

(Authoritative English Text of this Department's Notification No.SJE-B-B(1)-4/2015 dated 24/08/2016 as required under clause (3) of article 348 of the Constitution of India)

Government of Himachal Pradesh  
Department of Social Justice & Empowerment.

No. SJE-B-B(1)-4/2015      Dated, Shimla-2,the      24<sup>th</sup> August, 2016.

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 & Promotion Rules for the post of Law Officer, Class-II(Gazetted) in the Directorate of SCs, OBCs & Minority Affairs, under the Department of Social Justice and Empowerment, 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 Social Justice Empowerment, Directorate of SCs, OBCs & Minority Affairs, Law Officer, Class-II (Gazetted) Recruitment and Promotion Rules, 2015.
- (2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

By order

Secretary(SJ&E)to the  
Government of Himachal Pradesh.

**RECRUITMENT AND PROMOTION RULES FOR THE POST OF LAW OFFICER, CLASS-II (GAZETTED) IN THE DIRECTORATE OF SC, OBCs & MINORITY AFFAIRS UNDER THE DEPARTMENT OF SOCIAL JUSTICE & EMPOWERMENT, HIMACHAL PRADESH.**

1.	Name of the post	Law Officer
2.	Number of post(s)	01 (One)
3.	Classification	Class-II (Gazetted)
4.	Scale of Pay	(i) <u>Pay Band for regular incumbent(s):</u> Pay Band Rs.10300-34800+Rs 4400/-Grade Pay (ii) <u>Emoluments for contract employee(s):</u> Rs 14,700/- as per details given in Column-15-A
5.	Whether "Selection" or "Non-Selection" Post`	(i) <u>Placement:</u> Not applicable (ii) <u>Promotion:</u> Selection
6.	Age for direct Recruitment	18 to 45 years.
	<p>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:</p> <p>Provided further that if a candidate appointed on adhoc basis or on contract basis had become over-age on the date 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 such adhoc or contract appointment:</p> <p>Provided further that upper age limit is relaxable for Scheduled Caste/ Scheduled Tribe / Other categories of persons to the extent permissible under the general or special order (s) of the Himachal Pradesh Government:</p> <p>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 Corporation/ 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 and who are/were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporation/Autonomous Bodies.</p> <p>(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 Exchanges or as the case may be.</p> <p>(2) Age and experience in the case of direct recruitment, are relaxable at the discretion of the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.</p>	
7.	Minimum educational and other qualification required for direct recruits	(a) <u>ESSENTIAL QUALIFICATION:-</u> Professional degree in Law from a recognized University with 5 years experience as a practicing Advocate or 5 years experience in legal matters

		<p>while working in a Government/Semi Government Institution.</p> <p>(b) <u>DESIRABLE QUALIFICATION(s):-</u>  Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointments 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: Yes</p>
9.	Period of probation, if any	<p>(a) <u>Direct recruitment:</u>  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 the case of appointment on contract basis, tenure basis, re-employment after superannuation and absorption.</p> <p>(c) <u>Placement:</u>  No probation.</p> <p>(d) <u>Promotion :</u>  Two years or the period of probation prescribed for the direct recruitment to the post, if any, in the case of promotion from one group to another.</p>
10.	Method of recruitment, whether by direct recruitment or by promotion, secondment, transfer and the percentage of post(s) to be filled in by various methods.	100% by placement failing which by promotion failing both on secondment basis failing all by direct recruitment on a regular basis or by recruitment on contract basis, as the case may be.
11.	In case of recruitment by promotion, secondment, transfer, grade from which promotion/deputation/ transfer is to be made.	By placement (strictly on the basis of seniority) from amongst the Senior Assistant(s) subject to possessing a recognized professional degree in Law with 03 years experience of dealing with legal matters in the department failing which by promotion from amongst the incumbents of Common Clerical Cadre (which includes Clerk/Junior Assistant) subject to possessing a recognized professional degree in Law with 10 (ten) years regular service or regular combined with continuous adhoc service, if any, in the cadre including 05 (five) years experience of dealing with legal matters

