

(Authoritative English text of this Department Notification Number PCH-HA(3)25/2007-20659-797, dated 4th September, 2008 as required under clause(3) of article 348 of the Constitution of India)

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

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NO.PCH-HA(3)25/2007-

Dated Shimla-171 009, the 4th September, 2008.

Notification

Whereas the draft Himachal Pradesh Panchayati Raj (Appointment and conditions of service of Panchayat Sahayaks) Rules, 2008 were published in the Rajpatra, Himachal Pradesh dated 17th June, 2008 for inviting objections and suggestions from the general public, vide this department notification of even number dated 16th June, 2008 as required under the provisions of section 186 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994);

And whereas, the objections/suggestions received during the stipulated period have been duly considered by the State Government;

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 for carrying out the purposes of the aforesaid Act, namely:-

Short title. 1. These rules may be called the Himachal Pradesh Panchayati Raj (Appointment and conditions of service of Panchayat Sahayaks) Rules, 2008.

Definitions. 2. (1) In these rules, unless the context otherwise requires,--

(a) "Act" means the Himachal Pradesh Panchayati Raj Act, 1994.

(b) "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 assigned to them in the Act.

Number of posts and their scales of pay. 3. (1) There shall be one post of Panchayat Sahayak in every Gram Panchayat excluding such Gram Panchayat where there is already appointed Panchayat Secretary:

Provided that the Panchayat Sahayak may be appointed in such Gram Panchayat also where there is already appointed a Panchayat Secretary

in view of increased workload:

Provided further that the Panchayat Sahayaks shall be the employees of the Panchayat Samiti concerned and their services shall be transferable, from one Gram Panchayat to another, within the area of the Panchayat Samiti.

(2) 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 Executive Officer of the Panchayat Samiti concerned out of the Grant-in-Aid provided by the State Government for this purpose:

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

Minimum educational qualifications required .

4. The candidate to be appointed as Panchayat Sahayak must possess minimum educational qualification of Ten plus Two, or its equivalent, from Board of School Education recognized by the Himachal Pradesh Government.

Age and other eligibility conditions.

5. A person to be appointed as Panchayat Sahayak shall be eligible, if,-

- (a) his age as on 1st January of the year in which he applies for the post is between 18 and 45 years;
- (b) he is a bonafide resident of the concerned district;
- (c) he is of sound mind and good health;
- (d) he has not been disqualified for appointment in public service or removed from public service on disciplinary grounds or has sought voluntary retirement under any Voluntary Retirement Scheme;
- (e) he has not been convicted of any offence involving moral turpitude; and
- (f) he has not any outstanding dues payable to the State Government or the Gram Panchayat.

Inviting of applications and procedure for selection.

6. (1) The Panchayat Samiti concerned, through its Executive Officer, shall invite the applications by making wide publicity by displaying a notice on the notice board of the office of the Block Development Officer and also on the notice boards of the offices of the Gram Panchayats, Patwar Khana, Mahila Mandal Bhawan, Yuvak Mandal Bhawan, Community Center etc. within the Panchayat Samiti area. 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 Executive Officer of the Panchayat Samiti. The application shall be acknowledged with receipt duly signed and stamped by the Executive Officer of Panchayat Samiti.

(2) Immediately after the expiry of the period specified for inviting of applications, the Executive Officer of the Panchayat Samiti concerned shall fix the date, time and place for conduct of interview of Panchayat Sahayaks. The Executive Officer shall issue a notice, intimating the time schedule 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 interview and date of issue of notice.

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

- (i) Sub Divisional Officer (Civil) of the : Chairman
concerned Sub-Division.
- (ii) Chairman of Panchayat Samiti. : Member
- (iii) Executive Officer of Panchayat Samiti. : Member Secretary

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

(5) The Executive Officer of Panchayat Samiti, 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:-

(A) Educational Qualifications

- (i) Percentage of marks in Ten plus Two(10+2) : to the maximum of 35
divided by 2.86. marks
- (ii) Percentage of marks in commerce divided : to the maximum of 5
by 20 for candidates having Commerce as one marks
of the subjects in Ten plus Two(10 + 2).
- (iii) Percentage of marks divided by 10 for : to the maximum of 10
candidates having degree of Bachelor of marks
commerce.

