



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

27 माघ 1938 (श10)

(सं0 पटना 122) पटना, बृहस्पतिवार, 16 फरवरी 2017

श्रम संसाधन विभाग

अधिसूचनाएं

11 फरवरी 2017

एस0 ओ0 09, दिनांक 16 फरवरी 2017—भारत के संविधान के अनुच्छेद 309 के परन्तुक के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए बिहार-राज्यपाल, श्रम संसाधन विभाग के अधीन श्रम पक्ष में श्रम प्रवर्तन पदाधिकारी के अराजपत्रित पदों पर भर्ती एवं सेवा शर्तों के विनियमन हेतु निम्नलिखित नियमावली बनाते हैं :-

1. यह नियमावली "बिहार श्रम प्रवर्तन पदाधिकारी (भर्ती एवं सेवा शर्तों) नियमावली, 2017" कही जा सकेगी ।

- (1) संक्षिप्त नाम, विस्तार एवं प्रारम्भ ।
- (2) इसका विस्तार सम्पूर्ण बिहार राज्य में होगा ।
- (3) यह तुरन्त प्रवृत्त होगी ।

2. परिभाषाएँ ।— इस नियमावली में, जबतक संदर्भ में अन्यथा अपेक्षित न हो ।—

- (क) "सरकार" से अभिप्रेत है, बिहार राज्य सरकार ,
- (ख) "राज्यपाल" से अभिप्रेत है, बिहार के राज्यपाल ,
- (ग) "आयोग" से अभिप्रेत है, बिहार कर्मचारी चयन आयोग ,
- (घ) "विभाग" से अभिप्रेत है श्रम संसाधन विभाग ,
- (ङ) "संवर्ग" से अभिप्रेत है, श्रमायुक्त, बिहार के नियंत्रणाधीन 'श्रम प्रवर्तन पदाधिकारी संवर्ग' ,
- (च) "नियुक्ति प्राधिकार" से अभिप्रेत है श्रमायुक्त, बिहार, पटना ,
- (छ) "संवर्ग नियंत्री प्राधिकार" से अभिप्रेत है, श्रमायुक्त, बिहार, पटना ।

3. बिहार श्रम प्रवर्तन पदाधिकारी संवर्ग की श्रेणी-1. बिहार श्रम प्रवर्तन पदाधिकारी संवर्ग राज्य स्तरीय संवर्ग होगा एवं इसके सदस्य श्रमायुक्त के अधीन अराजपत्रित कोटि के पदाधिकारी होंगे ।

4. पर का सौपान/नियुक्ति/प्रोन्नति द्वारा नियुक्ति का अनुपात/शैक्षणिक योग्यता एवं अनुभव—

क्र०	पदनाम/ग्रेड	शैक्षी नियुक्ति एवं प्रोन्नति द्वारा नियुक्ति का अनुपात	शैक्षी नियुक्ति के लिए न्यूनतम शैक्षणिक योग्यता एवं अनुभव एवं उम्र
1	2	3	4
1.	अनुपमनियुक्त पदाधिकारी	अनुपमनियुक्त पदाधिकारी के शत-प्रतिशत पदों को शैक्षी नियुक्ति द्वारा भरा जाएगा।	1. किसी मान्यता प्राप्त विश्वविद्यालय से स्नातक डिग्री अथवा समकक्ष योग्यता। 2. न्यूनतम उम्र शैक्षी 21 वर्ष तथा अधिकतम उम्र शैक्षी 40 वर्ष होगी जो सरकार (सामान्य प्रशासन विभाग) द्वारा समय-समय पर विनिश्चित की जाए।

