

(Authoritative English text of this Department's Notification No. Home (Pros.) A(3)-1/2009 Dated 12-1-2011 as required under clause(3) of Article 348 of the Constitution of India).

Government of Himachal Pradesh  
Home ("G")Section

No. Home(Pros.) A(3)-1/2009 Dated Shimla-2 12<sup>th</sup> January, 2011

**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 following Recruitment and Promotion Rules for the post of Dy. Distt. Attorney, Class-I (Gazetted) in Department of Prosecution, Himachal Pradesh as per Annexure "A" attached to this notification namely:-

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| Short title and Commencement | 1. (1) These rules may be called the Himachal Pradesh Prosecution Department, Dy. Distt. Attorney Class-I (Gazetted) Recruitment and Promotion Rules, 2010.<br>(2) These Rules shall come into force from the date of publication in the Rajpatra, H.P.                                                                                                                                                                                                                                                                                                                |
| Repeal and Saving            | 2. (1) The Recruitment and Promotion Rules for the post of Dy. Distt. Attorney, Class-I (Gazetted) in the Department of Prosecution notified vide this department Notification LLR-B(1)-2/89 dated 25.9.1993 and amended vide Notification of even No dated 7 <sup>th</sup> May,1997 and 19 <sup>th</sup> March,1999 are hereby repealed.<br>(2) Notwithstanding such repeal any appointments made or any thing done or action taken under the rules so repealed under sub rule(1) supra, shall be deemed to have been validity made, done or taken under these rules.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.

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Endst. No. Home(Pros.) A(3)-1 /2009 Dated Shimla-2 12<sup>th</sup> January,2011.

Copy to:-

1. The Secretary (Personnel/Finance/Law/GAD) to the Govt. of H P Shimla-
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 Dy. Controller, Printing and Stationery, Shimla-5 for publication in Rajpatra.
6. DLR-cum-Secretary(Law) to the Govt. of Himachal Pradesh, Shimla-2.

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

**Annexure-“A”**

**Recruitment and Promotion Rules for the post of Dy. Distt. Attorney, Class-I, (Gazetted) in the Department of Prosecution, Himachal Pradesh.**

1.	Name of the Post	Deputy Distt. Attorney
2.	Number of posts	37(Ninety Two)
3.	Classification	Class-1(Gazetted)
4.	Scale of pay	i) Pay Scale for regular incumbents- ` 10300 -34800+5400/-Grade pay
5.	Whether “Selection post” or “Non-selection” post	Selection .
6.	Age for direct recruitment	Not applicable.
7.	Minimum educational and other qualifications required for direct recruits..	(a)Essential Qualification(s):- Not applicable. (b)Desirable Qualification(s): Not applicable.
8.	Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of the promotee(s);	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(s) of recruitment, whether by direct recruitment or by promotion, deputation, transfer and the percentage of post(s) to be filled in by various methods;	100% by promotion.
11.	In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation/transfer is to be made.	By promotion from amongst the Assistant District Attorneys with seven years regular service or regular combined with continuous adhoc service,if any,in the grade. 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(l) supra shall not be applicable in the case of those employees who have five years or less servcel left for superannuation. Provided further that Officers/Officials who have not served atleast 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 Lahul & 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 Panchayat Kashapat, Gram Panchayat of Rampur Tehsil of District Shimla.
5. Pandrah Bis Pargana of Kullu District.
6. Bara Bhagal 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, Somgad 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, Kalipur, 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 and been made after following proper acceptable process of selection in accordance with the provisions of R&P Rules,

Provided that in all cases where a junior person becomes eligible for consideration by virtue of this, her total length of service (including the service rendered on adhoc basis , followed by regular service /appointment )in the feeder post in view of the provision referred to above, all persons senior to him/her 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 R&P 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/her shall also be deemed to be ineligible for consideration for such promotion.

Explanation:- The last proviso shall not render the junior incumbent(s) ineligible for consideration for promotion if the senior ineligible person(s) happened to be Ex- servicemen recruited under the provisions of Rule -3 of the Demobilized Armed Forces Personnel (Reservation of vacancies in Himachal State Non – technical Service)Rules, 1972 and having been given the benefit of seniority there under or recruitment under the provisions of Rule-3 of the Ex- Serviceman (Reservation of vacancies in the Himachal Pradesh Technical Service)Rules,1985 and having been given the benefit of seniority there-under.

(2)Similarly, in all case of confirmations

		<p>adhoc service rendered on the feeder post, if any, prior to the regular appointment/ promotion against such post 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 R&amp;P Rules .</p> <p>Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.</p>
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;	Not applicable
15.	Selection for appointment to the post by direct recruitment;	Not applicable
16.	<b>Reservation</b>	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.	<b>Departmental Examination</b>	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.	<b>Payment of fees</b>	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 cases on 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 <sup>rd</sup> 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 Deputy District Attorney concerned.

<b>19.</b>	<b>Power to relax</b>	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 and in consultation with the HPPSC relax any of the provision(s) of these Rules with respect to any Class or category of person(s) or post(s).
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