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(Authoritative English text of Government Notification No. Per (AP)-C-A (3)-8/2010
Dated: 21-6-2012 as required under clause-(3) of Article 348 of the
Constitution of India).

Government of Himachal Pradesh
Department of Personnel (AP-III)

No. Per (AP)-C-A (3)-8/2010

Dated: Shimla-2, the 21st June, 2012.

NOTIFICATION

In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the following rules further to amend the Himachal Pradesh, Department of Personnel, Personal Assistant, (Class-II, Non-Gazetted, Ministerial Services) Common Recruitment and Promotion Rules, 2011 notified vide this Department Notification of even number dated the 21st May, 2011, namely:-

Short title and Commencement 1. (1) These rules may be called the Himachal Pradesh, Department of Personnel, Personal Assistant, (Class-II, Non-Gazetted, Ministerial Services) Common Recruitment and Promotion (First Amendment) Rules, 2012.

(2) These rules shall come into force from the date of publication in the Rajpatra, H.P.

Amendment of Annexure-"A" 2. In Annexure-"A" to the Himachal Pradesh, Department of Personnel, Personal Assistant, (Class-II, Non-Gazetted, Ministerial Services) Common Recruitment and Promotion Rules, 2011 for the existing provision against Col. No. 11, the following shall be substituted, namely:-

"By promotion from amongst the Senior Scale Stenographers of concerned Departments who possess 6 years regular service or regular combined with continuous adhoc service rendered, if any, in the grade, failing which by promotion from amongst the Senior Scale Stenographers with 11 years regular service or regular combined with continuous adhoc service combined as Senior Scale Stenographer/Junior Scale Stenographer out of which four years essential service as Senior Scale Stenographer, failing both by promotion from

amongst the Junior Scale Stenographers possessing 16 years regular service or regular combined with continuous adhoc service rendered, if any, in the grade, failing which on secondment basis from amongst the incumbents of this post working in the identical pay scales from other H.P. Government Departments.

(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 at-least 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 shall 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 Panchyat Kashapat, Gram Panchayats 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 Sangna 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 Gus thyani, Ghanyar, Thachi, Baggi, Somgad saini, Ma 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:

Provided that the provisos regarding essential

service in the tribal/difficult areas shall not be applicable to such services/ establishments/ Departments whose services are non-transferrable and do not have posts in such areas.

(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 conditions 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:

(i) Provided that in all cases where a junior person becomes eligible for consideration by virtue of his 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 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 & 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 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-servicemen recruited under the provisions of Rule-3 of Demobilized Armed Forces Personnel (Reservation of Vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rule-3 of Ex-Servicemen (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

(ii) Similarly, in all cases of confirmation, continuous adhoc service rendered on the feeder post, if any, prior to the regular appointment against such posts 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 Recruitment & Promotion Rules:

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

By order,

Manisha Nanda
Principal Secretary (Personnel) to the
Government of Himachal Pradesh

Endst. No. Per (AP)-C-A (3)-8/2010 Dated: Shimla-2, the 21st June, 2012.

1. All the Additional Chief Secretaries/ Principal Secretaries/ Secretaries/Additional Secretaries/Special Secretaries/ Joint Secretaries/ Deputy Secretaries/Under Secretaries to the Govt. of H.P. Shimla-2.
2. All the Divisional Commissioners in Himachal Pradesh.
3. All the Heads of Departments in Himachal Pradesh.
4. All the Deputy Commissioners in Himachal Pradesh.
5. The Secretary, H.P. Public Service Commission, Shimla-2 with reference to his letter No. 6-1/92-PSC-Part, dated 25.05.2012.
6. The Secretary, H.P. Subordinate Services Selection Board, Hamirpur.
7. Joint Legal Rememberancer-cum-Joint Secretary (Law) to the Govt. of Himachal Pradesh.
8. 250 spare copies.

Manisha Nanda
Under Secretary (Personnel) to the
Government of Himachal Pradesh.