5. परीक्षा अवधि—सर्वों की मौलिक विधियों पर सभी नियुक्तियों, परीक्षा पर होगी। परीक्षा अवधि दो वर्ष की होगी। यदि सेवा संतोष्यद नहीं पाई जाती है तो नियुक्ति अवधि द्वारा परीक्षा अवधि कार्यों को अतिरिक्त करने के बाद एक वर्ष के लिए बढ़ा दी जा सकती। और परीक्षा की कुल अवधि तीन वर्षों से अधिक की नहीं होगी। यदि परीक्षा की विरामित अवधि में भी सेवा संतोष्यद नहीं पाई जाती है तो सेवानिवृत्ति की जा सकती। जिसके लिए किसी प्रकार के प्रतिकार का दावा नहीं किया जाएगा।

6. प्राधिकृत बल—सरकार, अनुपमनियुक्त पदाधिकारी के सर्वों में प्राधिकृत पदों की संख्या अवधारित कर सकती। इसके अतिरिक्त शैक्षी या अस्थायी पद भी सृजित कर सकती, अथवा किसी पद को स्थगित या रिकत रख सकती। जिसके कारण छंटनीग्रस्त होने पर, इस सर्वों को कोई सदस्य क्षतिपूर्ति का हकदार नहीं होगा।

7. आरक्षण—सेवा में नियुक्ति/प्रोन्नति के लिए राज्य सरकार द्वारा, समय-समय पर, अवधारित एवं निर्धारित आरक्षण का प्राधान्य लागू होगी।

8. कालावधि—उच्चतर पदों पर प्रोन्नति हेतु न्यूनतम कालावधि होगी जो सरकार के सामान्य प्रशासन विभाग द्वारा समय-समय पर, अवधारित की जाए।

भाग-2

शैक्षी मर्ती

9. मर्ती का स्रोत—(1) अनुपमनियुक्त पदाधिकारी के पद पर शैक्षी मर्ती, आयोग की अनुशंसा के आधार पर, की जाएगी।

(2) नियुक्ति प्राधिकार द्वारा, 100 अंश के आधार पर विधियों की गणना कर आरक्षण रेटरेटरवार अधिव्ययना आयोग को 30 अंश तक भेजी जाएगी।

10. विज्ञापन—आयोग शैक्षी नियुक्ति हेतु विधियों की अधिव्ययना प्राप्त होने पर, उन विधियों को भरने की अनुशंसा देने हेतु प्रकाशित शीत से विधियों को समय-समय पर विज्ञापित करेगा। आयोग से प्राप्त अनुशंसा शैक्षी एक वर्ष तक विधि मान्य रहेगी।

भाग-3

11. विभागीय परीक्षा—अनुपमनियुक्त पदाधिकारी के रूप में नियुक्त पदाधिकारी को द्वितीय टिप्पण एवं प्राकृष्य परीक्षा, विभागीय परीक्षा एवं कम्प्यूटर सक्षमता जाँच परीक्षा पास करना अनिवार्य होगा और उन्हीं शैक्षी परीक्षाओं उत्तीर्ण करने की भी अपेक्षा की जाएगी, जो सरकार द्वारा विहित की जाए।

12. वरीयता—सर्वों में नियुक्त पदाधिकारियों की वरीयता का अवधारण सरकार के सामान्य प्रशासन विभाग द्वारा समय-समय पर अवधारित सिद्धांत एवं प्रक्रिया के अनुसार, निर्धारित किया जाएगा।

13. संप्रति—विभाग-05 में उल्लिखित परीक्षा की अवधि पूर्ण करने एवं संतोष्यद सेवा रहने पर एवं नियम यथा आवश्यक विभागीय परीक्षा में सफलता प्राप्त करने पर सक्षम प्राधिकार द्वारा सेवा संप्रति की जा सकती।

14. प्रोन्नति—अनुपमनियुक्त पदाधिकारियों की प्रोन्नति अनुपमनियुक्त पदाधिकारियों के पद पर विहार अनुपमनियुक्त पदाधिकारियों के रहने की जाएगी।

15. प्रकीर्ण—इस नियमवली में स्पष्ट रूप से यथा उपरि उल्लिखित की छूटकर, इस सेवा में नियुक्त अधिकांशों की सेवा शर्तें शैक्षी होगी जो तत्समय प्रवृत्त संप्रति द्वारा समय-समय पर विनिश्चित की जाए।

