

The Odisha Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No.

Date : 2nd June 1987

***THE ORISSA ADMINISTRATIVE SERVICE, CLASS II (APPOINTMENT OF OFFICERS VALIDATION) ACT, 1986**

ORISSA ACT 8 OF 1987

[Received the assent of the Governor on the 22nd May 1987 first published in an extraordinary issue of the Orissa Gazette, dated the 2nd June 1987]

AN ACT TO VALIDATE THE APPOINTMENTS AND DETERMINATION OF SENIORITY OF CERTAIN OFFICERS OF THE ORISSA ADMINISTRATIVE SERVICE, CLASS II IN THE STATE OF ORISSA.

BE it enacted by the Legislature of the State of Orissa in the Thirty-eighth Year of the Republic of India, as follows:-

Short title
and
commencement

1. This Act may be called the Orissa Administrative Service, Class II (Appointment of Officers Validation) Act, 1987.

Definitions.

2. In this Act, unless the context otherwise requires,-

- (a) "*Direct recruitment*" means recruitment to the Orissa Administrative Service, Class II by competitive examination conducted by the Orissa Public Service Commission in accordance with the provisions of the Orissa Administrative Service, Class II (Appointment by Competitive Examination) Regulation, 1959;
- (b) "*Government*" means the Government of Orissa; and
- (c) "*Merger recruits*" means the officers in the Orissa Administrative Service, Class II who had initially been members of the Orissa Subordinate Administrative Service and were inducted into the Orissa Administrative Service, Class II by merger of the Orissa Subordinate Administrative service with the Orissa Administrative Service, Class II (Junior Branch), in accordance with the policy laid down by Government resolution in the erstwhile Political and Services Department No. 363-Gen., dated the 7th January, 1972 and

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Published vide Orissa Act 8 of 1987

For Statement of Objects and reasons see Orissa Gazette, Extraordinary, dated the 5th February 1986 (No. 747). For Select Committee report see Orissa Gazette, Extraordinary, dated the 24th February 1987 (No. 293).

integration of the Orissa Administrative Service, Class-II (Junior Branch) and the reconstituted Orissa Administrative Service, Class II (Senior Branch) into the Orissa Administrative Service, Class II in accordance with the policy laid down in Government resolution in erstwhile Political and Services Department No. 19468-Gen., dated the 21st December, 1973, excluding those officers who were recruited to the Orissa Administrative Services, Class II by promotion for the recruitment years 1970 and 1971.

Validation of certain appointments and determination of seniority:-

3. (1) Notwithstanding anything contained in the Orissa Administrative Service, Class-II (Recruitment) Rules, 1959 and the regulations framed thereunder or the Orissa Administrative Service, Class-II (Recruitment) Rules, 1978 and the regulations framed thereunder or in any judgment, decree or order of any court but subject to the provisions of sub-section (2),-

- (a) the appointment of the merger recruits to the Orissa Administrative Service, Class II and the determination of their seniority in the Orissa Administrative Service, Class II vis-a-vis the officers appointed to the Orissa Administrative Service, Class II by direct recruitment in respect of the recruitment year 1972 in accordance with Government Resolution in the Revenue Department No. 27662-R., dated the 23rd April 1984;
- (b) the appointment of the officers to the Orissa Administrative Service, Class II in respect of the recruitment years 1970 and 1971 by the methods of promotion and direct recruitment, the determination of the seniority of the said officers in the Orissa Administrative Service, Class II in accordance with Government Resolution in the Revenue Department No. 2208-R (C. S.), dated the 11th November, ¹[1976]; and
- (c) the appointment of the officers to the Orissa Administrative Services, Class-II in respect of the recruitment years 1972, 1976 and 1974 by the method of direct recruitment;

shall, for all intents and purposes, be deemed to have been validly made and determined and shall not be liable to be challenged in any court of law or otherwise be opened to challenge merely on the ground that they were made or determined otherwise than in accordance with the provisions contained in the said rules and regulations.

²[(2) (a) Such number of "merged recruits" as would have been entitled to promotion in the recruitment year 1972 computed on the basis of percentage envisaged under Rule 10 of the Orissa Administrative Service, Class II (Recruitment) Rules, 1959, shall be deemed to be the promotes of the respective years, and the determination of seniority of the merger recruits so deemed to be

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1. Law Department Corrigendum, see Orissa Gazette, Extraordinary, dated the 7th July 1987 (No. 961)
 2. Substituted by the Orissa Act 24 of 1992, S.2.

the promotes,-

- (i) of the year 1972 vis- -vis the officers appointed to the Orissa Administrative Service, Class II by direct recruitment in respect of the recruitment year 1972; and
- (ii) of the year 1973 vis- -vis the officers appointed to the Orissa Administrative Service, Class II by direct recruitment in respect of the recruitment year 1973;

shall be in accordance with the same principle as followed for the determination of the inter se seniority between the direct recruits and the promotes in relation to the Orissa Administrative Service, Class II in respect of the recruitment years 1970 and 1971 and they shall be placed accordingly in the gradation list.

(b) The remaining "merger recruits" shall be placed below the direct recruits of the year 1973 in the Gradation List."]