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AGRICULTURE DEPARTMENT

NOTIFICATION

The 23rd March 2015

No. 4759—HGFE(T&P)-01/2015-Ag.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Odisha hereby makes the following rules to regulate the method of recruitment and conditions of service of the persons appointed to the Odisha Horticulture Service; namely :—

1. Short title and Commencement :

- (1) These rules may be called the Odisha Horticulture Service (Method of Recruitment and Conditions of Service) Rules, 2014.
- (2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions :

- (1) In these rules, unless the context otherwise requires :—
 - (a) “Commission” means the Odisha Public Service Commission ;
 - (b) “Committee” means the Departmental Promotion Committee constituted under Rule 13 ;
 - (c) “Ex-servicemen” means persons as defined in the Odisha Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985 ;
 - (d) “Government” means the Government of Odisha ;
 - (e) “Persons with Disabilities” means 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 Rule, 2003 ;
 - (f) “Scheduled Castes and Scheduled Tribes” shall have reference to the Scheduled Castes and Scheduled Tribes specified in the Constitution (Scheduled Castes) Order, 1950 and Constitution (Scheduled Tribes) Order, 1950 as the case may be, made under Articles 341 and 342 of the Constitution of India, respectively ; and as amended from time to time.

- (g) "Select list" means the list of candidates approved by the appointing authority containing the names of officers considered suitable in order of merit for appointment through direct recruitment or promotion as the case may be ;
- (h) "Service" means the Odisha Horticulture Service ;
- (i) "SEBC" means Socially and Educationally Backward Classes of citizens 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 ;
- (j) "Sports person" means person who have been 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 ; and
- (k) "Year" means the calendar year.

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

3. Composition of the Service :

The service shall consist of posts included in the following four grades; namely :—

- (a) Superior Grade consisting of the following posts, namely :—
 - (i) Additional Director of Horticulture ;
 - (ii) Joint Director of Horticulture ;
 - (iii) Such other posts of equivalent rank as may be decided by the Government from time to time.
- (b) Group - A (Senior Branch) consisting of the posts of Deputy Directors of Horticulture and such other posts of equivalent rank as may be decided by the Government from time to time.
- (c) Group - A (Junior Branch) consisting of the posts of Assistant Director of Horticulture and such other posts of equivalent rank as may be decided by the Government from time to time ; and
- (d) Group - B consisting of the following posts, namely :—
 - (i) Assistant Horticulture Officer ;
 - (ii) such other posts of equivalent rank as may be decided by the Government from time to time.

4. Cadre Strength of the Service :

The service shall consist of such number of permanent, temporary and Leave/Deputation reserve posts as may be decided by the Government from time to time.

5. Method of Recruitment :

- (1) Appointment to the posts under Group -A (Junior Branch), Group -A (Senior Branch) and Superior Grade of Service shall be made by way of promotion in accordance with the provisions of these rules.

(2) The post under Group-B of the Service shall be filled up by the following methods, namely :—

- (a) as nearly as may be but not more than ninety per cent (90%) of the posts by direct recruitment through the Commission ;
- (b) as nearly as may be but not less than five per cent (5%) of the posts by promotion from among the departmental candidates completing successfully B. Sc. (Horticulture)/B. Sc. (Agriculture) Course on being sponsored by the Government in accordance with these rules ; and
- (c) remaining posts by promotion from among the Horticulture Overseers/ Demonstration Assistant, in the ratio of 4:1, having +2 Science or equivalent qualifications, in accordance with these rules.

6. Reservations :

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 thereunder.
- (b) SEBC, Women, Sportsperson, Ex-servicemen and Persons with Disabilities shall be made in accordance with the provisions made under such Acts, rules, orders or instructions issued in this behalf by the Government from time to time.

7. Eligibility Criteria for Direct Recruitment :

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

- (a) Nationality : A candidate must be a citizen of India
- (b) Age Limits : A candidate must have attained the age of 21 years and must not be above the age of 32 years as on 1st day of January of the year of recruitment :

Provided that the upper age limit in respect of reserved categories of candidates referred to in Rule 6 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.

- (c) Knowledge in Odia : He must be able to read, write and speak Odia ; and have—
 - (i) passed Middle School examination with Odia as a language subject ; or
 - (ii) passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject ; or
 - (iii) 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

- (iv) passed a test in Odia in Middle School Standard conducted by the School & Mass Education Department of Government of Odisha/Board of Secondary Education, Odisha.
- (d) He/She possesses a Bachelor of Science Degree in Horticulture/Agriculture from any of the recognized Universities or Institutions.
- (e) Marital Status : A candidate if married must not have more than one spouse living :
 Provided that the State 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.
- (f) Physical fitness : A candidate must be of sound mental and physical health having active habits and free from any physical defect likely to affect adversely his efficiency in service. A candidate, who after such medical examination as the Government may prescribe, if not found to satisfy these requirements shall not be appointed to the service :
 Provided that this provision shall not be applicable in case of physically handicapped candidates.

8. Criteria for Promotion to Group-B Post :

- (1) No Horticulture Extension Worker shall be eligible for promotion to Group-B posts of the service under Clause (b) of sub-rule (2) of Rule 5, unless he/she has completed at least ten years of continuous service as such on the 1st day of January of the year in which the Committee meets and has passed the Departmental examination, if any.
- (2) No Horticulture Overseers/Demonstration Assistants shall be eligible for promotion to Group-B posts of the Service under Clause (c) of sub-rule (2) of Rule 5, unless he/she has completed at least five (5) years of continuous service as such on the 1st day of January of the year in which the Committee meets and has passed the Departmental examination, if any.

9. Criteria for Promotion to Group-A (Junior Branch) Post :

No person in Group - B of the service shall be eligible for promotion to Group-A (Junior Branch) posts in the Service unless he/she has completed at least five (5) years of continuous service as such on the 1st day of January of the year in which the Committee meets.

