

(Authoritative English Text of this Department Notification No.Health-C-A(3)6/2020, dated ----- as required under clause (3) of article 348 of the Constitution of India)

Date of Health Safety & Regulation
Shimla: H.P. 182-
Diary No. 6-7-2023

Government of Himachal Pradesh
Department of Health & Family Welfare

No.Health-C-A(3)6/2020

Dated:- Shimla-2, the

27/6/2023

NOTIFICATION

In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with Himachal Pradesh Public Service Commission, is pleased to make the Recruitment & Promotion Rules for the post of Deputy Public Analyst, Group-B in the Directorate of Health Safety and Regulation, Department of Health & Family Welfare, Himachal Pradesh, as per Annexure-"A" attached to this notification, namely :-

Short title and commencement.	1.(1) These rules may be called the Himachal Pradesh, Department of Health & Family Welfare, Directorate of Health Safety and Regulation, Deputy Public Analyst, Group-B, Recruitment and Promotion Rules, 2023. (2) These rules shall come into force from the date of their publication in Rajpatra (e-Gazette), Himachal Pradesh.
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By Order,

Secretary (Health) to the
Government of Himachal Pradesh

Endst.No.As above

Dated:- Shimla-2, the 27/6/2023

Copy forwarded for information and necessary action to:-

1. The LR-cum-Principal Secretary Law (O) to the Govt. of H.P., Shimla-2.
2. The Secretary, H.P. Public Service Commission, Shimla-2 w.r.t. his letter No.1-3/80-PSC-Part, dated 17-04-2023.
3. The Director of Health Services, H.P. Shimla-9.
4. The Director of Dental Health Services, H.P. Shimla-9.
5. The Director, Health Safety and Regulation, H.P. Shimla-2.
6. The JLR-cum-Joint Secretary (Law Opinion) to the Govt. of H.P., Shimla-2.
7. The Controller, Printing & Stationery, H.P. Shimla-5 for publication in the Rajpatra, H.P.
8. Guard file.

(Geeta Sharma)

Under Secretary (Health) to the
Government of Himachal Pradesh.

3/7/23.
Dated
DHOR
OSD (DRUGS/PSSA/C. Estt.)
OSD (EMPIPC-PNDT/COTPA)
AD (RS)
AC (P&A)
AC (F&S)
ADC
LDA
Sd/lt (ESI)
Supd. (HSR)

Smt. Shalini Sharma
3/7/23

RECRUITMENT AND PROMOTION RULES FOR THE POST OF DEPUTY PUBLIC ANALYST, GROUP-B IN THE DIRECTORATE OF HEALTH SAFETY AND REGULATION, DEPARTMENT OF HEALTH & FAMILY WELFARE, HIMACHAL PRADESH.

1	Name of Post	Deputy Public Analyst
2	Number of Post	01 (One)
3	Classification	Group-B
4	Scale of Pay	(I) <u>Pay scale for regular incumbents:</u> Level-12 of the pay matrix attached with the time scale of the post as per HP Civil Services (Revised Pay) Rules, 2022. (II) <u>Emoluments for contract employee(s)</u> 60% of the first cell of the applicable level of Pay Matrix of the corresponding cadre, as per HP Civil Services (Revised Pay) Rules, 2022.
5	Whether "Selection" post or "Non-Selection" Post	Non-Selection
6	Age for direct recruitment	Between 18 to 45 years
	<p>Provided that the upper age limit for direct recruits will not be applicable to the candidates already in service of the Government including those who have been appointed on adhoc or on contract basis:</p> <p>Provided further that if a candidate appointed on adhoc or on contract basis had become over-age on the date when he was appointed as such, he shall not be eligible for any relaxation in the prescribed age-limit by virtue of his such adhoc or contract appointment:</p> <p>Provided further that upper age limit is relaxable for Scheduled Castes /Scheduled Tribes / Other Backward Classes and Other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government:</p> <p>Provided further that the employees of all the Public Sector, Corporations and Autonomous Bodies who happened to be Government servant before absorption in Public Sector Corporations/Autonomous Bodies at the time of initial constitution of such Corporations/ Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations/Autonomous bodies who were/are subsequently appointed by such Corporation/Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporations/ Autonomous Bodies.</p>	

