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FISHERIES & ARD DEPARTMENT

NOTIFICATION

The 15th March, 2013

S.R.O.No.148/2013— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Odisha is pleased to make the following rules to regulate the method of recruitment and conditions of service of the persons appointed to the posts of Subordinate Fisheries Service, namely :—

ODISHA SUBORDINATE FISHERIES SERVICE (RECRUITMENT & CONDITIONS OF SERVICE) RULES, 2013

PART-I

PRELIMINARY

1. Short Title and Commencement:

- (1) These rules may be called the Odisha Subordinate Fisheries Service (Recruitment and Conditions of Service) Rules, 2013.
- (2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions:

- (1) In these rules, unless there is anything repugnant in the subject or context:—
 - (a) "Appointing Authority" means the Director of Fisheries, Odisha;
 - (b) "Commission" means the Odisha Staff Selection Commission constituted under rule 3 of the Odisha Staff Selection Commission Rules, 1993;
 - (c) "Committee" means the Departmental Promotion Committee constituted under rule 10;
 - (d) "Director" means the Director of Fisheries, Odisha;
 - (e) "JFTA" means the Junior Fisheries Technical Assistant;

- (f) "SFTA" means the Senior Fisheries Technical Assistant;
 - (g) "Examination" means the competitive examination;
 - (h) "Government" means the Government of Odisha;
 - (i) "Service" means the Odisha Subordinate Fisheries Service;
 - (j) "Schedule Castes and Schedule Tribes" means such Castes and Tribes as notified by the President of India under articles 341 and 342 of Constitution of India as amended from time to time;
 - (k) "Vacancy" means the vacancy / vacancies which occur and likely to occur during the calendar year due to retirement / promotion / post creation / leave reserve / deputation reserve / training reserve post;
 - (l) "Year" means the calendar year;
 - (m) "Probationer" means a person appointed to the service on probation and shall include a person appointed to officiate in the Subordinate Fisheries Service;
 - (n) "Ex-servicemen" means persons as defined in the Odisha Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
 - (o) "Persons with Disabilities" means persons who have been granted with disability certificates by competent authority as per the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Right, and Full Participation) Odisha Rules, 2003;
 - (p) "Schedule Castes and Schedule Tribes" shall have reference to the Schedule Castes and Schedule Tribes specified in the Constitution (Schedule Castes) Order, 1950 and the Constitution (Schedule Tribes) Order, 1950, as the case may be, made under Articles 341 and 342 of Constitution of India, respectively and as amended from time to time;
 - (q) "SEBC" means the Socially and Educationally Backward Classes as referred to in clause (e) of Section 2 of the Odisha Reservation of Posts and Services (For Socially and Educationally Backward Classes) Act, 2008; and
 - (r) "Sportsmen" means persons who have been issued with identity card as sportsmen by the Director, Sports as per Resolution No.24808/Gen., dt. 18.11.1985 of General Administration Department.
- (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 Odisha Service Code.

PART - II**CADRE OF SERVICE****3. Composition of Service:**

The Service shall consist of the following **Group-C** grade of posts belonging to the categories specified against each of them:-

- (i) CATEGORY-1 : Senior Fisheries Technical Assistant (SFTA); and
- (ii) CATEGORY-II : Junior Fisheries Technical Assistant (JFTA).

4. Method of Recruitment:

Recruitment to the posts in different grade of service shall be made by the following methods; namely:—

(1) In respect of the posts of SFTA, hundred per cent of the vacancies shall be filled up by way of promotion from amongst the Junior Fisheries Technical Assistants in accordance with the provisions of Rules 10 and 11 of these rules.

(2) In respect of the posts of JFTA, the vacancies shall be filled up by direct recruitment in accordance with Rule-5 and 6 of these rules.

PART-III**DIRECT RECRUITMENT****5. Eligibility Criteria for Direct Recruitment:**

In order to be eligible for direct recruitment, a candidate shall have to satisfy the following conditions:

- (1) **Nationality:** A candidate must be a citizen of India.
- (2) **Age Limits:** A candidate must have attained the age of 21 years and must not be above the age of 32 years:

Provided that the upper age limit in respect of reserved categories of candidates referred to in Rule 13 shall be relaxed in accordance with the provisions of the Act, rules, orders or instructions, for the time being in force, for the respective categories.

