:	23 (Twenty Three)
Classification:	Class-III (Non-Gazetted).
Scale of Pay:	<p>(i) Pay band for Regular Incumbent(s): ₹ 10300-34800+ ₹ 3600 Grade Pay .</p> <p>(ii) Emoluments for Contract employee(s): ₹ 13,900/- per month as per details given Column No. 15-A.</p>
Whether "Selection" post or "Non selection post":	Non-Selection
Age for direct recruitment:	<p>Between 18 to 45 years;</p> <p>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:</p> <p>Provided further that if a candidate appointed on adhoc basis or on contract basis had become overage on the date 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:</p> <p>Provided further that upper age limit is relaxable for Scheduled Castes/Scheduled Tribes/Other Backward Classes and other categories of persons to the extent permissible under the general or special order (s) of the Himachal Pradesh Government:</p> <p>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.</p> <p>Note:- 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, as the case may be.</p>

Handwritten signature

representation to all the feeder categories is achieved by the given percentage and thereafter the vacancy shall 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 the Tribal/Difficult/Hard areas and remote/rural areas subject to adequate number of post(s) available in such areas:

Provided further that the Proviso (1) supra shall not be applicable in the case of those employees who have five years or less service, left for superannuation except posting/transfer in remote/rural area. However, this condition of five years shall not be applicable in cases of promotion:

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

Explanation I: For the purpose of proviso (1) supra the "term" in Tribal/Difficult/Hard areas/remote area/rural areas shall mean normally three years or less period of posting in such areas keeping in view the administrative exigencies/convenience.

Explanation II: For the purpose of Proviso (1) supra the Tribal/Difficult Areas shall be as under:

1. District Lahaul & Spiti
2. Pangi and Bharmour Sub-Divisions of Chamba District.
3. Dodra Kwar Area of Rohru Sub-Division.
4. Pandrah Bis Pargana, Munish Darkali and Gram panchayat Kashapat of Rampur Bushahr 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, Songad and Kholanal of Bali-Chowki sub-Tehsil. Jharwar, Kutgarh, Graman, Devgarh Trailla, Ropa, Kathog, Silh Badhwani, Hastpur, Ghamrehar and Bhatchar Patwar Circle of Padhar Tehsil. Chiuni, Kalipar, Mangrah, Thach Bagra, North Magru and South Magru Patwar Circles of Thunag Teshil and Batwara Patwar Circle of Sunder Nagar Tehsil of Mandi District.

Explanation III: For the purpose of proviso (1) supra the Remote/Rural Areas shall be as under:

- i) All stations beyond the radius of 20 Kms. from Sub Division Tehsil headquarter.

Signature

ii) All stations beyond the radius of 15 Kms. from State Headquarter and District head quarters where bus service is not available and on foot journey is more than 3 (three) Kms.

iii) Home town or area adjoining to area of home town within the radius of 20 Kms. of the employee regardless of its category.

(II) 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) Provided that 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 provisions referred to above, all persons 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 that all incumbents to be considered for promotion shall possess the minimum qualifying service of atleast 3 years or that prescribed in the Recruitment and Promotion 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 the Demobilized Armed Forces Personnel (Reservation of Vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of rule-3 of the Ex-Servicemen (Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

ii) Similarly, in all cases of confirmation continuous adhoc service rendered in the feeder post, if any, prior to the regular appointment against such post 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:

Q. B. Sharma

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered shall remain unchanged.
As may be constituted by the Government from time to time.

if Departmental promotion confirmation Committee exists, what is its composition?

As required under the Law.

Circumstances under which the Himachal Pradesh Public Service Commission is to be consulted in making recruitment:
Essential requirement for a direct recruitment:

A candidate for appointment to any service or post must be a citizen of India.

Selection for appointment to post by direct recruitment:

Selection for appointment to the post in case of direct recruitment shall be made on the basis of merit of written examination followed by evaluation as specified in Appendix-I appended to these rules, or if the Himachal Pradesh Public Service Commission or other recruiting agency/authority, as the case may be, so considers necessary or expedient on the basis of merit of written examination followed by evaluation as specified in Appendix-I appended to these Rules, preceded by a screening test (objective-type) or practical test or skill test or physical test, the standards/syllabus, etc. of which, will be determined by the Himachal Pradesh Public Service Commission/other recruiting agency/authority, as the case may be.

