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WATER RESOURCES DEPARTMENT

NOTIFICATION

The 29th December, 2012

No. 34608-FE-II-AE(C)-4/2012(Part-II)/WR.— 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 regulating the methods of recruitment and conditions of service of the persons appointed to different grades of the Odisha Diploma Engineers' Service, namely :—

PART - A

PRELIMINARIES

1. Short title and commencement: – (1) These rules may be called the "Odisha Diploma Engineers' Service (Methods of Recruitment & Conditions of Service) Rules - 2012".

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

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

- (a) "Government" means the Government of Odisha .
- (b) "Commission" means the Odisha Public Service Commission/ Odisha Staff Selection Commission as the case may be.
- (c) "Committee" means the Departmental Promotion Committee constituted under rule 10;
- (d) "Ex-Servicemen" means a person as defined in the Odisha Ex-Servicemen (Recruitment to State Civil Services and Posts) Rules, 1985.
- (e) "Person 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) Odisha 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 referred to in clause (e) of section 2 of the Odisha Reservation of Posts and Services (For Socially and Educationally Backward Classes) Act, 2008:
- (h) "Service" means the Odisha Diploma Engineers' Cadre Service;
- (i) "Sportsmen" means a person who would be issued with identity card as sportsmen by the Director, sports as per Resolution No.24808/Gen dated 18th November 1985 of General Administration Department;
- (j) "Year" means a Calendar Year.
- (k) "Diploma " means 3 years Diploma Course in Civil/Electrical/ Mechanical/ Mining etc. conducted by Odisha State Council of Technical Education and Vocational Training.
- (l) "Branch" means Civil/ Electrical/ Mechanical/ Mining etc.

(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.

3. Constitution of Service – (1) The Service shall consist of the following grades namely:—

- (i) Junior Engineer
- (ii) Assistant Engineer

PART - B

METHODS OF RECRUITMENT

4. *Methods of recruitment* – (1) Subject to other provisions made in these rules recruitment to different grades in the service shall be made by the following methods, namely :—

(a) In respect of the grade of Junior Engineer— by direct recruitment through competitive examination to be held once in a year by the Odisha Staff Selection Commission.

(b) In respect of the grade of Assistant Engineer— by way of promotion from the grade of Junior Engineer of Odisha Diploma Engineers' Service only in consultation with Odisha Public Service Commission.

5. *Reservations* — Notwithstanding anything contained in these rules reservation of vacancies or posts, as the case may be for:—

(a) Schedule Castes and Schedule 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 or any other law or rule for the time being in force and

(b) SEBC, Women, Sportsmen, Ex-servicemen and Physically Handicapped Persons shall be made in accordance with the provisions made under such Act/Rules, orders or instructions issued on this behalf by Government from time to time.

PART - C

DIRECT RECRUITMENT

6. *Eligibility criteria for Direct Recruitment:*— In order to be eligible for direct recruitment to the posts of Junior Engineer in the service, a candidate must satisfy the following conditions, namely:—

(a) *Nationality:* She/he must be a citizen of India.

(b) *Educational Qualification:* She/he must have possessed a Diploma in Engineering or an equivalent qualification from the Institution recognized by the Odisha Council of Technical Education & Vocational Training.

(c) *Age Limits:* She/he must not be below 21 years and above the age of 32 years on the 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 5 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.

(d) *Knowledge in Odia* : She/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 or above from School or Educational Institution recognised by the Government of Odisha or the Central Government , or
- (iv) Passed a test in Odia in Middle English School Standard conducted by the School and Mass Education Department/ Board of Secondary Education , Odisha.

(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 good mental condition and bodily health and free from any physical defect likely to interfere with the discharge of his duties in the service.

7. Selection by the Commission: (i) The competitive examination for direct recruitment to the grade of Junior Engineer shall be conducted by the Odisha Staff Selection Commission.

(ii) The Engineer-in-Chief / Engineer of equivalent status of the Administrative Department shall communicate the total number of vacancies, that is, the existing vacancies, if any, and the anticipated vacancies likely to arise during the recruitment year to be filled up by direct recruitment to the commission in the first week of December, indicating the post to be reserved for candidates belonging to different reserved categories. Such communication shall furnish the necessary details in the format prescribed for the purpose by the Commission.

(iii) The Odisha Staff Selection Commission shall, on receipt of the vacancies to be filled up by direct recruitment publish the advertisement at the latest by the last week of December in the two widely circulated Odia dailies inviting applications from eligible candidates to appear at the examination.

(iv) The Odisha Staff Selection Commission after receiving all the applications shall take steps to select candidates in the manner given below;

(v) Selection shall be based on career evaluation and objective type written test.

(a) Weightage on career evaluation shall **be 50%** (fifty per cent) and objective type written test **50%** (fifty per cent).

