

(Authoritative English Text of the Department Notification No. Per (AP)-C-A (3)-7/2011 dated 15-05-2014 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)-7/2011

Dated: Shimla-171002,

15th May, 2014.

NOTIFICATION

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 Common Recruitment and Promotion Rules for the post of Clerk, Class-III (Non-Gazetted) Ministerial Services in various Departments of the Government of Himachal Pradesh as per Annexure-"A" attached to this notification, namely:-

- Short title, commencement and application.
1. (1) These rules may be called the Himachal Pradesh, Department of Personnel, Clerk, Class-III (Non-Gazetted) Ministerial Services, Common Recruitment and Promotion Rules, 2014.
 - (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 Himachal Pradesh, except Vidhan Sabha Secretariat, High Court of H.P. and H.P. Public Service Commission.
- Repeal and savings
2. (1) The Himachal Pradesh Department of Personnel, Clerk Class-III(Non-Gazetted) Common Direct Recruitment and Promotion Rules, 2011 notified vide this Department Notification No. Per (AP-C)A(3)-1/2010, dated 14.9.2011 and amended from time to time, are hereby repealed.
 - (2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed under sub-rule (1) supra, shall be deemed to have been validly made or done or taken under these rules.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,

(S.K.B.S. Negi)
Principal Secretary (Personnel) to the
Government of Himachal Pradesh.

Endst. No. Per (AP)-C-A (3)-7/2011 Dated: Shimla-2, the 15th May, 2014.
Copy to :-

1. All the Additional Chief Secretaries/Principal Secretaries/ Secretaries/ Special Secretaries/Additional 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. The Secretary, H.P. Public Service Commission, Shimla-2 w.r.t. his letter No.1-3/83-PSC-Part dated 28-10-2013 for information.
6. The Secretary, H.P. Subordinate Services Selection Board, Hamirpur.
7. Joint Legal Remembrance-cum-Joint Secretary (Law) to the Govt. of Himachal Pradesh.
8. 250 spare copies.

Sd/-

(Prem Singh Thakur)
Deputy Secretary (Personnel) to the
Government of Himachal Pradesh.
Phone No. 0177-2624183

Annexure-A

Common Recruitment & Promotion Rules for the posts of Clerk in various Departments of Himachal Pradesh Government.

1. Name of Post : Clerk
2. Number of Posts : As sanctioned and may be sanctioned by the Government from time to time in the concerned Departments.
3. Classification : Class-III (Non-Gazetted) (Ministerial Services).
4. Scale of Pay : (1) **Pay Band/Scale for regular incumbents:**
 - i) Pay Band- ₹ 5910-20200/- + ₹ 1900/- Grade Pay
 - ii) Pay Band/Scale after two years of regular service:
Pay Band- ₹ 10300-34800/- + ₹ 3200/- Grade Pay
 - iii) Pay Band- ₹ 10300-34800/- + ₹ 3600/- Grade Pay to be given to the 50% of the total number of posts of Clerks in the cadre after minimum 5 years of service as Clerk in the cadre and the incumbent of these posts shall be designated as **Junior Assistant** by placement.(2) **Emoluments for Contract Employees:**
₹ 7810/- as per details given in Col. No. 15-A.
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 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 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 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 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, 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 recruits:

a) ESSENTIAL QUALIFICATION :

i) Should have passed 10+2 Examination or its equivalent from a recognized Board of School Education/ University.

ii) Should possess a minimum speed of 30 words per minute in English typewriting or 25 words per minute in Hindi typewriting on Computer:

Provided that visually impaired persons recruited under 1% quota shall be imparted necessary basic training including computer training by the Department concerned through Composite Regional Centre(CRC), Sundernagar instead of passing typing test. They shall have to complete the above training during which three chances will be

afforded. If the incumbent fails to qualify the same his /her services shall be terminated. However, the incumbents already in the service shall be afforded sufficient number of chances to complete the aforesaid training.

iii) Should have the knowledge of 'Word Processing' in Computer as prescribed by the Recruiting Authority.

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.

