

(Authoritative English text of this Department Notification Number PCH-HA (1) 11/2010-I dated 16-7-2014 as required under clause (3) of article 348 of the Constitution of India)

**Government of Himachal Pradesh
Department of Panchayati Raj.**

NO.PCH-HA-(1) 11/2010-I

Dated Shimla-171 009 the

16-7 -2014.

Notification

Whereas the draft Himachal Pradesh Panchayati Raj (Appointment and Conditions of Service of Panchayat Sahayaks in Zila Parishads) Rules, 2014 were published in the Rajpatra, Himachal Pradesh dated 7th February, 2014 for inviting objections and suggestions from the general public, vide this department notification of even number dated 21st January, 2014 as required under the provisions of section 186 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994);

And whereas no objection/suggestion has been received in this behalf during the stipulated period;

Now, therefore, in exercise of the powers conferred by section 186 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994), the Governor of Himachal Pradesh is pleased to make the following rules, namely:-

- Short title. 1. These rules may be called the Himachal Pradesh Panchayati Raj (Appointment and Conditions of Service of Panchayat Sahayaks in Zila Parishads) Rules, 2014.
- Definitions. 2. (1) In these rules, unless the context otherwise requires,-
“Act” means the Himachal Pradesh Panchayati Raj Act, 1994; (Act No.4 of 1994)
“Director” means the Director of Panchayati Raj, Himachal Pradesh; and
“Form” means a form appended to these rules.
(2) The words and expressions used but not defined in these rules shall have the same meaning as respectively assigned to them in the Act.
- Number of Posts. 3. There shall be such number of posts of Panchayat Sahayaks as sanctioned and may be sanctioned by the State Government from time to time in the respective Panchayats.
- Remuneration. 4. The Panchayat Sahayak shall be paid remuneration at such rates as may be notified by

the State Government from time to time. The monthly remuneration shall be disbursed to the Panchayat Sahayaks through the Secretary of the Zila Parishad concerned out of the Grant-in-Aid provided by the State Government for this purpose:

Provided that the monthly remuneration to the Panchayat Sahayaks will be disbursed only after obtaining certificate of attendance from the Pradhan or Up-Pradhan, as the case may be, of the Gram Panchayat concerned.

Age for direct appointment & other eligibilities.

5. (1) A person to be appointed as Panchayat Sahayak shall be eligible if he is between 18 and 45 years of age:

Provided further that 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 State Government:

(2) Other Eligibility Conditions:-

- (a) 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, as the case may be.
- (b) age and experience, in the case of direct appointment, are relaxable at the discretion of the State Government in case the candidate is otherwise well qualified.
- (c) he is a bonfide resident of the district concerned;
- (d) he is of sound mind and good health;
- (e) he has not been disqualified for appointment in public service or dismissed from public service on disciplinary grounds;
- (f) he has not been convicted of any offence involving moral turpitude; and
- (g) he has not any outstanding dues payable to the State Government or the Panchayats.

Minimum educational qualifications required for direct appointment.

6. (1) The candidate to be appointed as Panchayat Sahayak must possess minimum educational qualification of 10 + 2 or its equivalent, from a recognized Board/university.

(2) Preference shall be given to those candidates who have knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the State.

Method of appointment.

7. The candidate shall be appointed by direct recruitment on contract basis.

Selection for appointment to the post by Contract Appointment.

8. Notwithstanding anything contained in these rules, contract appointments to the post will be made subject to the terms and conditions given below:-

(I) CONCEPT:

Under these rules the Panchayat Sahayak in Panchayats 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 Executive Officer of Panchayat Samiti 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 by Chief Executive Officer, Zila Parishad.

(II) CONTRACTUAL EMOLUMENTS:

The Panchayat Sahayak shall be paid remuneration at such rates as may be notified by the State Government from time to time. The monthly remuneration shall be disbursed to the Panchayat Sahayaks through the Secretary of the Zila Parishad concerned out of the Grant-in-Aid provided by the State Government for this purpose.

(III) APPOINTING/DISCIPLINARY AUTHORITY:

The Chief Executive Officer of the concerned Zila Parishad will be the appointing and disciplinary authority.

