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HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

The 8th March, 2019

No.6621–HFW-MSIII-MSNG1M-0017/2018/HFW.— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of all orders and instructions issued in this regard except as respects things done or omitted to be done before such supersession, the Governor of Odisha hereby makes the following rules for regulating the methods of recruitment and conditions of service of persons appointed to the Odisha Pharmacist Service in the medical institutions of the State, namely:-

1. Short title and commencement. — (1) These rules may be called the Odisha Pharmacist Service (Methods of Recruitment and Conditions of Service) Rules, 2019.

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

2. Definitions.— (1) In these rules unless the context otherwise requires:—

- (a) "Commission" means the Odisha Sub-ordinate Staff Selection Commission;
- (b) "Committee" means the Departmental Promotion Committee constituted under rule- 15 of these rules;
- (c) "Ex-Servicemen" means persons as defined in the Odisha Ex-Serviceman (Recruitment to State Civil Services and Posts) Rules, 1985 ;
- (d) "Government" means the Government of Odisha ;
- (e) "Medical Institution" means the District Government medical institutions and Government Medical College and Hospitals and tertiary institutions;
- (f) "Persons with Disabilities" means a person who has been granted a disability Certificate by Competent Authority as per provisions of "the Rights of Persons with Disabilities Act, 2016"
- (g) "Schedule" means Schedule to these rules
- (h) "Scheduled Castes and Scheduled Tribes" shall have reference to the Scheduled Castes and Scheduled Tribes specified in the

Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribe) Order, 1950, as the case may be made under Articles 341 and 342 of the Constitution of India respectively;

- (i) "SEBC" means Socially and Educationally Backward Classes defined as backward Classes as in clause (e) of Section 2 of the Odisha State Commission for Backward Classes Act, 1993/(Odisha Act 16 of 1993) ;
- (j) "Service" means the Odisha Pharmacist Service;
- (k) "Sportsmen" means persons who have been issued with Identity Card, as sportsmen by the Director, Sports (as per Resolution No.24808/Gen, dated 18th November, 1985 of General Administration Department as amended from time to time); and
- (l) "Year" means the calendar year.

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

3. Constitution of Service:—The service shall consist of such posts as specified in column 2 of the Schedule.

4. Conditions of taking over of existing contractual Pharmacists:— (A) (1) On the date of commencement of these rules , all the contractual Pharmacists who have been duly recruited by concerned societies / Schemes and have completed 6 (six) years of satisfactory contractual service shall be deemed to be regular government employees as one time measure subject to fulfilment of eligibility criteria as prescribed under rule-5:

Provided that all the contractual Pharmacists who are yet to complete six years of contractual service and having eligibility criteria as prescribed under rule-5 shall deemed to be contractual government employees as one time measure and shall be regularized as and when they complete six years of satisfactory contractual service, including the service that has already been rendered in concerned scheme/society:

Provided further that those contractual Pharmacists, who do not meet the eligibility criteria, as mentioned under rule-5 & shall continue as such under the OSH&FW Society till closure of the project, retirement or disengagement, whichever is earlier.

(2) On their regularisation, such posts of contractual Pharmacists of the OSH&FW Society in sub-clause (1) shall be deemed to have been abolished from the date of such induction of contractual Pharmacists into the Cadre. As these posts shall cease to exist, no further recruitment to fill up these posts shall be made by the OSH & FW Society other than by the Commission.

5. Modalities for Induction of Pharmacists into the Cadre:— All the contractual Pharmacists who have completed 6 years of satisfactory contractual service under the Society/ Scheme, shall be deemed to have been inducted into the Cadre, subject to following conditions;

- (i) Such Pharmacists who have the minimum educational qualification & other eligibility criteria as per rule-10 at the time of engagement under the Society/Scheme;

- (ii) who have been selected through an open & transparent recruitment process;
- (iii) while inducting, the prevalent reservation principles as in rule-6 shall be followed.

6. Methods of recruitment:— Subject to other provisions made in these rules, the methods of recruitment to the posts as indicated in column 2 of the Appendix shall be made in the following manner, namely:—

- (a) Recruitment to the post of Pharmacist shall be made by direct recruitment through competitive examination to be conducted by "the Commission" in the manner provided under rule 8.
- (b) The post of Senior Pharmacist shall be filled up by way of promotion from among the persons holding the post of Pharmacist.
- (c) The post of Chief Pharmacist shall be filled up by way of promotion from among the persons holding the post of Senior Pharmacist.
- (d) The post of Assistant Director shall be filled up by way of promotion from among the persons holding the post of Chief Pharmacist.

7. Reservations:— Notwithstanding anything contained in these rules the reservation of vacancies or posts as the case may be, shall be made for candidates—

- (a) Belonging to Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions for the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 (Odisha Act of 1975) and the rules made thereunder;
- (b) Belonging to SEBC, women, sportsmen, Ex-Servicemen and persons with disabilities shall be made in accordance with the provisions made under such Act, rules, orders, resolutions or instructions issued in this behalf by the Government from time to time.

