

ORISSA TAXATION AND ACCOUNTS SERVICE RULES, 2011

FINANCE DEPARTMENT

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FINANCE DEPARTMENT

NOTIFICATION

The 6th June, 2011

No.26055-OFS-II (P)-97/2011/F.— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules to regulate the methods of recruitment and conditions of service of persons appointed to the Orissa Taxation and Accounts Service, namely: —

PART-I

GENERAL

1. Short title and commencement

(1) These rules may be called the Orissa Taxation and Accounts Service Rules, 2011.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. Definitions

(1) In these rules unless the context otherwise requires:—

- (a) "Commission" means the Orissa Public Service Commission;
- (b) "Board" means the Selection Board constituted under rule-9;
- (c) "Department" means the Finance Department;
- (d) "Government" means the Government of Orissa;
- (e) "Persons with Disabilities (or Physically Handicapped Persons)" means a person who would be granted a disability certificate by competent authority as per the provisions under rule 4 of the

Persons with Disabilities (Equal Opportunities, Protection of Right, and Full Participation) Orissa Rules, 2003;

- (f) "Scheduled Castes and Scheduled Tribes" means such Castes and Tribes as notified by the President of India from time to time under Article 341 and 342 of the Constitution of India, respectively;
- (g) "SEBC" means the Socially and Educationally Backward Classes of citizens other than the Scheduled Castes and Scheduled Tribes as may be specified by the State Government from time to time in the list under the Orissa State Commission for Backward Classes Act,1993;
- (h) "Sportsperson" means a person who would be issued with identity card as sportsperson by the Director, Sports as per Resolution No. 24808/Gen dated the 18th November,1985 of General Administration Department;
- (i) "Ex-serviceman" means a person as defined in the Orissa Ex-Servicemen (Recruitment to State Civil Services and Posts) Rules,1985;
- (j) "Probation" means a member of the service appointed on probation;
- (k) "Select List" means the list finally approved by the Government containing the names of officers considered suitable for promotion in consultation with the Commission;
- (l) "Service" means Orissa Taxation and Accounts Service Class-II;
and
- (m) "Year" means the Calendar Year.

(2) All other words and expressions used in these rules but not specifically defined shall, unless the context otherwise requires, have the same meaning as respectively assigned to them in the Orissa Service Code.

3. Constitution of Service

The Service shall consist of the following posts, namely:—

- (i) Additional Commercial Tax Officer of Commercial Tax Wing;
- (ii) Sub-Treasury Officer of Treasury Wing; and
- (iii) Accounts Officers of Accounts Wing.

PART-II
METHODS OF RECRUITMENT

4. Method of Recruitment

Subject to the provisions of these rules, recruitment to the posts in the Service shall be made by the following methods, namely:—

(a) not less than fifty per cent of the posts shall be filled up by direct recruitment through the Combined Competitive Examination conducted by the Commission as per the provisions of the Orissa Civil Services (Combined Competitive Recruitment Examination) Rules, 1991;

(b) not more than thirty per cent of the posts shall be filled up by way of promotion from among the members of the Orissa Sub ordinate Finance Service cadres and such other categories of employees as may be notified by the Government from time to time ; and

(c) not more than twenty per cent of the posts shall be filled up by way of selection as per rule 7 of these rules.

5. Reservations

Notwithstanding any thing contained in these rules, the vacancies in the services or posts, in case of direct recruitment shall be reserved for, —

(a) candidates belonging to Scheduled Castes and Scheduled Tribes and the same shall be filled up in accordance with the provisions contained in the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules framed thereunder; and

(b) SEBC, Women, Sportspersons, Ex-servicemen and Physically Handicapped persons in accordance with the provisions made under such rules, orders or instructions issued in this behalf by Government from time to time.

PART-III
PROMOTION AND SELECTION

6. Eligibility Criteria for Promotion

No member under clause (b) of rule 4 shall ordinarily be eligible for promotion to the Service unless —

(i) He/She has worked for at least five years in his/her original service or grade; and

(ii) He/She has passed the prescribed departmental examination, if any,

7. Eligibility Criteria for Selection

(1) No person under clause (c) of rule 4 shall be considered for appointment by selection unless—

(a) He/She is of outstanding merit and ability.

(b) He/She has worked for three years in a post carrying a scale of pay Rs.9300-34800/- and Grade Pay Rs.4200/- in PB-2.

(c) He/She has passed the prescribed Departmental Examination.

(2) He/She must not be more than 50 years of age on the 1st day of April of the year in which the selection is made.

8. Preparation of Gradation List

For the purpose of consideration in promotion to the service under clause (b) of rule 4, a common gradation list of officers of all the base cadres shall be prepared on the basis of their date of substantive appointment to their respective cadres:

Provided that the *inter se seniority* fixed in their respective cadre shall not be violated:

Provided further that in case, the date of appointment of two or more officers happen to be the same, the person elder in age shall be placed above the younger.