(IV) SELECTION PROCESS:

(a) The Zila Parishad concerned, through its Secretary, shall invite applications by making wide publicity by displaying a notice on the notice board of the concerned Zila Parishad and advertisement through two local newspapers. These vacancies shall also be notified to the Employment Exchange. A minimum period of 15 days shall be given for inviting applications from the date of notice and the applications shall be received by the Secretary of the Zila Parishad. The application shall be acknowledged with receipt duly signed and stamped by the Secretary of Zila Parishad.

(b) Immediately after the expiry of the period specified for inviting of applications, the Secretary of the Zila Parishad concerned shall fix the date, time and place for conduct of interview of Panchayat Sahayaks in consultation with the Chairman of the selection committee. The Secretary shall issue a notice, intimating the time scheduled fixed for

interview, to the members of the selection committee and as well as to the applicants:

Provided that there shall be a minimum period of ten days between the date of issue of notice and date of interview; and.

(c) Interview will be conducted by the following selection Committee:-

- (i) Chief Executive Officer of the concerned Zila Parishad : Chairman
- (ii) Deputy Director-cum-Project Officer, DRDA : Member
- (iii) District Panchayat Officer-cum-Secretary, Zila Parishad : Member

(d) The selection committee shall verify the certificates with their originals.

(e) The Secretary, Zila Parishad on the basis of the information supplied by the candidates alongwith their applications shall compile a data list by following the criteria given hereunder and the exercise of compilation of said data shall be completed before the date of interview. He shall ensure that this data is provided to the selection committee on the date of interview for verification of the same with the original record brought by the candidates on the date of interview. The selection shall be made on the basis of the performance of the candidates purely on merit basis out of the total one hundred marks which shall be divided in the following manner:-

¹[(A) Educational Qualifications:

- (1) Percentage of marks in (10 + 2) divided by 1.66 : maximum of 60 marks

(B) Experience:

- (1) One mark shall be awarded for every one year of experience in any Panchayati Raj Institution, Government office, Government undertaking /Institution/agency. : maximum of 5 marks
- (2) In case the candidate is resident of the area of concerned Zila Parishad. : 5 marks
- (3) (a) In case candidate has done minimum six months diploma in computer from the institution recognized by Himachal Pradesh Government. : 9 marks
- (b) In case candidate has done minimum one year diploma in computer from the institution recognized by Himachal Pradesh. : 15 marks

- (C) Personal Interview. : 15 marks]**

¹ Substituted vide notification No. PCH-HA(1)11/2010-I dated 11th August, 2014 and published in Rajpatra on 12th August, 2014.

(f) The Secretary, Zila Parishad shall workout the merit on the basis of criteria of marks provided in (A) to (B) above and shall call 10 candidates against one vacancy for interview.

(g) The Secretary of the Zila Parishad shall draw a panel of the candidates in the order of merit and in view of the number of vacancies of Panchayat Sahayaks; the candidates who are first on the panel shall be selected for appointment to the posts of Panchayat Sahayaks. After the selection of the required number of Panchayat Sahayaks, a waiting list of the candidates, in the order of their merit, shall also be prepared for filling up of vacancies and such waiting list shall be valid for the calendar year in which selection of candidates has been done.

(V) WORKING HOURS:

The Panchayat Sahayak shall be the whole time worker and he shall mark his presence in the attendance register maintained by the Gram Panchayat on each working day. The attendance register shall be verified and countersigned by the Pradhan or the Up-Pradhan:

Provided that the Pradhan or the Up-Pradhan, as the case may be, at the close of each month will issue a certificate of attendance.

(VI) APPOINTMENT AND AGREEMENT:

After selection of a candidate and the appointment letter is issued to him in Form-I. Thereafter, he shall have to sign an agreement as per Form-II.

