हिमाचल प्रदेश सरकार गृह (अभियोजन) विभाग

संख्याः गृह (अभि) बी-(2)-1/2003-पार्ट-1 तारीख शिमला-2

21 मई, 2009

अधिसूचना

हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद—309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश अभियोजन विभाग में सहायक जिला न्यायवादी, वर्ग —1 (राजपत्रित) के पद के लिए इस अधिसूचना से संलग्न उपाबन्ध— "क" के अनुसार भर्ती और प्रोन्नित नियम बनाती हैं, अर्थात्:—

संक्षिप्त नाम और प्रारम्भ ।

- (1) इन नियमों का संक्षिप्त नाम, हिमाचल प्रदेश अभियोजन विभाग, सहायक जिला न्यायवादी वर्ग—1 (राजपत्रित) भर्ती और प्रोन्नित नियम, 2009 है ।
- (2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त्त होंगे ।
- निरसन और व्यावृतियां
- (1) इस विभाग की अधिसूचना संख्या : गृह (अभि) बी—(2)—1/2003 तारीख 5.8.2003 द्वारा अधिसूचित हिमाचल प्रदेश अभियोजन विभाग, सहायक जिला न्यायवादी, वर्ग—1 (राजपत्रित) भर्ती और प्रोन्नित नियमों का एतद द्वारा निरसन किया जाता है।
- (2) ऐसे निरसन के होते हुए भी उपर्युक्त उप नियम 1) के अधीन की गई कोई नियुक्ति बात या कार्रवाई इन नियमों के अधीन विधिमान्य रूप में की गई समझी जाएगी।

आदेश द्वारा, प्रधान सचिव (गृह), हिमाचल प्रदेश सरकार ।

पृष्ठांकन सं0 गृह (अभि) बी—(2)—1/2003—पार्ट 1 तारीख शिमला—2 21 मई, 2009 प्रतिलिपिः

- 1. सचिव (कार्मिक)/वित्त/विधि विभाग, हिमाचल प्रदेश सरकार, शिमला-2
- 2. सचिव, हिमाचल प्रदेश लोक सेवा आयोग, शिमला-2

2.

- 3. सचिव हिमाचल प्रदेश विधान सभा शिमला-4.
- 4. निदेशक अभियोजन हिमाचल प्रदेश शिमला–9.
- 5. नियन्त्रक, मुद्रण एवं लेखन सामग्री विभाग, शिमला—5 को इण्टरनैट के माध्यम से राजपत्र (असाधारण) में प्रकाशन हेतु ।
- 6. सहायक विधि परामर्शी एवं अवर सचिव (विधि) हिमाचल प्रदेश सरकार शिमला-2

7. वरिष्ठ विधि अधिकारी-॥, विधि विभाग, हिमाचल प्रदेश सचिवालय,शिमला-2

अवर सचिव (गृह), हिमाचल प्रदेश सरकार

ज्याबन्ध—"क"

अभियोजन विभाग हिमाचल प्रदेश में सहायक जिला न्यायवादी, वर्ग—I(राजपत्रित) पद के लिए
भर्ती और प्रोन्नित नियम ।

1111 9111	प्रान्नात । नयम ।	
1.	पद का नाम :	सहायक जिला न्यायवादी
2.	पदों की संख्या :	92(व्यानवें)
3.	वर्गीकरण :	वर्ग—I(राजपत्रित)
4.	वेतनमानः	i) नियमित अभ्यार्थियों के लिये वेतनमान —7000—220—8100——275—10300—340—10980 रूपये संविदा पर नियुक्त कर्मचारियों के लिये उपलब्धियां 10500 रूपये स्तम्भ —15 क में दिये गये ब्यौरों के अनुसार ।
5.	चयन पद अथवा अचयन पद :	लागू नहीं ।
6.	सीधी भर्ती के लिए आयु :	35 वर्ष और इससे कम । परन्तु सीधे भर्ती किए जाने वाले व्यक्तियों के लिए ऊपरी आयु सीमा तदर्थ या संविदा के आधार पर नियुक्त किए गए व्यक्तियों सिहत पहले से ही सरकार की सेवा में रत्त अभ्यर्थियों को लागू नहीं होगी: परन्तु यह और कि यदि तदर्थ या संविदा के आधार पर नियुक्त किया गया अभ्यर्थी इस रूप में नियुक्ति की तारीख को अधिक आयु का हो गया हो , तो वह तदर्थ या संविदा के आधार पर नियुक्ति के कारण विहित आयु में छूट के लिए पात्र नहीं होगा: परन्तु यह और कि अनुसूचित जातियों/अन्य वर्गों के व्यक्तियों के लिए ऊपरी आयु सीमा में उतनी ही छूट दी जा सकेगी जितनी हिमाचल प्रदेश सरकार के साधारण या विशेष आदेश (आदेशों) के अधीन अनुज्ञेय हैं: परन्तु यह और भी कि पब्लिक सैक्टर, निगमों तथा स्वायत निकायों के सभी कर्मचारियों को, जो ऐसे पब्लिक सैक्टर, निगमों/स्वायत निकायों के समय ऐसे पब्लिक सैक्टर, निगमों/स्वायत निकायों में आमेलन से पूर्व सरकारी कर्मचारी थे, सीधी भर्ती में आयु की सीमा में ऐसी ही रियायत दी जाएगी, जैसी सरकारी कर्मचारियों को अनुज्ञेय है, किन्तु इस प्रकार की रियायत पब्लिक सैक्टर, निगमों तथा स्वायत

