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HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 24th December, 2016

S.R.O. No. 641/2016— In exercise of the powers conferred by Section 22 of the Odisha Municipal services Act, 2016 and in supersession of all rules, regulations, Orders or instructions, except as respects things done or omitted to be done before such supersession, the State Government do hereby make the following rules regulating the method of recruitment and conditions of service of the persons appointed to the Odisha Municipal Administrative Services, namely:—

CHAPTER-I PRELIMINARY

1. Short title and Commencement.— (1) These rules may be called the Odisha Municipal Administrative Service (Method of Recruitment and Conditions of Service) Rules, 2016,

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

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

- (a) 'Act' means the Odisha Municipal Services Act, 2016;
- (b) 'Commissioner' means Commissioner of a Municipal Corporation;
- (c) 'Deputy Commissioner' means Deputy Commissioner of a Municipal Corporation;
- (d) 'District' means a revenue District;
- (e) "DPC" means the Departmental Promotion Committee constituted under Rule 13;
- (f) "Executive Officer" means Executive Officer of a Municipality or a Notified Area Council as the case may be;

- (g) "Ex-servicemen" means persons as defined in the Odisha Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
- (h) "Government" means the Government of Odisha;
- (i) 'Joint Commissioner' means Joint Commissioner of a Municipal Corporation;
- (j) 'OMAS' means Odisha Municipal Administrative Service;
- (k) 'OPSC' means Odisha Public Service Commission;
- (l) 'OSSC' means Odisha Staff Selection Commission;
- (m) "Persons with Disabilities" means persons who have been granted with Disability Certificates by Competent Authority as per the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Right, and full Participation) Odisha Rules, 2003;
- (n) 'Schedule' means Schedule appended to these rules;
- (o) "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 Article, 341 and 342 of the Constitution of India, respectively;
- (p) "SEBC" means the Socially and Educationally Backward Classes of citizens other than the Scheduled Castes and Scheduled Tribes as may be specified by the State Government from time to time in the list under the Odisha State Commission for Backward Classes Act, 1993;
- (q) 'Section' means section of the Odisha Municipal Services Act, 2016.
- (r) 'Selection' means selection in accordance with the provisions of these Rules.
- (s) "Service" means the Odisha Municipal Administrative Service;
- (t) "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;
- (u) The terms 'Urban Cadre', "Municipal Cadre" and "Municipal Services" are used inter-changeably in these Rules and bear same meaning; and
- (v) 'Year' means the Calendar Year.

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

3. Constitution of Cadre and Services.-(1) The Group-"A" posts of the Service shall consist of the following grades, namely:—

- (i) Director Municipal Administration;
- (ii) Municipal Commissioner;
- (iii) Joint Commissioner
- (iv) Deputy Director Municipal Administration/Deputy Commissioner;
- (v) Asst. Director, Municipal Administration/ Asst. Commissioner/Chief Executive Officer; and
- (vi) Enforcement Officer.

(2) The Group-"B" posts of the Service shall consist of the following grades, namely :—

- (i) Senior Executive Officer ;
- (ii) Assistant Enforcement Officer;
- (iii) Law Officer;
- (iv) Executive Officer;
- (v) Assistant Law Officer; and
- (vi) Junior Enforcement Officer.

CHAPTER-II METHODS OF RECRUITMENT

4. Cadre Strength and Methods of recruitment.— (1) The initial cadre strength of Odisha Municipal Administrative Service for all the Urban Local Bodies shall be as provided in SCHEDULE-I; and Government shall have power to increase or decrease the Cadre strength by issuing notification after evaluating the administrative necessity.

(2) The qualifications and method of selection for different posts and experience under respective grade in the service shall be as specified in SCHEDULE-II.

(3) Subject to other provisions made in these rules recruitment to different grades in the service shall be made by the following methods, namely:—

- (a) The post of Director Municipal Administration shall be filled up byway of promotion from the Cadre of Municipal Commissioner or by deputation from the Indian Administrative Service or the Odisha Administrative Service;
- (b) The post of Municipal Commissioner shall be filled up byway of promotion from the Cadre of Joint Commissioner or by deputation from the Indian Administrative Service or the Odisha Administrative Service;
- (c) The post of Joint Commissioner shall be filled up byway of promotion from the Cadre of Deputy Director Municipal Administration/Deputy Commissioner;