(B) Experience

(One mark shall be awarded for every one year of experience in relevant nature of duties in any Panchayati Raj Institution, Government office, Government undertaking/institution/agency in a clerical capacity. : to the maximum of 5 marks

(C) Personal Interview : to the maximum of 15 marks

(D) In case the candidate is resident of the concerned Panchayat Samiti. : 5 Marks

(E) In case of candidate belongs to the category of Scheduled Castes or Scheduled Tribes or Other backward Classes. : 7 Marks

(F) In case candidate belongs to Below Poverty Line family. : 5 Marks

(G) In case candidate is physically handicapped. : 3 Marks

(H) In case candidate belongs to a family having no member in the employment of Government. : 5 Marks

(I) In case candidate who has done minimum 3 months course in computer. : 5 Marks

(6) The Executive Officer of the Panchayat Samiti 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.

Training and examination.

7. (1) The Selected candidates shall be provided training of such duration, as may be notified by the Government from time to time. The training shall be provided at the Panchayati Raj Training Institutes or at the District level training camps or at such institutes as may be determined by the Government. The training shall include theory as well as practical training in the offices of the Gram Panchayats.

(2) At the end of the training course the candidates may have to undergo a written examination conducted by the Panchayati Raj Department and the candidates not securing minimum of fifty per centum of the total marks shall

Terms and conditions for appointment.

be removed from the services of the Panchayat Samiti as Panchayat Sahayaks and such vacancy shall be filled up by giving appointment to the next candidate from waiting list prepared under sub-rule (6) of rule 6.

8. (1) The appointment to the post of Panchayat Sahayak shall be purely on contract basis for a period of one year which shall be reckoned from the date of joining. The Panchayat Samiti concerned shall be the appointing authority and the appointment letter shall be issued by the Executive Officer of Panchayat Samiti in Form-1. The Panchayat Sahayak shall report for duty within 15 days from the date of receipt of appointment letter:

Provided that the contract of Panchayat Sahayak may be renewed on year to year basis as deemed fit by the appointing authority depending upon satisfactory performance of his duties:

Provided further that the Executive Officer of Panchayat Samiti shall allot the Gram Panchayat to Panchayat Sahayak at the time of appointment:

Provided further that the Panchayat Sahayak shall not be allotted the Gram Panchayat of which he is a Sabha member:

Provided further that the Panchayat Sahayaks appointed prior to these rules shall be transferred from those Gram Panchayats, of which they are the Sabha members, to another Gram Panchayats within a period of six months from the date of coming into force of these rules.

(2) The Executive Officer of Panchayat Samiti shall sign the contract agreement with the person to be appointed as the Panchayat Sahayak in Form-2.

(3) The Panchayat Samiti, if it deems proper, may initiate proceedings for disengagement/removal of the Panchayat Sahayak by giving him a show cause notice of one month, if the Panchayat Samiti is not satisfied with the services of the appointee or in case the appointee is not maintaining proper discipline or has indulged in corruption, misutilization of funds or has committed a criminal offence or fails to perform the duties assigned to him or he has been guilty of misconduct in the discharge of his duties, as the case may be:

Provided that the matter for his disengagements/removal will be placed before the Panchayat Samiti along with his reply, if any, of the show

cause notice, for consideration and decision of the Panchayat Samiti. The service of Panchayat Sahayak will be terminated, if the Panchayat Samiti passes a resolution in this behalf by a majority of two-third of its total elected members.

(4) The Panchayat Sahayak may be removed by the Executive Officer of Panchayat Samiti after giving him opportunity of being heard, if Gram Panchayat allotted to him passes a resolution with two-third majority for his removal on the grounds that he is not performing his duties properly in such Gram Panchayat.

