CHAPTER IV

RECRUITMENT

Manpower is the most important resource of an organisation. This is because it is the talent of human resource that will decide utilisation of other resources. The quality of manpower is decided at the stage of selection. Without selection of a good seed, no matter how much fertiliser is put at a later stage, a good harvest would not be possible. Recruitment is the art of selection of the right people for jobs at the right time so that organisational needs can be met. This would depend on

- the accuracy of need assessment
- the adequacy of recruitment process
- the adequacy of selection process
- dealing with constraints

It is the personnel who decide the use of other resources in an organisation, (for example the use of capital and equipment) and, therefore, it is felt that it is the personnel that makes or mars an organisation. Importance of a selection based on merit, with equal opportunity and free access to public services has been gradually recognised universally. Before adoption of this principle, civil servants were recruited in multiple ways, for example, patronage in England, sale of offices in France, spoils system in USA and in some countries by public election or

allocation of offices as a lottery. Today in most countries a system based on merit with equal opportunity has been adopted. Article 21 of the Universal Declaration of Human Rights stated ‘everyone has the right of equal access to public service in his country’. This advantage of having a broad base for selection also ensures that in the Government there is a merger of classes and of a cross section of citizen. This "good fortune" at not being limited in recruitment and thereby having diversity of social origin is of noted significance for determining the character of civil service and was noted by V.O. Key also.

Recruitment based on equality or equal opportunity i.e. done democratically and not based on wealth, or social class has been equated to ‘aristocracy of talent’. ‘Gold’ is ‘where you find it’ said Plato and you cannot tell beforehand from which class the best talent may arise. This system "would resemble Plato’s guardian class, not Burke’s aristocracy of the rich, the well born and the able. It will exemplify the democratic principle of equal opportunity in accordance with merit".

This principle of equality of opportunity for entry into public services is enshrined in the Indian constitution. It is now well accepted in the United States also (except the top level) where the spoils system had prevailed, "after meddling

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4 A Bhattacharyya, Recruitment Rules and Civil Services, New Delhi, Prachin Prakashan, 1984, p 66.
through strained periods of past spoils system and past merit for many years, the nation happily has reached a point where merit is clearly dominant.⁵ According to Paul Meyer the spoils system has acquired and developed ideological basis in the United States. From being a caricature, it has turned into a political and administrative principle.

CONSTITUTIONAL PROVISIONS REGARDING RECRUITMENT

Article 310 of the Constitution deals with tenure of service and article 311 with dismissals and removals or reduction in rank of persons employed in civil capacity under the Union and the State. Article 312 vests the power in Parliament to vary or revoke or waive conditions of service of an officer of certain services.

Article 309 of the Constitution states that subject to any provision of the constitution an act of appropriate legislature may regulate the recruitment and conditions of service of persons appointed to the public services and posts in connection with the affairs of the Union or of any State. There is no law, or act of parliament passed in furtherance of the constitutional provisions. Various rules governing conditions of the service have however been made. State government are competent to make rules to regulate the employment conditions of the civil servants. Rules passed by the government are scrutinised by the legislature. All rules passed by acts of parliament or state legislature are required to be published in the appropriate

gazette. The Parliament and the state legislatures have separate committees on subordinate legislation which examine these rules and see that the rules are consistent with the provisions of the constitution and various acts of parliament or the state legislature. These committees scrutinise the justification for making of rules and also review the amendments in respect of clauses which are inconsistent with the provisions of the Constitution. The basic rules like Central Government Service (Conduct) Rules 1964, Central Civil Service (Classification, Control & Appeal) Rules, 1965, Central Civil Service (Leave) Rules, 1971, Central Civil Service (Conduct) Rules 1964 and Central Civil Service (Temporary Service) Rules 1965, Fundamental Rules, Supplementary Rules apply to most civil servants as most states including Himachal Pradesh have adopted these rules.

Article 16 of the Constitution provides for equality of opportunity in the matter of entry into government service without any distinction on the grounds of religion, race, caste, sex and place of residence. However, reservation of backward sections of society has been provided for in Article 16(4) of the Constitution. Thus it is clear from our constitution that notwithstanding reservation there should be equality of opportunity for recruitment if other conditions (e.g. educational qualification) are fulfilled. There should thus be a fair selection. The Public Service Commission in our country by and large and in Himachal Pradesh in particular is the agency expected to bring about fair selection as we have already seen.
METHODS OF RECRUITMENT

Recruitment is a continuous process and is used to fill in posts resulting from new creations, retirement, resignations, deaths and promotions. The following methods of recruitment are adopted for making selection to various services in Himachal Pradesh.

- Direct recruitment - on the basis of competitive examination
  - on local and regional basis (through Employment Exchange)

- Promotions
- Deputation
- Transfer
- Contract
- Re-employment

The method of recruitment is laid down in the recruitment rules of each service. The two most commonly used and popular methods are direct recruitment and promotion. Direct recruitment in an organisation is a method to keep pace with development by inducting freshly qualified staff or the best available in the market. Promotion is a method to provide opportunities for development of the employees and also to provide continuity in an organisation. Himachal Pradesh tries to have a mix of both the methods. Generally the proportion is as follows.
Class IV to IV 100% promotions
Class IV to III 10% promotion 90% direct recruitment
Class III to II 25% to 33% direct recruitment, 75% to 67% by promotion
Class II to I 50% promotion, 50% Direct recruitment
Within Class I 100% promotion

Some of the cadres which were studied have the following percentage for direct recruitment and promotions

<table>
<thead>
<tr>
<th>Direct</th>
<th>Promotion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian Administrative Service (IAS)</td>
<td>67%</td>
</tr>
<tr>
<td>Himachal Administrative Service (HAS)</td>
<td>50%</td>
</tr>
<tr>
<td>Principals(Schools)</td>
<td>33%</td>
</tr>
<tr>
<td>Agriculture, Horticulture</td>
<td>25%</td>
</tr>
<tr>
<td>Dept.(Class II)</td>
<td></td>
</tr>
<tr>
<td>B.D.O.s (Class II)</td>
<td>25%</td>
</tr>
<tr>
<td>A.E. PWD</td>
<td>40%</td>
</tr>
<tr>
<td>Secretarial Assistants</td>
<td>25%</td>
</tr>
</tbody>
</table>

Promotions will be dealt with in the chapter on promotion
Other methods of recruitment do not form a major part of recruitment but will be mentioned briefly here before dealing with direct recruitment, which is the major method of recruitment.
Deputation

Deputation is a popular method used in government departments and public sector undertakings (usually in the latter) where the posts are so few that it is not possible to develop separate cadres. In the IAS there are 10% posts, generally in public sector undertakings, which are called ex-cadre posts and are filled on deputation by IAS officers. The terms of deputation are usually standard. An officer gets his own pay scale or scale of the post. In case he is of some service other than the IAS he gets a deputation allowance of 10% if he comes from the same station and 20% if he comes from another station. Deputationists are generally not in Class III and IV but in Class I and Class II.