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| 8 | Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotees: | Age : Not Applicable.
Educational Qualifications } Yes. As Prescribed in Col. No. 7 above & in Col. No.11 below. |
| 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: | i) 70% by direct recruitment on 'regular' basis or by recruitment on contract basis, as the case may be.
ii) 20% by Limited Direct Recruitment from amongst the 'regular' Class-IV officials possessing the 10+2 qualification through competitive examination to be conducted by the H.P. Subordinate Services Selection Board, Hamirpur, having five years regular service OR regular combined with continuous service rendered on daily wages or on contract basis, failing which by direct recruitment on a regular basis or by recruitment on contract basis, as the case may be.
iii) 10% by promotion failing which by direct recruitment on a regular basis or by recruitment on contract basis, as the case may be: |

Provided that the contract employees will get emoluments as given in Col. No.15-A and 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:
- i) 20% by limited direct recruitment from amongst the 'regular' Class-IV officials possessing 10+2 qualification through competitive examination to be conducted by the H.P. Subordinate Services Selection Board, Hamirpur, having five years regular service OR regular combined with continuous service rendered on daily wage or on contract basis. The eligible Class-IV officials will also qualify the typing test with the minimum speed of 25 words per minute in English Typewriting OR 20 words per minute in Hindi Typewriting on Computer to be conducted by the H.P. Subordinate Services Selection Board, Hamirpur.
 - ii) 10% by promotion from amongst the Class-IV officials who have passed 10+2 examination or its equivalent from a recognized Board of School Education/ University and possess five years regular service or regular combined with continuous adhoc service rendered, if any, in the grade:

Provided that such Class-IV officials having qualification of Matric or its equivalent, shall not be rendered ineligible for promotion to the post of Clerk against 10% quota, who were in the cadre of Class-IV after attaining the age of 50 years:

Provided further that all the Class-IV officials so promoted as Clerks will qualify the typing test with a minimum speed of 25 words per minute in English Typewriting or 20 words per minute in Hindi Typewriting on computer within the probation period which will be conducted by the concerned Departments and the incumbents will get three chances during the probation period. If the candidate fails to qualify the typing test within the prescribed period, his probation period will be extended. During this period the incumbents will get one more chance. If the candidate still fails to qualify the typing test in the extended period, he will be reverted from Clerk to Class-IV post.

For the purpose of promotion a combined seniority of eligible Class-IV officials on the basis of length of service without disturbing their cadre wise inter-se-seniority shall be prescribed.

(I) Provided that for the purpose of promotion every employee shall have to serve at-least one term in the Tribal/Difficult areas subject to adequate number of post(s) available in such areas:

Provided further that the proviso (I) supra shall not be applicable in the case of those employees who have five years or less service, left for superannuation:

Provided further that Officers/Officials who have not served at-least one tenure in Tribal/difficult area shall be transferred to such area strictly in accordance with his/her seniority in the respective cadre.

Explanation I: For the purpose of proviso (I) supra the "term" in Tribal/Difficult areas shall mean normally three years or less period of posting in such areas keeping in view the administrative requirements and performance of the employee.

Explanation II: For the purpose of proviso (I) supra the Tribal/Difficult Areas shall be as under:-

1. District Lahaul & Spiti
2. Pangi and Bharmour Sub Division of Chamba District
3. Dodra Kwar Area of Rohru Sub Division.
4. Pandrah Bis Pargana, Munish Darkali and Gram Panchyat Kashapat, Gram Panchayats of Rampur Tehsil of District Shimla.
5. Pandrah Bis Pargana of Kullu District.
6. Bara Bhangal Areas of Baijnath Sub Division of Kangra District.
7. District Kinnaur
8. Kathwar and Korga Patwar Circles of Kamrau Sub Tehsil, Bhaladh Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmour District.
9. Khanyol-Bagra Patwar Circle of Karsog Tehsil, Gada Gussaini, Mathyani, Ghanyar, Thachi, Baggi, Songad and Kholanal of Bali- Chowki Sub Tehsil, Jharwar, Kutgarh, Graman, Devgarh, Trailla, Ropa, Kathog, Silh-Badhwani, Hastpur, Ghamrehar and Bhatehar Patwar Circle of Padhar Tehsil, Chiuni, Kalipar, Mangarh, Thach-Bagra, North Magru and South Magru Patwar Circles of Thunag Tehsil and Batwara Patwar Circle of Sunder Nagar Tehsil in Mandi District.