(A) Selection for appointment to the post by contract appointment

"Notwithstanding anything contained in these rules, contract appointment to the post will be made subject to the terms and conditions given below:-

(I). CONCEPT

(a). Under this policy, the Inspector, Legal Metrology, in the Department of Food Civil Supplies & Consumer Affairs (Weights & Measures Organization), H.P. will be engaged on contract basis initially for one year which may be extended on year to year basis:

Provided that for further extension/renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then the period of contract is to be renewed/extended.

(b). POST FALLS WITHIN THE PURVIEW OF HPPSC:-

The Director, Food, Civil Supplies & Consumer Affairs, H.P. after obtaining the approval of the Government to fill up the vacant post on contract basis will place the requisition with the concerned recruiting agency i.e. Himachal Pradesh Public Service Commission.

(c). The selection will be made in accordance with the eligibility conditions prescribed in these rules.

Handwritten signature

(II). CONTRACTUAL EMOLUMENTS:

The Inspector, Legal Metrology, appointed on contract basis will be paid consolidated fixed amount @ ₹ 13,900/- P.M. (which shall be equal to minimum of the pay band + grade pay). An amount of @ ₹ 417/- (3% of the minimum of the pay band + grade pay of 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 Director, Food, Civil Supplies & Consumer Affairs, Himachal Pradesh will be appointing and disciplinary authority.

(IV). SELECTION PROCESS:

Selection for appointment to the post in the case of contract appointment shall be made on the basis of merit of written examination followed by evaluation as specified in Appendix-I appended to these rules, or if considered necessary or expedient on the basis of merit of written examination followed by evaluation as specified in Appendix-I appended to these Rules, preceded by a screening test (objective-type) or practical test or skill test or physical test, the standards/syllabus, etc. of which, will be determined by the concerned recruiting agency i.e. Himachal Pradesh Public Service Commission.

(V). COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS:

As may be constituted by the concerned recruiting agency i.e. Himachal Pradesh Public Service Commission from time to time

(VI). AGREEMENT:

After selection of a candidate, he/she shall sign an agreement as per Appendix-II appended to these rules.

(VII). TERMS & CONDITIONS:

- (a). The Contract appointee will be paid fixed contractual amount ₹ 13,900/- P.M (which shall be equal to minimum of the pay band + grade pay). The contract appointee will be entitled for increase in contractual amount @ ₹ 417/- (3% of the minimum of the pay band + grade pay of the post) for further extended years and no other allied benefits such as seniority/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). The contract appointee will be entitled for one day's casual leave after putting one month service. 10 days' medical

leave and 5 days' special leave, in a calendar year. A female contract appointee with less than two surviving children may be granted maternity leave for 135 days'. A female contract appointee shall also be entitled for maternity leave not exceeding 45 days' (irrespective of the number of surviving children) during the entire service, in case of miscarriage including abortion, on production of medical certificate issued by the authorized Government Medical Officer. A contract employee shall not be entitled for medical reimbursement and LTC etc. No leave of any other kind except above is admissible to the contract appointee:

Provided that un-availed casual leave, medical leave and special leave can be accumulated upto the calendar year and will not be carried forward for the next calendar year.

- (d). Unauthorized absence from the duty without the approval of the Controlling Officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstances for un-authorized absence from duty were beyond his/her control on medical grounds, such period shall not be excluded while considering his/her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time. However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty:

Provided that he/she shall submit the certificate of illness/fitness issued by the Medical Officer, as per prevailing instructions of the Government.

- (e). An official appointed on contract basis who has completed three years of tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.
- (f). Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. Women candidates pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women candidates 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 rates as applicable to regular counterpart officials at the minimum of pay scale.
- (h) Provisions of service Rules like FRSR, 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. The Employees Group Insurance Scheme as well as EPF GPF will also not be applicable to contract appointee(s).
- [Signature]*

— 85 —

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.

Not applicable

Where the State Govt. 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 provision(s) of these rules with respect to any class or category of person(s) or posts(s).

