

(Authoritative English Text of this Department's Notification No. Ayur-Ka(3)-1 dated 5th March, 2012 as required under clause (3) of Article 309 of the Constitution of India).

**GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF AYURVEDA**

No. Ayur-Ka(3)-1/94 Dated: Shimla-171002, the 5th March, 2012.

NOTIFICATION

In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with H.P. Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Professor, Class-I (Gazetted) in the Department of Ayurveda, Himachal Pradesh, as per **Annexure-'A'** attached to this notification, namely :-

Short title & Commencement: 1 (1) These rules may be called the Himachal Pradesh Department of Ayurveda, Professor, Class-I (Gazetted), Recruitment & Promotion Rules, 2012.

(2) These rules shall come into force from the date of publication in official Gazette.

Repeal & Savings: 2 (1) The Himachal Pradesh Department of Indian System of Medicine and Homeopathy, Professor, Class-I (Services) Recruitment & Promotion Rules, 1997, notified vide this Department's Notification No. Ayr.-C(Ka)-3/1/1994 dated 16-05-1997 are hereby repealed.

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the relevant rules so repealed under sub rule 2(1) supra shall be deemed to have been validly made, done or taken under these rules.

By Order

Secretary (Ayurveda) to the
Government of Himachal Pradesh.

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Endst. No. Ayur-Ka(3)-1/94

Dated: Shimla-2,

5th March, 2012.

Copy for information and necessary action is forwarded to:-

1. All the Addl. Chief Secretaries/Principal Secretaries/Secretaries to the Government of Himachal Pradesh Shimla-171002.
2. The Director, Ayurveda, Kasumpti, Shimla-171009.
3. The Secretary HP Public Service Commission, Nigam Vihar, Shimla-171002 w.r.t. his letter 1-2/78-PSC-Part dated 19-12-2011 (three copies).
4. The Controller, Printing & Stationery Department, HP Shimla-171005 for publication in the Rajpatra.
5. The ALR-cum-Under Secretary (Law) to the Government of H.P. Shimla-2
6. Guard file with 100 spare copies.

Under Secretary (Ayurveda) to the
Government of Himachal Pradesh.

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ANNEXURE-A

RECRUITMENT & PROMOTION RULES FOR THE POST OF PROFESSOR
CLASS-I (GAZETTED) IN THE DEPARTMENT OF AYURVEDA, HIMACHAL
PRADESH

1.	Name of Post :	Professor
2.	Number of Post(s):	11(Eleven)
3.	Classification:	Class-I (Gazetted)
4.	Scale of Pay:	i) Pay scale for regular incumbents: Pay band Rs.15600-39100 + 6600 /- Grade Pay. ii) Emoluments for contract employees: Rs.22,200/- as per details given in Column 15-A.
5.	Whether "Selection" post or "Non-Selection" post:	Selection.
6.	Age for direct recruitment :	45 years' and below.
		<p>Provided that the upper age limit for direct recruits will not be applicable to the candidates already in service of the Government including those who have been appointed on adhoc or on contract basis.</p> <p>Provided further that if a candidates appointed on adhoc basis or on contract basis had become over-age on the date he /she was appointed as such he/she shall not be eligible for any relaxation in the prescribed age limit by virtue of his/her adhoc or contact appointment.</p> <p>Provided further that the upper age limit is relaxable for scheduled caste/scheduled Tribes/other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government.</p> <p>Provided further that the employees of all the Public Sector Corporation and Autonomous Bodies who happened to be Government servants before absorption in public sector corporations/autonomous Bodies at the time of initial constitutions of such corporations/autonomous bodies shall be allowed age concession in direct recruitment as admissible to Government Servants. This concession will not, however, be admissible to</p>

	<p>such staff of the public sector corporations/autonomous Bodies and who are /were finally absorbed in the service of such corporations/autonomous after initial constitution of the public sector Corporations/Autonomous Bodies.</p> <p>(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post (s) is /are advertised for inviting applications or notified to the Employment Exchange or as the case may be.</p> <p>(2) Age and experience in the case of direct recruitment, relaxable at the discretion of Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.</p>	
7.	<p>Minimum educational & other qualifications required for direct recruit(s):</p>	<p>a) Essential Qualification(s):</p> <p>i) Bachelor Degree in Ayurveda from a recognized University or Council of Indian System of Medicine established by law or from an Ayurvedic College recognized by the Government.</p> <p>ii) Post Graduate Degree in particular branch of speciality from any recognized University establishment by Law or the degree recognized by CCIM or H.P. Government; and</p> <p>iii) Should have studied Sanskrit as one of the subjects in the course of Bachelor Degree in Ayurveda.</p> <p>iv) Teaching experience of 15 years' after doing post-graduation out of which 6 years' as Reader in the concerned subject.</p> <p>b) Desirable Qualification: Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.</p>
8.	<p>Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of the Promotee(s):</p>	<p>Age: Not applicable.</p> <p>Educational Qualifications: Yes as prescribed against Column No.7 above except (iv).</p>
9.	<p>Period of probation, if any:</p>	<p>Two years' subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.</p>

