

GOVERNMENT OF ORISSA
EXCISE DEPARTMENT

NOTIFICATION

Bhubaneswar dated the 8th June, 2011

FE-I-46/2011 / Ex 2650 In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules regulating the method of recruitment and conditions of service of Excise Constables and Assistant Sub-Inspectors of Excise in the Orissa Lower Excise Service, namely:-

PART -I
PRELIMINARY

1. Short title and commencement. - (1) These rules may be called the Orissa Lower Excise Service (Method of Recruitment and Conditions of Service) Rules, 2011.

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

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

- (a) "Board" means the Selection Board constituted under rule 6;
- (b) "Commissioner" means the Excise Commissioner, Orissa;
- (c) "Committee" means the Departmental Promotion Committee constituted under rule 9;
- (d) "Collector" means the Collector and District Magistrate of the District;
- (e) "Departmental Examination" means the Departmental Examination as determined by the Commissioner from time to time;
- (f) "Ex-servicemen" means a person as defined in Orissa Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
- (g) "Government" means the Government of Orissa;

- (h) "Persons with Disabilities (or Physically Handicapped Persons)" means a person who would be granted a disability certificate by competent authority as per the provisions under rule 4 of the Persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Orissa Rules, 2003;
- (i) "Scheduled Castes and Scheduled Tribes" means such Castes and Tribes as notified by the President of India from time to time under article 341 and 342 of the Constitution of India, respectively;
- (j) "SEBC" means the Socially and Educationally Backward Classes of citizens other than the Scheduled Castes and Scheduled Tribes as may be specified by the State Government from time to time in the list under the Orissa State Commission for Backward Classes Act, 1993;
- (k) "Service" means the Orissa Lower Excise Service consisting of the posts of Excise Constables and Assistance Sub-Inspector of Excise;
- (l) "Sportsman" means a person who would be issued with identity card as sportsman by the Director, Sports as per Resolution No.24808/Gen. dated 18th November 1985 of General Administration Department; and
- (m) "Year" means Calendar Year.

(2) All other words and expressions used in these rules but not specifically defined shall, unless the context otherwise requires, have the same meaning as respectively assigned to them in the Orissa Service Code.

3. Constitution of Service. (1) The service be borne in the district cadre.

(2) The person in the service shall be transferred to any place in the State in exigency of public service, administrative reasons, or otherwise and in such case, their seniority shall be retained at the district cadre:

Provided that in case of transfer out of a district on their own request, they shall not be entitled to retain their district seniority in the new place of posting.

PART –II
Methods of Recruitment

4. Methods of Recruitment- Subject to other provisions made in these rules, recruitment to the posts in the service shall be made by the following methods, namely:-

- (a) in respect of the post of constable, by Selection Board in accordance with rule 6; and .
- (b) in respect of the posts of Assistant Sub-Inspector, by promotion in accordance with rule 9.

5. Reservations- 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 Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made there under or any other law/rule in force at the relevant point of time; and
- (b) SEBC, Women, Sportsmen and Ex-servicemen shall be made in accordance with the provisions made under such Acts, rules, orders or instructions issued in this behalf by the Government from time to time.

PART -III
Direct Recruitment

6. Recruitment Procedure. (1) The Commissioner shall determine the vacancies and reservation points district-wise and issue advertisement for all the Districts for recruitment of Excise Constables.

(2) All clear vacancies and anticipated vacancies due to retirement between 1st January and the 31st December of the year in which the recruitment is held, shall be taken into account for the purpose of filling up the vacancies.

(3) The vacancies shall be notified through at least two widely circulated regional dailies for at least two consecutive days.

(4) At district level, there shall be a Committee to scrutinize the application, measure the physical standard and conduct the physical and written test as per the Schedule appended to these rules.

(5) The committee referred to in sub-rule (4) shall consist of the following members:-

- | | |
|-------------------------------|--------------------|
| (i) Collector | : Chairman |
| (ii) Superintendent of Police | : Member |
| (iii) District Sports Officer | : Member |
| (iv) District Welfare Officer | : Member |
| (v) Superintendent of Excise | : Member -Convener |

Provided that the Collector and Superintendent of Police may nominate their nominees for the scrutiny of eligibility criteria and conduct of tests but the ultimate recommendation to the Commissioner shall be made by the Committee in its meeting.

