

(Authoritative English Text of this Department Notification No. No.Agr.A(3)-7/07 dated 12.4.2010 required under clause (3) of Article 348 of the Constitution of India).

**Government of Himachal Pradesh
Department of Agriculture**

No.Agr.A(3)-7/07

Dated Shimla-2, the 12th April, 2010

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 Recruitment and Promotion Rules for the post of Driver, Class-III (Non Gazetted) in the Department of Agriculture, Himachal Pradesh, as per Annexure- "A" attached to this notification namely:-

Short title and Commencement	<p>1. (i) These rules may be called the Himachal Pradesh Agriculture Department, Driver, Class-III (Non Gazetted) Recruitment and Promotion Rules, 2010.</p> <p>(ii) These Rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.</p>
Repeal and Saving	<p>2. (i) The Himachal Pradesh Agriculture Class-III (Executive Section) Services (Recruitment and Promotion and certain conditions of Service) Rules, 1973 (Part-II) notified vide this Department Notification No. 16-10/73-Agr.(Sectt.) dated 30.11.1973 are hereby repealed to the extent these pertain to the post of Drivers.</p>

	(ii) Notwithstanding such repeal, any appointment made or any thing done or any action taken under the rules so repealed under sub rule(I) supra shall be deemed to have been validly made or done or taken under these rules.
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By Order
Secretary (Agriculture) to the
Government of Himachal Pradesh

Endst. No. As above.

Dated Shimla-2, 12th April, 2010

Copy forwarded to the following:-

1. All the Administrative Secretaries to the Govt. of H.P.
2. Director of Agriculture, H.P. Shimla-5, with 5 spare copies.
3. The Controller, Printing and Stationery, H.P. Shimla-5. for publication in the Rajpatra (Extra Ordinary) copy of the Rajpatra may kindly be supplied to the Department for record.
4. The Guard file/PF.


Deputy Secretary (Agr.) to the
Government of Himachal Pradesh

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RECRUITMENT & PROMOTION RULES FOR THE POST OF DRIVER CLASS-III (NON GAZETTED) IN THE DEPARTMENT OF AGRICULTURE, HIMACHAL PRADESH.

1	Name of the post	:	Driver
2	Number of post(s)	:	113 (one hundred Thirteen)
3	Classification	:	Class-III (Non-Gazetted)
4	Scale of pay	:	i) Pay scale for regular incumbents Pay Band Rs. 5910-20200+Rs. 2000 Grade Pay. ii) Emoluments for contracts employees: Rs.7,910/- as per details given in Column 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 or on contract basis had become over-age 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 adhoc or contract appointment;

Provided further that upper age-limit is relaxation 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 Corporation/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 Corporation/Autonomous Bodies who are/were finally absorbed in the service of such Corporation/Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous after initial constitutions 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 Exchanges or as the case may be.
- (2) Age and experience in the case of direct recruitment relax-able at the discretion of the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

7	Minimum Educational & other qualifications required for direct recruit(s)	<p>a) Essential Qualifications:</p> <p>(i) Should be Middle Pass from a recognized Board/Institution.</p> <p>(ii) Must possess valid Driving Licence for the plying of Heavy/light vehicles in Hilly Terrain.</p> <p>b) Desirable Qualification:- Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.</p>						
8	Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of the promotee(s)	Age: Not applicable Educational Qualification: Yes						
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(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.	<p>(i) 75% 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 column No. 15(A) and will be governed by service conditions as specified in the said column.</p> <p>(ii) 25% by promotion.</p>						
11	In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation/transfer is to be made:	<p>By promotion from amongst the Cleaners who possess five years regular service or regular combined with continuous adhoc service rendered, if any, in the grade.</p> <p>For filling up the posts of Driver the following 04 points post based roster shall be followed:-</p> <table><tr><td>Roster Point(s) No.</td><td>Category</td></tr><tr><td>1st</td><td>By promotion</td></tr><tr><td>2nd, 3rd & 4th</td><td>By direct recruitment</td></tr></table> <p>Note: The roster point will be rotated after every 4th point till the representation to all categories is achieved by the given percentage. Thereafter, the post is to be filled up from the category which vacates the post.</p> <p>Provided that for the purpose of</p>	Roster Point(s) No.	Category	1 st	By promotion	2 nd , 3 rd & 4 th	By direct recruitment
Roster Point(s) No.	Category							
1 st	By promotion							
2 nd , 3 rd & 4 th	By direct recruitment							