(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:

(i) Provided 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 adhoc basis followed by regular service/appointment) 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 at least three years or that prescribed in the Recruitment & 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 promotion if the senior ineligible persons happened to be ex-servicemen recruited under the provisions of Rule-3 of Demobilized Armed Forces Personnel (Reservation of Services in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rule-3 of Ex-Servicemen (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

(ii) Similarly, in all cases of confirmation, continuous adhoc service rendered on the feeder post, if any, prior to the regular appointment against such posts 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 Recruitment & Promotion 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.

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| 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 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 Himachal Pradesh Public Service Commission or other recruiting authority, as the case may be, so considered necessary or expedient by a written test or practical test, the standard/syllabus, etc. of which, will be determined by the Commission OR other recruiting authority, as the case may be. |

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 Clerk in Department of _____ (Name of the Department) H.P. 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 WITHIN THE PURVIEW OF HP SSSB :-

The HOD (Designation of the appointing authority) after obtaining the approval of the Government to fill up the vacant posts on contract basis will

place the requisition with the concerned recruiting agency i.e. H.P. Subordinate Services Selection Board, Hamirpur.

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

(II) CONTRACTUAL EMOLUMENTS:

The Clerk appointed on contract basis will be paid consolidated fixed contractual amount @ ₹ 7810 P.M. (which shall be equal to minimum of the pay band + grade pay). An amount of ₹ 240 (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 Head of the Department (Designation of the appointing authority) H.P. will be appointing and 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 agency i.e. HPSSSB.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS:

As may be constituted by the concerned recruiting agency i.e. the Himachal Pradesh Subordinate Services Selection Board, Hamirpur 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 @ ₹ 7810 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 @ ₹ 240/- (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's casual leave after putting one month service. However, the contract employees will also be entitled for

12 weeks Maternity Leave and 10 days' Medical Leave. He/She shall not be entitled for Medical Re-imburement and LTC etc. No Leave of any other kind except above is admissible to the contract appointee:

Provided that the un-availed Casual Leave and Medical Leave can be accumulated up to the Calendar Year and will not be carried forward for the next Calendar Year.

- (d) Unauthorized absence from the duty without the approval of the Controlling Officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstances for un-authorized absence from duty were beyond his/her control on medical grounds, such period shall not be excluded while considering his/her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time. However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty.

Provided that he/she shall submit the certificate of illness/fitness issued by the Medical Officer, as per prevailing instructions of the Government.

- (e) An official appointed on contract basis who has completed three 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. Women candidate pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women 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 counterpart officials 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.

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| 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 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). |

ANNUEXURE-"B"

Form of contract/agreement to be executed between the Clerk 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 _____ R/o Shri _____

Contract appointee (hereinafter called the FIRST PARTY), AND the Governor of Himachal Pradesh through _____ (Designation of the Appointing Authority) Himachal Pradesh (here-in-after called the SECOND PARY).
Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Clerk on contract basis on the following terms & conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Clerk 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 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.

2. The contractual amount of the FIRST PARTY will be ` 7810/-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. Contract appointee will be entitled for one-day's casual leave after putting one month service. However, the contract employees will also be entitled for 12 weeks Maternity Leave and 10 days' Medical Leave. He/She shall not be entitled for Medical Re-imburement and LTC etc. No Leave of any other kind except above is admissible to the contract appointee:

Provided that the un-availed Casual Leave and Medical Leave can be accumulated up to the Calendar Year and will not be carried forward for the next Calandar Year.

5. Unauthorized absence from the duty without the approval of the Controlling Officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstances for un-authorized absence from duty were beyond his/her control on medical grounds, such period shall not be excluded while considering his/her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time.

However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty.

Provided that he/she shall submit the certificate of illness/fitness issued by the Medical Officer, as per prevailing instructions of the Government.

6. Clerk appointed on contract basis who have completed three 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 women candidates pregnant beyond twelve weeks will render her temporarily unfit till the confinement is over. The women 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)

(Signature of the SECOND PARTY)
