

Authoritative English Text of H.P. Govt. Notification No. HTC-B(2)-4/2000,
dated 19-3-2007 as required under clause (3) of article 348 of the
Constitution of India.)

Government of Himachal Pradesh
Department of Horticulture.

No. HTC-B(2)-4/2000.

Dated: Shimla-2, the 19-3-2007

NOTIFICATION

In exercise of the power conferred by proviso to article 309 of the Constitution of India, the Governor of Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Laboratory Assistant, Class-III, (Non-Gazetted) in the Department of Horticulture, Himachal Pradesh as per Annexure-"A" attached to this notification :-

Short title and Commencement. 1.

(1) These rules may be called the Himachal Pradesh, Horticulture Department, Laboratory Assistant, Class-III (Non-Gazetted) Recruitment and Promotion Rules, 2007.

(2) These Rules shall come into force from the date of publication in Rajpatra, Himachal Pradesh.

Repeal and savings.

2. (1) The Himachal Pradesh Horticulture Department, Laboratory Assistant, Class-III (Non-Gazetted) Recruitment and Promotion Rules, 1997 notified vide this Department Notification No. HTC-B(4)-16/95, dated 2-7-1997 and 15-1-1999 are hereby repealed.

(3) Nothing withstanding such repeal, any appointment made, or anything done or any action taken under the rules so repealed under sub-rule (1) supra shall be deemed to have been validly made, or done or taken under these rules.

By Order

Principal Secretary(Hort.) to the
Government of Himachal Pradesh.

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Endst. No. HTC-B(2)-4/2000.

Dated: Shimla-2, the. 19-3-2007

Copy forwarded to :-

1. Principal Secretary(Pers.) to the Govt. of H.P. Shimla-2.
2. Principal Secretary(Fin. to the Govt. of H.P. Shimla-2.
3. Principal Secretary(Law) to the Govt. of H.P.
4. The Secretary, H.P. Public Service Commission, Shimla-2 with reference to letter No. 1-1/96-PSC-III, dated 14-11-06
5. The Director of Horticulture, Himachal Pradesh, Shimla-2
6. The Controller, Printing & Stationery Department, H.P. Shimla-5 for publication in the H.P. Rajpatra(Extra-ordinary).

Signature

Additional Secretary(Hort.) to the
Government of Himachal Pradesh.

(2)

"ANNEXURE-A"

RECRUITMENT AND PROMOTION RULES FOR THE POST OF LABORATORY ASSISTANT (CLASS-III, NON-GAZETTED), IN THE DEPARTMENT OF HORTICULTURE, HIMACHAL PRADESH.

1. Name of the post : Laboratory Assistant.
2. Number of post(s) : 32 (Thirty Two).
3. Classification : Class-III (Non-Gazetted).
4. Scale of pay (Rs. given in expanded notation) : Rs. 3120-100-3220-110-3660-120-4260-140-4400-150-5000-160-5160.
5. Whether "Selection" post or "Non-Selection" post : Non-Selection.
6. Age for direct recruitment : 18 to 45 years.

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 over-age 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:

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.

- (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 application 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 :

Essential qualification:
i) Matric with Science or its equivalent from a recognised Board of School Education or Institution and

ii) Should possess diploma/certificate of one year duration in fruit processing glass wares etc. from a recognised I.T.I. or from a recognised Institution.

DESIRABLE QUALIFICATION(S):

Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar condition prevailing in the Pradesh.

8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotee(s) :

Age: Not applicable.
Educational Qualifications: No.

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 post(s) to be filled in by various methods :

20% by direct recruitment or on contract basis:

35% by way of departmental batch-wise recruitment or on contract basis; and

45% by promotion failing which by direct recruitment or on contract basis.

11. In case of recruitment by promotion, deputation, transfer, grade from which promotion / deputation / transfer is to be made :

By promotion from amongst the Gestator Operator, Head Malles/ Skilled Grafter who are Matric with Science and possess five years regular service or regular combined with continuous adhoc service, if any in the grade failing which by promotion from amongst the Class-IV employees who are Matric with Science and also possess five years regular service or regular combined with continuous adhoc service rendered, if any, in the grade.

For the purpose of promotion the following roster will be followed:-

- 1st post... By direct recruitment.
- 2nd post... By direct recruitment.
- 3rd post... By promotion.
- 4th post... By direct recruitment.
- 5th post... By promotion..

Provided that for the purpose of promotion, a select list of all eligible officials shall be prepared wherein the incumbents with higher pay scales shall be kept enblock above the eligible persons and thereafter the incumbents next in the lower pay scale shall be placed below it and so on.

