

(27)

(Authoritative English text of the Government Notification No. Per(Trg.)A(4)-2/92-II dated the 18th April, 2007 as required under clause(3) Article 348 of the Constitution of India.)

Government of Himachal Pradesh
Training and F.A. Department

No. Per (Trg.)-A(4)-2/92-II-Part, dated Shimla-171002, 18th April, 2007.

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 rules further to amend the Himachal Pradesh Departmental Examination Rules, 1997 notified vide this Department Notification No. Per (Trg) B (12) 40/95, dated the 13th March, 1997, namely: -

- | | | | |
|------------------------------|----|------|---|
| Short title and commencement | 1. | (i) | These rules shall be called the Himachal Pradesh Departmental Examination (First Amendment) Rules, 2007 |
| | | (ii) | These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh. However, the provisions of Rules 23(2) shall come into force after one year from the date of issue of the Notification. |
| Amendment of Rule 2(2) (vi) | 2. | (i) | After clause (v) but before clause (vi) of sub-rule (2) of Rule-2, of the Himachal Pradesh Departmental Examination Rules, 1997 (hereinafter referred the "said rules") the following clause (vi) shall be inserted namely: - |

"(vi) All such other Non-Gazetted officials who have put in not less than 10 years of regular service in connection with the affairs of the State of Himachal Pradesh and whose next promotion or placement as and when it takes place shall put them in a Gazetted rank."

- (ii) The existing clause (VI) of sub-rule (2) of Rule-2 shall of "said rules" be re-numbered as clause (vii).

Amendment of Rule 3.
-4.

For the existing provisions of sub rule (1) of Rule-4 of the said Rules, the following shall be substituted, namely: -

"The Board of Departmental Examinations shall consist of: -

- (i) The Chief Secretary to the Govt... Chairman
- (ii) Principal Secretary/Secretary (Revenue)... Member
- (iii) Principal Secretary/Secretary (Horticulture)... Member
- (iv) Principal Secretary/Secretary (Personnel)... Member
- (v) Principal Secretary/Secretary (Finance)... Member
- (vi) Principal Secretary/Secretary (Training)... Member
- (vii) Director General/ Director H.P. Institute of Public Administration... Member

Provided that the Chairman may co-opt a Secretary/Pr. Secy. to the Government and/or a Head of Department concerned as member whenever necessary."

Amendment of Rule 4.
-12 (2).

For the existing provisions of sub rule (2) of rule 12 of the said Rules, the following shall be substituted, namely: -

"The result will be compiled by the Secretary on the receipt of award lists and will be placed before the Chairman for approval with such recommendations, as he may deem necessary."

Amendment of Rule- 5.
17.

For the existing provisions of Rule-17 of the "Said Rules," the following shall be substituted, namely: -

"Unfair means.- The case of an officer who either at the time of examination or subsequently is found to have used unfair means will be reported to the Secretary forthwith along with the answer book(s) and any other documentary or oral evidence who shall place the matter before the Chairman for deciding the action to be taken against such officer. The Chairman may impose any of the following penalties: -

- (i) The officer may be declared failed in the entire examination
- (ii) The officer may be declared fail in one or more papers;
- (iii) Debarring the officer from appearing in future examinations; and
- (iv) Any other action, which the Chairman may like to suggest to the Department concerned to be taken against him;

Provided that before imposing any of the penalties, the Chairman may give an opportunity to the candidate to make representation, orally or in writing."

Amendment of Rule 6.
-23 (2)

The existing sub-rule (2) of Rule 23 of the said rules, the following shall be substituted namely: -

" A Gazetted Officer on the attainment of 55 years of age shall not be required to pass the Departmental Examination prescribed under these Rules, as amended from time to time for the

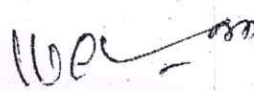
purposes of crossing the Efficiency Bar / Proficiency step up/Higher Scale, next due and confirmation in the service. However, Gazetted Officers irrespective of their age shall get further promotion whenever due only after passing such examination."

By order

S. Vijay Kumar
Principal Secretary(Training) to the
Government of Himachal Pradesh.

Endst. No. Per(Trg.)-A(4)-2/92-II, Dated: Shimla-171002, 13th April, 2007.
Copy forwarded to: -

1. All the Administrative Secretaries/Special Secretaries/Additional Secretaries / Joint Secretaries/Deputy Secretaries/Under Secretaries to the Government of Himachal Pradesh.
2. The Secretary, Himachal Pradesh Public Service Commission, Shimla-2 with three (3) spare copies for information and necessary action.
3. All Divisional Commissioners in Himachal Pradesh.
4. All the Heads of Departments in Himachal Pradesh.
5. The Director, H.P. Institute of Public Administration, Fairlawns, Shimla-12.
6. All the Deputy Commissioners in Himachal Pradesh.
7. The Secretary, Himachal Pradesh Board of Departmental Examination, Fairlawns, Shimla-12.
8. The Controller, Printing & Stationery, Himachal Pradesh for publication in the Extra-Ordinary Rajpatra. He is requested to supply 140 copies of the Rajpatra to Director, HIPA immediately.
9. The Guard file.


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