

12/2/96
(16) (51)

Authoritative English text of this department notification
No. PBW-2-B-8(1)/94 Part dated 13th February, 1996 as required
under clause(3) of Article 348 of the Constitution of India

Government of Himachal Pradesh
Public Works Department

No. PBW-2-B-8(1)/94-Part dated Shimla-17 1002 the 13th February, 1996

NOTIFICATION

The Governor of Himachal Pradesh, in exercise of the powers conferred by proviso to Article 309 of the Constitution of India and in consultation with the H.P. Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Assistant Engineer (Horticulture) (Class-I Gazetted) in the Department of Public Works Himachal Pradesh as per Annexure-A attached to this Notification namely:-

Short title and commencement

- (i) These Rules may be called the Himachal Pradesh Public Works Department Assistant Engineer (Horticulture) (Class-I Gazetted) Recruitment and Promotion Rules, 1996
- (ii) These Rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

By Order

P. S. Rana
FC-cum-Secretary(PW) to the
Govt. of Himachal Pradesh

Endst. No. PBW-2-B-8(1)/94-Part dated Shimla-17 1002 the 13-2-96
Copy forwarded to:-

1. All Administrative Secretaries to the Govt. of Himachal Pradesh.
2. All Heads of Department in Himachal Pradesh.
3. The Secretary, H.P. Public Service Commission, Shimla-2.
4. The Controller Printing and Stationery, H.P. Shimla-5 for publication in the Rajpatra. A copy of the Rajpatra may be supplied to this Department after publication.
5. The Engineer-in-Chief, HPPWD, Shimla-1.
6. The Chief Engineer (North) HPPWD, Dharamshala.
7. The Accountant General (Audit) H.P. Shimla-3.
8. The Sr. Dy. Accountant General (A&E) H.P. Shimla-3.
9. Secretary (GAD) to the Govt. of Himachal Pradesh.
10. A.L.D. (H) Law Deptt. H.P. Sectt. Shimla-2.
11. Spare copies (150 copies).

Joint Secretary(PW) to the
Govt. of Himachal Pradesh

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ARTICLE 'A'

RECRUITMENT AND PROMOTION RULES FOR THE POST OF ASSISTANT ENGINEER (HORTICULTURE), GAZETTED CLASS-I IN THE DEPARTMENT OF PUBLIC WORKS HIMACHAL PRADESH.

1. Name of the post Assistant Engineer(Horticulture)
2. Number of the posts: 3 (Three)
3. Classification: Class-I Gazetted
4. Scale of pay: Rs. 2200-70-2550-75-3000-100-4000
5. Whether selection post or Non- Selection post: Selection.
6. Age for direct recruitment: 45 years and its 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 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 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 Public Sector Corporations and Autonomous Bodies who happened to be Government Servants before absorption in Public Sector Corporation/Autonomous Bodies at the time of initial constitutions of such Corporation/ 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 Corporation/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.

(i) 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 Exchanges or as the case may be.

(ii) Age and experience in the case of direct recruitment relaxable at the discretion of H.P. Public Service Commission in case the candidate is otherwise well qualified.

7. Minimum Education and other Qualifications required for direct recruits:
- a) ESSENTIAL:
 - i) Should be M.Sc.(Agr.Hort.) or M.Sc. (Horticulture) from a recognised University.
 - ii) Should possess three years practical experience in orchard/Nursery Management.

DESIRABLE QUALIFICATIONS

Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.

8. Whether age and educational Qualifications prescribed for direct recruits will apply in the case of promotees.
- i) Age: NA
 - ii) Educational Qualifications: No

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 appointing authority in special circumstances and reasons to be recorded in writing.

10. Method of recruitment : 100% by promotion, failing whether
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by direct recruitment or by promotion, deputation, transfer and the percentage of vacancies to be filled in by various methods.

which by direct recruitment and failing by transfer/deputation.

11. In case of recruitment by promotion, deputation, transfer, grades from which promotion/deputation/transfer is to be made.

By promotion from amongst the Junior Engineer (Horticulture) who possess Bachelor's Degree in Hort./Agr. with six years regular service or regular combined with continuous adhoc (rendered made upto 31.3.91) service, failing which by direct recruitment and failing both by transfer/deputation from amongst the incumbents of analogous posts working in the identical pay scales from other HP Govt. Departments.

- (1) In all cases of promotion, the adhoc service rendered in the feeder post up to 31.3.91, 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 :
- (i) 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 upto 31.3.91) 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 and Promotion Rules for the post,

13. In circumstances under which the H.P.P.S.C. 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) a citizen of India, or
 - (b) a subject of Nepal, or
 - (c) a subject of Bhutan, or
 - (d) a Tibetan refugee who came over to India before 1st January, 1962 with the intention of permanently settling in India.
 - (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African Countries of Kenya, Uganda, the United Republic of Tanzania (Formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India ;

Provided that a candidate belonging to category (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Govt. of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the HP, PSC or other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Govt. of India.

