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No.PER(AP)-C-B(12)-1/2019
Government of Himachal Pradesh
Department of Personnel (AP-III)

Dated: Shimla-171002, the

11th June, 2019

From

The Chief Secretary to the
Government of Himachal Pradesh.

To

1. All Administrative Secretaries to the Government of Himachal Pradesh.
2. All Divisional Commissioners in Himachal Pradesh.
3. All Head of Departments in Himachal Pradesh.
4. All Deputy Commissioners in Himachal Pradesh.
5. All the Chairmen/Managing Directors/Secretaries & Registrars of all the Public Sector Undertakings/Corporations/Boards/Universities, etc. in H.P.

Subject: Reservation for Economically Weaker Sections (EWSs) in Class-I, II, III & IV posts in direct recruitment in the services of the State Government.

Sp. Secy (Edn. A)
15/6/19
Madam/Sir,

I am directed to say that pursuant to coming into force "The Constitution (One Hundred and Third Amendment) Act, 2019" with effect from 14th January, 2019 and subsequently issuing of guidelines in this regard by the Ministry of Social Justice and Empowerment, Government of India and Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India, the matter regarding implementation of Constitution (One Hundred and Third Amendment) Act, 2019 was under active consideration of the State Government for quite some time past. After careful consideration, it has been decided with the prior approval of competent authority to implement the provisions of clause 16(6) of the Constitution of India, according to which State Government has been authorized to make any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause

12/10/06
Sp. Secy (Edn. A)
15/6/19
On. YS
J. K. Sharma

16(4) of the Constitution of India. Thus as a result of this decision of the State Government, it is hereby notified that 10% reservation would be provided for economically weaker sections in Class-I, II, III & IV posts in the services of the State Government and would be effective in respect of all Direct Recruitment vacancies to be notified on or after issuance of these instructions.

2. QUANTUM OF RESERVATION

The persons belonging to Economically Weaker Sections (EWSs) who are not covered under the scheme of reservation for SCs, STs and OBCs shall get 10% reservation in direct recruitment in the services of the State Government and Public Sector Undertakings etc.

3. CRITERIA OF INCOME & ASSETS:

3.1 Persons who are not covered under the scheme of reservation for SCs, STs and OBCs and whose family has gross annual income below Rs. 4.00 lakh (Rupees four lakh only) are to be identified as EWSs for benefit of reservation. Income shall also include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application.

Also persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWS, irrespective of the family income:-

- i. More than 1 hectare. of Agricultural Land in rural areas and 500 M² land in urban areas;
- ii. Residential flat/house of more than 2500 square feet in rural/urban areas.
- iii. Family of income tax payee;
- iv. Family of Regular/Contract employees of the Central Government, State Government, Board, Corporations and autonomous bodies and Public Sector Undertakings etc.

3.2. The property held by a "Family" in different locations or different places/cities would be clubbed while applying the land or property holding test to determine EWS status.

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3.3 The term "Family" for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years.

4. INCOME AND ASSET CERTIFICATE ISSUING AUTHORITY AND VERIFICATION OF CERTIFICATE:

4.1 The benefit of reservation under EWS can be availed upon production of an Income and Asset Certificate issued by a Competent Authority. The Income and Asset Certificate issued by any one of the following authorities in the prescribed format as given in "Annexure-A" shall only be accepted as proof of candidate's claim as belonging to EWS: -

- i) Deputy Commissioner/Additional Deputy Commissioner/Additional District Magistrate;
- ii) Sub-Divisional Officer (Civil) of the area where the candidate and/or his family normally resides; and
- iii) Revenue Officer not below the rank of Tehsildar.

4.2 The Officer who issues the certificate would do the same after carefully verifying all relevant documents following due process as prescribed by the State Government.

4.3 The crucial date for submitting income and asset certificate by the candidate may be treated as the closing date for receipt of application for the post, except in cases where crucial date is fixed otherwise.