This is a convenient method and if the officer or official is not suitable, he can be sent back to his parent cadre. However, this has met with lot of criticism as the officers on deputation are said to have no long term interest in the organisation. Kuldip Nayyar has called them 'birds of passage having no set stake in the organisation and looking forward to the pleasures of office'. It is said that the government officers, particularly IAS officers who have no idea of commercial undertakings, are put in charge of them which results in lack of foresight and also in losses.
Transfer

Transfer is different from deputation as by transfer, an employee gets to be permanently absorbed in the post. In deputation an officer from outside comes for a maximum period of five years (if anyone, as an exception, is allowed to stay longer he ceases to draw deputation allowance) and at the end he is reverted to the parent cadre. Transfer as a method of recruitment is used where it is possible to get the services of a suitable officer having the requisite qualifications and experience within the government departments or the Union Government or other state governments.

Contract

Contract is for a short-term and is usually used for non-government bodies such as universities and public sector undertakings. In Himachal Pradesh the Commandant General Home Guards was appointed on contract from 1971 to 1977 and again from 1980 to 1983. There was a fixed tenure and fixed salary and a renewal would depend on results achieved. Remuneration here is flexible and can be laid down at the time of offering the contract.

Re-employment

Re-employment is employment of a retired government servant. His salary is usually the same that he would draw in the new post minus pension. This method is employed often where either the job is of a temporary nature or it cannot be filled as
a suitable candidate is not available otherwise. It is also used at times to benefit some retired government servants.

DIRECT RECRUITMENT

Direct recruitment can be by competitive examinations/interview. Competitive examinations in most states are organised by the public service commission and subordinate selection boards. The higher level posts of class I and class II are kept within the purview of the public service commission and the lower posts, such as class III, are given to subordinate selection board. Selection of class IV is usually left to the departments for selection from amongst names sponsored by employment exchange. In Himachal Pradesh, however, there is no subordinate selection board and class III and class IV selections generally are left to the departments to select from amongst names sponsored by the employment exchange.

Competitive examination through Public Service Commission

Article 320(1) of the Constitution lays down that it shall be the duty of the Union & the State Public Service Commission to conduct examination for appointments to the services of the Union and the State.

One of the primary tasks of the public service commission is to conduct competitive examinations. The principle followed generally is to hold examination at a young age for assessment of quality of mind, general outlook, capacity for growth and
knowledge. On the job training and experience is acquired after appointment to the service. The Himachal Pradesh Public Service Commission conducts the following kinds of examinations:

- Examination for organised service, like Himachal Pradesh Administrative and Allied Services and Himachal Pradesh Judicial Service examinations. Public service commission conducts examinations by holding written examination in compulsory and optional subjects. In HAS and allied services there are three compulsory subjects (general knowledge, hindi and english) and two optional subjects (with two papers each). The examination is mostly of the essay type. In Himachal Pradesh Judicial Services there are five compulsory papers. Marks in both these examinations and marks given for interview constitute the result. The marks are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Written</th>
<th>Interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>HAS and allied service</td>
<td>600</td>
<td>200</td>
</tr>
<tr>
<td>H J S</td>
<td>1000</td>
<td>100</td>
</tr>
</tbody>
</table>

The candidates are selected on merit by totalling marks and it is not necessary to have minimum pass marks in any subject except in Hindi (compulsory subject).

- Qualifying examination such as Subordinate Accounts Service (SAS) which has two parts of five papers each. This cadre is maintained by the finance, treasury and accounts department. Once a candidate has qualified in this examination the mark list is maintained and the candidates continue to be appointed from
the list to different departments based on vacancies.

Clerical examination

Here the qualification is matriculate and there are two papers prescribed (English & Hindi of 100 marks each). Where some technical skills are involved, such as stenographers and photographers there is only a practical test.

Screening test

This test has recently been introduced by the Himachal Pradesh Public Service Commission. Here there is one objective type paper of 10 questions, containing 100 marks. It is usually used where there are too many candidates before a final exam or interview is held. It has been used for the posts of assistant engineer (civil), state forest service and ayurvedic chikitsak adhikari. The screening tests that have been conducted by the public service commission are

TABLE IV.1
SCREENING TESTS CONDUCTED BY HPPSC

<table>
<thead>
<tr>
<th>Years</th>
<th>Posts</th>
<th>Applications received</th>
<th>Applications admitted</th>
<th>Inter - viewed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1982-83</td>
<td>State Forest Service</td>
<td>2</td>
<td>118</td>
<td>69</td>
</tr>
<tr>
<td>1982-83</td>
<td>Research Officer (Industry)</td>
<td>1</td>
<td>70</td>
<td>34</td>
</tr>
<tr>
<td>1983-84</td>
<td>State Forest Service</td>
<td>2</td>
<td>91</td>
<td>73</td>
</tr>
<tr>
<td>1983-84</td>
<td>AE(Civil)</td>
<td>23</td>
<td>388</td>
<td>380</td>
</tr>
<tr>
<td>1984-85</td>
<td>DCSO</td>
<td>1</td>
<td>49</td>
<td>36</td>
</tr>
</tbody>
</table>

The purpose of the screening tests is to reduce the number that are finally interviewed.
Interviews

Holding interviews as the sole selection method is used for some technical and professional services like those of engineers and doctors. It supplements the academic records of candidates. No written examinations are held in their cases.

The other type of interview is of the additive type. It is used in addition to the written competitive examination as in Himachal Administrative Service and Himachal Judicial Service. Another type of interview which could be used is the qualifying type of interview in which the candidate has to obtain a certain minimum standard in order to succeed. It is used in some states like Bombay, Orissa, West Bengal and Rajasthan. This is not used in Himachal Pradesh.

The representative of the department is present in the interview which is presided over by the chairman or member of the Public Service Commission. Whereas the general qualities of mind are assessed in the interviews, the presence of departmental representatives gives an idea of the nature of duties required to be performed. An expert from outside is also invited and gives perhaps a more objective opinion. The Himachal Pradesh Public Service Commission has also prescribed a performance report of the first two years after a candidate joins service (in Form-24) to monitor the performance of the candidate.
Examinations conducted by the Public Service Commission are given below.

