

FOREST, FISHERIES & ANIMAL HUSBANDRY DEPARTMENT

NOTIFICATION

The 21st March 1977 March 1977 March 1977

S.R.O. No.202/77- In pursuance of the proviso to Article 309 of the Constitution of India, the Governor of Orissa is please to make the following rules for regulation of the methods of recruitment and the conditions of service of persons appointed to the Orissa Fisheries Service, Class II, namely:-

PART I

GENERAL

1. Short title and commencement – (1) These rules may be called the “Orissa Fisheries Service, Class II (Recruitment and Conditions of Service) Rules, 1977.

(2) These rules shall come into force at once:

Provided that nothing in these rules shall be construed as affecting or invalidating appointments already made and that all such appointments and orders shall continue to be in force and shall, so far as may be, be deemed to have been made or issued under the appropriate provisions of these rules:

Provided further that Government, may, by an order, direct that any of these rules shall not apply to the officers already appointed under the rules or orders in force immediately before the commencement of these rules or shall apply to them with such modification as the Government may specify in the direction.

2. Composition and status of the service – The Orissa Fisheries Service, Class II shall be a Gazetted State Service and shall be divided in to two Branches – the Senior Branch and the Junior Branch.

3. Definitions – In these rules unless there is anything repugnant in the subject or context:-

- (a) “Commission” means the Orissa Public Service Commission;
- (b) “Committee” means the Departmental Selection Committee constituted in pursuance of rule 19;
- (c) “Government” means the Government of Orissa;
- (d) “Governor” means the Governor of Orissa;
- (e) “Scheduled Castes and Scheduled Tribes” means such Castes and Tribes as may be notified by the President of India under Articles 341 and 342 of the Constitution of India respectively; and
- (f) “Service” means the Orissa Fisheries Service, Class – II.;
- (g) “State” means the State of Orissa;
- (h) “Year” means a calendar year.

PART II

CADRE

4. (i) On the date of coming into force of these Rules, the cadre of the Orissa Fisheries Service, Class II shall consist of the following classes of Officers:-

- (a) 14 posts of Assistant Director of Fisheries in the Senior Branch of the Service, and
 - (b) 27 posts of Superintendent of Fisheries in the Junior Branch of the Service including one post of Co-ordination Officer and one post of Statistical Officer,
- (ii) Government may re-determine from time to time the strength of this service and may create additional permanent or temporary posts in the cadre of the service. They may keep in abeyance or leave unfilled any post or posts in the cadre.

PART III

RECRUITMENT

Sources of recruitment and filling up of vacancies

5. (i) Save as otherwise provided, recruitment to the Senior and Junior Branches of the Service will be made in the following manner-

- (a) Posts in Senior Branch will be filled up by promotion from among officers of the Junior Branch in accordance with Rule 15,.....
- (b) The Posts in the Junior Branch will be filled up by direct recruitment and by promotion. The percentage of the posts to be filled up by direct recruitment will be 50 percent of the total number of vacancies for the year and the remainder by promotion from the Orissa Fisheries Sub-ordinate Service.

(Amended in F.F. & A.H. Deptt. Notification No. 2823/Fy. AH. Dt. 5.2.86)

(2) Government will ordinarily decide in January each year the number of vacancies in the Services which are likely to occur in the year. On the basis of this calculation they should determine the number of posts in the junior Branch which are to be filled up by direct recruitment and the number to be filled up by promotion to both Branches of the Service.

PART IV

6. Direct recruitment – The Commission shall announce in such manner as they think fit the number of vacancies to be filled in any year by direct appointment and shall invite applications from candidates eligible for appointment to the Junior Branch of the Service.

7. Candidates should ordinarily be permanent residents of the State as defined in Resolution, No. 38- Reforms, dated the 18th January 1949 and shall be required to file along with their applications a declaration in the prescribed form obtainable from the Secretary to the Commission.

8. A Candidate must – (i) be of good character,

(ii) be of sound health, good physique and active habits and free from organic defects or bodily infirmity.