		निकायों के ऐसे कर्मचारीवृंद को नहीं दी जाएगी जो पश्चात्वर्ती ऐसे निगमों / स्वायत निकायों द्वारा नियुक्त किए गए थे / किए गए हैं और उन पब्लिक सैक्टर निगमों / स्वायत निकायों के प्रारम्भिक गठन के पश्चात् ऐसे निगमों / स्वायत निकायों की सेवा में अन्तिम रूप से आमेलित किए गए हैं / किए गए थे । (1) सीधी भर्ती के लिए आयु सीमा की गणना, उस वर्ष के प्रथम दिवस से की जाएगी जिसमें पद(पदों)को, आवेदन आमन्त्रित करने के लिए, यथास्थिति, विज्ञापित किया गया है या नियोजनालयों को अधिसूचित किया गया है । (2)अन्यथा सुअर्हित अभ्यर्थियों की दशा में सीधी भर्ती के लिए आयु सीमा और अनुभव,हिमाचल प्रदेश लोक सेवा आयोग के विवेकानुसार शिथिल किया जा सकेगा ।
7.	सीधे भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित न्यूनतम शैक्षिक और अन्य अर्हताएं:	(i) किसी मान्यता प्राप्त विश्वविद्यालय से विधि में व्यावसायिक उपाधि या इसके समतुल्य ; और (ii) अधिवक्ता के रूप में कम से कम दो वर्ष का अनुभव । अभ्यर्थी को सम्बद्व जिला वार ऐसोसिएशन/ वार कौन्सिल के अध्यक्ष द्वारा सम्यक रूप से हस्ताक्षरित अनुभव प्रमाण पत्र प्रस्तुत करना अपेक्षित होगा । (ख) वांछनीय अर्हताः हिमाचल प्रदेश की रूढियों,रीतियों और बोलियों का ज्ञान और प्रदेश में विद्यमान विशिष्ट दशाओं में नियुक्ति के लिए उपयुक्तता ।
8.	सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक अर्हताएं प्रोन्नत व्यक्ति(व्यक्तियों) की दशा में लागू होगी या नहीं	आयु: लागू नहीं । शैक्षिक अर्हता : लागू नहीं ।
9.	परिवीक्षा की अवधि यदि कोई हो :	दो वर्ष, जिसका एक वर्ष से अनधिक ऐसी और अवधि के लिए विस्तार किया जा सकेगा, जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में, और लिखित कारणों से आदेश दे।
10.	भर्ती की पद्धति,ः भर्ती सीधी होगी या प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण द्वारा और विभिन्न पद्धतियों द्वारा भरे जाने वाले पद (पदों) की प्रतिशतताः	यथास्थिति शतप्रतिशत सीधी भर्ती द्वारा नियमित आधार पर या संविदा के आधार पर भर्ती द्वारा । सविदा पर नियुक्त कर्मचारी स्तम्भ 15—क में दी गई उपलब्धियां प्राप्त करेगा और उपरोक्त स्तम्भ में विनिर्दिश्ट सेवा शर्तों द्वारा विनियमित होगा ।
11	प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण की दशा में श्रेणियां,(ग्रेड) जिनसे प्रोन्नति,	लागू नहीं ।