	Note: Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is/are advertised for inviting applications or notified to the Employment Exchanges or as the case may be.	
7	Minimum Educational and other qualifications required for direct recruit(s)	<p>(a) Essential Qualification(s):-</p> <p>(i) Post Graduate Degree in Chemistry or Biochemistry or Dairy Chemistry or Food Technology or Microbiology or Food and Drugs with the Analysis of food as one of the subject from a University established in India by law or an Associate of the Institution of Chemist (India).</p> <p>(ii) Minimum three years experience in the analysis of food from a Laboratory/Institution/Organization recognized by the Central/ State Government.</p> <p>(b) Desirable Qualification: Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.</p>
8	Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of promotee(s)	<p>Age: Not applicable.</p> <p>Educational qualification : Yes, as prescribed against Column No.7(a) above.</p>
9.	Period of probation, if any	<p>1. <u>Direct Recruitment:</u></p> <p>(a) Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.</p> <p>(b) No probation in case of appointment on contract basis.</p> <p>2. <u>Promotion:</u> Not applicable</p>
10	Method(s) of recruitment, whether by direct recruitment or by promotion/secondment/transfer and the percentage of post(s) to be filled in by various methods:	100% by promotion failing which by direct recruitment on regular basis or by recruitment on contract basis, as the case may be.
11	In case of recruitment by	By promotion from amongst the Sr. Scientist (Food) subject to

<p>promotion/secondment/transfe, grade from which promotion/ secondment/transfer is to be made.</p>	<p>possessing of educational qualification prescribed for direct recruitment against Column No.7 (a) above with 03 (three) years regular service or regular combined with continuous adhoc service rendered, if any, in the grade.</p>
<p>Provided that for the purpose of promotion every employee shall have to serve atleast one term in the Tribal/Difficult/Hard areas and remote/rural areas subject to adequate number of post(s) available in such areas:</p> <p>Provided further that the proviso (I) supra shall not be applicable in the case of those employees who have five years or less service, left for superannuation. However, such incumbent may be posted / transferred to remote/rural areas in their promotion:</p> <p>Provided further that Officers / Official who has not served atleast one tenure in Tribal / Difficult / Hard areas and remote / rural areas shall be transferred to such area strictly in accordance with his / her seniority in the respective cadre.</p> <p><u>Explanation I:-</u> For the purpose of proviso (I) supra the “term” in Tribal / Difficult / Hard areas / remote / rural areas shall mean normally three years or less period of posting in such areas keeping in view the administrative exigencies / convenience.</p> <p><u>Explanation II:-</u> For the purpose of proviso (I) supra the Tribal / Difficult Areas shall be as under:-</p> <ol style="list-style-type: none"> 1. District Lahaul & Spiti. 2. Pangi and Bharmour Sub Division of Chamba District. 3. Dodra Kaware Area of Rohru Sub-Division. 4. Pandrah Bis Pargana, Munish Darkali and Gram Panchayat Kashapat, Gram Panchayats of Rampur Tehsil of District Shimla. 5. Pandrah Bis Pargana of Kullu District. 6. Bara Bhagal Areas of Baijnath Sub Division of Kangra District. 7. District Kinnaur. 8. Kathwar and Korga Patwar Circles of Kamrau Sub Tehsil, Bhaladh Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmour District. 9. Khanyol-Bagra Patwar Circle of Karsog Tehsil, Gada-Gussaini, Mathyani, Ghanyar, Thachi, Baggi, Somgad and Kholanal of Bali-Chowki Sub Tehsil, Jharwar, Kutgarh, Graman, Devgarh, Trailla, Ropa, Kathog, Silh-Badhwani, Hastpur, Ghamrechar and Bhatechar Patwar Circle of Padhar Tehsil, Chuini, Kalipar, Mangarh, Thach-Bagra, North Magru and South Magru Patwar Circles of Thunag Tehsil and Batwara Patwar Circle of Sunder Nagar Tehsil in Mandi District. <p><u>Explanation III:-</u> For the purpose of proviso (I) supra the Remote / Rural Areas shall be as under:</p>	

- i) All stations beyond the radius of 20 Kms. from Sub Division / Tehsil headquarter.
- ii) All stations beyond the radius of 15 Kms. from State Headquarter and District head quarters where bus service is not available and on foot journey is more than 3 (three) Kms.
- iii) Home town or area adjoining to area of home town within the radius of 20 Kms. of the employee regardless of its category.

In all cases of promotion, the continuous adhoc service rendered in the feeder post if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition that the adhoc appointment / promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R & P Rules:

Provided that in all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including the service rendered on adhoc basis followed by regular service / appointment) in the feeder post in view of the provisions referred to above, all persons senior to him in the respective category / post / cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration:

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the Recruitment & Promotion Rules for the post, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion.

Explanation:- The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be Ex-servicemen who have joined armed forces during the period of emergency and recruited under the provisions of Rule-3 of Demobilized Armed Forces Personnel (Reservation of Vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority there under or recruited under the provisions of Rule-3 of the Ex-Servicemen (Reservation of vacancies in the Himachal Pradesh Technical Service) Rules, 1985 and having been given the benefit of seniority there under.

