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MICRO SMALL & MEDIUM ENTERPRISES DEPARTMENT

NOTIFICATION

The 11th January, 2024

No.316—FE-01/2024/MS&ME.— In exercise of powers conferred by proviso to Article 309 of the Constitution of India and in supersession of all rules, orders, regulations 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 regulating the method of recruitment and conditions of service of the persons appointed to Odisha Industries Service cadre, namely:—

1. Short Title and Commencement — (1) These rules may be called the Odisha Industries Service (Method of Recruitment and Conditions of Service) Rules, 2024.

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

2. Definition —(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 of this rule;
- c. "Director" means, the Director of Industries, Odisha;
- d. "Direct Recruitment" means recruitment made by the Commission under rule-6;
- e. "Ex-Servicemen" means Persons as defined in clause (b) of rule-2 of the Odisha Ex- Servicemen (Recruitment to State Civil Services and posts) Rules, 1985;
- f. "Government" means Government of Odisha;
- g. "Heads of Department" means Director of Industries, Odisha;
- h. "Persons with disabilities" means Persons who has been granted with disability certificates by the competent authority as per the provisions of the rights of persons with disabilities Act, 2016 (49 of 2016);
- i. "Scheduled Caste and Scheduled Tribe" shall have reference to the Scheduled Castes and Scheduled Tribes specified in the constitution (Scheduled Castes) order, 1950 and the constitution (Scheduled Tribes) order,

1950, as the case may be made under Articles 341 and 342 of the Constitution of India, respectively;

- j. "Schedule" means schedule appended to these Rules;
- k. "SEBC" means the Socially and Educationally Backward Classes as defined in clause (a) of Section 2 of the Odisha State Commission for Backward Classes Act, 1993 (Orissa Act 16 of 1993);
- l. "Select List" means the list of the candidates approved by the Appointing Authority containing the names of persons considered suitable in order of merit for appointment;
- m. "Service" means Odisha Industries Service;
- n. "Sportspersons" means persons who have been issued with identity card as sportsmen by the Director of Sports as per Resolution No. 24808/Gen., the dated 18th November, 1985 of General Administration Department;
- o. "State" means the State of Odisha; and
- p. "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 Orissa Service Code.

3. Constitution of Service — The Service shall consist of the following grades of post, namely:—

- a. Additional Director of Industries, OIS (SAG);
- b. Joint Director of Industries, OIS (SG);
- c. Deputy Director of Industries, OIS (SB);
- d. Assistant Director of Industries, OIS (JB); and
- e. Assistant Industries Officer, OIS (Group-B).

4. Method of Recruitment — Subject to other provisions made in these rules, recruitment to the posts in the Service shall be made by the following methods, namely :—

(1) Recruitment to the post of Assistant Industries Officer in OIS (Group-B) grade shall be made in the following manner, namely :—

- a. As nearly as but not more than 60% of the vacancy shall be filled up by way of selection of suitable officers from the cadres of Industries Promotion Officers (IPO) and Industrial Supervisors (IS), in accordance with rule-7:

Provided that, in the event of non-availability of adequate number of eligible candidates of Industries Promotion Officer (IPO) and Industrial Supervisor (IS) cadres for selection to the post of Assistant Industries Officer, the remaining vacancies shall be filled

up by way of direct recruitment as prescribed in clause (b).

- b. As nearly as but not less than 40% of the vacancies shall be filled up by way of direct recruitment through competitive examination conducted by the Commission in accordance with rule-6.

(2) Recruitment to the post of Assistant Director of Industries in OIS (Junior Branch) grade, Deputy Director of Industries in OIS (Senior Branch) grade, Joint Director of Industries in OIS (Selection Grade) and Additional Director of Industries in OIS (Senior Administrative Grade) shall be made by way of promotion from the post of Assistant Industries Officer in OIS (Group-B) grade, Assistant Director of Industries in OIS (Junior Branch) grade, Deputy Director of Industries in OIS (Senior Branch) grade and Joint Director of Industries in OIS (Selection Grade) respectively, in accordance with rule-8.