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	_	स्थानान्तरण किया		
40	जाएगा :		\ \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	
12		ोय प्रोन्नति समिति	जैसी कि सरकार द्वारा समय—समय पर गठित की जाए	
12		तो उसकी सरंचना : में किन परिस्थितियो		
13		न किन पारास्थातया प्रदेश लोक सेवा	जैसा विधि द्वारा अपेक्षित हो ।	
		प्रदश लाक संपा परामर्श किया		
	जाएगाः	परागरा ।पग्पा		
	0113.11.			
14.	सीधी भर्ती	के लिए अनिवार्य	किसी सेवा या पद पर नियुक्ति के लिए अभ्यर्थी का	
	अपेक्षाः		भारत का नागरिक होना आवश्यक है ।	
15.	सीधी भर्ती	द्वारा पद पर	सीधी भर्ती के मामले में , पद पर नियुक्ति के लिए चयन	
		लिए चयन ।	, मौखिक परीक्षा के आधार पर किया जाएगा । यदि	
			यथास्थिति हिमाचल प्रदेश लोक सेवा आयोग या अन्य	
			भर्ती प्राधिकाण ऐसा करना आवश्यक या समीचीन	
			समझें, तो लिखित परीक्षा या व्यावहारिक परीक्षा के	
			आधार पर किया जाएगा जिसका स्तर/पाठ्यकम	
			इत्यादि यथास्थिति आयोग या अन्य भर्ती प्राधिकरण द्वारा	
			अवधारित किया जाएगा ।	
			, .	
15-क	संविदा	इन नियमों में किसी बात व	के होते हुए भी, पद पर सांविदा नियुक्तियाँ नीचे दिए गए	
	नियुक्ति	निबन्धों और शर्तो के अध्यर्ध	निकी जाएगी:-	
	द्वारा पद पर	I सं <u>कल्पनाः</u>		
	नियुक्ति के	(क) इस पॉलिसी के अधी	नि हिमाचल प्रदेश अभियोजन विभाग में सहायक जिला	
	लिए चयन:	न्यायवादी को संविदा के	आधार पर प्रारम्भ में एक वर्ष के लिए लगाया जाएगा,	
		जिसे वर्षानुवर्ष आधार पर	बढ्ाया जा सकेगा ।	
		(ख) पद का हिमाचल प्रदेश	ा लोक सेवा आयोग के कार्यक्षेत्र में आनाः	
			संविदा के आधार पर भरने के लिए सरकार का अनुमोदन	
			को सम्बद्ध भर्ती अभिकरण अर्थात हिमाचल प्रदेश लोक सेवा	
		आयोग के समक्ष रखेगा ।		
		(ग) चयन, इन नियमों में य	था विहित पात्रता शर्तों के अनुसार किया जाएगा ।	
		II <u>संविदात्मक उपलब्धि</u>	यां:	
		संविदा आधार पर नियुक्त	त सहायक जिला न्यायवादी को 10500/-रूपये (जो	
		वेतनमान के प्रारम्भिक जमा	महंगाई वेतन के बराबर होगी) समेकित नियत संविदात्मक	
		रकम प्रतिमास संदत्त की जाएगी । यदि संविदा में एक वर्ष से अधिक की बढौतरी		
			वर्ती वर्ष (वर्षो), के लिए संविदात्मक उपलब्धियों में	
			ह के वेतनमान में न्यूनतम / प्रारम्भिक आरम्भ में वार्षिक वृद्धि	
			रूप में अनुज्ञात की जाएंगी ।	
		III <u>नियुक्ति / अनुशासन</u>	प्राधिकारीः	
		सचिव(गृह), नियुक्ति और	अनुशासन प्राधिकारी होगा ।	
		IV <u>चयन प्रकियाः</u>		

संविदा नियुक्ति की दशा **में** पद पर नियुक्ति के लिए चयन ,मौखिक परीक्षा के आधार पर किया जाएगा या यदि आवश्यक या समीचीन समझा जाए तो लिखित परीक्षा या व्यावहारिक परीक्षा के आधार पर किया जाएगा , जिसका स्तर/पाठ्यक्रम इत्यादि सम्बद्ध भर्ती अभिकरण अर्थात् हिमाचल प्रदेश लोक सेवा आयोग द्वारा अवधारित किया जाएगा ।

V संविदात्मक नियुक्तियों के लिए चयन समितिः

जैसी सम्बद्ध भर्ती अभिकरण, अर्थात् हिमाचल प्रदेश लोक सेवा आयोग द्वारा समय—समय पर गठित की जाये ।

