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## LAW DEPARTMENT

### OFFICE MEMORANDUM

The 13th April, 2018

No. 3805–III-OE-02/2017/L.— Framing of a set of rules under proviso to Article 309 of the Constitution of India for recruitment to the Ministerial posts of the Legislative Wing and the Official Language Branch of Law Department are under consideration of Government. Pending finalisation of framing of the said rules, Government have been pleased to issue the following instructions regulating recruitment to the Ministerial posts of the Legislative Wing and the Language Branch of Law Department in order to start the process of recruitment soon for filling up of the vacant posts until further orders.

**1. Short title and commencement:—** (1) These instructions are a set of executive instruction guiding Method of Recruitment and Condition of Service of the (Odisha Secretariat Law Department) Ministerial Officers of the Legislative Wing and the Language Branch of the Law Department.

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

**2. Definitions:—**(1) In these instructions, unless the context otherwise requires,—

- (a) “Commission” means the Odisha Public Service Commission;
- (b) “Committee” means the Selection Committee constituted under instruction 13;
- (c) “Department” means the Law Department of the Government;
- (d) “Government” means the Government of Odisha;
- (e) “Person with Disabilities” means persons who have been granted with disabilities certificates by the competent authority as per the provisions of the Persons with Disabilities (equal opportunities, Protection of Rights and Full Participation) Odisha Rules, 2003;
- (f) “Scheduled Castes and Scheduled Tribes” shall have the same meaning as are assigned to them by clauses (24) and (25) of article 366 of the Constitution of India;
- (g) “Schedule” means Schedule appended to these rules;

- (h) "SEBC" means Socially and Educationally Backward Classes of citizens other than Scheduled Castes and Scheduled Tribes as defined in clause (a) of section 2 of the Odisha State Commission for Backward Classes Act, 1993;
- (i) "Service" means Service constituted under rule 3;
- (j) "Sports person: means persons who have been issued with identity card as Sports person 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, shall unless the context otherwise requires, have the same meaning as have been assigned to them in the Odisha Service Code.

**3. Constitution of Service.** — (1) The service shall consist of such grade and posts as specified in Columns (1) and (3) of the Schedule-I.

(2) Notwithstanding anything contained in these instructions, the employees who were appointed prior to the commencement of these instructions and continuing as such shall be deemed to have been appointed in their respective posts in the service from the date of publication of these rules.

**4. Method of recruitment:—** Subject to the other provisions made in these instructions, the recruitment to the posts mentioned in the Schedule-I in different Grade of the Service shall be made by following methods, namely: —

- (a) in respect of posts in Grade-I by direct recruitment in accordance with the provisions made in Para (1) of instruction- 7 and instruction-8.
- (b) in respect of posts in Grades-II, not more than 50% vacancies by direct recruitment in accordance with the provisions of instruction-7 (2) and instruction-8 and not less than 50% vacancies by way of promotion from Grade-I in accordance with the provisions of instruction-11 (2):

Provided that in case of non- availability of suitable employee in the post in Grade-I or in the post of Pasting Clerk, for promotion to the post in Grade-II, the same shall be filled up by direct recruitment through competitive examination in accordance with instruction 7 (2):

Provided further that when only one vacancy arises in the year in Grade-II, it shall be filled up by promotion and the next one shall be filled up by direct recruitment even if is a single vacancy of the next or subsequent year.

- (c) in respect of posts in Grades-III,IV and V by way of promotion, in case of non-availability of suitable persons for promotion the same shall be filled up by way of deputation.

**5. Reservation:—** (1) Notwithstanding anything contained in these instructions, the posts shall be reserved for the candidates belonging to, —

- (a) Scheduled Castes or Scheduled Tribes 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, Sportsperson, Ex-Servicemen and persons with disabilities in accordance with the provisions of such Acts or rules, orders, Resolutions or instructions as have been issued in this behalf by the Government, from time to time.

(2) Nothing in these instructions shall affect other concession including age relaxation required to be provided for Scheduled Castes, Scheduled Tribes, SEBC, Women, person with disabilities and other special category of persons in accordance with the orders issued by the Government, from time to time, in this regard.

**6. Eligibility criteria for direct recruitment:—** (1) Save as provided in these instructions, a candidate in order to be eligible for direct recruitment must, —

- (a) be a citizen of India;
- (b) be of good Character;
- (c) not have more than one spouse, if married:

Provided that Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds so doing exempt any person from the operation of this instruction.

- (d) be of good mental condition and physical health and free from any physical defect likely to interfere with the discharge of his duties in the service:

Provided that a candidate, who after such medical examination as the Government may prescribe, is not found to satisfy these requirements shall not be appointed to the service;

- (e) be able to speak, read and write Odia and English and Odia as main subject which includes compulsory or elective at H.S.C. or in equivalent examination or +2 level;
- (f) be not less than twenty-one years and more than thirty-two years on the date of application :

Provided that the upper age limit in respect of reserved categories of candidates referred to in rule 5 shall be relaxed in accordance with the provisions of the Act, rules, orders or instructions, for the time being in the force, for their respective categories.

