

**RECRUITMENT AND PROMOTION RULES FOR THE POST OF PEONS CLASS IV (NON GAZETTED) IN THE PROSECUTION DEPARTMENT OF HIMACHAL PRADESH**

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| 1. | Name of the post                             | Peon  |
| 2. | Number of posts                              | 81 (77 in Prosecution Department)<br>(4 in Vigilance Department)  |
| 3. | Classification                               | Class IV (Non-Gazetted)   |
| 4. | Scale of pay                                 | (I) For regular Peons Rs. 2520-100-3220-110-3660-120-4140 with an initial start of Rs. 2620/-.<br><br>(II) For contract Peons as per provisions of Rule 15-A. |
| 5. | Whether selection post or non-selection post | Not applicable.   |
| 6. | Age for direct recruitment                   | 45 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 that if a candidate appointed on adhoc basis or contract 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 adhoc or contract appointment.

Provided further that upper age limit is relaxable for Scheduled Castes/Scheduled Tribe/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 Corporation and Autonomous Bodies who happened to be Government servants 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 Corporation/Autonomous bodies who were/are subsequently appointed by such Corporation /Autonomous bodies and are/were finally absorbed in the service of such corporation/autonomous bodies after initial constitution of the public sector corporation/autonomous bodies.

**NOTE:**

**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 Exchange, as the case may be.**

**2: Age and experience in the case of direct recruitment relaxable at the discretion of the Recruiting Authority in case the candidate is otherwise well qualified.**

**Provided further that the provisions referred to in preceding paras shall not be applicable in case of contract Peons.**

- 7. Minimum educational and other qualifications required for direct recruits.**
- a) **ESSENTIAL**  
Should have passed the Middle standard examination or its equivalent from a recognised Board of School education/institution.
- b) **DESIRABLE QUALIFICATIONS:**  
Knowledge of customs, manners 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 promotees.**
- Age: N.A.  
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.
- Provided that the provisions of this rule shall not be applicable in the case of contract Peons.**
- 10. Method of recruitment whether by direct recruitment or by promotion, deputation, transfer and the percentage of vacancies to be filled in by various methods**
- 90% by direct recruitment failing which 10% by transfer or on secondment basis or on contract basis as the case may be
- 11. In case of recruitment by promotion, deputation, transfer, grades from which**
- By transfer from amongst the incumbents of the post of Chowkidar, who possess 5 years regular service/regular with continuous adhoc service, if any, in the respective grade

**promotion/deputation/transfer is to be made.**

**strictly in accordance with the order of seniority in the respective grade.**

**Note: (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:**

- (a) 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 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 at least 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 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 person(s) happened to be ex-serviceman recruited under provisions of Rule 3 of Demobilised Armed Force Personnel (Reservation of Vacancy in HP 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 Service)Rules, 1985 and having been given the benefit of seniority thereunder.**

**(2) Similarly in all cases of confirmation, ad hoc service rendered in the feeder post, if any, prior to the regular appointment against such post shall be taken into account towards the length of service.**

**Provided that inter-se-seniority as a result of confirmation after taking into account ad hoc service rendered as referred above shall remain unchanged.**

- 12. If a departmental promotion committee exists, what is its composition** As may be constituted by the Government from time to time.
- 13. Circumstances under which the Himachal Pradesh Public Service Commission is to be consulted in making recruitment** As required under the law.
- 14. Essential requirement for a direct recruitment/contract appointment.** A candidate for appointment to any service or post must be a citizen of India.
- 15. Selection for appointment to post by direct recruitment** Selection for appointment to the post in the case of direct recruitment (regular) shall be made on the basis of viva-voce test, if recruiting authority so considers necessary or expedient by a written test/screening test, or a practical test, the standard/syllabus etc. of which will be determined by the recruiting authority, as the case may be.
- 15A Selection for appointment to the post by contract appointment.** (i) **CONCEPT:**
- (a) Under this policy, the Peons in the Prosecution Department will be engaged on contract basis.**
  - (b) The candidate will be selected from the candidates sponsored by the Employment Exchanges and by advertising the post in two leading newspapers by the Director of Prosecution.**
  - (c) The Selection will be made in accordance with eligibility condition prescribed in the rules.**
  - (d) Contractual peons so selected under these rules will not have any right to claim regularisation or permanent**

absorption in the Govt. Jobs.

