

(Authoritative English text of this Department Notification No. Shram(A)4-5/2019(Estt) dated 20-7-2020 as required under article 348(3) of the Constitution of India)

**Government of Himachal Pradesh
Department of Labour & Employment**

No. Shram (A)4-5/2019(Estt.) Dated: Shimla-2, the

20-7-2020.

NOTIFICATION

In exercise of the powers conferred by section 19(3) of the "The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996" the Governor, Himachal Pradesh is pleased to make the Recruitment and Promotion Rules for the post of Labour Welfare Officer, Class-II, (Gazetted) (Non-Ministerial Services) in the Building and Other Construction Workers Welfare Board, 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 Building and Other Construction Workers Welfare Board, Labour Welfare Officer, Class-II (Gazetted), Non-Ministerial Services, Recruitment and Promotion Rules, 2020.
 - (2) These rules shall come into force from the date of publication in the Rajpatra (e-Gazette), Himachal Pradesh.

By Order

**Principal Secretary (Lab. & Emp.) to the
Government of Himachal Pradesh**

Endst. No. Shram(A)4-5/2019(Estt.) Dated Shimla-2, the

20-7-2020.

Copy for information & necessary action to:-

1. All the Administrative Secretaries, H.P. Shimla-2.
2. The Addl. LR-cum-Addl. Secy. (Law) to the Govt. of H.P. Shimla-2.
3. The JLR-cum-Joint Secretary Law (Hindi) to the Govt. of H.P., Shimla-2.
4. The Secretary-cum-CEO, HP BOCW Welfare Board, Khalini Shimla-2 with reference to his letter No. BOCW/Estt./creation & filling up of posts (277)/SML/2016-1877 dated 20-06-2019.
5. The Secretary, H.P.P.S.C., Shimla-171002.
6. The Controller, Printing & Stationary, Himachal Pradesh, Shimla-5.

(Anil Kumar Katoch)

**Under Secretary (Lab. & Emp.) to the
Government of Himachal Pradesh.**

RECRUITMENT AND PROMOTION RULES FOR THE POST OF LABOUR WELFARE OFFICER, CLASS-II(GAZETTED) NON MINISTERIAL SERVICES IN THE BUILDING & OTHER CONSTRUCTION WORKERS WELFARE BOARD, HIMACHAL PRADESH

1	Name of Post	Labour Welfare Officer
2	Number of Post(s)	12 (Twelve)
3	Classification	Class-II (Gazetted), Non-Ministerial Services
4	Scale of Pay	(i) Pay scale for regular incumbent(s): Pay band ₹10300+34800+ ₹5000/- G.P. (ii) Emoluments for contract employee(s): ₹15300/-P.M. as per details given in column No.15-A
5	Whether "Selection" post or "Non-Selection" post.	Selection Post
6	Age for direct recruitment	Between 18 to 45 years:

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:

Provided further that if a candidate appointed on adhoc or on contract basis had become over-age on the date 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:

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:

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.

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):	a) Essential Qualification(s): (i) Bachelor Degree from a recognized University with minimum 50% marks and
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		<p>(ii) Degree in M.B.A.(Human Resource/Finance)/ M.A. in Sociology from a recognized University with minimum 50% marks.</p> <p>b) Desirable Qualification(s): Knowledge of customs, manner and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.</p>
8	Whether age and Educational Qualification prescribed for direct recruit(s) will apply in the case of the promote(s):	<p>Age: Not Applicable.</p> <p>Educational Qualification(s): Not applicable.</p>
9	Period of Probation, if any:	<p>Direct Recruitment:</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, tenure basis, re-employment after superannuation and absorption.</p>
10	Method(s) of recruitment, whether Recruitment. Promotion/ secondment/ Transfer and the percentage of post(s) to be filled in by various methods.	100% by direct recruitment on regular basis or recruitment on contract basis, as the case may be. The contract employees will get emoluments as given in Col. 15-A and will be governed by service conditions as specified in the said columns.
11	In case of recruitment by promotion/ secondment/ transfer, grade(s) from which promotion/ secondment/ transfer is to be made:	Not Applicable.
12	If a Departmental Promotion / Confirmation Committee exists, what is its composition?	As may be constituted by the Government from time to time.
13	Circumstances under which the Himachal Pradesh Public Service Commission (HPPSC) is to be consulted in making recruitment	As required under the Law.

14	Essential requirements for a direct recruitment	A candidate for appointment to any post must be a citizen of India.
15	Selection for appointment to the 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 or other recruiting agency/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 Commission/ other recruiting agency/authority as the case may be.

15-A Selection for appointment to the post by contract appointment:

Notwithstanding anything contained in these rules, contract appointment to the post will be made subject to the terms and conditions given below:-

(I) CONCEPT:

- (a) Under this policy the Labour Welfare Officer in the Building and Other Construction Workers Welfare Board Himachal Pradesh will be engaged on contract basis initially for one year, which may be extendable on year to year basis:

Provided that for 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.

(b) POST FALLS WITHIN THE PURVIEW OF HPPSC:

The Administrative Department after obtaining the approval of the Government to fill up the vacant posts 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 Labour Welfare Officer appointed on contract basis will be paid consolidated fixed contractual amount @ ₹ 15300/- P.M (which shall be equal to minimum of the pay band + grade pay). An amount of ₹460/- (3% of the minimum of pay band + grade pay of the post) as annual increase in contractual emoluments for the subsequent year(s) will be allowed, if contract is extended beyond one year.

(III) APPOINTING/DISCIPLINARY AUTHORITY

The Secretary (Labour & Employment) to the Government of Himachal Pradesh will be the appointing & 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 fixed contractual amount @ ₹15300/- P.M (which shall be equal to minimum of the pay band + grade pay). The contract appointee will be entitled for increase in contractual amount @ ₹460/- (3% of minimum of the pay band + grade pay of the post) for further extended years and no other allied benefits such as senior/selection scales etc. will be given.
- (b) The service of 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, within 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 service. However, the contract appointee will also be entitled for 180 days maternity leave, 10 days medical leave and 5 days special leave in a calendar year. 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. He/she shall not be entitled for medical re-imbursement and LTC etc. No leave of any other kind except above is admissible to the contract appointee:

Provided that the un-availed casual leave, medical leave and special leave can be accumulated up to 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 unauthorized 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. In case of women candidates who are to be appointed against posts carrying hazardous nature of 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.
- (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.
- (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).

16	Reservation	The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Other Backward Classes/other categories of persons issued by the Himachal Pradesh Government from time to time.
17	Departmental Examination	Every member of the service shall pass a Departmental Examination as prescribed in the Himachal Pradesh Departmental Examination Rules, 1997, as amended from time to time
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 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 Labour Welfare Officer and the Government of Himachal Pradesh through Secretary (Labour & Employment) to the Government of Himachal Pradesh

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, Himachal Pradesh through Secretary, Labour & Employment (here-in-after referred to as the SECOND PARTY) to the Government of Himachal Pradesh.

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Labour Welfare Officer (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 Labour Welfare Officer (Name of the post) for a period of one year commencing on day ofand 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 ₹15300/- per month.
3. The service of 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 contractual Labour Welfare Officer 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 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 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 of 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 the 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)