(5) Notwithstanding anything contained in these rules, if it comes to the notice of the Rural Development or Panchayat Raj Department that there has been gross misutilization or embezzlement of funds by the Panchayat Sahayak or he has been guilty of misconduct in the discharge of his duties or has failed to perform the duties assigned to him by the Panchayat Samiti or any authority of the above departments and in pursuance thereof his continuance in the office of the Gram Panchayat is undesirable and the Panchayat Samiti fails to disengage his services by terminating his contract, in that event the Director of Panchayati Raj may direct the District Panchayat Officer concerned or any other officer to conduct an inquiry against such Panchayat Sahayak and the District Panchayat Officer on the basis of inquiry report, after scrutinizing the material on record and satisfying himself may issue the order for termination of contract of the Panchayat Sahayak concerned:

Provided that during the course of enquiry, the delinquent Panchayat Sahayak shall hand over all records, articles and money of the Gram Panchayat to another Panchayat Sahayak or the Secretary of Gram Panchayat, as directed by the Executive Officer Panchayat Samiti till the order of the Executive Officer Panchayat Samiti or District Panchayat Officer under sub-rule (3) or sub-rule (4), as the case may be.

Appeal.

9. The Panchayat Sahayak removed/terminated under the provisions of sub-rules (3) to (5) of rule 8 may prefer an appeal to the Deputy Commissioner of the concerned district within a period of 30 days from the date of order of the Executive Officer Panchayat Samiti or District Panchayat Officer, as the case

may be. The decision of the Deputy Commissioner shall be final.

Job Chart of
Panchayat
Sahayak.

10. The Panchayat Sahayak shall perform following duties and responsibilities, namely:-

- (i) maintenance of accounts of Gram Panchayat ;
- (ii) maintenance of Panchayat record including Pariwar Register/Marriage Register etc. ;
- (iii) registration of Births and Deaths ;
- (iv) issue of copies to applicants ;
- (v) conduct Gram Panchayat and Gram Sabha meetings and to record proceedings thereof and to send the copies of the proceedings to the concerned person or authority, as the case may be ;
- (vi) assist in preparation of voter lists ;
- (vii) collection of dues of Gram Panchayat ;
- (viii) supervision of works executed by Gram Panchayat ;
- (ix) to attend grievances of public ;
- (x) issue ration cards ;
- (xi) issue summons ;
- (xii) look after the assets and property of the Gram Panchayat ; and
- (xiii) any other duties assigned to him by the authorities of the State Government or by the Gram Panchayat from time to time, as the case may be.

Working hours.

11. The Panchayat Sahayak shall be the whole time worker. Subject to the provisions of rule 12 the duty hours of Panchayat Sahayak shall be from 10.00 A.M. to 5.00 P.M. daily 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.

Payment of
Travel and
Daily
Allowance.

12. The Panchayat Sahayaks shall be entitled to travelling and daily allowances for journeys performed by him in connection with the affairs of Gram Panchayat as admissible to Grade-VI servants of the State Government, gradation of which has been made for the purposes of Supplementary Rule 17 of FRSR in respect of payment of traveling/daily allowance etc. to the State Government employees in Himachal Pradesh. The expenditure on account of payment towards travelling and daily allowances shall be borne by the Gram Panchayat concerned out of its own funds, or Grant-in-Aid provided for this purpose, as the case may be.

- Leave. 13. (1) The Panchayat Sahayak shall be entitled for availing twelve days casual leave and two days restricted leave in a calendar year besides the other Gazetted holidays notified by the State Government from time to time.
 (2) If the Panchayat Sahayak is a woman, she shall also be entitled to avail maximum of twelve weeks maternity leave with two or less than two surviving children.
 (3) The Pradhan of Gram Panchayat shall be the competent authority for sanctioning the leave to the Panchayat Sahayak.
- Dispute relating to selection procedure. 14. In the event of any dispute relating to selection, the person aggrieved may file an appeal before the Deputy Commissioner concerned within thirty days from the date of drawal of panel under sub-rule (6) of rule 6. The decision of the Deputy Commissioner thereon shall be final.
- Power to remove difficulties. 15. If any difficulty arises in the interpretation or implementation of any of the provisions of these rules, the matter may be referred to the State Government for clarification and guidance, who will be competent, to do anything to remove such difficulty by issuing an order not inconsistent with the provisions of the Act.
- Repeal and Savings. 16. (1) On and from the date of commencement of these rules, the Himachal Pradesh Panchayati Raj (Appointment and conditions of service of Panchayat Sahayaks in Gram Panchayats) Rules, 2005 shall stand repealed.
 (2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed, shall be deemed to have been validly made, done or taken under these rules.

