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# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

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शिमला, सोमवार 13 फरवरी, 2012 / 24 माघ 1933

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हिमाचल प्रदेश सरकार

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001

NOTIFICATION

*Shimla the 2nd February, 2012*

**No.HHC/Admn.6 (23)/74-XIV.**—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 2(32) of Chapter 1 of H.P. Financial Rules, 2009 has been pleased to declare the Civil Judge(Senior Division)-cum-CJM, Nahan as Drawing and Disbursing Officer in respect of the Court of Civil Judge(Junior Division)-cum-JMIC, Nahan and also the Controlling Officer for the purpose of T.A. etc. in respect of the establishment attached to the aforesaid court under head "2014 Administration of Justice" during the leave period of Sh. Partap Singh Thakur, Civil Judge(Junior Division)-Cum-JMIC, Nahan w.e.f. 21.2.2012 to 2.3.2012 with permission to prefix special casual leave w.e.f. 6.2.2012 to 18.2.2012 & 19.2.2012 and 20.2.2012 being gazetted holidays or until he returns from leave.

By order,  
Sd/-  
Registrar General.

**HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001****NOTIFICATION***Shimla the 4th February, 2012*

**No. HHC/Admn. 6 (23)/74-XIV.**—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 2(32) of Chapter 1, of H.P. Financial Rules, 2009 has been pleased to declare the Civil Judge (Senior Division)-cum-CJM, Dharamshala as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Junior Division)-cum-JMIC(I), Dharamshala and also the Controlling Officer for the purpose of T.A. etc. in respect of class-II, III & IV establishment attached to the aforesaid Court under head "2014-Administration of Justice" during the earned leave period of Shri Sunish Aggarwal, Civil Judge (Junior Division)-cum-JMIC(I), Dharamshala w.e.f. 21.2.2012 to 1.3.2012 with permission to prefix special casual leave and gazetted holidays w.e.f. 6.2.2012 to 20.2.2012 or till he returns from leave.

By order,  
Sd/-  
*Registrar General.*

**HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001****NOTIFICATION***Shimla, the 2nd February, 2012*

**No. HHC/GAZ/14-267/2003.**—Hon'ble the Chief Justice has been pleased to grant 11 days' earned leave w.e.f. 21.2.2012 to 2.3.2012 with permission to prefix special casual leave w.e.f. 6.2.2012 to 18.2.2012 & 19.2.2012 and 20.2.2012 being gazetted holidays in favour of Shri Partap Singh Thakur, Civil Judge (Jr. Division)-cum-JMIC, Nahan, H.P.

Certified that Shri Partap Singh Thakur is likely to join the same post and at the same station from where he proceeds on leave after expiry of the above period of leave.

Also certified that Shri Partap Singh Thakur would have continued to hold the post of Civil Judge (Jr. Division)-cum-JMIC, Nahan but for his proceeding on leave for the above period.

By order,  
Sd/-  
*Registrar General.*

**HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001****NOTIFICATION***Shimla, the 4th February, 2012*

**No. HHC/GAZ/14-314/2010.**—Hon'ble the Chief Justice has been pleased to grant 10 days earned leave w.e.f. 21.2.2012 to 1.3.2012 with permission to prefix special casual leave and gazetted holidays falling w.e.f. 6.2.2012 to 20.2.2012 in favour of Shri Sunish Aggarwal, Civil Judge (Junior Division)-cum-JM (I), Dharamshala, H. P.

Certified that Aggarwal is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Aggarwal would have continued to hold the post of Civil Judge (Senior Division)-cum-JM (I), Dharamshala, H.P., but for his proceeding on leave for the above period.

By order,  
Sd/-  
Registrar General.

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**HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001**

**NOTIFICATION**

*Shimla, the 2<sup>nd</sup> February, 2012*

**No. HHC/Admn.3(336)/92-I.**—19 days earned leave on and w.e.f. 7.2.2012 to 25.2.2012 with permission to suffix Sunday falling on 26.2.2012 is hereby sanctioned in favour of Shri Prem Chand Verma, Secretary of this Registry.

Certified that Shri Prem Chand Verma is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Shri Prem Chand Verma would have continued to officiate the same post of Secretary but for his proceeding on leave.

By order,  
Sd/-  
Registrar General.

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**HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001**

**NOTIFICATION**

*Shimla, the 4<sup>th</sup> February, 2012*

**No. HHC/Estt.3(621)/2009.**—25 days earned leave on and with the effect from 28.12.2011 to 21.01.2012 with permission to suffix Sunday on 22.01.2012, is hereby sanctioned, ex-post-facto, in favour of Smt. Bhuvneshwari Bhardwaj, Assistant Registrar of the Registry.

Certified that Smt. Bhuvneshwari Bhardwaj has joined the same post and at the same station from where she had proceeded on leave after the expiry of the above leave period.

Certified that Smt. Bhuvneshwari Bhardwaj would have continued to officiate the same post of Assistant Registrar but for her proceeding on leave.

By order,  
Sd/-  
Registrar General.

## लोक निर्माण विभाग

## अधिसूचना

शिमला-2, 9 फरवरी, 2012

**सं० पी०बी०डब्ल्यू०(बी०)एफ(5) 84/2010.**—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव देही, तहसील नादौन, जिला हमीरपुर में जालन्धर-होशियारपुर-अम्ब-नादौन-हमीरपुर-मण्डी राष्ट्रीय उच्च मार्ग 70 को चौड़ा करने हेतु भूमि अर्जित करनी अपेक्षित है, अतएव एतद्द्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने तथा उप धारा द्वारा अपेक्षित अथवा अनुमत अन्य सभी कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी हितबद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के तीस दिन की अवधि के भीतर लिखित रूप में भू-अर्जन समाहर्ता, लोक निर्माण विभाग, मण्डी, (हि० प्र०) के समक्ष अपनी आपत्ति दायर कर सकता है।

## विवरणी

| जिला    | तहसील | गांव | खसरा न०   | रकबा (है० में) |
|---------|-------|------|-----------|----------------|
| हमीरपुर | नादौन | देही | 398/210/1 | 00-00-11       |
|         |       |      | 211/1     | 00-00-32       |
|         |       |      | 213/1     | 00-00-78       |
|         |       |      | 215       | 00-01-40       |
|         |       |      | 241       | 00-01-87       |
|         |       |      | 242/1     | 00-06-09       |
|         |       |      | 281       | 00-00-36       |
|         |       |      | किता-7    | 0-10-93        |

आदेश द्वारा,  
हस्ताक्षरित/—  
प्रधान सचिव (लोक निर्माण)।

**आयुर्वेद विभाग****अधिसूचना**

शिमला-2, 20 सितम्बर, 2011

**संख्या: आयु0-क-(3)-26/99.**—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयो करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश आयुर्वेद विभाग में उद्यान प्रभारी वर्ग—III (अराजपत्रित) के पद के लिए इस अधिसूचना से सलग्न उपाबन्ध—‘क’ के अनुसार, भर्ती और प्रोन्नति नियम, बनाती हैं, अर्थात्:—

1. **संक्षिप्त नाम और प्रारम्भ.**—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश आयुर्वेद विभाग, उद्यान प्रभारी वर्ग—III (अराजपत्रित) भर्ती और प्रोन्नति नियम, 2011 है।  
(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।
2. **निरसन और व्यावृत्तियां.**— (1) इस विभाग की अधिसूचना संख्या आयु0-सी-क (3)-2/95 तारीख 15-5-1997 द्वारा अधिसूचित हिमाचल प्रदेश भारतीय चिकित्सा पद्धति और होम्योपैथी विभाग, उद्यान प्रभारी वर्ग—III (अराजपत्रित) भर्ती और प्रोन्नति नियम, 1997 का एतद्द्वारा निरसन किया जाता है।  
(2) ऐसे निरसन के होते हुए भी उपर्युक्त उप नियम (1) के अधीन इस प्रकार निरसित सुसंगत नियमों के अधीन की गई कोई नियुक्ति बात या कार्यवाई इन नियमों के अधीन विधिमान्य रूप में की गई समझी जाएगी।

आदेश द्वारा,  
हस्ताक्षरित /—  
सचिव (आयुर्वेद)।

उपाबन्ध—‘क’

**आयुर्वेद विभाग हिमाचल प्रदेश में उद्यान प्रभारी (अराजपत्रित) वर्ग—III के लिए भर्ती और पदोन्नति नियम**

1. **पदनाम.**— उद्यान प्रभारी।
2. **पदों की संख्या.**— 04 (चार)।
3. **वर्गीकरण.**— वर्ग—III (अराजपत्रित)।
4. **वेतनमान.**—नियमित पदधारियों के लिए वेतनमान—पे बैंड—10300—34800 रुपये 3800 ग्रेड पे।  
संविदा पर नियुक्त कर्मचारियों के लिए उपलब्धियां :—  
14,100/—रुपये संख्या 15-क में दिए गये ब्यौरे के अनुसार ।
5. **चयन पद अथवा अचयन.**—अचयन ।
6. **सीधी भर्ती किए जाने वाले अभ्यर्थियों के लिए आयु.**—18 से 45 वर्ष।

परन्तु सीधी भर्ती ऊपरी आयु सीमा तदर्थ या संविदा के आधार पर नियुक्त किए गए व्यक्तियों सहित पहले से ही सरकार की सेवा में रत अभ्यर्थियों पर लागू नहीं होगी:

परन्तु यह और कि यदि तदर्थ या संविदा के आधार पर नियुक्त किया गया अभ्यर्थी इस रूप में नियुक्ति की तारीख को अधिक आयु का हो गया हो तो, वह तदर्थ या संविदा के आधार पर नियुक्ति के कारण विहित आयु में छूट के लिए पात्र नहीं होगा :

परन्तु यह और कि अनुसूचित जातियों/अनुसूचित जनजातियों तथा अन्य वर्गों के व्यक्तियों के लिए ऊपरी आयु सीमा में उतनी ही छूट दी जा सकेगी जितनी कि हिमाचल प्रदेश सरकार के साधारण या विशेष आदेशों के अधीन अनुज्ञेय है :

परन्तु यह और भी कि पब्लिक सैक्टर, निगमों तथा स्वायत्त निकायों के सभी कर्मचारियों को जो ऐसे पब्लिक सैक्टर, निगमों तथा स्वायत्त निकायों के प्रारम्भिक गठन के समय ऐसे पब्लिक सैक्टर निगमों/स्वायत्त निकायों में आमेदन से पूर्व सरकारी कर्मचारी थे, सीधी भर्ती में आयु की सीमा में ऐसी ही रियायत दी जायेगी जैसी सरकारी कर्मचारियों को अनुज्ञेय है, किन्तु इस प्रकार की रियायत पब्लिक सैक्टर निगमों तथा स्वायत्त निकायों के ऐसे कर्मचारिवन्द को अनुज्ञेय नहीं होगी जो पश्चातवर्ती ऐसे निगमों/स्वायत्त निकायों द्वारा नियुक्त किए गए थे/किए गए हैं और उप पब्लिक सैक्टर नियमों/स्वायत्त निकायों के प्रारम्भिक गठन के पश्चात् ऐसे निगमों/स्वायत्त निकायों की सेवा में अन्तिम रूप से आमेलित किए गए हैं/किए गए थे ।

(1) सीधी भर्ती के लिए आयु सीमा की गणना उस वर्ष के प्रथम दिवस से की जाएगी जिसमें कि पद (पदों) को आवेदन आमन्त्रित करने के लिए यथा स्थिति विज्ञापित किया गया है या नियोजनालयों को अधिसूचित किया जाता है ।

(2) अन्यथा सुअर्हित अभ्यर्थियों की दशा में सीधी भर्ती के लिए आयु सीमा और अनुभव हिमाचल प्रदेश लोक सेवा आयोग के विवेकानुसार शिथिल किया जा सकेगा ।

**7. सीधी भर्ती किये जाने वाले व्यक्तियों के लिए अपेक्षित न्यूनतम शैक्षिक और अन्य अर्हताएं—अनिवार्य अर्हताएं.—**(क) राज्य/केन्द्र सरकार द्वारा मान्यता प्राप्त किसी विश्वविद्यालय से वनस्पति विज्ञान (बोटिनी) विषय सहित बी.एस.सी. या बी.एस.सी.(वानिकी) या बी.एस. सी. (कृषि) या बी.एस.सी. (उद्यान) ।

**(ख) वॉछनीय अर्हता.—**(1) हिमाचल प्रदेश की रूढ़ियों, रीतियों और बोलियों का ज्ञान और प्रदेश में विद्यमान विशिष्ट दशाओं में नियुक्ति के लिए उपयुक्तता ।

(2) औषधीय पौधों की पहचान, कृषि और विकास कार्य में दो वर्ष का अनुभव ।

**8. सीधी भर्ती किये जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक अर्हताएं प्रोन्नति की दशा में लागू होगी या नहीं.—**आयु: लागू नहीं । शैक्षिक अर्हताएं: हां ।

**9. परिवीक्षा की अवधि, यदि कोई हो.—**दो वर्ष, जिसका एक वर्ष से अनधिक ऐसी और अवधि के लिए विस्तार किया जा सकेगा जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दे ।

**10. भर्ती की पद्धति भर्ती सीधी होगी या प्रोन्नति या प्रतिनियुक्ति या स्थानान्तरण द्वारा और विभिन्न पद्धतियों द्वारा भरी जाने वाले पदों की प्रतिशतता.—**(1) पचहतर प्रतिशत सीधी भर्ती द्वारा यथास्थिति नियमित आधार पर या संविदा के आधार पर सीधी भर्ती द्वारा । संविदा आधार पर नियुक्त कर्मचारी स्तम्भ 15—क में दी गई उपलब्धियां प्राप्त करेंगे और उक्त स्तम्भ में विनिर्दिष्ट सेवा शर्तों द्वारा विनियमित होंगे ।

(2) पच्चीस प्रतिशत प्रोन्नति द्वारा ।

**11. प्रोन्नति प्रतिनियुक्ति या स्थानान्तरण की दशा में श्रेणियां जिनसे प्रोन्नति/प्रतिनियुक्ति स्थानान्तरण किया जाएगा.—**(1) सहायक वनस्पतिविदों में से, जिनका 3 वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवा, यदि कोई हो, को सम्मिलित करके 3 वर्ष का नियमित सेवाकाल हो, प्रोन्नति द्वारा ।

(2) राज्य सरकार/केन्द्रीय सरकार के अन्य कार्यालयों में इस पद के समरूप वेतनमान में कार्यरत अभ्यर्थियों में से, जो उपरोक्त स्तम्भ संख्या—7 में विहित शैक्षिक अर्हताएं रखते हो, सैकण्डमैन्ट स्थानान्तरण द्वारा ।