10.	Method(s) of recruitment, whether by direct recruitment or by promotion deputation, transfer and the percentage of post(s) to be filled in by various methods:	100% by promotion failing which by direct recruitment on a 'regular' basis or by recruitment on contract basis, as the case may be. The contract employees will get emoluments as given in Col.15-A and will be governed by service conditions as specified in the said column.
11.	In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation transfer is to be made:	By promotion from amongst the Readers having six years' regular service or regular combined with continuous adhoc service rendered, if any, in the grade.
<p>(1) In all cases of promotions, the continuous adhoc service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these Rules for promotion subject to the condition that the adhoc appointment/promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R&P Rules;</p> <p>Provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on adhoc basis, followed by regular service/appointment) in the feeder post in view of the provision referred to above, all persons senior to him/her in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration;</p> <p>Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of atleast three year's or that prescribed in the R&P Rules for the post, whichever is less ;</p> <p>Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements to be ineligible for consideration for such promotion ;</p> <p>Explanation:- The last proviso shall not render the junior incumbent(s) ineligible for consideration for promotion if the senior ineligible person(s) happened to be Ex-Servicemen recruited under the provisions of Rule-3 of the Demobilized Armed forces Personnel (Reservation of vacancies in Himachal State Non-Technical Service) Rules, 1972 and having been given the benefit of seniority there-under or recruited under the provisions of Rule-3 of the Ex-Servicemen (Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there-under.</p> <p>(2) Similarly, in all cases of confirmation, adhoc service rendered on the feeder post, if any, prior to the regular appointment/promotion against such post shall be taken into account towards the length of service, if the adhoc appointment/promotion had been made after proper selection and in accordance with the provision of the R&P Rules.</p> <p>Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.</p>		

12.	If a Departmental promotion committee exists, what is its composition ?	As may be constituted by the Government from time to time.
13.	Circumstances under which the H.P.S.S.C. is to be consulted in making recruitment:	As required under the law.
14.	Essential requirement for a direct recruitment:	A candidate for appointment to any service or post must be a citizen of India.
15.	Selection for appointment to the post by Direct Recruitment :	Selection for appointment to the post in case of direct recruitment shall be made on the basis of viva-voce test and if the Himachal Pradesh Public Service Commission or other recruiting authority, as the case may be, so consider necessary or expedite by a written test, or a practical test, the standard/ syllabus etc. of which will be determined by the Commission/ other recruiting agency, as the case may be.
15-A.	Selection for appointment to the post by contract appointment :	<p>Notwithstanding anything contained in these rules, contract appointments to the post will be made subject to the terms and conditions given below :-</p> <p>(I) <u>CONCEPT</u> :</p> <p>(a) Under this policy the Professor, in the Department of Ayurveda H.P. will be engaged on contract basis initially for one year, which may be extendable on year to year basis.</p> <p>Provided that for extension/renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his period of contract is to be renewed/extended.</p> <p>b) <u>POST FALLS WITHIN THE PURVIEW OF H.P.P.S.C. :-</u></p> <p>The Principal Secretary/ Secretary (Ayurveda) to the Government of H.P. after obtaining the approval of the Government to fill up the vacant posts on contract basis will place the requisition with the concerned recruiting agency i.e. <u>H.P. Public Service Commission.</u></p>

(c) The selection will be made in accordance with the eligibility conditions prescribed in these R&P Rules.

(II) CONTRACTUAL EMOLUMENTS :-

The Professor appointed on contract basis will be paid consolidated fixed contractual amount @ Rs.22,200/- per month (which shall be equal to minimum of the pay band+Grade pay). An amount of Rs.670/- (3% of minimum of pay band + grade pay of the post) as annual increase in contractual emoluments for the subsequent year(s) will be allowed if contract is extended beyond one year.

(III) APPOINTING/DISCIPLINARY

AUTHORITY:-

The Principal Secretary/Secretary (Ayurveda), HP will be appointment and disciplinary authority.

(IV) SELECTION PROCESS:-

Selection for appointment to the post in the case of Contract Appointment will be made on the basis of viva-voce test or if consider necessary or expedient by a written test or practical test the standard/syllabus etc. of which will be determined by the concerned recruiting agency i.e. H.P.Public Service Commission.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS :-

As may be constituted by the concerned recruiting agency i.e. H.P. Public Service Commission from time to time.

(VI) AGREEMENT :-

After selection of a candidate, he/she shall sign an agreement as per Annexure-"B" appended to these Rules.

VII) TERMS AND CONDITIONS:-

(a) The contract appointee will be paid fixed contractual amount @ Rs.22,200/- per month. (which shall be equal to minimum of the pay band + grade pay). The contract appointee will be entitled for increase in contractual amount @ Rs. 670/-(3% of minimum of pay band + grade pay of the post) for further extended years and no other allied benefits such as seniority/selection scale etc. will be given.