FORM-1
 [See rule 8 (1)]

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 is hereby offered appointment as Panchayat Sahayak ----
 ----- on the following terms and conditions:-

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

In case, the above terms and conditions are acceptable to him, he 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 :

Executive Officer,
Panchayat Samiti _____
District _____
Himachal Pradesh.

Date :

Shri/Smt./Kr. _____

FORM-2
[See rule 8(2)]
AGREEMENT

This agreement is made on this day of(Month)(Year) between Shri/Smt./Kumari son/wife/daughter of Shri, resident of village, Tehsil, District, Himachal Pradesh, who has been appointed as Panchayat Sahayak (hereinafter referred to as the first party) and the Panchayat Samiti through its Executive Officer (hereinafter referred to as the second party).

WHEREAS the second party has appointed the first party as Panchayat Sahayak on the terms and conditions hereinafter agreed between the parties:- .

1. That the first party shall serve the second party as Panchayat Sahayak for a period of one year on contract basis commencing from this day of(Month)(Year) and it is specifically mentioned and agreed by both the parties that the

contract of employment of the first party shall ipso facto stand terminated on_____and no formal notice/order by the second party conveying the same shall be necessary.

2. That the first party shall submit himself to the orders of the second party and of the officers and authorities under whom he may from time to time be placed by the Gram Panchayat and shall obey the instructions or directions issued by the Gram Panchayat in this behalf and shall perform such duties as may be assigned to him.
3. That the first party shall serve the second party efficiently and to the best of his satisfaction and it shall devote his whole time to the duties of the service of the second party and shall not engage himself directly or indirectly in any trade or business or occupation on his own account and also that he shall not (except in case of accident or sickness certified by the Authorized Medical Officer) absent himself from his duties without having first obtained permission from the Pradhan, Gram Panchayat on behalf of the second party. The first party shall not be entitled for remuneration and allowances for the period of absence except the authorised medical leave.
4. The services of the first party shall stand terminated,-
 - (i) at the end of contractual period ;
 - (ii) without previous notice by the second party, if it is satisfied that the first party is unfit and is likely to continue to be unfit for a considerable period by reason of his ill health for the discharge of his duties. The decision of the second party that the first party is likely to continue to be unfit shall be conclusively binding on the first party;
 - (iii) by the second party without any previous notice if the first party is found to be prima facie guilty of any insubordination or intemperance or moral turpitude or other misconduct or if any breach or non performance of any of the provisions of this agreement or rules, as the case may be; and
 - (iv) by one month notice in writing given at any time during service under this agreement by the Executive Officer, Panchayati Samiti on behalf of the second party without assigning any reason whatsoever or on payment of one month remuneration in lieu of the notice.
5. That the first party shall serve the second party in accordance with the provisions of the Himachal Pradesh Panchayati Raj (Appointment and Conditions of Service of Panchayat Sahayaks) Rules, 2008.
6. That it is specifically agreed by the first party that during the course of service under this agreement he shall not claim any right for regularisation of his service.

IN WITNESS WHEREOF the first party and the sureties have hereunto set their hands and the second party through its Executive Officer for and on behalf of the second party has hereunto set his hand.

Signed by the first party in the presence of:

.....
(signature of the first party)

First witness:

Address

.....
(signature of the surety)

Occupation

Second witness:

.....

(signature of the surety)

Address

Occupation

Signed by the second party in the presence of:

First witness:

.....
(signature of the second party)

Address

Occupation

Second witness:

Address

Occupation

By order

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

Endst.No.PCH-HA(3) 25/2007-20659-797. Shimla-9, dated the 4th September , 2008.

Copy forwarded for information and necessary action to:-

1. All the Sub Divisional Officers (Civil), Himachal Pradesh.
2. All the District Panchayat Officer-cum-Secretary, Zila Parishad H.P.
3. Principal Panchayati Raj Training Institutes, Baijnath and Mashobra, Himachal Pradesh.
4. All the Block Development Officers-cum-Executive Officers of Panchayati Samitis in Himachal Pradesh.
5. Controller Printing and Stationary Department, H.P. Shimla-171 005 with the request that the above notification may kindly be published in Rajpatra (extra-ordinary) and provide 10 copies of the same to this Department.

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