परन्तु प्रोन्नति प्रयोजन के लिए प्रत्येक कर्मचारी को जनजातीय/दुर्गम क्षेत्रों में पद (पदों) की ऐसे क्षेत्रों में पर्याप्त संख्या की उपलब्धता के अधधीन, कम से कम एक कार्यकाल तक सेवा करनी होगी :

परन्तु यह और कि उपर्युक्त परन्तुक (1) उन कर्मचारियों के मामले में लागू नहीं होगा जिनकी अधिवर्षिता के लिए पांच वर्ष या उससे कम की सेवा शेष रही हो :

परन्तु यह और भी कि उन अधिकारियों/कर्मचारियों को, जिन्होंने जनजातीय/दुर्गम क्षेत्र में कम से कम एक कार्यकाल तक सेवा नहीं की है, ऐसे क्षेत्र में उसके अपने संवर्ग (काडर) में सर्वथा वरिष्ठता के अनुसार स्थानान्तरण किया जाएगा ।

**स्पष्टीकरण 1.**—उपर्युक्त परन्तुक के प्रयोजन के लिए जनजातीय/दुर्गम क्षेत्रों में 'कार्यकाल' से साधारणतया तीन वर्ष की अवधि या प्रशासनिक अपेक्षाओं और कर्मचारी द्वारा किए गए कार्य को ध्यान में रखते हुए ऐसे क्षेत्रों में तैनाती की इससे कम अवधि अभिप्रेत होगी।

**स्पष्टीकरण 2.**—उपर्युक्त परन्तुक के प्रयोजन के लिए जनजातीय/दुर्गम क्षेत्र निम्न प्रकार से होंगे :

1. जिला लाहौल एवं स्पिति ।
2. चम्बा जिला का पोंगी और भरमौर उप मण्डल ।
3. रोहडू उप मण्डल का डोडरा क्वार क्षेत्र ।
4. जिला शिमला की रामपुर तहसील का प्रन्द्रह बीस परगना, मुनीष, दरकाली और ग्राम पंचायत काशापाट ।
5. कुल्लू जिला का पन्द्रह बीस परगना ।
6. काँगड़ा जिला के बैजनाथ उप मण्डल का बडा भंगाल क्षेत्र ।
7. जिला किन्नौर ।
8. सिरमौर जिला में उप तहसील कमराउ के कठवाड और कोरगा पटवार वृत्त, रैणुकाजी तहसील के भलाड भलौना और संगना पटवार वृत्त, और शिलाई तहसील का कोटा पाव पटवार वृत्त ।
9. मण्डी जिला में करसोग तहसील का खन्थोल बगडा पटवार वृत्त, बाली चौकी उप तहसील के गाडा गोसाई, मठयानी, घनयाड़, थाची, बागी, सोमगाड़ और खोलानाल, पद्धर तहसील के झारवाड़ कटुगढ़, ग्रामन, देवगढ़ ट्रैला, रोपा, कथोग, सिल्ह भड़वानी, हस्तपुर, घमरेड़, और भटेढ़ पटवार वृत्त, थुनाग तहसील के चियुनी, कालीपार, मानगढ़, थाच बगडा उत्तरी मगरू और दक्षिण मगरू पटवार वृत्त और सुन्दरनगर तहसील का बटवाड़ा पटवार वृत्त ।

(1) प्रोन्नति के सभी मामलों में पद पर नियमित नियुक्ति से पूर्व सम्भरक (पोषक) पद में की गई लगातार तदर्थ सेवा, यदि कोई हो, प्रोन्नति के लिए इन नियमों में यथाविहित सेवाकाल के लिए, इस शर्त के अधीन रहते हुए गणना में ली जायेगी, कि सम्भरक प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वीकार्य प्रक्रिया को अपनाने के पश्चात की गई थी:

परन्तु उन सभी मामलों में जिनके कोई कनिष्ठ व्यक्ति सम्भरक पद में अपने कुल सेवाकाल (तदर्थ आधार पर की गई तदर्थ सेवा सहित, जो नियमित सेवा/नियुक्ति के अनुसरण में हो) के आधार पर उपयुक्त निर्दिष्ट उपबन्धों के कारण विचार किए जाने का पात्र हो जाता है, वहां अपने-अपने प्रवर्ग/पद/काडर में उससे वरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जायेंगे और विचार करते समय कनिष्ठ व्यक्ति से ऊपर रखें जायेंगे।

परन्तु यह और कि उन सभी पदधारियों की, जिन पर प्रोन्नति के लिए विचार किया जाना है, की कम से कम तीन वर्ष न्यूनतम अहर्ता सेवा या पद के भर्ती और प्रोन्नति नियमों में विहित सेवा, जो भी कम हो, होगी:

परन्तु यह और भी कि जहां कोई व्यक्ति पूर्वगामी परन्तुक की अपेक्षाओं के कारण प्रोन्नति किए जाने सम्बन्धी विचार के लिए अपात्र हो जाता है, वहां उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के विचार के लिए अपात्र समझा जाएगा/समझे जाएंगे।

**स्पष्टीकरण.**—अंतिम परन्तुक के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा। यदि वरिष्ठ अपात्र व्यक्ति भूतपूर्व सैनिक है जिसे डिमोबीलाइज्ड आर्मड फोर्सिज परसोनल (रिजर्वेशन आफ वैकन्सिज इन हिमाचल स्टेट नान टैक्नीकल सर्वीसीज) रूलज 1972 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती

किया गया है और इसके अन्तर्गत वरीयता लाभ दिए गये हो या जिसे एक्स-सर्वीसमैन (रिजर्वेशन आफ वैकेन्सीज इन दी हिमाचल प्रदेश टैक्नीकल सर्वीसीज) रूलज, 1985 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो और इसके अन्तर्गत वरीयता लाभ दिए गये हों।

(2) इसी प्रकार स्थाईकरण के सभी मामलों में ऐसे पद पर नियमित नियुक्ति से पूर्व सम्भरक पद पर की गई लगातार तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी, यदि तदर्थ नियुक्ति/प्रोन्नति उचित चयन के पश्चात् और भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी:

परन्तु की गई उपयुक्त निर्दिष्ट तदर्थ सेवा को गणना में लेने के पश्चात् जो स्थाईकरण होगा उसके फलस्वरूप पारस्परिक वरीयता अपरिवर्तित रहेगी।

**12. यदि विभागीय प्रोन्नति समिति, विद्यमान हो तो उसकी संरचना.**—जैसाकि सरकार द्वारा समय-समय पर गठित की जाए।

**13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जाएगा.**—जैसाकि विधि द्वारा अपेक्षित हो।

**14. सीधी भर्ती के लिए अनिवार्य अपेक्षा.**—किसी सेवा या पद पर नियुक्ति के लिए अभ्यर्थी का भारत का नागरिक होना अनिवार्य है।

**15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन.**—सीधी भर्ती के मामले में पद पर नियुक्ति के लिए चयन मौखिक परीक्षा के आधार पर किया जाएगा। यदि, यथा स्थिति हिमाचल प्रदेश लोक सेवा आयोग अथवा अन्य भर्ती प्राधिकरण ऐसा करना आवश्यक या समीचीन समझें, तो लिखित परीक्षा या व्यावहारिक परीक्षण के आधार पर किया जाएगा जिसका स्तर/पाठ्यक्रम इत्यादि यथास्थिति, आयोग या अन्य भर्ती प्राधिकरण द्वारा अवधारित किया जाएगा।

**15. (क) संविदा नियुक्ति द्वारा पद पर नियुक्ति के लिए चयन.**— इन नियमों में किसी बात के होते हुए भी पद संविदा नियुक्तियां नीचे दिए गए निबन्धनों और शर्तों के अध्वधीन की जाएगी :

**1. संकल्पना.**—(क) इस पालिसी के अधीन आयुर्वेद विभाग में उद्यान प्रभारी को संविदा के आधार पर प्रारम्भ में एक वर्ष के लिए लगाया जाएगा जिसे वर्षानुवर्ष आधार पर परन्तु वर्षानुवर्ष आधार पर संविदा की अवधि में विस्तार/नवीनीकरण के लिए सम्बद्ध विभागध्यक्ष यह प्रमाण पत्र जारी करेगा कि संविदा पर नियुक्त व्यक्ति की सेवा और आचरण, वर्ष के दौरान संतोषजनक रहे और केवल तभी उसकी संविदा की अवधि में विस्तार/नवीनीकरण किया जाएगा।

**(ख) पद का हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड के कार्यक्षेत्र में आना.**—निदेशक आयुर्वेद, विभाग सरकार का अनुमोदन प्राप्त करने के पश्चात् संविदा के आधार पर रिक्त पद (पदों) को भरने हेतु, अध्यापेक्षा को सम्बद्ध भर्ती अभिकरण अर्थात् हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड, हमीरपुर के समक्ष रखेगा।

**(ग) चयन इन नियमों में विहित पात्रता शर्तों के अनुसार किया जाएगा।**

**II. संविदात्मक उपलब्धियां.**—संविदा आधार पर नियुक्त उद्यान प्रभारी को 14100 रुपये की समेकित नियत संविदात्मक रकम (जो पे बैंड के न्यूनतम जमा ग्रेड पे के बराबर होगी) प्रतिमास संदत्त की जाएगी। यदि संविदा में एक वर्ष से अधिक की बढ़ोतरी की जाती है, तो पश्चात्तवर्ती वर्ष/वर्षों के लिए संविदात्मक उपलब्धियों में 430 रु/- रुपये (पद के पे बैंड के न्यूनतम जमा ग्रेड पे का तीन प्रतिशत) की वार्षिक वृद्धि के अनुज्ञात की जाएगी।

**III. नियुक्ति/अनुशासन प्राधिकारी.**—निदेशक, आयुर्वेद विभाग हिमाचल प्रदेश नियुक्ति और अनुशासन प्राधिकारी होगा।

**IV. चयन प्रक्रिया.**—संविदा नियुक्त की दशा में पद पर नियुक्ति के लिए चयन मौखिक परीक्षा के आधार पर किया जाएगा या यदि आवश्यक या समीचीन समझा जाए तो लिखित परीक्षा या व्यवहारिक परीक्षा के आधार पर किया जाएगा जिसका स्तर/पाठ्यक्रम इत्यादि सम्बद्ध भर्ती अभिकरण अर्थात् हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड, हमीरपुर द्वारा अवधारित किया जायेगा।

**V. संविदात्मक नियुक्तियों के लिए चयन समिति.**—जैसी सम्बद्ध भर्ती अभिकरण अर्थात् हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड, हमीरपुर द्वारा समय-2 पर गठित की जाए।

**VI. करार.**—अभ्यर्थी को चयन के पश्चात् इन नियमों से संलग्न उपाबन्ध-ख के अनुसार करार हस्ताक्षरित करना होगा।

**VII. निबन्धन और शर्तें.**—(क) संविदात्मक नियुक्त व्यक्ति को 14100/—रुपये की नियम संविदात्मक रकम (जो पे बैंड के न्यूनतम जमा ग्रेड पे के बराबर होगी) प्रतिमास संदत्त की जाएगी। यदि संविदा में एक वर्ष से अधिक की बढ़ोतरी की जाती है, तो पश्चातवर्ती वर्ष/वर्षों के लिए संविदात्मक उपलब्धियों में 430 रु/— की रकम (पद के पे बैंड के न्यूनतम जमा ग्रेड पे का तीन प्रतिशत) की वार्षिक वृद्धि के रूप में अनुज्ञात की जाएगी और अन्य कोई सहबद्ध प्रसूविधाएँ जैसे वरिष्ठ/चयन वेतनमान आदि नहीं दिया जायेगा।

(ख) संविदा पर नियुक्त व्यक्ति की सेवा पूर्णतया अस्थायी आधार पर होगी। यदि संविदा पर नियुक्त व्यक्ति का कार्य/आचरण संतोषजनक नहीं पाया जाता है नियुक्ति समाप्त किए जाने के लिए दायी होगी।

(ग) संविदात्मक पर नियुक्त व्यक्ति एक माह की सेवा पूरी करने के पश्चात एक दिन के आकस्मिक अवकाश का हकदार होगा। यह अवकाश एक वर्ष तक संचित किया जा सकूंगा। संविदा पर नियुक्त व्यक्ति को किसी भी प्रकार का अन्य कोई अवकाश अनुज्ञात नहीं होगा। वह चिकित्सा प्रतिपूर्ति और छुट्टी यात्रा रियायत (एल0 टी0 सी0) इत्यादि के लिए भी हकदार नहीं होगा। केवल प्रसूति अवकाश नियमानुसार दिया जाएगा।

(घ) नियन्त्रक अधिकारी के अनुमोदन के बिना सेवा से अनधिकृत अनुपस्थिति से स्वतः ही संविदा का पर्यावसान (समाप्ति) हो जाएगा। संविदा पर नियुक्त व्यक्ति कर्तव्य (ड्युटी) से अनुपस्थिति की अवधि के लिए संविदात्मक रकम का हकदार नहीं होगा।

(ङ) संविदा पर नियुक्त कर्मचारी जिसने तैनाती के एक स्थान पर पांच वर्ष का कार्यकाल पूर्ण कर लिया है, आवश्यकता के आधार पर स्थानान्तरण हेतु पात्र होगा, जहाँ भी प्रशासनिक आधार पर ऐसा करना अपेक्षित हो।

(च) चयनित अभ्यर्थी को सरकारी/रजिस्ट्रीकृत चिकित्सा व्यवसायी से अपना अरोग्य प्रमाण पत्र प्रस्तुत करना होगा। बारह सप्ताह से अधिक की गर्भवती महिला अभ्यर्थी प्रसव होने तक, अस्थायी तौर पर अनुपयुक्त बनी रहेगी। महिला अभ्यर्थियों को किसी प्राधिकृत चिकित्सा अधिकारी/व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाएगा।

(छ) संविदा पर नियुक्त व्यक्ति का यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो, तो वह उसी दर पर जैसी नियमित प्रतिस्थानी कर्मचारियों को वेतनमान के न्यूनतम पर लागू है, यात्रा भत्ते/दैनिक भत्ते का हकदार होगा।

(ज) नियमित कर्मचारी की दशा में यथालागू सेवा नियमों के उपबन्ध जैसे कि एफ आर एस आर, छुट्टी नियम, साधारण भविष्य निधि नियम, पेंशन नियम तथा आचरण नियम आदि संविदा पर नियुक्त व्यक्तियों की दशा में लागू नहीं होंगे। वे इस स्तम्भ में यथावर्णित उपलब्धियों आदि के लिए हकदार होंगे।

16. **आरक्षण.**— सेवा में नियुक्त हिमाचल प्रदेश सरकार द्वारा समय समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़ा वर्गों और अन्य प्रवर्गों के व्यक्तियों के लिए सेवाओं में आरक्षण की बावत जारी किए गए अनुदेशों के अधीन होगी ।

