

Ed. No. 9
6-4-2013

(16)

Directorate
3735

16 APR 2013

(Authoritative English text of Government Notification No. Fish-A (3)-2 /2010-Loose, dated: 5/4/2013 as required under Article 348 (3) of the Constitution of India.)

**Government of Himachal Pradesh
Department of Fisheries**

No. Fish-A (3)-2/2010-Loose Dated: Shimla-2, the April, 2013

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 H.P. Public Service Commission is pleased to make the Recruitment & Promotion Rules for the post of Director-cum-Warden of Fisheries, Class-I (Gazetted) in the Department of Fisheries, Himachal Pradesh as per Annexure-A, Attached to the notification, namely :-

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|------------------------------|---|------|---|
| Short title and Commencement | 1 | (i) | These rules may be called the Himachal Pradesh Department of Fisheries, Director-cum-Warden of Fisheries, Class-I (Gazetted), Recruitment & Promotion Rules, 2013 |
| | | (ii) | These rules shall come into force from the date of their publication in Rajpatra, Himachal Pradesh. |
| Repeal and Savings | 2 | (i) | The Himachal Pradesh, Department of Fisheries, Director-cum-Warden of Fisheries, Class-I (Gazetted) Recruitment and Promotion Rules, 1996 notified vide notification No. Fish-Kha(1)-1/93 dated 22-04-1996 are hereby repealed. |
| | | (ii) | Notwithstanding such repeal any appointment made or anything done or any action taken under the rules so repealed under sub-rule (i) supra shall be deemed to have been validly made, done or taken under these rules. |

By Order,
Principal Secretary(Fisheries) to the
Government of Himachal Pradesh

Endst. No.: As above. Dated Shimla-2, the 5th April, 2013
Copy is forwarded to the following:-

1. Secretary(Personnel/Finance/Law) to the Govt. of HP, Shimla-2
2. The Secretary, HP Public Service Commission, Shimla-2 w.r.t. his letter No. 1-2/2007-PSC-Part, dated 19.02.2013.
3. The Assistant Legislative Draftsman (English/Hindi), HP Secretariat Shimla-2.
4. The Director-cum-Warden of Fisheries, H.P., Bilaspur-174001.

Under Secretary (Fisheries) to the
Government of Himachal Pradesh

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Annexure-A

RECRUITMENT AND PROMOTION RULES FOR THE POST OF DIRECTOR-CUM-WARDEN OF FISHERIES CLASS-I, GAZETTED IN THE DEPARTMENT OF FISHERIES, HIMACHAL PRADESH.

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|----|--|---|
| 1. | Name of the post | Director-cum-Warden of Fisheries |
| 2. | Number of posts | 01 (one) |
| 3. | Classification | Class-I (Gazetted) |
| 4. | Scale of Pay: | (i) Pay Scale for regular incumbents
Pay Band ₹ 37400-67000+
8700/-Grade Pay.

(ii) Emoluments for Contract employees .
46100/- As per details given
in column 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 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 adhoc or contract appointment;

Provided further that upper age limit is relaxable for Scheduled Castes/Scheduled Tribes/Other categories of person 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 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/Autonomous Bodies and 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.

- (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 or notified to the Employment Exchange 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.

Provided further that the provisions referred to preceding paras shall not be applicable in the case of Contract Appointments.

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|----|---|---|
| 7 | Minimum Educational and other qualification required for direct recruits | <p>a) ESSENTIAL QUALIFICATION:</p> <p>(i) M.Sc. in Zoology from recognized university or its equivalent.</p> <p>(ii) Minimum experience of 10 years in development and management of Pisciculture out of which at least 5 years experience should be in planning and administration in a responsible post in Central or State Govt. Department of Fisheries.</p> <p>b) DESIRABLE QUALIFICATION:</p> <p>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. | <p>Age : Not applicable</p> <p>Educational Qualification: Not Applicable.</p> |
| 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 posts to be filled in by various methods. | 100 % by promotion, failing which 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. |
| 11 | In case of recruitment by promotion, deputation, transfer, grade from which promotion/ deputation/ | By promotion from amongst the Deputy Directors of Fisheries having at least five (05) years regular service or regular combined with continuous adhoc service, rendered, if any, in the grade failing which by promotion from amongst the Deputy Directors of |

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transfer is to be made.

Fisheries having at least ten(10) years regular service or regular combined with continuous adhoc service rendered, if any, as Deputy Director of Fisheries and Assistant Director of Fisheries combined which shall also include two years essential service as Deputy Director of Fisheries.

Provided that for the purpose of promotion every employee shall have to serve at least one term in the Tribal/ difficult areas subject to adequate number of posts(s) available in such areas:

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.

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.

Explanation I: 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.

