

(Authoritative English Text of this Department's Notification No. Ayur-A(3)-25/99-Part, as required under clause (3) of Article 348 of the Constitution of India).

GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF AYURVEDA

No. Ayu-A(3)-25/99-Part Dated: Shimla-171002, the 7th January, 2015

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 Auxiliary Nurse Midwife, 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, Auxiliary Nurse Midwife, Class-III (Non-Gazetted) Recruitment & Promotion Rules, 2015.
- (2) These rules shall come into force from the date of publication in the official Gazette.
- Repeal & Savings: 2. (1) The Himachal Pradesh Department of Indian System of Medicine & Homeopathy, Class-III service (Non-Ministrial) Auxiliary Nurse Midwife, Recruitment & Promotion Rule, 1995 notified vide this Department's Notification No. Ay-A(3)-3/92 dated 2-2-1995 are hereby repealed.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(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the relevant rules so repealed under sub rule (1) supra shall be deemed to have been validly made, done or taken under these rules.

By Order

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

Handwritten notes on the left margin:
14/1/15
Smt. Veena
14/01/15

Encl. No. As above

Dated: Shimla-2 the

7th January, 2015

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 29-10-2014 (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.



(Ramesh Kumar Gupta)

Under Secretary (Ayurveda) to the
Government of Himachal Pradesh
Tel.No. 0177- 2627810

(42)

Annexure "A"

RECRUITMENT & PROMOTION RULES FOR THE POST OF AUXILIARY NURSE
MIDWIFE (NON GAZETTED) CLASS-III IN THE DEPARTMENT OF AYURVEDA,
HIMACHAL PRADESH

1. Name of Post	Auxiliary Nurse Midwife
2. Number of post(s)	190 (One hundred ninety)
3. Classification	Class-III (Non- Gazetted)
4. Scale of pay	i) Pay scale for regular incumbents: Pay Band Rs.5910-20200+Rs.1900/-Grade Pay ii) Emoluments for Contract employees: Rs.7,810 /- as per details given in Col. 15 -A.
5. Whether "selection" post or "Non selection" post	Non -Selection
6. Age for direct recruitment	Between 18 and 45 years

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;

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 adhoc or contract appointment;

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;

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 such staff of the Public Sector Corporations/Autonomous Bodies and who are/were subsequently appointed by

such corporations/autonomous bodies and who are/were finally absorbed in the service of such Corporations/Autonomous bodies after initial constitution of the Public Sector Corporations/Autonomous Bodies.

Notes:

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.

<p>7. Minimum Educational and other Qualifications required for direct recruit.</p>	<p>(a) Essential Qualification(s): Matriculation or its equivalent with One and half year Multipurpose Health Workers Training Course from a recognized institution and registered with Himachal Pradesh Nursing Council or any other recognized nursing Council.</p> <p>b) Desirable Qualification(s): Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.</p>
<p>8. 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. Educational qualifications: <u>Yes, as prescribed in Column No. 7 (a) above.</u></p>
<p>9. 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>
<p>10. Method(s) of recruitment, whether by direct recruitment or by promotion, secondment, transfer and the percentage of post(s) to be filled in by various methods:</p>	<p>i) 95% by direct recruitment on a regular basis or recruitment on contract basis as the case may be. ii) 05% by promotion, failing which by direct recruitment on a regular basis or by recruitment on contract basis, as the case may be.</p>

ds:

"Provided that the contract employees will get emoluments as given in Col. No.15-A and will be governed by service conditions as specified in the said column".

1. In case of recruitment by promotion, deputation transfer grade from which promotion/deputation transfer is to be made:

" By Promotion from amongst the in service Trained Dai, who possesses the essential qualifications as provided in Col-7(a) above and having 5 years services or regular combined with continuous adhoc service, if any.

Provided that for the purpose of promotion & combined seniority list of eligible Trained Dai's on the basis of length of service in the respective grade without disturbing their cadre -wise seniority shall be prepared."

Provided further that for filling up the posts of ANMs the following 100 points post roster shall be followed:-

Roster Point No.	Category
20 th 40 th 60 th , 80 th & 100 th	Promotee
1 st to 19 th , 21 st to 39 th , 41 st to 59 th , 61 st to 79 th , 81 st to 99 th .	Direct

Note: The roster will be repeated after every 100th point till the representation to both the categories is achieved by the given percentage and thereafter the vacancy the shall be filled up from the category which vacates the post.