(iii) be under 28 years and over 21 year of age on the first day of August of the year in which applications are invited provided that Government may relax the upper age limit in cases of candidates belonging to Scheduled Caste and Scheduled Tribes:

Provided further that Government may decide in each recruitment year the extent to which the age-limit should be relaxed in respect of general candidates having regard to the fact that no direct recruitment has been made in each consecutive year since previous such recruitment.

(iv) A candidate for appointment to the Junior Branch of the Service must hold -

(a) a second class Master's degree either in Zoology or in Marine Biology; or

(b) a Bachelor's degree in Fishery Science from a recognized University in India or abroad.

Provided that the qualification prescribed for a Bachelor's degree in Fishery Science shall be considered as a preferential qualification".

(Amended in F.F.& A.H. Deptt. Notification No. 2823-Fy. AH, \ Dt. 5.2.86)

(c) He has passed a test in Oriya equivalent to the Middle English standard.

(3) Reservation in direct recruitment – Such percentage of vacancies in any year as may be determined by Government from time to time by any general or special order, shall be reserved for candidates belonging to the Scheduled Castes or Scheduled Tribes subject to the condition that such candidates satisfy the minimum standard of suitability as may be prescribed at the discretion of the commission.

10. (1) Every candidate shall submit to the Secretary to the Commission his application in his own handwriting in the prescribed form, obtainable from the Secretary to Commission, so as to reach him not later than such date as may be notified by the Commission in this behalf.

(2) With the application the candidate shall furnish all information required and other particulars and documents as may be required by the Commission. In particular, he shall submit-

(i) a treasury chalan showing payment of a sum of Rs. 5 (Rs. 1.25 if a candidate belongs to any of Scheduled Castes or Scheduled Tribes) Credited to the Government as application fee which shall not ordinarily be refunded;

(ii) evidence that he possess requisite qualifications as prescribed in rule 8 (iv);

(iii) evidence of age, which should ordinarily Matriculation or Cambridge Certificate.

NOTE - Copies of certificates and other documents, required under items (ii) and (iii) above duly attested by a Gazetted Officer of Government shall be submitted with application but the originals shall be produced at the time of interview.

11. The Commission will consider all applications received and interview such candidates as they consider likely to be suitable for appointment. They may at their discretion appoint and expert to act. as adviser at the interview.

12. The Commission shall from among the candidates interviewed, nominate and arrange in order of preference required number of candidates for appointment subject to availability of suitable candidates, and submit to Government a report to that effect.

13. The final selection of the candidate or candidates for appointment shall be made by Government from amongst those recommended by the Commission provided that the Government are satisfied after such enquiry as may be considered necessary that the candidate is suitable in all respects for appointment to public service.

PART - V

14. Promotion- Promotion to the Senior Branch of the service shall be made from amongst members of the Junior Branch of the service.

15. No member of the Junior Branch of the service shall ordinarily be eligible for promotion to the Senior Branch, unless-

(a) He has successfully completed the training as prescribed under Part VI of the Rules.

(b) He should have one of the following qualifications from a recognised University/Institution.

(i) At least Bachelor's degree in Science with Zoology or Master's degree in Marine Biology as one of the subjects; or A degree in Fishery Science; or A degree in Science with a diploma in Fishery Science from C.I.F.E. Bombay or A degree or Diploma in Fishery Science considered equivalent to the above.

(Amended in F.F.A.H. Deptt. Notification No. 2823/Fy. A.H. dt. 5.2.86)

(ii) He must have a minimum period of 5 years of service in the post of Superintendent of Fisheries by 1st January of the year for which he is considered for promotion.

16. Promotion to the Junior Branch of the service shall ordinarily be made from amongst the Deputy Superintendents of Fisheries (non-Gazetted) belonging to the Fisheries Subordinate Service.

17. No officer shall ordinarily be eligible for promotion to the Junior Branch unless he –

(a) has passed Department test if any, prescribed for the post held by him; or has been exempted by Government from passing the examination in one or more subjects.

(b) (i) He must possess the qualification prescribed in the rule 15 (b) (i) from a recognized University/Institution.