Explanation II: For the purpose of proviso I supra the Tribal/Difficult Areas shall be as under:-

1. District Lahaul & Spiti
2. Pangi and Bharmour Sub Division of Chamba District.
3. Dodra Kwar Area of Rohru Sub-Division.
4. Pandrah Bis Pargana, Munish Darkali and Gram Panchayat Kashapat, Gram Panchayats of Rampur Tehsil of District Shimla.
5. Pandrah Bis Pargana of Kullu District.
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 Circle of Karsog Tehsil, Gad-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.

(1) In all cases of promotion, the continuous adhoc services 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 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

In all cases where a junior person become eligible for consideration by virtue of his/her total length of service (including the service rendered on adhoc basis followed by regular service/appointment) in the feeder post in view of the provision referred to above, all persons senior to him/her 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 atleast three years or that prescribed in the 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 incumbents ineligible for consideration for promotion if the senior ineligible person happened to be ex-servicemen recruited under the provisions of Rule-3 of the Demobilized Armed Forces Personnel (Reservations of vacancies in Himachal State Non-Technical services) Rules, 1972 and having been given the benefit of seniority there-under or recruited under the provision of Rule-3 of the Ex-servicemen (Reservations of vacancies in Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there-under.

(2) Similarly in all cases of confirmation continuous adhoc service rendered in 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 provisions of R&P rules ;

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to 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 HP PSC is to be consulted in making recruitments. | 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 if the HP PSC 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 or other recruiting authority as the case may be.

- 15- Selection for
A 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 and conditions given below:-

(I) CONCEPT

Under this policy, the Director-cum-Warden of Fisheries in the Department of Fisheries, 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 Secretary shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his/her period of contract is to be renewed/extended.

(b) POST FALLS WITH IN THE PURVIEW OF THE HPPSC.

The Secretary, Personnel to the Government of H.P. 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, Shimla.

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

(II) CONTRACTUAL EMOLUMENTS

The Director-cum-Warden of Fisheries on contract basis will be paid consolidated fixed contractual amount @ Rs 46100/- P.M. (which shall be equal to minimum of the pay band + grade pay of the post). An amount of Rs 1383/-(3% of the minimum of pay band + grade pay of the post) 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.

Secretary(Personnel)to the Govt. of H.P. 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 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. the 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 contractual appointee will be paid fixed contractual amount @ Rs. 46100/- per month.(which shall be equal to minimum of the pay band + grade pay). The Contract appointee will be entitled for increase in contractual amount @ Rs. 1383/-(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. shall 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 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.

(e) An official appointed on contract basis who have completed five 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 twelve 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.

(g) Contract appointee will be entitled to TADA if required to go on tour in connection with his/her official duties at the same rate as applicable to regular counterpart officials 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. They will be entitled for emoluments etc. as detailed in this Column.

16. Reservation

The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Caste/ Scheduled Tribes/ Other Backward Classes/ other categories of persons issued by the HP Government from time to time.

17. Deptt. Exam

Every member of the service shall pass a Departmental Examination as prescribed in the Departmental Examination Rules, 1997 as amended from time to time.

18. Power to relax.

Where the State Government is of the opinion that it is

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necessary or expedient to do so it may, by order, for reasons, to be recorded in writing and in consultation with the HP PSC, relax any of the provisions of these rules with respect to any class or category of persons or posts.

Annexure-B

Form of contract/agreement to be executed between the Director-cum-Warden of Fisheries & the Government of Himachal Pradesh through Secretary(Personnel)to the Govt. of Himachal Pradesh.

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

.....contract appointee(hereinafter called the FIRST PARTY), And The Governor, Himachal Pradesh through Secretary(Personnel)to the Govt. of Himachal Pradesh (here-in-after called the SECOND PARTY) The Second Party has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a .. Director-cum-Warden of Fisheries on contract basis on the following terms & conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Director-cum-Warden of Fisheries 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 the 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 contract amount of the FIRST PARTY will be ₹ 46100/- P.M.
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. The Contractual Director-cum-Warden of Fisheries 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 Director-cum-Warden of Fisheries.

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.

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5. Un-authorized absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. A contractual appointee will not be entitled for contractual amount for the period of absence from duty.
6. An official appointed on contract basis who have completed five years tenure at one place of posting will be eligible for transfer on need based 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 pregnancy 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. Contractual 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 the pay scale..
9. The Employees Group Insurance Scheme as well as EPF/GPF will not be applicable to the contractual appointee(s).

IN THE PRESENCE OF WITNESSES:

1.

(Name and Full Address)

In the presence of witness

2.

(Name and Full Address)

(Signature of the First party)

In the presence of witness

1.

(Name and Full Address)

2.

(Name and Full Address)

(Signature of the Second party)