

[Authoritative English Text of Government Notification No. Per (AP)-C-A (3)-1/2010 dated 14th September, 2011 as required under clause (3) of Article 348 of the Constitution of India].

DEPARTMENT OF PERSONNEL (AP-III)

NOTIFICATION

Shimla-171002, 14th September, 2011

No. Per (AP)-C-A (3)-1/2010.—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 Common Direct Recruitment and Promotion Rules for the post of Clerk, Class-III (Non-Gazetted) Ministerial Services in various Departments of the Government of Himachal Pradesh as per Annexure-I attached to this notification, namely:-

1. **Short title, Commencement and application.**—(1) These rules may be called the Himachal Pradesh, Department of Personnel, Clerk, Class-III (Non-Gazetted) Common Direct Recruitment and Promotion Rules, 2011.

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

(3) These rules shall be applicable to all the Government Departments of State of Himachal Pradesh :

Provided that the method of direct recruitment provided in Recruitment and Promotion Rules for the posts of Clerk under various Departments of the Himachal Pradesh Government issued from time to time, shall cease to operate:

Provided further that these Rules shall not apply to the posts of the Vidhan Sabha Secretariat/ High Court of H.P. Repeal and savings 2. (1) The Himachal Pradesh Class-III Services (Clerk/Steno Typist/Statistical Assistant) Common Recruitment Rules, 2007 notified vide this Department Notification No. Per (AP-C) A (3)-2/99, dated 13.4.2007, are hereby repealed to the extent these pertains to the post of Clerk.

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed under sub-rule (1) supra, shall be deemed to have been validly made or done or taken under these rules.

By order,
MANISHA NANDA,
Principal Secretary (Personnel).

Annexure-I

Common Direct Recruitment & Promotion Rules for the posts of Clerk in various Departments
of Himachal Pradesh Government

1. **Name of Post.**—Clerk
2. **Number of Posts.**—As sanctioned and may be sanctioned by the Government from time to time in the concerned Departments.

3. **Classification.**—Class-III (Non-Gazetted) (Ministerial Services).

4. **Scale of Pay :** i) Pay Band for regular incumbents:
₹ 5910-20200/- + ₹ 1900/- Grade Pay
ii) Emoluments for Contract Employees:
₹ 7810/- as per details given in Col. 15-A.

5. **Whether "Selection" Post or "Non-Selection" Post.**—Non-Selection.

6. **Age for Direct recruitment.**—Between 18 years and 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 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 the Public Sector Corporations and Autonomous Bodies who happened to be Government Servant before absorption in Public Sector Corporations/Autonomous Bodies at the time of initial constitution 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 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.

(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, as the case may be.

(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.

7. **Minimum Educational and other qualifications required for direct recruitment.**—a) **ESSENTIAL QUALIFICATION :** i) Should have passed 10+2 Examination or its equivalent from a recognized Board of School Education/ University.

ii) Should possess a minimum speed of 30 words per minute in English typewriting or 25 words per minute in Hindi typewriting **on Computer.**
iii) Should have the knowledge of 'Word Processing' in Computer as prescribed by the Recruiting Authority.

b) **DESIRABLE QUALIFICATION (S):** Knowledge of customs, manner 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 the promotees.—Age : Not Applicable. Educational Qualifications : As Prescribed in Col. No. 7 above & in Col. No. 11 below.

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 the competent authority in special circumstances and reasons to be recorded in writing.

10. Method of recruitment, whether by direct recruitment or by promotion, deputation, transfer and the percentage of posts to be filled in by various methods.—i) 70% by direct recruitment on a 'regular' basis or by recruitment on contract basis, as the case may be. The contract employees will get emoluments as given in Col. 15-A and will be governed by service conditions as specified in the said column.

ii) 20% by limited direct recruitment from amongst the 'regular' Class-IV officials possessing the 10+2 qualification through competitive examination to be conducted by the H.P. Subordinate Services Selection Board, Hamirpur, having five years regular service OR regular combined with continuous service rendered on daily wages or on contract basis failing which by direct recruitment on a regular basis or by recruitment on contract basis, as the case may be. The contract employees will get emoluments as given in Col. 15-A and will be governed by service conditions as specified in the said column.

iii) 10% by promotion failing which by direct recruitment on a regular basis or by recruitment on contract basis, as the case may be. The contract employees will get emoluments as given in Col. 15-A and will be governed by service conditions as specified in the said column.