VI करार:

अभ्यर्थी को, चयन के पश्चात् इन नियमों से संलग्न उपाबन्ध—"ख" के अनुसार करार हस्ताक्षरित करना होगा ।

(क) निबन्धन और शर्तैः

संविदा पर नियुक्त व्यक्ति को 10500/—रूपये की नियत संविदात्मक रकम (जो वेतनमान के प्रारम्भिक जमा मंहगाई वेतनमान के बराबर होगी) प्रतिमास संदत्त की जाएगी । संविदा पर नियुक्त व्यक्ति को आगे बढ़ाए गए वर्ष (वर्षो) के लिए संविदात्मक रकम में 220/—रूपये (पद के वेतनमान के न्यूनतम/प्रारम्भिक आरम्भ में वार्षिक वृद्धि के बराबर) वार्षिक वृद्धि का हकदार होगा और अन्य कोई सहबद्घ प्रसुविधाए, जैसे वरिष्ठता/चयन वेतनमान आदि नहीं दिया जाएगा ।

- (ख) संविदा पर नियुक्त व्यक्ति की सेवा पूर्णतया अस्थाई आधार पर होगी । नियुक्ति समाप्त किए जाने के लिए दायी होगी यदि संविदा पर नियुक्त व्यक्ति का कार्य / आचरण ठीक नहीं पाया जाता है ।
- (ग) सविदा पर नियुक्त व्यक्ति, एक मास की सेवा पूरी करने के पश्चात् एक दिन के आकिस्मिक अवकाश का हकदार होगा । यह अवकाश एक वर्ष तक संचित किया जा सकेगा । संविदा पर नियुक्त व्यक्ति को किसी भी प्रकार का अन्य कोई अवकाश अनुज्ञात नहीं होगा । वह चिकित्सा प्रतिपूर्ति और एल.टी.सी इत्यादि के लिए भी हकदार नहीं होगा / होगी । केवल प्रसूति अवकाश, नियमानुसार दिया जाएगा ।
- (घ) नियन्त्रक अधिकारी के अनुमोदन के बिना सेवा से अनिधकृत अनुपस्थिति से स्वतः ही संविदा का पर्यावसान (समापन)हो जाएगा । संविदा पर नियुक्त व्यक्ति कर्तव्य (डियूटी) से अनुपस्थिति की अवधि के लिए संविदात्मक रकम का हकदार नहीं होगा ।
- (ड.) संविदा पर नियुक्त व्यक्ति का, एक स्थान से दूसरे स्थान के लिए स्थानान्तरण किसी भी दशा में अनुज्ञात नहीं किया जाएगा ।
- (च) चयनित अभ्यर्थी को सरकारी / रिजस्ट्रीकृत चिकित्सा व्यवसायी से अपना आरोग्य प्रमाण पत्र प्रस्तुत करना होगा । बारह सप्ताह से अधिक की गर्भवती महिला अभयर्थी प्रसव होने तक अस्थाई तौर पर अनुपयुक्त समझी जाएगी । महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी / व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाएगा ।
- (छ) संविदा पर नियुक्त व्यक्ति का, यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो , तो वह, उसी दर पर, जैसी नियमित कर्मचारियों को वेतनमान के न्यूनतम पर लागू है,यात्रा भत्ते / दैनिक भत्ते का हकदार होगा ।

