

The Odisha Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 2244, CUTTACK, FRIDAY, DECEMBER 7, 2012/MARGASIRA 16, 1934

HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

The 27th November, 2012

No. 30992-MS-II-IM(SR)-20/2012/H.—In exercise of the powers conferred by the provision to Article 309 of the Constitution of India the Governor of Odisha is pleased to make the following rules to regulate the method of recruitment and conditions of service of persons appointed to the Odisha Medical and Health Services, namely :—

PART - I

GENERAL

1. Short title and commencement:

- (1) These rules may be called the Odisha Medical and Health Services, Rules, 2012.
- (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 Public Service Commission;
 - (b) "Committee" means the Departmental Promotion Committee constituted under Rule 9;
 - (c) "Ex-servicemen" means a person as defined in the Odisha Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
 - (d) "Government" means the Government of Odisha;
 - (e) 'KBK and KBK(+) area of the State, means the area coming under the revenue Districts of Koraput, Malkangiri, Nawarangpur, Rayagada, Bolangir, Subarnapur, Kalahandi, Nuapada, Gajapati, Kandhamal and Boudh;
 - (f) "Persons with Disabilities or Physically challenged Persons" means a person who would be granted a disability certificate by Competent Authority as per the provisions under rule 4 of the Persons with Disabilities (Equal Opportunities, Protection of Right, and Full Participation) Odisha Rules, 2003;

- (g) "Scheduled Castes and Scheduled Tribes" means such Castes and Tribes as notified by the President of India from time to time under Articles 341 and 342 of the Constitution of India, respectively;
 - (h) "SEBC" means the Socially and Educationally Backward Classes of citizens as referred to in clause (e) of Section 2 of the Odisha Reservation of posts and services (for Socially and Educationally backward classes) Act, 2008;
 - (i) "Service" means the Odisha Medical and Health Services;
 - (j) "Sportsmen" means a person who would be issued with identity card as sportsmen by the Director, Sports as per Resolution No. 24808/Gen., dated 18th November 1985 of General Administration Department;
 - (k) 'Tribal Sub-Plan' area / backward area means the area of the State as declared by the Government in the Scheduled Tribes and Scheduled Castes Development Department from time to time; and
 - (l) 'Year' means a calendar year.
- (2) All other words and expressions used but not specifically defined in these rules shall unless the context otherwise requires, have the same meaning as respectively assigned to them in the Odisha Service Code.

3. Composition of the Service:

- (1) The service shall consist of the following cadres, namely :—
 - (a) Group A (Class- I, Junior);
 - (b) Group A (Class-I, Senior);
 - (c) Junior Administrative Grade (Joint Director, Level-II);
 - (d) Junior Administrative Grade (Joint DHS, Level-I);
 - (e) Selection Grade (Additional Director);
 - (f) Senior Administrative Grade (Director); and
 - (g) Super time pay scale Grade (Special Secretary(T)).
- (2) The Group A (Class-I, Junior) Grade shall comprise of the Medical Officer in the cadre of Jr. Class-I and Specialists in different disciplines and such other posts as the Government may, from time to time, by order, determine.
- (3) The Group A (Class-I, Senior) Grade shall comprise of the following posts, namely :—
 - (i) Deputy Director, Health Services;
 - (ii) District Tuberculosis Officer;
 - (iii) District Leprosy Officer;
 - (iv) District Surveillance Officer;