- (d) The post of Deputy Director Municipal Administration/Deputy Commissioner shall be filled up by way of promotion from the Cadre of Asst. Director, Municipal Administration/ Asst. Commissioner/ Chief Executive Officer and from the cadre of Senior Executive Officer;
- (e) Not less 50% of the total post of Asst. Director, Municipal Administration, Asst. Commissioner and Chief Executive Officer shall be filled up by direct recruitment by the OPSC and not more than 50% of the total said posts shall be filled up by way of promotion from the Cadre of Enforcement Officer, Senior Executive Officer, Assistant Enforcement Officer and Executive Officer.
- (f) Not less than 50% of the total post of Enforcement Officer shall be filled up by direct recruitment through the OPSC and not more than 50% of the total said posts shall be filled up by way of promotion from the Cadre of Assistant Enforcement Officer and Executive Officer;
- (g) The post of Senior Executive Officer shall be filled up by way of promotion from the Cadre of Executive Officer;
- (h) The post of Assistant Enforcement Officer shall be filled up by way of promotion from the Cadre of Junior Enforcement Officer;
- (i) The post of Law Officer shall be filled up by way of promotion from the Cadre of Assistant Law Officer;
- (j) Not less than 50% of the total post of Executive Officer shall be filled up by direct recruitment through the OPSC and not more than 50% of the total said posts shall be filled up by way of selection from the group 'B' posts of the Odisha Municipal Finance Service (OMFS), Odisha Municipal Public Health Service (OMPHS), Odisha Municipal Community Development Service (OMCDS) and Odisha Municipal Ministerial Service (OMMS), and from the group 'C' posts of different Municipal cadre as may be notified by the State Government from time to time.
- (k) The post of Assistant Law Officer shall be filled up by way of direct recruitment by the Odisha Municipal Services Board;
- (l) The post of Junior Enforcement Officer shall be filled up by way of direct recruitment by the Odisha Staff Selection Commission;

5. Reservations— Notwithstanding anything contained in these rules reservation of vacancies or posts, as the case may be, for,—

- (a) Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder; and
- (b) SEBC, women, sportsmen, Ex-servicemen and Persons with Disabilities 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.

6. Grouping of Posts— Grouping of various categories of posts of the Service, in the Urban Local Bodies and Directorate of Municipal Administration shall be categorized as Group A or Group B, on the basis of scales of pay, similar to the grouping of posts as notified by the General Administration Department of the Government.

7. Appointing Authority and Jurisdiction of Municipal Services.—(1) The Director, Municipal Administration in the Housing & Urban Development Department shall be the appointing authority for all categories of posts/officers and employees recruited to Service.

(2) The appointment order shall be issued after obtaining orders of Government in all cases.

(3) The Service shall be a State cadre and the Officers and employees appointed to the service may be transferred or deputed to all ULBs across the State.

8. Status and financial liability of the Officers and employees.— (1) The Officers and employees recruited to the Service shall be appointed and controlled by the Director, Municipal Administration and they shall be officers and employees of the Local Authority.

(2) The Urban Local Body concerned shall be liable to meet the salaries, allowances and other financial benefits of the personnel posted in the Urban Local Bodies.

9. Eligibility Criteria for Direct Recruitment.— In order to be eligible for direct recruitment to the posts under the Service, a candidate shall have to satisfy the general conditions laid down in the Odisha Municipal Services (General) Rules, 2016 as applicable with the following further conditions, namely:—

(1) **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;

Provided that this clause, except good mental condition shall not be applicable to the persons with disability.

(2) Minimum Educational Qualifications for different posts under the OMAS shall be as provided in the SCHEDULE-II.

10. Selection by the OPSC.— (1) Direct recruitment to the service in the Group A, posts of Asst. Director, Municipal Administration, Asst. Commissioner, Chief Executive Officer, Enforcement Officer and in the Group B, posts of Executive Officer, shall be conducted by the OPSC.

(2) Ordinarily in the month of January of each year the Government shall communicate to the OPSC the total number of vacancy already existing and the anticipated in that year indicating therein the number of posts required to be filled up and the posts to be reserved for candidates belonging to different reserved categories and furnish the necessary details in the format prescribed for the purpose.

(3) The OPSC on receipt of the vacancies to be filled up by direct recruitment shall take all necessary steps for the recruitment of suitable candidates, and adopt its own procedures.

(4) The syllabus and standard of examination shall be as may be prescribed by the OPSC.

(5) The OPSC shall prepare a composite merit list taking into account all categories along with separate merit list categorywise.

11. Selection of the Junior Enforcement Officer by the OSSC.— (1) The competitive examination for direct recruitment to the post of Junior Enforcement Officer shall be conducted by the OSSC.

(2) Ordinarily in the month of January of each year the Director Municipal Administration shall communicate the total number of vacancies, that is, the existing and the anticipated vacancies during the recruitment year to be filled up by direct recruitment to the OSSC indicating the post to be reserved for candidates belonging to different reserved categories and furnish the necessary details in the format prescribed for the purpose.