(VII) TERMS AND CONDITIONS:

- (a) The Panchayat Sahayak shall be paid remuneration at such rates as may be notified by the State Government from time to time. The monthly remuneration shall be disbursed to the Panchayat Sahayaks through the Secretary of the Zila Parishad concerned out of the Grant-in-Aid provided by the State Government for this purpose.
- (b) The service of the Contract Appointee will be purely on temporary basis. In case the Panchayat Sahayak is found indulging in malpractices or does not perform his duties or has involvement in criminal offences or commits acts of indiscipline or is involved in misutilization or embezzlements of funds, he may be asked to

explain his conduct by the Chief Executive Officer of the Zila Parishad concerned. In case his explanation is not found satisfactory, the said Chief Executive Officer may initiate the disciplinary proceedings against the said Contract Appointee. Further, in case, the Gram Panchayat allotted to him passes a resolution with two-third majority and forward the same to the Chief Executive Officer, of the Zila Parishad concerned that he is not performing the duties assigned to him properly and is indulging in an act of indiscipline, the said Chief Executive Officer shall initiate the disciplinary proceedings against the Contract Appointee. While conducting the disciplinary proceedings under these rules, the Disciplinary Authority shall ensure that the rules of natural justice are followed. The Chief Executive Officer may impose one or more of the following penalties depending on the gravity of misconduct:-

- (i) Censure;
 - (ii) Fine up to Rs.5000/- by deduction from his remuneration;
 - (iii) Recovery of any loss caused;
 - (iv) Stoppage of increment; and
 - (v) Termination of contract and removal from service.
- (c) The Contract Appointee will be entitled to one day causal leave after putting one month's service. This leave can be accumulated up to one year. Leave of any other kind will not be admissible to the contract appointee. He/She shall not be entitled for Medical Re-imbursment and LTC etc. Only maternity leave will be given as per rules.

Unauthorized absence from the duty without the approval of the competent authority 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.

An official appointed on contract basis who has completed three years tenure at one place of positing will be eligible for transfer on need basis within the respective Zila Parishad (District) on administrative ground (s). The transfer of the Panchayat Sahayak shall be done by the Chief Executive Officer of the concerned Zila Parishad.

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 got re-examined for fitness from an authorized Medical Officer/Practitioner.

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 are applicable to their regular counter-part officials at the minimum of pay scale.

Provisions 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 to emoluments etc. at such rates as may be notified by the State Government from time to time.

Appointing Authority and allocation of Panchayats.

9. (1) The Chief Executive Officer of concerned Zila Prishad shall be the appointing authority and letter of appointment shall be issued by him. He shall approve the allocation of Gram Panchayat to the Panchayat Sahayak.

Provided that home Gram Panchayat/ adjoining Gram Panchayat shall not be allocated to the Panchayat Sahayak.

(2) The Chief Executive Officer of the concerned Panchyat Samiti shall be the controlling officer for tour programme, leave, work & conduct certificate etc. The Secretary of Zila Parishad shall allocate the Panchayats in consultation with the Chief Executive Officer, Panchayat Samiti in such a way that contiguity of the allocated Panchayats is ensured.

Reservation.

10. The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/ Scheduled Tribes/ Backward Classes/ Other Categories of persons issued by the Himachal Pradesh Government from time to time.

Job Chart.

11. The job chart for the Panchayat Sahayak shall be such as may be specified by the Director from time to time.

Training and Examination.

12. The members of the service shall have to qualify examination or to undergo such courses of training to be specified, from time to time:

Provided that three chances shall be provided to qualify such examination within

five years and in the event of not qualifying the examination by the concerned employee, such employee shall not be entitled for future increment, placement, redesignation etc.

Power to relax.

13. 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, relax any of the provisions(s) of these rules with respect to any class or category of person (s) or post (s).

Repeal and Savings.

14. (1) The Himachal Pradesh Panchayati Raj (Appointment and conditions of service of Panchayat Sahayaks) Rules, 2008 notified vide notification No.PCH-HA (3) 25/2007 dated 4th September, 2008 are hereby repealed.

(2) Notwithstanding such repeal, any appointment made, or anything done or any action taken, under the scheme so repealed under sub-rule 14(1), shall be deemed to have been validly made, done or taken under these rules.