		(ज) नियमित कर्मचारियों की दशा में यथा लागू सेवा नियमों के उपबन्ध जैसे कि एफ0 आर0—एम0 आर0, छुटटी नियम, साधारण भविष्य निधि नियम, पैंशन नियम तथा आचरण नियम आदि संविदा पर नियुक्त व्यक्तियों की दशा में लागू नहीं होंगे । वे इस स्तम्भ में यथावर्णित उपलब्धियों आदि के लिए हकदार होंगें ।
16-	आरक्षण	सेवा में नियुक्ति ,हिमाचल प्रदेश सरकार द्वारा ,समय—समय पर अनुसूचित जातियों / अनुसूचित जन—जातियो / अन्य पिछडे वर्गो और अन्य प्रवर्ग के व्यक्तियों के लिए सेवा में आरक्षण की बावत जारी किए आदेशों के अधीन होगी।
17-	विभागीय परीक्षा :	सेवा में प्रत्येक सदस्य को समय—समय पर यथा संशोधित हिमाचल प्रदेश विभागीय परीक्षा नियम, 1997 में यथा विहित विभागीय परीक्षा पास करनी होगी ।
18-	प्राईवेट प्रैक्टिस का वर्जन	सेवा के किसी भी सदस्य को प्राईवेट प्रैक्टिस करने का अधिकार नहीं होगा । फिर भी उन्हें विधि परामर्शी की विशेष अनुज्ञा से, अन्य राज्यों, भारत संघ और हिमाचल प्रदेश सरकार के स्वायत निकायों की ओर से मामलों का अभियोजन, अभिवचन और प्रतिवाद करने की अनुमति दी जा सकेगी और राज्य सरकार द्वारा अन्य राज्यों,, भारत संघ और स्वायत निकायों से फीस प्रभारित की जा सकेगी । राज्य सरकार द्वारा अन्य राज्यों, भारत संघ और स्वायत निकायों की ओर से सिविल मामलों के संचालन के लिए प्रभारित उक्त फीस का दो तिहाई सम्बन्धित सहायक जिला न्यायवादी को संदत्त किया जाएगा ।
19-	शिथिल करने की शक्ति :	जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां वह , कारणों को लिखित में अभिलिखित करके और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से आदेश द्वारा, , इन नियमों, के किन्हीं उपबन्ध (उपबन्धों)को किसी वर्ग या व्यक्ति (व्यक्तियों)के प्रवर्ग या पद (पदों)की बावत,, शिथिल कर सकेगी ।

उपाबन्ध—"ख"

सहायक जिला न्यायवादी और हिमाचल प्रदेश सरकार के मध्य, सचिव (गृह), हिमाचल प्रदेश के माध्यम से निष्पादित की जाने वाली संविदा/करार का प्ररूप

यह करार श्री/श्रीमति	पुत्र / पुत्री	श्री	निवार	ग ि	
संविदा पर नियुक्त व्यक्ति (जिसे इसमें इसके	पश्चात् प्रथम ।	पक्षकार कह	ा गया है)	और	हेमाचल
प्रदेश की राज्यपाल के मध्य सचिव(गृह) हि	साचल प्रदेश	सरकार (जि	से इसमें	इसके	पश्चात
द्वितीय पक्षकार कहा गया है) के माध्यम से उ	ग्राज तारीख		. को किय	ा गया	
द्वितीय पक्षकार ने उपरोक्त	प्रथम पक्षकार	को लगाया	है और	प्रथम	पक्षकार
सहायक जिला न्यायवादी_के रूप में संविदा व	के आधार पर 1	निम्नलिखित	निबन्धन	और १	गर्तों पर
सेवा करने के लिए सहमति दी है :-					

- 2. प्रथम पक्षकार की संविदात्मक रकम 10500 / रूपये प्रतिमास होगी ।
- 3. प्रथम पक्षकार की सेवा पूर्णतया अस्थाई आधार पर होगी । यदि संविदा पर नियुक्त व्यक्ति का कार्य/आचरण ठीक नहीं पाया जाता है या यदि नियमित पदधारी उस रिक्ति के विरूद्ध नियुक्त/तैनात कर दिया जाता है जिसके लिए प्रथम पक्षकार को लगाया गया है तो नियुक्ति पर्यवसित(समाप्त) की जाने के लिए दायी होगी ।
- 4. संविदात्मक नियुक्त सहायक जिला न्यायवादी एक मास की सेवा पूरी करने के पश्चात् एक दिन के आकिस्मक अवकाश का हकदार होगा । यह अवकाश एक वर्ष तक संचित किया जा सकेगा । संविदात्मक नियुक्त सहायक जिला न्यायवादी को किसी प्रकार का अन्य कोई अवकाश अनुज्ञात नहीं होगा । वह चिकित्सा प्रतिपूर्ति और एल.टी.सी इत्यादि के लिए भी हकदार नहीं होगा / होगी। केवल प्रसूति अवकाश नियमानुसार दिया जाएगा ।
- 5. नियन्त्रक अधिकारी के अनुमोदन के बिना कर्तव्यों से अनिधकृत अनुपिश्थित से स्वतः ही संविदा का पर्यवसान (समापन) हो जाएगा । संविदा पर नियुक्त सहायक जिला न्यायवादी कर्तव्य (डियुटी) से अनुपिश्थित की अविध के लिए संविदात्मक रकम लेने का हकदार नहीं होगा ।
- 6. संविदा के आधार पर नियुक्त कर्मचारी का एक स्थान से दूसरे स्थान के लिए स्थानान्तरण किसी भी दशा में अनुज्ञात नहीं होगा ।

