

Authoritative English Text of this Department Notification No. Fish- A (3)-15/99-II dated 25/05/2018 as required under Clause (3) of Article 348 of the Constitution of India

GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF FISHERIES

No. Fish-A (3)-15/99-II Dated Shimla-2 the,

25/05/2018

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 Recruitment and Promotion Rules for the post of Sub Inspector of Fisheries, Class-III (Non-Gazetted) in the Department of Fisheries, 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, Department of Fisheries, Sub Inspector of Fisheries, Class-III (Non-Gazetted) Recruitment and Promotion Rules, 2018. |
| | (2) These rules shall come into force from the date of publication in the Rajpatra (e-Gazette), Himachal Pradesh. |
| Repeal & savings | 2.(1) The Himachal Pradesh, Fisheries Department, Sub Inspector of Fisheries, Class-III (Non-Gazetted) Executive Services Recruitment and Promotion Rules, 2009 notified vide this Department Notification No. Fish-A (3)-15/99, dated 26/10/2009 are hereby repealed. |
| | (2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed under rule 2(1) supra shall be deemed to have been validly made, done or taken under these rules.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.

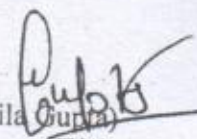


No. Fish-A (3)-15/99-II

Dated: Shimla-2,

25/05/2018

1. JLR-cum- Joint Secretary (Law- opinion) to the Government of H.P., Shimla-2.
2. The Senior Law Officer, Law Department (Hindi), H.P. Secretariat, Shimla-2.
3. The Director-cum-Warden of Fisheries, Himachal Pradesh, Bilaspur- 174001 with 10 spare copies.


(Urmila Gupta)Under Secretary (Fisheries) to the
Government of Himachal Pradesh.

Annexure-"A"

RECRUITMENT AND PROMOTION RULES FOR THE POST OF SUB INSPECTOR OF FISHERIES, CLASS-III (NON-GAZETTED) IN THE DEPARTMENT OF FISHERIES, HIMACHAL PRADESH.

- 1. Name of Post : Sub Inspector of Fisheries
- 2. Number of Post(s) : 17 (SEVENTEEN)
- 3. Classification : Class-III (Non- Gazetted)
- 4. Scale of Pay : (I) Pay band for regular incumbents(s): ₹ 5910-20200 + ₹ 2400 Grade Pay.
(II) Emoluments for Contract Employee(s): ₹ 8310/- as per details given in Col. No. 15-A.
- 5. Whether "Selection post or "Non-Selection" post : Non Selection.
- 6. Age for direct recruitment : Between 18 to 45 years.

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 when 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 adhoc or contract appointment :

Provided further that upper age limit is relaxable for Scheduled Castes/Scheduled Tribes/Other Backward Classes and 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 who were/are subsequently appointed by such Corporations/Autonomous Bodies who are/were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporations/Autonomous Bodies.

Note: 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, as the case may be.

7	Minimum Educational and other qualifications required for direct recruit(s):	<p>a) ESSENTIAL QUALIFICATION(S): Should have passed 10+2 examination with Science or its equivalent from a recognized Board of School Education.</p> <p>b) DESIRABLE QUALIFICATION(S): 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 qualification(s) prescribed for direct recruit(s) will apply in the case of the promotee(s):	<p>Age : Not applicable Educational Qualification: As prescribed against Column No. 11 below.</p>
9.	Period of probation, if any:	<p>(i) Direct Recruitment:</p> <p>(a) 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.</p> <p>(b) No probation in case of appointment on contract basis, tenure basis, re-employment after superannuation and absorption.</p> <p>(ii) Promotion: No probation.</p>

: 3 :

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:	<p>(i) 50% by direct recruitment on a regular basis or by recruitment on contract basis, as the case may be.</p> <p>(ii) 50% by promotion failing which by direct recruitment on a regular basis or by recruitment on contract basis, as the case may be.</p>
11	In case of recruitment by promotion/secondment/transfer, grade(s) from which promotion/secondment/transfer is to be made:	<p>By promotion from amongst the Farm Assistants who are matric pass and also possess five years' regular service or regular combined with continuous adhoc service rendered, if any, in the grade, failing which by promotion from amongst the Farm Assistants who are matric pass and also possess 4 years' regular service or regular combined with continuous adhoc service rendered, if any, in the grade as Farm Assistants and Field Assistants combined, out of which 2 years' service as Farm Assistant is essential.</p>
<p>(I) Provided that for the purpose of promotion every employee shall have to serve atleast one term in the Tribal/ Difficult/ Hard areas and remote/rural areas subject to adequate number of posts(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 except posting/ transfer in remote/ rural area. However, this condition of five years shall not be applicable in cases of promotion:</p> <p>Provided further that Officers/Officials who have not served atleast one tenure in Tribal/Difficult/Hard areas and remote/ rural shall be transferred to such area strictly in accordance with his/her seniority in the respective cadre.</p> <p>Explanation I: For the purpose of proviso (I) supra the "term" in Tribal/Difficult/Hard areas/ remote rural areas shall mean normally three years or less period of posting in such areas keeping in view the administrative exigencies/ convenience.</p> <p>Explanation II: For the purpose of proviso (I) supra the Tribal/Difficult Areas shall be as under:-</p> <ol style="list-style-type: none"> 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 Bhagal 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, 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.

