

[Authoritative English Text of Government notification No. Home-B(B)1-5/92, dated 13th September, 1996 as required under clause (3) of Article 348 of the Constitution of India.]

HOME DEPARTMENT

NOTIFICATION

Shimla-171002, the 13th September, 1996

No. Home-B(B)-1-5/92.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Himachal Pradesh in consultation with H. P. Public Service Commission is pleased to make the Recruitment and Promotion Rules for the post of Senior Assistant (Class-III, Non Gazetted) in the office of Advocate General, Himachal Pradesh as per Annexure 'A' attached to the notification namely :—

1. *Short title and commencement.*—(i) These Rules may be called the Advocate General Himachal Pradesh Senior Assistant (Class-III Non Gazetted) Recruitment and Promotion Rules, 1996.

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

2. *Repeal and savings.*—(1) The Himachal Pradesh Advocate General's office Class-III Service (Recruitment, Promotion and Certain conditions of service) Rules, 1973 notified vide notification No. 10-4/72-Home (Jud.) dated 27th November, 1973 are hereby repealed to the extent these are applicable to the post of Assistant.

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules, so repealed under Rule 2(1) *supra* shall be deemed to have been validly made or done or taken under these rules.

By order,

S. N. VERMA,
Commissioner-cum-Secretary.

ANNEXURE 'A'

RECRUITMENT AND PROMOTION RULES FOR THE POST OF SENIOR ASSISTANT, CLASS-III (NON-GAZETTED) IN THE OFFICE OF THE ADVOCATE GENERAL, HIMACHAL PRADESH

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| 1. Name of the post | .. Senior Assistant |
| 2. Number of post | .. 7 (Seven) |
| 3. Classification | .. Class III (Non-Gazetted) Ministerial Services. |
| 4. Scale of pay | .. Rs. 1800-50-2000-60-2060-70-2550-75-3000-100-3200. |
| 5. Whether selection post or non-selection post. | .. Non-selection |

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6. Age for direct recruitment .. Not applicable
7. Minimum educational and other qualifications prescribed for direct recruits. Not applicable
8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. Not applicable
9. Period of probation, .. 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 vacancies to be filled in by various methods. { 100% by promotion
11. In case of recruitment by promotion, deputation/transfer, grade from which promotion/deputation transfer is to be made. | By promotion from amongst the incumbents of the clerical cadre (which includes Clerks/Senior Clerks/Junior Assistants and Restorers who possess 10 years regular service or regular combined with continuous *ad hoc* (rendered upto 31-3-1991) service: |
- “provided that Restorer will have to qualify the typing test as prescribed for the post of clerks before being eligible for promotion to the post of Senior Assistant”.
- For the purpose of promotion a combined seniority list in respect of incumbents of clerical cadre and Restorers based on the length of service from date of appointment without disturbing their unit-wise seniority shall be prepared.
1. In all cases of promotion the *ad hoc* service rendered in the feeder post upto 31-3-1991, if any, prior to the 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 :—
- (i) 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 *ad hoc* basis upto 31-3-1991) 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 ten years or that prescribed in the Recruitment and Promotion Rules for the post, whichever is less :

Provided further that where a person becomes ineligible for being considered for promotion on account of the requirement 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 person(s) happened to be *Ex-serviceman* recruited under the provisions of Rule 3 of Demobilised Armed Forces Personnel (Reservation of Vacancies in Himachal Pradesh State Non-Technical Service) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rule-3 of *Ex-serviceman* (Reservation of Vacancies in Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

2. Similarly, in all cases of confirmation *ad hoc* service rendered on the feeder post upto 31-3-1991, if any prior to the regular appointment against such post shall be taken into account towards the length of service.

Provided that *inter-se* seniority as a result of confirmation after taking into account *ad hoc* service rendered upto 31-3-1991 shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition?
13. Circumstances under which the Himachal Pradesh Public Service Commission is to be consulted in making recruitment.

As may be constituted by the Government from time to time.

Not applicable

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मसाधारण राजपत्र, हिमाचल प्रदेश, 8 अक्टूबर, 1996/16 अक्टूबर, 1918

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| 14. Essential requirement for a direct recruitment. | Not applicable |
| 15. Selection for appointment to post by direct recruitment. | Not applicable |
| 16. Reservation | The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Backward Classes/other categories of persons issued by the Himachal Pradesh Government from time to time. |
| 17. Departmental Examination | Not applicable |
| 18. 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 Himachal Pradesh Public Service Commission relax any of the provisions of these rules with respect to any class or category of persons or posts. |