

ORISSA ACT 9 OF 1982

THE ORISSA RESERVATION OF VACANCIES IN POSTS AND SERVICES (FOR SCHEDULED CASTES AND SCHEDULED TRIBES) AMENDMENT ACT, 1982

PREAMBLE
SECTIONS

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***THE ORISSA RESERVATION OF VACANCIES IN POSTS AND SERVICES (FOR SCHEDULED CASTES AND SCHEDULED TRIBES) AMENDMENT ACT, 1982**

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AN ACT 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-third 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) Amendment Act, 1982.

Amendment of Section 2.

2. In Section 2 of the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975, Orissa Act 38 of 1975. (hereinafter referred to as the Principal Act), in clause (g), for the words "local authorities," the words "local or other authorities" shall be substituted.

Amendment of Section 4.

3. In Section 4 of the Principal Act, in sub-section (2), for the existing proviso excluding the explanation, the following provisos shall be substituted, namely:—

"Provided that the percentage so determined shall, in no case, be less than the percentage of the persons belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, in the total population of the State:

Provided further that there shall be no reservation of vacancies to be filled up by promotion where—

- (a) the element of direct recruitment in the grade or cadre in which the vacancies have occurred is more than sixty-six and two-third per cent ;
- (b) the vacancies have occurred in Class I posts and are to be filled up by promotion through limited departmental examination ; or
- (c) the vacancies have occurred in Class I posts which are above the lowest rung thereof, and are to be filled up on the basis of selection."

Amendment of Section 7.

4. In Section 7 of the Principal Act, after the existing proviso, the following new proviso shall be added, namely:—

"Provided further that the provisions of this section shall not apply to the reserved vacancies to be filled up by promotion on the basis of selection where such promotion is to be made—

- (a) from Class III posts to Class II posts,
- (b) within Class II posts,
- (c) from Class II posts to Class I posts, and
- (d) from posts, in the lowest rung of Class I."

Amendment
of Section 8.

5. In Section 8 of the Principal Act, after clause (a), the following clause shall be inserted, namely:—

“(a-1) the qualification regarding experience, if any, may be relaxed up to two years by the Orissa Public Service Commission, the Selection Board or the competent authority, as the case may be, provided such relaxation is not inconsistent with efficiency.”.

Amendment
of Section 9.

6. In Section 9 of the Principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) In the case of direct recruitment otherwise than by written examination in respect of reserved vacancies in such non-technical and quasi-technical posts in Class III and Class IV as may be notified by the State Government, the best among the available Scheduled Castes and Scheduled Tribes candidates may be selected provided they possess the minimum qualification required for the post or service.”.

Insertion of
new Section
11-A.

7. After Section 11 of the Principal Act, the following new section shall be inserted, namely:—

Zone of con-
sideration for
promotion.

“11-A. (1) There shall be no zone of consideration in respect of promotions based on seniority subject to fitness,

(2) Subject to the provisions of sub-section (1)—

(a) there shall be a separate zone of consideration for the 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 promotions other than those specified in clause (a);

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

Insertion
of new
Section 12-A.

8. After Section 12 of the Principal Act, the following new section shall be inserted, namely:—

Irregular
appointments
to be
voidable.

“12-A. All appointments made in contravention of the provisions of this Act, after the commencement of the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Amendment Act, 1982 shall be treated as voidable.”.