10. Criteria for Promotion to Group-A (Senior Branch) Post :

No person in Group-A (Junior Branch) of the service shall be eligible for promotion to Group-A (Senior Branch) of the service unless he/she has completed at least two years of continuous service as such on the 1st day of January of the year in which the Committee meets.

11. Criteria for Promotion to Superior Grade Post :

- (1) No person in Group - A (Senior Branch) of the service shall be eligible for promotion to the post of Joint Director, Horticulture unless he/she has completed at least one year of continuous service as such on the 1st day of January of the year in which the Committee meets.
- (2) No person holding the post of Joint Director, Horticulture shall be eligible for Promotion to the post of Additional Director, Horticulture unless he/she has completed at least one year of continuous service as such on the 1st day of January in which Committee meets.

12. Appointment of Director :

- (1) Government may appoint Director, Horticulture —
 - (i) from among Members of Indian Administrative Service ; or
 - (ii) by way of selection from among Agriculture Scientist from Indian Council of Agricultural Research (I.C.A.R.) Institutes or different State Agriculture Universities not below the rank of Professor ; or
 - (iii) by way of promotion of the Additional Director, Horticulture who has completed at least one year of continuous service as such on the 1st day of January of the year in which the Committee meets. As the case may be.
- (2) Recommendation for promotion to the post of Director, Horticulture shall be made by a Committee with the Chairmanship of Chief Secretary to be constituted by Government for the purpose.

13. Constitution of Departmental Promotion Committee :

- (1) There shall be a Committee constituting of the following members for considering the cases of promotion to Group - B posts of the Service specified under sub-rule (d) of Rule 3—

(a) Secretary, Agriculture Department	. .	Chairman
(b) Director, Horticulture	. .	Member
(c) Additional Secretary/Joint Secretary/ Deputy Secretary incharge of concerned Field Establishment.	. .	Member-Convenor
- (2) There shall be a Committee constituting of the following members for considering the cases of promotion to Group - A (Junior Branch), Group - A (Senior Branch) and Superior Grade Posts of the service.

(a) Chief Secretary	. .	Chairman
(b) Secretary, Agriculture Department	. .	Member-Convenor
(c) Director, Horticulture	. .	Member

- (3) The Committee shall meet at least once in a year preferably in the month of January to prepare a list of officers suitable for promotion to the next higher grade.
- (4) The recommendation of the Committee 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 Committee and the majority of members of the Committee attended the meeting.

14. Preparation of list :

- (1) The Committee while selecting the persons for promotion, shall follow the Odisha Civil Services (Criteria for Promotion) Rules, 1992, the Odisha Civil Services (Zone of consideration for Promotion) Rules, 1988, the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and rules made thereunder, as the case may be, and the Odisha Civil Service (Criteria for Selection for Appointment including Promotion) Rule, 2003.

15. Consultation with the Commission :

- (1) The recommendation of the Committee for promotion to the respective grade in accordance with sub-rules (3) and (4) of Rule 13 shall be referred to the Commission by Government along with relevant service records in respect of all persons included in the zone of consideration.
- (2) The Commission shall consider the list along with other documents and service records received from Government under sub-rule (1) and shall furnish its recommendation to the Government.

16. Select List :

- (1) The recommendation of the Commission under sub-rule (2) of Rule 15 shall be placed before the Government for approval and after its approval with modification, if any, shall form the select list.
- (2) The select list shall ordinarily remain in force for a period of one year from the date of its approval by Government or until another Select list is prepared afresh, whichever is earlier.

17. Preparation of the merit list for direct recruitment :

The list of officers equal to the number of vacancies notified and selected by the Commission in order of merit taking into account career marks and marks obtained in the interview under Clause (a) of sub-rule (2) of Rule 5 shall be in force for a period of one year from the date of its approval by Government or until another merit list is prepared afresh by the Commission :

Provided that the Government may, by specific order, extend the validity of the list beyond one year but in no case such extension shall be beyond the date of receipt of the subsequent recommendation of the Commission.

18. Inter se Seniority :

- (1) The *inter se* seniority of officers appointed to the Group - B posts of the Service in a particular year, shall be in the following order—
- (a) Officers appointed to the service by way of promotion under Clause (b) of sub-rule (2) of Rule 5 shall rank *inter se* in the order in which their names appear in the Select list.
 - (b) Officers appointed to the service by way of promotion under Clause (c) of sub-rule (2) of Rule 5, shall rank *inter se* in the order in which the names appear in the Select list.
 - (c) Officers appointed to the service by direct recruitment under Clause (a) of sub-rule (2) of Rule 5 shall rank *inter se* in the order in which their names appear in the merit list prepared by the Commission.
 - (d) As between officers referred to in Clause (a) & (b) above on the one hand, and those referred to in Clause (c) on the other, the former shall in the year of recruitment be *en block* senior to the later.
- (2) *Inter se* seniority of officers in other grades/posts in the service shall be in the order in which their names appear in the Select list.

19. 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 thinks 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 Government at any time without previous notice during the period of probation including extension of such period, if any, and after such termination, the officer shall deem to be reverted to his/her former cadre/post, if he/ she is a promotee.

20. 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 Government.

21. Relaxation :

Where the Government are of the opinion that it is necessary or expedient so to do in the public interest, they may by order and for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of employees in consultation with the Commission.

22. Interpretation :

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

23. Power to Issue Instructions :

The Government may, not consistent with the provision of these rules, issue such instructions as may be considered necessary to regulate the matter not specifically covered by the provisions of these rules.

24. Repeal and Savings :

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

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

By order of the Governor

RAJESH VERMA

Principal Secretary to Government