(2) Notwithstanding anything contained in clause (f) of Para. (1) of instruction 6, the Group-'D' employees of the Law Department , having ten years experience in service and having the requisite qualification mentioned in Para. (1) of instruction 7 and within forty-five years of age on the date of advertisement shall be eligible to appear the competitive examination along with other.

**7. Minimum Educational Qualification:—** (1) A candidate in order to be eligible for direct recruitment to the posts in Grade-I must have,-

- (a) ;examination in any discipline or equivalent examination 2+10Passed
- (b) Possessed basic knowledge in Computer Application on the subject specified in Schedule II; and
- (c) Possessed typing knowledge both in English and Odia with minimum speed of 40 words and 20 words per minutes typing in English and Odia respectively.

(2) A Candidate in order to be eligible for direct recruitment to the posts in Grade –II must , —

- (a) have possessed a degree in any discipline from a recognised University with English and Odia as main subject which includes compulsory or elective at H.S.C. or +2 level;
- (b) have experience in printing work in English or Odia in Central Government or a State Government Press or any other press which is dealing with printing works on books and journals and like or in the Newspaper office at least for a period of five years;
- (c) not be above the age of 40 years; and
- (d) have possessed basic knowledge in Computer Application on the subject specified in Schedule-II.

**8. Procedure for Direct Recruitment:—** (1)The Government in the Law Department shall intimate the Odisha Staff Selection Commission the number of vacancies of the posts in Grade-I and Grade- II where the post in such Grade is to be filled up by direct recruitment already existing and the vacancies likely to occur in that year indicating therein the number of post or posts ( category wise)in the said Grade required to be filled up.

(2) On receipt of the intimation from Government in Law Department, the Odisha Staff Selection Commission shall publish the advertisement in two widely circulated Odia dailies, inviting applications from the candidates eligible to appear in the competitive examination indicating therein the date, time and place of the examination.

(3) The application forms, the documents required to be accompanied with the application form, scrutiny of the applications and admission to the examination shall be such as may be decided by the Odisha Staff Selection Commission.

**9. Scheme of Examination:—** (1) The subject, pattern and the scheme of examination for posts in Grade-I and Grade-II, where a post in such Grade is to be filled up by direct recruitment, shall be as may be decided by the Odisha Staff Selection Commission in consultation with the Law Department:

Provided that the written test shall be based on language test in both English and Odia and Computer test:

Provided further that where advertisement has been made for filling up of the post in Grade-I, the Odisha Staff Selection Commission shall in addition to written examination conduct typing test both in English and Odia.

**10. Select List:—** (1) The Staff Selection Commission shall prepare a select list of the candidates, who come out successful in the written examination and computer test, equal to the number of vacancies advertised and such list shall be in accordance with the merit of the candidates.

(2) The list referred to under Para. (1) shall ordinarily remain in force for a period of one year from the date of publication of the same by the OSSC or until another select list is prepared afresh whichever is earlier.

**11. Appointment to the promotional posts:—** (1) Subject to the provisions contained in these instructions, a person in the service shall be eligible for promotion from a lower Grade to the next higher Grade.

(2) The posts in Grade-II (Proof Reading Assistant) which exist in the Legislative Wing and also in the Translation Branch of the Law Department shall be filled up by the employee who holds the post in Grade-I in the service and Pasting Clerk in the Law Department, Library and having five years of experience in their respective posts subject to qualifying in a departmental test in English Proof Reading and Odia Proof Reading.

(3) The posts in Grade-III (Senior Proof Reading Assistant) which exists in the Legislative Wing as well as in the Language Branch of Law Department shall be filled up by way of promotion by the employee who holds the post in Grade-II and having at least three years of experience as such.

(4) The posts in Grade-IV (Special Assistant which exists in the Language Branch and the post of Gazette Assistant which exists in the Legislative Wing) shall be filled up by promotion by the officer who holds the post in Grade-III and having two years of experience as such.

(5) The post in Grade-V (Officer on Special Duty) which exists in the State Law Commission and the Superintendent of the Legislative and Codification Section shall be filled up by way of promotion by the officer who hold the post in Grade-IV and having two years' experience in their respective posts.

**12. Deputation:—** (1) In case of non-availability of suitable persons to be filled up by promotion;—

(a) to the post in Grade-III as mentioned in Para. (3) of instruction 11, the same shall be filled up by way of deputation by the person working in similar or equivalent grade on regular basis in the Central Government Offices/ Press or by way of deployment by the person working in similar and equivalent grade on regular basis in the State Government Offices, with having educational qualification and minimum eight years of experience in printing works or Proof Reading works;

(b) to the post in Grade-IV as mentioned in Para. (4) of instruction 11, the same shall be filled up by deployment by the person working as Section Officer on regular basis in any other Departments of the Government; and

(c) to the post in Grade-V as mentioned in Para. (5) of instruction 11, the same shall be filled up by way of deployment by the person working as Desk Officer on regular basis in any other Department of Government.