CHAPTER-II

DIRECT RECRUITMENT

8. Recruitment Procedure for Direct Recruitment:—(1) In the month of January every year the respective Appointing Authorities of the medical institutions concerned shall determine the existing vacancies and the vacancies likely to occur in the service in their respective jurisdictions in the year in which the recruitment is to be made and the vacancies shall be intimated to the Commission by the end of January indicating therein the number of posts belonging to different reserved categories as specified under rule 6.

(2) On receipt of the intimation, the Commission shall publish advertisement at least in two leading vernacular daily newspapers having wide circulation in Odisha, inviting applications from eligible candidates for appearing in the competitive recruitment Examination.

(3) The application forms, the manner of submission of application, the documents required to be accompanied with the application form, fee required and scrutiny of applications shall be such as may be decided by the Commission.

(4) The standard, syllabus and subjects of examination shall be as decided by the Commission.

9. Eligibility criteria for direct recruitment:—In order to be eligible for direct recruitment to the post of Pharmacist, a candidate must—

- (a) be a citizen of India;
- (b) have attained the age of 21 years and must not be above the age of 32 years:

Provided that the upper age limit in respect of the reserved categories of candidates referred to in rule 6 shall be relaxed in accordance with the provisions of the Act, rules, orders or instructions for the time being in force, for their respective categories.

Further provided that, the upper age limit for contractual Pharmacists under OSH&FW Society/Scheme who shall take part in the recruitment process, if otherwise eligible, shall be 50 years as on the date of advertisement.

- (c) be able to read, write and speak Odia and have,
 - (i) passed middle school examination with Odia as language subject ;
or
 - (ii) passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject; or
 - (iii) have passed in Odia as language subject in the final examination of class-VII from a school or educational institution recognized by the Government- of Odisha or the Central Government; or
 - (iv) have passed a test in Odia in Middle English School standard conducted by the School & Mass Education Department.
- (d) not have more than one spouse living:

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

- (e) be of good mental and physical health and free from any physical defects likely to make him incapable of discharging her /his normal duties in the Service. A candidate who after such medical examination as the Government may prescribe is not found to satisfy these requirements as specified in clause (VI) shall not be appointed to the Service.
- (f) He must have registered his name in Pharmacist Council in the State and have possessed valid registration certificates as on the date of the advertisement.

10. Minimum Educational Qualification:—The educational qualification of the a candidate for the post of Pharmacist shall be as specified at column 4 of the Schedule.

11. Procedure for selection by the Commission:—(1) The Commission shall prepare a select list of successful candidates in order of merit on the basis of

written test which shall be equal to number of advertised vacancies as a whole indicating therein the names of respective Appointing Authorities under whom the appointment shall be made subject to fulfilment of all formalities.

If two or more candidates secure equal marks then the candidate securing higher percentage (%) of Marks in Diploma in Pharmacists shall find place above the others in the merit list and in case percentage (%) of Marks obtained in Diploma in Pharmacists is also the same, the candidate older in age shall be placed above the younger; and in case the age is also the same, the candidate who secures more marks in +2 in any stream or equivalent Examination shall find the place above the others.

(2) The list of successful candidates drawn in order of merit shall be published in the Notice Board of the Commission as well as in web site and in two leading local newspapers.

12. Select List:—(1) The Commission shall forward the list of the candidates prepared under rule 9 to the Appointing Authority for approval and after receiving the approval the same shall form the select list.

(2) The select list of the candidates prepared shall be in force for a period of one year from the date of its approval by the Government or until another select list is prepared afresh whichever is earlier.

(3) Appointment of the candidates to the post in service shall be made in the order in which their names appear in the select list.

CHAPTER-III

PROMOTION

13. Eligibility Criteria for Promotion:—The eligibility criteria for promotion to the posts of Senior Pharmacist, Chief Pharmacist, and Assistant Director, Pharmacist shall be in the manner as specified in column 5 of the Schedule.

14. Combined Gradation List for the purpose of Promotion:— (1) For the purpose of consideration of promotion to the posts of Senior Pharmacists a combined gradation list of Pharmacists of all Medical Institutions shall be prepared by the Director of Health Services in the following manner:

- (a) The names shall be arranged on the basis of the year of recruitment chronologically.
- (b) In each year of recruitment the names shall be arranged as per their respective merit lists/ date of appointment as Pharmacist:

Provided that in case of position of two or more Pharmacist of different Medical Institutions happens to be the same as per the respective gradation lists, the person older in age shall be placed above the younger.

- (c) The Pharmacists inducted into the cadre under rule 4 shall en bloc be junior and placed below the persons appointed prior to their induction.
- (d) Names of the Pharmacists inducted under rule 4 shall be arranged in order of their date of joining in contractual service under the

Societies/schemes If the date of joining of two or more Pharmacists is same then the name of the older one shall be above the younger one.

