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(Authoritative English Text of this Department's Notification No. Ayur-A(3)-13/99 dated 2012 as required under clause (3) of Article 309 of the Constitution of India).

**GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF AYURVEDA**

No. Ayu-A(3)-13/99 Dated: Shimla-171002, the

18-5-2012

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 H.P. Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Operation Theatre Assistant, 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, Operation Theatre Assistant, Class-III (Non 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, Class-III Service (Operation Theatre Assistant) Recruitment & Promotion Rules, 1989 notified vide this Department's Notification No. Health-A (3)-10/87 dated 25-3-1989 are hereby repealed.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(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the relevant rules so repealed under sub rule 2(1) supra shall be deemed to have been validly made, done or taken under these rules.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.

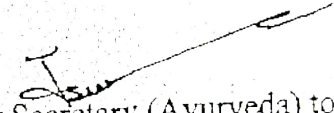
Endst. No. As above

Dated: Shimla-2 the

18-5-2012

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, 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 25-10-2011 (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.


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

NEXURE-A

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

1.	Name of Post,	Operation Theatre Assistant
2.	Number of Post(s)	01(One)
3.	Classification	Class-III (Non- Gazetted)
4.	Scale of Pay	i) Pay scale for regular incumbents:- Pay Band ₹5910-20200 + ₹ 2400 /-(Grade Pay). ii) Emoluments for contract employees:- ₹8310/- as per details given in Column 15-A.
5.	Whether "selection" post or "Non selection" post	Not applicable
6.	Age for direct recruitment	Between 18 to 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 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;

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

	<p>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.</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 the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.</p>
7	<p>Minimum educational and other qualifications required for direct recruit(s)</p> <p>a) Essential Qualification(s): (i) 10+2 with Science (Physics, Chemistry and Biology) from a recognized Board of School Education/University. (ii) Certificate in O.T.A. course of one year's duration from Medical Institute recognized by Himachal Government/Central Government.</p> <p>b) Desirable Qualification(s): Knowledge of customs, manner 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 Educational Qualifications: Not applicable</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 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, transfe, grade from which promotion/ deputation/ transfer is to be made.	Not applicable.
12	If a Departmental promotion committee exists, what is its composition?	Not applicable.
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.

<p>15A</p>	<p>Selection for appointment to the post by contract appointment.</p>	<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 Operation Theatre Assistant, 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. 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 HPSSSB:-</u></p> <p>The Director Ayurveda 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> <p>(II) <u>Contractual Emoluments:-</u></p> <p>The Operation Theatre Assistant appointed on contract basis will be paid consolidated fixed contractual amount @ ₹ 8310/- P.M. (which shall be equal to minimum of the pay band+ grade pay). An amount of ₹250/-(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.</p>
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(III) APPOINTING/DISCIPLINARY AUTHORITY:-

The Director, Ayurveda, HP 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 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. 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 contract appointee will be paid fixed contractual amount @ ₹ 8310/- P.M. (which shall be equal to minimum of the pay band + grade pay). The contract appointee will be entitled for increase in contractual amount @ ₹ 250/-(3% of minimum of pay band + grade pay of the post) for further extended years and go other allied benefits such as senior / 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.

	<p>(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.</p> <p>(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.</p> <p>(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.</p> <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 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.</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>
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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	Not applicable.
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).

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 Operation Theatre Assistant (Name of the post) will not be entitled for contractual amount for the period of absence from duty.

6. 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.

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

8. Contract appointee shall be entitled to 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)

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Annexure-B

Form of contract/agreement to be executed between the Operation Theatre Assistant and the Government of Himachal Pradesh through the 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 called the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Operation Theatre Assistant on contract basis on the following terms & conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Operation Theatre Assistant 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 post- 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 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 the period of contract is to be renewed/extended.

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2. The contractual amount of the FIRST PARTY will be Rs.8310/-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 Operation Theatre Assistant (Name of the post) 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 Operation Theatre Assistant (Name of the post). He/She will not be entitled for