

# The Odisha Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

No. 2389, CUTTACK, SATURDAY, DECEMBER 24, 2016/PAUSA 3, 1938

## HOUSING & URBAN DEVELOPMENT DEPARTMENT

### NOTIFICATION

The 24th December, 2016

**S.R.O. No. 643/2016**— In exercise of the powers conferred by Section 22 of the Odisha Municipal Services Act, 2016 and in supersession of the Rules/ Regulations/ Orders/ instruction; except as respects things done or omitted to be done before such supersession, the State Government do hereby makes the following rules regulating the method of recruitment and conditions of service of the persons appointed to the Odisha Municipal Services, namely:—

### CHAPTER – I

#### PRELIMINARY

**1. Short Title and Commencement:**— (1) These rules may be called the Odisha Municipal Services (General) Rules, 2016.

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

(3) These rules shall apply to all persons covered under the services constituted under section 3 of the Act except the categories of persons employed in Work Charged establishment or menial establishment or on daily wages or on contract or consolidated pay or the employment is casual in nature.

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

(a) 'Act' means the Odisha Municipal Services Act, 2016;

(b) 'Appointed on probation' or 'Appointed on officiating basis' means appointed on trial, awaiting confirmation;

- (c) 'Appointing Authority' means the authority empowered to make appointments under rule 7;
- (d) 'Commissioner' means Commissioner of a Municipal Corporation;
- (e) 'Deputy Commissioner' means Deputy Commissioner of a Municipal Corporation;
- (f) 'District' means a Revenue District;
- (g) 'Employee' or 'Municipal Employee' means officers and other personnel covered under these rules;
- (h) 'Ex-Servicemen' means persons as defined in the Odisha Ex-Servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
- (i) 'Joint Commissioner' means Joint Commissioner of a Municipal Corporation;
- (j) 'LFS' means Odisha Local Fund Service and relates to the existing employees in the Municipalities and Notified Area Councils whose services are governed under the Odisha Local Fund Service Rules, 1975;
- (k) 'Municipal Services or Municipal Cadre' means and includes 'all eight services as specified under section 3 of the Act;
- (l) 'Officer' means personnel employed in administrative, executive or managerial capacity in Urban Local Bodies in Group-A and Group-B services;
- (m) 'Personnel' means officers and employees recruited or absorbed under the Odisha Municipal Services Act, 2016 and rules made thereunder;
- (n) 'Persons with Disabilities' means persons who have been granted with Disability Certificates by the Competent Authority as per provisions of the Persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Odisha Rules, 2003;
- (o) "Recruitment Rules" means recruitment rules to be framed for respective services constituted under section 3 of the Act;
- (p) 'Scheduled Castes and Scheduled Tribes' shall have reference to the Scheduled Castes and Scheduled Tribes specified in the Constitution(Scheduled Castes) Order,1950 and the Constitution (Scheduled Tribe) Order,1950,as the case may be made under Article, 341

and 342 of the Constitution of India, respectively and as amended from time to time.

- (q) 'SEBC' means the Socially and Educationally Backward Classes of citizens as defined in clause (a) of Section 2 of the Odisha State Commission for Backward Classes Act, 1993;
- (r) 'Section' means a particular section of the Odisha Municipal Services Act, 2016;
- (s) 'Selection' means selection in accordance with the provisions of the Odisha Municipal Services Act, 2016 and the rules made thereunder by the Commission or Service Selection Committee which may include the Odisha Municipal Services Recruitment Board;
- (t) "Service" means the Odisha Municipal Service;
- (u) 'Sportsperson' means persons who have been issued with identity card as Sportsperson by the Director, Sports as per Resolution No.24808/Gen., dated the 18th November, 1885 of General Administration Department;
- (v) 'ULB' means 'Urban Local Body', i.e. Municipal Corporation or Municipality or Notified Area Council (NAC) in the State of Odisha; and
- (w) '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 Odisha Municipal Services Act, 2016 or the Odisha Service Code.

**3. Constitution of Cadre:—** The Municipal Services constituted under section 3 of the Act shall each, form different state cadres.

## CHAPTER – II

### PROVISIONS RELATING TO CADRE STRENGTH, GROUPING OF POSTS APPOINTING AUTHORITY AND JURISDICTION OF CADRE ETC.

**4. Cadre Strength.**— (1) The initial cadre strength of different category of service consisting of different posts shall be as notified by the Government.

(2) Government shall have power to increase the cadre strength with concurrence of the Finance Department from time to time by notification in the official gazette for bringing in efficiency in urban governance and service delivery.

(3) The Cadre Strength shall be determined by requirement of personnel in different categories of Urban Local Bodies in Odisha as defined in Section 4 of the Act.