(6) The written test shall be conducted on the same date and time all over the state.

(7) The Committee after conducting the required tests, shall prepare a list of the qualified candidates in order of merit and forward the same to the Commissioner alongwith the marks secured in physical standard, physical test and written test the certificates and mark sheets of Secondary Examinations of such recommended candidates.

(8) The distribution of marks and pattern of the test shall be as specified in the SCHEDULE.

7. Eligibility Conditions- (1) A candidate must be a citizen of India.

(2) Age Limits: A candidate must have attained the age of 21 years and must not be above the age of 32 years as on 1st day of January of the year of recruitment.

Provided that the upper age limit in respect of reserved categories of candidates referred to in rule 5 shall be relaxed in accordance with the provisions of the Act, rules, orders or instructions, for the time being in force, for the respective categories.

(3) He must have

- (a) passed Middle School examination with Oriya as a language subject; or
- (b) passed Matriculation or equivalent examination with Oriya as medium of examination in non-language subject; or
- (c) passed in Oriya as language subject in the final examination of Class-VII or above; or
- (d) passed a test in Oriya in Middle English School Standard conducted by the School and Mass Education Department.

(4) A candidate if married, must not have more than one spouse living:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person or there are other grounds for doing so, exempt any person from the operation of this rule.

(5) A candidate must have passed the High School Certificate or equivalent Examination.

(6) A candidate must be of good mental condition bodily health and free from any physical defect likely to interfere with the discharge of his duties in the service.

PART-IV PROMOTION

8. Eligibility criteria for promotion. (1) A Constable of Excise after successful completion of at least 7 years of continuous service as such shall be eligible for promotion to the rank of Assistant Sub-Inspector of Excise by selection.

(2) A constable who received 5 black service marks and / or found physically unfit shall not be eligible for promotion to the rank of Assistant Sub-Inspector of Excise.

(3) A constable who has not passed the Departmental Examination specified by the Commissioner shall not be considered for promotion unless otherwise exempted for such examination.

9. Constitution of Committee (1) There shall be constituted a Departmental Promotion Committee in each district for selection to the rank of Assistant Sub-Inspector of Excise consisting of the following members;

- | | | |
|-----|--------------------------|--------------------|
| (a) | Collector | : Chairman |
| (b) | Superintendent of Police | : Member |
| (c) | District Welfare Officer | : Member |
| (d) | Superintendent of Excise | : Member-convener. |

(2) The recommendation of the Committee shall be valid and can be operated upon notwithstanding the absence of any one of its members other than the Chairman:

Provided that the member so absenting was duly invited to attend the meeting of the Committee and the majority of members of the Committee attended the meeting.

10. Procedure for Selection by the Committee- (1) The Committee shall meet atleast once in a year preferably in the month of January to prepare a list of Excise Constables as are held by them, suitable for promotion to the rank of Assistant Sub-Inspector of Excise taking into account the existing vacancies and the anticipated vacancies of the year.

(2) The Committee while considering the promotion cases of suitable employees and preparation of the list shall follow the provisions of -

- (a) the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made there under or any other law / rule in force at the relevant time.
- (b) the Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988,
- (c) the Orissa Civil Services (Criteria for Promotion) Rules, 1992, and
- (d) the Orissa Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.

**PART-V
OTHER CONDITIONS OF SERVICE**

11. Probation and Confirmation-(1) Every person appointed to the service shall be on probation for a period of two years in case of direct recruitment and one year in case of promotion from the date of joining.

Provided that the appointing authority may, if it thinks fit in any case or class of cases, extend the period of probation:

Provided further that such period of probation shall not include-

- (a) extraordinary leave;
- (b) period of unauthorized absence; or
- (c) any other period held to be not being on actual duty.

(2) The appointment of a probationer may for good and sufficient reasons, to be recorded in writing, be terminated by the Appointing Authority at any time without previous notice during the period of probation including extension of such period, if any, and after such termination, the employee shall be deemed to have been removed from service in case of direct recruitment and reverted to the parent post in case of promotion.

(3) A probationer after completing the period of probation to the satisfaction of Appointing Authority shall be eligible for confirmation subject to the availability of substantive vacancy in the service.

~~**12. Select List-**~~ (1) The list prepared by the Board or the Committee, as the case may be, after being approved by the Commissioner, shall form the select list for appointment to the service.