5. Reservations —Notwithstanding anything contained in these rules, the 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 there under or any other law or rule in force at the relevant time; and
- b. SEBC, Women, Sportspersons, 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. Direct Recruitment by Commission — (1) Direct recruitment to the post of Assistant Industries Officer under “Group-B” Category in the service, as prescribed in clause-(b) of sub-rule (1) of rule-4, shall be made by way of competitive examination to be conducted by the Commission.

(2) Requisition for direct recruitment shall be filed by MSME Department with the Commission as and when need for direct recruitment arises.

(3) The date on which and the place at which the examination is to be held shall be fixed by the Commission.

(4) Type, pattern and syllabus of the competitive examination shall be decided by the Commission.

(5) Eligibility Criteria for Direct Recruitment ---In order to be eligible for direct recruitment to the service, a candidate must, —

- a. be a citizen of India;
- b. have attained the age of 21 (twenty one) years and must not be above the age of 32 years as on the 1st day of January of the year in which recruitment is made:

Provided that the upper age limit in respect of reserved categories of candidates referred 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. have —
- i. Passed Standard-VII examination with Odia as a Language subject from a school or educational institution recognized by the Government of Odisha or the Central Government; or
 - ii. Passed Matriculation or equivalent examination with Odia as medium of examination in non- language subject; or
 - iii. Passed a test in Odia of Class-VII Standard conducted by School and Mass Education Department of Government of Odisha/ Board of Secondary Education, Odisha.
- d. have possessed B.E. or B. Tech or equivalent degree in any engineering discipline from a recognized university or educational institution of India or abroad.
- e. not have more than one spouse living, if married:

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.

(6) Select List for Direct Recruitment — (a) The Commission shall prepare a list of selected candidates considered suitable for the post in order of merit which shall be equal to the number of vacancies advertised. The list alongwith the recommendation shall be sent by the Commission to the Government for approval.

(b)The list after being approved by the Government shall form the Select List and all appointments shall be made in the order in which their names appear in the select list.

(c) The lists referred to under clauses (a) and (b) shall ordinarily be in force for a period of one year from the date of recommendation of the list by the Commission as prescribed under clause (a) or until another select list is prepared afresh by the Commission, whichever is earlier.

7. Recruitment by way of Selection from Industries Promotion Officer (IPO) and Industrial Supervisor (IS) cadres — (1) As nearly as but not more than 60% of the vacancy shall be filled up by way of selection from among Industries Promotion Officers (IPO) and Industrial Supervisors (IS) having completed 07 years of continuous service in the post as on

the 1st day of January of the year in which the Committee meets.

(2)The committee constituted under rule-9 shall also function as the selection committee for selection of suitable officers from the cadres of Industries Promotion Officer (IPO) and Industrial Supervisor (IS), in accordance with these rules.

8. Eligibility Criteria for Promotion — (a) No Assistant Industries Officer in OIS (Group-B) grade shall be considered for promotion to the post of Assistant Director of Industries in OIS (Junior Branch) grade unless he has completed 6 (six) years of continuous service as such as on the 1st day of January of the year in which the Committee meets and passed Departmental Examination Conducted by the Board of Revenue, Odisha as prescribed under rule-13.

(b) No Assistant Director of Industries in OIS (Junior Branch) grade shall be considered for promotion to the post of Deputy Director of Industries in OIS (Senior Branch) grade unless he has completed 03 (three) years of continuous service as such as on the 1st day of January of the year in which the Committee meets.

(c) No Deputy Director of Industries in OIS (Senior Branch) grade shall be considered for promotion to the post of Joint Director of Industries in OIS (Selection Grade) of unless he has completed 01 (one) years of continuous service as such as on the 1st day of January of the year in which the Committee meets.