- (v) Medical Officer in charge of CHC, Medical Officers Of DHH and SDH and such other medical institutions; and
 - (vi) Specialist in different disciplines; and such other posts as the Government may, from time to time, by order, determine.
- (4) The Junior Administrative (Joint Director, Level-II) Grade shall comprise of the following posts, namely :—
- (i) Joint Director Health Services (Joint Director, Level-II).
 - (ii) Sub-Divisional Medical Officers, Additional District Medical Officers, District Malaria Officers, Deputy Chief Medical Officers, Principal of Health & Family Welfare Training Centers.
 - (iii) Specialist in different subjects, Superintendents of Anti TB. Demonstration Training Centre (ATDTC), Cuttack, Basanta Manjari Swasthya Niwas (BMSN), Chandpur, Nayagarh, Infectious Diseases Hospital & Tuberculosis (IDH&TB), Puri, Uditnarayanpur TB Hospital, Leprosy Home & Hospital, Cuttack, Health Officers, Bhubaneswar and Cuttack Municipal Corporation, and such other posts as the Government may from time to time, by order, determine.
- (5) The Junior Administrative (Joint DHS, Level-I) Grade shall comprise of the following posts, namely :—
- i. Joint Director Health Services (Joint DHS, Level-I);
 - ii. Joint Director of Health (Family Welfare);
 - iii. Chief District Medical Officers;
 - iv. Chief Medical Officers; and
 - v. Specialist in different subjects like Medicine, Surgery, Peadiatrics, O&G, & Anaesthesia at the old 13 (thirteen) District level Hospitals and Capital Hospital, Bhubaneswar and RGH, Rourkela Government Hospital, and such other posts as the Government may from time to time, by order, determine.
- (6) The Selection Grade shall comprise of the following posts, namely :—
- i. Additional Director of different branches;
 - ii. Additional Director of Blood Safety, HIV and AIDs;
 - iii. Additional Director, State Institute of Health & Family Welfare; and such other posts as the Government may from time to time, by order, determine.
- (7) The Senior Administrative Grade shall comprise of the following posts, namely:—
- i. Director Health Services (DHS);
 - ii. Director, Public Health (DPH);

- iii. Director, Family Welfare (DFW); and such other posts as the Government may from time to time, by order, determine.
- (8) The Super Time Pay Scale Grade shall comprise of the following posts, namely Special Secretary (Technical); and such other posts as the Government may from time to time, by order, determine.

PART – II

METHODS OF RECRUITMENT

4. Methods of recruitment:

Subject to the provisions made in these rules, selection to the posts in different grades of the service shall be made in the following manner, namely:—

- (a) Selection to the posts in Group A (Class – I, Junior) shall be made by way of direct recruitment in the manner provided under rule 6;
- (b) Selection to the posts in Group A (Class – I, Senior) shall be made by way of promotion from among the persons holding the posts in Group A (Junior Branch);
- (c) Selection to the posts in Junior Administrative (Joint Director, Level-II) Grade shall be made by way of promotion from among the persons holding the posts in Group A (Senior Branch);
- (d) Selection to the posts in Junior Administrative (Joint DHS, Level-I) Grade shall be made by way of promotion from among the persons holding the posts in Junior Administrative (Joint Director, Level-II) Grade;
- (e) Selection to the posts in Selection Grade shall be made by way of promotion from among the persons holding the posts in Junior Administrative (Joint DHS, Level-I) Grade;
- (f) Selection to the posts in Senior Administrative Grade shall be made by way of promotion from among the persons holding the posts in Selection Grade; and
- (g) Selection to the posts in the cadre of Super time Pay Scale Grade shall be made by way of promotion from among the persons holding the posts in Senior Administrative Grade.

5. Reservations:

Notwithstanding anything contained in these rules reservation of vacancies or posts, as the case may be, for –

- (a) Candidates belonging to Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts

- and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder; or any other law or rule in force at the relevant time; and
- (b) SEBC, Women, Sportsmen, Ex-servicemen and Physically Handicapped Persons shall be made in accordance with the provisions made under such Act, rules, orders or instructions issued in this behalf by the Government from time to time.

PART – III

DIRECT RECRUITMENT

6. Procedure for direct recruitment:

- (1) Ordinarily in the month of January of the year, the Government shall communicate to the Commission the total number of vacancies in Group A (Class-I, Junior) Grade of the service, specified in sub-rule (2) of Rule 3, existing and anticipated vacancies likely to occur in that year, indicating therein the number of posts required to be filled up by way of reservations of posts for persons belonging to different categories.
- (2) On receipt of the intimation, the Commission shall publish advertisement at least in two vernacular daily newspapers having wide circulation in Odisha, inviting applications from candidates eligible for selection.
- (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 suitability of candidates shall be adjudged on the basis of career marking and written test. Career marking will be for 30 marks and written test for 70 marks.
 - i.* Career marking will be in the following manner:

Marks secured in 10th Class	examination -	10 Marks
Marks secured in 12th Class	examination -	10 Marks
Marks secured in MBBS	examination -	10 Marks
 - ii.* Written test will be of Objective multiple choice type. Question paper will be as per MBBS curriculum. Evaluation will be computer based with negative marking in respect of wrong choice.

Preparation of Merit list:

- (5) The Commission shall prepare a list of candidates in order of merit on the basis of career marking and written test which shall be equal to the number of advertised vacancies :

Provided that, if two or more candidates secure equal marks then the candidate securing higher marks in MBBS examination shall find place above the others in the merit list. In case marks obtained in MBBS examination is also the same, the candidate older in age shall be placed above the younger.

