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Authenticative English text of this department's Notification No. Home-B(A)3-18/2007 dated 16-5-2013 as required under Clause (3) of Article 348 of the Constitution of India.

Government of Himachal Pradesh  
Department of Home

No. Home-B(A)3-18/2007

Dated Shimla-2 the 16-5-2013

**NOTIFICATION**

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 Commandant/Junior Staff Officer Class-1 (Gazetted) in the Department of Home Guards and Civil Defence 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, Home Guards and Civil Defence Department, Commandant/Junior Staff Officer, Class-1(Gazetted) Recruitment and Promotion Rules, 2013.

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

Repeal & Savings.

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1) The Himachal Pradesh Home Guards, Civil Defence and Fire Services Department, Commandant /Junior Staff Officer, Class-I (Gazetted) Recruitment and Promotion Rules, 2002 notified vide notification No.18-77/65-Home dated 5-01-2002 as amended from time to time are hereby repealed.

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2) Notwithstanding such repeal any appointment made or any thing done or any action taken under the relevant rules, so repealed under sub-rule, 2 (1) supra shall be deemed to have been validly made done or taken under these rules.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

Pr. Secretary (Home) to the,  
Government of Himachal Pradesh.

No.Home-B(A)3-18/2007 Dated Shimla-2, the 16<sup>th</sup> May, 2013  
Copy forwarded to :-

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. The Secretary, Himachal Pradesh Public Service Commission, Shimla-2 along with 2 spare copies.
3. The Director General, Home Guards, Civil Defence & Fire Services, Himachal Pradesh, Shimla-1 for information with 5 spare copies.
4. The Controller, Printing & Stationary, Himachal Pradesh, Shimla-5 with the request that the same may be publish in the Rajpatra and copy may be supplied to this department.
5. The Deputy Legal Remembrance-cum-Dy. Secy. (Law) to the Government of Himachal Pradesh, Shimla-2.
6. Guard file.

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

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**ANNEXURE-A**

**RECRUITMENT AND PROMOTION RULES FOR THE POST OF COMMANDANT/ JUNIOR STAFF OFFICER CLASS-1 (GAZETTED) IN THE DEPARTMENT OF HOME GUARDS & CIVIL DEFENCE, HIMACHAL PRADESH**

1.	Name of the post	Commandant/Junior Staff Officer
2.	Number of post(s)	14 (Commandant=12, Junior Staff Officer =2)
3.	Classification:	Class-I –Gazetted.
4.	Scale of pay	i). <u>Pay scale for regular incumbents:</u> Pay Band ₹.15600-39100+₹ 6600 /-Grade Pay ii) Emoluments for Contract employees ₹ 22,200/- as per details given in Col. No.15-A.
5.	Whether Selection post or non-selection post:	Selection
6.	Age for direct recruitment:	45 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/she was appointed as such he/she shall not be eligible for any relaxation in the prescribed age-limit by virtue of his/her 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 of such constitutions 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/

*Signature*

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Autonomous Bodies and who are/were finally absorbed in the service of such Corporation/Autonomous Bodies and after initial constitution of the Public Sector Corporation/Autonomous Bodies.