(d) Appointment to the post of Additional Director of Industries in OIS (Senior Administrative Grade) shall be made on promotion from amongst the officers of Joint Director of Industries in OIS (Selection Grade) on the basis of merit and suitability with due regard to seniority.

9. Constitution of Departmental Promotion Committee — (1) There shall be a Committee consisting of following members to consider the cases of promotion to the next higher rank in the service; namely:—

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|--|--------------------------|
| a. Additional Chief Secretary or Principal Secretary or
Commissioner- <i>cum</i> -Secretary to Government, MS&ME Department | -----Chairman |
| b. Special or Additional or Joint Secretary to Government
(in charge of Field Establishment) MS&ME Department | ----- Member |
| c. Director of Industries, Odisha | ----- Member |
| d. Deputy Secretary or Under Secretary to Government
(in charge of FE) MS&ME Department | ----- Member
Convener |
| e. Representative of ST & SC Development,
M&BCW Department | ----- Special
Invitee |

(2) Recommendation of the committee shall be valid and may be acted upon

notwithstanding absence of any one of its members other than the Chairman:

Provided that the member so absent 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 meet at least once in a year 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 anticipated vacancies of the year.

(b) The Committee while considering promotion cases of suitable officers shall follow the provisions of:-

- (i) the Odisha Civil Services (Criteria for Promotion) Rules, 1992;
- (ii) the Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988;
- (iii) the Odisha Reservation of vacancies in posts and services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and rules made there under, as the case may be;
- (iv) the Odisha Civil Service (Criteria for Selection for Appointment including Promotion) Rules, 2003; and
- (v) instructions, guidelines issued by the Government from time to time.

11. Consultation with the Commission — (a) Recommendations of committee under sub-rule 2 of rule-9 shall be referred to the Commission for concurrence, along with the list of all eligible candidates, including those who have not been recommended, together with the service particulars, if any.

(b) The Commission shall consider the list along with the service particulars received under clause (a) and shall furnish its recommendation to the Government as to the suitability of the candidates for promotion.

12. Select List for Promotion — (a) The recommendations of the Commission in respect of reference made to it under clause (a) of rule-11 shall, after being approved by the Government, form the select list.

(b) The select list referred to under clause (a) 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.

(c) Appointment to any post in the service shall be in order in which the names of the officers appear in the select list:

Provided that the Government may at any time, in consultation with the Commission, remove the name of such officers from the list for grave lapses in

conduct or deterioration in standard of performance of duty on the part of any officer included in the list.

13. Departmental Examination — (1) Every person shall, on appointment to Odisha Industries Service, unless specifically exempted by Government, be required to pass the Departmental Examination to be conducted by Board of Examiners appointed by the Board of Revenue, the syllabus and the rules prescribed in *Schedule-A*.

(2) No officer shall be eligible for promotion to the post of Assistant Director of Industries under OIS (JB) grade until he passed the prescribed departmental examination.

14. Inter se-Seniority — The *Inter se*-Seniority of the persons appointed to any post in the service in a particular year shall be in the order in which their names appear in the select list prepared under sub-rule (6) of rule-6 and rule-12, as the case may be:

Provided that the Industries Promotion Officers (IPO) and Industrial Supervisors (IS) who have been brought over to this service on selection to the post of Assistant Industries Officer under “Group-B” Category shall en bloc be senior to those appointed by direct recruitment against the vacancies of that year:

Provided further that on recruitment to “Group-B” Grade by way of selection, *Inter se*-Seniority among Industries Promotion Officers (IPO) and Industrial Supervisors (IS) shall be fixed on the basis of their date of appointment into Government service under MSME Department or erstwhile Industries Department.

15. 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.

16. Relaxation — When it is considered by the Government 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 class or category of employees in consultation with the Commission.

17. Interpretation — If any question arises relating to interpretation of any provision of these rules, it shall be referred to the State Government in Micro, Small & Medium Enterprises Department, whose decision thereon shall be final.