- (6) The list recommended by the Commission shall remain valid for one year from the date of their recommendation or till the next recruitment made by the Commission.
- (7) Every candidate selected by the Commission for appointment to the Odisha Medical Service shall serve to the initial period of minimum 3 years in KBK, KBK+ and tribal districts as declared by Government from time to time.
- (8) Every such candidate after serving 3 years as under sub-rule (7) of Rule 6 shall serve the next 3 years minimum in rural areas:

Provided that the candidates who don't join the places on their posting according to sub rules (7) and (8) shall be permanently debarred from joining any medical service under the state Government and bond amount as executed by the candidate at the time of admission in MBBS course will be recovered.

- (9) The candidates on completion of PG course in case not served 3 years mandatory service in KBK, KBK+ / Tribal areas & 3 years in rural areas must serve in those areas as stipulated under sub-rule (7) and (8), in case of default, the stipulation under sub-rule (7) and (8) above will be made applicable.

7. Eligibility Criteria for direct recruitment:

- (a) Nationality: A candidate must be a citizen of India.
- (b) Age Limits: A candidate must have attained the age of 21 years and must not be above the age of 32 years on the first date of August of the year in which application are invited by the Commission:

Provided that the upper age limit in respect of reserved categories of candidates referred to in Rule 5 shall be relaxed in accordance with the provisions of the Act, Rules, Orders or Instructions, for the time being in force, for the respective categories.

- (c) Knowledge in Odia : The candidate must be able to read, write and speak Odia; and have –
 - i. passed Middle School Examination in Odia as a language subject; or
 - ii. passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject; or

- iii. passed in Odia as language subject in the final examination of Class VII or above; or
- iv. passed a test in Odia in Middle English School Standard conducted by the School & Mass Education Department.

(d) Minimum Educational Qualification : The Candidate must have,

- i. possessed an MBBS or equivalent Degree from a Medical College or Medical Institution recognized by the Medical Council of India; and
- ii. a registration Certificate under the Odisha Medical Regulation No. II of 1936.
- iii. possessed required conversion certificates recognized by Medical Council of India (MCI) in case of candidate having degrees from Universities of Foreign Countries.

(e) Marital Status : A candidate if married must not have more than one spouse living :

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

(f) Physical Fitness: A candidate must be of good mental condition and bodily health and free from any physical defect likely to interfere with the discharge of his duties in the service. A candidate, who after such medical examination as the Government may prescribe, is not found to satisfy these requirements shall not be appointed to the service.

PART – IV PROMOTION

8. Eligibility Criteria for promotion:

(a) Promotion to Group - A (Class –I, Senior) Grade:—

In order to be eligible for appointment to the posts in Group - A (Class –I, Senior) an officer in Group - A (Class –I, Junior) must have rendered at least 10 years of continuous service in peripheral health institution excluding DHH and SDH out of which he must have rendered 3 years of service in KBK & KBK+ and Tribal Sub-Plan area and 3 years rural service as under sub-rule (7) and (8) of Rule 6.

(b) Promotion to Junior Administrative (Joint Director, Level II) Grade:—

In order to be eligible for appointment to Junior Administrative (Joint Director, Level II) Grade an officer in Group - A (Class –I, Senior) Grade must have rendered at least 5 years of continuous service in peripheral health institutions as such out of

which he must have rendered at least 2 years of service in KBK, KBK+ or Tribal sub-plan areas.

(c) Promotion to Junior Administrative (Joint DHS, Level I) Grade:—

In order to be eligible for appointment to Junior Administrative (Joint DHS, Level I) Grade, an officer in Junior Administrative (Joint Director, Level II) Grade must have rendered at least 2 years of continuous service in peripheral health institutional as such out of which he must have rendered at least one year of service in KBK, KBK + or Tribal sub-plan areas.

(d) Promotion to Selection Grade:—

In order to be eligible for appointment to Selection Grade, an officer in Junior Administrative (Joint DHS, Level I) Grade must have rendered at least one year of continuous service as such in peripheral health institution.

(e) Promotion to Senior Administrative Grade:—

In order to be eligible for appointment to Senior Administrative Grade, an officer in Selection Grade must have rendered at least one year of continuous service as such in peripheral health institution.

(f) Promotion to Super time Pay Scale Grade:

In order to be eligible for appointment to Super time Pay Scale Grade, an officer in Senior Administrative Grade must have rendered at least one year of continuous service as such peripheral health institutional.

