

(Authoritative English text of this Department Notification Number PCH-HA(3)25/2007-1407-31, 22nd May, 2009 as required under clause(3) of article 348 of the Constitution of India)

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

...

NO.PCH-HA(3)25/2007

Dated Shimla-171 009, the 22nd May, 2009.

Notification

Whereas the draft Himachal Pradesh Panchayati Raj (Appointment and conditions of service of Junior Scale Stenographers in Zila Parishads) Rules, 2009 were published in the Rajpatra, Himachal Pradesh dated 4th March, 2009 for inviting objections and suggestions from the general public, vide this department notification of even number dated 2nd March, 2009 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 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 for carrying out the purposes of the aforesaid Act, namely:-

Short title. 1. (1) These rules may be called the Himachal Pradesh Panchayati Raj (Appointment and conditions of service of Junior Scale Stenographers in Zila Parishads) Rules, 2009.

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

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

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

(b) "Chief Executive Officer" means the Project Officer, Integrated Tribal Development Project in the case of Zila Parishad Kinnaur and Lahaul-Spiti and Additional Deputy Commissioners of the concerned Districts in the case of other ten Zila Parishads;

(c) "Form" means a form appended to these rules; and

(d) "Secretary" means Secretary of Zila Parishad concerned.

(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 Junior Scale Stenographer, who will function with the Chairman of Zila Parishad, in each Zila Parishad and he shall be paid fixed emoluments of Rs.6600/- per month in the pay scale of Rs.4400-150-5000-160-5800-200-7000 or such emoluments as may be determined by the State Government from time to time.

(2) The monthly emoluments to the Junior Scale Stenographer shall be disbursed through the Secretary out of the Grant-in-Aid provided by the State Government for this purpose.

Minimum educational qualifications required .

4. (1) The candidate to be appointed as Junior Scale Stenographer shall possess minimum educational qualification of Ten plus Two(10 + 2) or its equivalent, from Board of School Education recognized by the Himachal Pradesh Government:

Provided that a person already appointed as Personal Assistant in Zila Parishad under the repealed rules with the monthly remuneration of Rs.3000/-(Rupees Three Thousand),-

(i) shall be redesignated as Junior Scale Stenographer from the date of commencement of these rules; and

(ii) shall possess educational qualification of Ten plus two (10+2) within three years from the date of commencement of these rules and in case he does not possess the same at the time of his appointment as Personal Assistant under the repealed rules otherwise his contract shall not be renewed/extended.

(2) Every candidate to be appointed as Junior Scale Stenographer shall have a speed of eighty and seventy words per minute in English and Hindi shorthand respectively and forty and thirty words per minute in English and Hindi typewriting respectively:

Provided that a candidate shall also be eligible to apply for the post having the requisite speed as mentioned above in shorthand and typewriting in one language only, and in the event of his selection to the post, he shall

qualify the test in other language within six months from the date of joining to the post.

Age and other eligibility conditions.

5. A person to be appointed as Junior Scale Stenographer 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 does not have any outstanding dues payable to the State Government or Zila Parishad.

Inviting of applications and procedure for selection.

6. (1) The Zila Parishad concerned, through its Secretary, shall invite applications from the eligible persons by making wide publicity by displaying a notice on the notice board of the office of the Zila Parishad concerned and through Employment Exchanges in the District concerned and by advertising the post in one daily newspaper having wide circulation in the district. The application shall be addressed to the Secretary. A minimum period of 15 days shall be given for submitting applications from the date of notice and the applications shall be received and acknowledged with receipt duly signed and stamped by the Secretary.

(2) Immediately after the expiry of the period specified for receiving of applications, the Secretary shall fix the date, time and place for conducting the interview for the said post. The Secretary 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 shall be conducted by the following selection Committee:-

- (i) Chairman, Zila Parishad : Chairman
- (ii) Project Officer, District Rural Development Agency : Member
- (iii) Instructor of Stenography from Industrial Training Institute of the concerned District : Member

(iv) Secretary : Member Secretary
(4) The Secretary, on the basis of the information supplied by the candidates alongwith their applications, shall compile a data list of various criterias mentioned in sub rule (6) in respect of each candidate 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.