11. In case of recruitment by promotion deputation, transfer, grades from which promotion/deputation/transfer is to be made.—i) 20% by limited direct recruitment from amongst the 'regular' Class-IV officials possessing 10+2 qualification through competitive examination to be conducted by the H.P. Subordinate Services Selection Board, Hamirpur, having five years regular service OR regular combined with continuous service rendered on daily wage or on contract basis. The eligible Class-IV officials will also qualify the typing test with the minimum speed of 30 words per minute in English Typewriting OR 25 words per minute in Hindi Typewriting to be conducted by the H.P. Subordinate Services Selection Board, Hamirpur as is applicable in case of direct recruitment.

ii) 10% by promotion from amongst the Class-IV officials who have passed 10+2 examination or its equivalent from a recognized Board of School Education/University and possess five years regular service or regular combined with continuous adhoc service rendered, if any, in the grade:

Provided that if a Class-IV official is otherwise eligible to be promoted to the post of Clerk with the qualification Matric or Hindi Rattan with Matric (English) then he/she will be so promoted but shall have to acquire the qualification of 10+2 standard within 03 years. If the candidate fails to acquire the 10+2 qualification by 31.12.2011, then he shall be reverted from Clerk to the Class-IV post:

Provided further that the above proviso shall not render such Class-IV officials having qualification of Matric or its equivalent, ineligible for promotion to the post of Clerk against 10% quota, who were in the cadre of Class-IV after attaining the age of 50 years:

Provided further that all the Class-IV officials so promoted as Clerks will qualify the typing test with a minimum speed of 30 words per minute in English Typewriting or 25 words per minute

Hindi Typewriting within the probation period which will be conducted by the concerned Departments and the incumbents will get three chances during the probation period. If the candidate fails to qualify the typing test within the prescribed period, their probation period will be extended. During this period the incumbents will get one more chance. If the candidate still fails to qualify the typing test in the extended period, they will be reverted from Clerk to Class-IV posts.

For the purpose of promotion a combined seniority of eligible Class-IV officials on the basis of length of service without disturbing their cadre wise inter-se-seniority shall be prescribed. A (I) 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:

Provided further that the proviso A (I) supra shall not be applicable in the case of those employees who have five years or less service, left for superannuation:

Provided further that Officers/Officials who have not served at-least one tenure in Tribal/difficult area shall be transferred to such area strictly in accordance with his/her seniority in the respective cadre.

Explanation I.—For the purpose of proviso A(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.

Explanation II.—For the purpose of proviso A(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 Kaware Area of Rohru Sub Division.
4. Pandrah Bis Pargana, Mumish Darkali and Gram Panchyat Kashapat, Gram Panchayats 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, Songad 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.

(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 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 & 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 recruited under the provisions of Rule-3 of Demobilized Armed Forces Personnel (Reservation of Services 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 Services) 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 as referred to above shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition.—As may be constituted by the Govt. from time to time.

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 a direct recruitment.—A candidate for appointment to any service or post must be a Citizen 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 Himachal Pradesh Public Service Commission or other recruiting authority, as the case may be, so consider necessary or expedient by a written test or practical test, the standard/syllabus, etc. of which, will be determined by the Commission OR other recruiting authority, as the case may be.

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 Clerk 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:

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.

(b) **POST FALLS WITHIN THE PURVIEW OF HP SSSB.**—The HOD (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 concerned recruiting agency i.e. H.P. Subordinate Services Selection Board, Hamirpur.

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

(II) **CONTRACTUAL EMOLUMENTS.**—The Clerk appointed on contract basis will be paid consolidated fixed contractual amount @ ₹ 7810 P.M. (which shall be equal to minimum of the pay band + grade pay). An amount of ₹ 240 (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 Head Of the Department (Designation of the appointing authority) H.P. will be appointing and disciplinary authority.

(IV) **SELECTION PROCESS.**—Selection for appointment to the post in the case of Contract Appointment will be made on the basis of viva-voce test or if considered necessary or expedient by a written test or practical test the standard/syllabus etc. of which will be determined by the concerned recruiting agency i.e. HPSSSB.

(V) **COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS.**—As may be constituted by the concerned recruiting agency i.e. the Himachal Pradesh Subordinate Services Selection Board, Hamirpur from 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 contractual appointee will be paid fixed contractual amount @ ₹ 7810 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 @ ₹ 240 (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 Reimbursement 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 unfit till the confinement is over. The women candidate will be reexamined 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 officials 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. They will be entitled for emoluments etc. as detailed in this Column.

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.**—Not Applicable.

18. **Power to Relax.**—Where the State Govt. 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 H.P. 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).

ANNUEXURE-"B"

Form of contract/agreement to be executed between the clerk (Name of the post) and 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/o Shri _____ R/o _____ Contract appointee (hereinafter called the FIRST PARTY), AND the Governor of Himachal Pradesh through _____ (Designation of the Appointing Authority) Himachal Pradesh (here-inafter called the SECOND PARY).

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

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Clerk for a period of 1 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 further 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.