17. **विभागीय परीक्षा.**— लागू नहीं ।

18. **शिथिल करने की शक्ति.**— जहां राज्य सरकार की राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां वह कारणों को लिखित में अभिलिखित करके और हिमाचल प्रदेश लो सेवा आयोग के परामर्श से, आदेश द्वारा, इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्तियों के प्रवर्ग या पदों की बावत शिथिल कर सकेगी ।

उपाबन्ध—‘ख’

उद्यान प्रभारी (पद का नाम) और हिमाचल प्रदेश सरकार के मध्य निदेशक आयुर्वेद के माध्यम से,  
निष्पादित की जाने वाली संविदा/करार का प्ररूप

यह करार श्री/श्रीमति.....पुत्र/पुत्री श्री.....  
निवासी.....सं विदा पर नियुक्त व्यक्ति (जिसे इसके पश्चात् प्रथम पक्षकार कहा गया है) और हिमाचल प्रदेश के राज्यपाल के मध्य निदेशक आयुर्वेद, (जिसे इसमें इसके पश्चात् द्वितीय पक्षकार कहा गया है, के माध्यम से आज तारीक.....को किया गया ।

‘द्वितीय पक्षकार’ ने उपरोक्त ‘प्रथम पक्षकार’ को लगाया है और प्रथम पक्षकार ने उद्यान प्रभारी के रूप में संविदा के आधार पर निम्नलिखित निम्बन्धन व शर्तों को सेवा करने के लिए सहमति दी है :-

1. यह कि प्रथम पक्षकार उद्यान प्रभारी के रूप में.....से आरम्भ होने और.....को समाप्त होने वाले दिन तक एक वर्ष की अवधि के लिए द्वितीय पक्षकार की सेवा में रहेगा । यह विनिदिष्ट रूप से उल्लेखित किया गया है और दोनों पक्षकारों द्वारा करार पाया गया है कि प्रथम पक्षकार की द्वितीय पक्षकार के साथ संविदा, आखरी कार्य दिवस को अर्थात्.....दिन को स्वयंमेव ही प्रयावसित (समाप्त) समझी जायेगी व सूचना नोटिस आवश्यक नहीं होगा। परन्तु संविदा की अवधि में विस्तार/नवीनकरण के लिए सम्बद्ध विभागाध्यक्ष यह प्रमाण-पत्र जारी करेगा कि संविदा पर नियुक्त व्यक्ति की सेवा और आचरण वर्ष के दौरान संतोषजनक रहे है और केवल तभी उसकी संविदा की अवधि में विस्तार/नवीकरण किया जाएगा ।
2. प्रथम पक्षकार की संविदात्मक रकम.....रूपये प्रतिमास होगी ।
3. प्रथम पक्षकार की सेवा पूर्णतया अस्थाई आधार पर होगी । यदि संविदा पर नियुक्त व्यक्ति का कार्य/आचरण ठीक नहीं पाया जाता है या यदि नियमित पदधारी उस रिक्त के विरुद्ध नियुक्त/तैनात कर दिया जाता है जिसके लिए प्रथम पक्षकार को लगाया गया है तो नियुक्त समाप्त किए जाने के लिए दायी होगी ।
4. संविदात्मक नियुक्त उद्यान प्रभारी एक माह की सेवा पूर्ण करने के उपरान्त एक दिन के आकसमिक अवकाश का हकदार हागे । यह अवकाश एक वर्ष तक संचित किया जा सकेगा। संविदात्मक नियुक्त उद्यान प्रभारी को किसी भी प्रकार का अन्य कोई अवकाश अनुज्ञात नहीं होगा। वह चिकित्सा प्रतिपूति और एल0 टी0 सी0 इत्यादि के लिए हकदार नहीं होगा/होगी । केवल प्रसूति अवकाश नियमानुसार दिया जाएगा ।
5. नियन्त्रक अधिकारी के अनुमोदन के बिना कत्तव्यों से अनधिकृत अनुपस्थिति से स्वतः ही संविदा का पर्यावसान (समापन्न) हो जायेगा । संविदात्मक नियुक्त उद्यान प्रभारी कर्तब्य (ड्युटी) से अनुपस्थिति की अवधि के लिए संविदात्मक रकम का हकदार नहीं होगा ।

6. संविदा पर नियुक्त कर्मचारी जिसने तैनाती के एक सथान पर पांच वर्ष का कार्यकाल पूर्ण कर लिया है, आवश्यकता के आधार पर स्थानान्तरण हेतु पात्र होगा जहां भी प्रशासनिक आधार पर ऐसा करना अपेक्षित हो ।
7. चयनित अभ्यर्थी को सरकारी/रजिस्ट्रीकृत चिकित्सा व्यवसायी से अपना अरोग्य प्रमाण पत्र प्रस्तुत करना होगा। महिला अभ्यर्थियों की दशा में बारह सप्ताह से अधिक की गर्भावस्था प्रसव होने तक उसे अस्थाई तौर पर अनुपयुक्त बना देगी । महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी/व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाना चाहिए ।
8. संविदा पर नियुक्त व्यक्ति का, यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो तो, वह उसी दर पर जैसी की नियमित प्रतिस्थानी कर्मचारी को वेतनमान के न्यूनतम पर लागू है यात्रा भत्ते/दैनिक भत्ते का हकदार होगा/होगी ।
9. संविदा पर नियुक्त व्यक्ति(यों) को कर्मचारी सामुहिक बीमा योजना के साथ-साथ ई0पी0एफ/जी0पी0एफ लागू नहीं होगा।

इसके साक्ष्य स्वरूप प्रथम पक्षकार और द्वितीय पक्षकार ने साक्षियों की उपस्थिति में इनमें सर्वप्रथम में उल्लेखित तारीख को अपने-अपने हस्ताक्षर कर दिए हैं।

साक्षियों की उपस्थिति में :

1.....

.....

(नाम व पूरा पता)

2.....

.....

(नाम व पूरा पता )

(प्रथम पक्षकार के हस्ताक्षर)

साक्षियों की उपस्थिति में :

1.....

.....

(नाम व पूरा पता )

2.....

.....

(नाम व पूरा पता)

(द्वितीय पक्षकार के हस्ताक्षर)

*[Authoritative English Text of this Department's Notification No. Ayur-Ka(3)-26/99 dated 20th Sept 2011 as required under clause (3) of Article 309 of the Constitution of India].*

## AYURVEDA DEPARTMENT

### NOTIFICATION

*Shimla-171002, the 20th September, 2011*

**No. Ayu-Ka(3)-26/99.**—In exercise of the powers conferred by proviso to Article 309 to the Constitution of India, the Governor of Himachal Pradesh, in consultation with HP Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Garden Incharge (Class-III Non Gazetted) in the Department of Ayurveda, Himachal Pradesh, as per Annexure-‘A’ attached to this notification, namely:-

**1. Short title & Commencement.**—(1) These rules may be called the Himachal Pradesh Department of Ayurveda, Graden Incharge(Class-III-Non-Gazetted) Recruitment & Promotion Rules, 2011.

(2) These rules shall come into force from the date of publication in official Gazette.

**2. Repeal & Savings.**—(1) The Himachal Pradesh Department of Indian System of Medicine & Homeopathy, Graden Incharge Class-III (Non Gazetted) Recruitment & Promotion Rules, 1997 notified vide this Department's Notification No.Ayur-C-Ka (3)-2/95 dated 15-5-1997 are hereby repealed.

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the relevant rules so repealed under sub rule 2(1) supra shall be deemed to have been validly made, done or taken under these rules.

By order,  
Sd/-  
*Secretary (Ayurveda).*

### Annexure-A

#### **Recruitment and Promotion Rules for the Post of Garden Incharge (Non- Gazetted ) Class-III, in the Department of Ayurveda , Himachal Pradesh**

- 1. Name of Post.**— Garden Incharge.
- 2. Number of Post(s) .**—04 (Four).
- 3. Classification.**—Class-III (Non Gazetted).
- 4. Scale of Pay i) Pay Scale for regular incumbents:**  
Pay Band Rs.10300-34800+Rs.3800/-Grade Pay
  - (ii) Emoluments for contract employees:-  
Rs. 14,100/-as per details given in column 15-A

**5. Whether “Selection” post or “Non-Selection” post.—Non –Seclection.****6. Age for direct recruitment.—Between 18 and 45 years.**

Provided that 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 basis or on contract basis had become over-age on the date he /she was appointed as such he/she shall not be eligible for any relaxation in the prescribed age limit by virtue of his/her such adhoc or contact appointment.

Provided further that upper age-limit is relaxable for Scheduled Castes/ Scheduled Tribes/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 servants before absorption in Public Sector Corporations/Autonomous Bodies at the time of initial of such constitutions 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 and who are/ were finally absorbed in the service of such Corporations/Autonomous after initial constitution of the Public Sector Corporations/ Autonomous Bodies.

(1) 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 Exchange or as the case may be.

(2) Age and experience in the case of direct recruitment, relaxable at the discretion of Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

**7. Minimum Educational and other qualifications required for direct recruit(s).—**  
**(a) Essential Qualification(s)**

B.Sc with Botany as one of the subject or  
B.Sc (Forestry) or B.Sc.(Agriculture) or  
B.Sc(Horticulture) from a University recognized by the State/Central Government

**(b) Desirable Qualification :**

(i) Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Himachal Pradesh.

(ii) Two years experience in identification, cultivation and development of medicinal plants.

**8. Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of the promotee(s).—Age: Not applicable : Educational Qualification: Yes.**

**9. Period of probation, if any.**—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.

**10. Method(s) of recruitment, whether by direct recruitment or by promotion, deputation, transfer.**—(i) 75% by direct recruitment on a regular basis or by 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 the service conditions as specified and the percentage of post(s) to be filled in by various methods. in the said Column.

(ii) 25% by promotion.

**11. In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation/transfer is to be made.**—(i) By promotion from amongst the Assistant Botanists having three years regular service or regular combined with continuous adhoc service rendered, if any, in the grade.

(ii) By secondment/transfer from amongst the incumbents working in the identical pay scale of this post in other offices of State Government /Central Government who possess the Educational Qualification as prescribed in Column No.7 above.

Provided that for the purpose of promotion every employee shall have to serve at least one term in the Tribal/Difficult areas subject to adequate number of post(s) available in such areas.

Provided further that the proviso (I) supra shall not be applicable in the case of those employees who have five years or less services, left for superannuation.

Provided further that Officers/Officials who have not served atleast one tenure in Tribal/Difficult area shall be transferred to such area strictly in accordance with his/her seniority in the respective cadre.

**Explanation I.**—For the purpose of proviso I supra the “term” in Tribal/Difficult areas” shall mean normally three years or less period of posting in such areas keeping in view the administrative requirements and performance of the employee.

**Explanation II.**—For the purpose of proviso I supra the Tribal/Difficult Areas be as Under:-

1. District Lahaul & Spiti.
2. Pangi and Bharmour Sub Division of Chamba District.
3. Dodra kwar 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 Bhargal Areas of Baijnath Sub Division of Kangra District.
7. District Kinnaur.
8. Kathwar and Korga Patwar Circle of Kamrau Sub Tehsil, Bhaladh Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmaur 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, Ghamrehar and Bhatehar patwar Circle of Padhar Tehsil, Chiuni, 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.

(1) 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 R&P Rules.

Provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on adhoc basis, followed by regular service/appointment) in the feeder post in view of the provision referred to above, all persons senior to him/her 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 R&P 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/her shall also be deemed to be ineligible for consideration for such promotion.

**EXPLANATION.**—The last proviso shall not render the junior incumbent(s) ineligible for consideration for promotion if the senior ineligible person(s) happened to be ex-servicemen recruited under the provisions of Rule-3 of the 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 Services) Rules, 1985 and having been given the benefit of seniority there-under.

(2) Similarly, in all cases of confirmation, adhoc service rendered on the feeder post, if any, prior to the regular appointment /promotion against such post 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 R&P Rules.

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

**12. If a Departmental Promotion committee exists, what is its composition.**—As may be constituted by the Govt. from time to time.

**13. Circumstances under which the 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 post by direct recruitment.**—Selection for appointment to the post in the case of direct recruitment shall be made on the basis of viva-voce test, if Himachal Pradesh Public Service Commission or other recruiting authority as the case may be, so consider necessary or expedient by a written test or practical test, the standard/ syllabus etc. of which will be determined by the Commission/other recruiting authority as the case may be.

**15-A Selection for appointment to the post by contract appointment.—**Notwithstanding anything contained in these rules, contract appointments to the post will be made subject to the terms and conditions given below:—

- (I) **Concept.**—(a) Under this policy the Graden Incharge, in the Department of Ayurveda, will be engaged on contract basis initially for one year, which may be extended 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) **Posts falls within the purview of H.P.P.S.S.S.B.**—The Director, Ayurveda Department, after obtaining the approval of the Government to fill up the vacant posts on contract basis will place the requisition with the concerned recruitment agency i.e. **H.P. Subordinate Services Selection Board, Hamirpur**.

(c) The selection will be made in accordance with the eligibility conditions prescribed in these R&P Rules.

(II) **Contractual Emoluments.**—The Graden Incharge appointed on contract basis will be paid consolidated fixed contractual amount @ Rs.14,100/-per month (which shall be equal to minimum of the pay band plus grade pay). An amount of Rs.430/-(3% of the minimum of pay band plus grade pay of the post) as annual increase in contractual amoluments for the subsequent year(s) will be allowed if contract is extended beyond one year.

(III) **Appointment/Disciplinary Authority.**—The Director, Ayurveda Department will be 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 viva-voce test, or if considered necessary or expedient by a written test or practical test, the standard /syllabus etc. of which will be determined by the concerned recruitment agency i.e **H.P Subordinate Services Selection Board, Hamirpur**.

(V) **Committee for selection of Contractual Appointment.**—As may be constituted by the concerned recruiting agency i.e. **H. P. Subordinate Services Selection Board, Hamirpur 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 contract appointee will be paid fixed contractual amount @ Rs. 14100/- per month (which shall be equal to minimum of the pay band plus grade pay). The contract appointee will be entitled for incese in contractual amount @ of Rs.430/-(3% of the minimum of pay band plus 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 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.

(c) Contract appointee will be entitled for one day casual leave after putting one month service. This leave can be accumulated up to one year. No leave of any other kind is admissible to

the contract appointee. He/She shall not be entitled for Medical Re-imbursement and LTC etc. only maternity leave to female incumbent will be given as per rules.

(d) Unauthorized absence from the duty without the approval of the controlling Officer shall automatically lead to the termination of the contract. Contract appointee shall not be entitled for contractual amount for the period of absence from duty.

(e) An official appointed on contract basis who has completed five 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 from a Government/Registered Medical Practitioner. Women candidate pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women candidate will be re-examined for the fitness from an authorized Medical officer/Practitioner.