(ii) He should have a minimum period of 8 years of service in the Fisheries Department of which 5 years should be in the post of Deputy Superintendent of Fisheries by 1st January of the year in which he is to be considered for promotion.

18. Special Provisions for Scheduled Castes and Scheduled Tribes – Not with – standing anything in these rules, the reservation of vacancies set apart for being filled up by direct recruitment or promotion in favour of officer belonging to the Scheduled Castes and Scheduled Tribes and the method of filling up the reserved vacancies shall be as prescribed by the Government from time to time.

19. Constitution of Departmental Selection Committee – (1) There shall be constituted a Departmental Selection Committee for selection of officers for promotion to the Senior and Junior Branches of the Service.

(2) The Committee shall consist of -

- (i) Secretary, Fisheries Department .. Chairman
- (ii) Deputy Secretary, P. & .S Department .. Member
- (iii) Director of Fisheries .. Member
- (iv) Additional/Joint Director of Fisheries .. Member

In the unavoidable absence of the Secretary of the Fisheries Department the Additional Secretary or Joint Secretary of the Department in charge of his work will be the Chairman of the Committee. In the absence of the Director of Fisheries, an officer of Fisheries Department of and above, the rank of Joint Director will represent him in the Committee.

(3) In respect of promotion to the Junior and Senior Branches of Service selection of candidates shall be based on merit and suitability with due regard to seniority. The names of officers included in each list shall be arranged in order of seniority in their parent posts.

Provided that any Junior Officer who in the opinion of the Committee is of exceptional merit and suitability may be assigned a place in the list higher than that of the officers senior to him.

(1) The recommendations of the Committee shall then be referred to the Commission by Government along with the service records of all persons who have been recommended by the Committee for promotion, provided that for promotion to both the branches, the Service records of all persons who are proposed to be superseded by the Committee shall also be sent to the Commission along with reasons for such supersession.

(2) The Commission shall consider the lists prepared by the Committee along with the service records received from Government and recommend to Government lists of candidates for promotion in accordance with the principles laid down in rule 19 (3).

21. The final selection of officers to be promoted during the year shall be made by Government after considering the advice of the Commission.

The selection so made will remain in force till these are replaced by fresh ones prepared in accordance with these rules.

PART VI

22. (1) Training – Each officer of the Junior Branch on appointment shall undergo a period of training which shall ordinarily be for six months:

Provided that Government may exempt individual officers or any class of officers from the whole or any part of the training or shorten the period of their training.

(2) The Programme of training shall be as prescribed in Annexure “A”

23. Training in Accounts Training School – Each officer of the service shall, unless exempted by the State Government, be required to undergo training in Accounts Training School, Bhubaneswar for a continuous period of three months. This will be followed by an examination. In case of failure to pass the examination at the end of the training, an officer may appear at a subsequent examination but will not be entitled to draw travelling allowance for journey performed for this purpose.

An officer failing to pass the examination in accounts in four successive chances shall be liable to reversion to his permanent post or discharge from service, as the case may be.

PART VII

Probation and confirmation in the Service

Probation

24. (1) Every officer, on appointment to posts borne on the cadre of the service in a substantive vacancy (otherwise than in an officiating or temporary capacity) shall be on probation for a period of one year in the case of officers appointed by promotion and two years in the case of directly recruited officers.

(2) The period of probation shall count from the date on which the officer joins his appointment:

Provided that the whole or any part of the period during which a person has previously held continuous officiating or temporary appointment in a post included in the cadre of the service may be allowed by Government to count towards the period of probation prescribed under this rule.

(3) Government may in special case, extend the period of probation by such further period as they may deem fit.

(4) Government may dispense with the service of an officer appointed on probation or revert him to his substantive appointment if any, during or at the end of the period of his probation if the officer has failed to give satisfaction or is found to be otherwise unfit for permanent appointment to the service.

Confirmation

25. Subject to the provision of sub-rule (3) of rule 24 an officer appointed on probation shall be confirmed at the end of the period of his probation, if he has completed the training as prescribed under Part VI of the Rules or has been exempted by the Government from such training and if Government otherwise consider him fit for confirmation.

