

TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART II, SECTION 3, SUB-SECTION (1)

Government of India
Department of Atomic Energy

C.S.M. Marg
Bombay - 39.

No. 20/4/4/86-CCS/535

August 4, 1988

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the post of Legal Adviser in the Department of Atomic Energy, namely:-

1. Short title and commencement:

[a] These rules may be called the Department of Atomic Energy (Legal Adviser) Recruitment Rules, 1988.

[b] They shall come into force on the date of their publication in the Official Gazette.

2. Number of posts, classification and scale of pay:

The number of the said post, its classification and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the Schedule annexed to these rules.

3. Method of recruitment, age limit, qualifications etc.

The method of recruitment to the said post, age limit, qualifications and other matters connected therewith shall be as specified in columns (5) to (14) of the said Schedule.

4. 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 a person;

shall be eligible for appointment to the said post, provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax:

Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving:

Nothing in these rules shall affect reservations, relaxation of age limit and other concessions, required to be provided for the Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

NAME OF THE POST	NO. OF POSTS	CLASSIFICATION	SCALE OF PAY	WHETHER SELECTION POST OR NON-SELECTION POST	WHETHER BENEFIT OF ADDED YEARS OF SERVICE ADMISSIBLE UNDER RULE 30 OF CCS (PENSIN) RULES, 1972	AGE LIMIT FOR DIRECT RECRUITS	EDUCATIONAL AND OTHER QUALIFICATIONS REQUIRED FOR DIRECT RECRUITS
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
LEGAL ADVISER	* ONE	GENERAL CENTRAL SERVICE GROUP 'A' GAZETTED	RS. 4500-150-5700	NON-SELECTION POST	NO	NOT MORE THAN 50 YEARS. (RELAXABLE UPTO 5 YEARS FOR GOVERNMENT SERVANTS IN ACCORDANCE WITH THE ORDERS ISSUED BY THE CENTRAL GOVERNMENT)	<p>ESSENTIAL: A PERSON SHALL NOT BE ELIGIBLE FOR APPOINTMENT BY DIRECT RECRUITMENT AS LEGAL ADVISER UNLESS HE HAS BEEN A MEMBER OF A STATE JUDICIAL SERVICE FOR A PERIOD OF NOT LESS THAN THIRTEEN YEARS; OR HAS HELD A SUPERIOR POST IN THE LEGAL DEPARTMENT OF A STATE GOVERNMENT FOR A PERIOD OF NOT LESS THAN THIRTEEN YEARS; OR IS A CENTRAL GOVERNMENT SERVANT WHO HAS HAD EXPERIENCE IN LEGAL AFFAIRS FOR NOT LESS THAN 13 YEARS; OR IS A QUALIFIED LEGAL PRACTITIONER WITH THIRTEEN YEARS STANDING OR IS AN EMPLOYEE OF A PUBLIC SECTOR UNDERTAKING WHO HAS HAD EXPERIENCE IN LEGAL AFFAIRS OF NOT LESS THAN THIRTEEN YEARS.</p>
	* SUBJECT TO VARIATION DEPENDING UPON WORKLOAD					<p>NOTE: THE CRUCIAL DATE FOR DETERMINING THE AGE LIMIT SHALL BE THE CLOSING DATE FOR RECEIPT OF APPLICATIONS FROM CANDIDATES IN INDIA (OTHER THAN THOSE IN THE ANDAMAN AND NICOBAR ISLANDS AND LAKSHADWEEP).</p>	<p>DESIRABLE: EXPERIENCE RELATING TO PROCUREMENT CONTRACTS, BOTH DOMESTIC AND INTERNATIONAL, LARGE CONSTRUCTION CONTRACTS, INTERNATIONAL CONTRACTS RELATING TO TRANSFER OF TECHNOLOGY, SERVICE MATTERS IN THE SCIENTIFIC/ TECHNICAL DEPARTMENTS OF GOVERNMENT OF INDIA.</p>

WHETHER AGE AND EDUCATIONAL QUALIFICATIONS PRESCRIBED FOR DIRECT RECRUITS WILL APPLY IN THE CASE OF PROMOTEES	PERIOD OF PROBATION, IF ANY	METHOD OF RECRUITMENT: WHETHER BY DIRECT RECRUITMENT OR BY DEPUTATION/TRANSFER AND PERCENTAGE OF THE VACANCIES TO BE FILLED IN BY VARIOUS METHODS	IN CASE OF RECRUITMENT BY PROMOTION/DEPUTATION/TRANSFER GRADES FROM WHICH PROMOTION/DEPUTATION/TRANSFER TO BE MADE	IF A DEPARTMENTAL PROMOTION COMMITTEE EXISTS WHAT IS ITS COMPOSITION	CIRCUMSTANCES IN WHICH UPSC IS TO BE CONSULTED IN MAKING RECRUITMENT
(9)	(10)	(11)	(12)	(13)	(14)

NOT APPLICABLE	ONE YEAR IN CASE OF DIRECT RECRUITMENT	BY DEPUTATION/TRANSFER/ DIRECT RECRUITMENT	<p><u>DEPUTATION</u> SUITABLE OFFICERS FROM OTHER DEPARTMENTS OF THE CENTRAL GOVERNMENT/STATE GOVERNMENTS/HOLDING ANALOGOUS POSTS OR POSTS IN LOWER GRADES ON REGULAR BASIS AS PER RECOMMENDATIONS OF DEPARTMENT OF PERSONNEL AND TRAINING, IN ACCORDANCE WITH RELEVANT INSTRUCTIONS OF CENTRAL GOVERNMENT ON THE SUBJECT.</p> <p>THE PERIOD OF DEPUTATION/SHORT TERM CONTRACT INCLUDING THE PERIOD OF DEPUTATION/SHORT TERM CONTRACT IN ANOTHER EX-CADRE POST HELD IMMEDIATELY PRECEDING THIS APPOINTMENT IN THE SAME OR SOME OTHER ORGANISATION/DEPARTMENT OF THE CENTRAL GOVERNMENT SHALL ORDINARILY NOT EXCEED 4 YEARS BUT MAY BE EXTENDED BY ONE MORE YEAR.</p> <p><u>TRANSFER</u> BY TRANSFER OF OFFICERS HOLDING ANALOGOUS POSTS FROM OTHER CENTRAL GOVERNMENT DEPARTMENTS ON PERMANENT TRANSFER BASIS.</p>	<p><u>FOR DIRECT RECRUITMENT ONLY</u></p> <ol style="list-style-type: none"> 1. SECRETARY, DAE - CHAIRMAN 2. DIRECTOR, BARC - MEMBER 3. MANAGING DIRECTOR, NPCIL - MEMBER 4. ADDL. SECRETARY, DAE - MEMBER 5. AN OFFICER OF APPROPRIATE GRADE FROM MINISTRY OF LAW AND JUSTICE TO BE NOMINATED BY SECRETARY, DAE. 	DEPARTMENT OF ATOMIC ENERGY IS EXEMPTED FROM CONSULTATION WITH UNION PUBLIC SERVICE COMMISSION
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(N. VITTAL)

ADDITIONAL SECRETARY TO THE GOVERNMENT OF INDIA