

(Authoritative English text of this Department Notification No. Per (AP)-C-A (3)-7/2010-I Dated 23rd May, 2020 as required under clause (3) of Article 348 of the Constitution of India)

**Government of Himachal Pradesh
Department of Personnel (AP-III)**

No. Per (AP)-C-A (3)-7/2010-I Dated: Shimla-02, 28.05.2020

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 following rules further to amend the Himachal Pradesh, Department of Personnel, Senior Assistant, Class-III (Non-Gazetted) Ministerial Services, Common Recruitment and Promotion Rules, 2011 notified vide this Department Notification No.Per(AP)-C-A(3)-7/2010 dated 3rd August 2011, namely:-

- Short title and Commencement
1. (1) These rules may be called the Himachal Pradesh, Department of Personnel, Senior Assistant, Class-III (Non-Gazetted) Ministerial Services Common Recruitment and Promotion (Fifth Amendment) Rules, 2020.
- (2) These rules come into force from the date of publication in the Rajpatra (e-Gazette) Himachal Pradesh.
- (3) These rules shall be applicable to all the Government Departments of State of Himachal Pradesh:

Provided that these rules shall not apply to the posts of the Vidhan Sabha Secretariat/High Court/Secretariat Administration Department of Himachal Pradesh.

Amendment of Annexure-A

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In Annexure-A to the Himachal Pradesh, Department of Personnel, Senior Assistant, Class-III (Non-Gazetted) Ministerial Services Common Recruitment and Promotion Rules, 2011:-

- (a) For the existing provisions against Col. No.11, the following shall be substituted, namely:-

"By promotion from amongst the Junior Assistants of concerned departments OR Restorer [only in such establishment(s) where the category of Restorer was a feeder category for promotion to the post of Senior Assistant in the prevailing R&P Rules prior to notification of Common R&P Rules for the post of Senior Assistant] subject to possessing of requisite educational qualification of 10+2 or its equivalent like Higher Secondary Part-II, Intermediate etc. with ten years' regular service or regular combined with continuous adhoc service rendered, if any, as Junior Assistant combined with Clerk or Junior Office Assistant(IT).

The seniority will be reckoned from the date of placement of the incumbent(s) as Junior Assistant. In the case of same date of placement, the incumbents will be considered by rotation i.e. on one to one basis so placed from Clerk and Junior Office Assistant (IT) on the said date.

Provided that only those incumbents of Restorer category who have qualified typing test as prescribed for Clerks will be considered for promotion to the post of Senior Assistant;

(I) Provided that for the purpose of promotion every employee shall have to serve at least one term in the Tribal/Difficult/Hard areas and remote/rural areas subject to adequate number of post(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 except posting/transfer in remote/rural area. However, this condition of five years shall not be applicable in cases of promotion:

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Provided further that Officer/Official who has not

served atleast one tenure in Tribal/Difficult/Hard areas and remote/rural areas 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/Hard/remote/rural areas shall mean normally three years or less period of posting in such areas keeping in view the administrative exigencies/convenience.

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 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, 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

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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 on 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. of the employee regardless of its category.

(II) 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:

(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 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 at least three years or that prescribed in the Recruitment &

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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 who have joined Armed Forces during the period of emergency and 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 rule-3 of Ex-Servicemen (Reservation of vacancies in the Himachal Pradesh Technical Service) Rules, 1985 and having been given the benefit of seniority thereunder.

(ii) 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 & Promotion Rules:

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered shall remain unchanged."

By Order

R.D.Dhiman
Addl. Chief Secretary (Personnel) to the
Government of Himachal Pradesh

Endst. No. Per (AP)-C-A (3)-7/2010-1

Dated:

Shimla-2, the

28. 05.2020.

1. All the Administrative Secretaries to the Govt. of H.P. Shimla-2.
2. Addl. LR-cum-Addl. Secretary Law (O) to the Govt. of Himachal Pradesh, Shimla-2.
3. All the Divisional Commissioners in Himachal Pradesh.
4. All the Heads of Departments in Himachal Pradesh.
5. All the Deputy Commissioners in Himachal Pradesh.
6. The Secretary, H.P. Staff Selection Commission, Hamirpur.
7. The Under Secretary, H.P. Public Service Commission, Shimla-2 with reference to his letter No. 6-1/92-PSC-Part, dated 10.12.2019.
8. Controller, Printing & Stationary Department, H.P. Shimla-5.
9. Guard file

(O.P. Bhandari)

Deputy Secretary (Personnel) to the
Government of Himachal Pradesh