PART VIII

Pay and Advancement of the time-scale

TIME –SCALE

26. (i) The time-scale of pay for the officer of the Service shall be as may be prescribed by Government from time to time.

(ii) All officers shall be eligible to draw increment during the period of probation:

Provided that no officer shall be allowed to draw a second increment until he has completed the training as prescribed under Part VI of the Rules.

The delay in completion of the training shall not have any cumulative effect and the anniversary date of increment shall not be changed except where special orders to the contrary have been issued.

Efficiency Bar

27. (1) No member of the service shall be allowed to cross the efficiency bar unless he has worked satisfactorily in every respect.

(2) When a member of the service has not been allowed to cross the efficiency bar, which he would have been entitled to by virtue of his period of service, he shall be informed of the defects in his work or conduct which have led to the stoppage of his advancement of the time-scale. The officer under whom he is working shall, unless government otherwise direct, thereafter report annually whether his work or conduct shows such an improvement as to justify reconsideration of his case.

Seniority

28. The seniority of officers appointed to the Service under sub-rule (1) of rule 5 in any year shall be in the following order, namely:-

(a) Officers appointed to the different branches of the Service by promotion under sub-rule (1) of rule 5 will be ranked *inter se* in the order in which their names are arranged by the Commission;

(b) Officers appointed to the service on the results of interviews conducted by the commission in accordance with sub-rule (1) of rule 5 will be ranked *inter se* in the order in which their names are arranged by the Commission.

(c) When officers are recruited by promotion and by direct recruitment during the same year, promoted officers shall be considered senior to the officers directly recruited irrespective of their dates of appointment.

Notwithstanding anything contained in this rule, if any delay is caused by any unforeseen or unavoidable circumstances in the matter of appointment of any directly recruited officer according to the preference given by the Commission and such appointment could not be given effect to earlier, the State Government shall have powers to refix the seniority in accordance with such preference.

PART IX

GENERAL

Canvassing

29. No recommendation, either written or oral other than those required under these rules shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature by other means shall make him liable to disqualification.

Penalty –A candidate who has been declared by the Commission guilty of impersonation or of submitting fabricated documents or documents which have been tampered with or making statements which are incorrect or false or of suppressing material information or of using or attempting to use unfair means for obtaining support for his candidature, may in addition to rendering himself liable to criminal prosecution, be debarred either permanently or for a specified period:

(i) by the commission from admission to any examination or appearance at any interview held by them for selection of candidates, and

(ii) by the State Government from employment under them.

Deputation

30. (1) Deputation of officers to other Department or posts shall be so regulated that ordinarily at no time the total number of officers deputed would exceed the total number of training and deputation reserve posts in the cadre.

(2) On deputation, officers shall be entitled to such special pay or allowance in addition to their substantive pay as may be determined by Government by general or special orders from time to time.

31. Regulation of other conditions of service – Except as provided for by these rules, the pay, allowance, leave, pension and other conditions of service of the member of the service, shall be regulated by the rules applicable to the members of other State services in such matters from time to time.

32. Relaxation – Where the Government are of the opinion that it is necessary or expedient so to do they may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of persons or posts in public interest.

33. Interpretation – If any question arises relating to the interpretation of these rules the same shall be referred to Government for decision.

[No. 5557-F.F.A.H.]

By order of the Governor
N. C. BEHURIA
Secretary to Government

ANNEXURE A

Vide Rule 22 (2)

Programme of training for the officers of the Orissa Fisheries Service, Class II (Junior Branch).

(1) Theoretical and practical training in Accounts at the Accounts Training School, Bhubaneswar. .. 3 months.

(2) Study of Departmental Circulars, Registers and Procedure for dealing with correspondence and also of office organisation in the offices of Director of Fisheries and Collector. ... 2 months

(3) Treasury Training .. 3 weeks

Note –(1) An informal test will be held at the end of the training and the training period may be extended if his progress is not found satisfactory.

(2) Officers under training must keep a regular diary in which they must note the work done during the course of the training. The diary should be produced at the time of the information test mentioned in Note (1) above.