(g) Contract appointee will be entitled for TA/DA if required to go on tour in connection with his/her official duties at the same rate as applicable to regular counterpart 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. They will be entitled for emoluments etc. as detailed in this Column.

**16. Reservation.**—The appointment to the services 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.**—Not applicable .

**18. Power to relax.**—Where the State Govt. 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 H.P. 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).

“Annexure-B”

### Form of contract/agreement to be executed between the Garden Incharge and the Government of Himachal Pradesh through Director, Ayurveda

This agreement is made on this -----day of ----- in the year-----  
between Shri/Smt. -----R/O-----  
contract appointee(hereinafter called the FIRST PARTY) AND the Governor, Himachal Pradesh  
through Director Ayurveda, Himachal Pradesh (herein after called the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a **Garden Incharge** on contract basis on the following terms & conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a **Garden Incharge** 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 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. \_\_\_\_\_ per month.
3. The service of FIRST PARTY 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 good or if a regular incumbent is appointed/posted against the vacancy for which the first party was engaged on contract.
4. Contractual **Garden Incharge** will be entitled for one day casual leave after putting in one month service. This leave can be accumulated upto one year. No leave of any kind is admissible to the contractual **Garden Incharge**. He/She will not be entitled for Medical Reimbursement and LTC etc. only maternity leave will be given as per Rules.
5. Unauthorized absence from duty without the approval of the controlling officer shall automatically lead to the termination of the contract. A contractual **Garden Incharge** will not be entitled for contractual amount for the period of absence from duty.
6. An official appointed on contract basis who have completed five years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative ground.
7. Selected candidates will have to submit a certificate of his/her fitness from a Government/ Registered Medical Practitioner. In case of women, candidates pregnant beyond twelve weeks will render her temporarily unfit till the confinement is over. The women candidate should be re-examined for fitness from an authorized medical officer/practitioner.
8. Contract appointee shall be entitled for TA/DA if required to go on tour in connection with his/her official duty 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 first party).

2. -----

-----

(Name and full address)

IN THE PRESENCE OF WITNESS:

1.-----

-----

(Name and full address)

(Signature of Second party)

2.-----

-----

(Name and full Address)

### आयुर्वेद विभाग

अधिसूचना

शिमला-2, 11 जनवरी, 2012

**संख्या आयु0-क-(3)-26/99.**—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, इस विभाग की अधिसूचना संख्या आयु0-क-(3)-26/99 तारीख 20.9.2011 द्वारा अधिसूचित, हिमाचल प्रदेश आयुर्वेद विभाग में उद्यान प्रभारी, वर्ग-III (अराजपत्रित) के पद के भर्ती और प्रोन्नति नियम, 2011 में और संशोधन करने के लिए निम्नलिखित नियम बनाती हैं, अर्थात्:—

1. **संक्षिप्त नाम और प्रारम्भ.**—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश आयुर्वेद विभाग, उद्यान प्रभारी, वर्ग-III (अराजपत्रित) भर्ती और प्रोन्नति प्रथम संशोधन नियम, 2011 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. **उपाबन्ध 'क' में संशोधन.**— हिमाचल प्रदेश आयुर्वेद विभाग, उद्यान प्रभारी, वर्ग-III (अराजपत्रित) भर्ती और प्रोन्नति नियम, 2011 के उपाबन्ध 'क; में, —

(क) स्तम्भ संख्या-10 (i) के सामने विद्यमान उपबन्धों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

(1) "पचहतर प्रतिशत सीधी भर्ती द्वारा यथास्थिति नियमित आधार पर या संविदा के आधार पर सीधी भर्ती द्वारा, ऐसा न होने पर सैकण्डमैन्ट/स्थानान्तरण द्वारा। संविदा आधार पर नियुक्त कर्मचारी स्तम्भ 15-क में दी गई उपलब्धियां प्राप्त करेंगे और उक्त स्तम्भ में यथा विनिर्दिष्ट सेवा शर्तों द्वारा विनियमित होंगे"

आदेश द्वारा,  
हस्ताक्षरित/—  
सचिव (आयुर्वेद)।

*[Authoritative English Text of this Department's Notification No. Ayur-Ka(3)-26/99 dated 11.01.2012 as required under clause (3) of Article 309 of the Constitution of India].*

## AYURVEDA DEPARTMENT

### NOTIFICATION

*Shimla-171002, the 11<sup>th</sup> January, 2012*

**No. Ayu-Ka(3)-26/99** In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Himachal Pradesh, in consultation with HP Public Service Commission, is pleased to make the following rules further to amend the Himachal Pradesh Department of Ayurveda, Garden Incharge, Class-III (Non Gazetted), Recruitment and Promotion Rules, notified vide this Department Notification No Ayur-Ka(3)-26/99 dated 20-9-2011, namely :-

**1. Short title & Commencement.**—(1) These rules may be called the Himachal Pradesh, Department of Ayurveda, Garden Incharge Class-III (Non-Gazetted) Recruitment & Promotion (First amendment) Rules, 2011.

(2) These rules shall come into force from the date of publication in Rajpatra, H. P.

**2. Amendment in Annexure "A".**—In annexure "A" to the Himachal Pradesh Department of Ayurveda Garden Incharge Class-III (Non-Gazetted) Recruitment & Promotion, Rules, 2011.

(a) For the existing provisions against column No.-10(i) following may be substituted, namely:-

(i) "75% by direct recruitment on a regular basis or by recruitment on contract basis, as the case may be, Failing which by secondment/transfer. The contract employees will get emoluments as given in Col.15-A and will be governed by service conditions as specified in the said Column".

By order,  
Sd/-  
Secretary (Ayurveda).

आयुर्वेद विभाग

अधिसूचना

शिमला-2, 9 जनवरी, 2012

**संख्या आयु0-ए (3)-20/84.**—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश आयुर्वेद विभाग में सहायक वनस्पतिज्ञ, वर्ग—III (अराजपत्रित) के पद के लिए इस अधिसूचना से संलग्न उपाबन्ध—“क” के अनुसार, भर्ती और प्रोन्नति नियम, बनाती हैं, अर्थात्:—

**1. संक्षिप्त नाम और प्रारम्भ.**—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश आयुर्वेद विभाग, सहायक वनस्पतिज्ञ वर्ग—III (अराजपत्रित) भर्ती और प्रोन्नति नियम, 2012 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

**2. निरसन और व्यावृत्तियाँ.—**(1) इस विभाग की अधिसूचना संख्या हैल्थ-ए-(3)-20/84 तारीख 24-05-1997 द्वारा अधिसूचित हिमाचल प्रदेश भारतीय चिकित्सा एवं होम्योपैथी विभाग, में सहायक वनस्पतिज्ञ (वर्ग-III, अराजपत्रित) भर्ती एवं प्रोन्नति नियम, 1997 का एतद्वारा निरसन किया जाता है।

(2) ऐसे निरसन के होते हुए भी उपर्युक्त उप नियम 2(1) के अधीन इस प्रकार निरसित सुसंगत नियमों के अधीन की गई कोई नियुक्ति, बात या कार्यवाई इन नियमों के अधीन विधिमान्य रूप में की गई समझी जाएगी।

आदेश द्वारा,  
हस्ताक्षरित/—  
सचिव (आयुर्वेद)।

**आयुर्वेद विभाग हिमाचल प्रदेश में सहायक वनस्पतिज्ञ (अराजपत्रित) वर्ग-III के पद के लिए भर्ती और प्रोन्नति नियम**

1. पद नाम.—सहायक वनस्पतिज्ञ।
2. पदों की संख्या.—01 ( एक)
3. वर्गीकरण.—वर्ग-III (अराजपत्रित)
4. वेतनमान.—नियमित पदधारियों के लिए वेतनमान  
₹ 10300-34800 जमा ₹ 3600/- ग्रेड पे।  
संविदा पर नियुक्त कर्मचारियों के लिए उपलब्धियाँ :—  
₹ 13,900/- स्तम्भ 15-क में दिए गए ब्यौरे के अनुसार।
5. चयन पद अथवा अचयन.—अचयन।
6. सीधी भर्ती के लिए आयु.—18 से 45 वर्ष।

परन्तु सीधे भर्ती किए जाने वाले व्यक्तियों के लिए ऊपरी आयु सीमा तदर्थ या संविदा के आधार पर नियुक्त किए गए व्यक्तियों सहित पहले से ही सरकार की सेवा में रत अभ्यर्थियों पर लागू नहीं होगी:

परन्तु यह और कि यदि तदर्थ या संविदा के आधार पर नियुक्त किया गया अभ्यर्थी इस रूप में नियुक्ति की तारीख को अधिक आयु का हो गया हो तो, वह तदर्थ या संविदा के आधार पर नियुक्ति के कारण विहित आयु में छूट के लिए पात्र नहीं होगा :

परन्तु यह और कि अनुसूचित जातियों/अनुसूचित जनजातियों तथा अन्य वर्गों के व्यक्तियों के लिए ऊपरी आयु सीमा में उतनी ही छूट दी जा सकेगी जितनी कि हिमाचल प्रदेश सरकार के साधारण या विशेष आदेश (आदेशों) के अधीन अनुज्ञेय है :

परन्तु यह और भी कि पब्लिक सैक्टर, निगमों तथा स्वायत्त निकायों के सभी कर्मचारियों को, जो ऐसे पब्लिक सैक्टर, निगमों तथा स्वायत्त निकायों के प्रारम्भिक गठन के समय ऐसे पब्लिक सैक्टर निगमों/स्वायत्त निकायों में आमेलन से पूर्व सरकारी कर्मचारी थे, सीधी भर्ती में आयु सीमा में ऐसी ही रियायत दी जायेगी जैसी सरकारी कर्मचारियों को अनुज्ञेय है, किन्तु इस प्रकार की रियायत पब्लिक सैक्टर, निगमों तथा स्वायत्त निकायों के ऐसे कर्मचारिवृन्द को अनुज्ञेय नहीं होगी जो पश्चात्पूर्ति ऐसे निगमों/स्वायत्त निकायों द्वारा नियुक्त किए गए थे/किए गए हैं और उप पब्लिक सैक्टर नियमों/स्वायत्त निकायों के प्रारम्भिक गठन के पश्चात् ऐसे निगमों/स्वायत्त निकायों की सेवा में अन्तिम रूप से आमेलित किए गए हैं/किए गए थे।

(1) सीधी भर्ती के लिए आयु सीमा की गणना उस वर्ष के प्रथम दिवस से की जाएगी जिसमें कि पद (पदों) को आवेदन आमन्त्रित करने के लिए, यथा स्थिति, विज्ञापित किया गया है या नियोजनालयों को अधिसूचित किया जाता है।

(2) अन्यथा सुअर्हित अभ्यर्थियों की दशा में सीधी भर्ती के लिए आयु सीमा और अनुभव हिमाचल प्रदेश लोक सेवा आयोग के विवेकानुसार शिथिल किया जा सकेगा।

7. सीधे भर्ती किये जाने वाले व्यक्ति(यों) के लिए अपेक्षित न्यूनतम शैक्षिक और अन्य अर्हता(एँ)—(क) अनिवार्य अर्हता(एँ) : किसी मान्यता प्राप्त विश्वविद्यालय से वनस्पति विज्ञान (बोटिनी) विषय सहित विज्ञान स्नातक (बी.एस.सी.) की उपाधि रखता हो।

(ख) वांछनीय अर्हता : हिमाचल प्रदेश की रुढ़ियों, रीतियों और बोलियों का ज्ञान और प्रदेश में विद्यमान विशिष्ट दशाओं में नियुक्ति के लिए उपयुक्तता।

8. सीधे भर्ती किये जाने वाले व्यक्ति(यों) के लिए विहित आयु और शैक्षिक अर्हता(एँ) प्रोन्नत व्यक्ति (व्यक्तियों) की दशा में लागू होगी या नहीं.—आयु: लागू नहीं। शैक्षिक अर्हताएं : लागू नहीं।

9. परिवीक्षा की अवधि, यदि कोई हो.—दो वर्ष, जिसका एक वर्ष से अनाधिक ऐसी और अवधि के लिए विस्तार किया जा सकेगा जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दें।

10. भर्ती की पद्धति : भर्ती सीधी होगी या प्रोन्नति, प्रतिनियुक्ति या स्थानान्तरण द्वारा और विभिन्न पद्धतियों द्वारा भरे जाने वाले पद (पदों) की प्रतिशतता.—शत/प्रतिशत सीधी भर्ती द्वारा यथास्थिति, नियमित आधार पर या संविदा के आधार पर भर्ती द्वारा। संविदा कर्मचारी स्तम्भ 15—क में दी गई उपलब्धियां प्राप्त करेंगे और उक्त स्तम्भ में विनिर्दिष्ट सेवा शर्तों द्वारा विनियमित होंगे।

11. प्रोन्नति, प्रतिनियुक्ति स्थानान्तरण की दशा में श्रेणियां (ग्रेड) जिनसे प्रोन्नति/प्रतिनियुक्ति/स्थानान्तरण किया जाएगा.—लागू नहीं।

12. यदि विभागीय प्रोन्नति समिति, विद्यमान हो तो उसकी संरचना.—लागू नहीं।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जाएगा.—जैसा विधि द्वारा अपेक्षित हो।

14. सीधी भर्ती के लिए अनिवार्य अपेक्षा.—किसी सेवा या पद पर नियुक्ति के लिए अभ्यर्थी का भारत का नागरिक होना अनिवार्य है।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन.—सीधी भर्ती के मामले में, पद पर नियुक्ति के लिए चयन मौखिक परीक्षा के आधार पर किया जाएगा और यदि, यथास्थिति, हिमाचल प्रदेश लोक सेवा आयोग अथवा अन्य भर्ती प्राधिकरण ऐसा करना आवश्यक या समीचीन समझें, तो लिखित परीक्षा या व्यावहारिक परीक्षा के आधार पर किया जाएगा जिसका स्तर/पाठ्यक्रम इत्यादि यथास्थिति, आयोग या अन्य भर्ती प्राधिकरण द्वारा अवधारित किया जाएगा।

15 (क) संविदा नियुक्ति द्वारा पद पर नियुक्ति के लिए चयन.—इन नियमों में किसी बात के होते हुए भी पद संविदा नियुक्तियों नीचे दिए गए निबन्धनों और शर्तों के अन्वये की जाएगी :—

(I) संकल्पना.—(क) इस पॉलिसी के अधीन आयुर्वेद विभाग में सहायक वनस्पतिज्ञ को संविदा के आधार पर प्रारम्भ में एक वर्ष के लिए लगाया जाएगा, जिसे वर्षानुवर्ष आधार पर बढ़ाया जा सकेगा। परन्तु वर्षानुवर्ष आधार पर संविदा की अवधि में विस्तार/नवीकरण के लिए सम्बद्ध विभागध्यक्ष यह प्रमाण पत्र जारी

