

**THE UTTARAKHAND SUBORDINATE SERVICE SELECTION COMMISSION
ACT, 2014**

(Uttarakhand Act No. 20 of 2014)

to provide for the establishment of a Subordinate Services Selection Commission for certain categories for Subordinate Services and for matter connected therewith and incidental thereto.

An

Act

It is Hereby enacted in the sixty five year of the Republic of India, as follows:

**CHAPTER - I
PRELIMINARY**

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| Short title and commencement | 1. (1) This Act may be called the Uttarakhand Subordinate Service Selection Commission Act 2014.
(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf. |
| Applicability | 2. The provisions of this Act shall apply in relation to direct recruitment to all Group 'C' posts outside the purview of the Public Service Commission. The State Government may by notification add or withdraw any Group 'C' post from the purview of the Commission in a Board or a Corporation or other statutory body established by a controlled by the State Government: |
| Exception | 3. Nothing in the Act shall apply to recruitment to any post-
(a) in the Secretariat of the State Legislature;
(b) under the high court or a Court subordinate thereto;
(c) under the State Public Service Commission;
(d) under the Lok Ayukt appointed under the Uttarakhand Lok Ayukt Act 2014;
(e) under the Uttarakhand Police Act; |

- Definition 4. in this Act unless the context otherwise requires-
- (a) 'Appointing authority' in relation to any service or post, means the authority empowered to make appointment to such service or post;
- (b) 'Commission' means the Uttarakhand Subordinate Services Selection Commission constituted under section 5;
- (c) 'Chairman' means the Chairman of the Commission;
- (d) 'Group 'C' post' means the post specified as such by the State Government from time to time;
- (e) 'Member' means Member of the Commission and includes to Chairman;
- (f) "Secretary" means the Secretary of the Commission;
- (g) 'Year of recruitment' means the period of twelve months commencing on the first day of July of a Calendar year.

CHAPTER - II

ESTABLISHMENT OF THE COMMISSION

- Establishment of the Commission 5. (1) On and from such date as the State Government may, by notification, appoint in this behalf, there shall be established a Commission to be known as the Uttarakhand Subordinate Service Selection Commission.
- Composition of the Commission 6. (1) The Commission shall consist of a Chairman and such other Member not exceeding two as the State Government may from time to time appoint;
- Provided that member shall be eligible for appointment as Chairman but shall not be eligible for re-appointment or continuance in office either as Member of Chairman after the period of his term.
- (2) If the office of the Chairman becomes vacant or if the Chairman by reason of absence or for any other reason is unable to perform the duties of his office, such duties shall, until some person appointed under sub-section (1) has assumed or, as the case may be until the Chairman has resumed his duties, be performed by Member as the State Government may appoint for the purpose.

Appointment of Chairman and Member 7. The Chairman and other Members shall be appointed by the State Government:
Provided that as nearly as may be one half of the Member of the Commission shall be the persons who on the date of their respective appointment have held office on Group 'A' post for at least ten years under the Government of India or under the State Government.

Powers and duties of Chairman and other Member 8. (1) The Chairman shall be incharge of the administration of the Commission and shall have the power to-
(a) Constitute Committees or sub-committees from amongst the Member with or without one or more non-member;
(b) allocate to Member, committees and sub-committees such work as is not specifically allocated by this bill or rules or regulation made there under;
(c) co-ordinate the working of the Commission and its Member;
(d) grant leave to and approve the tour programmes of Member and Officers of the Commission;
(2) the Member shall assist the Chairman in conduction the examinations and interviews of candidates and do such other work as may be allocated to them by or under this bill, the rules or regulation made there under, or by the Chairman under clause (b) of sub-section (1).

Terms of Office and Conditions of service of Member 9. (1) The Chairman or every other Member shall hold office for a term of six years from the date he assumes his office;
Provided that no Member including the Chairman shall hold office as such after he has attained the age of Sixty five years or he has completed his term, whichever is earlier.
(2) The Chairman or other Member may, at any time, by writing under his hand addressed to the State Government resign from his office.
(3) The Chairman or other Member may be removed from his office by an order made by the State Government on the ground that he has acquired any of the disqualifications specified in section 10 or on the ground of misconduct or incapacity after an inquiry made by a judge of the High Court in the manner as may be prescribed in which such Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

