

126

The Odisha State Election Commission (Method of Recruitment and Conditions of Services of Staff) Rules, 1996

Rule No.	Contents	Page No.
1	Short title and commencement	1
2	Definition	1
3	Staff of the Commission	2
4	Authority competent to make appointments on deputation	3
5	Pay and other conditions of service.	3
6	Constitution of Selection Board	4
7	Procedure for Selection by the Selection Board	5
8	Recruitment of Junior Diarist	6
9	Recruitment of Junior Assistant and Auditor	6-7
10	Appointment of Senior Assistants	8
11	Appointment of Section Officer Level II	8 ✓
12	Recruitment of Junior Stenographers	9
13	Condition of eligibility for the post of Junior Stenographer	9-11 ✓
14	Recruitment to the post of Senior Stenographer	11 ✓
15	Recruitment to the post of Personal Assistant	12 ✓
16	Recruitment for the post of Private Secretary	12 ✓
17	Cadre of Typist	12 ✓
18	Recruitment of Jr. Typists	12 ✓
19	Conditions of eligibility for Jr. Typist	13 ✓

20	Recruitment of Sr. Grade Typist	13
21	Appointment of Class IV Category of staff	13
22	Appointment of Driver	14
23	Selection for appointment under rules 21 & 22	14
24	Commissioner's Power of appointment	14
25	Consequence of failure to join the assignment	15
26	Zone of consideration	15
27	Upper age-limit for direct recruitment	15
28	Registration of name in the District Employment Exchange	15
29	Eligibility for appointment on direct recruitment	15
30	Documents to be produced before the Selection Board.	16
31	Probation	17
32	Seniority	17
33	Relaxation	17
34	Training/ Department Examination	18
35	Disciplinary Authority and Appellate Authority	18
36	Conduct rules	18
37	Reservation of vacancies	18-19
38	Procedure of recruitment to posts not covered by these rules.	19

102

ODISHA STATE ELECTION COMMISSION (METHOD OF RECRUITMENT & CONDITIONS OF SERVICES OF STAFF) RULES, 1996

S. R .O. No. 839/96 & S. R .O. No. 528/2015 -In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Odisha is pleased to make the following rules for regulating the recruitment and conditions of service of the staff appointed in the State Election Commission, Odisha, namely:-

P A R T I PRELIMINARY

1. (1) These rules may be called the Orissa State Election Commission (Method of Recruitment and Conditions of Services of Staff) Rules, 1996 and Odisha State Election Commission (Method of Recruitment and Conditions of Services of Staff) Amendment Rules, 2015.

Short title and commencement. (2) They shall come into force on the date of their publication in the Orissa Gazette.

2. In these rules, unless the context otherwise requires,-

Definition. (a) "Appointing Authority" means-

- (i) the government, in respect of the posts of Secretary, Special Secretary, Deputy Secretary and Law Officer of the Commission;
- (ii) Commissioner, in respect of the posts of Section Officer (Level-II), Private Secretary and Personal Assistant;
- (iii) Secretary to the Commission, in respect of all other posts in the office of the Commission.

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126
Staff of the
Commission.

- (b) "Commission" means State Election Commission constituted under Article 243-K of the Constitution of India;
- (c) "Commissioner" means State Election Commissioner appointed under Article 243-K of the Constitution;
- (d) "Government" means the Government of Odisha in the appropriate Department.
- (e) "Selection Board" means the Board constituted under rule 6.

3. The staffs of the Commission shall be as follows:-

- (a) a Secretary and a Special Secretary;
- (b) a Deputy Secretary;
- (c) a Private Secretary to State Election Commission;
- (d) a Law Officer ;
- (e) Section Officer, Level-II and Personal Assistant;
- (f) Senior Assistants, Auditor;
- (g) Senior Stenographer, Senior Typist;
- (h) Junior Assistant, Junior Typist, Junior Stenographer, Junior Diarist;
- (i) Driver;
- (j) Jamadar, Daftaries, Orderly Peons, Night Watchman, Peons, Malis, Choukidar, Sweepers, Gardener and such other posts in the grade of Class-IV as may be sanctioned from time to time.