करेगा कि संविदा पर नियुक्त किए गए व्यक्ति की सेवा और आचरण, वर्ष के दौरान संतोषजनक रहा है और केवल तभी उसकी संविदा की अवधि का विस्तार नवीकरण/किया जाएगा।

**(ख) पद का हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड के कार्यक्षेत्र में आना.**—निदेशक आयुर्वेद, रिक्त पदों को भरने हेतु सरकार का अनुमोदन प्राप्त करने के पश्चात् अध्यपेक्षा को सम्बद्ध भर्ती अभिकरण अर्थात् हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड, हमीरपुर के समक्ष रखेगा।

ग) चयन इन नियमों में विहित पात्रता शर्तों के अनुसार किया जाएगा।

**(II) संविदात्मक उपलब्धियां.**—संविदा के आधार पर नियुक्त सहायक वनस्पतिज्ञ को ₹ 13900/— की समेकित नियत संविदात्मक रकम (जो पे बैण्ड के न्यूनतम जमा ग्रेड पे के बराबर होगी) प्रतिमास संदत्त की जाएगी। यदि संविदा में एक वर्ष से अधिक की बढ़ोतरी की जाती है, तो पश्चात्तवर्ती वर्ष (वर्षों) के लिए संविदात्मक उपलब्धियों में ₹ 420/— की रकम (पद के पे बैण्ड के न्यूनतम जमा ग्रेड पे का तीन प्रतिशत) वार्षिक वृद्धि के रूप में अनुज्ञात की जाएगी।

**(III) नियुक्ति/अनुशासन प्राधिकारी.**—निदेशक, आयुर्वेद विभाग, हिमाचल प्रदेश नियुक्ति और अनुशासन प्राधिकारी होगा।

**(IV) चयन प्रक्रिया.**—संविदा नियुक्ति की दशा में पद पर नियुक्ति के लिए चयन मौखिक परीक्षा के आधार पर किया जाएगा या यदि आवश्यक या समीचीन समझा जाए तो लिखित परीक्षा या व्यावहारिक परीक्षा के आधार पर किया जाएगा जिसका स्तर/पाठ्यक्रम इत्यादि सम्बद्ध भर्ती अभिकरण अर्थात् हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड, हमीरपुर द्वारा अवधारित किया जायेगा।

**(V) संविदात्मक नियुक्तियों के लिए चयन समिति.**—जैसी सम्बद्ध भर्ती अभिकरण अर्थात् हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड, हमीरपुर द्वारा समय-2 पर गठित की जाए।

**(VI) करार.**—अभ्यर्थी को, चयन के पश्चात् इन नियमों से संलग्न उपाबन्ध-‘ख’ के अनुसार करार हस्ताक्षरित करना होगा।

**(VII) निबन्धन और शर्तें.**—क) संविदा पर नियुक्त व्यक्ति को ₹ 13,900/— की नियत संविदात्मक रकम (जो पे बैण्ड के न्यूनतम जमा ग्रेड पे के बराबर होगी) प्रतिमास संदत्त की जाएगी। संविदा पर नियुक्त व्यक्ति आगे बढ़ाए गए वर्ष/वर्षों के लिए संविदात्मक रकम में ₹ 420/— (पद के पे बैण्ड के न्यूनतम जमा ग्रेड पे का तीन प्रतिशत) की वृद्धि का हकदार होगा और अन्य कोई सहबद्ध प्रसुविधाएं जैसे वरिष्ठ/चयन वेतनमान आदि नहीं दिया जाएगा।

(ख) संविदा पर नियुक्त व्यक्ति की सेवा पूर्णतया अस्थायी आधार पर होगी। यदि संविदा पर नियुक्त व्यक्ति का कार्य/आचरण संतोषजनक नहीं पाया जाता है तो नियुक्ति समाप्त किए जाने के लिए दायी होगी।

(ग) संविदा पर नियुक्त व्यक्ति एक मास की सेवा पूरी करने के पश्चात् एक दिन के आकस्मिक अवकाश का हकदार होगा। यह अवकाश एक वर्ष तक संचित किया जा सकेगा। संविदा पर नियुक्त व्यक्ति को किसी भी प्रकार का अन्य कोई अवकाश अनुज्ञात नहीं होगा। वह चिकित्सा प्रतिपूर्ति और छुट्टी यात्रा रियायत (एल0 टी0 सी0) इत्यादि के लिए भी हकदार नहीं होगा। केवल प्रसूति अवकाश नियमानुसार दिया जाएगा।

(घ) नियन्त्रक अधिकारी के अनुमोदन के बिना सेवा से अनधिकृत अनुपस्थिति से स्वतः ही संविदा का पर्यावसान (समापन) हो जाएगा। संविदा पर नियुक्त व्यक्ति कर्तव्य (ड्युटी) से अनुपस्थिति की अवधि के लिए संविदात्मक रकम का हकदार नहीं होगा।

(ङ) संविदा पर नियुक्त कर्मचारी जिसने तैनाती के एक स्थान पर पांच वर्ष का कार्यकाल पूर्ण कर लिया है, आवश्यकता के आधार पर स्थानान्तरण हेतु पात्र होगा, जहां भी प्रशासनिक आधार पर ऐसा करना अपेक्षित हो।

(च) चयनित अभ्यर्थी को सरकारी/रजिस्ट्रीकृत चिकित्सा व्यवसायी से अपना आरोग्य प्रमाण पत्र प्रस्तुत करना होगा। बारह सप्ताह से अधिक की गर्भवती महिला अभ्यर्थी प्रसव होने तक, अस्थाई तौर पर अनुपयुक्त बनी रहेगी। महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी/व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाएगा।

(छ) संविदा पर नियुक्त व्यक्ति का यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो, तो वह उसी दर पर जैसी नियमित प्रतिस्थानी कर्मचारियों को वेतनमान के न्यूनतम पर लागू है, यात्रा भत्ते/दैनिक भत्ते का हकदार होगा।

(ज) नियमित कर्मचारियों की दशा में यथालागू सेवा नियमों के उपबन्ध जैसे एफ. आर. एस. आर, छुट्टी नियम, साधारण भविष्य निधि नियम, पेंशन नियम तथा आचरण नियम आदि संविदा पर नियुक्त व्यक्तियों की दशा में लागू नहीं होंगे। वे इस स्तम्भ में यथावर्णित उपलब्धियों आदि के लिए हकदार होंगे।

**16. आरक्षण.**—सेवा में नियुक्ति हिमाचल प्रदेश सरकार द्वारा समय समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़ा वर्गों और अन्य प्रवर्ग के व्यक्तियों के लिए सेवाओं में आरक्षण की बावत जारी किए गए अनुदेशों के अधीन होगी।

**17. विभागीय परीक्षा.**—लागू नहीं।

18. शिथिल करने की शक्ति जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां वह, कारणों को लिखित में अभिलिखित करके और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, आदेश द्वारा, इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्तियों के प्रवर्ग या पदों की बावत शिथिल कर सकेगी।

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उपाबन्ध—“ख”

**सहायक वनस्पतिज्ञ (पद का नाम ) और हिमाचल प्रदेश सरकार के मध्य निदेशक आयुर्वेद के माध्यम से, निष्पादित की जाने वाली संविदा/करार का प्ररूप**

यह करार श्री/श्रीमति. ....पुत्र/पुत्री श्री .....  
निवासी.....संविदा पर नियुक्त व्यक्ति (जिसे इसके पश्चात प्रथम पक्षकार कहा गया है) और हिमाचल प्रदेश की राज्यपाल के मध्य निदेशक आयुर्वेद, (जिसे इसमें इसके पश्चात द्वितीय पक्षकार कहा गया है), के माध्यम से आज तारीख.....को किया गया।

“द्वितीय पक्षकार” ने उपरोक्त “प्रथम पक्षकार” को लगाया है और प्रथम पक्षकार ने सहायक वनस्पतिज्ञ के रूप में संविदा आधार पर निम्नलिखित निम्बन्धन और शर्तों पर सेवा करने के लिए सहमति दी है :-

1. यह कि प्रथम पक्षकार सहायक वनस्पतिज्ञ के रूप में .....से प्रारम्भ होने और.....को समाप्त होने वाले दिन तक एक वर्ष की अवधि के लिए द्वितीय पक्षकार की सेवा में रहेगा। यह विनिर्दिष्ट रूप से उल्लिखित किया गया है और दोनों पक्षकारों द्वारा करार पाया गया है कि प्रथम पक्षकार की द्वितीय पक्षकार के साथ संविदा, आखरी कार्य दिवस को अर्थात्.....दिन को स्वयंमेव ही पर्यवसित (समाप्त) समझी जायेगी तथा सूचना नोटिस आवश्यक नहीं होगा:

परन्तु संविदा अवधि में और विस्तार/नवीकरण के लिए विभागाध्यक्ष यह प्रमाण—प्रत्र जारी करेगा कि संविदा पर नियुक्त व्यक्ति की सेवा और आचरण वर्ष के दौरान संतोषजनक रहे है और केवल तभी संविदा की अवधि का नवीकरण विस्तारण किया जाएगा।

2. प्रथम पक्षकार की संविदात्मक रकम ₹ 13900/- प्रतिमास होगी।

3. प्रथम पक्षकार की सेवा पूर्णतया अस्थाई आधार पर होगी। यदि संविदा पर नियुक्त व्यक्ति का कार्य/आचरण ठीक नहीं पाया जाता है या यदि नियमित पदधारी उस रिक्ति के विरुद्ध नियुक्त/तैनात कर दिया जाता है जिसके लिए प्रथम पक्षकार को संविदा पर लगाया गया है तो नियुक्ति समाप्त किए जाने के लिए दायी होगी।

4. संविदात्मक नियुक्त सहायक वनस्पतिज्ञ एक मास की सेवा पूर्ण करने के पश्चात एक दिन के आकस्मिक अवकाश का हकदार होगा। यह अवकाश एक वर्ष तक संचित किया जा सकेगा। संविदात्मक नियुक्त सहायक वनस्पतिज्ञ को किसी भी प्रकार का अन्य कोई अवकाश अनुज्ञात नहीं होगा। वह चिकित्सा प्रतिपूति और एल0 टी0 सी0 इत्यादि के लिए भी हकदार नहीं होगा/होगी। केवल प्रसूति अवकाश नियमानुसार दिया जाएगा।

5. नियन्त्रक अधिकारी के अनुमोदन के बिना कर्तव्यों से अनधिकृत अनुपस्थिति से स्वतः ही संविदा का पर्यावसान (समापन) हो जाएगा। संविदात्मक नियुक्त सहायक वनस्पतिज्ञ कर्तव्य (डियुटी) से अनुपस्थिति की अवधि के लिए संविदात्मक रकम का हकदार नहीं होगा।

6. संविदा पर नियुक्त कर्मचारी जिसने तैनाती के एक स्थान पर पांच वर्ष का कार्यकाल पूर्ण कर लिया है, आवश्यकता के आधार पर स्थानान्तरण हेतु पात्र होगा, जहां भी प्रशासनिक आधार पर ऐसा करना अपेक्षित हो।

7. चयनित अभ्यर्थी को सरकारी/रजिस्ट्रीकृत चिकित्सा व्यवसायी से अपना आरोग्य प्रमाण पत्र प्रस्तुत करना होगा। महिला अभ्यर्थियों की दशा में बारह सप्ताह से अधिक की गर्भावस्था प्रसव होने तक उसे अस्थाई तौर पर अनुपयुक्त बना देगी। महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी/व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाना चाहिए।

8. संविदा पर नियुक्त व्यक्ति का, यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो तो, वह उसी दर पर जैसी की नियमित प्रतिस्थानी कर्मचारी को वेतनमान के न्यूनतम पर लागू है यात्रा भत्ते/दैनिक भत्ते का हकदार होगा/होगी।

9. संविदात्मक पर नियुक्त व्यक्ति(यों) को कर्मचारी सामूहिक बीमा योजना के साथ-साथ ई0पी0एफ/जी0पी0एफ भी लागू नहीं होगा।

इसके साक्ष्य स्वरूप प्रथम पक्षकार और द्वितीय पक्षकार ने साक्षियों की उपस्थिति में इसमें सर्वप्रथम उल्लिखित तारीख दिन, मास और वर्ष को अपने-अपने हस्ताक्षर कर दिए हैं।

साक्षियों की उपस्थिति में :

1.....

(नाम व पूरा पता )

2.....

(नाम व पूरा पता)

(प्रथम पक्षकार के हस्ताक्षर)

साक्षियों की उपस्थिति में :

1.....

(नाम व पूरा पता )

2.....

(नाम व पूरा पता )

(द्वितीय पक्षकार के हस्ताक्षर)

*[Authoritative English Text of this Department's Notification No. Ayur-A(3)-20/84 dated 9th January 2012 as required under clause (3) of Article 309 of the Constitution of India].*

## AYURVEDA DEPARTMENT

### NOTIFICATION

*Shimla-171002, the 9th January, 2012*

**No. Ayu-A(3)-20/84.**—In exercise of the powers conferred by proviso to Article 309 to the Constitution of India, the Governor of Himachal Pradesh, in consultation with H.P. Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Assistant Botanist, Class-III (Non Gazetted) in the Department of Ayurveda, Himachal Pradesh, as per Annexure-‘A’ attached to this notification, namely:-

**1. Short title & Commencement.**—(1) These rules may be called the Himachal Pradesh Department of Ayurveda, Assistant Botanist, Class-III (Non Gazetted), Recruitment & Promotion Rules, 2012.

(2) These rules shall come into force from the date of publication in official Gazette.

**2. Repeal & Savings.**—(1) The Himachal Pradesh Department of Indian System of Medicine and Homeopathy, Assistant Botanist, Class-III (Non Gazetted) Recruitment & Promotion Rules, notified vide this Department's Notification No. Health-A(3)-20/84 dated 24-05-1997 are hereby repealed.

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the relevant rules so repealed under sub rule 2(1) supra shall be deemed to have been validly made, done or taken under these rules.

By order,  
Sd/-  
Secretary (Ayurveda).

## ANNEXURE-A

### RECRUITMENT & PROMOTION RULES FOR THE POST OF ASSISTANT BOTANIST CLASS-III (NON GAZETTED) IN THE DEPARTMENT OF AYURVEDA, HIMACHAL PRADESH

1. **Name of Post.**—Assistant Botanist.
2. **Number of Post(s).**—01(One)
3. **Classification.**—Class-III ( Non- Gazetted)
4. **Scale of Pay.**—i) Pay scale for regular incumbents:-  
₹10300-34800 + ₹ 3600 /- (Grade Pay).  
ii) **Emoluments for contract employees:-**  
₹ 13900/- as per details given in Column 15-A.

