

(AUTHORITATIVE ENGLISH TEXT OF THIS DEPARTMENT NOTIFICATION
No.Home-(G)A(3)-3/2013 Dated 18.10.2017 AS REQUIRED UNDER ARTICLE 348 (3)
OF THE CONSTITUTION OF INDIA)

GOVERNMENT of HIMACHAL PRADESH
"DEPARTMENT OF HOME"

No. HOME(G)-A(3)-3/2013 Dated: Shimla-2, the

18/10/2017

NOTIFICATION

The Governor, Himachal Pradesh in exercise of the 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 Assistant 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, Assistant District Attorney Class-I(Gazetted), Recruitment & Promotion Rules,2017.

(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, Assistant District Attorney, Class-I (Gazetted) Recruitment and Promotion Rules, 2009 notified vide this Department Notification No. Home (Pros.)B(1)-1/2003-Part-1 dated 21.5.2009 are hereby repealed.

(2)Notwithstanding such repeal, any appointment made or anything done or any action taken under

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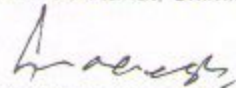
the rules so repealed under sub rule 2(1) supra,
shall be deemed to have been validly made, done
or taken under these rules.

BY ORDER,

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

Endorsement No. Home(G)A(3)-1/2014 Dated Shimla-171002, 18/10/2017
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, Shimla-171004.
4. The Director of Prosecution, Himachal Pradesh, Shimla-9.
5. The JLR-cum-Joint Secretary (Law-O.L.) to the Government, Himachal Pradesh.
6. The DLR-cum-Deputy Secretary (Law-O.L.) to the Government, Himachal Pradesh.
7. The ALR-cum-Under Secretary (Law-O.L.) to the Government, Himachal Pradesh.
8. The Sr. Law officer, Law Department (Official Section), H.P. Secretariat, Shimla.



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

Annexure-"A"

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

1.	Name of Post :	Assistant District Attorney
2.	Number of Post(s) :	114 (one hundred fourteen)
3.	Classification :	Class-I (Gazetted)
4.	Scale of Pay:	i) <u>Pay scale for regular incumbents:</u> <u>Pay band</u> Rs. 10300-34800+4400 Grade Pay ii) <u>Emoluments for Contract employee(s):</u> Rs. 25,000/- PM as per details given in Col. No.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 over-age on the date he was appointed as such, he shall not be eligible for any relaxation in the prescribed age-limit by virtue of his such adhoc or contract appointment: Provided further that upper age limit is relaxable for Scheduled Castes/Scheduled Tribes/Other Backward classes and 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 Servant before absorption in Public Sector Corporations/Autonomous

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		<p>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 Corporations/Autonomous Bodies who were/are subsequently appointed by such Corporation/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.</p> <p><u>Note:</u> 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.</p>
7	<p>Minimum Educational and other qualifications required for direct recruit(s):</p> <p><i>Arachest</i></p>	<p>(a) <u>Essential Qualification(s):</u></p> <p>i) Professional degree in Law from a recognized University; and</p> <p>ii) Atleast two years experience as an advocate.</p> <p>(The candidate is required to produce experience certificate duly signed by the President, District Bar Association concerned/Bar Council.)</p> <p>b) <u>Desirable Qualification(s):</u></p> <p>Knowledge of customs, manner and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.</p>
8	<p>Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of the promote(s):</p>	<p>Age : Not Applicable</p> <p>Educational Qualification(s): Not applicable</p>
9	<p>Period of Probation, if any:</p>	<p>(a) Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent</p>

		authority in special circumstances and reasons to be recorded in writing. (b) No probation in the case of appointment on contract basis, tenure basis, re-employment after superannuation and absorption.
10	Method(s) of recruitment, whether by direct recruitment or by promotion/ secondment/ transfer and the percentage of post(s) 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.
11	In case of recruitment by promotion/ secondment/ transfer, grade(s) from which promotion/ secondment/ transfer is to be made:	Not Applicable.
	<u>Bar of private practice:</u> No member of the service shall have right of private practice. They may, however, be allowed with the special permission of the Legal Remembrancer/Secretary (Home) to the Government of Himachal Pradesh 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 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.	
12	If a Departmental Promotion/Confirmation Committee exists, what is its composition?	<u>Departmental Confirmation Committee</u> 1. Secretary (Home)..... Chairman 2. Director, Prosecution..... Member 3. Spl./Joint/Deputy/..... Member Under Secretary (Prosecution/ Home)
13	Circumstances under which the Himachal Pradesh Public Service Commission (HPPSC) is to be consulted in making	As required under the Law

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	recruitment:	
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 interview/ personality test or if the Himachal Pradesh Public Service Commission or other recruiting agency/authority as the case may be, so consider necessary or expedient on the basis of interview/personality test preceded by a screening test (objective type)/ written test or practical test or physical test, the standard/syllabus, etc. of which, will be determined by the Commission/ other recruiting agency/ authority, as the case may be.
15-A	Selection for appointment to the post by contract appointment	<p>Notwithstanding anything contained in these rules, contract appointment to the post will be made subject to the terms and conditions given below:-</p> <p>(I) <u>CONCEPT:</u> (a) Under this policy the Assistant District Attorney in the Department of Prosecution H.P. will be engaged on contract basis initially for one year, which may be extendable on year to year basis:</p> <p>Provided that for extension/renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his period of contract is to be renewed /extended.</p> <p>(b) <u>POST FALLS WITHIN THE PURVIEW OF HPPSC:</u> 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. Himachal Pradesh</p>

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Public Service Commission.

