Dated: Shimla 171002, the 8th January, 2010.

From
The Secretary (Personnel) to the
Government of Himachal Pradesh.

To
1. All the Principal Secretaries/Secretary to the
   Government of Himachal Pradesh.
   Shimla-171002.
2. All Divisional Commissioners in Himachal Pradesh.
3. All Heads of Departments in Himachal Pradesh.
4. All Deputy Commissioners in Himachal Pradesh.

Subject:- Terms and conditions for the recruitment on contract basis-
amendments thereof.

Sir,

In continuation of the instructions issued by the Finance
Department vide OM No. Kin (C) H (715)/2009 dated the 3rd December, 2009, I am
further directed to make following amendments in the terms and conditions for the
recruitment on contract basis against Col. No. 15-A circulated by this Department vide
letter No. Per (AP)-C-B (2)/99-Vol.-I dated 5.3.2009:-

Col. No. 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 and
conditions given below:-

(I) CONCEPT

(a) Under this policy the (Name of the post) in
Department of (Name of the Department) H.P.
will be engaged on contract basis initially for one year, which
may be extendable on year to year basis.

(b) POST FALLS WITHIN THE PURVIEW OF HP PSC/HP
SSSB :-
The (Designation of the appointing authority)
after obtaining the approval of the Government to fill up the
vacant posts on contract basis will place the requisition with the
ANNUITANTS:

(v) COMMITTEE FOR SELECTION OF CONTRACTUAL

Agency:

The name of the contractual agency to which the concerned contractual employees are desirous of being transferred. The appointment will be made on the basis of seniority list or if necessary, a written application from the concerned employee will be considered for appointment to the post in the cadre of concerned selection procedure.

(vi) SELECTION PROCEDURE:

The selection procedure and disciplinary authority.

(iii) APPOINTING DISCIPLINARY AUTHORITY:

The name of the disciplinary authority (H/P). In the case of an employee who has been appointed on contract basis, the appointment will be considered in accordance with the disciplinary authority prescribed in these Rules.

The selection will be made in accordance with the eligibility having the prescribed qualifications and without the other eligibility.

This selection will be made in accordance with the eligibility.

Subordinate Selection Board: The Subordinate Selection Board, H/P, concerned recruiting agency i.e. H/P. Public Service Commission, H/P.
(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. _______ 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 @ Rs. _____ (3% of 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) Contract Appointee will be entitled for one day casual leave after putting one month service. This leave can be accumulated up to one year. No leave of any other kind is admissible to the contract appointee. He/She shall not be entitled for Medical Re-imbursement and LTC etc. only maternity leave will be given as per rules.

(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 12 weeks will stand temporarily until 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 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.

(h) Provisions of service rules like FR 89, Leave Rules, CPF 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.

ANNEXURE "B"

Form of contract/agreement to be executed between the _______ (Name of the post) and the Government of Himachal Pradesh through _______ (Designation of the Appointing Authority).
6. An official appointed on contract basis will have the authority to:

- Make all necessary arrangements for the period of contract.
- Establish and monitor the performance of the contractor.
- Approve and implement changes to the contract.
- Resolve any disputes that may arise.
- Ensure compliance with all applicable laws and regulations.

7. The appointment of the contractor is subject to the approval of the awarding authority.

8. The contractor will be responsible for:

- Providing all necessary resources.
- Ensuring the project is completed within the specified timeframe.
- Meeting all quality and safety standards.
- Complying with all local regulations.

9. The contractor will be compensated based on the agreed-upon terms.

10. Any disputes will be resolved through arbitration.

R/S

Shi/Min

This agreement is made on this Day of ________ Year _______.
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 counterpart 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 herein to set their hands the day, month and year first, above written.

IN THE PRESENCE OF WITNESS:

1. 

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   (Name and Full Address)

   (Signature of the FIRST PARTY)

2. 

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   (Name and Full Address)

   (Signature of the SECOND PARTY)

Therefore, the Administrative Departments may carry-out such amendment in the concerned Recruitment and Promotion Rules at their own level after getting the draft notifications vetted by the Law Department. These instructions may be brought to the notice of all concerned under you for strict compliance.

Yours faithfully,

[Signature]

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


Copy forwarded to all the Section Officers in H.P. Secretariat, Shimla-171002 for necessary action.

[Signature]

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

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