- (1) Age limit for direct recruitment will be reckoned from 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.
- (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:	<p><b>(a) <u>Essential Qualification(s):</u></b></p> <p>(i) <u>Retired/released Army Officer of the Indian Armed Force of the Rank of Captain or above who have served as Commissioned Officer (other than honorary) for a period of atleast 03 years.</u></p> <p style="text-align: center;">OR</p> <p>(ii) <u>Graduate of a recognized University</u></p> <p>(ii) <u>Five years regular service as Company Commander in the Department of Home Guards &amp; Civil Defence Organization.</u></p> <p><b>(b) <u>Desirable Qualification(s):</u></b> Knowledge of Customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.</p>
8.	Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotees:-	Age: Not applicable  Education qualification: As prescribed in Column No. 11
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, deputation, transfer and the percentage of posts to be filled in by various methods:	<p>i) 33 1/3 % by promotion</p> <p>ii) 66 2/3 % by direct recruitment on a regular basis or by recruitment on contract basis as the case may be. The contract employees will get emoluments as given in Col. 15-A and will be governed by service conditions as specified in the said column.</p>
11.	In case of recruitment by promotion, deputation, transfer, grades from which promotion/ deputation/ transfer is to be made:	<p>By promotion from amongst the regular Home Guard &amp; Civil Defence Officers of the rank of Company Commander in the pay scale of ₹ 10300-34800+Grade Pay ₹ 3800, Provided that they have passed atleast Army Special or 10+2 or its equivalent from a recognized University/Board and have rendered atleast <u>eight</u> years regular service or regular combined with continuous adhoc service, if any, in the grade;</p> <p>Provided that for the purpose of promotion every employee shall have to serve atleast one term in the Tribal/Difficult areas subject to adequate number of post(s) available in such areas;</p> <p>Provided further that the proviso (I) 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 atleast 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 (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.</p> <p><b>Explanation II:-</b> For the purpose of proviso(I) supra the Tribal/Difficult Areas shall be as under:-</p> <ol style="list-style-type: none"> <li>1. District Lahaul &amp; Spiti.</li> <li>2. Pangi and Bharmour Sub Division of Chamba District.</li> <li>3. Dodra Kwar Area of Rohru Sub-Division.</li> <li>4. Pandrah Bis Pargana, Munish Darkali and Gram panchayat Kashapat, Gram Panchayats of Rampur Tehsil of District Shimla.</li> <li>5. Pandrah Bis Pargana of Kullu District.</li> <li>6. Bara Bhangal Areas of Baijnath Sub Division of Kangra District.</li> </ol>

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- 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, Kalipar, Mangarh, Thach-Bagra, North Magru and South Magru Patwar Circles of Thunag Tehsil and Batwara Patwar Circle of Sunder Nagar Tehsil in Mandi District.

Note:(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 conditions that the adhoc 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;

(i) 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 followed by regular service/ appointment) 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 further that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the Recruitment & 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 persons(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

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		<p>happened to be ex-serviceman recruited under the provisions of Rule-3 of Demobilized Armed Forces Personnel ( Reservation of Vacancies in Himachal State Non- Technical Services ) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rules-3 of Ex-servicemen ( Reservation of Vacancies in the Himachal Pradesh Technical Service) Rules, 1985 and having been given the benefit of seniority thereunder.</p> <p>Note (2) Similarly, in all cases of confirmation, continuous adhoc service rendered on the feeder post if any, prior to the regular appointment against such posts 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 Recruitment &amp; Promotion 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:	D.P.C. to be presided over by the Chairman, H.P. Public Service Commission or a Member thereof to be nominated by him.
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:	A candidate for appointment to any service or post must be a citizen 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, and if the H.P. Public Service Commission or other recruiting authority, as the case may be, so consider necessary or expedient by a written test or a practical test, the standard/syllabus etc. of which will be determined by the Commission / other recruiting authority, as the case may be.
15-A	Selection for appointment to the post by contract appointment.	Notwithstanding anything contained in these rules, contract appointments to the post will be made subject to the terms & conditions given below:

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**(1) CONCEPT:-**

- (a) Under this policy, the Commandant/Junior Staff Officer in the Commandant General Home Guard/ Civil Defence H.P. will be engaged on contract basis initially for one year, which may be extendable on year-to-year basis.

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.

**(b) POST FALLS WITHIN THE PURVIEW OF HP PSC:-**

Principal Secretary/Secretary (Home) to the Government of H.P. after obtaining the approval of the Government to fill up the vacant post on contract basis will place the requisition with the concerned recruiting agency i.e. H.P. Public Service Commission.

- (c) The selection will be made in accordance with the eligibility conditions as prescribed in these Rules.

**(II) CONTRACTUAL EMOLUMENTS:-**

The Commandant/Junior Staff Officer appointed on contract basis will be paid consolidated fixed contractual amount @ ₹ 22,200/- P.M. An amount of ₹ 670/- (3% of the minimum of pay band+grade pay of the post) as per 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 Pr. Secretary/Secretary (Home) to the Government of Himachal Pradesh will be appointing and disciplinary authority.

**(IV) SELECTION PROCESS:**

Selection for appointment to the post in the case of contract appointment will be made on the basis of viva-voce test or if consider necessary or expedient by a written test or practical test the standard/ syllabus etc. of which will be determined by the concerned

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recruiting agency i.e. H.P.Public Service Commission.