15. Constitution of the Departmental Promotion Committee:— (1) There shall be constituted a Departmental Promotion Committee with the following members to consider the case of promotion to the post of Senior Pharmacist and Chief Pharmacist shall be constituted with the following members, namely:—

- (a) Director, Health Service, Odisha :Chairman
- (b) Director, Medical Education and Training, Odisha :Member
- (c) Deputy Secretary/ Joint Secretary, Health & FW Deptt. :Member
- (d) Additional Director Health Service (HRH&R), Odisha :Member
- (e) Representative from ST & SC :Departmental
Development Department. Representative
- (f) Establishment Officer (Medical), DHS, Odisha :Member Convenor

(2) There shall be constituted a Departmental Promotion Committee with the following members to consider the case of promotion to the post of Assistant Director, Pharmacist shall be constituted with the following members, namely;-

- (a) Secretary, Health & Family Welfare Department : Chairman
- (b) Director, Health Service, Odisha : Member
- (c) Additional Director, Health Service (HRH& R) ,Odisha : Member
- (d) Representative from ST & SC : Departmental Representative
Development Department
- (e) Establishment Officer (Medical), DHS, Odisha : Member Convenor

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

Provided that the member so absenting must have been duly invited to attend the meeting of the Committee.

16. Procedure for selection by the Committee:— (1) The Committee shall meet at least once in a year preferably in the month of January to prepare a list of employees suitable for promotion to the next higher grade taking into account the existing vacancies and anticipated vacancies of the year in which the Committee meets.

(2) The Committee while considering the promotion of suitable employees and preparing the list of such employees shall follow the provisions of the following, namely;

- (a) the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Caste and Scheduled Tribe) Act, 1975 (Odisha Act of 1975) and the rules made thereunder;
- (b) the Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988;

- (c) the Odisha Civil Services (Criteria for Promotion) Rules, 1992; and
- (d) the Odisha Civil Services (Criteria for Selection for appointment including promotion) Rules, 2003.

CHAPTER-IV

OTHER CONDITION OF SERVICE

17. Select list for appointment by way of promotion :— (1) The Committee shall forward the list of the employees so prepared under sub-rule (3) of rule 13 to the Appointing Authority for approval and after receiving the approval the same shall form the select list.

(2) The select list shall be in force for a period of one year from the date of its approval by the Appointing Authority or until another select list is prepared and approved whichever is earlier within the same year.

(3) Appointment to any post in the service shall be in the order in which their names appear in the Select list.

18. Probation and Confirmation :— (1) Every person appointed to any post in the service by direct recruitment shall be on probation for a period of two years and when appointed on promotion shall be on probation for a period of one year from the date of his joining in the post:

Provided that the Appointing Authority, if thinks fit, in any case or class of cases may extend the period of probation, but in no case it shall be more than a year:

Provided further, that such period of probation shall not include the period of, —

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

(2) The appointment of a probationer coming through direct recruitment may for good and sufficient reasons to be recorded in writing, be terminated by the Appointing Authority at any time without previous notice during the period of probation including extension of such period if any, and in case of the employee who has been appointed by way of promotion shall deem to be reverted to his former cadre.

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

19. Inter-se-Seniority:— (1) The *Inter-se-seniority* of the persons appointed through direct recruitment under rule-5 (a) in the service in a particular year shall be in the order in which their names appear in the select list.

(2) Pharmacists inducted under rule 4 shall en bloc be junior to the Pharmacists existing under the respective Medical Institutions on the date of commencement of these rules.

(3) Seniority of Pharmacists inducted under rule 4 shall be determined taking into account their date of joining in the contractual service under the Society/Scheme.

20. Other Conditions:—The Conditions of Service in regard to matters not covered by these rules shall be the same as are or as may from time to time be prescribed by the Government.

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

SCHEDULE

(See rules 3, 6, 10 and 13)

SI. No.	Name of the Post, Classification and Cadre	Method of Recruitment	Minimum Qualification for Direct Recruitment	Eligibility Criteria for Promotion
1	2	3	4	5
1	Pharmacist (District Cadre)	Direct Recruitment	Must have passed + 2 Science Examination under Council of Higher Secondary Education, Odisha / equivalent and Diploma in Pharmacy from Government Medical College & Hospitals of the State / any other recognized private institutions duly approved by A.I.C.T.E. and examination conducted by the Odisha Pharmacy Board.	
2	Senior Pharmacist (State Cadre)	Promotion from Pharmacists		Completion of 10 (ten) years of continuous service as Pharmacist
3	Chief Pharmacist (State Cadre)	Promotion from Senior Pharmacist		Completion of 2(two) years continuous service as Senior Pharmacist
4	Assistant Director, Pharmacist (State Cadre)	Promotion from Chief Pharmacist		Completion of 1 (one) year continuous service as Chief Pharmacist

By Order of the Governor

Dr. PRAMOD KUMAR MEHERDA

Commissioner-cum-Secretary to Government