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(Authoritative English Text of this Department's Notification No. Ayur-Ka(3)-26/99 dated 20-9-2011 as required under clause (3) of Article 309 of the Constitution of India).

**GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF AYURVEDA**

No. Ayu-Ka(3)-26/99 · Dated: Shimla-171002, the 20th Sept, 2011

NOTIFICATION

In exercise of the powers conferred by proviso to Article 309 to the Constitution of India, the Governor of Himachal Pradesh, in consultation with HP Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Garden Incharge (Class-III Non 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, Garden Incharge(Class-III-Non-Gazetted) Recruitment & Promotion Rules, 2011
- (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 & Homeopathy, Garden Incharge Class-III (Non Gazetted) Recruitment & Promotion Rules, 1997 notified vide this Department's Notification No. Ayur-C-Ka (3)-2/95 dated 15-5-1997 are hereby repealed.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(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the relevant rules so repealed under sub rule 2(1) supra shall be deemed to have been validly made, done or taken under these rules.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.**

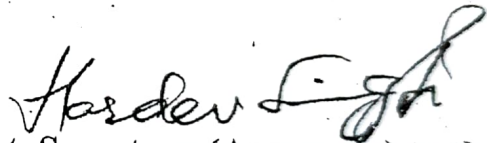
Endst. No. As above

Dated: Shimla-2 the

20th Sept, 2011

Copy forwarded to the following for information and taking further necessary action to:-

1. All the Addl. Chief Secretaries/Principal Secretaries/Secretaries to the Government of Himachal Pradesh Shimla-171002.
2. The Director, Ayurveda, HP Shimla-171009.
3. The Secretary HP Public Service Commission, Nigam Vihar, Shimla-171002 w.r.t. his letter 1-2/78-PSC-Part dated 4-1-2011 (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-171002
6. Guard file/Spare copies-100 copies.



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

Annexure-A

Recruitment and Promotion Rules for the Post of Garden Incharge (Non- Gazetted) Class-III, in the Department of Ayurveda , Himachal Pradesh.

1.	Name of Post	Garden Incharge
2.	Number of Post(s)	04 (Four)
3.	Classification	Class-III (Non Gazetted)
4.	Scale of Pay	i) Pay Scale for regular incumbents: Pay Band Rs.10300-34800+Rs.3800/-Grade Pay ii) Emoluments for contract employees:- Rs. 14,100/-as per details given in column 15-A
5.	Whether "Selection" post or "Non-Selection" post	Non -Seclection
6.	Age for direct recruitment	Between 18 and 45 years

Provided that 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.

Provided further that if a candidate 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 such adhoc or contact appointment.

Provided further that upper age-limit is relaxable for Scheduled Castes/ Scheduled Tribes/Other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government.

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government servants before absorption in Public Sector Corporations / Autonomous Bodies at the time of initial of such 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 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.

- (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.
- (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.

7.	Minimum Educational and other qualifications required for direct recruit(s)	(a) <u>Essential Qualification(s)</u> B.Sc with Botany as one of the subject or B.Sc (Forestry) or B.Sc.(Agriculture) or B.Sc(Horticulture) from a University recognized by the State/Central Government (b) <u>Desireable Qualification :</u> i) Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Himachal Pradesh. ii) Two years experience in identification, cultivation and development of medicinal plants.
8.	Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of the promotee(s)	Age: Not applicable Educational Qualification: Yes
9.	Period of probation, if any;	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.

	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.	<p>i) 75% 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 the service conditions as specified in the said Column.</p> <p>ii) 25% by promotion.</p>
11.	In case of recruitment by promotion, deputation, transfer, grade from which promotion/ deputation/transfer is to be made.	<p>i) By promotion from amongst the Assistant Botanists having three years regular service or regular combined with continuous adhoc service rendered, if any, in the grade.</p> <p>ii) By secondment/transfer from amongst the incumbents working in the identical pay scale of this post in other offices of State Government /Central Government who possess the Educational Qualification as prescribed in Column No.7 above.</p>

Provided that for the purpose of promotion every employee shall have to serve at least one term in the Tribal/Difficult areas subject to adequate number of post(s) available in such areas.

Provided further that the proviso (I) supra shall not be applicable in the case of those employees who have five years or less services, left for superannuation.

Provided further that Officers/Officials who have not served atleast one tenure in Tribal/Difficult area shall be transferred to such area strictly in accordance with his/her seniority in the respective cadre.

Explanation- I:- For the purpose of proviso I supra the "term" in Tribal/Difficult areas" shall mean normally three years or less period of posting in such areas keeping in view the administrative requirements and performance of the employee.

Explanation-II:- For the purpose of proviso I supra the Tribal/Difficult Areas be as Under:-

- 1 District Lahaul & Spiti.
- 2 Pangi and Bharmour Sub Division of Chamba District.
- 3 Dodra kwar Area of Rohru Sub-Division.
- 4 Pandrah Bis Pargana, Munish Darkali and Gram Panchayat Kashapat, Gram Panchayats of Rampur Tehsil of District Shimla.
- 5 Pandrah Bis pargana of Kullu District.
- 6 Bara Bhagal Areas of Baijnath Sub Division of Kangra District.
- 7 District Kinnaur.
- 8 Kathwar and Korga Patwar Circle of Kamrau Sub Tehsil, Bhaladh Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmaur District.
- 9 Khanyol -Bagra Patwar Circle of Karsog Tehsil Gada-Gussaini, Mathyani, Ghanyar, Thachi Baggi, Somgad and Kholanal of Bali-Chowki Sub Tehsil, Jharwar, Kutgarh, Graman, Devgarh, trailla, Ropa, Kathog, Silh-Badhwani, Hastpur, Ghamrehar and Bhatehar patwar Circle of Padhar Tehsil, Chiuni, Kalipar, Mangarh, Thach-Bagra, North Magru and South Magru Patwar Circles of Thunag Tehsil and Batwara Patwar Circle of Sunder Nagar Tehsil in Mandi District.