5125

PART-II

APPOINTMENT BY WAY OF DEPUTATION

Authority
competent to
make
appointments
on deputation.

4. (1) The Government with the concurrence of the Commission, shall, by deputation, fill-up the post of;

- (a) Secretary of the Commission by an Officer belonging to the cadre of All-India Service or State Civil Service in supertime scale;
- (b) Special Secretary and Deputy Secretary, by Officers belonging to the cadre of State Civil Service Senior Class-I and Junior Class-I respectively; and
- (c) Law Officer by an Officer in Class-II rank from any Department of the Government.

5. (1) Pay, allowance, other benefits and conditions of service of Secretary, Special Secretary, Deputy Secretary and Law Officer of the Commission shall be such as may be sanctioned by the Government from time to time.

(2) Pay, allowances, other benefits and conditions of services of other members of the staff, except those provided under sub-rule (1) shall be the same as those of their counterparts working in the corresponding grade in the Departments of Government.

(3) In the matters of Leave, Pension, Traveling, allowances and other service conditions for which no special provision has been made under these rules, such conditions of service shall be governed, mutatis mutandis, by the rules or instructions as may be applicable to similar classes of employees under the Government.

124

PART-III

CONSTITUTION AND FUNCTION OF SELECTION BOARD

Constitution
of Selection
Board.

6. (1) There shall be a Selection Board for selection of candidates for appointment through direct recruitment/ promotion to different posts except those specified in rule 4.

(2) The Selection Board shall consist of the following Members, namely:-

(a) Secretary of the State Election Commission,.....Chairman

(b) Special Secretary or Law Officer or any other Officer to be nominated by the Commissioner.....Member

(c) Deputy Secretary to Commission.....
Member-Convenor

(3) Omitted]1

(4) The Selection Board shall meet at least once in a year or as often as may be necessary and shall prepare separate select lists for different category of posts.

(5) The recommendations of the Selection Board shall be placed before the Commissioner for approval and shall be valid for one year from the date of such approval.

1. Substituted vide the Orissa State Election Commissioner (Method of Recruitment and Conditions of Services of Staff) (Amendment) Rules, 1997(Notification No. 23097/GP. dated 29-11-97 of P. R. Department)

PART-IV
RECRUITMENT

(123)

7. (1) For the posts to be filled up by direct recruitment there shall be held a written test on such subject as may be decided by the Selection Board and candidates who will qualify in the written test shall have to appear in a viva-voice test which will be conducted by the said Selection Board.

(2) In case of direct recruitment the Selection Board shall prepare lists of successful candidate which shall be equal to the number of vacancies for different posts in order of merit on the basis of marks secured in the written test and viva-voce test after verification of the testimonials required for the post.

(3) In case of appointment on promotion the Selection Board shall prepare lists of successful candidates which shall be equal to the number of vacancies for different posts in order of merit on the basis of merit and suitability with due regard to seniority.

(4) The lists so prepared under sub rule (2) & (3) as the case may be shall be placed before the Commissioner for his approval and on being so approved the lists shall be called the select lists.

(5) The select lists so approved shall remain valid for period of one year from the date of their approval by the Commissioner.

(6) Appointment to different posts shall be made from the select lists in the order in which the name appear.

172
Recruitment of
Junior Diarist.

(7) Inclusion of name in the select list does not confer any right to appointment.

8. The recruitment to the posts of Junior Diarist shall be made on the basis of seniority subject to elimination of unfit from the cadre of class-IV staff in accordance with the General Administration Department Resolution No. 16858-Gen., dated the 25th September, 1986.

Recruitment
of Junior
Assistant and
Auditors.

9 (1) The posts of Junior Assistant and Auditor shall be filled up by direct recruitment through written and *viva voce* test to be conducted by the Selection Board.