4.4 The appointing authorities should, in the offer of appointment to the candidates claiming to be belonging to EWS, include the following clause :-

"The appointment is provisional and is subject to the Income and asset certificate being verified through the proper channels and if the verification reveals that the claim to belong to EWS is fake/false the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of fake/false certificate."

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The appointing authority should verify the veracity of the Income and asset certificate submitted by the candidate through the certificate issuing authority.

4.5 Instructions referred to above should be strictly followed so that it may not be possible for an unscrupulous person to secure employment on the basis of a false claim and if any person gets an appointment on the basis of such false claim, her/his services shall be terminated invoking the conditions contained in the offer of appointment.

5. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS:

5.1 The State Government vide Department of Personnel's letter No.PER(AP)-C-B(12)-1/98, dated 20.08.1998 has issued instructions regarding implementation of Post-based reservation roster. The general principles for making and operating post based roster would be as per the principles laid down in the abovementioned instructions.

5.2 Every Government establishment shall now recast group-wise post-based reservation roster register for direct recruitment in accordance with format given in **Annexure-B, Second Appendix to Annexure-B, Annexure-C, Second Appendix to Annexure-C** as the case may be, for effecting 10% reservation for EWSs interpolating them with the SCs, STs and OBCs. While fixing roster point, if the EWS roster point coincides with the roster points of SCs/STs/OBCs/Ex-Serviceman, WFF, PwBD, Distinguished Sportspersons the next available UR roster point has been allotted to the EWSs and also the principle of "squeezing" has been kept in view. While drawing up the rosters, the cadre controlling authorities may similarly "squeeze" the last points of the roster sq as to meet prescribed 10% reservation.

5.3 Where in any recruitment year any vacancy earmarked for EWS cannot be filled up due to non-availability of a suitable candidate belonging to EWS, such vacancies for that particular recruitment year shall not be carried forward to the next recruitment year as backlog. In other words,

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when an Economically Weaker Section (EWS) candidate is not available for selection, the post will be treated automatically as de-reserved and will be filled up from a non-EWS candidate of unreserved category. While advertising the vacancies reserved for Economically Weaker Sections (EWS), the recruiting authorities/agencies should specifically incorporate such conditions in the advertisement notice/vacancy circular.

6. ADJUSTMENT AGAINST UNRESERVED VACANCIES:

A person belonging to EWS cannot be denied the right to compete for appointment against an unreserved vacancy. Persons belonging to EWS who are selected on the basis of merit and not on account of reservation are not to be counted towards the quota meant for reservation.

7. LIAISON OFFICER:

All Government Departments/PSUs etc. shall appoint Liaison Officer to monitor the implementation of reservation for EWSs.

8. Attention is also invited to the instructions issued by the State Government vide Department of Personnel's letter No.PER(AP-II) B(2)-5/78, dated 27.12.1985 vide which the 15% reservation for members belonging to I.R.D.P. families (now Antodaya/B.P.L.) has been provided in direct recruitment to all Class-III and IV posts/services. Attention is also invited to the instructions issued by the State Government vide Department of Personnel's letter No.PER(AP)-C-B(12)-1/98, dated 20.08.1998 regarding maintenance of Post-based reservation rosters in which 15 roster points (in a cadre of 100 posts), have been earmarked to this category as well. It has now been decided by the State Government with the prior approval of competent authority that 8% reservation out of abovementioned 15% reservation provided to unreserved Antodaya/B.P.L.

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be discontinued forthwith with the implementation of 10% vertical reservation for EWSs and 7% reservation available to SC/ST/OBC B.P.L. families may be still continued. However, apart from the families with income ceiling of Rs.4.00 Lakh per annum subject to exclusion criteria, the B.P.L. families (subject to production of valid certificate issued by competent authority and countersigned by the Block Development Officer and supplemented by the non-SC/ST/OBC certificate issued by the competent authority) be also treated as eligible for this 10% EWSs reservation in Class-I to Class-IV direct recruitment posts. Therefore, the First Appendix to Annexure-"B" and Annexure-"C" of the instructions dated 20.08.1998 covering "Horizontal Reservation" may be deemed to have been amended to the extent as **Annexure-D**.