- Disqualification for being the Chairman or other Member 10. A person shall be disqualified for appointment as Chairman or other Member if he-
- (a) becomes an undischarged insolvent;
 - (b) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government, involves moral turpitude;
 - (c) becomes of unsound mind and stands so declared by a competent court.
- Power to Associate 11. The Commission may associate with itself, in such manner and for such purposes as may be determined by regulations made under this Act, any person whose assistance or advice it may desire to have in carrying out any of the provision of this bill.
- Proceedings of the Commission not to be invalidated 12. No bill or proceeding to the Commission shall be deemed to be invalid merely on the ground of
- (a) any vacancy or defect in the constitution of the Commission;
 - (b) any defect or irregularity in the appointment of a person acting as the Chairman or other Member thereof; or
 - (c) any defect or irregularity in such act or proceeding not affecting the substance.
- Secretary of the Commission 13. (1) There shall be a Secretary of the Commission appointed by the State Government, who shall be the Head of the Office of the Commission.
- (2) The Secretary shall exercise such powers and perform such duties as may be specified in the rules or regulations made under this Act or as may be directed by the Chairman.
- Authentication of the orders of the Commission 14. All the decisions and orders of the Commission shall be authenticated by the signature of the Secretary or may other officer authorised by the Commission in this behalf.

CHAPTER - III

POWERS AND DUTIES OF THE COMMISSION AND ALLOCATION OF BUSINESS

- Powers and Duties of the Commission 15. (1) The Commission shall have the following powers and duties, namely-
- (a) to prepare guidelines on matters relating to method of recruitment;

- (b) to conduct examinations, hold interview and make selection of candidates;
- (c) to select and invite experts and to appoint examiners for the purposes specified in clause (b);
- (d) to perform such other duties and exercise such other powers as may be prescribed.
- (2) In exercising the powers or performing the duties referred to in sub-section (1), the Commission shall be guided by such rules or regulations as may be made in this behalf;

Business to be
transacted by
Commission

16.

The Commission shall, with previous approval of the State Government, make regulations for the convenient transaction of its business, including performance of its functions by the Chairman or other Members or a committee thereof and the business transacted in accordance with such regulations shall be deemed to have been transacted by the Commission;

Provided that it shall be lawful for the State Government to accord approval to any such regulation either in original or in modified form.

CHAPTER - IV

NOTIFICATION OF VACANCIES AND APPOINTMENT

Notification of
Vacancies

- 17. (1) The appointing authority shall determine and intimate to the Commission the number of vacancies to be filled through the Commission during the course of the year of recruitment as also the number of the vacancies to be reserved for the candidates belonging to the Scheduled Castes and Scheduled Tribes and other categories in accordance with the law for the time being in force in this behalf.
- (2) The vacancies shall be notified to the Commission in such manner as may be prescribed.

Selection by
the Commission

- 18. (1) The Commission shall, as soon as possible after the intimation of vacancies under section 17, hold examination or interview or both and prepare in the manner prescribed a list of the candidates who are found suitable;
- (2) The list referred to in sub-section (1) shall be forwarded to the appointing authority and the appointing authority shall make appointments from the list so forwarded to it in the order mentioned therein.

CHAPTER - V

BUSINESS BEFORE THE COMMISSION

- Decision in meeting 19. All matters at any meeting of the Commission shall be determined by a majority of the members present and voting and in the case of equality of votes, the Chairman, or in his absence. The member presiding shall have a second or casting vote.
- Quorum 20. The quorum for a meeting of the Commission shall be one-half of the total number of members:
Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

CHAPTER - VI

ANNUAL REPORTS

- Annual Reports 21. The Commission shall prepare every year, in such form and in such manner as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government and the State Government, shall cause the same to be laid before the house of the State legislature.

CHAPTER - VII

MISCELLANEOUS

- Power to make rules 22. The State Government may, by notification, make rules for carrying out the purposes of this Act.
- Power to make regulations 23. (1) The Commission may, with the previous approval of the State Government make or amend regulations relating to the discharge of its functions under this Act including charging of fees for holding examinations or interviews or both for making selection under this bill.
(2) The regulations made under sub-section (1) shall not be inconsistent with the provisions of this Act or the rules made thereunder.
- Protection of action taken in good faith 24. No suit, prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be under this Act.

By Order,

K. D. BHATT,
Principal Secretary.