16. विवाद का निष्पादन ।—इन नियमों के विवेचन की शक्ति विभाग में निहित रहेगी एवं इनके विवेचना में कोई भी कठिनाई उपस्थित हो तो विभाग (श्रम संसाधन विभाग) का निर्णय, विधि विभाग और सामान्य प्रशासन विभाग के परामर्श के पश्चात् अंतिम होगा ।

17. निरसन एवं व्यावृत्ति ।— (1) श्रम प्रवर्तन (भर्ती) नियमावली, 1990, एवं इस संवर्ग के संबंध में पूर्व निर्गत अनुदेश, संकल्प आदि एतद् द्वारा निरसित किए जाते हैं ।

(2) ऐसे निरसन के होते हुए भी उपर्युक्त नियमावली, अनुदेश, संकल्प आदि के प्रावधानों के तहत की गई कोई कार्रवाई इस नियमावली के तहत की गई कार्रवाई समझी जायेगी, मानों यह नियमावली उस समय प्रवृत्त थी, जिस समय ऐसी कार्रवाई की गई थी ।

(सं० 5/आर०एल०-40-45/09 श्र०सं०-496)

बिहार-राज्यपाल के आदेश से,

शैलेश कुमार,

सरकार के संयुक्त सचिव ।

11 फरवरी 2017

एस०ओ० 10, एस०ओ० 09, दिनांक 16 फरवरी 2017 का अंग्रेजी भाषा में निम्नलिखित अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, भारतीय संविधान के अनुच्छेद- 348 के खण्ड (3) के अधीन अंग्रेजी भाषा में इसका प्राधिकृत पाठ समझा जाय ।

(सं० 5/आर०एल०-40-45/09 श्र०सं०-497)

बिहार-राज्यपाल के आदेश से,

शैलेश कुमार,

सरकार के संयुक्त सचिव ।

11th February 2017

S.O. 09, dated 16th February 2017—In exercise of powers conferred under the provision to Article- 309 of constitution of India, the Governor of Bihar is pleased to make the following rules for regulation of service-conditions of the Non-Gazetted post of Labour Enforcement Officers in the Labour wing under the Labour Resources Department:-

1. These rules may be called "Bihar Labour Enforcement officer (Employment and condition of Services) Rules, 2017:-

- (1) Short title, extent and commencement
- (2) It extends to the whole of the State of Bihar.
- (3) It shall come into force at once.

2. Definitions:- In these rules, unless other wise requires in the context.

- (a) "Government"- means, The State Government of Bihar;
- (b) "Governor"- means, The Governor of Bihar;
- (c) "Commission" means, Bihar Staff Selection Commission;
- (d) "Department" means Labour Resources Department;
- (e) "Cadre"- means, Labour Enforcement officer Cadre under the control of Labour commissioner, Bihar;
- (f) "Appointment Authority"- means, the Labour commissioner Bihar, Patna;
- (g) "Cadre controlling Authority" means, Labour Commissioner, Bihar, Patna;

3. Category of the cadre of Bihar Labour enforcement Officer.—The cadre of Labour Enforcement officers will be a state cadre and its member will be officer of Non-Gazetted category under Labour Commissioner, Bihar.

4. *Hierarchy /Appointment /Ratio of appointment by promotion/ Educational Qualification & Experiences:-*

Sl. No.	Name of Post & Grade	Ratio of direct recruitment and appointment by Promotion	Minimum Qualification, Experiences and Age for direct appointment
1	Labour Enforcement officer Non-Gazetted	Cent Percent posts of Labour enforcement officers will be filled by direct recruitment.	1. Degree of Graduation or equivalent from any recognized university. 2. Minimum age limit will be 21years and maximum age limit will be the same as may be determined by the Government (General Administration Department), from time to time.

