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(Authoritative English Text of Government Notification No. No. Per (AP) C-A (3)2/2010 dated 3-12-2010 as required under clause (3) of Article 348 of the Constitution of India).

Government of Himachal Pradesh
Department of Personnel (AP-III)

No. Per (AP) C-A (3)2/2010

Dated: Shimla-171002,

3-12-2010.

NOTIFICATION

In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor Himachal Pradesh is pleased to make the Common Direct Recruitment Rules for the post of Chowkidar, Class-IV (Non-Gazetted) Ministerial Services, in various Departments of the Government of Himachal Pradesh as per Annexure-"A" attached to this notification, namely:-

Short title, 1. (1) These rules may be called the Himachal Pradesh, Department of Personnel, Chowkidar, Class-IV (Non-Gazetted) Common Direct Recruitment Rules, 2010.
Commencement
and application

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

(3) These rules shall be applicable to all the Government Departments of State of Himachal Pradesh.

Repeal and savings 2. (1) The method of direct recruitment provided in Direct Recruitment Rules for the posts of Chowkidar under various Departments of the Himachal Pradesh Government issued from time to time, shall cease to operate:

Provided that these Rules shall not apply to the posts of the Vidhan Sabha Secretariat/ High Court.

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed under sub-rule (1) supra, shall be deemed to have been validly made or done or taken under these rules.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 (Personnel) to the
Government of Himachal Pradesh.

Endst. No. Per (AP) C-A (3)2/2010 Dated: Shimla-171002, 3-12-2010.

Copy forwarded to:-

1. All the Additional Chief Secretaries/Principal Secretaries/ Secretaries/ Additional Secretaries/ Special Secretaries/Joint Secretaries/ Deputy Secretaries/Under Secretaries to the Govt. of H.P. Shimla-2.
2. All the Divisional Commissioners in Himachal Pradesh.
3. All the Heads of Departments in Himachal Pradesh.
4. All the Deputy Commissioners in Himachal Pradesh.
5. Secretary, H.P. Public Service Commission, Shimla-2.
6. Secretary, H.P. Subordinate Services Selection Board, Hamirpur.
7. Joint Legal Remembrancer-cum-Joint Secretary (Law) to the Govt. of Himachal Pradesh.
8. 250 spare copies.


Deputy Secretary (Personnel) to the
Government of Himachal Pradesh.

Common Direct Recruitment and Promotion Rules for the post of Chowkidar, Class-IV (Non-Gazetted) in the Departments under Government of Himachal Pradesh.

1. Name of Post : Chowkidar
2. Number of Posts : As sanctioned and may be sanctioned by the Govt. from time to time in the Department concerned.
3. Classification : Class-IV (Non-Gazetted) (Ministerial Services).
4. Scale of Pay : (I) Pay band for regular incumbents:
Rs. 4900-10680+1300 Grade Pay.
(II) Emoluments for Contract Employees: Rs. 6200/- as per details given in Col.15-A.
5. Whether "Selection" Post or "Non-Selection" Post : N.A
6. Age for Direct Recruitment : Between 18 and 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 ad-hoc or on contract basis :

Provided further that if a candidate appointed on ad-hoc basis had become overage on the date when he was appointed as such he shall not be eligible for any relaxation in the prescribed age limit by virtue of his such ad-hoc 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 Servant before absorption in Public Sector Corporations/Autonomous Bodies at the time of initial constitution of such Corporations/Autonomous Bodies shall be allowed age concession in

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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 Corporation/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 applications or notified to the Employment Exchanges or as the case may be.

(2) Age and experience in the case of direct recruitment are 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

a) ESSENTIAL QUALIFICATION :

Should be Middle Pass or its equivalent from a recognized Board of School Education/Institution.

b) DESIRABLE QUALIFICATION (S):

Knowledge of customs, manner 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 the promotees

Age : Not Applicable.

Educational Qualification : Not Applicable.

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 posts to be filled in by various methods

By direct recruitment on regular basis or by recruitment on Contract basis, as the case may be. The contract employees will get emoluments as given in Col. 15-A & will be governed by service conditions as specified in the said column.

11. In case of recruitment by promotion deputation, transfer, grades from which promotion/ deputation/ transfer is to be made N.A.
12. If a Departmental Promotion Committee exists, what is its composition N.A.
13. Circumstances under which the H.P.P.S.C. 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 a Citizen of India.
15. Selection for appointment to the 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 if the recruiting authority so consider necessary or expedient by a written test or practical test, the standard syllabus etc. of which, will be determined by the recruiting authority.

15-A Selection for appointment to the post by contract appointment.

