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(AUTHORITATIVE ENGLISH TEXT OF THIS DEPARTMENT'S NOTIFICATION NO.  $\pi$ (of R.G)  
- 2/2014 Dated 13.7.2015 AS REQUIRED UNDER ARTICLE 348(3) OF THE CONSTITUTION OF INDIA.)

GOVERNMENT of HIMACHAL PRADESH  
"DEPARTMENT OF HOME"

No. HOME (G)-A(3)-2/2014 Dated, Shimla-2, the 13<sup>th</sup> July, 2015

NOTIFICATION

The Governor, Himachal Pradesh, in exercise of powers conferred by Proviso to Article 309 of the constitution of India and in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of District Attorney, Class-1(Gazetted) in the Department of Prosecution, Himachal Pradesh as per Annexure "A" attached to this notification, namely:-

Short, title and commencement. 1.(1) These Rules may be called the Himachal Pradesh, Prosecution Department, District Attorney Class-1(Gazetted) Recruitment & Promotion Rules, 2015.

(2) These Rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

Repeal and savings

2(1) The Himachal Pradesh Prosecution Department District Attorney (Class-1 Gazetted) Recruitment and Promotion Rules, 1993 notified vide this Department Notification No.LLR-B(1)/89 dated 30.9.1993 are hereby repealed.

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed under sub Rule(1)supra, shall be deemed to have been validly made, done or taken under these rules.

*Anand*

BY ORDER

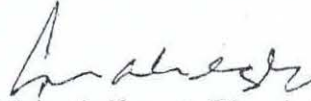
Chief Secretary(Home) to the  
Govt. of Himachal Pradesh.

Endorsement No. Home(G)A(3)-1/2014 Dated Shimla-171002,

13<sup>th</sup> July, 2015

Copy forwarded to:-

1. The Secretary (Finance/Personnel/GAD/Law) to the Government of Himachal Pradesh,
2. The Secretary, H.P. Public Service Commission, Shimla-171002.
3. The Secretary, H.P. Vidhan Sabha Sabha, Shimla-171004.
4. The Director Prosecution, Himachal Pradesh, Shimla-9.
5. The Controller, Printing & Stationary, H.P. Shimla-5 for publication in the Rajpatra.
6. Guard file.

  
(Mahesh Kumar Bhardwaj)  
Under Secretary(Home) to the  
Government of Himachal Pradesh

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"ANNEXURE-A"

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

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|----|--|---|
| 1. | Name of the post   | District Attorney   |
| 2. | Number of posts  | 20 (Twenty)<br>(14 (fourteen) in Directorate of Prosecution, 03(three) in State Vigilance & Anti Corruption Bureau, 01(one) in Vigilance (Headquarters), 01(one) in Police Training College, Daroh) and 01(one) in PWD. |
| 3. | Classification   | Class I (Gazetted)  |
| 4. | Scale of pay   | Rs.15600-39100 + 7400/- 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 recruit(s).   | A. <u>Essential qualification(s)</u> :<br>Not applicable<br>B. <u>Desirable qualifications(s)</u> :<br>Not applicable   |
| 8. | Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of promotee(s). | Age: Not applicable.<br>Essential 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.                            |

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| 10. | Method(s) of recruitment, whether by direct recruitment or by promotion. secondment basis and the percentage of post(s) to be filled in by various methods. | 100% by promotion.   |
| 11  | In case of recruitment by promotion, secondment, grade from which promotion/secondment is to be made.   | By promotion from amongst the Deputy District Attorneys who possess 04(four) years regular service or regular combined with continuous ad hoc, if any, in the grade.   |
|     |   | <p>A(I) Provided that for the purpose of promotion every employee shall have to serve at least one tenure in the Tribal/Difficult areas subject to adequate number of post(s) available in such areas.</p> <p>Provided further that the proviso(1) supra shall not be applicable in the case of those employees who have five years or less service left for superannuation</p> <p>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.</p> <p><b>Explanation I:</b> For the purpose of proviso 1 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.</p> <p><b>Explanation II:</b> For the purpose of proviso 1 supra the Tribal/Difficult Areas shall be as under:-</p> <ol style="list-style-type: none"> <li>1. District Lahul &amp; Spiti.</li> <li>2. Pangj and Bharmour sub Division. of Chamba District.</li> <li>3. Dodra Kawar Areas of Rohru Sub Division.</li> <li>4. Pandrah Bis Pargana, Munish Darkali and Gram Panchayat Kashapat, Gram Panchayat of Rampur Tehsil of District Shimla.</li> <li>5. Pandrah Bis Pargana of Kullu District.</li> </ol> |

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- 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 Circles of Karsog, Tehsil, Gada-Gussaini, Mathyani, Ghanyar, Thachi, Baggi, Songad and Kholanal of Bali-Chowki Sub-Tehsil, Jharwar, Kutgarh, Graman, Devgarh, Trailla, Ropa, Kathog, Sih-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 Sundernagar Tehsil in Mandi District.

(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 that the ad hoc 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.

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 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.

*for signed*

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Provided that all incumbents to be considered for promotion shall possess the minimum qualified service of at least three years or that prescribed in 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 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-serviceman recruited under provisions of Rule 3 of Demobilised Armed Force Personnel (Reservation of Vacancies 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 if the ad hoc appointment /promotion had been made after proper selection and in accordance with the provision of R & P Rules.

Provided that inter-se-seniority as a result of confirmation after taking into account ad hoc service rendered as referred 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 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  | Not applicable   |
| 15. | Selection for appointment to post by direct recruitment   | Not applicable   |
| 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.   | Every member of the service shall pass a Departmental Examination as prescribed in HP Departmental Examination Rules, 1997, as amended from time to time.  |
| 18. | Payment of fees   | No member of the service shall have the right of private practice. They may, however, be 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 of Himachal Pradesh Government and fee may be charged from them by the State Government. 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 the District Attorney concerned. |
| 19. | 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 and in consultation with the Himachal Pradesh Public   |

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Service Commission 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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