“provided that ten percentum of vacancies in the post of Junior Assistant each year shall be filled up by way of promotion from among the Group “D” employees on the basis of recommendation of the Selection Board:

Provided further that the minimum educational qualification prescribed in Clause (b) of sub rule (2) of rule 9 and possession of basic computer skill prescribed in clause(c) thereof shall be the eligibility criteria for consideration by the Selection Board in case of promotion as provided in first proviso”

(2) In order to be eligible for the post of Junior Assistant or Auditor in addition to other eligibility criteria provided in these rules a candidate must satisfy the following conditions namely:-

“Inserted vide the Odisha State Election Commission (Method of Recruitment and conditions of services of staff) Amendment Rules, 2015”. (Notification No.17776/PR dated 06.11.2015 of P.R Department).

121

(a) He/she must be able to speak, read and write Oriya and must have Oriya as a language subject in the High School Certificate Examination or an equivalent examination or must have been declared to have passed a test in Oriya language equivalent to the Middle School standard conducted by the Education Department of the Government;

(b) He/she must be holding a Bachelor's degree in Arts or Science or Commerce from any University incorporated by an Act of Parliament or a State Legislature in India or an Educational Institution established by an Act of Parliament or deemed to be a University under Section 3 of the University Grants Commission Act, 1956 or a foreign University approved by the Central Government;

"(c) He or She must have adequate knowledge in computer application on the following programmes namely:-

- a) Computer fundamentals
- b) Windows(Ms-Windows)
- c) MS-OFFICE:
 - i) Word Processing (MS Word)
 - ii) Spreadsheet (MS Excel)
 - iii) Presentation Knowledge (Ms PowerPoint)

"Inserted vide the Odisha State Election Commission (Method of Recruitment and conditions of services of staff) Amendment Rules, 2015"(Notification No.17776/PR dated 06.11.2015 of P.R Department).

(140)
Appointment
of Senior
Assistant.

"(3) No Group "D" employee shall be eligible for consideration for promotion to the post of Junior Assistant unless he / she has given willingness to that effect in writing and has put in minimum of ten years of continuous service"

NOTE:-Copies of degree certificates or provisional certificates issued by the University duly attested by a Gazetted Officer as true copies shall be accepted as evidence of educational qualification. The originals shall be produced at the time of viva voce test.

10. The post of senior Assistant shall be filled-up by way of promotion from amongst the following categories of employees, namely:-

(a) Junior Assistants completing three years of service as such in the office of the Commission on the day on which the Selection Board meets;

(b) Senior Typists who have completed ten years of service as such in the office of the Commission and have passed Intermediate or equivalent examination by the day on which the Selection Board meets:

Provided that their quota shall not exceed ten per cent of the total vacancies in the post of Senior Assistant subject to the maximum of ten in a year.

Appointment of
Section Officer
Level II.

11. (1) The posts of Section Officer, Level II shall be filled up by promotion from amongst the eligible Senior Assistants working in the Office of the Commission.

"Inserted vide the Odisha State Election Commission (Method of Recruitment and conditions of services of staff) Amendment Rules, 2015". (Notification No.17776/PR dated 06.11.2015 of P.R Department).

164

(2) No Senior Assistant, who has not completed nine years of continuous service as such, by the day on which the Selection Board meets, shall be eligible to be considered for promotion to the post of Section Officer Level II.

Recruitment of
Junior
Stenographers.

12 (1) The post of junior Stenographers shall be filled up directly from open market.

(2) There shall be shorthand and typewriting test as provided in sub-rule (2) of rule 13.

(3) In Order to assess merit and suitability, the Selection Board may take such technical assistance from the Instructors of the Shorthand and Typewriting Institutions of the Government as it will deem necessary for the purpose.

13 (1) In order to be eligible for appointment to the posts of Junior Stenographers in addition to the other eligibility criteria provided in these rules a candidate must fulfill the following conditions namely:-

(a) He/she must hold a Bachelors Degree in Arts or Science or Commerce from any University:

“(a-i)He or She must have adequate knowledge in computer application as prescribed in clause (c) of sub rule (2) of rule 9”.