**TABLE IV.2**

YEAR-WISE DETAILS OF RECRUITMENT MADE THROUGH COMPETITIVE EXAMINATIONS BY HPPSC

<table>
<thead>
<tr>
<th>Year</th>
<th>Name of post</th>
<th>No. of posts</th>
<th>No. of applications recd.</th>
<th>No. of candidates found eligible/ appeared in test</th>
<th>No. of candidates qualified</th>
<th>No. of vacancies for which recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980-81</td>
<td>HAS etc.</td>
<td>20</td>
<td>1320</td>
<td>1302/713</td>
<td>80</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>SAS OB LAD</td>
<td>21</td>
<td>21/17</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SAS OB-PT 1</td>
<td>31</td>
<td>32/28</td>
<td></td>
<td>9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SAS LAD II</td>
<td>17</td>
<td>17/13</td>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SAS OB-11</td>
<td>28</td>
<td>28/24</td>
<td></td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>1981-82</td>
<td>HAS etc.</td>
<td>21</td>
<td>1282</td>
<td>1267/694</td>
<td>95</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>HJS</td>
<td>12</td>
<td>593</td>
<td>588/399</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>SAS LAD I</td>
<td>17</td>
<td>15/14</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SAS LAD II</td>
<td>8</td>
<td>8/8</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SAS OB I</td>
<td>16</td>
<td>16/15</td>
<td></td>
<td>8</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SAS OB II</td>
<td>12</td>
<td>12/12</td>
<td></td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>1982-83</td>
<td>HAS etc.</td>
<td>13</td>
<td>1292</td>
<td>1262/748</td>
<td>65</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>SAS OB I</td>
<td>15</td>
<td>15/15</td>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SAS LAD I</td>
<td>9</td>
<td>9/9</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SAS OB II</td>
<td>9</td>
<td>9/9</td>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SAS LAD II</td>
<td>4</td>
<td>4/4</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1983-84</td>
<td>HAS etc.</td>
<td>17</td>
<td>1705</td>
<td>1690/940</td>
<td>84</td>
<td>17</td>
</tr>
<tr>
<td>1984-85</td>
<td>HAS etc.</td>
<td>23</td>
<td>1670</td>
<td>798/798</td>
<td>100</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>SAS OB I</td>
<td>3</td>
<td>3/3</td>
<td></td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SAS OB II</td>
<td>3</td>
<td>3/3</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SAS LAD I</td>
<td>4</td>
<td>4/4</td>
<td></td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SAS LAD II</td>
<td>3</td>
<td>3/3</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class III/BA for Naib Tehsildar etc.</td>
<td>17</td>
<td>9800</td>
<td>--</td>
<td>88</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Class III/Matriculate</td>
<td>99900</td>
<td>42035</td>
<td>--</td>
<td>576</td>
<td>-</td>
</tr>
</tbody>
</table>

We have seen that the Public Service Commission has an advisory role. For recruitment too, it holds the examination and recommends candidates for appointment to the Government. In Himachal Pradesh the procedure is that in case the advice of the commission is not accepted the case is referred back to the Commission for reconsideration. In case of difference of opinion
the case is sent to sub-committee of the cabinet and then put up to the cabinet for decision. However the advice of the Commission on the results of the examinations has been adhered to; the only difference of opinion has been the increase in the number of seats by the Government after declaration of results. Here the role of patronage can be seen as seats are sometimes increased after the waiting list is known.

Views on the functioning of the HPPSC

In the survey of employees the views expressed on the Public Service Commission were as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>Fair selection</th>
<th>Biased selection</th>
<th>Corruption in selection</th>
<th>No knowledge or opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>22</td>
<td>3</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Class II</td>
<td>17</td>
<td>5</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Class III</td>
<td>27</td>
<td>8</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Class IV</td>
<td>6</td>
<td>2</td>
<td>-</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>62</strong></td>
<td><strong>18</strong></td>
<td><strong>6</strong></td>
<td><strong>23</strong></td>
</tr>
</tbody>
</table>

In this table, we find that a little more than half the employees perceive the selection as fair. Only a small number (18) say that it is biased and an even smaller number (6) perceived corruption in selection.
PERCEPTION OF DIRECT RECRUITMENT THROUGH H.P.P.S.C.

GRAPH B

CLASS I CLASS II CLASS III CLASS IV

FAIR BIASED CORRUPT NO OPINION
In contrast, in a study done of Haryana Public Service Commission R. K. Sapru said that the "existing arrangements for recruitment through the Commission is not very satisfactory". He has quoted one of the member of Haryana Public Service Commission as saying 'the Public Service Commission has lost credibility and ceased to be accountable to the public. He concluded that 'it is evidenced that the State Public Commission have of late acquired the label of a den of corruption." 6

Another criticism of HPPSC has been the delays which occur in sponsoring candidates. The secretary, HPPSC, was interviewed on this and he admitted the delays though gave its reason as procedural, such as sponsoring of names by the employment exchange and the advertisement, large numbers (65000 applications for clerks grade examination), verification of certificates, screening test, reservation policy, and change in vacancies and rules. A test case of a Himachal Judicial Service was studied where the number of candidates is very small.

<table>
<thead>
<tr>
<th>Year</th>
<th>Date of act of registration</th>
<th>Date of examination</th>
<th>Date of recommendation</th>
</tr>
</thead>
</table>

Note: No exam in 1983 and 1986

6 R.K.Sapru, Civil Service Administration in India, New Delhi, Deep and Deep Publications, 1985, p 300-301.
This clearly shows the long delays in holding examinations and recommending candidates.

RECRUITMENT THROUGH EMPLOYMENT EXCHANGE

All posts in Himachal Pradesh are filled either through the Public Service Commission or from amongst the candidates sponsored by the employment exchange.

Employment Exchange

The Employment Exchange (Compulsory Notification of Vacancies) Act 1959 was brought into effect from 1st May, 1960. Under the provisions of the Act, all establishments in public sector and all establishments in private sector normally employing 25 or more workers are required to notify certain categories of vacancies and also render returns to the appropriate Employment Exchanges. This Act was adopted by the Himachal Pradesh and the Employment Exchange (Compulsory Notification of Vacancies) Rules 1960 were also made applicable. The State Government issued instructions on January 17, 1977, in which it was emphasised that all employing agencies in Himachal Pradesh should make recruitment through the employment exchanges and will tap other sources only if these employment exchanges fail to sponsor suitable candidates. It was stated that all vacancies arising in government offices, autonomous bodies, local bodies and public undertakings except those to be filled in by Himachal Pradesh Public Service Commission or by normal channels

irrespective of their duration and emoluments, should be notified
to the appropriate employment exchange; further, no office or
establishment should fill in any vacancy by direct recruitment
unless the employment exchange certifies in writing that it is
unable to sponsor suitable candidates (called a non availability
certificate or N.A.C.). It was also decided that the first pay
bill of the newly recruited officials shall be accompanied by a
certificate that the official was appointed through the
employment exchange.