(2) The select list shall ordinarily remain in force for a year or until another select list is prepared afresh, whichever is earlier.

(3) Appointment to the service shall be made in the order the names of the persons appear in the select list.

13. Inter-se-seniority- The inter-se seniority of the employees appointed to any post in the service in a particular year shall be in the order in which their names appear in the select list.

14. Other conditions of service- The conditions of service in regard to matters not covered by these rules shall be the same as are or as may from time to time be prescribed by the Government

PART-VI MISCELLANEOUS

15. 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 of the provisions of these rules in respect of any class or category of the employees.

16. Repeal and Savings- All rules, regulations, instructions or orders in force immediately before the commencement of these rules in respect of matters relating to the service and covered by these rules are hereby repealed:

Provided that any order or appointment made, action taken or things done under the rules, regulations, instructions or orders so repealed shall be deemed to have been made, taken or done under these rules.

17. 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.

SCHEDULE
(Sub-rule (8) of rule 6)

DISTRIBUTION OF MARKS

For Selection of candidates, the distribution of Marks shall be in the following manner:-

- (a) 03 marks for physical measurement for all categories
- (b) 30 marks for physical efficiency test,
- (c) 07 marks for Educational Achievements and
- (d) 60 marks for written test.

1) Physical Standard

- i. The Candidates must have the minimum physical standard of height, weight and chest as follows:-

CATEGORY	HEIGHT	WEIGHT	CHEST	
			UNEXPANDED	EXPANDED
(1)	(2)	(3)	(4)	(5)
Un-reserved /S.E.B.C. (Men)	168 Cm	55 Kg.	79 Cm	84 Cm
Un-reserved/S.E.B.C. (Women)	158 Cm	47.5 Kg.	-	-
Schedule Caste/ Schedule Tribe (Men)	163 Cm	50 Kg.	76 Cm	81 Cm
Schedule Caste/ Schedule Tribe (Women)	153 Cm	45 Kg	-	-

ii. Physical Measurement for all categories: Allotted Marks – 03

Height, weight and chest shall be measured to determine the eligibility. **3 (three) bonus marks** will be awarded to all male candidates (irrespective of categories) whose height is 178 cms or above. Similarly all female candidates (irrespective of categories) with height of 165 cms and above will get **3 (three) bonus marks**. These bonus marks shall be added in total marks while preparing the select list.

If the Candidate has not qualified in any of the physical standard i.e. height/ weight/ chest, he/ she will not be allowed to appear in further recruitment process.

2) Physical Efficiency Test (PET) : Allotted Marks – 30

(I) For Men (all categories)

The physical Efficiency Tests shall comprise of the following events with marks indicated against each;

- (a). **Run – 1.6 Kms.**

If covered within	5 minutes	10 marks
	5.30 minutes	8 marks
	6 minutes	6 marks
	6.30 minutes	4 marks
	Beyond 6.30 minutes	Disqualified
- (b). **High Jump (3 Chances)**

Qualifying height	-1.22 Meters	
If cleared in	1 st Chance	3 marks
	2 nd Chance	2 marks
	3 rd Chance	1 marks
	Not able to clear	Disqualified

Note: Only those, who qualify high jump of 1.22 meters in the 1st Chance, will be allowed to complete in higher jumps. 3 chances shall be allowed to the candidates to clear 1.38 meters. Only those candidates who qualifies 1.38 meters, another 3 chances will be given to compete for 1.50 meters. Higher marks will be awarded as follows:

If cleared	1.38 meters	6 marks
If cleared	1.50 meters	8 marks

Note: Marks shall be awarded only for the highest jump cleared.

(c). Broad Jump: Qualifying length – 3.66 meters.

(Marks shall be given for the best of 3 chances)

If covered within	3.66 meters	1 mark
	4.00 meters	3 marks
	4.35 meters	5 marks
	4.50 meters	6 marks
If not cleared	3.66 meters	Disqualified

(d). Rope Climbing : 3 Chances only

Each candidate will be required to climb up to a height of 6 (six) meters from ground level using his hands only in maximum.three attempts.