(C) The selection will be made in accordance with the eligibility conditions prescribed in these rules.

(II) CONTRACTUAL EMOLUMENTS:

The Assistant District Attorney appointed on contract basis will be paid consolidated fixed contractual amount @ Rs. 25,000/- P.M. An amount of Rs. 750/- (3% of fixed contractual amount) 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) to the Government of Himachal Pradesh will be the appointing & disciplinary authority.

(IV) SELECTION PROCESS:

Selection for appointment to the post in the case of direct recruitment will be made on the basis of interview/personality test or if considered necessary or expedient on the basis of interview/personality test preceded by a screening test (objective type)/ written test or practical test or physical test, the standard/ syllabus etc. of which will be determined by the concerned recruiting agency i.e. Himachal Pradesh Public Service Commission.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS:

As may be constituted by the concerned recruiting agency i.e. Himachal Pradesh 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.

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	<p><i>Analysis</i></p>	<p>(VII) <u>TERMS AND CONDITIONS:</u></p> <p>(a) The contractual appointee will be paid fixed contractual amount @ Rs. 25,000/- PM. The contract appointee will be entitled for increase in contractual amount Rs. 750/- @ 3% of fixed contractual amount for further extended years and no other allied benefits such as senior/selection scales etc. will be given.</p> <p>(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.</p> <p>(c) The contract appointee will be entitled for one day's casual leave after putting one month's service, 10 day's medical leave and 5 day's special leave, in a calendar year. A female contract appointee with less than two surviving children may be granted maternity leave for 135 days'. A female contract appointee shall also be entitled for maternity leave not exceeding 45 days' (irrespective of the number of surviving children) during the entire service, in case of miscarriage including abortion, on production of medical certificate issued by the authorized Government Medical Officer. A contract employee shall not be entitled for medical reimbursement and LTC etc. No leave of any other kind except above is admissible to the contract appointee.</p> <p>Un-availed casual leave, medical leave and special leave can be accumulated upto the calendar year and will not be carried forward for the next calendar year.</p> <p>(d) Unauthorized absence from the duty without the approval of the Controlling</p>
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Officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstances for unauthorized absence from duty were beyond his/her control on medical grounds, such period shall not be excluded while considering his/her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time. However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty:

Provided that he/she shall submit the certificate of illness/fitness issued by the Medical Officer, as per prevailing instructions of the Government.

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- (e) An official appointed on contract basis who has completed three years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.
- (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 shall be re-examined for 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/hor official duties at the same rate as applicable to regular counterpart official at the minimum of 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. The Employees Group Insurance Scheme as well as EPF/GPF will also not be applicable to contract appointee(s).
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 the Himachal Pradesh Departmental Examination Rules, 1997, as amended from time to time.
18	Power to Relax:	Where the State Govt. 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 post(s).

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ANNUEXURE-"B"

Form of contract/agreement to be executed between the _____ (Name of the post) and the Government of Himachal Pradesh through _____ (Designation of the Appointing Authority).

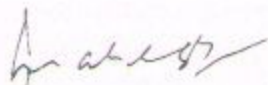
This agreement is made on this _____ day of _____ in the year _____ Between Sh./Smt. _____ S/o/ D/o Shri _____ R/o _____

Contract appointee (hereinafter called the FIRST PARTY), AND The Governor of Himachal Pradesh through the Secretary (Home) Himachal Pradesh (here-in-after referred to as the SECOND PARTY). Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a (Name of the post) on contract basis on the following terms & conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Assistant District Attorney for a period of one year commencing on day of _____ and ending on the day of _____. It is specifically mentioned and agreed upon by both the parties that the contract of the _____ FIRST PARTY with SECOND PARTY shall ipso-facto stand terminated on the last working day i.e. on _____ and information notice shall not be necessary:

Provided that for further extension/renewal of contract period the HOD shall issue a certificate that the service and conduct of the contract appointee was satisfactory during the year and only then the period of contract is to be renewed/extended.

2. The contractual amount of the FIRST PARTY will be Rs. 25,000/- 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 satisfactory.
4. The contract appointee will be entitled for one day's casual leave after putting one month's service, 10 day's medical leave and 5 day's special leave, in a calendar year. A female contract appointee with less than two surviving children may be granted maternity leave for 135 days'. A female contract appointee shall also be entitled for maternity leave not exceeding 45 days' (irrespective of the number of surviving children) during the entire service, in case of miscarriage including abortion, on production of medical certificate issued by the authorized Government Medical Officer. A contract employee shall not be entitled for medical re-imburement and LTC etc. No leave of any other kind except above is admissible to the contract appointee.

Un-availed casual leave, medical leave and special leave can be accumulated upto the calendar year and will not be carried forward for the next calendar year.

5. Unauthorized absence from the duty without the approval of the Controlling Officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstances for un-authorized absence from duty were beyond his/her control on medical grounds, such period shall not be excluded while considering his/her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time. However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty:

Provided that he/she shall submit the certificate of illness/fitness issued by the Medical Officer, as per prevailing instructions of the Government.

6. An official appointed on contract basis who has completed three years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.

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7. Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. In case of women candidates pregnant beyond twelve weeks will render her temporarily unfit till the confinement is over. The women candidate should be re-examined for 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 counter-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 and Full Address)

(Signature of the SECOND PARTY)