- (ii) Similarly, in all cases of confirmation, continuous adhoc service rendered on the feeder post if any, prior to the regular appointment against such posts shall be taken into account towards the length of service, if the adhoc appointment / promotion had been made after proper selection and in accordance with the provision of the Recruitment & Promotion Rules:

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered shall remain unchanged.

12	If a Departmental Promotion Committee / Departmental Committee exists, what is its	<u>Departmental Promotion Committee / Departmental Confirmation Committee:</u> As may be constituted by the Government from time to time.
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	composition?	
13	Circumstances under which the Himachal Pradesh Public Service Commission (H.P.P.S.C.) is to be consulted in making recruitment.	As required under the law.
14	Essential requirement for a direct recruitment:	A candidate for appointment to any service or post must be a citizen of India.
15	Selection for appointment to the post by direct recruitment:	Selection for appointment to the post in the case of direct recruitment shall be made on the basis of Interview / Personality test or if the Himachal Pradesh Public Service Commission / other recruiting authority, as the case may be, so consider necessary or expedient on the basis of Interview / Personality test preceded by a Screening test (objective type) / Written test or Practical test or Physical Test, the standard / syllabus, etc. of which, will be determined by the Himachal Pradesh Public Service Commission / other recruiting agency / authority, as the case may be.
15-A	Selection for appointment to the post by contract appointment	<p>Notwithstanding anything contained in these rules, contract appointment(s) to the post will be made subject to the terms and conditions given below:-</p> <p>(I) CONCEPT:</p> <p>(a) Under this policy the Deputy Public Analyst, in Directorate of Health & Safety Regulation, Department of Health & Family Welfare, Himachal Pradesh, will be engaged on contract basis initially for one year, which may be extendable on year to year basis:</p> <p>Provided that for further extension / renewal of contract period on year to year basis the concerned HOD 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.</p>

(b) POST FALLS WITHIN THE PURVIEW OF

HPPSC:

The Administrative Secretary (Health) to the Government of H.P. after obtaining the approval of the Government to fill up the vacant post(s) on contract basis will place the requisition with the concerned recruiting agency i.e. Himachal Pradesh Public Service Commission.

- (c) The selection will be made in accordance with the eligibility conditions prescribed in these rules.

(II) CONTRACTUAL EMOLUMENTS

The Deputy Public Analyst appointed on contract basis will be paid consolidated fixed amount @ 25,800/- P.M (which shall be equal to 60% of the first cell of the applicable level of Pay Matrix of the corresponding cadre, as per HP Civil Services (Revised Pay) Rules, 2022).

(III) APPOINTING/DISCIPLINARY AUTHORITY:

The Administrative Secretary (Health) will be the appointing and disciplinary authority.

(IV) SELECTION PROCESS:

Selection for appointment to the post in the case of Contract Appointment will be made on the basis of Interview / Personality test or if considered necessary or expedient on the basis of Interview / Personality test preceded by a Screening test (objective type) / Written test or Practical test or Physical test, the standard / syllabus, etc. of which, will be determined by the concerned recruiting agency i.e. Himachal Pradesh Public Service Commission.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS:

As may be constituted by the concerned recruiting agency i.e. Himachal Pradesh Public Service Commission from time to time.

(VI) AGREEMENT:

After selection of a candidate, he / she shall sign an agreement as per Annexure "B" appended to these Rules.

(VII) TERMS AND CONDITIONS:

- (a) The contractual appointee will be paid consolidated fixed contractual amount @ Rs.25,800/- P.M. (which shall be equal to 60% of the first cell of the applicable level of Pay Matrix of the corresponding cadre, as per HP Civil Services (Revised Pay) Rules, 2022).
- (b) The service of the Contract Appointee will be purely on temporary basis. The appointment is liable to be terminated in case the performance / conduct of the contract appointee is not found satisfactory. In case the contract appointee is not satisfied with termination orders issued by the Appointing Authority, he / she may prefer an appeal before the Appellate Authority who shall be higher in rank to the Appointing Authority, with in a period of 45 days, from the date on which a copy of termination orders is delivered to him / her.
- (c) The contract appointee will be entitled for one- day's casual leave after putting one-month's service, 10 days' medical leave and 5 days' special leave, in a calendar year. A female contract appointee with less than two surviving children may be granted maternity leave for 180 days. A female contract appointee shall also be entitled for maternity leave not exceeding 45 days (irrespective of the number of surviving children) during the entire service, in case of miscarriage including abortion, on production of medical certificate issued by the authorized Government Medical Officer. A contract employee shall not be entitled for Medical Re-imburement and LTC etc. No leave of any other kind except above is admissible to the contract appointee.

Un-availed Casual Leave, Medical Leave and Special Leave can be accumulated upto the calendar year and will not be carried forward for the next calendar year.