	1 st Chance	6 marks
	2 nd Chance	4 marks
	3 rd Chance	2 marks
	Not able to climb (in 3 chances)	Disqualified

(e). Swimming (40 meters)

If covered within	8 minutes	Qualified
Beyond	8 minutes	Disqualified

(ii) For Women: (All Categories)

(a). Run – 1.6 Kms.

If covered within	7.15 minutes	10 marks
	7.45 minutes	8 marks
	8.15 minutes	6 marks
	8.30 minutes	4 marks
	Beyond 8.30 minutes	Disqualified

(b). Run – 200 meters.

If covered within	28 Seconds	8 marks
	32 Seconds	5 marks
	36 Seconds	3 marks
Beyond	36 Seconds	Disqualified

(c). Broad Jump:	Qualifying length – 2.75 meters.		
	(Marks shall be given for the best of 3 chances)		
	If cleared	2.75 meters	1 mark
		3.00 meters	3 marks
		3.25 meters	5 marks
		3.50 meters	6 marks
	If not cleared	2.75 meters	Disqualified
(d). Cycling – 1.6 Kms :			
	If covered within	5 minutes	6 marks
		5.30 minutes	4 marks
		6 minutes	2 marks
	Beyond	6 minutes	Disqualified
(e). Swimming (40 meters)	Only to qualify		
	If covered within	10 minutes	Qualified
	Beyond	10 minutes	Disqualified

Note: If a candidate fails to qualify in any of the above events, he/ she shall be disqualified and shall not be allowed to participate in the subsequent tests or recruitment process.

3) Educational Achievements: Allotted Marks – 07

Sl No.	Academic Qualification	% of Marks	Allotted Marks
01.	Matriculation or equivalent	61% & above	7
02.	Matriculation or equivalent	51% & above	4
03.	Matriculation or equivalent	41% & above	1
04.	Matriculation or equivalent	Compartmental/ Supplementary/ less than 41 %	No Marks

Note: Marks will be awarded if the examination has been cleared in 1st attempt.

4) Written Test: Allotted Marks – 60 marks

- i. The candidates who qualify in the physical test shall appear in a written test of 60 marks (20 marks in Mathematics + 20 marks on translation and retranslation from Oriya and English and 20 marks on General Knowledge relating to excise matters.
- ii. The question paper for the written test shall be the same for the whole state.

ORDER – Ordered that the Notification be published in the next issue of the Orissa Gazette for the general information and copies communicated to all Department of Government/ Heads of Departments/ Collectors.

By order of the Governor

(P. R. Saha).
Principal Secretary to Government.

Memo No. 2651 / Ex., Dt. 08.06.2011

Copy forwarded to the Director, Printing, Stationary and Publication, Orissa, Cuttack for information and necessary action.

2. He is requested to publish the notification in the extra ordinary issue of Orissa Gazette immediately and supply 300 copies of the said notification to this Department.


Additional Secretary to Government

Memo No. 2652 / Ex., Dt. 08.06.2011

Copy forwarded to the Member, Board of Revenue, Orissa, Cuttack/D.G. & I.G. of Police, Orissa, Cuttack for information and necessary action.


Additional Secretary to Government

Memo No. 2653 / Ex., Dt. 08.06.2011

Copy forwarded to the all RDCs for information and necessary action.


Additional Secretary to Government

Memo No. 2654 / Ex., Dt. 08.06.2011

Copy forwarded to the Excise Commissioner, Orissa, Cuttack / All Collectors / All Excise Deputy Commissioners/ All Superintendents of Excise for information and necessary action.


Additional Secretary to Government.

Memo No. 2655 / Ex., Dt. 08.06.2011

Copy forwarded to the Secretary to Governor of Orissa for information of His Excellency the Governor of Orissa.


Additional Secretary to Government

Memo No. 2656 / Ex., Dt. 08.06.2011

Copy forwarded to Private Secretary to Chief Minister for information of Hon'ble Chief Minister.


Additional Secretary to Government

Memo No. 2657 / Ex., Dt. 08.06.2011

Copy forwarded to the Private Secretary to Minister, Excise for information of Hon'ble Ministers.


Additional Secretary to Government

Memo No. 2658 / Ex., Dt. 08.06.2011

Copy forwarded to the Head State Portal, IT Centre, Orissa Secretariat, Bhubaneswar / All Departments of Government / five spare copies to F.E. Section for information.


Additional Secretary to Government.