promotion every employee shall have to serve atleast 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 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, Mupish Darkali and Gram Panchayat Kasapat, 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 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-Gussaini, Mathyani, Ghanyar, Thachi, Baggi, Somgad and Kholanal of Bali-Chowki Sub Tehsil, Jharwar, Kutgarh, Graman, Devgarh, Trailla, Ropa, Kathog, Sidh-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.
<p>(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 provisions of R&P Rules;</p> <p>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;</p> <p>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 R&P Rules for the post, whichever is less;</p> <p>Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the proceeding proviso the person(s) junior to him/her shall also be deemed to be ineligible for consideration for such promotion;</p> <p>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 Service) Rules, 1972 and having been given the benefit of seniority there under or recruited under the provisions of Rule-3 of the Ex-Serviceman (Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there under.</p> <p>(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.</p> <p>Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.</p>		
12	If a Departmental Promotion Committee exists, what is its composition?	As may be constituted by the Govt. 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 and practical test for driving and maintenance skill of the candidate. The Departmental Recruitment Committee for practical test shall comprise of at least two persons from amongst Motor Vehicle Inspector, A.E Mechanical and Manager/Foreman of HRTC in addition to the nominee(s) of appointing authority. Passing of practical test shall be mandatory.
15-A	Selection for appointment to the post by contract appointment	<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 Driver in the Department of Agriculture, H.P. will be engaged on contract basis initially for one year, which may be extendable years to year basis.</p> <p>(b) <u>POST FALLS OUT OF THE PURVIEW OF HPSSSB:-</u></p> <p>The Director of Agriculture, H.P. after obtaining the approval of the Govt. to fill up the vacant posts on contract basis will advertise the details of the vacant posts in atleast two leading newspapers and invite applications from candidates having the prescribed qualifications and fulfilling the other eligibility conditions as prescribed in these Rules.</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 Driver appointed on contract basis will be paid consolidated fixed contractual amount @ Rs. 7,910/-P.M.(Which shall be equal to minimum of the pay band +grade pay) An amount of Rs. 240/- (3% of the 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> <p>(III) <u>APPOINTING/DISCIPLINARY AUTHORITY:-</u></p> <p>The Director of Agriculture, H.P., will be appointing and disciplinary authority.</p> <p>(IV) <u>SELECTIONS PROCESS:-</u></p> <p>Selection for appointment to the post in the case of Contract Appointment shall be made on the basis of written/viva-voce & practical test for</p>

driving and maintenance skill of the candidate. The Departmental Selection Committee for practical test shall comprise of at least two persons from amongst the Motor Vehicle Inspector, A.E. (Mechanical), H.P.P.W.D. and Manager/Foreman or H.R.T.C. in addition to the nominee(s) of appointing authority. Passing of practical test shall be mandatory.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS:

As may be constituted by the competent authority 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. 7,910/- per month (which shall be equal to minimum of the pay band+ grade pay). The contract appointee will be entitled for increase in contractual amount @ Rs. 240/- (3% of minimum of the pay band +grade pay of the post) for further extended years and no 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.
- (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 & LTC etc. Only Maternity Leave will be given as per rules.
- (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 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 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.

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		<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) Provision of service rules 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	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	Powers of 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 provision(s) of these Rules with respect to any Class or Category of person(s) or post(s).

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Form of contract/agreement to be executed between the Driver and the Government of Himachal Pradesh through Director of Agriculture.

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 Director of Agriculture 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 Driver on contract basis on the following terms & conditions.

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Driver 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 with SECOND PARTY shall iso-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. 7910/- per month (which be equal to minimum of the pay band + Grade pay) The contract appointee will be entitled for increase in contractual amount as @ Rs. 240/- (3% of the minimum of the pay band + Grade pay of the post) for further extended years & no other allied benefits such as senior/selection scale etc. will be given.
3. The service of FIRST PARTY will be purely on temporarily 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 appointee 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 Junior Draughtsman. He will not be entitled for Medical Reimbursement and LTC etc. Only maternity leave will be given as per Rules.
5. Unauthorized absence from the duty without the approval of the controlling Officer shall automatically lead to the termination of the contract. A contract appointee will not be entitled for contractual amount for the period of absence from duty.