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(Authoritative English Text of this Department Notification No. IT-A(3)-3/2004, dated ___ November, 2008 as required under Clause (3) of Article 348 of the Constitution of India)

Government of Himachal Pradesh

Department of Information Technology

No. IT-A(3)-3/2004

Dated Shimla-2, the 18th November, 2008.

NOTIFICATION

In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the Recruitment & Promotion Rules for the post of Joint Director, Class – I (Gazetted) in the Department of Information Technology, Himachal Pradesh as per **Annexure – A** attached to this notification, namely:-

1. Short title and Commencement :
 1. These rules may be called the Himachal Pradesh Information Technology Department, Joint Director, Class –I (Gazetted) Recruitment & Promotion Rules, 2008.
 2. These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

By Order

**Secretary (Information Technology) to the
Government of Himachal Pradesh.**

Endst. No. IT-A(3)-3/2004

Dated Shimla-2, the 18th November, 2008.

Copy forwarded for information and necessary action to :-

1. All the Administrative Secretaries to the Govt. of Himachal Pradesh, Shimla-2.
2. The Secretary, H.P. Public Service Commission, Shimla-2.
3. The Director, Deptt. Of Information Technology, Shimla – 9.

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4. The Controller, Printing & Stationer Department, H.P., Shimla-5 for publication in H.P. Rajpatra (Extraordinary). He is requested that 3 copies of Rajpatra may be supplied to this Department.
 5. The ALR-cum-Under Secretary(Law) to the Govt. of Himachal Pradesh, Shimla.
 6. The Sr. Law Officer, Law Department, H.P. Secretariat, Shimla – 2.
 7. Guard File.

D. S. Chawla.
**Under Secretary(IT) to the
Government of Himachal Pradesh.**

Annexure – 'A'**RECRUITMENT AND PROMOTION RULES FOR THE POST OF JOINT DIRECTOR,
INFORMATION TECHNOLOGY IN THE DEPARTMENT OF INFORMATION
TECHNOLOGY, GOVT. OF HIMACHAL PRADESH, SHIMLA.**

1. Name of the Post 'Joint Director, Information Technology'.
2. Number of Post(s) '01 (One)'.
3. Classification 'Class-I (Gazetted)'.
4. Scale of Pay Rs. 13500-400-15900-450-16800.
5. Whether selection post or non-selection post 'Selection'.
6. Age for direct recruits 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 of Himachal Pradesh including those who have been appointed on adhoc or on contract basis in these offices/institutions;

Provided further that if a candidate appointed on ad hoc basis or on contract basis had become overage on the date when 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 ad hoc

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or contract appointment;

Provided further that 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 Corporations 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 the Government servants. This concession will not, however, be admissible to such staff of the public sector corporations/autonomous bodies 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.

Note: 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 exchanges or as the case may be.

Note: 2. Age and experience in the case of direct recruitment are relaxable at the discretion of the Government in case the candidate is otherwise well qualified.

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7. Minimum educational and other qualifications required for direct recruitment.
- i) Professional degree in Information Technology or engineering (B.Tech/B.E./MCA) or 'B' level course from DOEACC Society or M.Sc. with PGDCA (with additional one year experience) from a recognized University/Institute.
8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotees.
- i) Experience of at least ten years in Govt./Corporate/Pvt. Sector in the Information Technology field.
- Age } N.A.
- Edu. Qualification } N.A.
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, deputation, transfer and the percentage of posts to be filled in by various methods.
- 100% by promotion failing which on secondment/by transfer basis failing both by direct recruitment on regular basis or on contract basis.
11. In case of recruitment by promotion, deputation, transfer, grades from which promotion/
- i) By promotion from amongst the Deputy Director(s) who possess 03 years regular service or regular combined with continuous adhoc service rendered if any in the grade;
- ii) By secondment/transfer basis from amongst the employees of Govt. of H.P./Govt. of

deputation, transfer is to be made.

India/other State Govt. holding analogous post in the identical pay scales on regular basis for one year in the first instance.

Notwithstanding anything contained in Col.No. 10 supra, the incumbents already taken on secondment shall be given an option for their absorption in the Department of Information Technology provided that they fulfil the educational qualification prescribed for direct recruits under Col. No. 7 subject to the satisfaction of the appointing authority and, the incumbents who opts for absorption shall form the initial cadre of the post and thereafter the methods of recruitment shall be resorted to as provided in Col. No. 10.

- 1) In all cases of promotion, the continuous adhoc service rendered in the feeder post, if any, prior to regular appointment to the posts 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 feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R&P Rules, provided that :-
 - (i) 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 provision 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 3 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 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 Demobilised Armed Forces Personnel (Reservation of Vacancies in Himachal Pradesh 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.