FORM-1
[See rule 14(VI)]

APPOINTMENT LETTER

With reference to the application for the post of Panchayat Sahayak received from Shri/Smt./Kumari son/wife/daughter of Shri, resident of village, Tehsil, district it is informed that the said Shri/Smt./Kumari has been selected for the said post. Therefore, he/she is hereby offered appointment as Panchayat Sahayak on the terms and conditions that:-

1. there shall be paid to him/her a remuneration of rupees (in figures) (in words) per month;
2. no other allowance, whatsoever admissible to the employees of State Government from time to time shall be paid to him/her;
3. the appointment shall be on contract basis for a period of one year from the date of joining;
4. the appointment shall further be subject to terms and conditions laid down in the rules and agreement;
5. the antecedent verification certificate to the satisfaction of the undersigned from the Executive Magistrate or two Gazetted officers known to him/her at least for the last three years shall be given by him/her at the time of submission of joining report;
6. the appointment shall be subject to the production of Certificate of Medical Fitness issued by a Government/Registered Medical Practitioner before joining the post; and

7. the attested copies of original certificates in respect of educational qualifications, caste, bonafide resident, physically handicapped, member belonging to below poverty line or past experience, as the case may be, shall be submitted along with joining report.

In case, the above terms and conditions are acceptable to him, he/she may report for execution of the contract agreement as well as for joining duty in the office of undersigned immediately but not later than fifteen days from the date of issue of this appointment letter.

Place :

Chief Executive Officer,
Zila Parishad _____
District _____
Himachal Pradesh.

Date :

Shri/Smt./Kr. _____

FORM-2
[See rule 14(VI)]
AGREEMENT

Form of contract/agreement to be executed between the Panchayat Sahayak and the Chief Executive Officer, Zila Parishad _____ (Designation of the Appointing Authority).

This agreement is made on this _____ day of _____ in the year _____ Between Sh./Smt. _____ S/o/D/o/W/o Shri _____ R/o _____ Contract appointee (hereinafter called the FIRST PARTY), AND the Zila Parishad _____ through its Chief Executive Officer (hereinafter referred to as the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Panchayat Sahayak 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 Panchayat Sahayak for a period of 1 (one) year commencing on the 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:

Provided that for further extension/renewal of contract period the Chief Executive Officer of Panchayat Samiti 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 shall be renewed/extended.

2. The contractual amount of the FIRST PARTY will be..... 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. Panchayat Sahayak will be entitled for one day casual leave after putting in one month's service. This leave can be accumulated upto one year. No leave of any other kind will be admissible to the contractual Panchayat Sahayak. He will not be entitled to 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 Panchayat Sahayak will not be entitled for contractual amount for the period of absence from duty.
6. An official appointed on contract basis who has completed three years tenure at one place of posting will be eligible for transfer on need based basis within the concerned Zila Prishad (District) on administrative grounds. The transfer shall be done by the Chief Executive Officer of the concerned Zila Parishad.
7. Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. Women candidates pregnant beyond twelve weeks will render her temporarily unfit till the confinement is over. She shall be got re-examined for fitness from an 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 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).
10. 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 _____

_____SE

(Name and Full Address)

By order

**Additional Chief Secretary (Panchayati Raj) to the
Government of Himachal Pradesh.**

Endst.No. PCH-HA(1)11/2010-I- 6674-6815

Shimla-9, dated the 16 July , 2014.

Copy forwarded for information and necessary action to:-

1. All the Principal Secretaries/ Secretaries to the Government of Himachal Pradesh.
2. The Additional Secretary (GAD) to the Government of Himachal Pradesh in reference decision taken in the Cabinet Meeting held on 25-6-2014.
3. All the Deputy Commissioners in Himachal Pradesh.
4. Assistant Law Advisor and Under Secretary (Law) Himachal Pradesh Government.
5. All the District Panchayat Officer-cum-Secretary, Zila Parishad H.P.
6. Principals, PRTI, Mashobra, Thunag, Baijnath.
7. All the Block Development Officers-cum-Executive Officers of Panchayat Samitis in Himachal Pradesh.
8. Controller, Printing and Stationary Department, H.P. Shimla-171005 with the request that the above notification may kindly be published in Rajpatra.

Sig/-

**Deputy Secretary (Panchayati Raj) to the
Government of Himachal Pradesh.**