The purpose behind having r  and sponsorship of
employment exchange for government jobs can perhaps be seen in
the fact that there is a high level of unemployment in our
underdeveloped country. There is lot of premium on government
jobs as they provide for security during service and also in old
age. They also yield social respect and some kind of authority.
Therefore, government jobs are in great demand. However, many of
the poor people, particularly those who are not highly educated,
may be deprived of entry because of lack of information and the
necessary connections at high levels. Channelising recruitment
through the Employment Exchange tends to equalise the opportunity
for all.

Once a person is appointed to service, his name is deleted
from the live register maintained by the employment exchange.
However, since by nature daily wages vacancies are
temporary, it was found that the employees faced a lot of
hardship when their names are deleted as they had to get their
names registered again. It was decided by instructions dated June 4, 1984 that the name of an individual will continue on the register and hence he will continue to be sponsored on regular vacancies even after he is appointed on daily wages.

Registration for higher categories of posts

The public servant is registered with employment exchange after obtaining a no objection certificate from his employer. Himachal Government issued instructions that all class IV employees should be given a 'no objection certificate' to register their names for class III posts. Himachal Pradesh government also decided that in such cases the age of the employee would be calculated by deducting actual period spent in Government service and then determining if he would be eligible from the point of view of age. This age concession is also provided to encourage an employee to aspire and apply for higher posts.

Non compliance

Non-compliance of this Act is punishable with a fine extending to Rs.500/- in the first instance and Rs.1000/- for the second offence. It needs to be noted that the Compulsory Notification Act provides only for notification of vacancies to the employment exchange and it is the executive instructions that provide that recruitment will only be done out of the candidates sponsored by the exchange.

Daily Wages

It has been specified by instructions dated January 22, 1985 that daily wage vacancies should be sponsored by the Employment Exchange even in public sector undertakings, boards and corporations; many of them were not doing so, in contravention to the government instructions. This has led to a discussion in the Himachal Pradesh Vidhan Sabha and the Government reiterated that public sector undertakings and autonomous bodies must comply with these instructions even in case of daily wages staff.

Exemptions

The exemptions from recruitment through employment exchange are as follows:

- persons working within an organisation
- ex-TB or sick patients who are discharged from government service on re-employment after they are medically fit.
- a person taken from an employment exchange on a short term vacancy
- in case of compassionate circumstances where a government servant dies in service and his dependent/family is in distress
- children of personnel from the Armed Forces who are killed in action
- outstanding sportsmen in Class III and class IV

The exemptions thus apply in cases of other than normal circumstances. Generally almost all vacancies go through employment exchange as the above cases are rare.

Period of notice to be given to the employment exchange

Vacancies should be circulated to employment exchanges giving the following minimum period of notice.

- three weeks in the case of Scheduled Caste & Scheduled Tribe candidates where vacancies are to be circulated in a number of employment exchanges
- one week in the case of local recruitment
- less than one week in case of real emergency

Kinds of employment exchange

Regional employment exchange

In the State of Himachal Pradesh there are three regional employment exchanges, 9 district employment exchanges at the district headquarters and 35 sub-office employment exchanges. The registration and submission work is being done by all the employment exchanges. The regional employment exchanges are headed by regional employment officers who are class II gazetted officers. District employment exchanges are headed by Office Assistants. The candidates residing in jurisdiction of these Employment Exchanges get their names registered at their respective Employment Exchanges in person or by post. At the time of registration the candidates are given occasional guidance and career counselling or information on self-employment and availability of types of loan.

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The state level vacancies are notified by different employers to all the employment exchanges and the district level vacancies are notified to the regional employment exchange, district employment exchange and the sub-office employment exchanges. Those registered and on the operative list are called as being on 'Live Register'.

Two university information and guidance bureaux have also been set up at Himachal Pradesh University, Shimla and Himachal Pradesh Agriculture University, Palampur. All students pursuing higher studies in these universities are eligible to get their names registered in these universities and send their duplicate registration cards to the employment exchanges of their places of permanent residence. In addition to these, three special cells have been established by the State Government for providing employment assistance.

Ex-servicemen Cell

An Ex-servicemen Cell was established by the Government in the year 1973, in order to facilitate the placement of ex-servicemen against various posts reserved for this category. The ex-servicemen are required to get their names registered in the employment exchanges serving in their areas and these employment exchanges are required to send the duplicate registration cards of such ex-servicemen to this cell within 24 hours of their registration. The names of ex-servicemen are also sponsored for un-reserved vacancies by the parent employment exchanges as per their qualification and experience; 15%
vacancies have been reserved for ex-servicemen in Class III and Class IV categories by the State Government. This cell sponsors candidates to the various employers in the state in the ratio of one candidate against one vacancy. Thus selection here is really done by the cell before sponsorship as only one candidate is sponsored against one vacancy. This cell was under the overall control of Directorate of Employment till July, 1988 when its control was transferred to the Directorate of Sainik Welfare. A senior class II ex-serviceman officer is in-charge of this cell.

Physically handicapped cell

This cell was established in the Directorate in the year 1976. All physically handicapped candidates are required to get their names registered in the Employment Exchanges serving their areas. Duplicate X-1 cards (Registration Cards) of these handicapped registrants are required to be sent to this cell by the respective Employment Exchanges within 24 hours of their registration. Physically handicapped candidates are also sponsored against vacancies other than those reserved for this category by the parent exchanges of the candidates as per their qualification and experience. A senior Class-II officer is in charge of this cell. Under the State Government, 3% vacancies have been reserved for the physically handicapped persons. Whenever a vacancy is received in the cell, a list of three candidates is submitted to the employer and he conducts an interview of these candidates and makes the selection as per the suitability.
Central employment cell

Central employment cell is meant to cater for private sector vacancies. This is in recognition of the fact that most people cannot get employment in Government. With Himachal Pradesh trying to come on the industrial map of the country this cell was set up in May, 1977 with a Class-II officer in charge. Employers in private sector have been asked to notify vacancies regarding skilled, semi-skilled and highly skilled candidates to the employment exchange.

