

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 478, CUTTACK, WEDNESDAY, MARCH 22, 2017/CHAITRA 1, 1939

HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 21st March, 2017

S.R.O. No. 132/2017— In exercise of the powers conferred by Section 22 of the Odisha Municipal Services Act, 2016 (Odisha Act, 7 of 2016) and in supersession of the rules or regulations or orders or instructions except as respects things done or omitted to be done before such supersession, the State Government do hereby make the following rules regulating the method of recruitment and conditions of service of the persons appointed to the Odisha Municipal Ministerial Services, namely:—

CHAPTER-I

PRELIMINARY

1. Short title and commencement:— (1) These rules may be called the Odisha Municipal Ministerial Service (Method of Recruitment and Conditions of Service) Rules, 2017.

(2) They shall come into force from the date of their publication in the *Odisha Gazette*.

2. Definitions:— (1) In these rules, unless the context otherwise requires,—

- (a) 'Act' means the Odisha Municipal Services Act, 2016;
- (b) 'Commissioner' means Commissioner of a Municipal Corporation;
- (c) 'Committee' means the Departmental Promotion Committee constituted under rule 12;
- (d) 'District' means a revenue District;
- (e) 'Executive Officer' means Executive Officer of a Municipality or a Notified Area Council;
- (f) 'Ex-servicemen' mean persons as defined in the Odisha Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
- (g) 'Government' means the Government of Odisha;

- (h) 'OSSC' means Odisha Staff Selection Commission;
- (i) 'Persons with Disabilities' means persons who have been granted with disability certificates by Competent Authority as per the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Right, and full Participation) Odisha Rules, 2003;
- (j) 'Schedule' means Schedule appended to these rules;
- (k) 'Scheduled Castes and Scheduled Tribes' shall have reference to the Scheduled Castes and Scheduled Tribes specified in the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribe) Order, 1950, as the case may be, made under Articles 341 and 342 of the Constitution of India, respectively;
- (l) 'SEBC' means the Socially and Educationally Backward Classes of citizens defined as Backward Classes and referred to in clause (a) of Section 2 of the Odisha State Commission for Backward Classes Act, 1993;
- (m) 'Section' means a particular section of the Odisha Municipal Services Act, 2016;
- (n) 'Selection' means selection by direct recruitment or promotion, in accordance with the provisions of these Rules;
- (o) 'Service' means the Odisha Municipal Ministerial Service;
- (p) 'Sportsmen' refer to persons who hold the identity card as sportsmen issued by the Director, Sports; and
- (q) 'Year' means the Calendar Year.

(2) All other words and expressions used in these rules but not defined specifically shall, unless the context otherwise requires, have the same meaning as respectively assigned to them in the Act, the Odisha Municipal Service (General) Rules, 2016 and the Odisha Service Code.

3. Constitution of Cadre and Services:— (1) There shall be two separate branches under the Services consisting of the stenographers cadre and the ministerial cadre.

(2) The Stenographer cadre shall consist of the following posts, namely:—

- (i) Private Secretary;
- (ii) Personal Assistant;
- (iii) Senior Stenographer; and
- (iv) Junior Stenographer.

Provided that after commencement of these rules, there shall be no recruitment to the post of Junior Stenographer and the 'Government' may by notification, abolish existing vacant posts, if any and posts fall vacant subsequently.

(3) The Ministerial cadre shall consist of the following posts, namely:—

- (i) Head Assistant;
- (ii) Senior Assistant; and
- (iii) Junior Assistant.

CHAPTER-II METHODS OF RECRUITMENT

4. Cadre Strength and Methods of Recruitment.— (1) The cadre strength of Odisha Municipal Ministerial Service for all the Urban Local Bodies shall be as decided by the Government from time to time.

(2) The qualifications, experience and method of selection for different posts under the service shall be as provided in SCHEDULE.

(3) The post of Junior Assistant shall be filled up by way of direct recruitment by the OSSC.