(4) The number of posts to be filled up during a particular Financial Year shall be as decided by the Government taking into consideration the citizen service requirement, need for effective cadre management and administrative convenience.

**5. Designation of Posts:**— The designation of various categories of posts under Odisha Municipal Services shall be notified by the Government in official Gazette.

**6. Grouping of Posts:**— Grouping of various categories of posts as Group A, B or C with their pay scale in the Urban Local Bodies shall be similar to the classification made by the Government in General Administration Department for the State Government employees.

**7. Appointing Authority and Jurisdiction of Municipal Services**— (1) The Director, Municipal Administration in the Housing & Urban Development Department shall be the Appointing Authority for all categories of posts under the Odisha Municipal Services;

(2) The Officers and employees recruited under these services can be posted, transferred or deputed to any Urban Local Bodies in the State; and

(3) The procedure for absorption of the existing employees in posts with comparable duties at appropriate level shall be formulated by a committee to be appointed by the Government and shall be notified after approval of the Government.

**8. Status of Personnel and Salary:**— (1) The employees appointed under any service constituted under the Act shall be ULB employees.

(2) The Urban Local Bodies concerned shall be responsible to meet the salaries, allowances and other financial benefits of the personnel posted in the Urban Local Bodies.

**9. Other Service Conditions:**— The pay, grade pay, increment, allowances, age of superannuation, review of cases for pre-mature retirement or otherwise of the officers and employees of Odisha Municipal Service shall be governed by the rules or instructions as applicable to the State Government officers and employees subject to approval of the Government in Housing & Urban Development Department.

**10. Provision of certain rules of the Government to apply to the employees:—**

(1) Except as otherwise, expressly provided in these rules,—

(a) the general condition of service as provided in the Odisha Service Code,

(b) the Odisha Government Servant Conduct Rules, 1989,

(c) the Odisha Leave Rules, 1966,

(d) the procedure for institution of disciplinary proceedings and its finalization under the provisions of the OCS (CCA) Rules, 1962,

(e) the OCS (Rehabilitation Assistance) Rules, 1990 and

(f) the Odisha Travelling allowance Rules

shall *mutatis mutandis*, be applicable to the officers and employees as amended from time to time.

(2) All officers and employees recruited under different services constituted under the Act and rules made thereunder come under the Restructured Defined Contribution Pension Scheme - 2005 of Govt. of Odisha.

(3) The existing officers and employees under Corporation Service, LFS or Other than LFS recruited before 1st January, 2005 will come under prevailing pension scheme as is applicable to the Municipal Corporation/Municipality/NAC concerned.

**11. Posting and Transfer:**— (1) The posting and transfer of the employees of the Odisha Municipal Service shall be made observing the principles as enumerated in sub-rule (2):

Provided that any of these principles may be relaxed by order of Government in public interest, on administrative grounds mentioning detail reasons to be recorded in writing.

(2) (a) No Officer or employee shall be allowed to remain in a particular ULB for more than three years.

(b) Officers or employees should ordinarily be transferred after completion of three years in a station; provided that the authorities may transfer them before completion of three years in a station at any time, if it is considered necessary in the public interest or administrative grounds.

(c) Officers and employees may be allowed to be posted in their home Districts two years before their retirement subject to availability of vacancy.

(d) Officers and employees completing six years of total service in the ULBs in the Districts of Koraput, Rayagada, Malkangiri, Nawarangpur, Kalahandi, Nuapada, Bolangir, Sonepur, and Kandhamal and in the Integrated Tribal Development Agency areas, may be allowed to be posted in their home Districts/ ULBs of their choice subject to availability of vacancy.

**12. Training and Departmental Examination:**— The Officers and employees of different services shall be required to pass Departmental Examination during their probation period and they shall undergo regular course or refresher course of institutional and in service trainings as may be prescribed separately by the Government.

**13. Procedure for Direct Recruitment:**— (1) The Director shall intimate to the Government in Housing & Urban Development Department each year preferably in the month of January the categorywise vacancy position in respect of Group A, Group B and Group C posts required to be filled up by direct recruitment.

(2) On receiving the Government approval, the Directorate of Municipal Administration shall initiate the process of recruitment through the Commission, or the Service Selection Committee or a Committee notified by the Government as the case may be in accordance with the provisions made in this respect in different recruitment rules.

(3) The posts coming under the category of direct recruitment in Group A, Group B and Group C in different services, shall be filled up through a combined or separate competitive examination and to be conducted by the Commission or the service selection committee or the committee notified by the Government as specified in respective recruitment Rules.