9. The candidates belonging to unreserved B.P.L. category are not required to submit Income and Asset Certificate. They shall be treated as eligible for EWS reservation on the basis of valid B.P.L. certificate issued by competent authority and countersigned by the Block Development Officer and supplemented by the non-SC/ST/OBC certificate issued by the competent authority in the prescribed format as given in "Annexure-F". The officers empowered to issue non-SC/ST/OBC certificate to unreserved B.P.L. candidates shall be same as mentioned in para-4 of these instructions. The recruiting authorities/agencies, while advertising the posts reserved for Economically Weaker Sections (EWSs), should incorporate the conditions in the advertisement notice/vacancy circular that if any B.P.L. candidate applies for the post reserved for EWS category he/she shall have to submit a valid B.P.L. certificate countersigned by the Block Development Officer and also a non-SC/ST/OBC certificate issued by the competent authority.

P. Bhandari

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10. FORTNIGHTLY/ ANNUAL REPORTS REGARDING REPRESENTATION OF EWS:

The Departments shall send single consolidated fortnightly report beginning from 15.07.2019 as per format at Annexure-E.

11. The above scheme of reservation will be effective in respect of all direct recruitment vacancies to be notified on or after issuance of these instructions.

12. All the Administrative Departments are requested to bring the above instructions to the notice of all appointing authorities, under their control.

Enclosure: As above.

Yours faithfully,

Enclosure: As above.



(R.D. Dhiman)

Additional Chief Secretary (Personnel) to the
Government of Himachal Pradesh.

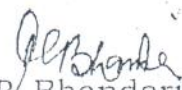
Tel.No. 0177-2621911

Endst.No.PER(AP)-C-B(12)-1/2019

Dated: Shimla the 11th June, 2019

Copy forwarded for information and necessary action to:-

1. The Secretary to the Governor, Himachal Pradesh, Shimla-2.
2. The Secretary, H.P. Vidhan Sabha, Shimla-171004.
3. The Registrar, H.P. High Court, Shimla-171001.
4. The Secretary, H.P. Public Service Commission, Shimla.
5. The Secretary, H.P. Staff Selection Commission, Hamirpur.
6. The Under Secretary (GAD) to the Government of Himachal Pradesh, Shimla-2 w.r.t. item no.45 of CMM dated 01.06.2019.
7. All the Section Officers in H.P. Secretariat, Shimla-171002.



(O.P. Bhandari)

Deputy Secretary (Personnel) to the
Government of Himachal Pradesh

Tel.No.0177-2626097

Personal Attention
Time Bound

No.-L&E(Emp)CNV/Instructions-2011-
Government of Himachal Pradesh,
Labour & Employment Department.

27 FEB 2011

Dated, the Shimla-1,

2011.

To

1. All Heads of Departments, H.P.
2. Ld. Advocate General, H.P., Shimla-1.
3. Secretary, Lok-Ayukta, H.P., Shimla-2.
4. Divisional Commissioners, Shimla, Dharamshala and Mandi.
5. Resident Commissioner, Himachal Bhawan, Sikanana Road, New Delhi.
6. All Registrars of Government Universities in H.P.
7. All M.D.s of Boards/Corporations/Autonomous Bodies, H.P.
8. All Deputy Commissioners, H.P.
9. All Superintendents of Police, H.P.
10. All Chairmen of Temple Trusts, H.P.
11. Commissioner, Municipal Corporation, Shimla-1.
12. All Secretaries, Municipal Committees/ Councils, H.P.
13. All Secretaries Notified Area Committees in H.P.

Subject: COMPULSORY NOTIFICATION OF VACANCIES TO EMPLOYMENT EXCHANGES.

Madam/Sir,

It is informed that Department of Labour & Employment H.P. is implementing the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959. As per this Act, Government Employers are required to notify all vacancies (except those to be filled through HPPSC, HPSSSB, by promotion and on Compassionate Basis) to Employment Exchanges. Within 15 days of interview/test, the result of selection is to be informed to all Employment Exchanges to which vacancies had been notified. Failure to do so attracts penal provisions as provided in Section 7 (1) of the Employment Exchanges (Compulsory Notification of Vacancies) Act 1959.

