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21/11/81
24/5/97

(Authoritative English Text of this department Notification
No. Home-B(A)3-5/80-Vol.-II dated 23-5-97 as required
under Article 348(3) of the Constitution of India.

Government of Himachal Pradesh
" Home Department "

कार्यालय मं. नि. कारागार
आवती सं. 24-5-97
दिनांक.....

No. Home-B(A)3-5/80-Vol-II

Dated Shimla-2, the 23⁵/₉₇

N O T I F I C A T I O N

In exercise of the powers conferred by
proviso to Article 309 of the Constitution of India, the
Governor of Himachal Pradesh in consultation with the
Himachal Pradesh Public Service Commission is pleased to
make the Recruitment and promotion Rules for the post of
Chief Welfare Officer (Prisons)(Class-II, Gazetted) in the
Department of Prisons H.P. as per Annexure "A" attached to
this notification, namely:-

Short title and
commencement

1(i) These Rules may be called the
Himachal Pradesh Prisons Department
Chief Welfare Officer (Prisons)
(Class-II, Gazetted) Recruitment
and Promotion Rules, 1997.

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

Repeal and
savings

2(i) The Himachal Pradesh Prisons
Department Class-II (Gazetted)
Services (Recruitment Promotion
and certain conditions of service)
Rules 1981 Notified vide this
department Notification NO. PR.A(3)-
-5/80 dated 20/11/1981 are hereby
repealed.

(ii) Notwithstanding such repeal, any
appointment made or any thing
done or any action taken under

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the rules, so repealed under sub rule 2(i) supra shall be deemed to have been validly made, done or taken under these rules.

By Order

(S.N. Verma)

Commissioner-cum-Secretary (Home)
to the Govt. of Himachal Pradesh

Endst. No. Home-B(A)3-5/80-Vol.-II Dated Shimla-2, the 23⁵/₉₇

Copy forwarded to:-

1. All the Secretaries to the Govt. of H.P.
2. All the Heads of the Department in Himachal Pradesh.
3. The Additional Director General of Prisons H.P. Shimla-171002.
4. The Secretary, Himachal Pradesh Vidhan Sabha, Shimla-171004.
5. The Secretary, Himachal Pradesh Public Service Commission Shimla-171002 alongwith 3 spare copies w.r. to his letter No.2-41/72-PSC dated 25/2/1997.
6. All the Divisional Commissioners in Himachal Pradesh.
7. All the Deputy Commissioners in Himachal Pradesh.
8. The Controller, Printing and Stationery, Himachal Pradesh Govt. Printing Press, Shimla-171005 for publication in the H.P. Rajpatra. He is requested to supply 20 copies of Rajpatra to the Addl. Director General of Prisons H.P. Shimla-2 for information and further necessary action.
9. The Controller, Legal Metrology (Weights & Measures) Himachal Pradesh, Shimla-171001.
10. A.L.D. (English/Hindi) Law Department, H.P. Secretariat, Shimla-2.
11. Guard File alongwith 50 spare copies.


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

RECRUITMENT AND PROMOTION RULES FOR THE POST OF CHIEF WELFARE OFFICER (PRISONS) (CLASS-II GAZETTED), IN THE DEPARTMENT OF PRISONS, HIMACHAL PRADESH

1. Name of the Post : Chief Welfare Officer (Prisons)
2. Number of Posts : 1 (One).
3. Classification : Class-II (Gazetted) .
4. Scale of Pay : Rs. 2200-70-2550-75-3000-100-4000.
5. Whether Selection post: Selection.
or Non-Selection Post
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 Govt. 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 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 such adhoc or contract appointment ;

Provided further that upper age limit is relaxable for Scheduled Castes/Scheduled Tribes/ 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 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. The concession will not however, be admissible to such staff of the Public Sector Corporations/Autonomous Bodies who were/are subsequently appointed by such Corporations/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.

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

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or notified to the Employment Exchanges or as the case may be.

Note: (2) Age and experience in the case of direct recruitment, relaxable at the discretion of the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

7. Minimum educational and other qualifications required for direct recruits
- ESSENTIAL:
- Post Graduate Degree in Sociology or its equivalent from any recognised University.
- 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: : 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 of recruitment whether by direct recruitment or by promotion, deputation, transfer and the percentage of vacancies to be filled in by various methods
- : 100 % by promotion, failing which by deputation, failing both by direct recruitment.
11. In case of recruitment by promotion, deputation, transfer grade from which promotion/deputation/transfer is to be made
- : By promotion from amongst the Superintendent Grade-II, Personal Assistant/Superintendent, Open Air Jail/Superintendent, Borstal Jail/Deputy Superintendent Jail as follows

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- i) Superintendent Grade-II/Personal Assistant who possess five years regular service or regular combined with continuous adhoc rendered upto 31/3/1991), service if any in the grade.
- ii) Superintendent Open Air Jail/ Superintendent Borstal Jail / Deputy Superintendent Jail with eight years regular service or regular combined with continuous adhoc, (rendered upto 31/3/1991), service ,if any ,in the grade.

