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प्रोन्नति भर्ती एवं प्रोन्नति नियमों के उपबन्धों के अनुसार प्रोन्नति स्वीकार्य प्रक्रिया को अपनाते के पश्चात् की गई थी :

(1) परन्तु यह कि उन सभी मामलों में जिनमें कोई कनिष्ठ व्यक्ति अपने कुल सेवाकाल तक की गई तदर्थ सेवा सहित विद्यमान सेवा के अन्तर्गत में हो, को शामिल करके के आधार पर कनिष्ठ विभिन्न उपबन्धों के कारण विचार किये जाने का पात्र हो सकता है, यहाँ अपने-अपने प्रवर्ग/पद/कांडर में उससे विरुद्ध सभी व्यक्ति विचार किए जाने के पात्र समझे जाएंगे और विचार करते समय कनिष्ठ व्यक्ति से ऊपर रखे जाएंगे :

परन्तु उन सभी पदधारियों की, जिन पर प्रोन्नति के लिए विचार किया जाएगा है, कम से कम तीन वर्ष की न्यूनतम अर्हता सेवा या पद के अन्तर्गत प्रोन्नति नियमों में विहित सेवा जो भी कम हो, होगी :

परन्तु यह और कि जहाँ कोई व्यक्ति पूर्वगामी परन्तुक की प्रोन्नति के कारण प्रोन्नति किए जाने सम्बन्धी विचार के लिए अपात्र हो सकता है, जहाँ उससे कनिष्ठ व्यक्ति भी प्रोन्नति के विचार के लिए अपात्र समझा जाएगा

स्थापनाकरण.—अस्तित्व परन्तुक के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जायेगा, यदि विरुद्ध अपात्र व्यक्ति अपात्र केविक है जिसे डिप्लोमा/डीग्री/आईएच आर्मीड फोर्सिज परसोनल डिप्लोमा ऑफ वेकैन्सीज इन हिमाचल स्टेट नान-टैक्नीकल सर्विसिज) का 1972 के नियम 3 के प्रावधानों के अन्तर्गत भर्ती किया गया हो, जहाँ इसके अन्तर्गत वरीयता लाभ दिये गये हों या जिसे ऐक्स प्रोन्नति (डिप्लोमा ऑफ वेकैन्सीज इन डी हिमाचल प्रदेश टैक्नीकल सर्विसिज) का 1985 के नियम-3 के उपबन्धों के अधीन भर्ती किया गया हो तथा इसके अन्तर्गत वरीयता लाभ दिए गए हों ।

(2) सभी प्रकार स्थायीकरण के सभी मामलों में ऐसे पद पर प्रोन्नति प्रोन्नति के पूर्व की गई तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जायेगी, यदि तदर्थ नियुक्ति/ प्रोन्नति उचित चयन के आधार पर भर्ती एवं प्रोन्नति नियमों के उपबन्धों के अनुसार की गई हो :

परन्तु तदर्थ सेवा को गणना में लेने के पश्चात् जो स्थायीकरण सेवा इसके फलस्वरूप पारस्परिक वरीयता अपरिवर्तित रहेगी ।

आदेश द्वारा,  
जे 0 पी 0 नेगी,  
प्रधान सचिव ।

Authoritative English text of Government Notification No. Home-B(B)1-5/92, dated 6-7-2004 as required under clause (3) of Article 348 of the Constitution of India.

HOME DEPARTMENT

NOTIFICATION

Shimla-2, the 6th July, 2004

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, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the following rules further to amend the Recruitment & Promotion Rules in the office of Advocate General, Himachal Pradesh for the post of Senior Assistant (Class-III, Non-Gazetted) notified vide this Department Notification No. Home-B(B)1-5/92, dated 13th September, 1996, namely:—

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh Advocate General's office Senior Assistant (Class-III, Non-Gazetted) Recruitment and Promotion (First Amendment) Rules, 2004.

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

2. Amendment of Annexure-"A".—In Annexure to the Himachal Pradesh Advocate General's office Senior Assistant (Class-III, Non-Gazetted) Recruitment and Promotion Rules, 1996 :—

(a) For the existing provisions against Col. No. 4 the following may be substituted, namely:—

"Rs. 5800-200-7000-220-8100-275-9200".

(b) For the existing title against Col. 10, the following shall be substituted, namely:—

"Method of recruitment whether by direct recruitment or by promotion, deputation, transfer and the percentage of posts to be filled in by various methods".

(c) For the existing provisions against Column No. 11, the following shall be substituted, namely:—

"By promotion from amongst the common clerical cadre of Clerks/Junior Assistants and Restorers with ten years regular service or regular combined with continuous ad hoc service, in the grade ;

Provided that these Clerks/Restorers who have been promoted from amongst the Class-IV employees or appointed on compassionate grounds having the educational qualification Matric or Matric in English only and Hindi Rattan pass at the time of such promotion/appointment shall not be promoted to the post of Senior Assistant unless they possess the essential qualification, i.e. Matric 2nd division or 10+2 pass as prescribed for direct recruitment.

"Provided that Restorer will have to qualify the typing test as prescribed for the post of Clerk 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 the date of appointment without disturbing their unitwise inter-se-seniority shall be prepared.

(1) In all cases of promotion, the continuous ad hoc 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 ad hoc 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 :

(i) in all cases where a junior person becomes eligible for consideration by virtue of his (or her) length of service (including the service rendered on ad hoc basis 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 three 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