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

(I) CONCEPT:

- (a) Under this policy the Chowkidar in _____ (Name of the Department) will be engaged on contract basis initially for one year, which may be extendable on year to year basis :

Provided that for 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 his period of contract is to be renewed /extended.

(b) POST FALLS OUT OF THE PURVIEW OF HPSSSB:-

The HOD of the concerned Department (Designation of the appointing authority) after obtaining the approval of the Government to fill up the posts on contract basis will advertise the details of the vacant posts in at least two leading news papers and invite applications from candidates having the prescribed qualification and fulfilling the other eligibility conditions as prescribed in these Rules.

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

(II) CONTRACTUAL EMOLUMENTS

The Chowkidar appointed on contract basis will be paid consolidated fixed contractual amount @ 6200/- P.M (which shall be equal to minimum of the pay band +Grade Pay). An amount of Rs. 190/- (3% of the minimum of pay band+grade pay of the 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 HOD of the concerned Department (Designation of the appointing authority) will be the appointing & disciplinary authority.

(IV) SELECTION PROCESS

Selection for appointment to the post in the case of Contract Appointment will be made on the basis of viva-voce test or if considered necessary or expedient by a written test or practical test the standard / syllabus etc. of which will be determined by the concerned recruiting authority i.e. HOD of the concerned Department (Name of the recruiting authority)

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS.

As may be constituted by the concerned recruiting authority i.e. HOD of the concerned Department (Name of the recruiting authority) from time to time.

(VI) AGREEMENT

After selection of a candidate he/she shall sign an agreement as per Annexure- "B" appended to these Rules.

(VII) TERMS AND CONDITIONS:

- (a) The contractual appointee will be paid fixed contractual amount @ Rs. 6200/- 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 @ Rs. 190/- (3% of minimum of the pay band + grade pay of the post) for further extended years and no other allied benefits such as senior/selection scales 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) Contract Appointee will be entitled for one day casual leave after putting one month service. This leave can be accumulated up to one year. No leave of any other kind is admissible to the contract appointee. He/She shall not be entitled for Medical Re-imbursement and LTC etc. only maternity leave will be given as per rules.
- (d) Unauthorized absence from the duty without the approval of the controlling Officer shall automatically lead to the termination of the contract. Contract Appointee shall not be entitled for contractual amount for the period of absence from duty.

- (e) An official appointed on contract basis who have completed five years 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. Woman candidate pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over . The woman candidate 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 rate as applicable to regular counter part official at the minimum of pay scale.
- (h) Provisions of service rules like FR SR, Leave Rules, GPF Rules, Pension Rules & Conduct rules etc. as are applicable in case of regular employees will not be applicable in case of contract appointees. They will be entitled for emoluments etc. as detailed in this Column.

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 Departmental Examination

Not Applicable.

18 Power to Relax

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, relax any of the provision (s) of these Rules with respect to any class or category of person (s) or post (s).

Form of contract/agreement to be executed between the Chowkidar and the Government of Himachal Pradesh through _____ (Designation of the Appointing Authority).

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

Shri _____ R/o _____ Contract appointee (hereinafter called the FIRST PARTY), AND the Governor of Himachal Pradesh through _____ (Designation of the Appointing Authority) Himachal Pradesh (hereinafter called the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Chowkidar on contract basis on the following terms & conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Chowkidar for a period of 1 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-further extention/renewal of contract period the HOD shall issue a certificate that the service and conduct of the contract appointee was satisfactory during the year and only then the period of contract is to be renewed/extended.

2. The contractual amount of the FIRST PARTY will be Rs.6200/- per month.
3. The service of 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 good or if a regular incumbent is appointed/posted against the vacancy for which the first party was engaged on contract.
4. Contractual Chowkidar will be entitled for one day casual leave after putting in one month service. This leave can be accumulated upto one year. No leave of any kind is admissible to the contractual Chowkidar. He will not be entitled for Medical Reimbursement and LTC etc. Only maternity leave will be given as per Rules.
5. Unauthorized absence from the duty without the approval of the controlling Officer shall automatically lead to the termination of the contract. A contractual Chowkidar will not be entitled for contractual amount for the period of absence from duty.

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6. An official appointed on contract basis who have completed five 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 pregnant 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/her official duties at the same rate as applicable to regular counter-part official at the minimum of pay scale.
 9. The Employees Group Insurance Scheme as well as EPF/GPF will not be applicable to contractual appointee(s).

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

IN THE PRESENCE OF WITNESS:

1.

(Name and Full Address)

(Signature of the FIRST PARTY)

2.

(Name and Full Address)

IN THE PRESENCE OF WITNESS:

1.

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(Signature of the SECOND PARTY)

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(Signature of the SECOND PARTY)

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(Name and Full Address)