**14. Constitution of “Odisha Municipal Services Recruitment Board” under the Directorate of Municipal Administration.**— (1)The Government in the H. & U.D. Department shall constitute the ‘Odisha Municipal Services Recruitment Board’ under the Chairmanship of the Secretary, Housing & Urban Development Department to conduct direct recruitments to the specific posts under Odisha Municipal Services for all Municipal Corporations, Municipalities and Notified Area Councils of Odisha.

(2) The Director, Municipal Administration shall be the Vice-Chairman and Member-Convener of the Board.

**15. Appointment by Promotion.**— (1) The promotion to different Odisha Municipal Services at Group-A, Group-B and Group-C levels shall commence only after giving an option to the existing employees of the Corporation Service, LFS, Other than LFS to join the Municipal Cadre at the appropriate level, subject to the condition that they have requisite minimum qualification and experience, if any, as required and being found suitable by the Government:

Provided that in case a higher qualification of a base level post held by a person, is prescribed in the respective recruitment rules it shall not affect the person holding the post before commencement of these rules.

(2) All promotions shall be on the basis of merit-*cum*-suitability in all respect with due regard to seniority and subject to the following conditions, namely:—

- (a) Reservation in promotion for persons belonging to various categories as provided by the Government;
- (b) Having the minimum qualification and experience as prescribed in respective recruitment rules;
- (c) Having completed the *ad hoc* period, if any, and the probation period satisfactorily;
- (d) Appointments by promotions may be made on *ad hoc* basis for a period of one year, which may for reasons to be recorded in writing, be extended by the Appointing Authority for a further period not exceeding one year;
- (e) At the end of the term of such *ad hoc* appointment or the extended period of *ad hoc* appointment, as the case may be, the Appointing Authority shall consider the suitability of the person so promoted to hold the post to which he was promoted;
- (f) Where the Appointing Authority considers that the work of the person so promoted during the period of such *ad hoc* appointment is satisfactory it shall, as soon as possible, issue an order declaring the person to have satisfactorily completed the period of officiating, and such an order, shall have effect from the date of expiry of the period of *ad hoc* appointment;
- (g) If at the end of the term of *ad hoc* appointment the Appointing Authority considers that the person is not suitable for the post to which he is

promoted it shall, by order, revert the person to the post which he held prior to his promotion;

- (h) A person shall not be considered to have satisfactorily completed the period of *ad hoc* appointment unless a specific order to that effect is passed:

Provided that if order under clause (g) is not passed or the period of officiating is not extended under clause (d) within three months or expiry of the period of *ad hoc* appointment he shall be deemed to have satisfactorily completed the period of officiating;

- (i) A person who have been declared to have satisfactorily completed his period of *ad hoc* appointment under clause (d) or deemed to have satisfactorily completed the period of such appointment under clause (h), shall be continued as a full member of the service and confirmed in the group or category for which he was promoted at the earliest opportunity in any substantive vacancy which may exist or arise in the permanent cadre of such Group or category:

Provided that where the appointment is made by promotion to a temporary post in any service, the person shall be continued on *ad hoc* basis in the temporary post in any service subject to the period prescribed under clause (d) and in case of further requirement the Appointing Authority may consider and extend the period on the same terms and condition;

- (j) Notwithstanding anything contained in this rule no case shall be considered for promotion unless the Committee constituted under rule 16 recommends and on such recommendation regular promotion may be made, after such recommendation is approved by the Competent Authority under rule 17; and
- (k) Wherein promotion is made from heterogeneous posts, it is necessary to prepare a combined gradation list for the purpose of consideration by the committee on the basis of date of appointment in the feeder grade post.

**16. Constitution of Departmental Promotion Committee:—** (1) There shall be constituted a Departmental Promotion Committee consisting of the following members to consider the cases of promotion from Group-B to Group-A namely:—

- |     |      |                                    |               |
|-----|------|------------------------------------|---------------|
| (a) | (i)  | Secretary, H & UD Deptt.           | – Chairperson |
|     | (ii) | Director, Municipal Administration | – Member      |



- (iii) Representative from Schedule Tribe and Schedule Caste Development Department not below the rank of under Secretary from Schedule Tribe & Schedule Caste Development Department – Member
- (iv) One Commissioner of any Municipal Corporation nominated by the Chairman – Member
- (v) Deputy Secretary/Under Secretary of Housing & Urban Development Department dealing with the Municipal Cadre –Member Convener
- (vi) Representative from the General Administration Department not below the rank of Deputy Secretary-Member
- (b) Group-C to Group-B and within Group 'C' and Group 'B' namely:—
- (i) Director Municipal Administration – Chairperson
- (ii) Representative from Schedule Tribe & Schedule Caste Development Department not below the rank of under Secretary from Schedule Tribe & Schedule Caste Development Department –Member
- (iii) One Commissioner of any Municipal Corporation – Member
- (iv) Deputy Secretary/Under Secretary of Housing & Urban Development Department dealing with the Municipal Cadre –Member Convener

Provided that in case of promotion or selection of candidates to Engineering service, the Chief Engineer, Civil, Roads, Buildings, or Public Health of Odisha shall be included as a Member as nominated by the Chairperson.