7. चयनित अभ्यर्थी को सरकारी / रिजस्ट्रीकृत चिकित्सा व्यवसायी से अपना आरोग्य प्रमाण-पत्र प्रस्तुत करना होगा । महिला अभ्यर्थियों की दशा में, बारह सप्ताह से अधिक की गर्भावस्था प्रसव होने तक उसे अस्थाई तौर पर अनुपयुक्त बना देगी । महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी / व्यवसायी द्वारा उपयुक्तता ंके लिए पुनः परीक्षण किया जाना चाहिए ।

- 8. संविदा पर नियुक्त व्यक्ति का यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो, तो वह, उसी दर पर जैसी नियमित प्रतिस्थानी कर्मचारी को वेतनमान के न्यूनतम पर लागू है, यात्रा भत्ते / दैनिक भत्ते का हकदार होगा / होगी।
- 9. संविदा पर नियुक्त व्यक्ति(व्यक्तियों) को सामूहिक जीवन बीमा योजना के साथ—साथ ई0पी0एफ0 / जी.पी.एफ. भी लागू नहीं होगा ।

इसके साक्ष्यस्वरूप प्रथम पक्षकार और द्वितीय पक्षकार ने साक्षियों की उपस्थिति में इसमें सर्वप्रथम उल्लिखित तारीख को अपने—अपने हस्ताक्षर कर दिए हैं ।

साक्षियों की उपस्थिति में	
/ नाम व पूरा पता। 2	
/नाम व पूरा पता।	(प्रथम पक्षकार के हस्ताक्षर)
साक्षियों की उपस्थिति में	
/ नाम व पूरा पता। 2	
/नाम व पूरा पता।	(द्वितीय पक्षकार के हस्ताक्षर)

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(Authoritative English text of this Department Notification No. Per Home(Prosecution)B(2)-1/2003-Part-I dated 21.5.2009 as required under Clause (3) of Article 348 of Constitution of India).

Government of Himachal Pradesh Department of Home(Prosecution)

No. Home(Pros) B(1)-1/2003 –Part 1 Dated Shimla-2, 21 -5-2009.

NOTIFICATION

In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Asstt. Distt. Attorney, Class-I (Gazetted) in the Department of Prosecution, Himachal Pradesh as per Annexure-"A" attached to this notification, namely:-

SHORT TIT AND COMMENCEME		1.	(I)	These rules may be called the Himachal Pradesh, Prosecution Department, Asstt. Distt. Attorney, Class-I, (Gazetted) Recruitment and Promotion Rules, 2009.
			(2)	These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.
Repeal a savings	nd	2.	(1)	The Recruitment and Promotion Rules for the post of Asstt. Distt. Attorney, Class-1 (Gazetted) in the Department of Prosecution notified vide this department Notification No. Home(Pros.)B(2)1/2003 dated 5-8-2003 are hereby repealed. Notwithstanding such repeal any appointments made or any thing done or action taken under the rules so repealed under sub rule (1) supra, shall be deemed to have been validity made, done or taken under these rules.

By order,

Pr. Secretary(Home) to the Govt. of Himachal Pradesh

Endst. No. as above. Dated Shimla-171002,the 21 -5-2009. Copy forwarded to :-

- 1. The Secretary(Personnel/Law/GAD) to the Govt. of Himachal Pradesh.
- 2. The Secretary, H.P. Public Service Commission, Shimla-2.
- 3. The Secretary, Himachal Pradesh, Vidhan Sabha, Shimla-4.

- 4. The Director of Prosecution, H.P. Shimla-9.
- 5. The Deputy Controller, Printing and Stationery, H.P. Shimla.
- 6. DLR-cum-Dy.Secretary(Law) to the Govt.of Himachal Pradesh, Shimla.
- 7. Sr. Law Officer (official language) Part-III, Law Deptt. HP. Sectt. Shimla-2

Under Secretary (Home) to the Govt. of Himachal Pradesh.

Annexure-"A" Recruitment and Promotion Rules for the post of Asstt. Distt. Attorney, <u>Class-I.</u> (Gazetted) in the Department of Prosecution, Himachal Pradesh.