**(II) CONSOLIDATED FIXED AMOUNT:**

The Peons appointed on contract basis will be paid consolidated fixed amount of Rs. 3780/- (Basic Pay Rs. 2520+ DP Rs. 1260 as fixed by the Government from time to time).

**(III) APPOINTING/DISCIPLINARY AUTHORITY**

Director (Prosecution), HP, will be the appointing/disciplinary authority.

**(IV) SELECTION PROCESS**

- (a) The Director (Prosecution) HP Shimla will inform the Government about the existing vacancies of the Peons and seek approval to fill up the vacancies by giving full justification for the same according to the work load and norms.
- (b) The Director (Prosecution) after obtaining the approval of the Government to fill up the vacant post on contract basis will send requisition to the Employment Exchanges and also advertise the details of vacant posts in two leading news papers and invite the applications of eligible candidates having qualification and other eligibility conditions as prescribed in these rules.

**(V) COMMITTEE FOR SELECTION OF CONTRACTUAL PEONS**

- (a) The selection will be made by the Director (Prosecution) after the consultation of the selection committee which shall be as under:

(i)	Director (Prosecution)	Chairman
(ii)	Joint Director (Prosecution)	Member
(iii)	District Attorney/Assistant District Attorney Hqrs	Member

Selection for appointment to the post in the case of contract recruitment shall be made on the basis of viva-voce test, if

recruiting authority so considers necessary or expedient by a written test/screening test, or a practical test, the standard/syllabus etc. of which will be determined by the recruiting authority, as the case may be.

#### **(VI) AGREEMENT**

(a) After selection of a candidate he has to sign an agreement as per Annexure B appended to these rules.

#### **TERMS & CONDITIONS:**

- 1. The Peons appointed on contract basis will be paid fixed emoluments of Rs. 3780 ( BP 2520+DP1260) per month as fixed by Government from time to time.**
- 2. The service of the contractual Peons 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.**
- 3. Contractual appointment shall not confer any right to the incumbent for the regularisation in service at any stage.**
- 4. The contractual appointee shall be entitled for 1 days casual leave after putting one month's service. This leave can be accumulated till one year. NO leave of any other kind is admissible to the contractual peons. They will not be entitled for Medical Reimbursement and LTC etc. Only maternity leave will be given as per Rules.**
- 5. Unauthorized absence from the office without the approval of the officer shall automatically lead to the termination of the contract. Contractual peons will not be entitled for any emoluments for the period of absence from duty.**
- 6. The Contractual appointment shall be for a specific place. After the expiry of the period, in case, the contract is to be renewed, incumbent can be posted at some other place on the basis of fresh contract.**
- 7. Contract peons shall be entitled to TA/DA if required to go on tour in connection with his official duties at the same rate as applicable to regular peons.**
- 8. The appointee will not be entitled for any other benefits**

than specified in the contract.

9. The appointment will be further subject to the production of the following certificate:

(a) Certificate of Medical fitness from the Chief Medical Officer concerned, to the place of posting.

(b) The appointee shall have to produce the original certificate of Education and other technical qualification at the time of his/her joining the duty.

(c) Character certificate from a Magistrate or Gazetted Officer to whom the candidate is known for the last 3 years.

#### 10. RIGHT TO CLAIM REGULAR APPOINTMENT:

The candidate engaged on contract basis under these rules shall have no right to claim regularisation/permanent absorption as Peons in a department at any stage.

16. Reservation.

The appointment to the Service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/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 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, relax any of the provisions of these Rules with respect to any class or category of persons or posts.

Provided that provisions of this rule shall not be applicable to the contract peons.