(3) The OSSC shall, on receipt of the vacancies to be filled up by direct recruitment shall take all necessary steps for the recruitment of suitable candidates, and adopt its own procedures.

(4) The syllabus and standard of examination shall be as may be prescribed by the OSSC.

(5) The OSSC shall prepare a composite merit list taking into account all categories along with separate merit list categorywise.

12. Select List in case of Direct Recruitment— (1) The merit lists received from the OPSC and the OSSC as the case may be, shall be placed before the Government for approval, and on such approval, it shall form the select list.

(2) Appointment to different grades in the service shall be made in the order of the names as they appear in the select list.

(3) Every candidate included in the select list shall be examined by a Medical Board and any candidate who fails to qualify the Medical Board shall not be eligible for appointment.

(4) The select list shall ordinarily remain in force for one year from the date of its approval by the Government under sub-rule (1) or until another select list is prepared, whichever is earlier.

CHAPTER-III

PROMOTION

13. Constitution of Departmental Promotion Committees (DPC).— (1) There shall be constituted two different Committees for considering promotion of the officers to different grades in the service, namely:—

(a) The Committee for promotion to the posts of Director Municipal Administration and Municipal Commissioner:—

(i) Additional Chief Secretary : Chairman

(ii) Principal Secretary/Secretary of the HUD Department : Member

(iii) Director, Municipal Administration : Member

Note- The Director, Municipal Administration shall not remain as a Member in the Committee for promotion to the post of Director Municipal Administration in that case the Principal Secretary/ Special Secretary, General Administration Department shall act as a member.

(iv) Additional Secretary/Joint Secretary/Deputy Secretary
of the HUD Department dealing with the subject. : Convener.

(b) The Committee for promotion to the posts of Joint Commissioner, Deputy Director Municipal Administration/Deputy Commissioner, Asst. Director, Municipal Administration/ Asst. Commissioner/Chief Executive Officer, Enforcement Officer, Senior Executive Officer, Assistant Enforcement Officer, Executive Officer, and Law Officer:—

(i) Principal Secretary/Secretary of the HUD Department : Chairman

(ii) Director, Municipal Administration : Member

(iii) Representative of the ST & SC Development Department, of the rank of Under Secretary & above. : Member

(iv) Additional Secretary/Joint Secretary/Deputy Secretary of the HUD Department dealing with the subject. : Member-Convener

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

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

14. Procedure for Selection by the Departmental Promotion Committee.—(1)

The DPC shall meet at least once in a year preferably in the month of January of the recruitment year to prepare a list of officers, as are held by them suitable for promotion to the next higher grade.

(2) The DPC while considering the cases of suitable officers and preparation of the list shall follow the provisions of—

(a) The Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988.

(b) The Odisha Civil Services (Criteria for Promotion) Rules, 1992

(c) The Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.

(d) The Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder, wherever applicable.

15. Government approval.—The recommendation of the DPC contains the list of Officers suitable for promotion under sub rule (1) of rule 14 shall be placed before Government for approval.

16. Select List in case of Promotion.— (1) The list prepared by the DPC under sub rule (1) of rule 14 and as approved by Government under rule 15 shall form the select list.

(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 approval by the Government or until another select list is prepared afresh whichever is earlier.

(3) Appointment on promotion to different grades in the service shall be made in the order in which the names of officers appear in the select list drawn under sub rule (1).

CHAPTER-IV
OTHER CONDITIONS OF SERVICE

17. Probation.—The period of probation as provided under section 9 shall not include,—

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

18. Inter-se-Seniority.—The *inter-se-seniority* of the officers promoted to any grade in the service after commencement of these rules in a particular year shall be in the order in which their names appear in the select list prepared under rule 16 and the *inter-se-seniority* of the direct recruit shall be fixed as per the provisions of the proviso to Section 10 read with rule 12:

Provided that officers appointed on promotion against the vacancies of a year shall en-block be senior to those appointed by direct recruitment against the vacancies of that year, where the posts are being filled up both by way of promotion and direct recruitment.

19. Other Service Conditions.—The other service conditions of the officers recruited to the Service not covered in the provisions of the Act and these rules shall be the same as in the existing respective State Government Rules.

CHAPTER-V
MISCELLANEOUS

20. Relaxation—When the Government are of the opinion that it is considered 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 class or category of employees, or in respect of any particular employee.

21. Interpretation—If any question arises relating to the interpretation of these rules, it shall be referred to Government whose decision thereon shall be final.

[No. 30164—HUD-13-LEGIS-67-POLICY-15-26/2016/HUD.]