- (3) Knowledge in Odia:** He / she must be able to read, write and speak Odia; and have:—
- (a) Passed Middle School examination with Odia as a language subject; or
 - (b) Passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject; or
 - (c) Passed in Odia as language subject in the final examination of Class VII from a school or educational institution recognized by the Government of Odisha or the Central Government; or
 - (d) Passed a test in Odia in Middle English School Standard conducted by the School & Mass Education Department.
- (4) Marital Status:** A candidate if married must not have more than one spouse living:
- Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person or there are other grounds for doing so, exempt any person from the operation of this rule.
- (5) Minimum Educational Qualification:** The candidate must have possessed +2 Vocational (Fisheries) from CHSE / University and must know swimming well:
- Provided that when candidates possessing +2 Vocational (Fisheries) qualification are not available, candidates with +2 Science qualification will be eligible for appointment to the post of Junior Fisheries Technical Assistant.
- (6) Physical Fitness:** A candidate must be of good mental condition and bodily health and free from any physical defect likely to interfere with the discharge of his duties in the service. A candidate, who after such medical examination as the Government may specify, is not found to satisfy these requirements shall not be appointed to the service.

6. Procedure for Direct Recruitment:

(1) The Appointing Authority shall intimate the Commission indicating the number of vacancies in JFTA grade including those anticipated in course of the year and after obtaining the Government approval intimate the Commission to fill up the vacancies.

(2) The Commission shall issue advertisement in the leading newspapers inviting applications from eligible candidates for appearing in the interview for selection to the post of JFTA.

(3) The date, time and place of interview shall be intimated to each eligible candidate by the Commission.

(4) The decision of the Commission as to the eligibility or otherwise of a candidate for interview shall be final.

(5) The schedule application form, application fees, terms and conditions and all other methods and procedures for conducting the interview shall be decided by the Commission.

7. Select List and its Validity:

(1) The Commission shall prepare the select list of the successful candidates in order of merit on the basis of career marking and interview, which shall be equal to the number of vacancies for which appointments shall be made.

(2) The Commission will interview such candidates as they consider likely to be suitable for appointment. The Commission may appoint, at their discretion, an expert to act as advisor in the interview.

(3) 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 the list of that nominated candidates to the Director.

(4) The Director shall finalise the select list on recommendation of the Commission with approval of Government.

(5) Government hold the power to modify / cancel the select list, so prepared, if occasion warrants.

(6) The select list for each recruitment shall be valid for one year from the date of its publication.

8. Right to Appointment:

(1) Inclusion of name of a candidate in the select list shall confer no right to appointment unless the Government are satisfied after such enquiry as may be considered necessary that the candidate is suitable for appointment to the service.

(2) Appointment to the Post of JFTA grade of the service from the select list shall be made by the Director in order of merit as assigned in the select list.

(3) Failure of a candidate to join the post by the specified date in absence of extension of date by the Appointment Authority shall amount to forfeiture of his / her claim for such appointment.

PART-IV**RECRUITMENT BY PROMOTION**

9. Promotion to the post of Senior Fisheries Technical Assistant (SFTA) grades of service as provided in Rule 4 shall be made in the following manner:—

(1) Promotion to the rank of SFTA shall be made from amongst the JFTA on the basis of the selection made by the Committee constituted under rule 10.

(2) JFTA who have rendered minimum five years of continuous service as such on the 1st day of January of the year in which the Committee meet shall be considered for promotion to the post of SFTA.

(3) No Officer shall ordinarily be eligible for promotion unless he / she has passed such departmental examination / tests as may be prescribed by the Government from time to time.

PART -V**FORMATION OF DEPARTMENTAL PROMOTION COMMITTEE****10. Constitution of Departmental Promotion Committee:**

(1) The Committee to consider the eligible JFTA for promotion to the posts of SFTA shall consist of the following members, namely:—

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|--|--------------------|
| (a) Director of Fisheries, Odisha | — Chairman |
| (b) Additional Director of Fisheries, Odisha | — Member |
| (c) Nominee of Director, CIFA, Kausalyaganga | — Member |
| (d) Nominee of the Government (not below the rank of Deputy Secretary) | — Member |
| (e) Establishment Officer of the Directorate of Fisheries, Odisha | — Member Secretary |

(2) The Committee shall consider the suitability of JFTA for promotion to the post of SFTA and accordingly prepare separate lists of such JFTA found suitable.