1.	Name of the Post	Prosecution, Himachal Pradesh. Asstt. Distt. Attorney
2.	Number of posts	92(Ninety Two)
3.	Classification	Class-1(Gazetted)
4.	Scale of pay	i) Pay Scale for regular incumbents-Rs. 7000-220-8100-275-10300-340-10980. ii) Emoluments for Contract employees 10500/- as per details given in Col.15-A.
5.	Whether selection post or non-selection post	Not applicable.
6.	Age for direct recruitment	35 years and below. 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 or on contract basis had become overage on the date when he was appointed as such he/she shall not be eligible for any relaxation in the prescribed age-limit by virtue of his/ her 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 servants before absorption in Public Sector Corporations/ Autonomous Bodies at the time of initial constitutions of such Corporations/ Autonomous Bodies admissible to Government servants. This concession will not, however be admissible to such staff of the Public Sector Corporations/ 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 after initial constitution of the Public Sector Corporations/ Autonomous Bodies. (i) 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
• • • •
application(s) or notified, to the Employment
Exchanges or as the case may be.
(2)Age and experience in the case of direct
recruitment, relaxable at the discretion of the
Himachal Pradesh Public service Commission in
case, the candidate is otherwise well qualified.

7.	Minimum educational and	Essential Qualification(s):-	
	other qualifications required for direct recruits	i) Professional degree in Law from a recognized University or its equivalent; and ii) Atleast two years experience as an advocate. The candidate is required to produce experience certificate duly signed by the President, District Bar Association concerned/Bar Council. Desirable Qualification(s): Knowledge of customs,manners dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.	
8.	Whether age and educational	Age: Not applicable.	
	qualifications prescribed for direct recruits will apply in the case of the promotees;	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;	100% by direct recruitment on a 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 and will be governed by Service conditions as prescribed in the said column.	
11.	In case of recruitment by promotion, deputation, transfer, grades from which promotion/deputation/transfer is to be made.	Not Applicable.	
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 consider 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. b) POST FALLS WITHIN THE PURVIEW OF HPPSC. (c)	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 Asstt. Distt. Attorney in the Department of Prosecution will be engaged on contract basis. initially for one year, which may be extendable on year to year basis. The Secretary(Home) 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.P.S.C. The selection will be made in accordance with the eligibility conditions prescribed in these Rules. (II)CONTRACTUAL EMOLUMENTS The Asstt. Distt. Attorney appointed on contract basis will be paid consolidated fixed contractual amount @ Rs.10500/-P.M.(which shall be equal to initial of the pay scale + Dearness pay. An amount of Rs.220/-(equal to annual increase in the minimum/initial start of the pay scale 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 Secretary(Home),H.P. 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 consider 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. H.P. Public Service Commission.

(V)COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS.

As may be constituted by the concerned recruiting agency i.e. the H.P. H.P. Public Service Commission 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.

(a) TERMS AND CONDITIONS:-

The contractual appointee will be paid fixed contractual amount @ Rs.10500/-P.M.(which shall be equal to initial of the pay scale + Dearness pay) The contract appointee will be entitled to increase in contractual amount @ Rs.220/- (equal to annual increase in the minimum initial start of the pay scale of the post) for further extended years and no other allied benefits such as seniority/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. The 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) Unauthorised 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) Transfer of a contract appointee will not be permitted from one place to another in any case.
- (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 reexamined 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 officials at the minimum of the 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 the orders regarding reservation in the service for Scheduled caste/Scheduled Tribe/other backward classes/other categories of person issued by the Himachal Pradesh Government, from time to time.
17.	Departmental Examination	Every member of the service shall pass a Departmental Examination as prescribed in the HP Departmental Examination Rules,1997, as amended from time to time.

18.	Bar of Private practice	No member of the service shall have right of private practice. They may, however be allowed with the special permission of the legal Rememberancer to prosecute, plead or defend casesob behalf of other States, Union of India and autonomous Bodies of Himachal Pradesh Government and fee may be charged by the State Government from other states, Union of India and autonomous bodies. The 2/3 rd of the said fees charged by the State Government for conducting civil cases on behalf of other States, Union of India and autonomous bodies, shall be paid to Assistant District Attorney concerned.
19.	Power to relax	Where the Stat+e 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 provision(s) of these Rules with respect to any class or category of person(s) or posts.

Annexure-B

Form of	contra	act/aç	greement to b	e e	xecuted be	tween the	Asstt. D	istt.
Attorney	and	the	Government	of	Himachal	Pradesh	through	the
Secretary	/(Hom	e).						