For the purpose of promotion a combined seniority list of eligible officials on the basis of length of service without disturbing their cadre-wise inter-Re-seniority ,shall be prepared .

Failing which by deputation from amongst the District Welfare-cum-Probation Officers in the pay scale of Rs.2130-3700 with atleast 5 years service in the grade or Assistant Director Social Welfare/ Child Development Project Officer in the Pay Scale of Rs.2000-3500, with eight years service in the grade of Social and Women's Welfare Department H.P. or from amongst the incumbents holding the *analogous* posts in other H.P. Govt. Departments.

Note: (1) In all cases of promotion ;the adhoc service rendered in the feeder post upto 31/3/1991, 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 conditions

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 adhoc basis upto 31/3/1991) 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 atleast 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 also 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 persons happened to be Ex-servicemen recruited under the provisions of Rules 3 of Demobilised Armed Forces Personnel (Reservation of Vacancies in Himachal Pradesh State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provision of Rule 3 of Ex-Servicemen, (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1981 and having been given the benefit of seniority thereunder.

Note:(2) Similarly in all cases of confirmation, adhoc service rendered on the feeder post upto 31/3/1991, if any prior to regular appointment against such post shall be taken into account towards length of service ;

Provided that inter-se-seniority as a result of confirmation after taking into account , adhoc service rendered upto 31/3/1991 shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition : DPC to be presided over by the Chairman H.P. Public Service Commission or a member thereof to be nominated by h.m.
13. Circumstances under which the H.P.P.S.C. is to be consulted in making recruitment : As required under the law.

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14. Essential requirement : A candidate for appointment to for direct recruitment any service or post must be:-

- (a) a citizen of India ,or
- (b) a subject of Nepal , or
- (c) a Subject of Bhutan ,or
- (d) a Tibetan refugee who came over to India before, the 1st January ,1962 with the intention of permanently settling in India.
- (e) a person of Indian origin who has migrated from Pakistan, Burma ,Sri-Lanka ,East African Countries of Kenya, Uganda ,the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malwa, Zaire and Ethopia with the intention of permanently settling in India.

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Govt. of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Himachal Pradesh Public Service Commission or other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Govt. of India .

15. Selection for appointment to post by direct recruitment

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

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if the Himachal Pradesh Public Service Commission or other recruiting authority as the case may be, so consider necessary or expedient by a written test or practical test, the standard/syllabus, etc. of which will be determined by the Commission/other recruiting authority as the case may be.

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

: (1) Every member of the service shall pass a Departmental Examination as prescribed in the Departmental Examination Rules, 1976 as amended from time to time, failing which he shall not be eligible to:-

(i) Cross the Efficiency Bar next due,

(ii) Confirmation in the service even after completion of probationary period, and

(iii) Promotion to the next higher post.

Provided that an officer who has qualified the Departmental Examination in whole or in part prescribed under any Rules before the notification of these Rules shall not be required to qualify the whole or in part, of the examination as the case may be.

Provided further that an Officer for whom no Departmental Examination was prescribed prior to the Notification of these Rules and who has attained the age of 45 years on the 1st March 1976 shall not be required to qualify the Departmental Examination prescribed under these Rules.

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Provided further that an Officer for whom no Departmental Examination was prescribed prior to the notification of these Rules and who had not attained the age of 45 years on 1/3/1973 shall not be required to qualify the Departmental Examination prescribed under these Rules after attaining the age of 50 years for the purpose of :

(i) Crossing of Efficiency Bar next due and (ii) confirmation in the service after completion of probationary period.

(2) An officer on promotion to higher post in his direct line of promotion shall not be required to pass the aforesaid examination if he has already passed the same in the lower gazetted post.

(3) The Government may in consultation with the Himachal Pradesh Public Service Commission, grant in exceptional circumstances and for reasons to be recorded in writing exemption in accordance with the Departmental Examination Rules to any class or category of persons from the Departmental Examination in whole or in part provided that such officer is not likely to be considered for any other higher promotion before the date of his superannuation.

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 H.P. Public Service Commission relax any of the provisions of the Rules with respect to any class or category of persons or posts.