(b) The service of the Contract Appointee will be purely on temporary basis. The appointment is liable to be terminated in case the performance / conduct of the contract appointee is not found satisfactory.

(c) Contract Appointee will be entitled for one day casual leave after putting one month service. This leave can be accumulated up to one year. No leave of any other kind is admissible to the contract appointee. He/she shall not be entitled for Medical Re- imbursement and LTC etc. only maternity leave will be given as per rules.

(d) Unauthorized absence from the duty without the approval of the controlling Officer shall automatically lead to the termination of the contract. Contract Appointee shall not be entitled for contractual amount for the period of absence from duty.

(e) An official appointed on contract basis who have completed five years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.

(f) Selected candidate will have to submit a certificate of his/her fitness from a Government/ Registered Medical Practitioner. Women candidate pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women candidate will be re- examined for the fitness from an authorized Govt. Medical officer/ Practitioner.

(g) Contract appointee will be entitled to TA/DA, if required to go on tour in connection with his/her official duties at the same rate as applicable to regular counterpart officials at the minimum of pay scale.

(h) Provisions of service rule like FR SR, Leave rules, GPF rules , Pension rules and Conduct rules etc. as are applicable in case

		of regular employees will not be applicable in case of contract appointees. They will be entitled for emoluments etc. as detailed in this column.
16	Reservation	The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Other Backward Classes/ other category of persons issued by the Himachal Pradesh Government from time to time.
17	Departmental Examination	Every member of the service shall pass a departmental examination as prescribed in the H.P. Departmental Examination rules, 1997, as amended from time to time.
18	Powers to relax	Where the State Government is of the opinion that it is necessary or expedient to do so it may by order for reasons to be recorded in writing and in consultation with HP. Public Service Commission, relax any of the Provision(s) of these Rules with respect to any class or category of person(s) or post(s).

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ANNEXURE-B

FORM OF CONTRACT/AGREEMENT TO BE EXECUTED BETWEEN THE PROFESSOR AND THE GOVERNMENT OF HIMACHAL PRADESH THROUGH PRINCIPAL SECRETARY/ SECRETARY (AYURVEDA) TO THE GOVERNMENT OF HIMACHAL PRADESH.

This agreement is made on this _____ day of _____ in the year _____ between Sh/Smt. _____ son/daughter of Shri _____ R/o _____

_____ contract appointee (here-in-after called the FIRST PARTY), AND the Governor, Himachal Pradesh through Principal Secretary/Secretary (Ayurveda) to the Govt. of Himachal Pradesh (here-in-after the SECOND PARTY). Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and FIRST PARTY has agreed to serve as a Professor on contract basis on the following terms and conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Professor for a period of one year commencing on the _____ day of _____ and ending on _____ day of _____. It is specifically mentioned and agreed upon by both the parties that the contract of the FIRST PARTY with the SECOND PARTY shall ipso facto stand terminated on the last working day i.e. on _____ and information notice shall not be necessary.
Provided that for further extension/renewal of contract period the HOD shall issue a certificate that the service and conduct of the contract appointee was satisfactory during the year and only then the period of contract is to be renewed/extended.
2. The contractual amount of the FIRST PARTY will be Rs. _____ per month.
3. The service of FIRST PARTY will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found good or if a regular incumbent is appointed/ posted against the vacancy for which the first party was engaged on contract.
4. Contractual Professor will be entitled for one day casual leave after putting in one month service. This leave can be accumulated up to one year. No leave of any kind is admissible to the contractual Professor. He will not be entitled for any kind of Medical Reimbursement and LTC etc. Only maternity leave will be given as per rules.
5. Unauthorized absence from the duty without the approval of the Controlling Officer shall automatically lead to the termination of the contract. A contractual Professor will not be entitled for contractual amount for the period of absence from duty.
6. An official appointed on contract basis who have completed five years' tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.
7. Selected candidate will have to submit a certificate of his/her fitness from Govt. Hospital. In case of women candidates pregnant beyond 12 weeks will render her temporarily unfit till the confinement is over. The woman candidate should be re-examined for fitness from Govt. Hospital.

8. Contract appointee shall be entitled to TA/DA if required to go on tour in connection with his/her official duties at the same rates as applicable to regular counterpart officer at the minimum of the pay scale.

9. The Employees Group Insurance Scheme as well as EPF/GPF will not be applicable to the contractual appointee(s).

IN WITNESS the FIRST PARTY and SECOND PARTY have herein to set their hands the day, month and year first, above written.

IN THE PRESENCE OF WITNESS:

1. _____

Name _____

Address _____

2.

Name _____

Address _____

(Signature of the FIRST PARTY)

IN THE PRESENCE OF WITNESS.

1.

Name _____

Address _____

2.

Name _____

Address _____

(Signature of the SECOND PARTY)