**5. Whether “selection” post or “Non selection” post.—Non -selection****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 candidates appointed on adhoc basis or on contract basis had become over-age on the date he /she was appointed as such he/she shall not be eligible for any relaxation in the prescribed age -limit by virtue of his/her adhoc or contact appointment.

Provided further that the upper age limit is relaxable for scheduled caste/scheduled Tribes/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 Corporation and Autonomous Bodies who happened to be Government servants before absorption in public sector corporations/autonomous Bodies at the time of initial constitutions 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 and who are /were finally absorbed in the service of such corporations/autonomous after initial constitution of the public sector Corporations/Autonomous Bodies.

(1) 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 Exchange or as the case may be.

(2) Age and experience in the case of direct recruitment, relaxable at the discretion of Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

**7. Minimum educational & other qualifications required for direct recruit(s).—**

**a) Essential Qualification(s):** Should possess B.Sc. Degree with Botany as one of the subject from a recognized University.

**b) Desirable Qualification :** Knowledge of customs, manner and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.

**8. Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of the Promotee(s).—Age :** Not applicable. **Educational Qualifications:** Not applicable.

**9. Period of probation, if any.—**Two year's 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.

**10. Method(s) of recruitment, whether by direct recruitment or by promotion, deputation, transfer and the percentage of post(s) to be filled in by various methods.—**100% by direct recruitment on a regular basis or by 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 column.

**11. In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation transfer is to be made.—**Not applicable.

**12. If a Departmental promotion committee exists, what is its composition? .—**Not applicable.

**13. Circumstances under which the H.P.S.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 case of direct recruitment shall be made on the basis of viva-voce test and if the Himachal Pradesh Public Service Commission or other recruiting authority, as the case may be, so consider necessary or expedite by a written test, or a practical test, the standard/syllabus etc. of which will be determined by the Commission/other recruiting agency, as the case may be.

**15A. Selection for appointment to the post by Contract appointment.—**Notwithstanding anything contained in these rules, contract appointments to the post will be made subject to the terms and conditions given below:-

**(I) CONCEPT.—**(a) Under this policy the Assistant Botanist, in the Department of Ayurveda H.P. 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 HPSSSB :** The Director Ayurveda 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 H.P. Subordinate Services Selection Board, Hamirpur.

**(c)** The selection will be made in accordance with the eligibility conditions prescribed in these R&P Rules.

**(II) Contractual Emoluments.—**The Assistant Botanist appointed on contract basis will be paid consolidated fixed contractual amount @ ₹ 13900/- P.M. (which shall be equal to minimum of the pay band+ Grade pay). An amount of ₹ 420/-(3% of 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 Director, Ayurveda, HP will be 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 viva-voce test or if consider necessary or expedient by a written test or practical test the standard/syllabus etc. of which will be determined by the concerned recruiting agency i.e. H.P. Subordinate Services selection Board, Hamirpur.

**(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS.**—As may be constituted by the concerned recruiting agency i.e. H.P. Subordinate Services Selection Board, Hamirpur 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 contract appointee will be paid fixed contractual amount @ ₹ 13900/- 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 @ ₹ 420/-(3% of minimum of pay band + grade pay of the post) for further extended years and no other allied benefits such as senior/selection scale etc. will be given.

(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.

(c) Contract Appointee will be entitled for one day casual leave after putting one month service. This leave can be accumulated up to one year. No leave of any other kind is admissible to the contract appointee. He/She shall not be entitled for Medical Re-imbursment and LTC etc. only maternity leave will be given as per rules.

(d) Unauthorized absence from the duty without the approval of the controlling Officer shall automatically lead to the termination of the contract. Contract Appointee shall not be entitled for contractual amount for the period of absence from duty.

(e) An official appointed on contract basis who have completed five 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 from a Government/ Registered Medical Practitioner. Women candidate pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women candidate will be re-examined for the fitness from an authorized Govt. Medical officer/ Practitioner.

(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 counterpart officials at the minimum of pay scale.

(h) Provisions of service rule like FR SR, Leave rules, GPF rules, Pension rules and Conduct rules etc. as are applicable in case of regular employees will not be applicable in case of contract appointees. They will be entitled for emoluments etc. as detailed in this column.

**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 category of persons issued by the Himachal Pradesh. Government from time to time.

**17. Departmental Examination.**—Not applicable.

**18. Powers 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 HP. 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 Assistant Botanist and the Government of Himachal Pradesh through the Director (Ayurveda)**

This agreement is made on this -----day of ----- in the year----- between Shri/Smt. -----R/O----- contract appointee (hereinafter called the First Party) AND the Governor, Himachal Pradesh through Director Ayurveda, Himachal Pradesh (herein after called the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Assistant Botanist on contract basis on the following terms & conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Assistant Botanist for a period of 1 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 shall post- 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 is 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.13900/-per month.

3. The service of FIRST PARTY 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 good or if a regular incumbent is appointed/posted against the vacancy for which the first party was engaged on contract.

4. Contractual Assistant Botanist will be entitled for one day casual leave after putting in one month service. This leave can be accumulated upto one year. No leave of any kind is admissible to the contractual Assistant Botanist. He/She will not be entitled for Medical Reimbursement and LTC etc. Only maternity leave will be given as per Rules.

5. Unauthorized absence from duty without the approval of the controlling officer shall automatically lead to the termination of the contract. A contractual Assistant Botanist will not be entitled for contractual amount for the period of absence from duty.

6. An official appointed on contract basis who has completed five 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 from the Government/Registered Medical Practitioner. In case of women candidates pregnant beyond twelve weeks will render her temporarily unfit till the confinement is over. The women candidate should be re- examined for fitness from an authorized Medical Officer/ Practitioner.

8. Contract appointee shall be entitled to TA/DA if required to go on tour in connection with his/her official duty 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, month and year first, above written.

IN THE PRESENCE OF WITNESS

1 -----

-----

(Name and full address)

(Signature of FIRST PARTY).

2. -----

-----

(Name and full address)

IN THE PRESENCE OF WITNESS:

1. -----

-----

(Name and full address)

(Signature of SECOND PARTY)

2 -----

-----

(Name and full Address)

## HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION SHIMLA

### NOTIFICATION

*Shimla, the 8th February, 2012*

**No. HPERC/419-** In exercise of the powers conferred by section 46, read with section 181, of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the Himachal Pradesh Electricity Regulatory Commission, hereby proposes to make the following regulations in supersession of the Himachal Pradesh Electricity Regulatory Commission (Recovery of Expenditure for Supply of Electricity) Regulations, 2005, published in the Rajpatra, Himachal Pradesh (Extra) dated 4th April, 2005, and the draft of said regulations as required by sub section (3) of section 181 of the Act and by rule 3 of the electricity (Procedure for Previous Publication) Rules, 2005, is hereby published for the information of the persons likely to be affected thereby, and further notice is hereby given that the said draft regulations will be taken into consideration after the expiry of thirty days from the date of their publication in Rajpatra, Himachal Pradesh together with any objections or suggestions, which may within the aforesaid period be received in respect thereto.

The objections and suggestion in this behalf be addressed to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Keonthal Commercial Complex, Shimla -171002.

### DRAFT REGULATIONS

**1. Short title, extent and commencement.**-(1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Recovery of Expenditure for Supply of Electricity) Regulations, 2012.

(2) These regulations shall be applicable to all the distribution licensees in their respective licensed areas, in the State of Himachal Pradesh.

(3) These Regulations shall come into force on the date of their publication in the Rajpatra, Himachal Pradesh.

**2. Definitions.-** In these regulations, unless the context otherwise requires, (a) “Act” means the Electricity Act, 2003 (36 of 2003);

- (b) “applicant” means the owner or occupier of any premises, who makes an application to the distribution licensee for supply of electricity;
- (c) “Commission” means the Himachal Pradesh Electricity Regulatory Commission;
- (d) “Demand Notice” means the notice to be issued by the licensee to the applicant in accordance with the Regulation 3 of the Himachal Pradesh Electricity Regulatory Commission (Licensee’s Duty for supply of Electricity Request) Regulations, 2004 and Clause 3.1.4 of Himachal Pradesh Electricity Supply Code, 2009 read with the provisions of these regulations.
- (e) “extra high tension (EHT)” means supply voltages above 33000 volts;
- (f) “High Tension (HT)” means supply voltages more than 650 volts and upto and inclusive of 33000 volts.
- (g) “low tension (LT)” means supply voltages of 650 and below;
- (h) “month” means the calendar month and the period of about 30 days between the two consecutive meter readings shall also be regarded as a month for purpose of billing;
- (i) “Supply Code” means the Himachal Pradesh Electricity Supply Code, 2009, read with its amendments from time to time and the provisions of these regulations; and
- (j) other words and expressions used and not defined in these regulations, but defined in Act, shall have the meanings as assigned to them in the Act.

**3. Power to recover expenditure.-**Subject to the provisions of the Act and these regulations and subject further to such directions, orders or guidelines which the Commission may issue, the distribution licensee is authorised to recover such expenses as may be reasonably incurred by it in providing any electric line and the electrical plant used for the purpose of giving supply of electricity and the recoverable expenditure shall be computed in accordance with the principles contained in these regulations and at the rates approved by the Commission pursuant to these regulations.

**4. Expenses for providing service line.-**The distribution licensee shall recover all expenses reasonably incurred on the works of laying of service line to the applicant’s premises:

Provided that the distribution licensee may, with the approval of the Commission, recover such expenses on the basis of average or normative rates for providing the service lines for the purpose of giving supply of electricity to one or more categories of applicants based on connected load or contract demand, voltage level, nature of load, tariff classification and length and specification of service lines etc:

Provided further that in cases where the normative rates have been approved by the Commission for a particular period for a particular type of service line, the recovery for laying of that type of service line shall be made by the distribution licensee only in accordance with the rates and terms and conditions so approved by the Commission for that period:

Provided further that such rates shall, unless specifically approved by the Commission, not apply to the temporary connections.

**5. Expenses for the Distribution System other than service lines.**-The distribution licensee shall also be authorised to recover such proportion, as may be considered reasonable by the Commission, of the expenses incurred, or to be incurred, for creation, including augmentation or additions, of the distribution system, other than those for the service lines, for the infrastructural development as a continuous and co-ordinated process, so as to meet its obligations for supply of power to the applicants for permanent connections under the Himachal Pradesh Electricity Regulatory Commission (Licensee's Duty for Supply of Power on Request) Regulations, 2004 and such recovery shall be regulated as under :-

(A) The distribution licensee shall recover such expenses in the shape of infrastructural development charges at the normative rates and associated terms and conditions, as may be approved by the Commission for the various slabs and categories based on the connected load or contract demand sanctioned/to be sanctioned and/or supply voltages and/or nature of loads and/or geographical areas and/or tariff classifications etc:

Provided that for determining the normative per kW or kVA rates for the connected load or contract demand, as the case may be, to be sanctioned, the Commission shall ordinarily consider the following on normative basis:-

- (i) the estimated cost of one transformer of appropriate capacity and voltage ratings on normative basis, alongwith two bays (i.e. one on each side of the transformer) but excluding the cost of land and other components of the sub-station;
- (ii) the estimated costs of two electrical lines (i.e. one for each side of the transformer considered under the preceding para of this proviso) of such normative lengths as may be considered appropriate by the Commission;
- (iii) any other costs as may be considered appropriate by the Commission;
- (iv) the loads or contract demands, as the case may be, that can be catered for various categories under paras (i), (ii) and (iii) of this proviso after applying suitable demand and diversity factors and suitable factor(s) for redundancy in the system; and
- (v) allocation factors as well as the terms and conditions, as the Commission may find to be reasonable and appropriate.

**Note:-** Such rates shall, unless specifically approved by the Commission, not apply to temporary connections :

Provided that the cost of HT and/or EHT bays required to be executed at the existing sub-station(s), including the cost of re-organizing the bays if any, exclusively for facilitating and/or controlling or supply and/or supply of power to an applicant or group of applicants shall be recovered from the applicant(s) in addition to the normative rates:

Provided further that the licensee shall, in addition to the charges /costs recoverable under this clause (A), also recover the additional infrastructural development charges and/or costs, if any, in accordance with clauses (B),(C),(D),(E) and (F) of this regulation:

Provided further that in cases, where provisions of clause (E) are attracted the amounts worked out as per clause (A),(B),(C),(D) and (F) of this regulation, shall be considered as the minimum amounts to be borne by such applicants:

(B) The Commission may also fix normative rates for additional infrastructural development charges payable, in addition to the normative rates fixed under clause(A) and (C) of this regulation, by the applicants or group of applicants in cases where a new sub-station, excluding the transformers having a LT voltage as the secondary voltage, is erected for transformation and/or for switching/control etc for facilitating and/or for supply of power to such applicant(s):

Provided that the cost of one transformation and two bays, to the extent already accounted for while fixing the normative rates under clause(A), shall not be factored into for working out such additional charges;

Provided further that bays required to be executed at such new sub-station exclusively for facilitating and/or controlling and/or supply of power to an applicant or group of applicants shall be charged exclusively to such applicant(s) or group of applicants, in addition to the additional infrastructural Development charges at the normative rates fixed under this clause(B);

(C) In cases where HT and/or EHT line(s) having length of more than the limits, as may be fixed by the commission, is/are required to be erected for execution of a new sub-station or for strengthening the availability of power at the existing sub-station from which electricity is to be supplied to the applicant or group of applicants, either directly from the sub-station or through line(s), other than service line, connected/to be connected to the sub-station, such applicant or group of applicants shall also pay additional per kW/kVA infrastructural development charges at the normative rates, as may be fixed by the Commission, for each additional Kilometre or part thereof of such HT and/or EHT lines beyond the limits fixed by the Commission:

(D) In cases where the additional infrastructural developmental charges are leviable from an applicant or group of applicants as per the clause (B) and/or (C) to this regulation, such additional charges shall also be levied from such subsequent applicant(s) in cases where supply of power involves usage of the distribution facilities created under the respective clauses (B) and/or (C):

Provided further that levy of such additional charges under clause (B) and/or (C) shall be stopped after such additional charges have been recovered for the capacities so created, to the following extent :-

- i) in case of new sub-station, for 70% of the transformation capacity originally installed at the new sub-station so created; and
- ii) in case of HT and/or EHT lines beyond the limit(s) fixed by the Commission, 70% of the normal capacity (i.e. the capacity upto which the voltage regulation remains within the permissible limits) of each line;

(E) In case of an applicant or group of applicant(s) where following conditions are met:-