(b) The career evaluation shall be made in the following manner,

(i) High School Certificate : **20 %** (Twenty per cent)

(ii) Certificate or Diploma in Engineering : **30%** (Thirty per cent)

(vi) There shall not be any viva voce test.

(vii) The Odisha Staff Selection Commission shall prepare a list of selected candidates arranged in order of merit equal to the number of advertised vacancy on the basis of the marks secured in career evaluation and the written test taken together.

Explanation: The commission shall prepare a common merit list taking into account all categories along with separate merit list category wise.

8. Preparation of Select List in case of direct Recruitment:— (1) On the basis of the results of the examination, the Odisha Staff Selection Commission shall prepare a common list of successful candidates found suitable for appointment in order of merit subject to reservations for different categories /various branches of the cadre and forward the list to Government. The merit list received from the Commission shall be placed before the Government for approval and on such approval, it shall form the select list. The list after approval of the Government shall also be published by the Commission for general information.

(2) Appointment to the grade of Junior Engineer shall be made in the order the names as they appear in the Select List.

(3) Every candidate included in the Select List shall be examined by a Medical Board, and any candidate who fails to qualify the Medical Board shall not be eligible for appointment.

(4) The select list shall ordinarily remain in force for one year from the date of its approval by the Government under sub-rule (1) or until another select list is prepared, whichever is earlier.

PART - D
PROMOTION

9. Eligibility Criteria for promotion:-In order to be eligible for promotion to the grade of Assistant Engineer, a Junior Engineer must have passed the Departmental/Professional Examination under Rule-18 and have completed at least 10 years of service as such.

10. Constitution of Departmental Promotion committee – (1) There shall be constituted a Committee for considering promotion of Junior Engineers to the posts of Assistant Engineer with the following members

- (a) Principal Secretary / Commissioner-cum-Secretary/Secretary
of the Administrative Department – Chairman
- (b) Engineer-in-Chief / Engineer of equivalent
status of the Administrative Department – Member
- (c) Chief Engineer, Mechanical – Member
(In case of promotion of corresponding posts of Mechanical wing only).
- (d) Additional Secretary / Joint Secretary/
Deputy Secretary of the Administrative
Department dealing with the subject – Member Convenor

(2) 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.

11. 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 Junior Engineers, as are held by them suitable for promotion to the rank of Assistant Engineer.

(2) The Committee while considering the cases of suitable officers and preparation of the list shall follow the provisions of –

- (a) The ORV Act & the Rules made there under.
- (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. Consultation with the Commission – (1) The recommendations of the committee, shall be referred to the Odisha Public Service Commission for concurrence along with the list of all eligible officers, including those who have not been recommended together with the service particulars and other documents, if any.

(2) The Odisha Public Service Commission shall consider the list along with the service particulars received under Sub-Rule (1) and shall furnish its recommendations to Government.

13. Select List in case of promotion – (1) The recommendations of the Odisha Public Service Commission in respect of reference made to it under sub-rule (1) of rule 12 shall be considered by Government and the list approved by Government shall form the select list.

(2) The list referred to under sub-rule (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.

14. Appointment to Assistant Engineer grade in the Service – Appointment to the grade of Assistant Engineer in the service shall be made in the order in which the names of officers appear in the select list prepared under rule 13.

PART - E

OTHER CONDITIONS OF SERVICE

15. Probation and Confirmation – (1) Every person appointed in the service by direct recruitment shall be on probation for a period of two years.

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 Government at any time without previous notice during the period of probation including extension of such period, if any.

(3) A probationer after completing the period of probation to the satisfaction of Government shall be eligible for confirmation subject to passing of Departmental and Professional Examination under Rule 18 and availability of permanent vacancy in the grade.

16. Seniority – The seniority of the officers appointed in the service in a particular year shall be in the order in which their names appear in the select list prepared under Rule 8 and 13 as the case may be:

17. 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.

18. Departmental and Professional Examination - Every member of the service shall be liable to pass the prescribed Departmental and Professional Examination during the period of probation otherwise He / She will not be eligible for next increment.

PART - F

MISCELLANEOUS

19. Relaxation – When the Government are of the opinion that it is considered necessary or expedient so to do, in 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 in consultation with the Commission.

20. Repeal and Savings – The General Administration Department Notification No. 6514/Gen., dated 23rd March, 1982 and regulations, instructions or orders 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, instructions or orders so repealed shall be deemed to have been made, taken or done under the corresponding provisions of these rules.

21. Interpretation – If any question arises relating to the interpretation of these rules, it shall be referred to Government whose decision thereon shall be final.

22. Power to issue instructions – The Government may issue such instructions not inconsistent 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

S. C. MAHAPATRA

Principal Secretary to Government