(b) He/she must have passed the Shorthand and Typewriting Examination and attained a speed of minimum of 80 words in Stenography per minute and minimum 40(forty) words in Typewriting per minute;

“Inserted vide the Odisha State Election Commission (Method of Recruitment and conditions of services of staff) Amendment Rules, 2015”.
(Notification No.17776/PR dated 06.11.2015 of P.R Department).

(c) He/she must have passed the Middle English School Examination with Oriya as a language subject or passed matriculation or its equivalent examination with Oriya as medium of examination in non-language subject; or passed a test in Oriya in Middle English standard conducted, by the Education Department of the Government.

(2) Candidates applying for the post of Junior Stenographer shall have to appear in the Shorthand and Typewriting test to be conducted by the Selection Board. The Shorthand and Typewriting tests in English and Oriya will be conducted in the following manner, namely:-

(a) (i) Typewriting tests in English and Oriya will be for 100 marks, out of which 75 marks will be the full mark for accuracy of reproduction and 25 marks will be the full marks for neatness in execution and presentation;

(ii) While assessing the accuracy of the reproduction 5 marks will be deducted for each mistake in the type scripts. A candidate whose type script reveals more than six mistakes will be eliminated as disqualified. Marks for type scripts containing six or less mistake will be awarded in the following manner namely:-

Number of mistakes	Marks to be awarded	→
Six	45	
Five	50	
Four	55	
Three	60	
Two	65	
One	70	
Nil	75	

167

(b) (i) Shorthand test in English and Oriya will be for 100 marks out of which 25 marks will be full marks for dictation in shorthand script, 50 marks will be the full marks for transcription and 25 marks will be the full marks for neatness in execution and presentation.

(ii) The test will comprise dictation from a printed matter (240/120 words approximately) for three minutes at the rate of 80 and 40 words per minute for English and Oriya respectively. Time allowed for transcription will be 15 minutes.

(iii) While assessing the ability to take down dictation in Shorthand script, one mark will be deducted for every two mistakes and accordingly marks out of 25 will be awarded proportionately.

(iv) While assessing the ability to transcribe one mark will be deducted for each mistake. A candidate whose transcription reveals more than 25 mistakes will be eliminated as disqualified. In other words, the minimum qualifying marks for transcription will be 26 out of 50.

Recruitment to
the post of
Senior
Stenographer.

14. The post of Senior Stenographers shall be filled up by promotion on the basis of merit and suitability with due regard to seniority from among the Junior Stenographers of the Office of the Commission who have completed at least 3 years of service as Junior Stenographers by the date on which the Selection Board meets.

Recruitment
to the post of
Personal
Assistant.

15. Recruitment to the posts of Personal Assistants shall be made by way of promotion, on the basis of merit and suitability with due regard to seniority from among the Senior Stenographers of the Office of the Commission who have completed "at least twelve years of service as Junior Stenographer and Senior Stenographers taken together" by the day on which the Selection Board meets.

Recruitment
for the post of
Private
Secretary.

16. (1) The posts of Private Secretary shall be filled up by promotion from among the Personal Assistants of the Office of the Commission and shall be made on the basis of merit and suitability with due regard to seniority.

(2) No Personal Assistant, who has not completed five years of continuous service as Personal Assistant on or before the day on which the Board meets shall be eligible for promotion to the post of Private Secretary.

Cadre of
Typist.

17. (1) The Typists of the Office of the Commission shall constitute a separate Branch.

(2) The Branch shall consist of the following categories of posts, each category constituting a separate cadre namely:-

- a) Junior Typists.
- b) Senior Typists.

Recruitment of
Jr. Typists

18. The posts of Junior Typists shall be filled up by direct-recruitment from open market.

"Substituted vide the Odisha State Election Commission (Method of Recruitment and Conditions of Services of Staff) Amendment Rules, 2015"(Notification No-17776/PR dated 06.11.2015 of P.R Department)

Conditions of
eligibility for
Jr. Typist.