- (i) supply of power is required at a site in an area,; which does not have appropriate infrastructure for meeting the loads of the nature and quantum required by the applicant(s) and where no other significant growth of load, at the voltage level similar to that at which supply is required, is foreseen in the immediate future, including the sites where locations of the loads are governed by the geographical factors and availability of basic raw-material such as for cement factories ; and

the total estimated cost of the works required to be executed for the appropriate capacities, keeping in view the minimum capacities standardized or generally planned by the licensee for the relevant voltage level(s), exceeds the summation of

the amount payable by the applicant or the group of applicants pursuant to clauses (A), (B), (C), and (D) of this regulation ;

the licensee may require the applicant or the group of applicants to deposit the entire estimated cost of the works required for facilitating adequate provision in backup system and supply for power to such applicants with the following provisions :-

- (a) The licensee shall be entitled to use the spare capacity in the works executed under this clause E for release of connection to the subsequent applicant(s), or otherwise, and also to recover the charges/costs as per clauses (A), as well as clauses (B), (C), (D) and (F), as applicable, of this regulation from such subsequent applicant(s) :
- (b) The original applicant or the group of applicants, who have borne the entire cost of the infrastructural works shall be entitled to use the spare capacity, if any, after providing for 30% redundancy in the total system created at their cost and the capacities used pursuant to para (a) above, on first come first serve basis, and no additional infrastructural development charges shall be recovered from the original applicants/developing agencies for use of such spare capacity so long as the amount borne by each such original applicant, after adjusting the amount of refunds if any as paras (d) (e) and (f) below, is more than the minimum amount payable by him as per the clauses (A), (B), (C), (D) and (F), to this regulation in respect of the total load/contract demand sanctioned including the same sought to be sanctioned under this sub-clause (b), in favour of such original applicant, as worked out at the rates for respective periods in which such load/demands are sanctioned, and also in respect of the actual cost of the exclusive works for such applicant(s).
- (c) In case, subsequent to receipt of applications covered under this clause (E), but before the commissioning of works under this clause (E), some more application(s) are received for loads/contract demands to be released on permanent basis at voltage levels similar to those for the original applicant(s), the new applications shall be clubbed together with the original applications for the purpose of recovery of costs and in such cases, the costs shall be recovered on following principles:-
  - (i) cost of common works shall be recovered on pro rata basis in the ratio of contract demands of various applicants; and
  - (ii) cost of exclusive works shall be charged exclusively to the applicant(s) for whom such works have been/are required to be executed; and
  - (iii) cost of other works shall be charged, on proportionate basis, to the applicants for whose benefit such works are required to be used:

Provided that these applicants shall also be entitled to refund as per paras (d), (e) and (f), on pro rata basis, at par with the original applicants; and

- (d) If subsequent application(s) are received within 5 years after the date of commissioning of works executed under this clause E, for permanent supply of power at a voltage level similar to that for the original applicant(s) and supply of power to such applicant(s) essentially involves usage of such works, on regular basis, the infrastructural development charges, if any, actually recovered from such subsequent applicants shall be refunded, on pro-rata basis, to the original applicants and other applicants under para (c) above who had borne the full cost, to the extent of permissible amount of refund as per para (e) and (f) below:

Provided that if the provision of supply to such new applicant (s) require execution of certain additional infrastructural works, apart from the usage of the facilities created at the cost of original applicant(s) under this clause (E), the cost of such additional works shall first be deducted from the infrastructural development charges recovered from such new applicant (s) and only the balance amount, if any, out of the amounts recovered from such new applicants, shall be refunded, on pro-rata basis, to the original applicant(s) who had borne the entire cost; and

- (e) the maximum permissible amount of refund to any original applicant, including those covered under para (c) above, shall not exceed the amount actually paid by him in excess of the summation of the following :-
  - (i) the infrastructural development charges under clauses (A), (B), (C), (D) and (F) of this regulation on the total contract demands sanctioned originally, including those availed subsequently by the same applicant, as per para (b) above, at the rates applicable for the respective periods in which such loads/demands are sanctioned; and
  - (ii) the cost of works, including the bays required at the existing and /or new-stations as may be executed or required to be executed exclusively for facilitating/control/supply of power to such applicant or group of applicants :

Provided that such applicant(s) shall not be entitled to any interest on any part of the amount paid by them in respect of the period between date of payment and refund, if any.

- (f) for the purpose of these regulations, the spare capacity shall be determined with reference to the capacity of all main components, including line(s) and transformer(s) and only such spare capacity as is concurrently available in all the components, after providing for 30% redundancy in each of the components, shall be taken as the spare capacity:

Provided that in case of EHT works the spare capacity may be determined separately for the two main components i.e. EHT line(s) and EHT Sub-station(s) after providing for 30% redundancy in each of the components and in that case, the amounts paid by each original applicant as well as the entitlements under para (b), (c), (d) and (e) above shall be determined separately with reference to the actual costs of the two main components i.e. EHT line(s) and EHT sub-station(s) and the spare capacity available in the two categories:

(F) In case of recovery of cost for the exclusive works under clause (A), (B) and/or (C) of this regulation or of any of the works under clause (E) of the regulation 5 of this regulation, the recovery shall be made initially on the basis of estimated cost which shall be subject to additional recoveries or refunds, as the case may be, in the same manner as outlined in sub-regulations 2 and 3 of regulation 18 of these regulations.

**6. Electrification of colonies and complexes etc.**-(1) In cases involving electrification of the areas developed and/or sponsored by the development agencies, like the Himachal Pradesh Housing and Urban Development Authority, Private Developers, Universities, Educational Institutions, Himachal Pradesh Small Industries Development Corporation and Housing Societies etc., the developing agency shall bear the entire charges and/or costs for the infrastructural development as per clause (A), (B), (C), (D) and (F) of the regulation 5 or as per clause (E) and (F) of the regulation 5, whichever are applicable, and the licensee shall take up the execution of such works only after receiving the entire amounts, excepting these for the adjustments for the difference between estimated costs and actual costs as per clause (F) to regulation 5 of these regulations:

Provided that in case the developing agency bears the entire cost of the works as per the provisions of clause (E) and (F) of regulation 5, it shall also be entitled to refund of amount, if any, as per the provisions of said clause (E) regulation 5 of these regulations.

(2) The licensee shall recover the cost of service lines for the individual connections from the individual applicants as per the provisions of regulation 4 and/or regulation 17 of these regulations :

Provided that the licensee shall make adequate provisions for distribution mains etc. in the estimates for the infrastructural works as per sub-regulation(1) in a manner that the service lines required for the individual applicants are as short as reasonably feasible.

**7. Recovery of Expenditure for additional loads.-(1)** Where an existing consumer availing permanent connection for electricity applies for additional load or contract demand, as the case may be, in excess of the load, or contract demand, already sanctioned in his favour, the following principles shall be applicable for the recovery of expenses under these regulations:

- (a) The recovery of the expenses/charges for the cost of service line as per regulation 4 of these regulations shall be regulated as under:-
  - (i) if the existing service line has sufficient spare capacity, after meeting the requirements of all the connections released or committed to be released through the same service line and redundancy of about 30% of the total capacity of such line, no additional cost shall be recovered for the service line.
  - (ii) if sufficient spare capacity is not available, in accordance with the preceding sub-clause (i) in the service line for meeting the additional load or contract demand, the cost of strengthening the existing service line or of providing a new service line, shall be recovered from the applicant:

Provided that the cost to be recovered under sub-clause (ii) above shall not exceed the cost of providing a new service line for the total load or contract demand as per Regulation 4 of these regulations; and

- (b) The recovery of the infrastructural development charges as per Regulation 5 of these regulations shall be regulated as under :-
  - (i) if the supply voltage for the total load remains unchanged as per the standard supply voltages fixed by the Commission under the applicable Tariff Order of the Commission and provisions of clause (E) of regulation 5 of these regulations are not attracted, then, subject to succeeding sub-clause (iii), the recoverable amount shall be worked out for the total revised load or contract demand in accordance with the provisions of clause (A), (B), (C), (D) and (F) of regulation 5 of these regulations but shall be recovered after allowing a rebate, on pro-rata basis, for the infrastructural development charges at the normative rates fixed by the Commission pursuant to clause A of the regulation 5 of these regulations the load/contract demand already sanctioned in favour of the consumer; and
  - (ii) if the supply voltage gets changed, but provisions of clause (E) of regulation 5 of these regulations are not attracted then, the recoverable amount shall be

worked out and recovered in accordance with clauses (A), (B), (C), (D) and (F) of Regulation 5 of these regulations, for the total load/contract demand sanctioned at the new voltage ; and

- (iii) if the supply of additional load or contract demand, as the case may be, requires execution of works under clause (E) of regulation 5 of these regulations, the recovery shall be made for the total revised load or contract demand, as the case may be in accordance with the provisions of the said clause (E) and (F) of Regulation 5 of these regulations.
- (c) Where a consumer having temporary connection for electricity seeks a permanent connections, the matter shall be dealt under respective provisions for disconnection of temporary connection as per regulation 8 of these regulations and for providing a new connection as per relevant provisions of these regulations.

**8. Temporary Supplies.**-Notwithstanding anything to the contrary contained in these regulations, but subject to the prior payment of initial security deposit in the case of temporary supplies and the estimated cost of the works required to be executed for giving such supply, the requisite works shall be executed by the licensee subject to adjustments based on actual cost including the cost of material, labour and departmental charges :

Provided that in case an applicant consumer for temporary supply of power seeks revision of sanction load/contract demand, he shall be required to pay estimated cost of additional works and/or of strengthening of existing works if any, which shall also be subject to adjustments basis on actual cost, and the difference in security amount on account of such revision of load/demand shall also be payable/refundable as the case may be.

Provided that in case the works so executed are dismantled after discontinuance of supply, the cost of the material returned shall, after taking into consideration its condition, be reduced from the costs recovered from the applicant under this regulation and the balance amount, if any after adjusting any other dues against the applicant/consumer shall be refunded to him:

Provided further that if the works or a part thereof are not dismantled and the distribution licensee uses the same for some other purposes, the applicant shall bear only 30% of the actual cost of such works as are not dismantled and the accounts shall be settled accordingly:

Provided further that where the licensee refunds, after making adjustment of the outstanding amount due to him by the applicant/consumer, within a period of thirty days, no interest shall be paid to the applicant.

**9. Withdrawal of Application before release of connection.**-In case of withdrawal, or deemed withdrawal, of application by the applicant for supply of power before actual release of connection, the expenses actually incurred for the works for providing supply under regulations 4, 5, 6 and 7 of these regulations for permanent supply and under regulation 8 of these regulations, for temporary supply, shall be adjusted as per the provisions of the Supply Code:

Provided that for the purpose of such adjustment, actual expenditure for the works under regulations 4, 5, 6 and 7 for permanent supply and under regulation 8 for temporary supply shall be computed as under :-

- (i) the actual expenditure (including departmental charges) incurred on the service line shall be considered in addition to the expenses determined as per the succeeding paras of this regulation; and
- (ii) in cases involving works under clause (E) of regulation 5 of these regulations, the actual expenditure (including departmental charges) of such works shall be considered in addition to the expenditure mentioned in the preceding para (i); and
- (iii) in cases where the works under clause (E) of regulation 5 of these regulations are not involved, an amount equal to 10% of the amount of infrastructural development charges and the additional infrastructural development changes, if any, worked out at the rates fixed by the Commission pursuant to clause (A), (B) and (C) of regulation 5 of these regulations shall also be considered as the actual expenses in addition to the expenditure mentioned in para(i); and
- (iv) in case involving exclusive work(s) for facilitating/supply of power as per the second proviso to clause (A) and second proviso to clause (B) of the regulation 5 of these regulations, the actual expenditure as such exclusive works shall also be considered in addition to proceeding paras (i) and (ii)/(iii).
- (v) in cases of applications for additional loads or contract demands under regulation 7 of these regulations, the computations and adjustments shall be done separately for the respective works falling under regulation 4 and regulation 5 or 6, based on the demand notice issued pursuant to the provisions of regulation 7 of these regulations; and
- (vi) in case of temporary supplies, including for additional loads/contract demands for temporary supplies, as per regulation 8 of these regulations, the actual expenditure on the work required to be executed for giving such supply or additional loads/contract demands shall be considered.

**10. Restoration of Supply after Permanent Disconnection.**-In case the supply to a premises having permanent connection of electricity has been permanently disconnected in accordance with the provisions of the Supply Code and the original consumer or some other person applies for a connection at such premises, the distribution licensee shall provide supply within the time allowed for a new connection after recovery of expenses applicable for new connections under these regulations :

Provided that if the service line to such premises has not been removed or used for release of other connections and is in a good condition and also has sufficient spare capacity after meeting the requirements of all the connections released or committed to be released through the same service line and redundancy of about 30% of the total capacity of such line, to meet the load or contract demand applied for by such applicant, the cost of service line under regulation 4 of these regulations shall not be recovered and the connection shall be released at the earliest subject to other conditions applicable for release of new connections:

Provided further that in case of such applicants, the amounts worked out as per regulation 5 of these regulations and other Regulations of the Commission shall be recoverable in the same manner as applicable for new connections:

Provided further that if –

- (i) the application for such new connection is for a similar load or contract demand and supply voltage, as had been sanctioned for the original connection; and
- (ii) the application from the new applicant is received within 30 days from the date on which the original connection was disconnected; and
- (iii) the provisions of Clause (E) of Regulation 5 of these regulations are not attracted; and
- (iv) the applicant clears all outstanding dues, if any, against such previous connection which has been permanently disconnected;

the amount of infrastructural development charges and the costs payable by the applicant for the load or contract demand applied for, as per the provisions of regulation 5 of these regulations, shall be reduced by 90% of the amount of the infrastructural development charges worked out at the normative rates as per clause (A) of regulation 5 of these regulations for the connected load/ contract demand originally sanctioned or for the same applied for by the new applicant, whichever of the two is lower:

Provided further that if-

- (i) the application from the new applicant is received after a period of 30 days from the date on which original connection is permanently disconnected; and
- (ii) all other conditions, other than condition (ii) as per the third proviso to this regulation are fulfilled:

the percentage rate of such rebate as per the third proviso of this regulation shall be reduced by 5% for every period of 30 days or part thereof after the expiry of initial period of 30 days:

**Explanation.**—If the application for new connection is received by the licensee on or after 31st day but upto and inclusive of 60th day to this regulation from the date of permanent disconnection, the rebate under the fourth proviso shall be allowed @ 85% of infrastructural development charges worked out at the normative rate as per clause A of regulation 5 of these regulations for the connected load/contract demand originally sanctioned or for the same applied for by the new applicant, which ever of the two is lower, and so on for every subsequent block of 30 days till such time the rate of rebate becomes zero:

Provided further that the rebate admissible as per the third and fourth proviso to this regulation shall be applicable only on the amount of infrastructural development charges worked out at normative rates under clause (A) of regulation 5 of these regulations and not on any other charges/costs as may be recoverable in accordance with the second proviso to this regulation.