(4) Subject to other provisions made in these rules, the,—

- (a) post of Private Secretary shall be filled up by way of promotion from among Personal Assistants;
- (b) post of Personal Assistant shall be filled up by way of promotion from among the Senior Stenographers;
- (c) post of Senior Stenographer shall be filled up by way of promotion from among the Junior Stenographers;
- (d) post of Head Assistant shall be filled up by way of promotion from among the Senior Assistants; and
- (e) post of Senior Assistant shall be filled up by way of promotion from among the Junior Assistants;

5. Reservations:— Notwithstanding anything contained in these rules reservation of vacancies or posts, as the case may be, shall be made for Candidates belonging to,—

- (a) Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder; and

(b) SEBC, Women, Sportsmen, Ex-servicemen and Persons with Disabilities shall be made in accordance with the provisions made under such Act, rules, orders or instructions issued in this behalf by the Government from time to time.

6. Grouping of Posts:—The posts in the Service, in the Urban Local Bodies and Directorate of Municipal Administration shall be classified as different Groups on the basis of scales of pay, similar to the classification of posts made by the General Administration Department in State Government Offices from time to time.

7. Appointing Authority and Jurisdiction of Municipal Services:— (1) The Director, Municipal Administration in the Housing & Urban Development Department shall be the Appointing Authority for all categories of posts in the Service.

(2) The appointment order shall be issued after obtaining orders from Government in all cases.

(3) All the employees under the Service shall be of state cadre. The Officers and employees recruited under these services shall be transferred as per the transfer policy of the Government or deputed across the State/ all ULBs.

(4) The Municipal Commissioners or the Executive Officers as the case may be shall be responsible to implement the transfer and posting orders issued by the Director, Municipal Administration, in all cases.

8. Status of Personnel and Salary:— (1) The Officers and employees recruited to the Service shall be appointed and controlled by the Director, Municipal Administration. They shall not be, in any case, the employees of the State Government. They shall be municipal employees.

(2) The Urban Local Body concerned shall be responsible to meet the salaries, allowances and other financial benefits of the personnel posted in the Urban Local Bodies.

9. Eligibility Criteria for Direct Recruitment:— In order to be eligible for direct recruitment to the posts under the Service, a candidate shall have to satisfy the general condition laid down in the Odisha Municipal Services (General) Rules, 2016 as applicable with the following conditions, namely:—

(a) A candidate must be of good mental condition and bodily health and free from any physical defect likely to interfere with the discharge of his duties in the service.

Provided that this clause, except good mental condition shall not be applicable to the Persons with Disability.

(b) Minimum Educational Qualifications for different posts under the Service shall be as provided in the SCHEDULE.

10. Selection of the Junior Assistants by the OSSC:— (1) The written tests and computer tests, for direct recruitment to the grade of Junior Assistants shall be conducted by the OSSC.

(2) Ordinarily in the month of January of each year the Director Municipal Administration shall communicate the total number of vacancies for recruitment taking into account the existing and the anticipated vacancies in that year indicating the number of posts required to be filled up by direct recruitment to the OSSC indicating the post to be reserved for candidates belonging to different reserved categories and furnish the necessary details in the format prescribed for the purpose.

(3) The OSSC on receipt of the vacancies to be filled up by direct recruitment shall take all necessary steps for recruitment of suitable candidates and shall adopt its own procedures.

(4) The syllabus, pattern and scheme of examination shall be as decided by the OSSC in consultation with the Department.

(5) The OSSC shall prepare a composite merit list taking into account all categories and separate merit lists category wise.

11. Select List in case of Direct Recruitment:—(1) On completion of the recruitment test, the merit lists received from the OSSC shall be placed before the Government for approval, and on such approval, it shall form the select list.

(2) Appointment shall be made in the order in which the names as they appear in the select list.

(3) Every candidate included in the select list shall be examined by a Medical Board and any candidate who fails to qualify after examination by the Medical Board shall not be eligible for appointment.

(4) The select list shall ordinarily remain in force for one year from the date of its approval by the Government under sub-rule (1) or until another select list is prepared, whichever is earlier.

CHAPTER-III

PROMOTION

12. Constitution of Departmental Promotion Committee:— (1) There shall be constituted a Committee for considering promotion of the officials to different posts in the service, namely:— Private Secretary, Personal Assistant, Senior Stenographer, Head Assistant and Senior Assistant.