This agreement is made	on this	day of		ın
the year	-Between Sh./Smt	-S/o/D/o	Shri	
B/o				
1 1/ 0				

- --- Contract appointee(hereinafter called the FIRST PARTY), AND The Governor of Himachal Pradesh through Secretary(Home) Himachal Pradesh(here-in-after the SECOND PARTY). Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Asstt. Distt. Attorney on contract basis on the following terms & conditions:-
- 2. The contractual amount of the FIRST PARTY will be Rs.10500/-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 Asstt. Distt. Attorney will be entitled for one day casual leave after putting in one month service. The leave can be accumulated up to one year. No leave of any other kind is admissible to the contractual Asstt. Distt. Attorney. He/She shall not be entitled for Medical Re-imbursement and LTC etc. Only maternity leave will be given as per Rules.

- 5. Unauthorised absence from the duty without the approval of the controlling Officer shall automatically lead to termination of the contract. A contractual Asstt. Distt. Attorney will not be entitled for contractual amount for the period of absence from duty.
- 6. Transfer of a official appointed on contract basis will not be permitted from one place to another in any case.
- 7. Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. In case of Women ...2...

candidate pregnant beyond 12 weeks will render her temporarily unfit till the confinement is over. The women candidate should be reexamined for the 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 conter-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 & Full Address)

IN THE PRESEN	CE OF WITNESS.
1	
	(Name and Full Address)
	(Signature of the SECOND PARTY)
3	
(Name and Full Add	dress)

RECRUITMENT AND PROMOTION RULES FOR THE POST OF ASSISTANT DISTRICT ATTORNEY, CLASS-I (GAZETTED) IN THE DEPARTMENT OF PROSECUTION, HIMACHAL PRADESH

Sr No	PARTICULARS	DETAILS
1.	Name of the post	Assistant District Attorney.
2.	Number of posts	81+2(Eighty Three), 78 in Prosecution Department, 2 in Enforcement, 1 in Vigilance Deptt., 2 Ex cadre posts in Town & Country Planning Deptt. and in Prisons Department each.
3.	Classification	Class I (Gazetted)
4.	Scale of pay	Rs. 7000-220-8100-275-10300-340-10980
5.	Whether selection post or non- selection post	Not applicable.
6.	Age for direct recruitment	30 years and below.
		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 or on contract basis had become over-age on the date when he/she was appointed as such he/she shall not be eligible for any relaxation in the prescribed age-limit by virtue of his/her such ad hoc or contract appointment;
		Provided further that the 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 Servants before absorption in Public Sector Corporations/Autonomous Bodies at the time of initial constitutions 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

		Corporations/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, relexation at the discretion of the Himachal Pradesh Public Service Commission in the candidate is other wise well qualified.
7.	Minimum	A. ESSENTIAL QUALIFICATIONS
	educational and	i) Professional Degree in Law from a recognised University or
	other qualifications	its equivalent; and
	required for direct recruit(s).	ii) At least two years experience as an advocate.
	1001011(5).	Desirable qualification(s):
		Knowledge of customs, manners dialects of Himachal Pradesh and
		suitability for appointment in the peculiar conditions prevailing in
		the Pradesh.
8.	Whether age and	Age: Not applicable.
	educational	
	qualifications	Educational qualification:
	prescribed for direct recruits will	Not applicable.
	apply in the case of	
	promotee(s)	
9.	Period of probation,	Two years subject to such further extension for a period not
	if any.	exceeding one year as may be ordered by the competent authority
10		in special circumstances and reasons to be recorded in writing.
10.	Method of	100% by direct recruitment.
	recruitment whether by direct	
	by direct recruitment or by	
	promotion,	
	deputation, transfer	
	and the percentage	
	of posts to be filled	
	in by various	
11.	methods In case of	Not applicable
11.	In case of recruitment by	Not applicable.
	rectainment by	

promotion, deputation, transfer, grades from which promotion/deputati on/transfer is to be made. 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 14. Essential requirement for a direct recruitment 15. Selection for appointment to post by direct recruitment advirect recruitment 16. Reservation. 17. Reservation. 18. Bar of Private practice 19. No member of the service shall bar and advisor time. Selection for allowed with the special permission of the Legal Remembrancer to prosecute, plead or defend cases on behalf of other States, Union of India and autonomous bodies, shall be paid to Assistant District Attorney concerned.		.•	
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writing and in consultation with the Himachal Pradesh 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).