Note:

(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 provided that

in all cases where a junior person becomes eligible for consideration by virtue of his / her 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 persons senior to him / her 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 three 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 / her shall also be deemed to be ineligible for consideration for such promotion;

Explanation:- The last proviso shall not render the junior incumbent(s) ineligible for consideration for promotion if the senior ineligible person(s) happened to be Ex-Servicemen recruited under the provisions of Rule-3 of the Demobilised Armed Forces Personnel (Reservation of 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;

(2) Similarly, in all cases of confirmation, adhoc service rendered in the feeder post, if any, prior to the regular appointment / promotion 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.

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

12. If a Departmental Promotion Committee exists, what is its composition? : As may be constituted by the Govt. from time to time.
13. Circumstances under which the Himachal Pradesh Public Service Commission is to be consulted in making recruitment : As required under the law.
14. Essential requirement for a direct recruitment : A candidate for appointment to any service or post must be citizen of India.
15. Selection for appointment to post by direct recruitment : Selection for appointment to the post in the case of direct recruitment shall be made on the basis of viva-voce test and if the Himachal Pradesh 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(A) Selection for appointment to the post on contract basis. I. CONCEPT:-
- (a) Under the policy, the Laboratory Assistant in the Horticulture Department will be engaged on contract basis initially for one year, which may be extendable for two more years.
- (b) The candidates will be selected by advertising the vacant post by the concerned recruiting agency i.e. H.P. Subordinate Service Selection Board.
- (c) The selection will be made in accordance with the eligibility conditions prescribed in these Rules.
- (d) Contractual Laboratory Assistant so selected under these Rules will not have any right to claim regularization or permanent absorption in Government job.

II. HONORARIUM:

The Laboratory Assistant appointed on contract basis will be paid contractual amount @ Rs. 4680/- per month (which shall be equal to the initial of Pay Scale + dearness pay). No amount will be paid for absence period. An amount of Rs. 100/- as increase

in contractual amount for second and third years respectively will be allowed if contract is extended beyond one year.

III. APPOINTING / DISCIPLINARY AUTHORITY.

The Director of Horticulture Department will be appointing and disciplinary authority.

IV. SELECTION PROCESS.

The Director of Horticulture after obtaining the approval of the Govt. to fill up the vacant post on contract basis will send the requisition to the concerned recruiting agency i.e. H.P. Subordinate Service Selection Board.

V. COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS.

Selection will be made by the concerned recruiting agency i.e. H.P. Subordinate Service Selection Board.

VI. AGREEMENT.

After selection of a candidate, he / she has to sign an agreement as per Annexure-B appended to these rules.

VII. TERMS AND CONDITIONS.

- a) The Laboratory Assistant appointed on contract basis will be paid contractual amount @ Rs. 4680/- per month (which shall be equal to initial of the pay scale + dearness pay). He will be entitled for annual increase in contractual amount @ Rs. 100/- per annum for second and third years respectively and no other allied benefits such as senior / selection scales etc.
- b) The service of the contractual Laboratory Assistant 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.
- c) Contract appointment shall not confer any right to the incumbent for the regularization in service at any stage.
- d) Contractual Laboratory Assistant will be entitled for one day casual leave after putting one month service. This leave can be accumulated upto one year. No leave of any other kind is admissible to the contractual Laboratory Assistant. He / She will not be entitled for medical reimbursement and LTC etc. Only maternity leave will be given as per Rules.
- e) Unauthorised absence from the service without the approval of the Head of the office shall automatically lead to the termination of the contract. Contractual Laboratory Assistant will not be entitled for any contractual amount for the period of absence from duty.
- f) Transfer of Laboratory Assistant appointed on contract basis will not be permitted from one office to another in any case.

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- g) Selected candidate will have to submit a certificate of his / her fitness from a Govt. / registered Medical practitioner. In case of women candidates, pregnancy beyond 12 weeks will render her temporarily unfit until the confinement is over. The woman candidate should be re-examined for fitness from an authorised Medical Officer / Practitioner.
- h) Contractual Laboratory Assistant 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 officials.

VIII. RIGHT TO CLAIM REGULAR APPOINTMENT.

The candidate engaged on contract basis under these rules shall have no right to claim for regularisation / permanent absorption as Laboratory Assistant in the cadre in a Department at any stage.

16. Reservation :

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.

17. Powers to relax :

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 provision(s) of these Rules with respect to any Class or Category of person(s) or post(s).