		<p>in the department failing both on secondment basis from amongst the incumbents of this post working in the identical pay scale from other Himachal Pradesh Government Departments failing all by direct recruitment:</p> <p>Provided that for the purpose of placement or promotion a select list of all eligible officials shall be prepared wherein the incumbents with higher pay scales shall be kept enbloc above the eligible persons and thereafter the incumbents next in the lower pay scales be placed below it and so on:</p> <p>Provided further that for the purpose of placement or promotion a combined seniority list of all the eligible officials of the feeder posts shall be prepared on the basis of their length of service in their respective grades without disturbing their inter-se-seniority in their respective cadres:</p>
	<p>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 post (s) available in such areas:</p> <p>Provided further that the proviso (1) supra shall not be applicable in the case of those employees who have five years or less service, left for superannuation:</p> <p>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.</p> <p><u>Explanation-I</u>:- 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.</p> <p><u>Explanation-II</u> :- For the purpose of proviso-I supra the Tribal / Difficult areas shall be as under:-</p> <ol style="list-style-type: none"> <li>1. District Lahaul &amp; Spiti.</li> <li>2. Pangi and Bharmour Sub Division of Chamba District.</li> <li>3. Dodra Kaware Area of Rohru Sub-Division</li> <li>4. Pandrah Bis Pargana, Munish Darkali and Gram Panchyat Kashapat, Gram Panchayats of Rampur Teshil of District Shimla.</li> <li>5. Pandrah Bis Pargana of Kullu District.</li> <li>6. Bara Bhangal Areas of Baijnath Sub Division of Kangra District.</li> <li>7. District Kinnaur.</li> <li>8. Kathwar and Korga Patwar Circles of Kamraur Sub Tehsil, Bhaladh Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmaur District.</li> <li>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, Chinuni,</li> </ol>	

	<p>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.</p> <p>(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&amp; P Rules:</p> <p>Provided that in 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:</p> <p>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 R&amp;P Rules for the post, whichever is less:</p> <p>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/her shall also be deemed to be ineligible for consideration for such promotion:</p> <p><u>Explanation:-</u> 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-Servicemen recruited under the provisions of Rule-3 of the Demobilized Armed Forces Personnel (Reservation of vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority there-under or recruited under the provisions of Rule-3 of the Ex-Serviceman (Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there-under.</p> <p>(2) Similarly, in all cases of confirmation, continuous 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&amp;P Rules:</p> <p>Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.</p>	
12.	If a Departmental Promotion Committee exists, what is its composition?	<p>(a) <u>For Placement:</u> As may be constituted by the Government from time to time.</p> <p>(b) <u>For Promotion:</u> D.P.C. to be presided over by the Chairman, Himachal Pradesh Public Service Commission or a Member thereof to be nominated by him.</p>
13.	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 direct recruitment	A candidate for appointment to any service or post must be a citizen of India.
15.	Selection for appointment	Selection for appointment to the post in the case of direct

	To the post by direct recruitment	recruitment shall be made on the basis of interview/personality test, if the Himachal Pradesh Public Service Commission or other recruiting agency/ authority as the case may be, so consider necessary or expedient on the basis of interview/ personality test preceded by a screening test (Objective type)/ written test or practical test or physical test, the standard/syllabus etc. of which, will be determined by the Commission or other recruiting agency / authority, as the case may be.
15-A	Selection for appointment to the post by contract appointment	<p>Notwithstanding anything contained in these Rules, Contract appointments to the post will be made subject to the terms and conditions given below:-</p> <p>(1) <u>CONCEPT:</u></p> <p>(a) Under this policy the Law Officer in the Directorate of SCs, OBCs &amp; Minority Affairs under the Department of Social Justice &amp; Empowerment, H.P. will be engaged on contract basis initially for one year; which may be extendable on year-to-year basis:</p> <p>Provided that for extension / renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his period of contract is to be renewed/extended.</p> <p>(b) <u>POST FALLS WITHIN THE PURVIEW OF HPPSC:</u> The Secretary (SJ&amp;E) to the Government of H.P. after obtaining the approval of the Government to fill up the vacant posts on contract basis will place the requisition with the concerned recruiting agency i.e. H.P. Public Service Commission.</p> <p>(C) The selection will be made in accordance with the eligibility conditions prescribed in these R&amp;P Rules.</p> <p>(II) <u>Contractual Emoluments:</u> The Law Officer appointed on contract basis will be paid consolidated fixed contractual amount @ Rs. 14,700/-per month (which shall be equal to minimum of the payband + grade pay). An amount of Rs. 441/- (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.</p> <p>(III) <u>APPOINTING/ DISCIPLINARY AUTHORITY:</u></p> <p>The Secretary (SJ&amp;E) to the Government of H.P. will be appointing and disciplinary authority.</p>