(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 Chairperson:

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

**17. Concurrence of Government on Promotion of Employees:—** (1) The recommendations of the Departmental Promotion Committee shall be referred to the Housing & Urban Development Department for approval of the Government and in case of promotion within Group 'C' for approval of the Secretary to Government, Housing & Urban

Development Department along with a list of all eligible candidates, including those who have not been recommended together with the service particulars relating to their academic qualification, experience, if any.

(2) The Government or the Secretary, as the case may be, shall consider the list along with the service particulars received and accord approval of the recommendation for promotion by the Departmental Promotion Committee.

**18. Selection List:—** (1) The list so concurred by the Government ordinarily be in force for a period of one year from the date of concurrence by the Government or until another selection list is prepared afresh; whichever is earlier.

(2) Appointment to any post in the services shall be in the order in which their names appear in the selection list.

**19. Method of Recruitment and Minimum Qualifications:—** (1) In respect of each category of posts, the pay band, method of recruitment and minimum educational qualification shall be as prescribed in the respective recruitment rules.

(2) Besides the minimum educational qualification to be prescribed under sub-rule (1) a candidate , in order to be eligible for appearing at the competitive examination, must,—

(a) be a citizen of India.

(b) be able to speak, read, and write Odia and shall have Odia as a language subject in the H.S.C. Examination or an equivalent examination or has been declared to have passed a test in Odia language equivalent to the Middle School standard conducted by the School & Mass Education Department of the Government of Odisha.

(c) be under thirty-two years and over twenty-one years of age on the 1st day of January of the year in which applications are invited:

Provided that the maximum upper age-limit in case of candidates belonging to women, Scheduled Caste and Scheduled Tribe, Socially and Economically Backward Classes, Ex-Servicemen and Person with disability shall be relaxed as per the rules framed or instructions issued by the State Government in this respect.

(d) have not more than one spouse living, if married:

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.

(e) be of good character

(3) Where applications have not been invited by the Commission/ Service Selection Committee during any particular year to fill up the vacancies of that year, the applicants who would have been eligible to compete at the examination had the applications been invited by them during that year, shall be eligible to compete at the examination held in the subsequent year.

(4) In support of proof of age, the certificate of the H.S.C. Examination or an equivalent examination or a certificate recognized by an Indian University as equivalent thereto shall be accepted by the Appointing Authority.

(5) All candidates recruited to the Municipal Service by direct recruitment or by promotion or by selection or by absorption must have the basic computer operating knowledge for making data entry in MS Word and Excel formats, All supervisory authorities must ensure this before allowing the first annual increment of all the employees after joining the Municipal Services Cadres.

**20. Reservation:**— Notwithstanding anything contained in these Rules, reservation of vacancies or posts, as the case may be, for, —

(1) Schedule 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 rules made there under;

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

**21. Eligibility of Government Employees to Appear in the Examination:**—(1) Government employees, whether temporary or permanent, are eligible to appear in the competitive examination provided they possess the requisite qualifications and are within the prescribed age-limit.

(2) Applications from Government employees, shall, however be submitted through proper channel.

**22. Payment of Examination Fee:**— No application shall be considered, unless it is accompanied by a Bank Draft, or any other mode of payment including e-payment as provided in the advertisement as decided by the Commission or the Service Selection Committee, as the case may be:

Provided that a candidate belonging to the Scheduled Castes or Scheduled Tribes or Persons with Disabilities category is exempted from payment of any fee, and a

candidate belonging to the SEBC or Women or Sports person category shall pay 50% of the prescribed fee rounded up to the next ten rupees:

Provided further that no claim for refund of the fees shall, in any circumstances be entertained.

**23. Medical Fitness:**— (1) A candidate must be of good mental condition and bodily healthy and free from any physical defect likely to interfere with the discharge of his duties as an Officer/employee of the Service.

(2) A candidate, who after such medical examination as the Government may decide, is not found to satisfy these requirements, shall not be appointed to the service. Any candidate called for the personality test by the Director, Municipal Administration may be required to undergo medical examination. No fee shall be payable for such Medical examination.