(i)	Director, Municipal Administration	:	Chairman
(ii)	Representative of the ST & SC Development Department not below the rank of Under-Secretary	:	Member
(iii)	Joint Secretary/Deputy Secretary/Under-Secretary of the HUD Department in charge of the branch	:	Member
(iv)	Deputy Director, Municipal Administration in his absence Deputy Commissioner	:	Member-Convener

(2) The recommendation of the Committee shall be valid and can be acted upon notwithstanding the absence of any one of its members other than the Chairman;

Provided that the member so absenting was duly invited to attend the meeting of the Committee and the majority of members of the Committee attended the meeting.

13. Procedure for Selection by the Departmental Promotion Committee:— (1)

The Committee shall meet at least once in a year preferably in the month of January to prepare a list of officials, as are held by them suitable for promotion to the next higher grade.

(2) The Committee while considering the cases of suitable officials and preparation of the list, shall follow the provisions of—

(a) The Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988.

(b) The Odisha Civil Services (Criteria for Promotion) Rules, 1992.

(c) The Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.

(d) The Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder.

(3) The recommendations of the Committee shall be placed before Government for approval.

14. Select List in case of Promotion:— (1) The recommendations of the Committee shall be considered by Government and the list approved by the Government shall form the select list.

(2) The list referred to under sub-rule (1) shall ordinarily be in force for a period of one year from the date of its approval by the Government or until another select list is prepared afresh whichever is earlier.

(3) Appointment on promotion to different grades in the service shall be made in the order in which the names of officials appear in the select list prepared under sub-rule (1).

CHAPTER-IV
OTHER CONDITIONS OF SERVICE

15. Probation:—The period of probation as provided under section 9 of the Act shall not include,—

- (a) extraordinary leave;
- (b) period of unauthorized absence; or
- (c) any other period held to be not being on actual duty.

16. Inter se-Seniority:—The *inter se*-seniority of the employees promoted to any grade in the service after commencement of these rules in a particular year shall be in the order in which their names appear in the select list prepared under rule 14 and the *inter se*-seniority of the direct recruit shall be fixed as per the provisions of the proviso to Section 10 of the Act read with rule 11.

17. Other Service Conditions:—The other service conditions of the employees recruited to the Service not covered in the provisions of the Act and these rules shall be the same as in the existing respective State Government Rules.

CHAPTER-V
MISCELLANEOUS

18. Relaxation:—When the Government are of the opinion that it is considered necessary or expedient so to do, in public interest, it may, by order for reasons to be recorded in writing, relax any of the provisions of these rules, in respect of any class or category of employees, or in respect of any particular employee.

19. Interpretation:— If any question arises relating to the interpretation of these rules, it shall be referred to Government whose decision thereon shall be final.

SCHEDULE

[See rule 4 (2) and 9(b)]

QUALIFICATIONS, METHOD OF SELECTION AND EXPERIENCE

Sl. No.	NAME OF POST	METHOD OF SELECTION	QUALIFICATION/ EXPERIENCE/SOURCE
1	Private Secretary	Promotion	Must have put at least 6 years of service as Personal Assistant.
2	Personal Assistant	Promotion	Must have put at least 8 years of service as Senior Stenographer with Basic Computer Knowledge.
3	Senior Stenographer	Promotion	Must have put at least 8 years of regular service as Junior Stenographer in any Urban Local Body, where the recruitment for the post was conducted after sanction of post by the Government. The period of 8 years of service experience as Junior Stenographer shall be counted from the date of sanction of the post by the Government. He/She must have passed +2 Arts/ Science/ Commerce or Intermediate or equivalent examination from any Govt. recognized council/ institution along with typing speed of 40 wpm in English & 30 wpm in Odia Type writing & 80 wpm in English shorthand with Basic Computer Knowledge.
4	Head Assistant	Promotion	Must have put at least 6 years of service as Senior Assistant.
5	Senior Assistant	Promotion	Must have put at least 5 years of service as Junior Assistant with Basic Computer Knowledge and should have completed the training courses as prescribed.
6	Junior Assistant	Direct Recruitment	Must have passed +2 Arts/Science/ Commerce or Intermediate or equivalent examination from any Govt. recognized council/ institution with Basic Computer Knowledge.

[No. 6532-HUD-13-LEGIS-67-POLICY-15-38/2016/HUD.]

By Order of the Governor

G. MATHIVATHANAN

Commissioner-cum-Secretary to Government