By Order of the Governor

G. MATHI VATHANAN
Commissioner-cum-Secretary to Government

SCHEDULE - I

[See rule 4 (1)]

POSITION OF CADRE STRENGTH IN DIFFERENT CATEGORY OF ULBs

Sl. No.	NAME OF POST	CADRE	DMA	CAT-1	CAT-2	CAT-3	CAT-4	CAT-5	CAT-6	CAT-7	CAT-8	Total
				1 ULB	1 ULB	3 ULB	4 ULBs	14 ULBs	27 ULBs	56 ULBs	5 ULBs	
1	2	3	4	5	6	7	8	9	10	11	12	13
1	Director Municipal Administration	OMAS	1									1
2	Municipal Commissioner	OMAS		1	1	1						5
3	Joint Commissioner	OMAS		1	1							2
4	Deputy Director, Municipal Administration/ Deputy Commissioner	OMAS	1	3	1	1						8
5	Asst. Director, Municipal Administration/ Asst. Commissioner/ Chief Executive Officer	OMAS	2	4	4	2	1	1				34
6	Enforcement Officer	OMAS		1	1	1						9
7	Senior Executive Officer	OMAS					1		1			31
8	Assistant Enforcement Officer	OMAS		2	1	2	1					13
9	Executive Officer	OMAS								1	1	61
10	Junior Enforcement Officer	OMAS		4	2	2	1	1				30
11	Law Officer	OMAS	1	1	1	1						6
12	Asst. Law Officer	OMAS		1			1					5
	TOTAL	OMAS	5	18	12	10	6	2	1	1	1	205

NOTE- The right side Total Column 13 - shows the calculated total number posts sanctioned for all the eight categories of ULBs and DMA establishment of the particular designated post.

SCHEDULE - II

[See rule 4 (2) and 9 (2)]

QUALIFICATIONS, METHOD OF SELECTION AND EXPERIENCE

SI. No.	NAME OF POST	METHOD OF SELECTION	QUALIFICATION/ EXPERIENCE/ SOURCE
(1)	(2)	(3)	(4)
1.	Director Municipal Administration	Promotion/ Deputation	For promotion must have put at least 3 years of service as Municipal Commissioner.
2.	Municipal Commissioner	Promotion/ Deputation	For promotion must have put at least 4 years of service as Joint Commissioner.
3.	Joint Commissioner	Promotion	Must have put at least 4 years of service as Deputy Director, Municipal Administration/ Deputy Commissioner.
4.	Deputy Director, Municipal Administration/Deputy Commissioner	Promotion	Must have put at least 8 years of service as Asst. Director, Municipal Administration/ Asst. Commissioner/ Chief Executive Officer or 10 years of service as Sr. Executive Officer
5.	Asst. Director, Municipal Administration/ Asst. Commissioner/ Chief Executive Officer	Direct Recruitment/ Promotion	Must have Bachelor's degree from a recognized university or a Govt. recognized institution with Basic Computer Knowledge. For promotion, must have put at least cumulative period of 10 years of service in posts of Executive Officer and Senior Executive Officer taken together/Assistant Enforcement Officer and Enforcement Officer taken together.
6.	Enforcement Officer	Direct Recruitment/ Promotion	Must have Bachelor's degree from a recognized university or a Govt. recognized institution with Basic Computer Knowledge. For promotion, must have put at least 8 years of service as Executive Officer/ Assistant Enforcement Officer.
7.	Senior Executive Officer	Promotion	Must have put at least 7 years of service as Executive Officer.
8.	Assistant Enforcement Officer	Promotion	Must have put at least 7 years of service as Junior enforcement Officer.

CAT-8	Total
ULBs	13
12	1
	5
	2
	8
	34
	9
	31
	13
	61
	30
	6
	5
105	

(1)	(2)	(3)	(4)
9	Law Officer	Promotion	Must have put at least 7 years of service as Asst. Law Officer.
10	Executive Officer	Direct Recruitment/ Promotion	Must have bachelor degree from any stream from Govt. recognized University with Basic Computer Knowledge. For selection quota a group 'B' or 'C' Officer or employee, on first January of the year in which DPC meets, must be below 45 years of age and must have completed 5 years of service, in the feeder grade of municipal service possessing a bachelor degree and basic knowledge in computer application.
11	Asst. Law Officer	Direct Recruitment	Must have three year Bachelor degree in Law or five years integrated Law degree from any University/ institution having approval of affiliation of the Bar Council of India with Basic Computer Knowledge.
12	Junior Enforcement Officer	Direct Recruitment	Must have Bachelor degree in any stream from a Govt. recognised university or retired military Officers having educational qualification of Bachelor Degree with Basic Computer Knowledge.