Thus all vacancies in Himachal Pradesh are filled either through Public Service Commission or through the employment exchanges. H.P. Employment Exchange also sponsors such vacancies of class III posts to the H.P. Public Service Commission as are within the purview of H.P.P.S.C.

Views about Employment Exchange

Red tape and procedural delays are common in employment exchanges. In some states they have also become dens of corruption. An interview with a few employees of neighbouring states and the centre revealed that there are rates fixed for registration and for sponsorship. Those registered earlier, as per procedures, having to be sponsored earlier. According to laid down procedures, an employee registered in 1984 could not be sponsored before a candidate registered in 1982. The number of candidates who can be sponsored for each vacancy is also laid down. It is thus difficult to manipulate. However manipulations are done by either sponsoring more than the required number of candidates or by other means. However, the survey in Himachal
Pradesh showed that though red tape had cropped in there was not as much corruption here as in the neighbouring states.

TABLE IV.5

Opinion about Employment Exchange

<table>
<thead>
<tr>
<th>Class</th>
<th>Delays</th>
<th>Corruption</th>
<th>Good functioning</th>
<th>Fair functioning</th>
<th>No opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>20</td>
<td>4</td>
<td>8</td>
<td>17</td>
<td>-</td>
</tr>
<tr>
<td>Class II</td>
<td>15</td>
<td>8</td>
<td>12</td>
<td>18</td>
<td>-</td>
</tr>
<tr>
<td>Class III</td>
<td>34</td>
<td>30</td>
<td>22</td>
<td>8</td>
<td>13</td>
</tr>
<tr>
<td>Class IV</td>
<td>15</td>
<td>12</td>
<td>21</td>
<td>12</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>84</td>
<td>54</td>
<td>63</td>
<td>55</td>
<td>18</td>
</tr>
</tbody>
</table>

It is seen that a large number, that is 84 out of 118 think that there is delay in recruitment through employment exchange. About half (54 out of 118) perceive corruption. While 63 employees felt that the functioning of the employment exchange was good, 55 stated it only as fair.

The whole system of employment is routed through these exchanges. We will now deal with the procedure for creation of posts, recruitment rules, job requisites, such as education, domicile methods of recruitment whether by test or interview and instructions on giving marks on these methods. In the latter part the kinds of posts will also be dealt with.
OPINION ABOUT EMPLOYMENT EXCHANGE

CLASS I
- DELAYS: 80
- FAIR: 0
- CORRUPT: 68
- NO OPINION: 20
- GOOD: 16

CLASS II
- DELAYS: 50
- FAIR: 27
- CORRUPT: 40
- NO OPINION: 19
- GOOD: 0

CLASS III
- DELAYS: 79
- FAIR: 51
- CORRUPT: 60
- NO OPINION: 30
- GOOD: 19

CLASS IV
- DELAYS: 75
- FAIR: 51
- CORRUPT: 60
- NO OPINION: 30
- GOOD: 25

GRAPH C
PROCEDURE FOR CREATION OF A POST

The procedure for creation of a post is that the department initiates the proposal giving full justification, work description and work load. After it is approved by the Minister in charge it is sent to the Finance Department for concurrence. It is often rejected there and a back reference is made. It is not unknown to have a Finance Minister, who is the Chief Minister, reject a proposal for creation of a post which he himself has approved as Tourism Minister. All creation of posts are then taken to the council of ministers for approval. It is necessary that the recruitment rules are framed before creation of the post. It is also necessary that the post which is created should have been reflected in the budget, meaning that it is pre-planned.

Recruitment Rules

The standards and procedures for induction of civil servants in the administrative system are generally codified or stipulated in a set of rules called the recruitment rules. Recruitment rules are formally drafted by an officer not lower in rank than an Under Secretary and generally contain the following facts:

- Definitions of terms used in the rules to facilitate easy interpretation
- Constitution of the service, cadre or genesis of the post
- Grades, authorised strength of the posts and its review, pay scales and classification of the posts
- Initial constitution of the service
- Future maintenance of cadre
- Citizenship required
- Qualifications - academic and experience - essential or desirable
- Disqualification relating to criminal conviction, physical deformities or weakness
- Age, at entry level, for promotion
- Reservation of vacancies
- Probation
- Power to relax any of the aforesaid provisions

Decisions regarding mode of recruitment that is direct recruitment, promotion or transfer is taken well in advance.

Procedure for framing recruitment rules

The draft rules should be prepared by an officer not lower in rank than an Under Secretary. The administrative department should send the draft rules to the Department of Personnel (Appointment Wing) in the prescribed performa (Form 21 of Himachal Pradesh Public Service Commission) and the particulars in the proforma (Form 21 A) along with a self contained note on the relevant file. Simultaneously the administrative department should also forward a copy of explanatory memo along with draft rules to the Under Secretary(Law) and Joint Secretary (Finance) for consideration. The scrutiny of the draft rules is done by a Rules Committee constituted as given here-after.
1. Chief Secretary
2. Secretary (Finance)
3. Secretary (Personnel)
4. Secretary (Law)
5. Joint Secretary (Personnel)

The Rules Committee has decided that in order to expedite the process regarding finalisation of recruitment and promotion rules, the administrative department would refer the draft rules to the Personnel Department (Aptt.II) for scrutiny by the Rules Sub-Committee constituted as under:

1. Joint Secretary (Personnel) Convenor
2. Deputy Secretary (Finance) Member
3. Under Secretary (Law) Member
4. Representative of the concerned administrative department Member

The sub-committee is supposed to meet at ten days intervals and finalise its views on the recruitment and promotion rules referred to it during the interval. The administrative department carries out amendments in the draft rules as proposed by the Rules Sub-Committee and sends eight copies of the memorandum along with requisite information for placing before the Rules Committee to the Department of Personnel on their file. Simultaneously the administrative department also forwards a copy each of the memo to the Secretary (Law) and Secretary (Finance). It is laid down that the memo should contain the following information.
i) Duties and functions of the post of which the recruitment and promotion rules are proposed to be framed

ii) If direct recruitment is not proposed as a method for filling the post, reasons for this should be indicated.

iii) The memorandum should also indicate details of the officials of each proposed feeder category eligible for promotion, giving scale of pay, date of birth and date of appointment to present posts, educational qualifications, and the number of posts in the higher category for which promotions are to be made.

The minutes of the rules sub-committee and the minutes of the rules committee after sorting out all differences of opinion, are referred to the Himachal Pradesh Public Service Commission. In case of any difference of opinion with the Public Service Commission the matter is again taken to the Rules Committee and then with the Public Service Commission. All the points are then incorporated and placed in a memorandum before the Council of Ministers for consideration and approval.

