

R&P Rules-RESTORER

(Authoritative English text of this Department Notification No.IPH-A (3)-5/94 dated 4.3.96 as required under Article 348 (3) of Constitution of India.

Government of Himachal Pradesh
Irrigation & Public Health Department

NOTIFICATION

No.IPH.-(A)-(3)-5/95

Dated: 4.3.96.

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 and Promotion Rules for the post of Restorer Class-111 (Non-Gazetted) Ministerial services in Irrigation and Public Health Department as per ANNEXURE-1 attached to this notification namely: -

SHORT TITLE AND
COMMENCEMENT:

- I. (1) These rules may be called Himachal Pradesh, Department of Irrigation and Public Health Restorer Class-111 (Non-Gazetted Recruitment and Promotion Rules, 1996.
- (2) These rules, shall come into force from the date of Publication in Rajpatra, H. P.

REPEAL & SAVINGS:.

- (II) (1) The Himachal Pradesh Public Works / Irrigation & Public Health Deptt., Restorer Class-III (Non Gazetted) Ministerial Recruitment and Promotion Rules 1987 notified vide notification No. PBW-2B) (2) 83/86 dated 19.12.87 and made applicable to the Irrigation and Public Health Department. vide Notification No.PBW-2B(13) 20/84 dated 27.4.94 are hereby repealed as these are applicable to the post of Restorer in the Irrigation and Public Health Department.
- (2) Notwithstanding, such repeal any appointment made or any thing done or action taken under the rules so repealed 2 (1) supra shall be deemed to have been validly made done or taken under these rules.

By order,
(C.P.Sujaya)
Financial Commissioner-cum-Secy.(IPH)

to the Govt. of Himachal Pradesh.

No.IPH..(A) (3) -/96-
Copy forwarded to:-

Dated: 4.3.96.

1. All the Secretaries / Special Secretaries / Additional Secretaries /Joint Secretaries /Deputy Secretaries/ Under Secretaries to the Govt. of H.P.
2. All Heads of Departments in Himachal Pradesh.
3. The Engineer-in-Chief, IPH Department, Shimla-171001 with 20 spare copies.
4. The Chief Engineer (North) IPH Department Dharamshala.
5. The Controller Printing & Stationery, H.P.Govt. Press, Shimla-171005,
for publication in the Rajpatra.
6. All the Superintending Engineers /Executive Engineers in Irrigation and Public Health
Department in H.P.
7. The Secretary, H.P. Public Service Commission, Shimla-2 with reference to his letter No.1-
5/95-PSC, dated: 19.9.95 with three spare copies.
8. The Guard file.

Sd./-
Additional Secretary (IPH)
to the Govt. of Himachal Pradesh..

ANNEXURE-A.

RECRUITMENT AND PROMOTION RULES FOR THE POST OF RESTORER (NON-GAZETTED) CLASS-III IN THE DEPARTMENT OF IRRIGATION AND PUBLIC HEALTH HIMACHAL PRADESH.

1. Name of the post: Restorer.
2. Number of posts. 2 (Two)
3. Classification: Class-111 (Non-Gazetted)
Ministerial Services.
4. Scale of pay
(be given in expended notation): Rs.950-35-1160-40-1320-45-1500-50-1800.
5. Whether Selection post or Non-Selection post :: Non-Selection.
6. Age for direct Recruitment: Not Applicable.
7. Minimum educational and other qualifications required for direct recruits: Not Applicable.
8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotees: Not applicable.
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 100 % by promotion.

and the percentage of vacancies to be filled in by various methods:

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

By promotion from amongst Daftries / Jamadars working in Head Office and attached offices with five years regular service or regular combined with continuous adhoc (rendered upto 31.3.1991) service if any.

For the purpose of promotion a combined seniority list of all the eligible incumbents will be prepared on the basis of length of services in the prescribed grade without disturbing their inter-se-seniority.

(1) In all cases of promotion, the adhoc service rendered in the feeder post upto 31.3.1991, 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: -

(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 31.3.1991) in the feeder post in view of the provisions referred in 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;

(ii) 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, whichever is less;

Provided further that where a person becomes ineligible to be considered for promotion on account of the recruitment of the proceeding 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 incumbent ineligible for consideration for

promotion if the senior ineligible persons happened to be Ex-serviceman recruited under the provisions of Rules-3 of Demobilized Armed Forces Personnel (Reservation of vacancies in Himachal Pradesh 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 Ex-Serviceman (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there under.

(2) Similarly, in all cases of confirmation adhoc service rendered on the feeder post upto 31.3.1991, 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 31.3.1991 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 direct recruitment:

Not Applicable.

15. Selection for appointment to post by direct recruitment:

Not Applicable.

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: Not Applicable.

18. Powers to Relax: Were 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 H..P P.S.C., relax any of the provisions of these rules with respect to any class or category of persons or posts.

AMENDMENTS

(Authoritative English text of this Department Notification No.IPH-A- (3)-5/95 dated 5.6.2000 as required under clause (3) of article 348 of the Constitution of India.

Government of Himachal Pradesh
Irrigation and P. H. Department

No.IPH-A (3)-5/95- Dated: Shimla-171002, 5 June 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 H.P.Public Service Commission, is pleased to make the following Rules to amend the Himachal Pradesh Irrigation and Public Health Department, Restorer, Class-111 (Non-Gazetted) Recruitment & Promotion Rules, 1996 notified vide this Department Notification of even number dated. 4.3.96 namely: -

Short title and Commencement: 1. (1) These rules may be called the Himachal Pradesh, Irrigation and Public Health Department, Restorer Class-111 (Non-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.

Amendment of Annexure-“A” 2. In Annexure “A” to the Himachal Pradesh Irrigation & Public Health Department, Restorer, Class-111 (Non Gazetted) Recruitment and Promotion Rules, 1996.

(a) For the existing provisions against column No.4 the following shall be substituted, namely: -

“Rs. 3120-100-3220-110-3660-120-4260-140-4400-150-5000-160-5160.”

“By promotion from amongst the Daftries working in Head Office and attached offices with five years regular service or regular combined with continues adhoc (rended up to 31.3.98) service if any.

For the purpose of promotion a combined seniority list of all the eligible incumbents will be prepared on the basis of length of services in the prescribed grade without disturbing their inter-se-seniority.

(1) In all cases of promotion, the adhoc service rendered in the feeder post upto 31.3.98, 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: -

(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 31.3.98) in the feeder post in view of the provisions referred in 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.

(ii) 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 & 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 recruitment of the proceeding 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 incumbent 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 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 Ex-Servicemen

(Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there under.

(2) Similarly, in all cases of confirmation adhoc service rendered on the feeder post upto 31.3.98, 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 31.3.98 shall remain unchanged.

By order,

FC-cum-Secretary (IPH) to the
Government of Himachal Pradesh.

Endst. No.

Dated: Shimla-2, the 17.4.2002

Copy forwarded to: -

1. All the Administrative Secretaries to the Government of H.P. Shimla-2.
2. The Secretary, H.P. Public Service Commission, Shimla-2
3. The Heads of Deptt. in H. P.
4. The Engineer-in-Chief, I&PH Shimla (20) copies).
5. The Controller, H.P. Printing & Stationery HP, Shimla-5, for Publication in the Rajpatra.
5. The Assistant Legislative Draftsman (English) Opinion Cell Law Deptt.
6. HP Secretariat Shimla-2.
7. The Guard file.

Sd./-

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