(5) The selection committee shall verify the certificates with their originals and also conduct typewriting and shorthand test on spot.

(6) 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 obtained in Ten Plus Two (10+2) or its equivalent divided by 2.5. : to the maximum of 25 marks

(ii) Percentage of marks obtained in Bachelor Degree divided by 20. : to the maximum of 5 marks

(B) Experience

(One mark shall be awarded for every one year of experience in relevant nature of duties performed by a candidate either in Government department or a private sector undertaking or in a reputed non-governmental organization or in any Panchayati Raj Institution). : to the maximum of 5 marks

(C) Performance in shorthand and typewriting test

: to the maximum of :-

(i) Shorthand in English Language. 15 Marks

(ii) Typewriting in English Language. 10 Marks

(iii) Shorthand in Hindi Language, 15 Marks

(iv) Typewriting in Hindi Language, 10 Marks

(D) Personal Interview

: to the maximum of 5 marks.

(E) In case of candidate belongs to the category of Scheduled Castes or Scheduled Tribes or Other backward Classes. : 4 Marks

(F) In case candidate belongs to Below Poverty Line family. : 3 Marks

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

(7) The Secretary shall draw a panel of the candidates in the order of merit and the candidate who is first on the panel shall be selected for appointment to the post of Junior Scale Stenographer. After the selection of the Junior Scale Stenographer, a waiting list of the candidates, in the order of their merit, shall also be prepared for filling up of casual vacancy, if any occurred due to non joining or for any other reason and such waiting list shall be valid for the calendar year in which selection of candidate has been done.

Terms and conditions for appointment.

7. (1) The appointment to the post of Junior Scale Stenographer shall be purely on contract basis for a period of one year which shall be reckoned from the date of joining. The Secretary shall be the appointing authority and the appointment letter shall be issued in Form-I. The Junior Scale Stenographer shall report for duty within 15 days from the date of receipt of appointment letter :

Provided that the contract of Junior Scale Stenographer may be renewed on year to year basis as deemed fit by the appointing authority depending upon satisfactory performance of his duties.

(2) The Secretary shall sign the contract agreement with the person to be appointed as the Junior Scale Stenographer in Form-2.

(3) The Secretary, if deems proper, may disengage/remove the Junior Scale Stenographer with a prior notice of one month, if,—

- (a) he fails to qualify the shorthand and typewriting test in second language within 6 months from the date of joining if he has qualified the same in one language at the time of appointment ; or
- (b) the Zila Parishad does not have sufficient funds for payment of remuneration.; or
- (c) the Chairman of Zila Parishad or Secretary, as the case may be, is not satisfied with the services of the appointee; or
- (d) he is not willing to be governed under the provisions of these rules :

Provided that the Junior Scale Stenographer shall not be disengaged or removed unless he has been given an opportunity of being heard.

Payment of
Travel and
Daily
Allowance.

8. The Junior Scale Stenographer shall be entitled to travelling and daily allowances for journeys performed by him in connection with the affairs of Zila Parishad as admissible to Grade-V servants of the State Government. The expenditure on account of payment towards travelling and daily allowances shall be borne by the Zila Parishad out of its own funds.

Administrative
Control.

9. The Secretary, shall be the Controlling Officer for all purposes, including approval of tour programme, sanction of leave and disciplinary and supervisory matters.

Disciplinary
proceedings

10. (1) In case the Junior Scale Stenographer appointed by the Secretary is found to be indulging in mal-practices or does not perform his duties with due care and devotion or is found to be involved in criminal offence or commits acts of indiscipline, he may be asked to explain his conduct by the Secretary. In case his conduct is not found to be satisfactory, the Secretary may order an enquiry and impose one or more of the following penalties depending on the gravity of the case:-

- (i) censure;
- (ii) fine upto rupees two hundred to rupees five hundred by deducting the same from his remuneration;
- (iii) recovery of any loss caused; and
- (iv) termination of contract.