- (d) Unauthorized absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstances for un-authorized absence from duty were beyond his / her control on medical grounds, such period shall not be excluded while considering his / her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time. However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty:

Provided that he / she shall submit the certificate of illness / fitness issued by the Medical Officer, as per prevailing instructions of the Government.

- (e) 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 wherever required on administrative grounds.
- (f) Selected candidate will have to submit a certificate of his / her fitness issued by a Medical Board in the case of a Gazetted Government servant and by Government Medical Officer in the case of a Non-Gazetted Government Servant. In case of women candidates who are to be appointed against posts carrying hazardous nature duties, and in case they have to complete a period of training as a condition of service, such woman candidate, who as a result of tests is found to be pregnant of twelve weeks' standing or more shall be declared temporarily unfit

		<p>and her appointment shall be held in abeyance until the confinement is over. Such woman candidate be re-examined for medical fitness six weeks after the date of confinement, and if she is found fit on production of medical fitness certificate from the authority as specified above, she may be appointed to the post kept reserved for her.</p> <p>(g) Contract appointee will be entitled to TA / DA if required to go on tour in connection with his / her official duties at the same rate as applicable to regular counter part official at the minimum of pay scale.</p> <p>(h) Provisions of service rules like FR SR, Leave Rules, GPF Rules, Pension Rules & Conduct Rules etc. as are applicable in case of regular employees will not be applicable in case of contract appointees. The Employees Group Insurance Scheme as well as EPF / GPF will also not be applicable to contract appointee(s).</p>
16	Reservation	The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes / Scheduled Tribal / Other Backward Classes / Other Categories of persons issued by the Himachal Pradesh Government from time to time.
17	Departmental Examination	Not applicable
18	Power to relax	Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission relax any of the provision(s) of these Rules with respect to any class or category of person(s) or post(s).

Form of contract/agreement to be executed between the _____ (Name of the post) and the Government of Himachal Pradesh through _____ (Designation of the Appointing Authority).

This agreement is made on this _____ day of _____ in the year _____ Between Sh./Smt. _____ S/o/D/o Shri _____ R/o _____

Contract appointee (hereinafter called the FIRST PARTY), AND The Governor of Himachal Pradesh through _____ (Designation of the Appointing Authority) Himachal Pradesh (here-in-after referred to as the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY as agreed to serve as a (Name of the post) on contract basis on the following terms & conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Deputy Public Analyst for a period of one year commencing on day of _____ and ending on the day of _____. It is specifically mentioned and agreed upon by both the parties that the contract of the _____ FIRST PARTY with SECOND PARTY shall 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 HOD 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 is to be renewed/extended.

2. The contractual amount of the FIRST PARTY will be Rs.25,800/- per month.
3. The service of the Contract Appointee will be purely on temporary basis. The appointment is liable to be terminated in case the performance /conduct of the contract appointee is not found satisfactory. In case the contract appointee is not satisfied with the termination orders issued by the Appointing Authority, he/she may prefer an appeal before the Appellate Authority who shall be higher in rank to the Appointing Authority, with in a period of 45 days, from the date on which a copy of termination orders is delivered to him /her.

4. The contract appointee will be entitled for one day's casual leave after putting one month service, 10 days' medical leave and 5 days' special leave, in a calendar year. A female contract appointee with less than two surviving children may be granted maternity leave for 180 days'. A female contract appointee shall also be entitled for maternity leave not exceeding 45 days (irrespective of the number of surviving children) during the entire service, in case of miscarriage including abortion, on production of medical certificate issued by the authorized Government Medical Officer. A contract employee shall not be entitled for medical reimbursement and LTC etc. No leave of any other kind except above is admissible to the contract appointee:

Un-availed casual leave, medical leave and special leave can be accumulated upto the calendar year and will not be carried forward for the next calendar year.

5. Unauthorized absence from the duty without the approval of the Controlling Officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstances for un-authorized absence from duty were beyond his/her control on medical grounds, such period shall not be excluded while considering his/her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time. However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty:

Provided that he/she shall submit the certificate of illness/fitness issued by the Medical Officer, as per prevailing instructions of the Government.

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 wherever required on administrative grounds.
7. Selected candidate will have to submit a certificate of his/her fitness issued by Medical Board in the case of a Gazetted Government servant and by Government Medical Officer in the case of a Non-Gazetted Government servant. In case of women candidates who are to be appointed against posts carrying hazardous nature duties, and in case they have to complete a period of training as a condition of service, such woman candidate, who as a result of tests is found to be pregnant of twelve weeks' standing or more shall be declared temporarily unfit and her

appointment shall be held in abeyance until the confinement is over. Such woman candidate be re-examined for medical fitness six weeks after the date of confinement, and if she is found fit on production of medical fitness certificate from the authority as specified above, she may be appointed to the post kept reserved for her.

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).

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)

(Signature of the SECOND PARTY)