15. Selection for appointment to the 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 H.P. Public Service Commission or other recruiting authorities as the case may be, so consider necessary or expedient by a written test or practical test, the standard/

whichever is less: 7

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the persons 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 recruited under the provisions of Rule-3 of Demobilised Armed Forces Personnel (Reservation of Vacancies in Himachal Pradesh 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 Services) Rules, 1985 and having been given the benefit of seniority thereunder.

- 2) Similarly, in all cases of confirmation, adhoc service rendered on the feeder post upto 31.3.91, if any, prior to the regular appointment against such post shall be taken into account towards the length of service;

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service

rendered upto 31.3.91 shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition :

DPC to be presided over by the Chairman, H.P. Public Service Commission or a member thereof to be nominated by him.

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Syllabus etc. of which, will be determined by the Commission/ other recruiting authority as the case may be.

16. Reservation :

The appointment to the service shall be subject to orders regarding reservation in the service for scheduled castes/ Scheduled Tribes / Backward Classes/other Categories of persons issued by the Himachal Pradesh Government from time to time.

17. Departmental Examination:

1) Every member of the service shall pass a Departmental Examination as prescribed in the Departmental Rules-1976 as amended from time to time, failing which he shall not be eligible to:-
i) Cross the efficiency bar next due,
ii) Confirmation in the service even after completion of probationary period, and

iii) Promotion to the next higher post;

Provided that an officer who has qualified the Departmental Examination in whole or in part prescribed under any rules before the notification of these rules shall not be required to qualify the whole or in part, of the examination as the case may be;

Provided further that an officer for whom no Departmental Examination was prescribed prior to the notification of these rules and who has attained the age of 45 years on 1.3.76 shall not be required to qualify the Departmental Examination prescribed under these rules.

Provided further that an Officer for whom no departmental examination was prescribed prior to the notification of these rules and who had not attained the age of 45 years on 1.3.76 shall not be required to qualify the departmental examination prescribed under these rules.

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after attaining the age of 50-
years for the purpose of (i)
Crossing of efficiency bar next
due and (ii) confirmation in the
service after completion of
probationary period.

2) An Officer on promotion to
higher post in his direct line of
promotion shall not be required
to pass the afresaid examination
if he has already passed the same
in the lower gazetted post.

3) The Government may in
consultation with the Himachal
Pradesh Public Service
Commission, grant in exceptional
circumstances and for reasons
to be recorded in writing,
exemption in accordance with the
departmental examination rules to
any class or category of persons
from the departmental examination
in whole or in part provided that
such officer is not likely to be
considered for any other
higher promotion before the date
of his superannuation.

18. Power to Relax :

Where the State Government is
of the opinion that it is
necessary or expedient to do so,
it may, for reasons to be recorded
in writing relax any of the
provisions of these Rules with
respect to any class or category
of persons or posts.

GOVERNMENT OF HIMACHAL PRADESH
• PUBLIC WORKS DEPARTMENT

No. PBW-2-B-8(1)/94

Dated: Shimla-2.

17.5.2000.

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 following rules to amend the Himachal Pradesh Public Works Department Assistant Engineer (Horticulture)(Class-I, Gazetted) Recruitment and Promotion Rules, 1996 notified vide this Department notification of even number dated 13.2.96, namely:

Short title and
Commencement

1. (1)

These rules may be called the Himachal Pradesh Public Works Department, Assistant Engineer (Horticulture) (Class-I, Gazetted) Recruitment and Promotion (first amendment) Rules, 2000.

(2)

These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

Amendments in
Annexure-"A"

2.

In annexure-"A" to the Himachal Pradesh Public Works Department Assistant Engineer (Horticulture) (Class-I, Gazetted) Recruitment and Promotion Rules, 1996:-

(a)

For the existing provision against Column No-4, the following shall be substituted, namely:-

"Rs.7880-220-8100-275-10300-340-12000-375-13500
(Initial start with Rs.8000)"

(b)

For the existing provision against Column No-11, the following shall be substituted, namely:

"By promotion from amongst the Junior Engineer(Horticulture)

who possess Bachelor's Degree in Horticulture/Agriculture with six years regular service or regular combined with continuous adhoc (rendered upto 31.3.98) service, failing which by direct recruitment and failing both by transfer/deputation from amongst the incumbents of analogous posts working in the identical pay scales from other HP Government Departments.

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In all cases of promotion, the continuous adhoc service rendered in the feeder post upto 31.3.1998, 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 becomes eligible for consideration by virtue of his total length of service (including the service rendered on adhoc basis upto 31.3.98 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 also possess the minimum qualifying service of at least three years or that prescribed in the Recruitment and 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 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 recruited under the provisions of Rule-3 of Demobilised Armed Forces Personnel (Reservation of Vacancies in Himachal Pradesh 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

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-:3:-

in the Himachal Pradesh. Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

(2)

Similarly, in all cases of confirmation continuous adhoc service rendered on the feeder post up to 31.3.98, if any, prior to the regular appointment/promotion against such posts shall be taken into account towards the length of service, if the adhoc appointment/promotion against such posts been made after proper selection and in accordance with the provisions of the R&P Rules;

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered upto 31.3.98 as referred to above shall remain unchanged.