(V) **COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS:**

As may be constituted by the concerned recruiting agency i.e. H.P.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.

(VII) **TERMS AND CONDITIONS:**

- (a) The contract appointee will be paid fixed contractual amount @ ₹ 22,220/- P.M. The contract appointee will be entitled for increase in contractual amount @ ₹ 670/- (3% of the minimum of pay band+grade pay of the post) for further extended years. No other allied benefits such as senior/selection scales etc, will be given.
- (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.
- (c) Contract Appointee will be entitled for one day's casual leave after putting one month service. However, the contract employee will also be entitled for 12 weeks Maternity Leave and 10 day's Medical Leave. He /She shall not be entitled for Medical Reimbursement and LTC etc. No leave of any other kind except above is admissible to the contract appointee.

Provided that the un-availed Casual Leave and Medical Leave can be accumulated upto the Calendar year and will not be carried forward for the next Calendar Year.

- (d) Unauthorized absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. Contract appointee shall not be entitled for contractual amount for the period of absence from duty.
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		<p>(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.</p> <p>(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 will be re-examined for the fitness from an authorized Medical Officer/ Practitioner.</p> <p>(g) Contract appointee will 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 counterpart official at the minimum of pay scale.</p> <p>(h) Provisions of service rules like FR SR, Leave Rules, GPF Rules, Pension rules &amp; Conduct Rules etc. as are applicable in case of regular employees will not be applicable in case of contract appointees. They will be entitled for emoluments etc. as detailed in this column.</p>
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 HP Departmental Examination Rules, 1997 as, amended from time to time.
18	Powers 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 H.P. 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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**ANNEXURE-'B'**  
**FORM OF CONTRACT/ AGREEMENT TO BE EXECUTED**  
**BETWEEN THE COMMANDANT/JUNIOR STAFF OFFICER**  
**AND THE GOVERNMENT OF HIMACHAL PRADESH,**  
**THROUGH THE COMMANDANT GENERAL, HOME GUARDS**  
**AND CIVIL DEFENCE HIMACHAL PRADESH.**

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, HIMACHAL PRADESH, THROUGH THE  
COMMANDANT GENERAL, HOME GUARDS AND CIVIL  
DEFENCE HIMACHAL PRADESH, SHIMLA (here-in-after the  
"SECOND PARTY").

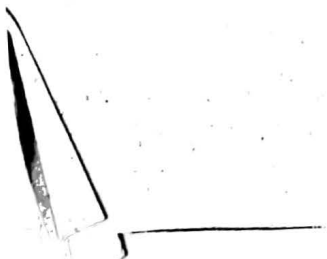
Whereas, the SECOND PARTY has engaged the "FIRST  
PARTY" aforesaid "FIRST PARTY" and the "FIRST PARTY" has  
agreed to serve as a Commandant/Junior Staff Officer on  
contract basis on the following terms and conditions:-

- 1 That the "FIRST PARTY" shall remain in the service of the  
"SECOND PARTY" as a Commandant/Junior Staff Officer for a  
period of 1 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 on year to years 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 the period of  
contract is to be renewed/ extended.

2. The contractual amount of the "FIRST PARTY" will be  
₹.....per month.

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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 good or if a regular incumbent is appointed/ posted against the vacancy for which the first party was engaged on contract.
4. Contractual Commandant/Junior Staff Officer will be entitled for one day's casual leave after putting in one month service. However, the contract employee will also be entitled for 12 weeks Maternity Leave and 10 day's Medical Leave. He /She shall not be entitled for Medical Re-imburement and LTC etc. No leave of any other kind except above is admissible to the contractual Commandant/Junior Staff Officer.

Provided that the un-availed Casual Leave and Medical 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. A contractual Commandant/Junior Staff Officer will not be entitle for contractual amount for the period of absence from duty.
6. An official appointed on contract basis who have completed three years tenure at one place of posting will be eligible for transfer on need basis wherever required on administrative grounds.
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 of temporary unfit till the confinement is over. The women candidate should have 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 here in 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)

IN THE PRESENCE OF WITNESS

(Signature of the SECOND) PARTY)

1. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(Name and full Address)

2. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(Name and full Address)

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