19 (1) In order to be eligible for appearing in the test for recruitment to the post of Junior Typists, the candidate must fulfill the following conditions, namely:-

(a) He/she must have passed the High School Certificate Examination conducted by the Board of Secondary Education, Orissa or an equivalent Examination.

(b) He/she must have passed Type-writing Examination and must have acquired speed of typing out 40 (forty) words per minute in a test of typing for ten minutes;

(2) In order to assess the technical skill of a candidate, the Selection Board may require assistance of experts of the Type Training Institutes of the Government.

20. Recruitment to the post of Sr. Typists shall be made by way of promotion on the basis of merit and suitability with due regard to seniority from amongst the Junior Typists of the Commission who have completed atleast three years of service as such on the day on which the Selection Board meets.

21. To be eligible for appointment to the posts specified under clause (j) of rule 3 a candidate must-

(a) have passed an examination up to Middle English standard;

(b) be physically fit to be supported by a medical certificate from a Medical Officer of a recognized medical institution;

(c) submit a declaration to the effect that he is not prosecuting studies in any educational institution.

Appointment
of Driver.

22. (1) To be eligible for appointment as Driver a candidate in addition to the eligibility criteria fixed in rule 21 must have a valid driving license for driving light vehicles.

(2) The candidate shall have to face a driving test before appointment to the post of Driver. After successful completion of the test the Selection Board shall verify the driving license and may prepare a list of the candidates who are considered fit.

23. Selection for appointment to posts covered under rules 21 and 22 shall be made by the Selection Board and appointments made as and when such vacancies arise.

Commissioner's
power of
appointment.

24. (1) Notwithstanding anything contained in these rules the Commissioner on the recommendation of the Selection Board and for good and sufficient reasons may appoint a person to a post, if such person is,-

(a) working under the Government in a post identical with the post in the Commission; or

(b) working under the Government in a post lower in rank to the post under the Commission, provided that such person otherwise qualifies for appointment to the higher post and no qualified candidates in the office of the Commission are available for consideration and appointment.

(2) Notwithstanding anything contained in these rule, the Commission may bring any staff on deputation from Government for such period as deemed necessary.

163

PART-V

MISCELLANEOUS

Consequence
of failure to
join the
assignment.

Zone of
Consideration.

Upper age
limit for direct
recruitment.

Registration of
name in the
Dist.
Employment
Exchange.

Eligibility for
appointment
on direct
Recruitment.

25. Failure of a candidate to join the assignment by the specified date, in the absence of any extension of the said date by the appointing authority shall amount to forfeiture of his claim for such appointment.

26. The zone of consideration for promotions under these rule shall be such as applicable to comparable; posts under the Government.

27. The age limit as prescribed under the Orissa Civil Service (Fixation of Upper Age Limit) Rules, 1989 shall be applied in case of appointment by way of direct recruitment:

Provided that relaxation in upper age limit shall be made where Government have made provisions for such relaxation by Issue of executive instructions or rules in case of reservation of vacancies for different categories of candidates and for candidates appointed under Orissa Civil Service (Rehabilitation Assistance) Rules, 1990.

28. A candidate must have registered his/her name in the District Employment Exchange for being eligible to be appointed by way of direct recruitment.

29. In addition to the eligibility criteria stipulated in respect of a particular post to which appointment is made directly a candidate must fulfill the following conditions, namely:-

162

Documents
to be
produced
before the
Selection
Board.

- (i) he/she must be a citizen of India ;
- (ii) he/she must not have more than one spouse living;
- (iii) he/she must be of good character;
- (iv) He/she must be free from any mental infirmity and shall be required to produce a certificate of fitness from a Chief District Medical Officer or a Medical Officer of such a rank as may be directed by the Selection Board.