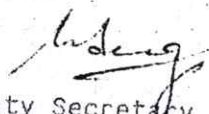
By Order

Kanwar Shamsher Singh
FC-cum-Secretary (PW) to the
Government of Himachal Pradesh.
Dated: Shimla-2, 17.5.2000.

Endst.No.PBW-2-B-8(1)/94

Copy is forwarded to the :-

1. The Engineer-in-Chief, HP.PWD Shimla-171001.
2. All the Chief Engineers/Superintending Engineers, HPPWD.
3. The Joint Secretary (Per./Finance/Law) to the Govt. of Himachal Pradesh.Shimla-2.
4. The Sr.Law Officer (Hindi) Law Department, HP, Shimla-2.
5. The Controller, Printing and Stationery, HP, Shimla-5 for publication in the H.P. Rajpatra.


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

(169) (63)

(AUTHORITATIVE ENGLISH TEXT OF THIS DEPARTMENT
NOTIFICATION NO. PBW-2-B-8(1)/94 DATED 2-1-06 AS REQUIRED
UNDER CLAUSE (3) OF ARTICLE 348 OF THE CONSTITUTION OF
INDIA)

Government of Himachal Pradesh
Public Works Department

No. PBW-2-B-8(1)/94

Dated : Shimla-2, the

9/1/2006

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 following Rules further to amend the Himachal Pradesh, Public Works Department, Assistant Engineer (Horticulture) Class-I (Gazetted), Recruitment and Promotion, Rules, 1996 notified vide this Department notification of even number dated 13.2.96, namely:

Short title
commencement

and 1. (i)

These rules may be called the Himachal Pradesh Public Works Department, Assistant Engineer (Horticulture) Class-I (Gazetted), Recruitment and Promotion (Second amendment) Rules, 2006.

(ii) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

Amendment
Annexure-"A"

of 2.

In Annexure-"A" to the Himachal Pradesh Public Works Department, Assistant Engineer (Horticulture) Class-I (Gazetted) Recruitment and Promotion Rules, 1996;

(a) For the existing provision against Col.No.2, the following shall be substituted namely:-

"4 (Four)" + 1 10/9/18

(b) For the existing provision against Col.No.4, the following shall be substituted namely:-

(a) "Rs.7880-220-8100-275-10300-340-12000-375-13500 (with initial start of Rs.8000/- entry scale)

(b) Rs.10025-275-10300-340-12000-375-13500-400-15100 (After 4 years

-2/-

service in the entry scale)

(c) Rs.12000-375-13500-400-15500
(After 9 years service in the entry scale)

(d) Rs.14500-400-15900-450-18150
(After 11 year service in the entry scale)

(c) For the existing provision against Col.No.10, the following shall be substituted namely:-

"Method of recruitment-whether by direct recruitment or by promotion, deputation, transfer and the percentage of posts to be filled in by various methods."

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

"By promotion from amongst the Junior Engineer (Horticulture) who possess Bachelor's Degree in Horticulture/Agriculture with six years regular service or regular combined with continuous adhoc service rendered in the grade, failing which by direct recruitment and failing both by transfer/deputation from amongst the incumbents of analogous posts working in the identical pay scales from other HP Government Departments."

(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 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 all cases where a junior person becomes 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 at least 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 proceeding proviso, the person(s) junior to him/her shall also be deemed to be ineligible for consideration for such promotion.

Explanation:- The last proviso shall not render the junior incumbent(s) ineligible for consideration for promotion if the senior ineligible person(s) happened to be ex-service-men recruited under the provisions of Rule-3 of the Demobilized Armed Forces Personnel (Reservation of vacancies in Himachal State Non-Technical Service), Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rule-3 of the Ex-servicemen (Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

2) Similarly, in all cases of confirmation, adhoc service rendered on the feeder post, if any, prior to the regular appointment/promotion against such post 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 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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- (c) For the existing provision against Col.No.14, the following shall be substituted namely:-

"A candidate for appointment to any service or post must be a citizen of India.

- (d) For the existing provision against Col.No.16, the following shall be substituted namely:-

"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."

- (e) For the existing provision against Col.No.17, the following shall be substituted namely:-

"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."

By Order

Principal Secretary (PW) to the
Government of Himachal Pradesh

Endstr.No. PBW-2-B-8(1) 94

Dated : Shimla-2, the

9/11/2006

Copy forwarded for information and necessary action to:-

1. The Engineer-in-Chief, HPPWD Shimla-171001.
2. All the Chief Engineers, HP,PWD.
3. All the Superintending Engineers/Executive Engineers, HP,PWD.
4. The Secretary, HP,PSC, Shimla-2.
5. Joint Secretary (Personnel Finance Law), Govt. of H.P., Shimla-2.
6. The Accountant General, HP Shimla-3.
7. Sr.Law Officer (Hindi),Law Deptt. HP Sectt., Shimla-2.
8. The Controller, Printing and Stationery, HP Govt. Press, Shimla-5 for publication in the HP Rajpatra. He is requested to supply five copies of the Rajpatra to this Department..

Under Secretary (PW) to the
Government of Himachal Pradesh.