Job Requisition

Job requisition is necessary to give enough information about each job in order to fill it. It is presumed that job analysis and job specification precedes job requisition. It includes educational qualifications, scale of pay, experience, domicile, age and sex qualifications, if any.
Citizenship of a country is almost an universal precondition for eligibility of civil service. For service in Himachal Pradesh, the Recruitment Rules provide that a candidate must be either

- a subject of India
- a subject of Bhutan
- a subject of Nepal
- a Tibetan refugee who came to India before 1st January, 1962 with the intention of settling in India
- a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries or Kenya, Uganda etc. with the intention of permanently settling in India.

Most States have introduced local restrictions, such as candidate must belong to the State. This has been done indirectly by providing for a language test in the regional language. However, in Himachal Pradesh where the regional language is Hindi, domicile restrictions have been provided by asking for a domicile certificate. This domicile certificate is issued by a Sub-divisional Officer, Tehsildar or Collector of a District. It is called a 'Bonafide Certificate'. The requirement for this certificate is residence in the state for a period of 15 years or agricultural land ownership in the state from generation to generation. Since introducing this qualification as an essential qualification may not have been constitutional, it has been
provided that this may be included in the Recruitment Rules as a desirable qualification. The recruitment and promotion rules provide the desirable qualification to be the knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in peculiar conditions prevailing in the pradesh. This was done after the HP, Manipur & Tripura Public Employment (Requirement of Residences Rules) 1959 ceased to apply to H P from 1974. However, it cannot influence the written marks of an examination very much and can only influence at the stage of interview.

Educational Qualification

For most posts in government departments at ministerial level (i.e. class III), matriculation is the requisite qualification. However, at the officer level, (class I & Class II) graduation is the requisite qualification for direct recruits. For class IV posts, 'middle' i.e. eighth class is the requisite qualification, but for certain categories like sweeper, watchman or gardener, it is only literacy. The technical posts have almost equivalent technical qualification. For promotion posts, the educational qualifications usually do not apply.

Experience

Experience is usually not provided for entry at initial level specially at lower posts. However, it is sometimes provided for lateral entry at middle or higher level posts though these are not
rare. Prescribing experience in government, however restricts number of candidates who are eligible and this is sometimes done with a view to get a specific candidate.

Age

Age restriction is based on the concept of entry into service at an early age when minds are flexible and receptive. It is then attempted to develop these minds through experience and training and equip them with the necessary skills. In developing countries with over population and unemployment problems, this is considered a better method than looking for experienced people for lateral entry at higher levels. Here the employee with requisite qualifications develops along the hierarchical chain to higher levels. The Weberian model envisages this development and progress along the vertical hierarchical path to higher level of responsibilities and well being within the service framework. Though entry is at a young age this does not prevent higher age limits for the few supervisory or policy making level posts at intermediate or top level where lateral entry is permitted. The minimum age limit in Himachal Pradesh Government is generally 18 years and maximum age limit is 32 years for entry at initial level. For Class II posts, the maximum age limit is 35 years and for Class I posts, it is 45 years. The age limit generally does not apply to promotion posts. It is relaxable by 5 years in the case of SC and ST candidates and there is no age limit for ex-servicemen provided the candidate was eligible and within requisite age limit when he joined the army.
Sex

The constitution provides that no discrimination can be made on the basis of sex in public employment. However, certain jobs have always been more suitable for women e.g. teaching, ministerial and medical (particularly nursing). Other jobs have been more suitable for men such as those in the police and armed forces. However, in Himachal Pradesh too, women are entering areas particularly reserved for men in the past.

The main reason for induction of women is the fact that because their results are good and in spite of some resistance at interview level, it is impossible not to take them in service (as interview marks are not qualifying marks). The judgement of courts invalidating provisions in Indian Foreign Service (Recruitment, Cadre, Promotion and Seniority Rules 1971) and provisions in Regulation 46(1)(c) of Air India Employees Regulations has helped to reduce distinction on the basis of sex.

The figures below show recruitment since 1973 of men and women in some of the state level services where recruitment is done by Public Service Commission. The figures do not indicate any significant change in the recruitment of women over the five year span of 1981 - 86, and the numbers are fairly uniform over this period.
### TABLE IV.6
Recruitment of women in HAS examination

<table>
<thead>
<tr>
<th>Year</th>
<th>Service/post</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1981</td>
<td>HAS/HPS/ETO/Tehsildar/BDO/Principal, ITI/ATO</td>
<td>21</td>
<td>-</td>
<td>21</td>
</tr>
<tr>
<td>1982</td>
<td>HAS/HPS/Tehsildar/DEO/BDO</td>
<td>12</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>1983</td>
<td>HAS/HPS/Tehsildar/ETO/BDO/DFSC/ACW&amp;M</td>
<td>15</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td>1984</td>
<td>HAS/HPS/Tehsildar/BDO/DEO/TO</td>
<td>22</td>
<td>1</td>
<td>23</td>
</tr>
<tr>
<td>1985</td>
<td>HAS/HPS/ETO/TO/Tehsildar/BDO</td>
<td>22</td>
<td>1</td>
<td>23</td>
</tr>
<tr>
<td>1986</td>
<td>HAS/HPS/Tehsildar/BDO/ETO/TO/DEO</td>
<td>19</td>
<td>2</td>
<td>21</td>
</tr>
</tbody>
</table>

In the year 1987, a lady officer has been recruited in HPPS (Himachal Pradesh Police Service). The number of women in some of the senior generalist services are given below.

### TABLE IV.7
Proportion of lady officers in IAS, IPS, HPAS and HPPS

<table>
<thead>
<tr>
<th>Cadre strength</th>
<th>Women percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>IAS</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>18</td>
</tr>
<tr>
<td>IPS</td>
<td>77</td>
</tr>
<tr>
<td></td>
<td>-</td>
</tr>
<tr>
<td>HPAS</td>
<td>146</td>
</tr>
<tr>
<td></td>
<td>5</td>
</tr>
<tr>
<td>HPPS</td>
<td>69</td>
</tr>
<tr>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

This shows that the proportion of lady officers is still very low.

118
Proportion of Lady Officers in IAS, HPAS, & HPPS

GRAPH D
Amongst women in service, a majority feel resistance and prejudice on the part of men. However, some of them also felt that this prejudice was superficial and once prejudices are removed they are treated at par with them. Data regarding bias women employees perceived was collected by a sample survey from 24 women from three professions, namely IAS, doctors and teachers. Their perceptions are given below. The first woman IAS officer who was posted as Deputy Commissioner was in May 1979. After that however, other women officers were also posted as Deputy Commissioners.