- (2) Similarly in all cases of confirmation continuous adhoc service rendered on the feeder post, if any, prior to the regular appointment against such post shall be taken into account towards the length of service, if the adhoc appointment/promotion had been made after proper selection 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 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/ contract appointment.

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 the case of direct recruitment shall be made on the basis of viva-voce test, if the H.P.P.S.C. 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- Selection for
A appointment to the
post by Contract
appointment

(I) CONCEPT:

(a) Under this policy, the Joint Director, IT in the Department of Information Technology, H.P. will be engaged on contract basis initially for one year, which may be extendable for two more years on year to year basis.

(b) The Secretary(IT) 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

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Service Commission.

- (c) The selection will be made in accordance with the eligibility conditions prescribed in these Rules.
- (d) Contract appointee so selected under these Rules will not have any right to claim for regularization or permanent absorption in the Government job.

(II) **CONTRACTUAL EMOLUMENTS:**

The Joint Director(IT) appointed on contract basis will be paid consolidated fixed amount @ Rs.20,250/- P.M. (which shall be equal to initial of the pay scale + Dearness Pay). An amount of Rs.400/- (equal to annual increase in the pay scale of the post) as per annual increase in contractual emoluments for the second and third years respectively will be allowed if contract is extended beyond one year.

(III) **APPOINTING/DISCIPLINARY AUTHORITY:**

The Secretary (IT) to the Government of Himachal Pradesh 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

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standard/syllabus etc. of which will be determined by the concerned recruiting agency i.e. HPPSC.

(V) **COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS:**

As may be constituted by the concerned recruiting agency i.e. the HPPSC from time to time.

(VI) **AGREEMENT:**

After selection of 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.20,250/- per month. (which shall be equal to initial of the pay scale + dearness pay). The Contract Appointee will be entitled for increase in contractual amount @ Rs.400/- (equal to annual increase in the pay scale) per annum for second and third years respectively 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) Contractual appointment shall not confer any right to incumbent for the regularisation in

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service at any stage.

- (d) Contract Appointee will be entitled for one day casual leave after putting one month service. This leave can be accumulated upto 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.
- (e) Unauthorised 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.
- (f) Transfer of a contract appointee will not be permitted from one place to another in any case.
- (g) Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. Woman candidate pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The woman candidate will be re-examined for the fitness from an authorised Medical Officer/Practitioner.
- (h) 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 the pay scale.

**(VII) RIGHT TO CLAIM
REGULAR APPOINTMENT:**

The candidate engaged on contract basis under these Rules shall have no right to claim regularisation/ permanent absorption as Joint Director, I.T. in the Department at any stage.

16. Reservation

The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/ Scheduled Tribes/Other Backward

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Classes/ Other Categories of persons issued by the
Himachal Pradesh Government from time to time.

17. Departmental
Examination

Every member of the service shall pass the
Departmental Examination as prescribed in the H.P.
Departmental Examination Rules 1997.

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 the H.P.P.S.C., relax any of the
provisions of these Rules with respect to any class or
category of persons or posts.

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ANNEXURE - B.**Form of contract/agreement to be executed between the Joint Director, IT and the Government of Himachal Pradesh through the Director, Department of Information Technology, H.P., Shimla.**

This agreement is made on this _____ day of _____ in the
 year _____ Between Sh./Smt. _____ S/o/D/o
 Shri _____ R/o
 _____ Contract

appointee (hereinafter called the FIRST PARTY), AND The Governor of Himachal Pradesh through the Director, Department of Information Technology, Himachal Pradesh (here-in-after the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Joint Director, I.T. on contract basis on the following terms & conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Joint Director, I.T. for a period of 1 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 with SECOND PARTY shall ipso-facto stand terminated on the last working day i.e. on _____ and information notice shall not be necessary.
2. The contractual amount of the FIRST PARTY will be Rs.20,250/- per month (which shall be equal to initial of the pay scale + Dearness Pay).
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. The contractual appointment shall not confer any right to incumbent for the regularization of service at any stage.
5. Contractual Joint Director, I.T. 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 Joint Director, I.T. He will not be entitled for Medical Reimbursement and LTC etc. Only maternity leave will be given as per Rules.
6. Unauthorized absence from the duty without the approval of the controlling Officer shall automatically lead to the termination of the contract. A contractual Joint Director, I.T. will not be entitled for contractual amount for the period of absence from duty.
7. Transfer of a official appointed on contract basis will not be permitted from one place to another in any case.
8. Selected candidate 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.

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9. Contract appointee shall be entitled to TA/DA if required to go on tour in connection with his official duties at the same rate as applicable to regular counter-part official.
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 the FIRST PARTY)

2. _____

(Name and Full Address)

IN THE PRESENCE OF WITNESS:

1. _____

(Name and Full Address)

(Signature of the SECOND PARTY)

2. _____

(Name and Full Address)