(1) In all cases of promotion, the continuous adhòc 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 R&P Rules.

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.

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the R&P Rules for the post, whichever is less;

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him/her shall also be deemed to be ineligible for consideration for such promotion.

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 Services) 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.

(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.

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.

12.	If a Departmental Promotion committee exists, what is its composition.	As may be constituted by the Govt. from time to time.
13.	Circumstances under which the H.P.P.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 post by direct recruitment	Selection for appointment to the post in the case of direct recruitment shall be made on the basis of viva-voce test, if Himachal Pradesh Public Service Commission or other recruiting authority as the case may be, so consider necessary or expedient by a written test or practical test, the standard/ syllabus etc. of which will be determined by the Commission/other recruiting authority as the case may be.
15-A.	Selection for appointment to the post by contract appointment .	Notwithstanding anything contained in these rules, contract appointments to the post will be made subject to the terms and conditions given below:- I) <u>Concept:</u> (a) Under this policy the Graden Incharge, in the Department of Ayurveda, will be engaged on contract basis initially for one year, which may be extended on year to year basis. 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.

b) **Posts falls within the purview of H.P.P.S.S.S.B :**

The Director, Ayurveda Department, after obtaining the approval of the Government to fill up the vacant posts on contract basis will place the requisition with the concerned recruitment agency i.e. **H.P. Subordinate Services Selection Board, Hamirpur**.

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

II) **Contractual Emoluments :**

The Graden Incharge appointed on contract basis will be paid consolidated fixed contractual amount @ Rs.14,100/- per month (which shall be equal to minimum of the pay band plus grade pay). An amount of Rs.430/-(3% of the minimum of pay band plus grade pay of the post) as annual increase in contractual amoluments for the subsequent year(s) will be allowed if contract is extended beyond one year.

III) **Appointment/Disciplinary Authority:**

The Director, Ayurveda Department will be appointing 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 considered necessary or expedient by a written test or practical test, the standard /syllabus etc. of which will be determined by the concerned recruitment agency i.e **H.P Subordinate Services Selection Board, Hamirpur.**

V) **Committee for selection of Contractual Appointment :-**

As may be constituted by the concerned recruiting agency i.e. **H.P Subordinate Services Selection Board, Hamirpur** 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. 14100/- per month (which shall be equal to minimum of the pay band plus grade pay). The contract appointee will be entitled for increase in contractual amount @ of Rs.430/-(3% of the minimum of pay band plus grade pay of the post) for further extended years and no other allied benefits such as senior/selection scales 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-imbusement and LTC etc. only maternity leave to female incumbent 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 has completed five years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.

		<p>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 Medical officer/Practitioner.</p> <p>g) Contract appointee will be entitled for TA /DA if required to go on tour in connection with his/her official duties at the same rate as applicable to regular counterpart official at the minimum of pay scale.</p> <p>h) Provisions of service rules like FR,SR, Leave Rules, GPF Rules, Pension Rules & 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.</p>
16.	Reservation:	The appointment to the services shall be subject to orders regarding reservation in the service for Scheduled Castes /Scheduled Tribes /Other Backward Classes /Other categories of persons issued by the Himachal Pradesh Government from time to time .
17.	Departmental Examination:	Not applicable .
18.	Power to relax:	Where the State Govt. 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 the H.P.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).

"Annexure-B"

Form of contract/agreement to be executed between the Garden Incharge and the Government of Himachal Pradesh through Director, Ayurveda.

This agreement is made on this -----day of ----- in the year-----
---between Shri/Smt. -----R/O-----
-----contract appointee(hereinafter called the FIRST PARTY), AND the
Governor, Himachal Pradesh through Director Ayurveda, Himachal Pradesh (herein
after calaled the SECOND PARTY).

Whereras, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the
FIRST PARTY has agreed to serve as a **Garden Incharge** on contract basis on the
following terms & conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as
a **Garden Incharge** for a period of one year commencing on day of -----and
ending on the day of -----, It is specifically mentioned and agreed
upon by both the parties that the contract of the FIRST PARTY shall ipose facto stand
terminated on the last working day i.e. on _____ and information notice
shall not be necessary.

Provided that for further extention/ 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 **Garden Incharge** will be entitled for one day casual leave after
putting in one month service. This leave can be accumulated upto one year. No leave of
any kind is admissible to the contractual **Garden Incharge**. He/She will not be entitled
for Medical Reimbursement and LTC etc. only maternity leave will be given as per
Rules.

5. Unauthorized absence from duty without the approval of the controlling officer
shall automatically lead to the termination of the contract. A contractual **Garden
Incharge** will not be entitle 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 ground.

7. Selected candidates will have to submit a certificate of his/her fitness from a
Government/ Registered Medical Practitioner. In case of women, candidates pregnant
beyond twelve weeks will render her temporarily unfit till the confinement is over. The

women candidate should be re-examined for fitness from an authorized medical officer/practitioner.

8. Contract appointee shall be entitled for TA/DA if required to go on tour in connection with his/her official duty at the same rate as applicable to regular counter part official at the minimum of pay scale.

9. The Employees Group Insurance Scheme as well as EPF/GPF will not be applicable to 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 and full address)

(Signature of first party).

2. _____

(Name and full address)

IN THE PRESENCE OF WITNESS:

1. _____

(Name and full address)

(Signature of Second party)

2. _____

(Name and full Address)