**TABLE IV.8**

Perception of women regarding bias against them

<table>
<thead>
<tr>
<th></th>
<th>Bias in favour</th>
<th>Bias against</th>
<th>More hard work required than men</th>
<th>Ultimately hard work recognised</th>
<th>Bias continues</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.A.S.</td>
<td>6</td>
<td>-</td>
<td>6</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Teachers</td>
<td>12</td>
<td>-</td>
<td>10</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Doctors</td>
<td>6</td>
<td>-</td>
<td>4</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>24</td>
<td>20</td>
<td>10</td>
<td>17</td>
<td></td>
</tr>
</tbody>
</table>

It can be seen that all 24 felt that there was a bias against them and none felt that there was a bias in their favour. Twenty amongst them also felt that they had to work harder than men to prove their worth. Less than half (10 out of 24) feel that ultimately hard work was recognised and they could overcome
prejudice and 17 felt that the bias and prejudice against them continued. In a study done by Geeta Chaturvedi recently, she observed "women administrators by and large perceived their official and domestic dimensions as satisfactory though there are irritants".\textsuperscript{10}

\textbf{METHOD OF SELECTION BY INTERVIEW}

At lower levels, that is, some class III posts and class IV posts, no tests are held. Only an interview is conducted. Till a few years back, there were no instructions regarding marks to be given for interview. As a result, higher marks could be awarded to select candidates. To put an end to this undesirable practice, the government issued the following instructions for award of marks over a period of time.

For belonging to a family whose income does not exceed Rs.7500/-(Earlier Rs.6000)\textsuperscript{12}
\begin{itemize}
  \item (Certificate A)
\end{itemize}

For belonging to a family of whom not even one member is in employment
\begin{itemize}
  \item (Certificate B)
\end{itemize}

Minimum educational qualifications \textsuperscript{13}
\begin{itemize}
  \item 10 marks
\end{itemize}

General knowledge, experience, personality \textsuperscript{13}
\begin{itemize}
  \item 20 marks
\end{itemize}

\textsuperscript{11} Letter No. Per(AP-II)-B(2)-5/78 dated 16.3.1981
\textsuperscript{12} Letter No. Per(AP-II)-B(2)-5/78 dated 2nd September, 1980
\textsuperscript{13} Letter No. Per(AP-II)-B(2)-5/76 - (If a candidate has 63\% marks, he is to be awarded 6.3 marks)
Selection on merit

There was a lot of resentment as merit had become a disqualification. Orders were issued on March 16, 1981 which read as follows.

"It has now been decided that 10% of the given posts be taken out of the purview of the recruitment policy of giving weightage to weaker sections of society and these 10% of posts be filled in by candidates qualified on merit only."\(^{14}\)

On 22nd June vide letter of even number it was decided that 25% of posts be filled by candidates qualifying on merit only. It was also decided that certificate A & B would qualify for 40% marks and remaining 60% would be the decision of Selection Committee.

This was done due to two reasons - firstly no room had been left for any patronage - all marks were fixed. Patronage was not possible even for a person of a higher qualification or one who got very good marks. This group raised their voice through their representatives, that is, members of legislative assembly and thereby this change. It is an unique feature that merit has started getting reservation.

In December 1985 this policy was scrapped and in lieu 15% reservation for members belonging to IRDP families was provided in direct recruitment for class III and class IV posts.\(^{15}\)

\(^{14}\) Letter No. Per(AP-II)-B(2)5/78 dated 16.3.1981
\(^{15}\) Letter No. Per(AP-II)-B(2)5/78 dated 27.12.1985
Methods of interview

Traditional methods of interview are made use of in Himachal Pradesh. However, for higher level posts various modern methods of interview are attempted to be introduced. These include planned, informal, personal, non-directive, stress, group and panel interview. The purpose of interview is to get a picture of various non-academic traits of the personality of a candidate. There are limitations of interview also as the personality of a person conducting the interview is as important as the personality of the candidate. Psychological tests have been introduced in other countries. This is yet to be done in Himachal Pradesh.

Travel expenses and other arrangements

Government usually does not pay travel expenses for interviews or tests except to SC/ST Candidates. The place of interview is usually the employer’s office. Candidates are given the same time of interview e.g. 10 a.m. In very few cases, the timings of the candidates are staggered. This results in long waiting for the candidates. Often due to the large number of candidates present neither full justice nor courtesy can be extended to them.

PREPARATION OF SELECT LIST AND DECLARATION OF RESULTS

The select list is prepared on the basis of anticipated vacancies during the year. It can be prepared to the extent of twice the anticipated vacancies so that tests and interviews do
not have to be held again and again. The rest of the candidates on the select list are said to be on the waiting list. The waiting list is operative for one year and can be extended by 6 months. In case a select list is made again during this period, the earlier waiting list ceases to be operative.

Medical examination

The candidates selected are then informed and asked to join within 30 days of the issue of the appointment letter. The character and antecedents are verified from the police and the candidate is asked to report to a medical board on his first employment. Responsibility of arranging a medical examination rests with the head of office.

Oath of allegiance

All Government servants are required to take an oath of allegiance to the Constitution in the prescribed form. Conscientious objectors to oath taking can make a solemn affirmation in the prescribed form.

KINDS OF EMPLOYMENT

Temporary employment

A post may be created as a permanent post or temporary or tenure post. Most permanent posts are initially temporary posts and declared permanent after 2 years. Temporary post is for a limited period as the name implies and can be terminated by giving one month’s notice or pay in lieu of notice. However, a
temporary Government servant is deemed to be in quasi-permanent service if he has been in temporary service for more than three years and if the appointing authority is satisfied having regard to the quality of his work, conduct and character and has made a declaration to that effect.

Ad hoc employment

Ad hoc employment is usually resorted to in promotion. According to Government instructions ad hoc employment is not permissible. However, this seems to continue in Government and is resorted to in the following conditions:
- purely short term vacancies resulting from deputation, and training where it is administratively difficult to resort to short term promotion.
- If the panel in the select list is exhausted and some death or resignation takes place and there is some difficulty in preparing a new panel.
- due to court case, non-finalisation of seniority list, non-availability of SC, ST candidates.

