

(47)

54680177
29.4.2018
(2)

IMMEDIATE

No. Per (AP)-C-A (3)-4/2018
Government of Himachal Pradesh
Department of Personnel (AP-III)

From Dated: Shimla-171002, the 22nd April, 2019.

To The Addl. Chief Secretary (Personnel) to the Government of Himachal Pradesh

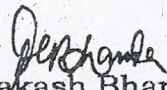
All the Administrative Secretaries to the Govt. of H.P.

Subject: - Regarding Common Recruitment & Promotion Rules for the post of Law Officers Services Rules.

Sir,

I am directed to refer to the subject cited above and to say that the matter of framing Common Recruitment and Promotion Rules for the post of Law Officer is under consideration in this Department. You are requested to supply the copy(s) of the R&P Rules, if any, framed for the post of Law Officer/Sr. Law Officer/ Assistant Director (Legal)/Deputy Director (legal) etc. so created in your department alongwith information relating to mode of recruitment and pay scale of the post(s), promotion avenues available/extended to the incumbents, either by promotion or upgradation as personal measure with pay scale of upgraded/promotional posts ^{and} any other relevant information in this regard, at the earliest.

Yours faithfully,


(Om Prakash Bhandari)
Deputy Secretary (Personnel) to the Government of Himachal Pradesh
Telephone No. 0177-2626097



US (Agst-A)

US (FC&CA)

US (EPH-A)

26-4-19



27-4-19
C.O. (FC&CA)

27/4/19

Sb. CSM

ANNEXURE-I

Recruitment and Promotion Rules For the Post of Law Officer (Class-II) Gazetted in the Department of Food and Supplies, Himachal Pradesh Government

1. Name of the post Law Officer
2. Number of posts One
3. Scale of Pay Rs.825—1580
4. Classification Class-II (Gazetted)
5. Whether selection post or non-selection post. Selection.
6. Age for direct recruits 35 years and below
7. Minimum educational and other qualifications required for direct recruits.

Essential:— (i) Professional Degree in Law or its equivalent from any recognised University in India.

(ii) Should possess experience and knowledge of the law and procedure of the Food and Supplies Department of at least five years.

OR

Should possess four years experience as a Practising Advocate.

Desirable:— Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.
8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. Age: No.
Educational Qualification: Yes.
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 for reasons to be reduced to writing.
10. Method of recruitment, whether by direct recruitment or by promotion, deputation/transfer and the percentage of vacancies to be filled by various methods. By promotion, failing which by deputation, failing which by direct recruitment.
11. In case of recruitment by promotion, deputation/transfer, grades from which promotions, deputation/transfer to be made.

By promotion from amongst:

(1) Legal Assistant/Assistants/Senior Scales Stenographers having at least 5 years regular or regular combined with *ad hoc* service, out of which at least 3 years service should be as Legal Assistant.

(2) By deputation from suitable Officers of Himachal Pradesh Government.

2. If a D.P.C. exists, what is its composition. — The D.P.C. is to be presided over by the Chairman, Himachal Pradesh Public Service Commission, or Member thereof nominated by him.
3. Circumstances under which the Himachal Pradesh Public Service Commission is to be consulted in making recruitment. As required under the Law.
4. Relaxation Clause. Where the Government in 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 Himachal Pradesh Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons or post.

Foot Notes:

1. A candidate for appointment to any service or post must be:—

- (a) A citizen of India or
- (b) a subject of Nepal, or
- (c) a subject of Bhutan, or
- (d) a Tibetan refugee who come over to India before the 1st January, 1962 with the intention of permanently settling in India, or
- (e) A person of India origin who has migrated from Pakistan, Burma, Sri-Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly, Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India;

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India/State Government.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Himachal Pradesh Public Service Commission or other recruiting authority, but the offer of appointment may be given only after the necessary certificate of eligibility has been issued to him by the Government of India/Government of Himachal Pradesh.

2. Upper age limit for direct recruits will not be applicable to the candidates already in service of the Government.

3. Upper age limit is relaxable for Scheduled Castes/Tribes candidates and other categories of persons to the extent permissible under the general or special orders of the Himachal Pradesh Government.

