

ORISSA ACT 22 OF 1987

**THE ORISSA RESERVATION OF VACANCIES IN
POSTS AND SERVICES (FOR SCHEDULED
CASTES AND SCHEDULED TRIBES)
(SECOND AMENDMENT) ACT, 1987**

TABLE OF CONTENTS

PREAMBLE

SECTIONS

1. Short title
2. Amendment of Section 2
3. Amendment of Section 3
4. Amendment of Section 10
5. Amendment of Section 11-A
6. Insertion of new Section 12-B

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**AN ACT FURTHER TO AMEND THE ORISSA
RESERVATION OF VACANCIES IN POSTS
AND SERVICES (FOR SCHEDULED
CASTES AND SCHEDULED
TRIBES) ACT, 1975**

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

1. This Act may be called the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) (Second Amendment) Act, 1987.

Amendment of section 2.

2. In the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 (hereinafter referred to as the principal Act), ^{Orissa Act 38 of 1975.} in section 2,—

(i) for clause (b), the following clause shall be substituted, namely :—

“(b) “recruitment year” means the calendar year during which recruitment is actually made;”;

(ii) after clause (g), the following clause shall be inserted, namely :—

“(h) “Selection” means selection made for promotion on the basis of merit and suitability with due regard to seniority.”

Amendment of section 3.

3. In the principal Act, in section 3,—

(i) for clauses (a) and (b) the following clauses shall be substituted, namely :—

“(a) Class I posts which are above the lowest rung thereof and meant for conducting or guiding or directing Scientific and Technical research;

(b) Class I posts which are above the lowest rung thereof and classified as scientific posts;”;

(ii) for clause (f) the following clause shall be substituted, namely :—

“(f) those which are filled up by transfer within the cadre or on deputation;”

(iii) for clause (g), the following clause shall be substituted, namely :—

“(g) the appointment of such staff the duration of whose appointment does not extend beyond the term of office of the person making the appointment and the work charged staff which are required for emergencies like flood relief work, accident, restoration and relief etc.”;

(iv) after clause (h), the following clause shall be inserted, namely :—

“(h-I) those which are required to be filled up by appointment of persons under the rehabilitation assistance given to the members of the family of the deceased of permanent disabled employee who suffer from the disability while in service.”;

(v) the semi colon “;” and the word “and” appearing at the end of clause (i) shall be substituted by a “full stop” “.”;

(vi) Clause (j) including the proviso thereunder shall be omitted.

Amendment of section 10. 4. In section 10 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) There shall be no zone of consideration in respect of promotions based on seniority subject to fitness.”.

Amendment of section 11-A. 5. Section 11-A of the principal Act, shall be substituted as follows, namely :—

“11-A (1) Where promotion is to be made on the basis of selection, the procedure for filling up of the reserved vacancies shall be as may be prescribed and the number of reserved vacancies will be determined on the basis of the reserved points shown in the roster maintained under section 5.

(2) Except the promotions mentioned in sub-section (3) of section 10:—

(a) There shall be a separate zone of consideration for Scheduled Castes and Scheduled Tribes candidates in respect of promotions to Class-III posts and within Class-III posts;

(b) there shall be a common zone of consideration in respect of promotion other than those specified in clause (a).

(3) The extent of the zone of consideration shall be as may be prescribed.”.

Insertion of
new section
12-B.

6. After section 12-A of the principal Act, the following section shall be inserted, namely :—

Penalty

“12-B. Any appointing authority who makes the appointment in violation of this Act and Rules made thereunder shall on conviction be punished with a fine which may extend to one thousand rupees. The Government may also draw up disciplinary proceedings against the authority concerned and punishment so imposed shall be recorded in his confidential character roll :

Provided that nothing contained in this section shall apply in relation to an appointment to which the Governor is the appointing authority.”