It is also laid down that ad hoc service will not bestow any claim for regular employment. However, recently in the case of railway employees ad hoc service has been allowed to count for seniority by a Supreme Court judgement. It has also been laid down that ad hoc appointments should not be for more than 45 days and should be referred to the public service commission in case extension is required.
Permanent employment

Usually posts are declared permanent when they are budgeted and after 2 to 3 years of their existence. The employee appointed against the post is to be on probation for a period of two years. The existence of a permanent post has been considered necessary, for a person is confirmed on a permanent post. Article 311 of the constitution comes to play for confirmation. According to this, an inquiry is necessary under Rule 14 of the CCS Rules before the services of an employee can be terminated or even before a punishment is given. It has been provided that reasonable opportunity should be given to the employee before any punishment is given to him.

PROBATION

The word 'probation' has been defined as 'testing of conduct and character of a person' and the word 'probationer' as meaning 'person on probation'. The word is derived from Latin Probatio (onee), a testing, from 'probare' to 'prove', and means the time required to judge the fitness of a person for a specified job as a novitiate or an apprentice. A probationer is one, who is under test to provide proof of his abilities for holding a specified job.

On recruitment, a person is put on probation, generally for a period of 2 years, to test his suitability for service. It has been compared on the one hand to 'goods sent on approval' and on the other, of the services which are 'on trial'. On promotion
too, an employee is put on two years probation and his lien is retained on the lower post.

"Probation Report" is supposed to be given by the controlling officer after completion of probation. This concentrates on the special needs of a probationer and his work and conduct. Based on this and his performance recorded in annual confidential reports, the probationer is supposed to be judged for suitability of confirmation and permanency in the service. Probationers are meant to be discharged if they are found not to be discharging their duties properly and hence considered unfit for the job. All probationers after completion of probation are considered for confirmation by a Departmental Promotion Committee constituted for the purpose. Probation can be terminated without giving any notice.

Two principles are disputed in probation, namely, extension of probation and discharge of a probationer.

Usually probation is specified. In H P government it is for two years. In some isolated cases in public sector undertakings it is one year. Even if it is not specified it has been well established by court judgements that the period of probation should be a reasonable period (3-4 years). A person cannot be deemed to be on probation for a long period (say 10-12 years). After the probation period is over, a candidate is considered for confirmation on the basis of his performance and record during the period of probation. If the record is unsatisfactory the options are either to extend the probation
period - now established to be extendable to half the period of the earlier specified probation period or the probation period can be terminated and he can be discharged from service. Disputes have arisen whether the probation period can be extended after the earlier period is over. The Supreme Court has upheld the decision of the High Court observing that a probationer could not automatically acquire the status of a permanent employee following probation unless the relevant rules expressly so provide.

This leads us to another problem, arising from the fact that Court has held that termination should not be a penalty, that is, not a result of inquiry, which would mean that the termination of his services should not be by way of punishment thus putting a stigma on his competence and affecting his future career. Thus though it should not be a blot on character it should be based on his suitability for the post. The Supreme Court has also held that there are many factors which determine suitability or fitness for confirmation. A particular attitude or tendency displayed by an employee can well represent his suitability.

It is seen that a probationer is seldom terminated. Usually seniors hesitate to give adverse remarks or to take on the responsibility of declaring anyone unfit or unsuitable. Tensions, pressures, the desire not to be unpopular or basic human goodness resulting in not wanting to terminate anyone’s service are some of the factors responsible for the same. The

reported cases are controversial and exceptional. Out of 18 officers interviewed none had terminated any employee on probation in Himachal Pradesh.

PUBLIC SECTOR UNDERTAKINGS

Recruitment in Public Sector Undertakings needs to be planned on a micro and macro level. Public sector enterprises are growing in size and diversity and entering new areas of business. The technology and markets are fast changing and they are not able to adjust their manpower and other requirements to meet the challenge of time. Forecasts are attempted to be made but are grossly inadequate. At best these forecasts might be thought of as analogous to illumination provided by the headlights of car driving through a snowstorm at night.17 Injecting fresh blood, introducing trained manpower, training of employee by modern training methods and adjusting to a climate of development, keeping in view Parkinson’s Law and Peter’s Principle need to be introduced in Public Sector Undertakings. The Human Resources Development that involves development of enabling capabilities of employees in relation to different organisational tasks, functions and roles with active involvement of supervisory officers and the workers has assumed importance throughout the world yet this is not so in Himachal Pradesh. In certain public sector undertakings, such as Nahan Foundry, half hearted attempts have been made to set right the problems which

have eaten up the root of the industry resulting in huge losses. No professional help has been taken and promises continue to be made. In most other Public Sector Undertakings such as Handicrafts and Handloom Corporation, Small Scale Industrial Development Corporation and Transport Corporation, no attempts or serious efforts seem to have been made and I A S officers posted as Managing Directors and promoted officers as General Managers tend to treat them as extensions of government departments.

There is exemption from Public Service Commission here and posts are advertised at senior levels in Public Sector Undertakings. However there is no exemption from employment exchange though public sector undertakings do not bother much about the Compulsory Notification rules and continue employment on daily wages without reference to the Employment Exchange. Exercise of patronage too has enough scope here.

COMMITTEE ON SUBORDINATE LEGISLATION

The Committee on Subordinate Legislation, which examines rules and regulations of all departments in its first report (1982-83) observed that the powers of relaxation are still appearing in foot notes, that age limit had been raised by the government but not incorporated in the rules, that the old pay scales have not been revised in the rules and that some categories of service rules are yet to be framed and brought before it. These observations were of minor and of routine nature and no major flaws were found.
CONCLUSION

Recruitment policies in a way reflect the profile of a nation. This includes the demographic features such as population composition such as age structure, sex ratio, level of education, of health and loyalty. Women have always been held in esteem and we find them in some higher posts. It also reflects the political ideology of the nation. The principle of equality (as a part of the principles of democracy) along with the principle of political neutrality (as part of the code of conduct of the employees) tampered a little by social considerations like reservations in India reflect the intentions of our fathers while framing our constitution.

Government advertisements for posts reflect the lack of importance given to the subject. Job analysis is not done nor recruitment planned out. Departments do not study in advance the likely vacancies nor plan to fill them up well in time to avoid delays, interruptions in work or possible pressures for extensions. Only routine features like age, qualifications and reservations seem to be given any thought at the time of recruitment. Manpower has not been planned to be recruited to meet the present day needs. The methods of recruitment too are outmoded and could be improved. We have to go a long way to find civil servants with minds, vision and a desire to achieve the dream of the Jawahar Lal Nehru. He wanted persons who have the initiative for doing a job and who would think hard to do it. We have to go a long way before we can have a system really based on
merit, where even the candidate who has not been selected, feels that the best man has been recruited.