

**Authoritative English text of this department notification No.IPH-A (3)-2/95 dated 23.10.96 required under Clause (3) of Article 348 of Constitution of India.**

**Government of Himachal Pradesh  
Irrigation and Public Health Department**

**No.IPH (A) (3) 2/95 dated Shimla-2 the 23.10.96**

**NOTIFICATION**

In exercise of the powers conferred by proviso to Article 309 of the constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Legal Assistant (Class-III-Non-Gazetted) in Irrigation and Public Health Department, as per Annexure-A appended to this notification namely:-

**Short Titled and Commencement**

1. These rules may be called Himachal Pradesh Department of Irrigation & Public Health Legal Assistant (Class-III-Non Gazetted) Recruitment & Promotion Rules, 1996:

1. These rules shall come into force from the date of publication in Rajpatra, Himachal Pradesh

**Repeal and Saving**

2 (i) The recruitment and promotion rules for the post of Legal Assistant as notified vide notification No.PBW-B (5) 3/81 PWA dated 18.12.86 by the Public Works Department and made applicable to the Irrigation and Public Health Department vide notification No. PBW-2B (13) 20/84 dated 27.4.94 hereby repealed to the extent these are applicable to Irrigation and Public Health Department.

(i) Nothing with standing such repeal any appointment made by any thing done or any action taken under the relevant rules so repealed under sub rule 2(1) supra shall be deemed to have been validly made, done or taken under these rules.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  
F.C.-cum Secy. (IPH) to the  
Government of H.P.

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**Endst. No.IPH-A (3) 12/95, dated Shimla-2 the 23.10.96**

**Copy forwarded to:-**

1. All the Secretaries to the Government of H.P.
2. All Heads of Department in H.P.
3. The Engineer-in-Chief, IPH Department Shimla-1 (20 Copies).
4. The Chief Engineer (IPH) Dharamshala H.P. (20 Copies)
5. The Controller (P&S) H.P. Government Press, Shimla-5 for publication, in the Rajpatra.
6. The Secy. HP.P.S.C., Shimla-2

Additional Secretary (IPH) to the  
Government of H.P.

**ANNEXURE -A**

**RECRUITMENT AND PROMOTION RULES FOR THE POST OF LEGAL ASSISTANT  
(NON-GAZETTED) CLASS-III IN THE DEPARTMENT OF IRRIGATION AND PUBLIC  
HEALTH HIMACHAL PRADESH HIMACHAL PRADESH**

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1. Name of the post	Legal Assistant
2. Number of posts	2 (Two)
3. Classification	Class-III (Non-Gazetted).
4. Scale of pay (Be given in expended notacion)	Rs. 1800-50-2000-60-2060-70-2550-75-3000-100-3200.
5. Whether Selection post or no-selection post.	Non Selection.
6. Age of direct recruitment	Between 18 to 35 years.

Provided that the upper age limit for direct recruitment 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 when he was appointed as such he shall not be eligible for any relaxation in the prescribed age limit by virtue of his such adhoc or contract appointment;

Provided further that upper age limit is relaxable for Scheduled Cast/ Scheduled Tribe / Other category 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 happended to be Government servants before absorption in public Sector Corporation/ 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 who were /are subsequently appointed by such Corporations/Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporation/ 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 Exchanges or as the case may be.
2. Age and experience in the case of direct recruitment, relaxable at the discretion of the H.P.Public Service Commission in case the candidate is otherwise well qualified.

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7. Minimum educational and other qualification required for direct recruits.

ESSENTIAL QUALIFICATION:-

Should possess a professional degree in Law or its equivalent from any recognized University in India with 3 years experience as a practicing Advocate or 5 years experience while working in a Government /Semi government Institution.”

DESIRABLE QUALIFICATION:-

Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointments in the peculiar conditions prevailing in the Pradesh.

8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotees.

Age	No.
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 of recruitment, whether by direct direct recruitment or by promotion , deputation , transfer and the percentage of vacancies to be filled in by various methods.

100% by promotion failing which by deputation failing both by direct recruitment.

11. In case recruitment by promotion, deputation transfer, grade from which promotion/deputation/ transfer is to be made.

“By promotion from amongst the incumbents of clerical cadre ( Including Clerks/Senior Clerks/Junior Assistants) subject to fulfilling the educational qualifications prescribed in Col. No. 7 above with 5 years regular service or regular combined with continuous adhoc (rendered up to 31.3.91) service failing which by deputation from amongst the Legal Assistants working in the identical pay scales of this post in other Government Departments

Provided that for the purpose of promotions a select list of all eligible officials shall be prepared wherein the incumbents with higher pay scales shall be kept enbloc above the eligible person and thereafter the incumbents next lower pay scale shall be placed below it and so on.

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(1) In all cases of promotion, the adhoc service rendered in the feeder post up to 31.3.91, 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:-

- (i) that in all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including the service rendered on adhoc basis up to 31.3.91) in the feeder post in view of the provisions referred to above, all persons senior to him 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 incumbent to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the Recruitment and Promotions 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 shall also be deemed to be ineligible for consideration for such promotion.