G. B. Sharma

APPENDIX-I

<p>Percentage of marks obtained in written examination to be calculated out of 100 marks. For example, a candidate getting 50% marks in written examination will be given 42.5 marks}.</p>	85 marks
<p>Evaluation of candidate to be made in the following manner :-</p> <p>(i) Weightage for the minimum educational qualification prescribed in the Recruitment & promotion Rules. =2.5 Marks</p> <p>{Percentage of marks obtained in the educational qualification would be multiplied by 0.025. For example, an individual has secured 50% marks in the required educational qualification, he/she will be allowed 1.25 marks (50x0.025=1.25}</p> <p>(ii) Belonging to notified Backward Area or Panchayat, as the case may be. =01 Mark</p> <p>(iii) Landless family/family having land less than 1hectare to be certified by the concerned Revenue Authority. =01 Mark</p> <p>(iv) Non-employment certificate to the effect that none of the family members is in Government /Semi-Government Service. =01 Mark</p> <p>(v) Differently abled persons with more than 40% impairment disability/infirmity. =01 Mark</p> <p>(vi) NSS (at least one year) certificate holders in NCC/ The Bharat Medal and Guide Medal Winner in National Level sports competitions. = 01 mark</p> <p>(vii) BPL family having annual income (From all sources) below ₹ 1,00,00/- or as prescribed by the Govt. from time to time =02 Marks</p> <p>(viii) Widow/divorced destitute/single woman = 01mark</p> <p>(ix) Single daughter/orphan =01Mark</p> <p>(x) Training of at least 6 months duration related to the post applied for from a recognized University/Institution. =01 Mark</p> <p>(xi) Experience up to a maximum of 5years in Govt./Semi-Govt. organization relating to the post applied for (0.5 Marks only for each completed year) =2.5 Marks</p>	15 marks

[Signature]

Form of contract/agreement to be executed between the Inspector, Legal Metrology and the Government of Himachal Pradesh through Director, Food, Civil Supplies & Consumer Affairs, Himachal Pradesh.

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

Contract appointee (herein-after called the FIRST PARTY), AND the Governor, Himachal Pradesh through Director, Food, Civil Supplies & Consumer Affairs, 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 Inspector, Legal Metrology on contract basis on the following terms and conditions:—

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as an Inspector, Legal Metrology on contract basis for a period of one 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 notice shall not be necessary:
Provided that for extension/renewal of contract period on year to year basis the concerned Head of Department shall issue a certificate that the service and conduct of the contract appointee was satisfactory during the year and only then his period of contract is to be renewed/extended.
2. The contractual amount of the FIRST PARTY will be ₹ 13,900/- per month (which shall be equal to minimum of the pay band + grade pay).
3. The service of the 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 satisfactory.
4. Contractual Inspector, Legal Metrology will be entitled for one day's casual leave after putting one month service, 10 days' medical leave and 5 days' special leave, in a calendar year. A female contract appointee with less than two surviving children may be granted maternity leave for 135 days'. A female contract appointee shall also be entitled for maternity leave not exceeding 45 days' (irrespective of the number of surviving children) during the entire service, in case of miscarriage including abortion, on production of medical certificate issued by the authorized Government Medical Officer. A contract employee shall not be entitled for medical re-imbursement and LTC etc. No leave of any other kind except above is admissible to the contract appointee.

Provided that un-availed casual leave, medical leave and special leave can be accumulated upto the calendar year and will not be carried forward for the next calendar year.

Unauthorized absence from duty without the approval of the controlling officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstances for un-authorized absence from duty were beyond his/her control on medical grounds, such period shall not be excluded while considering his/her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time. However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty:

[Signature]

Provided that he/she shall submit the certificate of illness/fitness issued by the Medical Officer, as per prevailing instructions of the Government.

6. An official appointed on contract basis who has completed three years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.
7. Selected candidate will have to submit a certificate of his/ her fitness from a Government/Registered Medical Practitioner. In case of woman candidate's pregnancy beyond twelve weeks will render her temporarily unfit till the confinement is over. The woman candidate 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 official duties at the same rate as applicable to regular counter-part official at the minimum of the pay scale.
9. The Employees Group Insurance Scheme as well as EPF/CPF/GPF will not be applicable to contractual appointee(s).

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

IN THE PRESENCE OF WITNESS :

1.

.....

(Name & full Address)

: (Signature of FIRST PARTY)

2.

.....

(Name and Full Address)

: (Signature of SECOND PARTY)

*Geetha****