Such instructions have been issued by the Government and by this Office from time to time. Similar instructions were also issued by Additional Chief Secretary-cum-Secretary (Labour & Employment) to Government of H.P. vide Office Memorandum No.-Shram (Emp) 16-5/93, dated 9.03.2000. The said Act, Office Memorandum of 9.03.2000, prescribed Performa for notifying vacancies to Employment Exchanges are accessible through this Department's web site www.himachal.nic.in/emp. A lot of information on recruitment through Employment Exchanges is available in Government of H.P., Department of Personnel's Handbook on Personnel Matters, Volume I, Chapter 7.

Some Government Employers are not notifying vacancies to Employment Exchanges or are not giving results of selections to Employment Exchanges. Vide letter No.-13-10/74-SI(Emp), dated 17.01.1977 of Chief Secretary to Government of H.P. all Administrative Secretaries, Head of Departments, Deputy Commissioners

Autonomous Bodies and Head of Local Bodies/Public Undertakings in H.P. had been asked to ensure that all vacancies are notified to Employment Exchanges and in order to ensure that this is complied with in letter and spirit, it had been directed that first pay bill of newly recruited official shall be accompanied by the certificate to the effect that official was recruited through Employment Exchanges. Incase where Employment Exchanges are unable to sponsor suitable candidate and recruitment is made otherwise (after obtaining "Non-Availability Certificate" from the Employment Exchange) a certificate to this effect shall alternatively be attached to the first pay bill and only after this requirement is met, the pay bill shall be accepted at the Treasuries for payment. However, some Government Employers are still neither notifying vacancies nor they are giving results of selections to Employment Exchanges. In addition to this they are also not complying with the Government's instructions regarding drawl of first pay bill of newly appointed officials only after attaching said certificate to the Treasury. A serious view of such lapses has been taken and it has been decided that this Department will prosecute defaulting Government Employers. In order to avoid such severe action, you are once again requested to ensure compliance to the said Act, Rules and instructions of Government, in letter and spirit.

In order to know the Status of all new appointments made w.e.f. 1.1.2008 to 31.12.2010, you are required to make available the following information to the undersigned in person or through a duly authorized representative who should at least be a class I Gazetted Officer or equivalent:

PERFORMA

Detail of all appointments made w.e.f. 1.01.2008 to 31.12.2010.

Name and Address of Employer.....

Sr. No.	Post	Date of appointment	Type of Post (regular/Contract/daily wage/part-time/other-please specify)	Name of Appointee	Son of/daughter of/ wife of	Employment Exchange Where registered	Employment Exchange Registration Number
A	B	C	D	E	F	G	H

If mode of recruitment was other than Employment Exchanges-the same be specified along with detailed reasons thereof incase of each and every appointment made w.e.f. 1.01.2008 to 31.12.2010.

This information is to be given by all Departments on 21.02.2011 or 22.02.2011, by all Boards and Corporations on 23.02.2011 or 24.02.2011 and by all other Employers on 25.02.2011 or 26.02.2011. Please ensure that the needful is done so that detailed compliance report can be put up to the Government.

Yours faithfully,

Labour Commissioner-cum-
Director Employment, H.P.
Telefax-0177-2625085
e-mail: lep-hp@nic.in

Endst. No.-As above.

Dated, the Shimla-1,

2011.