4. Age limit for direct recruits will be reckoned from the last date fixed for receipt of applications by the commission.

5. Age and experience for direct recruits relaxable at the discretion of the Commission in the case of candidates otherwise well qualified.

6. Provisions of columns 10 and 11 are to be revised by the Government in consultation with the Commission as and when the number of posts under Column 2 are increased or decreased.

7. Selection for appointment to these posts in the case of direct recruitment shall be made on the basis of *viva-voce* test; if the Commission so consider necessary or expedient by a written test, the standard/syllabus etc. of which will be determined by the Commission or practical test.

8. In all cases where junior person becomes eligible for consideration by virtue of his total length of service (including *ad hoc* one) in the feeder post all persons senior to him in the respective category shall be deemed to be eligible for consideration and placed above the junior persons in the Field of consideration;

Provided that all incumbents to be considered for promotion/confirmation shall possess the minimum qualifying service of at least three years or that prescribed in the relevant recruitment and promotion rules for the post whichever is less:

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

9. The employees of all the public sector corporation and autonomous bodies who happened to be Government servant before absorption in public sector Corporation/Autonomous bodies at the time of initial constitution of such Corporation/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 are/were finally absorbed in the service of such Corporations/Autonomous bodies after the initial constitution of the public sector Corporations/Autonomous bodies.

10. The appointments to this service shall be subject to orders regarding reservation in the services for Scheduled Castes/Scheduled Tribes/Backward Classes issued by the Himachal Pradesh Government from time to time.

11. Departmental Examinations :

(i) Every member of the service shall pass a departmental examination as prescribed in the Himachal Pradesh Departmental Examination Rules, 1976 within the probation period or within two years from the notification of these rules whichever is later failing which he shall not be eligible to:—

- (a) cross the efficiency bar next due;
- (b) confirmation in the service; and
- (c) promotion to the next higher post:

Provided that if a member becomes otherwise eligible for promotion, within the period mentioned above he shall be considered for promotion and if otherwise found fit, shall be promoted provisionally subject to his passing the departmental examination. He may be reverted if he fails to pass the same:

Provided further that an officer who has qualified the departmental examination in whole or in part prescribed under any other rules before the notification of these rules shall not be required to qualify the whole or in part of the examination as the case may be :

provided further that an officer for whom no departmental examination was prescribed to the notification of these rules and who has attained the age of 45 years on the 1st March, 1986 shall not be required to qualify the departmental examination prescribed under these rules.

(b) An officer on promotion to a higher post in his direct line of promotion shall not be required to pass the aforesaid examination if he has already passed the same in the lower Gazetted post.

(c) The Government may, in consultation with the Himachal Pradesh Public Service Commission, grant in exceptional circumstances and for reasons to be reduced in writing exemption in accordance with the Departmental Examination Rules to any class or category of persons from the departmental examination in whole or in part.

**No. PER (AP-II)A(4)-9/83-F
PERSONNEL DEPARTMENT
(Appointment-II)**

From

The Joint Secretary (Personnel) to the
Government of Himachal Pradesh.

To

All the Secretaries/Joint Secretaries/Deputy
Secretaries and Under Secretaries to the
Government of Himachal Pradesh.

All the Heads of Departments in Himachal Pradesh.

All the Deputy Commissioners in Himachal Pradesh.

Shimla-2, the 22nd September, 1983

Subject.—Recruitment and Promotion Rules—Age limit for direct recruitment to Class I and Class II posts.

Sir,

I am directed to say that the question of fixing the upper age limits for direct recruitment to Class I and Class II posts of the State Government had been under consideration of this Government for some time past, and after careful consideration, it has been decided that in the relevant Recruitment and Promotion Rules the age limits for Class I Officers may be provided as "45 years and below" and for Class II officers it should be "35 years and below" in respect of direct recruitment. It is, therefore, requested that necessary amendments in the Recruitment and Promotion Rules may be carried out immediately. The cases need not be sent to the Department of Personnel Law and Finance or placed before the Cabinet of Ministers in so far as this amendment is concerned.

2. The above instructions may kindly be brought to the notice of all concerned, and should be adhered to strictly in future.

Please acknowledge receipt of this communication.

Yours faithfully,

Sd/-
Joint Secretary.