5. *Probation Period.*—All Appointments shall be on probation on the basic vacancies of cadre. Probation period will be of two years. In case the service is not found satisfactory, the probation period may be extended for one year by the appointing authority after recording the reasons and the total period of probation shall not be more than three years. In case the service is not found satisfactory during the extended period of probation, the service may be terminated and no claim of any type of compensation shall be entertained.

6. *Authorised strength.*— The government may determine the number of authorized posts in the cadre of Labour Enforcement officer. In addition to that it may create temporary or permanent post or may keep any post in hold or vacant due to which on retrenchment, no member of this cadre shall be entitle to claim compensation.

Persons already appointed regularly and working in this cadre automatically will be deemed to be included in this cadre.

7. *Reservation.*—The provisions of reservation in Service for appointment / Promotion determined and issued by the Government, from time to time will apply.

8. *KALAWADHI.*—The minimum kalawadhi for promotion on higher posts, will be the same as it may be determined by General Administration Department of The Government.

PART-2 DIRECT RECRUITMENT

9. *Sources of Recruitment:-*

- (1) Direct Recruitment to the posts of Labour Enforcement officer shall be made on the basis of recommendation of the Commission.
- (2) After calculating vacancies on the 1st April reservation roster wise requisition by the Appointing authority will be sent to the Commission up to 30th April.

10. *Advertisement.*—The Commission will advertise the vacancies for giving recommendation to fill up to those vacancies from time to time. after receiving the requisition of vacancies for direct recruitment. The recommendation list received from the commission will remain valid for one year.

PART-3

11. *Departmental Examination.*— It will be essential for the officers appointed as Labour Enforcement officer to pass the Hindi Noting and Drafting Examination, Departmental Examination and Computer Efficiency Test and they will be required to pass such examinations also which may be prescribed by the Government.

12. *Seniority.*—Determination of seniority, of the officers appointed in the cadre will be made by the Labour Commissioner, on the basis of the principles and procedures determined by General Administration Department from time to time.

13. *Confirmation.*—On completion of Probation Period and being service satisfactory as mentioned in rule-05 and on being successful in the Departmental Examination, Services confirmation may be made by the competent authority.

14. *Promotion.*—Promotion of Labour Enforcement officer will be made to the post of Labour Superintendent under the provisions vested in the Bihar Labour Services Rules.

15. *Miscellaneous.*— Except as provided clearly in the these rules, Service conditions of the persons appointed in this service will be such as it may be determined by the appropriate rules enforced for the time being, from time to time.

16. *Disposal of disputes.*— Power to enterprete these rules will be vested in department and if any defficulty arises in the enterpretation, the decision of the department (Labour Resources Department) will be final after consultation of the Law Department and General Administration Department.

17. *Repeal and Savings.*— (1) The Labour Enforcement (Recruitment) Rule 1990, Instructions resolutions etc already issued in respect of this cadre are hereby repealed.

(2) Notwithstanding such repeal any action taken under the provisions of the above rules, instructions resolution will be deemed to be taken under these rules, as if these rules were come into force at that time when such actions were taken.

(No. 5/RL-40-45/2009L&R-496)
By order of the Governor of Bihar,
SAILESH KUMAR,
Joint Secretary to Government.

अधीक्षक, सचिवालय मुद्रणालय,
बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।
बिहार गजट (असाधारण) 122-571+100-डी0टी0पी0।
Website: <http://egazette.bih.nic.in>

Labour Enforcement Officer Recruitment Rules, 1990

Published vide Notification No. G.S.R. 39, dated 25th January, 1991, published in Bihar Gazette dated 27.11.1991

bh393

G.S.R. 39, dated 27th November, 1991. - In exercise of the power conferred by the proviso to Article 309 of the Constitution of India, the Governor of Bihar hereby makes the following rules regulating the method of recruitment of the post of "Labour Enforcement Officer" namely :-

1. Short title and commencement. - (i) These Rules shall be called the Labour Enforcement Officer Recruitment Rules, 1990;

(ii) It shall come into force from the date of publication in the *Official Gazette*.