Explanation III: For the purpose of proviso (I) supra the Remote/ Rural Areas shall be as under :-

- i) All stations beyond the radius of 20 Kms. from Sub Division/ Tehsil headquarter.
- ii) All stations beyond the radius of 15 Kms. from State Headquarter and District head quarters where bus service is not available and foot journey is more than 3 (three) Kms.
- iii) Home town or area adjoining to area of home town within the radius of 20 Kms. the employee regardless of its category.

(II) 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.

- (i) Provided 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 followed by regular service/appointment) in the feeder post in view of the provision referred to above, all persons senior to him in the respective

123

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 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 thereunder or recruited under the provision of Rule-3 of the Ex-servicemen (Reservation of vacancies in Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

(i) 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 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.

12.	If a Departmental Promotion/ Confirmation Committee exists, what is its composition:	As may be constituted by Government from time to time.
13.	Circumstances under which the Himachal Pradesh	As required under the Law.

: 6 :

	Public Service Commission (HPPSC) is to be consulted in making 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 post by direct recruitment.	Selection for appointment to the post in the case of direct recruitment shall be made on the basis of merit of written examination followed by evaluation as specified in Appendix-I appended to these rules, or if the Himachal Pradesh Staff Selection Commission or other recruiting agency/ authority, as the case may be, so considers necessary or expedient on the basis of merit of written examination followed by evaluation as specified in Appendix-I appended to these rules, preceded by a screening test (objective type) or practical test or skill test or physical test, the standard/syllabus, etc. of which, will be determined by the Himachal Pradesh Public Service Commission/ other recruitment agency/ authority, as the case may be.

15-A Selection for appointment to the post by contract appointment:

Notwithstanding anything contained in these rules, contract appointment to the post will be made subject to the terms and conditions given below:-

(I) CONCEPT :

- (a) Under this policy, the Sub Inspector of Fisheries in 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 HOD shall issue a certificate that service and conduct of the contract appointee is satisfactory during the year and only than his/ her period of contract is to be renewal/extended.

- (b) The Director, Fisheries after obtaining the approval of the Government to fill up the vacant post(s) on contract basis will place the requisition

125

: 7 :

with the concerned recruiting agency i.e. H.P. Staff Selection Commission, Hamirpur.

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

(II) CONTRACTUAL EMOLUMENTS :

The Sub Inspector of Fisheries appointed on contract basis will be paid consolidated fixed contractual amount @ ₹ 8310/- P.M.(which shall be equal to minimum of pay band+Grade pay). An amount of ₹ 249/- (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.

The Director of Fisheries H.P. will be appointing and disciplinary authority.

(IV) SELECTION PROCESS:

Selection for appointment to the post in the case of contract appointment shall be made on the basis of merit of written examination followed by evaluation as specified in Appendix-I appended to these rules, or if considered necessary or expedient on the basis of merit of written examination followed by evaluation as specified in appendix-I appended to these rules, preceded by a screening test (objective type) or practical test or skill test or physical test, the standard/ syllabus, etc. of which, will be determined by the concerned recruiting agency i.e. Himachal Pradesh Staff Selection Commission Hamirpur/ other recruiting agency/ authority.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS :-

As may be constituted by the concerned recruiting agency i.e. Himachal Pradesh Staff Selection Commission, Hamirpur, from time to time.

(VI) AGREEMENT :

After selection of a candidate, he/she shall sign an agreement as per Appendix- II appended to these rules.

(VII) TERMS AND CONDITIONS:

: 8 :

- (a) The contractual appointee will be paid fixed contractual amount @ ₹ 8310/- P.M. (which shall be equal to minimum of the pay band + Grade Pay). The contract appointee will be entitled for increase in contractual amount @ ₹ 249/-(3% minimum of the Pay Band+ Grade Pay of the post) for further extended years and 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) The Contract appointee will be entitled for one day's casual leave after putting one month's service, 10 days' medical leave and 5 days' special leave, in a calendar year. A female contract appointee with less than two surviving children may be granted maternity leave for 180 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.

- (d) 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 or 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.

- (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 pregnat beyond 12 weeks will stand temporarily unfit till

: 9:

the confinement is over. The women candidate shall be re-examined for the 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/her official duties at the same rate as applicable to regular counter part 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 Caste/ Scheduled Tribes/ Other Backward Classes/ other categories of persons issued by the H.P. Government from time to time.
- 17. Departmental Examination: Not applicable.
- 18. Power 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 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).

.....



129

Form of contract/agreement to be executed between the Sub Inspector of Fisheries & the Government of Himachal Pradesh through Director-cum-Warden of Fisheries, Fisheries Department.

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 Director, Fisheries, Himachal Pradesh(here-in-after called the SECOND PARTY).

Whereas, the Second Party has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a **Sub Inspector 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 **Sub Inspector of Fisheries** 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 the extension/renewal of contract period the HOD will 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 ₹ 8310/- 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 satisfactory.
4. The Contract appointee will be entitled for one day's casual leave after putting one month's service, 10 days' medical leave and 5 days' special leave, in a calendar year. A female contract appointee with less than two surviving children may be granted maternity leave for 180 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.
- 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 the 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 WITNESSES :

1.

 (Name and Full address)

(Signature of the FIRST PARTY)

2.

 (Name and Full address)

(Signature of the SECOND PARTY)