30. Except as provided in sub-rule (2) a candidate shall have to produce the following documents in Original while appearing before the Selection Board in case of direct recruitment, namely :-

- (i) Certificate and mark sheet of the Examination showing the technical and/or educational qualification required for the post to which appointment will be made;
- (ii) Certificate of High School Certificate Examination or an equivalent Examination along with mark sheet;
- (iii) Certificate and mark sheets of higher Examination, if any;
- (iv) Certificate of good character from the Head of the Institution where the candidate last studied;
- (v) Caste certificates granted by the Competent Authority, in case of candidate belonging to the Scheduled Caste, Scheduled Tribe and candidates belonging to Socially and Educationally Backward Classes; and

116

(vi) Identity Card for Physically Handicapped candidates and for Sportsman.

Probation. 31. (1) Persons appointed to different posts under these rules shall be on probation for a period of two years from the date he/she actually joins the post:

Provided that the period of probation may be extended for a further period of six months and in case a person is found unsuitable during the extended period of probation, in case of direct recruit, his/her services shall be terminated after giving him/her one months notice and in case of promotees he/she shall be reverted to his/her former post from which he/she was promoted.

(2) A person appointed on probation will ordinarily be confirmed on successful completion of the probation subject to availability of permanent vacancy.

Seniority. 32. Inter-Seniority of the persons appointed under these rules to a particular grade in a particular year shall be determined with reference to his/her position in the select lists out of which appointment has been given.

Relaxation. 33. Where a person belonging to any reserved category gets promotion to the higher grade by virtue of reservation and another person belonging to the General category though senior to him get promotion to that higher grade on subsequent occasion, the later shall have a right to be considered for promotion to still higher grade If vacancy in such higher grade falls on a point of General category:

Provided that where it is considered necessary or expedient in the public interest to relax any of the provisions of these rules, the Commissioner with the previous approval of the Government may by order, for

reason to be recorded in writing, relax any of the provisions of these rules in case of hardship to any class of group of persons or cases.

Training/
Departmental
Examination.

34. Persons appointed under these rules shall be required to undergo such training and/or to pass such tests, departmental examination as the employees of comparable rank working in the offices of the Heads of the departments are required to undergo or to pass, as the case may be.

Disciplinary
Authority
and
Appellate
Authority.

35. (1) The Secretary of the Commission shall be the disciplinary authority for the purpose of imposing penalties on the employees appointed by him and the Commissioner shall be the appellate authority against the punishment so imposed by the Secretary.

(2) Subject to sub-rule (3), the Commissioner shall be the disciplinary authority for the purpose of imposing penalties on the officers appointed by him and Governor shall be the appellate authority against the punishment imposed by the Commissioner.

(3) The provisions contained in the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 shall, mutatis mutandis, apply to all the staff of the Commission in respect of disciplinary matters except a member of All India Service.

Conduct
Rules.

36. The provisions of Orissa Government Servants Conduct Rules, 1959 shall mutatis mutandis apply to the Staffs of the Commission.

Reservation of
vacancies.

37. Vacancies in the posts other than those to be filled in by way of deputation shall be reserved for candidates-

(13)

(i) belonging to the Scheduled Castes and the Scheduled Tribes in accordance with the provisions contained in the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the Rules made there under;

(ii) belonging to the Physically handicapped/ex-serviceman/ Women/Sportsman category in accordance with the provisions notified by the Government from time to time; and ✓

(iii) belonging to the Socially and Educationally Backward Classes in accordance with the provision as notified by the Government from time to time.

Procedure of
Recruitment to
the posts not
covered by
these rules.

38. If and when any category of posts is created in the Commission for which provision of recruitment has not been made in these Rules, the procedure of recruitment prescribed by the Government for comparable posts shall, mutatis mutandis, be followed until such provision is made in these Rules in that behalf.

By order of the Governor

J. P. AGRAWALA

Deputy Secretary to Government.

&

By order of the Governor

D.K. SINGH

Commissioner-cum-Secretary to Government.