9. Constitution of Departmental Promotion Committee:

(a) There shall be a constituted Committee to consider the suitability of eligible candidates for promotion to different Grades in the service specified under sub-rules (3) to (6) of rule 3, with the following members, namely:—

- i. Chief Secretary / Development
Commissioner-*cum*-Additional Chief Secretary.....Chairman
- ii. Secretary to Government,
Health & Family Welfare Department.....Member
- iii. Director of Health Services, OdishaMember
- iv. Additional Secretary/Joint Secretary/
Deputy Secretary to Government
in H & FW Department in charge of
respective establishment.....Member Convenor

(b) For promotion to the grades in the service specified under sub-rules (7) and (8) of Rule-3 the Committee shall be constituted with the following members, namely:—

- i. Chief Secretary / Development
Commissioner-*cum*-Additional Chief Secretary.....Chairman
 - ii. Secretary to Government,
Health & Family Welfare Department.....Member
 - iii. Additional Secretary/ Joint Secretary/
Deputy Secretary to Government in
H & FW Department in charge of
respective establishment.....Member Convenor
- (c) 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 absents was duly invited to attend the meeting of the Committee and the majority of members of the Committee attended the meeting.

10. Procedure for Selection by the Committee:

- (a) The Committee shall ordinarily meet once in a year preferably in the month of January to prepare a list of officers, as are held by them, suitable for promotion to the next higher grade taking into account the existing vacancies and the anticipated vacancies of the year.
- (b) The Committee while considering the promotion cases of suitable officers and preparation of the select list shall follow the provisions of continuous service as such.
 - i. the Odisha Civil Services (Criteria for Promotion) Rules, 1992.
 - ii. the Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988; and
 - iii. the Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.

11. Consultation with the Commission:

- (1) The recommendations of the Committee in respect of any grade of the service shall be referred to the Commission for concurrence along with a list of all eligible candidates, including those who has not been recommended together with the service particulars.
- (2) The Commission shall consider the list along with the service particulars received under sub-rule (1) and shall furnish its recommendation to the Government.

PART-V**OTHER CONDITIONS OF SERVICE****12. Select List:**

- (1) The merit list prepared by the Commission under sub-rule (5) of Rule 6 shall form the select list for appointment to Group A (Junior Branch) Grade and the recommendations of the Commission in respect of reference made to it under sub-rule (1) of Rule 11 shall be considered by Government and the list approved by Government shall form the select list for appointment to respective grades of the service.
- (2) The list referred to under sub rule (1) shall ordinarily be in force for a period of one year from the date of its publication or approval by the Government, as the case may be, until or another select list is prepared afresh.
- (3) Appointment to any grade in the service shall be in the order in which their names appear in the final select list.

13. *Inter se*-seniority

The *inter se*-seniority of the officers appointed to any grade in the service in a particular year shall be in the order in which their names appear in the select list.

14. Other conditions of service:

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

PART- VI**MISCELLANEOUS****15. Relaxation:**

Where the Government are of the opinion that it is necessary or expedient so to do in 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 of the posts specified in Rule 3 of any class or category of persons.

16. Repeal and savings:

The Odisha Medical Service Rules, 1941, the Odisha Medical and Health Services Class-I (Recruitment to the Senior and Junior Administrative Posts), Rules, 1971 and all regulations, instructions or orders in force immediately before the commencement of these rules in respect of relating to the service and covered by these rules are hereby repealed:

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

17. Interpretation:

If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Government for decision.

18. Power to issue Instructions:

The Government may also issue instructions not inconsistent with the provisions of these rules as they may consider necessary to regulate the matters not specifically covered by the provisions of these rules.

This shall come into force from the date of publication of the Notification in *Odisha Gazette*.

This has been concurred in by G.A. Department vide UOI No. 281/GAD., dated the 22nd May, 2010, Law Department vide UOR No. 1493/L., dated the 13th July, 2012.

ORDER

Ordered that the Notification be published in the Extraordinary issue of the *Odisha Gazette* for general information of Public. Ordered also that copy of this Notification be forwarded to All Departments of Government / All Heads of the Departments / All Collectors / Registrar, Odisha High Court, Cuttack / All Registrar, Odisha Administrative Tribunals / Special Secretary, OPSC, Cuttack.

By Order of the Governor

P. K. MOHAPATRA
Commissioner-*cum*-Secretary to Government