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LAW DEPARTMENT

NOTIFICATION

The 21st August, 2017

S.R.O. No. 366/2017— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of the Odisha Secretariat Legal Service Recruitment Rules, 1977 except as respect things done or omitted to have been done before such supersession, the Governor of Odisha hereby makes the following rules to regulate the method of recruitment and conditions of service of the officers appointed to the Legislative wing of the Law Department, namely:—

1. Short title and commencement.— (1) These rules may be called the Odisha Legislative Service Rules, 2017.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "Commission" means the Odisha Public Service Commission;
- (b) "Department" means the Law Department of the Government of Odisha;
- (c) "Government" means the Government of Odisha;
- (d) "Legislative Wing" means the Legislative Wing of the Law Department created in the Resolution of the Government of Odisha in the Law Department published in the Extraordinary issue No.1206 of the *Odisha Gazette*, dated the 22nd June, 2012;
- (e) "Selection Board" means the Selection Board constituted under rule 8;

(f) "Service" means the Odisha Legislative Service constituted under rule 3;

(g) "Year" means a calendar year.

3. Constitution of Service.— (1) There shall be constituted a service called the Odisha Legislative Service in the Legislative wing of the Law Department.

(2) The service shall consist of the following grade of posts, namely:—

(a) Special Secretary;

(b) Additional Secretary;

(c) Joint Secretary;

(d) Deputy Secretary;

(e) Under Secretary;

(f) Law Officer; and

(g) Such other posts as may be created by order of the Government, from time to time.

(3) Persons appointed to the posts of —

(a) Special Secretary (created for the Legislative Wing);

(b) Additional Secretary (Legal);

(c) Joint Secretary (Legal);

(d) Deputy Secretary (Legal);

(e) Under Secretary (Legal);

(f) Law Officer,

and continuing as such at the commencement of these rules shall be deemed to be the members of the service.

(4) The posts in the service specified in clauses (e) and (f) of sub-rule (2) shall, respectively, be in Group 'A' (Junior Branch) and Group 'B' and other posts of the service shall be in Group 'A' (Senior Branch).

4. Strength of the Service.— The number of posts in each grade in the service mentioned in sub-rule (2) of rule 3 shall be such, as the Government may, from time to time, by order, determine.

5. Appointment to the service.— The appointment to the posts in the service specified in sub-rule (2) of rule 3 shall be made by way of promotion,

based on merit and suitability with due regard to seniority, in the manner provided hereinafter, in consultation with the Commission.

6. Manner of Appointment and eligibility.— The manner of appointment to the posts mentioned in clauses (a), (b), (c), (d), (e) and (f) of sub-rule (2) of rule 3 and the eligibility therefor shall be as follows:—

- (a) appointment to the post of Special Secretary shall be made from out of the officers holding the post of Additional Secretary in the service:

Provided that, in case of non-availability of the Additional Secretary for promotion, the said post of Special Secretary shall be filled up by way of deputation of an officer holding the post of Additional Secretary of any State having sufficient knowledge in legislative drafting or an officer of the Government of India having experience in Legislative drafting and qualified to be appointed as Joint Secretary in their Ministry, or by some other suitable arrangement as the State Government may decide;

- (b) appointment to the post of Additional Secretary shall be made from out of the Joint Secretaries in the service having experience of at least one year as such;
- (c) appointment to the post of Joint Secretary shall be made from out of the Deputy Secretaries in the service having experience of at least two years as such;
- (d) appointment to the post of Deputy Secretary shall be made from out of the Under Secretaries in the service having experience of at least two years as such;
- (e) appointment to the post of Under Secretary shall be made from out of the Law Officers in the service having experience of at least two years as such:

Provided that, in case of non-availability of suitable person for promotion to the post of Under Secretary, the same may be filled up in such manner as the Government may consider appropriate;

- (f) appointment to the post of Law Officer shall be made from out of the Assistant Law Officers of the Department having experience of at least five years as such.

7. Reservation.— Notwithstanding anything contained in these rules, reservation of vacancies or posts, as the case may be, for—

- (a) Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder; and
- (b) SEBC, women, sportsmen, Ex-servicemen and Person with Disabilities shall be made in accordance with the provisions made under such Act, Rules, Orders or Instructions issued in this behalf by the Government from time to time.

8. Constitution of Selection Board.— (1) For the purpose of referring the names of persons, for appointment to any of the posts in the Service by way of promotion, to the Commission for their consideration, the names of the persons eligible for such appointment shall be referred to the Selection Board.

- (2) (a) The Selection Board for the purpose of considering promotion to the posts of Special Secretary and Additional Secretary in the service shall consist of the following members, namely:—

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|---|-----|----------|
| (i) Chief Secretary, Odisha | --- | Chairman |
| (ii) Development Commissioner/
Additional Chief Secretary | --- | Member |
| (iii) Principal Secretary/ Secretary to
Government, Law Department | --- | Member |

- (b) Additional Secretary/Joint Secretary/Deputy Secretary in charge of Office Establishment shall be the convenor.

- (c) The Selection Board for the purpose of considering promotion to the posts in service other than those mentioned in clause (a) shall consist of the following members, namely:—

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|--|-----|----------|
| (i) Principal Secretary/Secretary to Government,
Law Department | --- | Chairman |
|--|-----|----------|

- (ii) Special Secretary of the Service and in his absence, Legal Remembrancer and *Ex officio* Special Secretary to Government, Law Department --- Member
- (iii) Additional Secretary in charge of Office Establishment or an Officer not below the rank of Additional Secretary as nominated by the Principal Secretary --- Member

9. Probation.—Persons may be appointed on probation in the first instance in the post mentioned in clause(e) and (f) of sub-rule(2) of rule 3 and the probation period shall be one year:

Provided that Government may extend the period of probation in any case.

10. Relaxation.—When it is considered by the Government that it is necessary or expedient so to do in the public interest, it may, by order, for reasons to be recorded in writing, relax any provision of these rules in respect of any class or category of the employees.

11. Interpretation.—If any question arises relating to the interpretation of these rules, it shall be referred to the State Government whose decision thereon shall be final.

[No. 8877-III-OE-36/2016/L.]

By Order of the Governor

B. P. ROUTRAY

Principal Secretary to Government