**11. Maintenance of works.**—(1) Notwithstanding anything contained in any other law for the time being in force, all the works erected for providing supply in pursuance of requisition by the applicant or any portion of which may have been paid for by the applicant making requisition, shall be maintained by the licensee and the licensee shall also have the right to supply electricity to any other prospective applicants or the consumers, through the said works and the said works shall become the property of the licensee.

(2) The interface point of commencement of supply, as determined under the provisions of the Supply Code, shall constitute the liability between the licensee and the consumer/applicant.

**12. Departmental Charges.**—The expenses recoverable by the licensee under these regulations shall also include the licensee's departmental charges at the rate of 11% of the cost of works.

**Explanation.**—For the purposes of this regulation, the expression “departmental charges” shall include establishment charges, tools and plant charges, audit and accounts charges, maintenance during construction, loss on stock and design charges and head office prorata expenses.

**13. Standard cost data.**—(1) The distribution licensee shall, after inviting public objections, submit, on an annual basis to the Commission, by 30th September of each year, a cost data book (including departmental charges) which it proposes to adopt for the subsequent financial year, for approval and publish the approved cost data book by 15th November of each year, which shall form the basis for approving the average or normative rates as per these regulations and also for making the initial estimates for erection of electric lines and/or electrical plants and/or any other works to be executed in order to provide supply to the applicants in cases where the cost is to be recovered on actual basis:

Provided that the licensee shall submit the cost data for the financial year 2012-13 within one month from the date on which these regulations come into force.

(2) The distribution licensee shall make available the copies of the cost data book to any interested person on demand at a reasonable charge.

**14. Schedule of Service Connection Charges.**—(1) The distribution licensee shall, within one month from the date of commencement of these regulations or within one month from the grant of license, whichever is later, file with the Commission for approval, a schedule of service connection charges to be levied for the matters contained in these regulations and such other related miscellaneous activities, not covered elsewhere, as are required to be undertaken by the distribution licensee to fulfill its obligations to supply electricity to the consumers under the Act:

Provided that the distribution licensee shall file the schedule of service connection charges along with every application for determination of tariff under section 64 of the Act together with such particulars as the Commission may require:

Provided further that while preparing the schedule of service connection charges, the approved cost data shall be taken into account.

(2) The Commission shall, after examining the schedule of service connection charges filed before it by a distribution licensee under sub regulation (1), may-

- (i) issue an order granting its approval thereon, with such modifications or such conditions as may be prescribed in that order; or
- (ii) reject the schedule of service connection charges filed before it for reasons to be recorded in writing if it is not in accordance with the provisions of the Act and/or these regulations:

Provided that the Commission shall reasonably consider the views of all interested parties before approving, modifying or rejecting the schedule of service connection charges of a distribution under this sub regulation:

Provided further that the schedule of service connection charges approved by the Commission shall, unless otherwise amended or revoked, continue to be in force for such period as may be prescribed in the order of the Commission granting such approval and also for such extended period as may be approved by the Commission.

(3) Any deviation from the approved schedule of service connection charges shall be only with the prior approval of the Commission.

**15. Provisional Schedule of the Service Connection Charges.**-(1) Notwithstanding anything to the contrary contained in these regulations, the Commission may notify, provisional schedule of service connection charges to be levied for any of activity/activities required to be undertaken by the distribution licensee to fulfill its obligations to supply electricity under the Act and the Regulations framed thereunder.

(2) Each provisional schedule of service connection charges notified under sub-regulation (1) shall be for a period of six months and shall, unless extended by the Commission, cease to be valid and effective on the expiry of period of six months or the date on which the order approving the schedule of service connection charges is issued under regulation 14 of these regulations, whichever is earlier.

(3) The amount charged under the provisional schedule of service connection charges notified under sub-regulation(1) shall be adjusted against the amount chargeable under the schedule of service connection charges approved by the Commission, under Regulation 14 of these regulations:

Provided that where the provisional amount charged exceeds the amount chargeable under the schedule of service connection charges approved under regulation 14, the licensee shall pay simple interest @ 6% per annum on the excess amount so charged for the actual number of days falling between the date of the payment of such excess amount and the date of adjustment of such amount:

Provided further that such excess amount, alongwith simple interest @ 6% per annum, shall be adjusted within three months from the date of Commission's order approving the schedule of service connection charges under regulation 14, failing which the defaulting licensee shall, in addition to the excess amount and simple interest @ 6% per annum upto the permitted period of 3 months, also be liable to pay simple interest @ 12% per annum on the excess amount, for the period till the date of such adjustments beyond the permitted period of thrice months:

Provided further that where the amount charged on provisional basis is less than the amount chargeable under the schedule of service connection charges approved by the Commission under regulation 14, the beneficiaries shall pay, within 30 days of its billing by the licensee, the same alongwith simple interest @ 6% per annum on the deficit amount for the actual number of days falling between the date on which the provisional payment was made and the date of payment of such deficit amount:

Provided further that in case the deficit amount, alongwith simple interest @ 6% per annum, is not paid by the concerned beneficiary within thirty days from the date of its billing by the licensee, the defaulting beneficiary shall, in addition to the deficit amount and the simple interest @ 6% per annum upto the date on which the permitted period of 30 days expires, be also liable to pay simple interest @ 12% per annum on the deficit amount, for the period till the date of such payment(s) beyond the permitted period of 30 days and the same shall further be without prejudice to this licensee's right to disconnect supply to the consumer after giving a notice of atleast 30 days.

**16. Accounting of the amounts recovered.**-The amounts recovered by the distribution licensee under various provisions of these regulations on various accounts for different categories of voltages (LT, HT and EHT) shall be accounted for separately as capital receipts under separate accounting heads and sub heads for permanent and temporary connections and also each type of charges as well as for each category of voltage and shall, subject to provisions of clause (E) of regulation 5 of these regulations, be used exclusively for meeting a part of the capital expenditure under the capital expenditure plan:

Provided that such capital receipts shall, as far as possible, be utilized in an equitable proportion of the estimated cost of various works of the respective categories and respective voltage levels:

Provided further that the capital receipts in respect of the works required exclusively for an applicant or group of applicants shall be used for such exclusive works only.

**17. Execution of works.**-The service lines and other works required for supplying power to the applicant(s) shall normally be executed by the distribution licensee:

Provided that the applicant or the consumer, as the case may be, may opt for execution of service line, through an electrical contractor licensed by the Electrical Inspector, and in such cases, the following provisions shall apply i) the applicant shall obtain prior approval of the distribution licensee before undertaking any such work;

- ii) all the requisite clearances under various laws shall be obtained by the applicant;
- iii) the applicant shall be liable to pay the departmental charges @ 7% on the estimated cost for the specific works or on the amount worked out at average rates, if approved by the Commission under regulation 4 of these Regulations, whichever is higher;
- iv) such option shall be available to the applicant only for the service line to be executed exclusively for the applicant; and
- v) works other than service line shall be executed by the distribution licensee unless mutually agreed otherwise by the distribution licensee with the applicant, on mutually agreed terms and conditions.

**Note :** The provisions under the first proviso to this regulation shall also apply for execution of service lines to be executed exclusively for a group of applicants or consumers, as the case may be, if all the members of such group enter into an agreement amongst themselves and nominate their representative who shall then deal with the distribution licensee for such matters.

**18. Differential Costs.**-(1) The distribution licensee shall recover the expenses and/or charges for giving service connections to the applicants as per the provisions of these regulations and any other additional expenses, as are not recoverable from the applicants under any Regulations or Law, shall be met by out of the approved financial provisions of the capital expenditure plan.

(2) In cases where the cost of certain works is to be recovered from the applicant or group of applicants initially on the basis of estimate and such recovery is subject to adjustment as per actual as per the provisions of these regulations, the following provisions shall apply:-

- (a) the estimate shall be prepared on the basis of approved cost data; and

- (b) the licensee shall render to the applicant/consumer, the account of expenditure showing the excess or deficit in relation to the initial estimated amount within three months of commissioning of works giving details of item wise estimation and actual expenditure alongwith the item wise figures of variance to the extent possible and if applicant requires any additional information, the distribution licensee shall furnish the same within ten days of receipt of such requisition.

(3) The distribution licensee shall recover or refund, as the case may be, the difference between the actual expenditure and the estimated cost within 60 days from the submission of account and the unrefunded or unrecovered amounts, as the case may be, shall attract simple interest @ 12% per annum for the period beyond the said limit of 60 days.

**19. Way leaves, Consents and Acquisitions.-(1)** Subject to the provisions of the rules framed by the State Government under sub-section (2) of section 67 and clause (b) of subsection (2) of section 180 of the Act, the licensee shall try to obtain any way leaves, consents and acquisitions required for placing of any wires, poles, wall brackets, stays apparatus and appliances for the transmission and distribution of electricity, or for the transmission of telegraphic or telephonic communications necessary for proper coordination of the works of the licensee while giving connection to the applicant:

Provided that in cases where the cost of works is to be recovered from the applicant on actual basis, the cost of obtaining the permissions shall also be recovered on actual basis and in cases where the recovery is to be made at normative rates, the cost of obtaining such permissions shall be borne by the licensee:

Provided further that where wires are to pass over other person's land, premises or building, the wires shall be routed along the boundary lines of the said land, set back of the building, streets and roads, whichever is feasible.

(2) The applicant/consumer shall provide required space within his premises for transformer and associated equipments including metering arrangements, if so required by the licensee at any stage.

**20. Manner of Payments.-** The applicant shall, before the commencement of work of laying service line under regulation 4 of these regulations and any other works for which the entire cost of the works is required to be paid by him as per the provisions of these regulations, deposit 100% payment on notice of demand for the entire amount, (and not limited to the cost of such works only, payable under these regulations and all other relevant Regulations.

**21. Demand Notice.-** Demand notice valid for 90 days shall be sent by the registered AD post to the applicant within the time frame laid down in Himachal Pradesh Electricity Regulatory Commission (Licensee's Duty for supply of Electricity on Request) Regulations, 2004:

Provided that the demand notices to be issued on or after the date of commencement of these regulations shall suitably incorporate the terms and conditions of these regulations, apart from other conditions as per other relevant Regulations and Codes of the Commission:

Provided further that if any of the terms and conditions of these regulations remain unaccounted for in any of the demand notices issued on or within 90 days from the date on which these regulations come into force, the licensee may revise the same, so as to incorporate the terms and conditions as per these regulations and the Act:

Provided further that the demand notices already issued prior to commencement of these regulations shall continue to be governed by the Himachal Pradesh Electricity Regulatory

Commission (Recovery of Expenditure for Supply of Electricity) Regulations, 2005 and other relevant Regulations and Codes of the commission, but not including these Regulations unless the Commission issues any specific order in this regard:

Provided further that in case of non-compliance of the demand notice within the period mentioned in such notice or within such period as may be mutually agreed between the licensee and the applicant, the application, against which the demand notice had been issued, shall be treated as withdrawn and the matter shall be further dealt with in accordance with relevant governing Regulations and Codes of the Commission.

**22. Power to remove difficulties.**-If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, suo motu or on an application, by general or special order, take suitable action or direct the distribution licensee to take such suitable action not being inconsistent with the Act which, in the opinion of the Commission, is necessary or expedient for removing such difficulties.

**23. Issue of orders and practice directions.**- Subject to the provisions of the Act and these regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of these regulations and the procedures to be followed on various matters for which the Commission has been empowered by these Regulations or the Act to lay down and also for the matters incidental or ancillary thereto.

**24. Inherent power of the Commission.**-(1) Nothing in these regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission.

(2) Nothing in these regulations shall bar the Commission from adopting a procedure, which is at variance with any of the provisions of these regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded, in writing, deems it necessary or expedient.

(3) Nothing in these regulations shall, expressly or impliedly, debar the Commission to deal with any matter or exercise any power under the Act for which no regulations have been framed and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

**25. Repeal and Savings.**-(1) The Himachal Pradesh Electricity Regulatory commission (Recovery of Expenditure for supply of Electricity) Regulations, 2005 are hereby repealed and in all such cases where these regulations are applicable, the reference to the said regulations of 2005 in various Regulations and Codes of the Commission shall be treated as substituted with that of these regulations.

(2) Notwithstanding such repeal-

- (a) anything done or any action taken or proposed to have been done or taken including any appointment made or any document or instrument or any direction given under the repealed regulations, shall, in so far as it is not inconsistent with the provisions of these regulations, be deemed to have been done, taken, made or given under the corresponding provisions of these regulations; and
- (b) all orders made and documents executed before the commencement of these regulations, shall continue to have effect till the expiry of the period for which such order has been made or the document has been executed.

By Order of the Commission,

*Secretary.*

**HIMACHAL PRADESH ELEVENTH VIDHAN SABHA****NOTIFICATION***Shimla-171004, the 13th February, 2012*

**No. VS-Legn.-Pre/1-21/2008.**—The following order dated, the 6th February, 2012 by the Governor of the State of Himachal Pradesh, Shimla-2, is hereby published for general information:-

“मैं, उर्मिला सिंह, राज्यपाल, हिमाचल प्रदेश, भारतीय संविधान के अनुच्छेद 174 (1) द्वारा प्रदत्त शक्तियों के अनुसरण में हिमाचल प्रदेश ग्यारहवीं विधान सभा के चौदहवां सत्र का आह्वान शुक्रवार, 9 मार्च, 2012 को पूर्वाह्न 11.00 बजे से हिमाचल प्रदेश विधान सभा, शिमला में समवेत होने के लिए करती हूँ।

उर्मिला सिंह,  
राज्यपाल,  
हिमाचल प्रदेश।”

**By order,**  
**GOVERDHAN SINGH,**  
*Secretary,*  
H.P. Vidhan Sabha.

**अधिसूचना***शिमला-171004 13 फरवरी, 2012*

**सं०: वि०स०-विधायन-प्रा०/१-२१/२००८.**—राज्यपाल महोदया का निम्नलिखित आदेश दिनांक 6 फरवरी, 2012 सर्वसाधारण की सूचनार्थ प्रकाशित किया जाता है :-

“मैं, उर्मिला सिंह, राज्यपाल, हिमाचल प्रदेश, भारतीय संविधान के अनुच्छेद 174 (1) द्वारा प्रदत्त शक्तियों के अनुसरण में हिमाचल प्रदेश ग्यारहवीं विधान सभा के चौदहवां सत्र का आह्वान शुक्रवार, 9 मार्च, 2012 को पूर्वाह्न 11.00 बजे से हिमाचल प्रदेश विधान सभा, शिमला में समवेत होने के लिए करती हूँ।

उर्मिला सिंह,  
राज्यपाल,  
हिमाचल प्रदेश।”

आदेश द्वारा,  
**गोवर्धन सिंह,**  
सचिव,  
हि० प्र० विधान सभा।