(IV) SELECTION PROCESS:

Selection for appointment to the post in the case of direct recruitment shall be made on the basis of interview/ personality test, if the Himachal Pradesh Public Service Commission or other recruiting agency/authority as the case may be, so consider necessary or expedient on the basis of interview/personality test preceded by a screening test (objective type)/written test or practical test or physical test, the standard/ syllabus, etc. of which , will be determined by the Commission or other recruiting agency/authority as the case may be.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENT:

As may be constituted by the concerned recruiting agency i.e. the H.P. Public Service Commission from the 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 contract appointee will be paid fixed contractual amount @ Rs. 14700/- per month (which shall be equal to minimum of pay band + grade pay) The contract appointee will be entitled for increase in contractual amount Rs. 441/- ( 3% of the 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) Contractual appointee will be entitled for one-day's casual leave after putting one month service. However, the contract appointee will also be entitled for 135 days Maternity leave, 10 days Medical Leave and 5 days Special Leave. A female contract appointee will 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 Government Medical Officer. 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 contract appointee.

Provided that the un-availed Casual Leave Medical

		<p>Leave and Special Leave can be accumulated upto the Calendar Year and will not be carried forward for the next Calendar Year.</p> <p>(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 for unauthorized 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:</p> <p>Provided that he / she shall submit the certificate of illness / fitness issued by the Medical Officer, as per prevailing instructions of the Government.</p> <p>(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.</p> <p>(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 unfit till the confinement is over. The women candidate will be re-examined for the fitness from an authorized Medical Officer / Practitioner.</p> <p>(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.</p> <p>(h) Provisions of service rules like FR SR, Leave Rules, GPF Rules, Pension Rules &amp; 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.</p>
16.	Reservation	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.
17.	Departmental Examination	Every member of the service shall pass the Departmental Examination as prescribed in the H.P. Departmental Examination Rules, 1997.
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 provisions(s) of these Rules with respect to any Class or Category of person(s) or post (s).
--	--	---

\*\*\*\*\*

Form of contract/agreement to be executed between the Law Officer & the Government of Himachal Pradesh through \_\_\_\_\_(Designation of the Appointing Authority)

This agreement is made on this \_\_\_\_\_ day of \_\_\_\_\_ in the Year \_\_\_\_\_ between \_\_\_\_\_ Sh/Smt.S/o/D/oShri \_\_\_\_\_ R/o \_\_\_\_\_ contract appointee (hereinafter called the (FIRST PARTY), AND The Governor, Himachal Pradesh through \_\_\_\_\_(Designation of the Appointment Authority) Himachal Pradesh (here-in-after the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Law Officer on contract basis on the following terms & conditions:—

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Law Officer 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 extension /renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his period of contract is to be renewed/extended.

2. The contract salary of the FIRST PARTY will be Rs. R 14700/- Per month.
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.
4. Contractual Law Officer will be entitled for one day casual leave after putting one month service. However, the contract appointee will also be entitled for 135 days maternity leave, 10 days medical leave and 5 days special leave. 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 authorised Government Medical Officer. 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, medical leave and special leave can be accumulated up to the calendar year and will not be carried forward for the next calendar year.

5. Unauthorised 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. A Law Officer appointed on contract basis who have 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 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. Contract appointee shall be entitled to TA/DA if required to go on tour in connection with his official duties at the same rate as applicable to regular counterpart official at the minimum of the pay scale.
9. The Employees Group Insurance Scheme as well as EPGF/GPF will not be applicable to the contractual appointee.

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. ....  
.....  
.....

(Name and Full Address)

(signature of the FIRST PARTY)

2. ....  
.....  
.....

(Name and Full Address)

(signature of the SECOND PARTY)