**Explanation:-**The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be Ex-Servicemen recruited under the provisions of Rule-3 of Demobilised Armed Forces Personnel

(Reservation of vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rule-3 of 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 up to 31.3.91 if any, prior to the regular appointment against such post shall be taken into account towards the length of service;

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered up to 31.3.91 shall remain unchanged.

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12. If a Departmental promotion Committee exists what is its Composition.

As may be constituted by the Government.

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) a citizen of India or,
- (b) a subject of Nepal, or
- (c) a subject of Bhutan, or
- (d) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India.
- (e) A person of India origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the united Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malwa, Zaire and Ethiopia with the intention of permanently settling in India;

Provided that a candidate belonging to categories (b), (c), (d), and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination of interview conducted by the Himachal Pradesh Public Service Commission or other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government 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 the Himachal Pradesh Public Service Commission or other recruiting authority as the case may be, so consider necessary or expedient by a written test or

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practical test, the standard/ syllabus, etc. of which, will be determined by the Commission/ other recruiting authority as the case may be.

16. Reservation

The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/ Backward Classes/other categories of persons issued by the Himachal Pradesh Government from time to time.

17. 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 the H.P.S.C. relax any of the provisions of these Rules with respect to any class or category of persons or posts.

**(Authoritative English text of this Department Notification No.IPH (A) (3)-2/95 dated 20.7.01 as required under clause (3) of Article 309 of the Constitution of India.**

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**Government of Himachal Pradesh  
Department of Irrigation & Public Health**

**No.IPH (A) (3)-2/95, dated Shimla -2, the 20 July, 2001**

**Notification**

In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the following Rules, to amend the Himachal Pradesh Department of Irrigation & Public Health Legal Assistant (Class-III Non-Gazetted) Recruitment and Promotion Rules, 1996 notified vide this Department Notification No. IPH(A)(3)-2/95 dated 23.10.96 namely:-

Short title & Commencement

1. (i) These Rules may be called the Himachal Pradesh Department of Irrigation & Public Health Legal Assistant (Class-III Non-Gazetted) Recruitment and promotion (First Amendment) Rules 2001.
- (ii) These rules shall come into force from the date of publication in Rajpatra ,Himachal Pradesh.

Amendment of Annexure “A”

2. In Annexure “A” to the Himachal Pradesh Department of Irrigation & Public Health Legal Assistant (Class-III-Non Gazetted) Recruitment & Promotion Rules 1996-
  - (a) For the existing provisions against Col No. 2, the Following shall be substituted namely:-  
“3” (Three)
  - (b) For the existing provisions against Col. No. 4, the following shall be substituted namely:  
  
“Rs. 6400-200-7000-220-8100-275-10300-340 - 10640”.
  - © In the existing provisions against Col. No.6 for the figure “35”, the figure “45” shall be substituted.
  - (d) For the existing provisions against Col. No.11 the following shall be substituted namely:-

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“By promotion from amongst Senior Assistants/ Statistical Assistants/ Sr. Scale Stenographers who possess the professional degree in Law or its equivalent from a recognized University in India with 6 years regular or regular combined with continuous adhoc service (rendered up to 31.3.98) failing which by promotion amongst the Junior Assistants with 10 years regular combined with continuous adhoc service (rendered up to 31.3.98) failing which by deputation from amongst the Legal Assistants working in the identical pay scales of this post in other Government Departments.

Provided that for the purpose of promotion i.e. in case of Senior Assistants/ Statistical Assistants/Sr. Scale Stenographers combined seniority list of eligible officials on the basis of the length of service without disturbing their cadre-wise inter-se-seniority shall be prescribed.”

(1) In all cases of promotion, the continuous adhoc service rendered in the feeder post up to 31.3.98, 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 of R&P Rules, provided that:-

(i) In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including the service rendered on adhoc basis up to 31.3.98) followed by regular service/ appointment in the feeder post in view of the provisions referred to above, all persons senior to him 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 Recruitment and Promotion 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 shall also be deemed to be ineligible for consideration for such promotion.

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**Explanations:-** The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be Ex-servicemen recruited under the provisions of Rule-3 of Demobilised Armed Forces Personnel ( Reservation of vacancies in Himachal State Non-Technical Services) Rule, 1972 and having been given the benefit of seniority there under or recruited under the provisions of Rule -3 of Ex-Servicemen ( Reservation of vacancies in Himachal Pradesh Technical Services) Rule, 1985 and having been given the benefit of seniority there under.

Similarly, in all cases of confirmation, continuing adhoc service rendered in the feeder post up to 31.3.98, if any prior to the regular appointment/ promotion against such posts shall be taken into account towards the length of service, if the adhoc appointment/promotion against such posts had been made after proper selection and in accordance with the provisions of the R&P Rules;

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered up to 31.3.98 shall remained unchanged.

By Order

FC-Cum-Secretary (IPH) to the  
Government of Himachal Pradesh

Endst. No.IPH (A) (3)-2/95, dated Shimla-2. the 20<sup>th</sup> July 2001.