Copy to

1. The Chief Secretary to the Government of H.P., Shimla-2.
2. Additional Chief Secretary(Lab.&Emp.) to the Government of H.P. Shimla-2, for information w.r.t. their letter No.-Shram(D)1-7/10-(Loose), dated 17.01.2011.
3. Principal Secretary (Finance) to the Government of H.P., Shimla-2 for information w.r.t. their letter No.-Fin-F-I-C-(I)-4/95-II, dated 17.01.2011.
4. All Administrative Secretaries, H.P., for information.
5. EMIO, SVG0, OI(P), EO(CEC), Directorate of Labour & Employment, H.P. for necessary action.
6. All Regional Employment Officers and District Employment Officers in H.P., for strict compliance and for sending complete cases of defaulting Government Employers for prosecution sanction to this office.
7. Director, Treasuries and Accounts, H.P., Shimla for strict compliance by all Treasuries in H.P.
8. District Treasury Officer, Capital Treasury Shimla, All District Treasury Officers and all Treasury Officers in H.P. for strict compliance to above mentioned directions of H.P. Government, w.r.t. certificate of new appointees.
9. All Employment Officers/Incharges of Sub Office Employment Exchanges in H.P. for strict compliance and for sending complete cases of defaulting Government Employers for prosecution sanction to this office.

Labour Commissioner-cum-
Director Employment, H.P.

Telefax-0177-2625085

e-mail: lep-hp@nic.in

(Authoritative English text of this Department notification No.HOME-A-A(3)-4/2011 dated 2-4-2011 as required under clause (3) of Article 348 of the Constitution of India):

GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF HOME

No.HOME-A-A(3)-4/2011 dated, Shimla, 171002,

NOTIFICATION

In exercise of powers conferred by sub-section (2) of section 144 of the Himachal Pradesh Police Act, 2007 (Act No.17 of 2007) read with section 20 of Himachal Pradesh General Clauses Act, 1968 (Act No.24 of 1968), the Governor of Himachal Pradesh is pleased to make the following rules further to amend the Punjab Police Rules, 1934 in their application to the State of Himachal Pradesh, namely:-

Short title and commencement	1.(1) These rules may be called the Punjab Police (Himachal Pradesh Amendment) Rules, 2013
	(2) These rules shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.
Amendment of rule 12.24	2. In rule 12.24(l) of the Punjab Police Rules, 1934 in their application to the State of Himachal Pradesh, for clause(b) the following shall be substituted, namely:- "(b) The maximum age limit for recruitment of Ex-servicemen in the rank of Constable in the Police Department shall be 45 years, if they present themselves for re-enrolment and are found medically fit within two years of voluntarily taking their discharge."

By order,

Principal Secretary (Home) to the
Government of Himachal Pradesh.

NR. HONG-2-B (B) 13-2/22
Government of Himachal Pradesh
Department of Home

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13-8-22

From

The Addl. Chief Secy.-cum-Secy. (Home)
to the Government of Himachal Pradesh

To

1. The Principal Secretary (Forest)
to the Government of Himachal Pradesh.
2. The Director General of Police,
Himachal Pradesh Shimla-171002.
3. The Addl. Director General (Prison)
Himachal Pradesh, Shimla-171002.

Dated Shimla-2, the 08 August, 2002.

Subject:-

Providing of 15% quota in recruitment of Constables
in Police Deptt., Forest Guards in Forest Deptt., and
Jail Warders in Prison Deptt., to Home Guards.

Sir,

I am directed to say that a proposal to reserve
15% of the posts to the Home Guards in direct recruitment of Police
constables in Police Deptt., (5% to 15%) Jail Warders in Prison
Deptt., and Forests Guards in Forest Deptt., to those Home Guards
who have put in three years satisfactory service in Home Guards
Organisation and also possess the requisite educational qualifica-
tion and physical standard for direct recruitment was under
consideration as the announcement of the Hon'ble CM in the budget
speech for 2002-2003.

Now, it has been decided by the Government with the
approval of Council of Ministers that the 15% quota in recruit-
ment of constables in Police Deptt., (5% to 15%), Forest Guards in
Forest Deptt., and Jail Warders in Prison Deptt., shall be ear-
marked out of the direct recruitment posts. This reservation shall be
horizontal i.e. within the existing categories like Gen. SC/ST.

You are, therefore, requested to implement this
decision forthwith and if necessary by amendment in the RFP. All
of these categories may be done. There will be no carryover of
vacancies if eligible & suitable candidates are not available
within the stipulated time. In such a case reservation will be filled

acceptance to recruit