(2) The Chief Executive Officer, Zila Parishad shall be the Appellate Authority for consideration and decision on the appeal, if any, filed by the candidate against whom the penalties are imposed.

Functions and
duties of Junior
Scale
Stenographer.

11. The Junior Scale Stenographer shall assist the Chairman of Zila Parishad in discharging day to day official business and he shall also assist the Secretary for the disposal of day to day work and functions of the Zila Parishad.

Surety.

12. The Junior Scale Stenographer shall furnish a surety bond of two thousand and five hundred rupees alongwith two sureties of the like amount

to recover the loss, if any, sustained by the State Government or the Zila Parishad, as the case may be, due to any negligence or irregularity committed by him during the discharge of his duties.

Leave.

13. (1) The Junior Scale Stenographer shall be entitled for availing twelve days' casual leave in a calendar year besides the other Gazetted holidays notified by the State Government from time to time.

(2) The Junior Scale Stenographer shall also be entitled for availing ten days' leave on medical grounds in a calendar year during his illness.

(3) If the Junior Scale Stenographer is a woman, she shall be entitled to avail maximum of twelve weeks maternity leave with two or less than two surviving children.

Resignation.

14. (1) The Junior Scale Stenographer may resign from his post by giving notice in writing to the Secretary.

(2) The Secretary shall be the authority competent to accept the resignation tendered by the Junior Scale Stenographer, who shall decide the date with effect from which the said resignation shall become effective:

Provided that the Secretary shall not accept the resignation tendered by the Junior Scale stenographer, if,-

- (i) disciplinary proceeding, for recovery of any loss caused by him, is pending for decision; and
- (ii) he has any outstanding dues payable to the State Government or the Zila Parishad:

Provided further that the Junior Scale Stenographer may withdraw his resignation before it becomes effective.

Dispute relating to selection procedure.

15. 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 (7) of rule 6 of these rules. The decision of the Deputy Commissioner thereon shall be final.

Power to remove difficulties.

16. 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 shall be competent, to do

anything to remove such difficulty by issuing an order not inconsistent with the provisions of the Act.

Repeal and Savings.

17. (1) On and from the date of commencement of these rules, the Himachal Pradesh Panchayati Raj (Appointment and Conditions of Service of Personal Assistant in Zila Parishad) 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 7 (1)]

APPOINTMENT LETTER

With reference to the application for the post of Junior Scale Stenographer in Zila Parishad....., received from Shri/Smt./Kumari..... son/wife/daughter of Sh....., 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 Junior Scale Stenographer in Zila Parishad----- on the following terms and conditions:-

1. That there shall be paid to him fixed emoluments 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 Secretary, Zila Parishad..... 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 :

Secretary,
Zila Parishad _____
Himachal Pradesh.

Date :

Shri/Smt./Kr. _____

FORM-2
[See rule 7(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 Junior Scale Stenographer in Zila Parishad..... (hereinafter referred to as the first party) and the Zila Parishad through its Secretary (hereinafter referred to as the second party).

WHEREAS the second party has appointed the first party as Junior Scale Stenographer on the terms and conditions hereinafter agreed between the parties :- .

1. That the first party shall serve the second party as Junior Scale Stenographer 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 Chairman or the

Secretary, as the case may be, and shall obey their instructions or directions 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 Chairman or the Secretary, Zila Parishad on behalf of the second party. The first party shall not be entitled for emoluments 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 Secretary,Zila Parishad on behalf of the second party without assigning any reason whatsoever or on payment of one month emoluments 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 Junior Scale Stenographer in Zila Parishad) Rules, 2009.
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 Secretary 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)25/2007-1407-1431

Dated Shimla-171 009, the 22nd May, 2009.

Copy forwarded for information and necessary action to:-

1. All the Chief Executive Officers of Zila Parishads, H.P.
2. All the District Panchayat Officer-cum-Secretary, Zila Parishad H.P.
3. 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).

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