(3) The list prepared by the Committee shall be valid and can be acted upon notwithstanding the absence of any of its members, other than the Chairman:

Provided that the member so absenting was duly invited to attend the meeting and the majority of the members of the Committee were present at such meeting.

(4) The list prepared by the Committee shall form the select list for promotion upon publication for general information and the said list shall remain valid for a period of one year from the date of its notification or till a fresh select list is approved, whichever is earlier.

11. Procedure for Selection by the Committee / Board:

(1) The Committee shall meet at least once in a year preferably in the month of January to prepare a list of officers, as are held by them, suitable for promotion to the next higher grade taking into account the existing vacancies and the anticipated vacancies of the year.

(2) The Committee while considering the promotion cases of suitable officers / employees and preparation of the list shall follow the provisions of —

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

12. Career Advancement:

It would be the endeavour of Government to depute the Senior Fisheries Technical Assistants having +2 Vocational (Fisheries) qualification to undergo higher technical study at par with B.F.Sc. through condensed course in consultation with OUAT. Such in-service Senior Fisheries Technical Assistants who come out successful of such higher technical study shall be eligible to appear the competitive examination during direct recruitment to the post of Assistant Fisheries Officer.

PART-VI
GENERAL

13. Reservations:

(1) Notwithstanding anything contained in these rules reservation of vacancies or posts, as the case may be, for —

- (a) Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made there under; and
- (b) SEBC, Women, Sportsmen, Ex-Servicemen and Persons with Disabilities shall be made in accordance with the provisions made under such Act, rules, orders or instructions issued in this behalf by the Government from time to time.

(2) The recommendation of the Committee shall be valid and can be operated upon notwithstanding the absence of anyone of its members other than the Chairman:

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

14. Probation and Confirmation:

(1) Every person appointed to any grade / post in the service by direct recruitment shall be on probation for a period of two years and when appointed on promotion shall be on probation for a period of one year from the date of joining the post:

Provided that the appointing authority may, if think fit in any case or class of cases, extend the period of probation:

Provided further that such period of probation shall not include —

- (a) extraordinary leave;
- (b) period of unauthorized absence; or
- (c) any other period held to be not being on actual duty.

(2) The appointment of a probationer may for good and sufficient reasons to be recorded in writing, be terminated by the Government at any time without previous notice during the period of probation including extension of such period, if any, and after such termination, the employee shall deem to be reverted to his / her former cadre / post, if he / she is a promotee.

(3) A probationer after completing the period of probation to the satisfaction of Government shall be eligible for confirmation subject to the availability of substantive vacancy in the service.

15. Seniority:

(1) The seniority of officers appointed to a particular grade of service in a particular year shall be determined with reference to their relative position in the respective select lists.

(2) Persons appointed to the service under Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 shall rank below the direct recruits appointed in that year.

16. Departmental Examination and Training;

Members of the service shall be required to undergo such training and / or pass such test / Departmental Examination as may be directed by the Government from time to time:

Provided that Government may by general or special order exempt any category of members of the service from the requirement of passing the Departmental Examination or from undergoing training.

17. Assured Career Progression (ACP):

An Officer shall be allowed ACP in his / her scale of pay, if his / her work is considered satisfactory by the Appointing Authority subject to passing of the Departmental Examination and / or training, if any.

18. Deputation;

A member of the service may be deputed to serve under other services, Undertaking or Institutions including foreign bodies, as the case may be, on such terms and conditions as may be decided by the Government from time to time.

19. Gradation:

Gradation list of the persons appointed to the service, separately, for each cadre shall be maintained.

20. Relaxation:

Where the Government are of opinion that it is necessary or expedient so to do in the public interest, it 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.

21. Repeal and Savings:

(1) The Odisha Subordinate Fisheries Service Rules, 1994 are hereby repealed.

(2) Notwithstanding such repeal, any order or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

22. Interpretation:

If any question arises relating to the interpretation of these rules, it shall be referred to the Government in the Fisheries and Animal Resources Development Department for decision.

[No. 3486-3-Fy.-08/2013/FARD.]

By Order of the Governor

SATYABRATA SAHU

Commissioner-*cum*-Secretary to Government