2. Number, Classification and Scale of pay. -

(a) Number of post. - 641 (The number of posts may be changed as per need by the State Government.);

(b) Classification - Class III Non-Gazetted;

(c) Pay Scale - Rs. 1600-50-2300-60-2780. (Revision in the Scale of pay can be made by the State Government from time to time).

3. (i) Method of recruitment, age limit and other qualifications etc. -

(a) Method of Recruitment - The post of Labour Enforcement Officer is a non-gazetted class-III post on which appointment is made on the recommendation of Bihar Sub-ordinate Service Selection Board.

(b) In case of appointment through promotion such employee working under the administrative Control of the Commissioner of Labour, Bihar whose Scale of pay is lower than that of Labour Enforcement Officer; are eligible for promotion.

(ii) Age limit and other qualification -

(a) In case of direct recruitment - Minimum 18 years-Maximum 30 years or as decided by the State Government from time to time, 35 years in respect of Scheduled Castes and Scheduled Tribes Candidates. The maximum age limit of the State Government, employees may be relaxed upto 5 (Five) years. The decisions taken from time to time in this respect by the State Government shall be applicable.

(b) Educational and other qualification in case of direct recruitment-Degree in Arts/Science/Commerce from a recognised university and Labour and Social Welfare subject is essential as one of the optional subjects in competitive examinations.

(c) The following qualification shall be applicable in case of recruitment through promotion -

(i) Graduate from a recognised University;

(ii) Class-III employees who have completed 5 (five) years of continuous service under the administrative control of the Commissioner of Labour, Bihar;

(iii) Maximum Age limit 45 years.

4. Period of Probation. - Two years.

5. Method of recruitment i.e., the percentage of vacancies to be filled by direct recruitment and promotion. - No percentage has been fixed for vacancies to be filled up by promotion but the decision taken with regard to number of vacancies and number of posts to be filled up by direct recruitment/through promotion by the Administrative department shall be applicable.

6. Is the post Selective or non Selective - Selective.

7. Reservation. - In respect of direct recruitment/recruitment through promotion decisions taken by the State Government and rules prescribed in this regard with regard to candidates belonging to Scheduled Castes/Scheduled Tribes/other Backward classes shall apply.

8. Structure of the Promotion Committee, if such Committee, exists in the department -

- (i) Commissioner of Labour Bihar - Chairperson.
- (ii) Director, Agriculture, Labour, Bihar - Member and co-ordinator.
- (iii) Deputy Labour Commissioner (Headquarter) - Member.
- (iv) Joint Labour Commissioner/Deputy Labour Commissioner belonging to Scheduled Caste/Scheduled Tribe posted at Headquarter.
- (v) Member, Nominated by Personnel department as the representative of Scheduled Caste/Scheduled Tribe.
- (vi) A member of Minority Community.

9. Disqualifications. - No person

- (a) who has entered into or contracted a marriage with a person having a spouse living; or
- (b) who having a spouse living, has entered into or contracted a marriage with any person, shall not be eligible for appointment to the said post:

Provided that the State Government may, if satisfied that such marriage is permissible under the personal law applicable to such persons and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of these Rules.

10. Power to relax. - Where the State Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provision of these Rules to any class or category of persons.

11. Saving. - Nothing in these Rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, other Backward Classes and other special Categories of persons in accordance with the orders issued by the State Government from time to time in this regard.

4. *Hierarchy /Appointment /Ratio of appointment by promotion/ Educational Qualification & Experiences:-*

Sl. No.	Name of Post & Grade	Ratio of direct recruitment and appointment by Promotion	Minimum Qualification, Experiences and Age for direct appointment
1	Labour Enforcement officer Non-Gazetted	Cent Percent posts of Labour enforcement officers will be filled by direct recruitment.	1. Degree of Graduation or equivalent from any recognized university. 2. Minimum age limit will be 21years and maximum age limit will be the same as may be determined by the Government (General Administration Department), from time to time.