

(Authoritative English Text of this Department's Notification No. Ayur-A(3)-3/2009 dated 16-02-2013 As required under clause(3) of Article 348 of the Constitution of India).

GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF AYURVEDA

No. Ayur-A(3)-3/2009

Dated: Shimla-171002, the

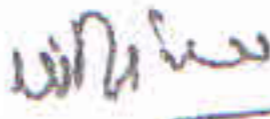
16th February, 2013.

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 Botanist, Class-II (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, Botanist, Class-II (Non-Gazetted), Recruitment & Promotion Rules, 2013.
- (2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.
- Repeal & Savings: 2 (1) The Himachal Pradesh Department of Indian System of Medicine and Homeopathy, Botanist Class-II (Gazetted) Recruitment & Promotion Rules, 1997 notified vide this Department Notification No. Health-A(3)-21/84 Dated 09-04-1997 are hereby repealed.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(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the relevant rules so repealed under sub rule 2(1) supra shall be deemed to have been validly made, done or taken under these rules.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


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

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Endst. No. Ayur-A(3)-3/2009

Dated: Shimla-2,

16th February, 2013.

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 15-09-2012.
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 50 spare copies.


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

-: 0 :-

**Recruitment and Promotion Rules for the post of Botanist (Non-Gazetted)
Class-II, in the Department of Ayurveda, Himachal Pradesh.**

1.	Name of Post	Botanist
2.	Number of Post(s)	01(One)
3.	Classification	Class-II (Non-Gazetted)
4.	Scale of Pay	(i) Pay Scale for regular incumbent: Pay Band Rs:10300-34800 plus 4400/-Grade Pay. (ii) Emoluments for contract employee:- Rs. 14,700/- as per details given in column 15-A
5.	Whether "selection" post or "Non-selection" post	Non -Selection
6.	Age for direct recruitment	45 years and below

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 such adhoc or contract appointment;

Provided further that the 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 who were/are finally

absorbed in the service of such Corporations/ Autonomous bodies 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 H.P. 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> i) M.Sc. in Botany or Forestry or Medicinal Plants or its equivalent from a recognized University. b) <u>Desireable Qualification :</u> Knowledge of customs, manners and dialects of H.P. and suitability for appointment in the peculiar conditions prevailing in the H.P.
8.	Whether age and educational qualification prescribed for direct recruit(s) will apply in the case of the promotee(s).	Age: Not applicable. Educational Qualification: Not applicable.
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.
10.	Method of recruitment whether By direct recruitment or by promotion or by deputation, transfer and the percentage of posts 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.

11. In case of recruitment promotion, deputation, Transfer, grade from which promotion/ deputation/ transfer is to be made.	By <u>By promotion from amongst the Garden Incharge and Training & Extension Officer having 8 years regular service or regular combined with continuous adhoc service if any, in the grade.</u> <u>Provided that for the purpose of promotion a combined seniority of eligible officials on the basis of length of service without disturbing their cadre wise inter-se seniority shall be prepared.</u>
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A (I) 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 service, 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 of 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. Pangin and Bharmour Sub-Division of Chamba District.
3. Dodra Kaware area of Rohru Sub-division.
4. Pandrah Bis Pargana, Munish darkali and Gram Panchyat Kashapat, Gram Panchayats of Rampur Tehsil of District Shimla.
5. Pandrah Bis pargana of Kullu District .
6. Bara Bhangal Area of Baijnath sub-division of Kangra District.

7. District Kinnaur.
8. Kathwar and Korga Patwar Circles of Kamrau Sub- Tehsil Bhaladh Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shilai Tehsil of Sirmour District.
9. Khanyol-Bagra Patwar Circle of Karsog Tehsil, Gada Gussaini, Mathyani, Gharyar, Thachi, Baggi, Somgad and Kholanal of Bali-Chowki Sub Tehsil, Jharwar, Kutgarh, Graman, Devgarh, Trailla, Ropa, Kathog, Silh-Badhwani, Hastpur, Ghanrehar and Bhatehar Patwar Circle of Pathar Tehsil, Chuni, Kalipar, Mangarh, Thach-Bagra, North Magru and south Magru Patwar Circles of Thunag Tehsil and Batwara Patwar Circle of Sundernagar 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 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;

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 provisions 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 a least three year 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 incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be ex-serviceman recruited under the provisions of Rule-3 of Demobilised Armed forces Personnel (Reservation of vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority of Rules-3 of Ex-servicemen (Reservation of vacancies in the Himachal Pradesh Technical Service) 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?	D.P.C. to be presided over by the Chairman, H.P. Public Service Commission or a Member thereof to be nominated by him.
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 H.P. 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 post by direct recruitment on contract basis.	Notwithstanding anything contained in these Rules, contract appointments to the post will be made subject to the terms and conditions given below:-

I) Concept:

a) Under this policy, Botanist in the Department of Ayurveda Himachal Pradesh 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 falling within the purview of H.P.P.S.C :

The Principal Secretary(Ayurveda)/Secretary (Ayurveda) to the Government of Himachal Pradesh 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. H.P. Public Service Commission.

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

II) Contractual Emoluments :

The Botanist appointed on contract basis will be paid consolidated fixed contractual amount @ Rs. 14,700/- per month (which shall be equal to minimum of the pay band plus grade pay). An amount of Rs.450/-(3% of the minimum of pay band plus 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(Ayurveda) / Secretary(Ayurveda) to the Govt. of 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 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

Appointment :-

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. 14,700/- 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.450/-(3% of the minimum of pay band plus grade pay of the post) for further extended years and no other allied benefits such as seniority/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 one day casual leave after putting one month service. However, the contract employee will also be entitled for 12 weeks Maternity Leave and 10 day's Medical Leave. He/She shall not be

entitled for medical Re-imbursement and LTC etc. No leave of any other-kind except above is admissible to the contract appointee.

Provided that the un-availed Casual Leave and Medical 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. 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 year 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 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 official at the minimum of pay scale.

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.

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 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 BOTANIST 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 Botanist 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 Botanist 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.14,700/- 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 Botanist will be entitled for one day casual leave after putting one month service. However, the contract employee will also be entitled for 12 weeks Maternity Leave and 10 day's Medical 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 contractual Botanist.

Provided that the un-availed Casual Leave/Medical 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. A contractual Botanist 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./registered Medical Practitioner. 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. and authorized Medical Officer/Practitioner.

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 counter-part official 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)