18. Power to issue instructions — The Government may issue instructions not inconsistent with the provisions of these rules as it may consider necessary to regulate the matters not specifically covered by the provisions of these rules.

SCHEDULE-'A'**(See Rule 13)**

Syllabus for Departmental Examination

Part-I LAW

There shall be one paper on the following Laws and the examination shall be directed to test the general working knowledge of the important provisions of the Laws:

1. The Factories Act, 1948 (Act LXIII of 1948)
2. The Payment of Wages Act, 1936 (4 of 1936)
3. The Minimum Wages Act. 1948 (11 of 1948)
4. The Workmen's Compensation Act. 1923 (8 of 1923)
5. The Industrial Disputes Act, 1947 (14 of 1947)
6. The Indian Boiler Act, 1923 (5 of 1923)
7. The Employees Provident Fund Act, 1952 (19 of 1952)
8. The Land Acquisition Act, 1894 (1 of 1894)
9. The Orissa Co-operative Societies Act, 1962
10. The Orissa Co-operative Societies Rules, 1965
11. The Orissa Public Demands Recovery Act, 1962 and Rules, 1963 (Orissa Act 1 of 1963)
12. The Employees State Insurance Act, 1948 (34 of 1948)
13. The Industries (Development and Regulation) Act, 1951 (Act No. 65 of 1951) and its amendments
14. The Water (Prevention and Control of Pollution) Act, 1974 (Act No.6 of 1974)
15. The Air (Prevention and Control of Pollution) Act, 1981 (Act No.14 of 1981)
16. Environment (Protection) Act, 1986 (Act No. 29 of 1986) & rules
17. Odisha Industries (Facilitation) Act, 2004 (Odisha Act 14 of 2004) and rules
18. The Micro, Small and Medium Enterprises Development Act, 2006 (Act No.27 of 2006) and its revision
19. Industrial Policy Resolutions and Sectoral policies of State Government
20. Schemes and Programme of Central & State Government for Industrial Promotion

There shall be written examination with aid of books. Only un-annotated editions of Acts and Rules issued by Authority will be allowed for answering the papers.

The maximum marks shall be 200 and duration of examination shall be 3 hours. Candidates obtaining 90 marks and above, that is 45% and above shall be deemed to have passed in the paper.

PART-II-ACCOUNTS

- a) The examination in Accounts shall be of one standard and only one paper will be set to be answered within the prescribed time limit of two hours and with the aid of books. The maximum marks shall be 150 and candidates securing 90 marks or above i.e. 60% and above shall be deemed to have passed in the subject.
- b) The books recommended for Accounts Examination are as follows:-
1. The Orissa Service Code. Chapter II to VII. Appendix-6. 10,11, 11-A, and 13
 2. The Orissa Travelling Allowance Rules.
 3. Civil Service regulations, Chapters VX,XIX
 4. The Liberalised Pension Rules/ Family Pension Rules
 5. (a) The Orissa Treasury Code Vol.1, Part-I Rules 1, 2,6 to 9, 16 to 26, 28, 30 and 31
(b) Part-II Subsidiary Rules, under the Orissa Treasury Rules Chapters I to IV,VII to IX
 6. The Orissa Treasury Code, Vol.-II, Appendixes 2 to 7, 9 and 16
 7. General Provident Fund (Orissa) Rules with all its amendments
 8. The Orissa General Financial Rules, Vol-I & II
 9. An Introduction of India Government Accounts and Audit (Second Edition) published in 1940 under the Authority of the Auditor-General of India- Chapters 6,7,8,9 (Paragraphs 138 to 164, 170, 179, 187 and 192 only) 10, 11, 13 to 19, 24 (Paragraphs 394 to 396, 405, 406 to 437 only) 25 to 27, 30 (Paragraphs 518 to 520 only) and 37.

By Order of the Governor

SASWAT MISHRA

Principal Secretary to Government