9. Constitution of Selection Board

(1) There shall be constituted a Selection Board consisting of the following members to consider the cases of promotion and selection to the service, namely:—

(a) Secretary to Government, Finance Department ...Chairman

(b) Commissioner, Commercial Taxes Orissa ...Member

(c) Director of Treasuries & Inspection, Orissa ...Member

(d) An officer of Finance Department not below
the rank of Deputy Secretary (in-charge of
Establishment of the service) ...Member Convenor

(2) The recommendation of the Board shall be valid and can be acted upon notwithstanding the absence of any one of its members other than the Chairman:

Provided that the member so absenting was duly invited to attend the meeting of the Board and the majority of members of the Board attended the meeting.

10. Procedure for Selection by the Board

(1) The Board shall meet at least once in a year preferably in the month of January to prepare a list of officers suitable for appointment to the next higher grade taking into account the existing vacancies and the anticipated vacancies for the year.

(2) The Board while considering the promotion cases of suitable officers / employees and preparation of the lists shall follow the provisions of –

- (a) the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made there under ;
- (b) the Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988;
- (c) the Orissa Civil Services (Criteria for Promotion) Rules, 1992 and
- (d) the Orissa Civil Services (Criteria for Selection for appointment including Promotion) Rules, 2003.

11. Consultation with Commission

The recommendations of the Board under rule 9 shall be referred to the Commission along with service particulars in respect of all persons included in the list for its concurrence including those who have not been recommended.

12. Recommendation of Commission

The Commission shall consider the lists prepared in accordance with rule 9 and recommend to the Government.

- (a) the list of persons for appointment to the Service or posts by promotion under clause (b) of rule 4 arranged in order of merit.
- (b) the list of persons for appointment to the Service or posts by selection under clause (c) of rule 4 arranged in order of merit.

13. Select List

(1) The lists recommended by the Commission shall be placed before Government and after approval shall form the Select list.

(2) The lists shall ordinarily be in force for a period of one year or until fresh list is prepared whichever is earlier:

Provided that the Government may, at any time in consultation with Commission, for grave lapse in conduct or deterioration in standard of performance of duty on the part of any person included in the list remove the name of such persons from the list.

PART-IV

OTHER CONDITIONS OF SERVICE

14. Appointment to the Service

(1) Appointment to the Service by direct recruitment shall be made in the order in which the names of persons appear in the lists furnished by the Commission.

(2) Appointment to the Service by promotion and selection shall be made in the order in which names of persons appear in the select lists under rule-13.

15. *Inter se seniority*

The *inter se seniority* of the officers appointed to the Service in a particular year shall be in the order in which their names appear in the list furnished by the Commission or in the respective select list, as the case may be:

Provided that officers appointed by promotion under clause (b) of rule 4 shall en-bloc be senior to those appointed by direct recruitment under clause (a) of rule 4 in a year:

Provided further that officers appointed by selection under clause (c) of rule 4 shall en-bloc be senior to those appointed by promotion under clause (b) of rule 4 in a year.

16. Probation and Confirmation

(1) On appointment against substantive vacancies an officer shall be placed on probation for a period of two years, if he/she is a direct recruit or one year, if he/she is a recruit by promotion and selection from the date of joining the post:

Provided that Government may extend the period of probation or terminate the probation of an officer on grounds of unsatisfactory performance:

Provided further that Government may exempt or reduce the period of probation of an officer, if he/she has already worked against the vacancy of temporary nature for a period of two years or more or a portion thereof, if he/she is a direct recruit or one year or more or a portion thereof, if he/she is a recruit by promotion and selection, by the time a substantive vacancy occurs for his/her absorption.

(2) On successful completion of probationary period and on passing the prescribed Departmental Examination an officer shall be confirmed against a substantive post.

17. Departmental Examination

Every person appointed to the Service shall during the period of probation or appointment against a vacancy of temporary nature pass such Departmental Examination as may be prescribed by the Government from time to time:

Provided that Government may, if they so think fit for reasons to be recorded in writing, exempt any person or class of persons from passing the Departmental Examination.

18. Training

(a) Every person appointed to the Service by way of direct recruitment shall have to successfully complete one year Induction Training at Madhusudan Das Regional Academy of Financial Management for confirmation in the Service.

(b) Every person appointed to the Service by way of Promotion and Selection shall have to successfully complete four months Institutional Training at Madhusudan Das Regional Academy of Financial Management for confirmation in the Service.

19. Other Conditions of Service

The conditions of service in regard to matters not covered by these rules shall be the same as are or as may from time to time be prescribed by the Government.

PART-V

MISCELLANEOUS

20. Relaxation

When it is considered by the Government that it is necessary or expedient so to do in public interest, it may, by order, for reasons to be recorded in writing,

relax any provision of these rules in respect of any class or category of the employees in consultation with the Commission.

21. Interpretation

If any question arises relating to interpretation of these rules, the decision of the Government in Finance Department thereon shall be final.

22. Repeal and Savings

All rules, regulations, instructions or orders in force immediately before the commencement of these rules in respect of the matters relating to the service and covered by these rules are hereby repealed:

Provided that notwithstanding any order or appointment made, action taken or things done under the rules, regulations, instructions or orders so repealed shall be deemed to have been made, taken or done under corresponding provisions of these rules.

23. Power to issue instructions

The Government may also issue executive instructions not in consistent with the provisions of these rules as they may consider necessary to regulate the matters not specifically covered by the provisions of these rules.

By order of the Governor

JUGAL KISHORE MOHAPATRA
Principal Secretary to Government