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:

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 shall be as under:-

1. District Lahaul & Spiti.
2. Pangi & Bharmour Sub Division of Chamba District.
3. Dodra Kwar Area of Rohru Sub Division.
4. Pandrah Bis Pargana, Munish Darkali and Gram panchyat Kashapat, Gram Panchyats of Rampur Tehsil of District Shimla.
5. Pandrah Bis Pargana of Kullu District.
6. Bara Bhangal Areas of Baijnath Sub Division of Kangra District.
7. District Kinnaur.
8. Kathwar and Korga Patwar Circles of Kamrau Sub Tehsil Bhaladh Bhalona and Sagna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmour District.
9. Khanyol-Bagra Patwar Circle of Karsog Tehsil, Gada Gussaini, Matyani, Ghanyar, Thachi, Baggi, Songad 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, Chuni, 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 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 provision of 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 Recruitment and Promotion 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) Rule, 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 the 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 Government 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 the 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.	<p>Notwithstanding anything contained in these Rules, contract appointment to the post may be made subject to the terms and conditions as follows:-</p> <p>I) <u>CONCEPT:</u></p> <p>a) Under this policy the Auxiliary Nurse post in the Department of Ayurveda, Himachal Pradesh will be engaged on contract basis initially for one year; which may be extendable on year to year basis.</p> <p>Provided that for further 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 was satisfactory during the year and only then his/her period of contract is to be renewed/ extended.</p> <p>b) <u>POST FALLS WITHIN THE PURVIEW OF H.P.S.S.S.B:-</u> The Director of Ayurveda, 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.Subordinate Services Selection Board, Hamirpur.</u></p> <p>C) The selection will be made in accordance with the eligibility conditions prescribed in these R&P Rules.</p>

(II) CONTRACTUAL EMOLUMENTS:

The Auxiliary Nurse Midwife appointed on contract basis will be paid consolidated fixed contractual amount @ Rs. 7,810/- P.M. (which shall be equal to minimum of the pay band+grade pay). An amount of Rs.234/- (3% of the minimum of the 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 Director of Ayurveda, H.P. 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 recruiting agency i.e. H.P.Subordinate Services Selection Board, Hamirpur.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS:-

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 contractual appointee will be paid fixed contractual amount @ Rs. 7,810/-per month (which shall be equal to minimum of pay band + grade pay). The contract appointee will be entitled for increase in contractual amount @ Rs. 234/- (3% of the minimum of the pay band+ grade pay of the post) for further extended years and no other allied benefits such as senior/ selection scales etc. shall 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's casual leave after putting one month service. However, the contract employee will also be entitled for 16 weeks maternity Leave, 10 day's Medical Leave and 5 days special leave. He/She shall not be entitled for Medical Reimbursement and LTC etc. No leave of any other Kind except above is admissible to the contract appointee.

Provided that the un-availed Casual Leave, Medical Leave and special leave can be accumulated upto the Calendar Year and will not be carried forward for the next Calendar Year.

(d) Unauthorized absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstance for un-authorized absence from duty were beyond his/her control on medical grounds, such period shall not be excluded while considering his/her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time.

However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty.

Provided that he/she shall submit the certificate of illness/fitness issued by the Medical Officer, as per prevailing instructions of the Government.

(e) An official appointed on contract basis who has completed three 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

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However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty.

Provided that he/she shall submit the certificate of illness/fitness issued by the Medical Officer, as per prevailing instructions of the Government.

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

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 counterpart official at the minimum of pay scale.

10. 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)
(Signature of Second party)

Annexure-B

Form of contract/agreement to be executed between the Auxiliary Nurse Midwife and the Government of Himachal Pradesh through Director, Ayurveda.

This agreement is made on this -----day of ----- in the year----- between Shri mt. -----R/O-----

contract appointee(hereinafter called the **FIRST PARTY**) AND the Governor, Himachal Pradesh through Director Ayurveda, Himachal Pradesh (herein after called the **SECOND PARTY**).

Whereas, the **SECOND PARTY** has engaged the aforesaid **FIRST PARTY** and the **FIRST PARTY** has agreed to serve as a **Auxiliary Nurse Midwife** on contract basis on the following terms & conditions:-

1. That the **FIRST PARTY** shall remain in the service of the **SECOND PARTY** as a **Auxiliary Nurse Midwife** 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 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. 7,810/- 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 **Auxiliary Nurse Midwife** will be entitled for one day's casual leave after putting in one month service. However, the contract employee will also be entitled for 16 weeks Maternity Leave, 10 days's Medical Leave and 5 days Special Leave. He/She Shall not be entitled for Medical Re-imburement and LTC etc. No leave of any other kind except above is admissible to the contract **Auxiliary Nurse Midwife**.

Provided that the un-availed Casual Leave, Medical Leave and Special Leave can be accumulated upto the Calendar year and will not be carried forward for the next Calendar Year.

5. Unauthorized absence from the duty without the approval of the Controlling Officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstances for un-authorized absence from duty were beyond his/her control on medical grounds, such period shall not be excluded while considering his/her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time.

	<p>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 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 official at the minimum of pay scale.</p> <p>(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.</p>
16.Reservation	<p>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.</p>
17.Departmental Examination	Not applicable.
18.Powers to relax	<p>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 the Himachal Pradesh 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).</p>