(2) The Selection Committee constituted under Para. (1) of instruction 13 shall also consider the suitability of a person for appointment of deputation to the posts in Grades-III, IV and V.

**13. Constitution of Selection Committee:—** (1) There shall be constituted a Selection Committee consisting of the following members to consider for promotion to different Grades in the Service, namely:—

- |  |   |                 |
|--|---|-----------------|
| (i) L.R.- <i>cum</i> -Special Secretary or in his absence the Special Secretary, belonging to Odisha Legislative Service.  | - | Chairman        |
| (ii) Additional Secretary (Judicial) or in his absence Additional Secretary belonging to Odisha Legislative Service.   | - | Member          |
| (iii) An Officer not below the rank of the Deputy Secretary belonging to Odisha Legislative Service or Odisha Secretariat Official Language Service nominated by the Secretary to Govt., Law Department. | - | Member          |
| (iv) Under Secretary or Deputy Secretary in-charge of (O.E.)   | - | Member Convener |
| (v) A representative not below the rank of Under Secretary from the S.T. and S.C. Development, Minorities and Backward Classes Welfare Department nominated by the Secretary of that Department.         |   |                 |

Provided that for the purpose of conducting Departmental test in English Proof Reading and Odia Proof Reading as mentioned in instruction 11, Secretary of the Department may nominate a person expert in the Proof Reading work.

(2) The recommendation of the Committee shall be valid and can be operated 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. Procedure for selection by the Committee:—** (1) The Committee shall meet at least once in a year preferably in the month of January to prepare a list of officers or employees as the case may be, 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 or employees as the case may be, 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 thereunder;
- (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.

(3) The Selection Committee shall, after considering the cases of all eligible candidates, prepare a list of all candidates who in its opinion are suitable and recommend them for appointment on promotion to the next higher Grade and the list so prepared shall be submitted to the Secretary to Government for approval in case of promotion from the posts in Grade-I to Grade-II and from Grade-II to Grade –III.

(4) The recommendation of the Selection Committee for promotion to the posts in Grade-III to Grade- IV and from Grade-IV to Grade-V shall be referred to the Commission by the Department.

**15. Select List in case of promotion:—** (1) The recommendations of the Commission in respect of reference made to it under Para. (4) of instruction 14 shall after being approved by Government form the select list.

(2) The lists referred to under Para. (1) shall ordinarily be in force for a period of one year from the date of its approval by the Government or until another select list is prepared afresh whichever is earlier.

(3) Appointment to any post in the service shall be in the order in which their names appear in the select list.

**16. Probation and Confirmation:—** (1) Every person appointed to the service by direct recruitment shall be on probation for a period of two years and when appointed on promotion shall be on a probation for a period of one year from the date of joining the post:

Provided that the appointing authority may, if he 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 and in the event of such termination a promotee shall be deemed to be reverted to his previous post.

(3) A probationer after successful completion of the period of probation to the satisfaction of Government shall be eligible for confirmation against a substantive post in the cadre.

**17. Inter-Se-Seniority:—** The *inter-se*-seniority of the persons appointed to the posts in different grades of service in a particular year shall be in the order in which their names appear in the select list.

**18. Relaxation:—** Where the Government is of the opinion that it is necessary on 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 employees.

**19. Interpretation:—** If any question arises relating to the interpretation of these instructions, it shall be referred to the Government whose decision thereon shall be final.

**Schedule – I**  
**(See instruction 3)**

Grade	Strength of Posts	Designation of Posts	Number of Posts		Scale of Pay under the ORSP Rules,2008
(1)	(2)	(3)	(4)		(5)
			Legislative Wing	Language Branch	
			(a)	(b)	
Grade-I	5	Copy Holder Typist-cum- Scribe Assistant	1 1	1 2	5200/-- 20,200/- with G.P. – 1900/- PB-1
Grade-II	5	Proof Reading Assistant	3	2	5200/- - 20,200/- with G.P.- 2400/- PB-1
Grade-III	4	Senior Proof Reading Assistant	2	2	9300/- - 34,800/- with G.P. – 4200/- PB-2
Grade-IV	2	Special Assistant Gazette Assistant	- 1	1 -	9300/- - 34,800/- with G.P. – 4600/- PB-2
Grade-V	2	O.S.D. Superintendent	1 1	- -	9300/- -34,800/- With G.P. -4800/- PB-2



**Schedule - II**

**[See instruction 7(1) and (2) ]**

Basic Knowledge in Computer Application:—

A. Computer Fundamentals.

B. MS Windows.

C. MS Office;

(i) Word processing (MS Words)

(ii) Spread sheet (MS Excel)

D. Usage of internet services available on internet.

By Order of the Governor

B. P. ROUTRAY

Principal Secretary to Government