**24. Identity of Candidates:**— Candidates shall submit two copies of their recent passport size self attested photographs, one of which shall be affixed on the first page of the application form and the remaining one shall be firmly attached to it.

**25. Grounds of Disqualification of Candidates:**— (1) No candidate who is or has been declared by the Director, Municipal Administration to be guilty of, –

- (a) Obtaining support for his/her candidature by any means; or
- (b) Impersonation; or
- (c) Procuring impersonation by any person; or
- (d) Submitting fabricated documents or documents which have been tampered with; or
- (e) making statements which are incorrect or false or suppressing material information; or
- (f) resorting to any other irregular or improper means in connection with his candidature for the examination; or
- (g) using unfair means during the examination; or
- (h) writing irrelevant matter including obscene language or pornographic matter in the script(s); or
- (i) misbehaving with the fellow examinees or the invigilators in any manner in the examination hall; or
- (j) harassing or causing bodily harm to the staff employed/engaged by the Director, Municipal Administration for the conduct of the examination; or
- (k) violating any of the instructions contained in the admission certificate; or
- (l) attempting to commit or as the case may be, abetting to influence the Directorate of Municipal Administration of all or any of the acts specified in the foregoing clauses, shall be disqualified by the Director Municipal Administration from the examination for which he is a candidate; or he shall be debarred, either permanently or for a specified period by the Director Municipal Administration, from appearing in any such

examination or selection and in case he is already in service under Government, his authorities shall be recommended to take disciplinary action under the rules applicable to him.

(2) No action under this rule shall be taken except after giving the candidate an opportunity of making such representation to the Director Municipal Administration or Government, as the case may be, in writing as he may wish to make in that behalf.

**26. Joining of the Existing Employees in the Municipal Services:—** (1) The services of the existing employees under the Corporation Service, LFS and services other than LFS shall not be affected by recruitment to the proposed municipal services.

(2) The post of an Officer or employee will cease to exist after retirement or demise of the incumbent. The present Corporation Service, LFS and services other than LFS cadres shall become 'dying cadres' and no recruitment will be made to fill up the existing and future vacancy.

(3) The interested Officers and employees can opt to join the Odisha Municipal Services at appropriate levels with their pay being protected:

Provided that they have,—

- (i) the requisite qualification and skill; and
- (ii) qualified in a screening test to be conducted by the Municipal Service Recruitment Board constituted under rule 14.

(4) No promotional posts shall be kept reserved in their parent cadre for those who do not opt to migrate to the new Municipal Cadre and for those existing employees who are found unsuitable for absorption.

(5) Most of the functions supposed to be carried out by the personnel like sweeping and cleaning shall be outsourced and the procedure for outsourcing shall be as decided by the Government.

### **CHAPTER – III**

#### **PROBATION, CONFIRMATION, INCREMENT, PROMOTION AND ABOLITION OF POSTS**

**27. Probation and Confirmation:—** (1) All persons appointed to post in the service shall be on probation for a period of two years (including training) in case of direct recruitment and one year in case of promotion (including refresher course training and officiating if any) which shall be counted 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 for a further period upto one year.

Provided further that the period of probation shall not include the following; namely:—

- (i) Extraordinary leave
- (ii) Period of unauthorized leave
- (iii) Any other period held to be not being on actual duty.

(2) 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.

**28. Inter-Se-Seniority:**—The *inter se* seniority of Officers and Employees in a recruitment year shall be determined in the following order, namely:—

- (i) The *inter-se*-Seniority of the promotees shall be fixed in the order in which their names are arranged in the select list drawn by the Departmental Promotion Committee.
- (ii) The *inter-se*-Seniority of the Officers/ employees appointed by means of selection shall be determined in the order of their dates of appointment to the service.
- (iii) The *inter-se*-Seniority of the direct recruits shall be determined in the order in which their names appear in the merit list prepared by the commission or the service selection committee as the case may be.

**29. Overriding Effect:**— The provisions of these rules shall have overriding effect on all other relevant rules are in force on the commencement of these rules on the matters provided herein.

**30. Relaxation:**— Where the Government is satisfied that operation of any rule(s)/ regulations/ notifications/ orders/ circulars, and the condition as laid down in the Rules causes any hardship in any particular case, it may dispense with or relax the requirement of the rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in equitable manner.

**31. Interpretation:**— If any question arises relating to the interpretation of these rules, it shall be referred to the State Government, whose decision thereon shall be final and binding on all concerned.

[No. 30170–HUD-13-LEGIS-67-POLICY-15-33/2016/HUD.]

By Order of the Governor

G. MATHI VATHANAN  
Commissioner-*cum*-Secretary to Government