Copy forwarded to:-

1. All the Secretaries to the Government of H.P.
2. The Controller, Printing & Stationery, H.P. Government press, Shimla-5 for publication in the Rajpatra.
3. All Head of Department in H.P.
4. The Secretary, Himachal Pradesh Public Service Commission, Shimla-171002
5. The Engineer-in-Chief, IPH Department, Shimla-171001.
6. All the Chief Engineers IPH Department in H.P
7. A.L.D. English/Hindi, Law Department, H.P. Secretariat.
8. Section Officer (GAD-C) H.P. Secretariat, Shimla-2.

Joint Secretary (IPH) to the  
Government of Himachal Pradesh



© For the existing provisions against Col. No.14, the following shall be substituted.

“A candidate for appointment to any service or post must be a citizen of India.”

By order,  
Principal Secretary (IPH) to the  
Government of Himachal Pradesh.

Endst.No. As above,

Dated:Shimla-2, the ,5.2.2004

Copy forwarded for information and necessary action to:-

1. All the Secretaries to the Govt. of H.P.Shimla-2.
2. All Heads of Department in Himachal Pradesh.
3. The Controller, Printing & Stationery, H.P. Press Shimla-5, for publication in the Rajpatra.
4. The Secy. H.P. Public Service Commission, Shimla-171002.
5. The Principal Secretary (Personnel) H.P. Govt. Shimla-2.
6. The Engineer-in-Chief I&PH Department Shimla-1.
7. All the Chief Engineers in I&P.H. Deptt. in H.P.
8. The Sr. Law Officer (English) Law Deptt., H.P. Secretariat Shimla-171002.

Sd./-

Addl. Secretary (IPH) to the  
Government of Himachal Pradesh.

**Authoritative English text of the Departmental Notification No. IPH (A) (3)-2/95 dated as required under clause (3) of Article 348 of the constitution of India.**

**Government of Himachal Pradesh  
Department of Irrigation & Public Health**

**NO.IPH (A) (3)-2/95, dated Shimla-2 the 18 August 2006**

**Notification**

In exercise of the power conferred by proviso to Article 309 of the constitution of India, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the following Rules, to amend the Himachal Pradesh, Department of Irrigation & Public Health, Legal Assistant Class-II (Non Gazetted) Recruitment and promotion Rules, 1996, notified vide this Department Notification of even number dated 23.10.96 namely:-

**Short titled &  
Commencement**

- (1) (1) These Rules may be called the Himachal Pradesh Department of IPH , Legal Assistant (Class-II Non Gazetted) Recruitment & promotion (Ist amendment) Rules, 2006.
- (2) These Rules shall be come into force from the date of publication in Rajpatra

**Amendment of  
Annexure “A”**

- (2) In Annexure “A” to the Himachal Pradesh, Department of Irrigation & Public Health, Legal Assistant Class-II (Non Gazetted) Recruitment & Promotion Rules, 1996.
  - (a) For the existing provisions against Col.No.11, the following shall be substituted:-
  - (ii) By promotion from amongst the Senior Assistants/ Sr. Scale Stenographer/ Statistical Assistants subject to fulfilling the educational qualification prescribed in Col. No. 7 with 5 years regular service or regular combined with continuous adhoc service rendered , if any, in the grade.
  - (ii) By promotion from amongst the Clerical cadre (Which includes Clerks/Junior Assistant/Steno-typist and Junior Scale Stenographer) subject to

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fulfilling the education qualification prescribed in col.No.7 with 10 years regulars or regular combined with continuous adhoc service rendered, if any, in the grade.

Provided that for the purpose of promotion a select list of all eligible officials shall be prepared wherein the incumbents with higher pay scale shall be kept enbloc above the eligible person and thereafter the incumbents next in the lower pay scales be placed below it and so on.

Provided further that for the purpose of promotion a combined seniority list of all eligible officials of the feeder posts shall be prepared on the basis of their length of service in their respective grades without disturbing their inter-se-seniority in their respective cadres.

- (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 prescribe 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 of 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 of 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 qualification service of at least three years or that the prescribed in the R&P rules for the post, whichever is less;

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**:-3:-**

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) rule, 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 on the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there under;

- (2) Similarly, in all cases of confirmation, continuing 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 results of confirmation after taking into account, adhoc service rendered as referred to above shall

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remained unchanged.

BY ORDER

Principal Secretary (IPH) to the  
Government of Himachal Pradesh

Endst. No. as above: Shimla-2, the 18 August 2006

**Copy is forwarded for information & necessary action to:-**

1. All the Administrative Secretaries in H.P.
2. The Principal Secretary (Personnel) to the Government of H.P.
3. All the Head of the Departments in H.P.
4. The Controller, P&S, HP Government Press Shimla-5 for publication Rajpatra.
5. The Secretary, HP Public Service Commission, Shimla-2.
6. The Engineer-in-Chief, IPH Department Shimla-I.
7. All the Chief Engineers, IPH Department, H.P.
8. The Sr. Law Officer (English), Law Department H.P. Secretariat Shimla-2.

Under Secretary (IPH) to the  
Government of Himachal Pradesh.