



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ- IV-A

Part- IV-A

ಬೆಂಗಳೂರು, ಬುಧವಾರ, ನವೆಂಬರ್ ೬, ೨೦೧೩ (ಕಾರ್ತಿಕ ೧೫, ಶಕ ವರ್ಷ ೧೯೩೫)
Bangalore, Wednesday, November 6, 2013 (Karthika 15, Shaka Varsha 1935)

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No. 1254

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

NOTIFICATION

No. DPAR 06 PLX 2012, Bangalore, dated: 06.11.2013

The following Order made by the Governor is hereby published for general information:-

THE KARNATAKA PUBLIC EMPLOYMENT (RESERVATION IN APPOINTMENT FOR HYDERABAD-KARNATAKA REGION) ORDER, 2013.

In exercise of the powers conferred by clause 2 of the Karnataka (Special Responsibility of Governor for Hyderabad-Karnataka Region) Order, 2013, the Governor of Karnataka hereby makes, with respect to the State of Karnataka, the following Order, namely:-

1. **Title and commencement.**- (1) This Order may be called the Karnataka Public Employment (Reservation in appointment for Hyderabad-Karnataka Region) Order, 2013.

(2) It shall come into force from the date of their publication in the official Gazette.

2. **Interpretations.**- (1) In this Order, unless the context otherwise requires:-

(a) "body or organization" means any statutory or non-statutory body or organization established and maintained by the State Government.

(b) "Direct Recruitment" includes all recruitments made on a permanent basis and excludes appointments made under:-

(i) the Karnataka Civil Services (Appointment on compassionate grounds) Rules, 1996; or

(ii) the Karnataka Civil Services (Appointment of Family Members of Persons belonging to Scheduled Castes or Scheduled Tribes, on compassionate grounds) (Special) Rules, 1999; or

(iii) the Karnataka Civil Services (Appointment of Family Members of Persons Deceased in Communal Clashes, on compassionate grounds) (Special) Rules, 1993 or

(iv) and recruitment made in pursuance of any scheme approved by the State Government providing for the regularization of the services of persons holding posts on a temporary basis before the commencement of this Order.

- (c) "Local Area" in relation to any local cadre means the area of the Hyderabad-Karnataka region;
- (d) "Local Authority" means the Zilla Panchayats, Taluk Panchayats, Gramapanchayats constituted under the Karnataka Panchayat Raj Act, 1993 and Municipal Corporations, Municipal Councils and Town Panchayats constituted under the Karnataka Municipal Corporations Act, 1976 or the Karnataka Municipalities Acts, 1964, and includes any local authority which is subject to the control of State Government or any other new office which may be created at a later date to serve purposes similar to all above mentioned institutions;
- (e) "Local Cadre" means any local cadre under the State Government or in any Local Authority or body or organization organized in pursuance of paragraph 3;
- (f) "Local person" in relation to any local area means a person who qualifies under paragraph 6 as a local person in relation to such local area;
- (g) "non-local person" means persons other than the local persons;
- (h) "Region" or "Hyderabad-Karnataka Region" shall comprise of revenue districts of Bidar, Gulbarga, Raichur, Koppal, Yadgir and Bellary Districts;
- (i) "State Level Office or Institution" means an office or institution serving or the jurisdiction of which extends to the State as a whole or serving the state capital region or serving the whole state or any other new office, which may be created at a later date to serve purposes similar to all above mentioned institutions;
- (j) "State Government" means the Government of Karnataka.
- (k) 'Domicile' in this notification means 'Local Persons' as defined in Para-6.

(2) The General Clauses Act, 1897 (Central Act 10 of 1897), applied for the interpretation of this as it applies for the interpretation of a Central Acts.

CHAPTER-I

3. Organization of Local Cadres.- (1) The Governor shall within a period of three months from the commencement of this Order, by notification identify posts in the civil services or civil posts under the State Government in the Hyderabad-Karnataka Region or posts in Local Authority or body or organization under the control of the State Government in that region into the local cadre to the extent and in the manner, hereinafter provided.

(2) 75% of the posts in the region belonging to Group-A (Junior Scale) and Group-B posts in each department of the State Civil Service or in local Authority or body or organization shall be organized into as local cadres.

(3) 80% of the posts in the Region belonging to the category of Group-C and 85% percent of the posts in the Group-D in each department of State Civil Service or in local Authority or body or organization shall be organized as local cadres.

Provided that, notwithstanding the expiration of the said period, the Governor may, by order, require the State Government, whenever he considers it expedient to do so, organize any classes of posts in the civil services or under the State or in any Local Authority or body or organization into local cadres in the said region.

4. **Allotment of Persons.** - (1) Persons holding posts required to be organized into local cadres, shall be allotted to such cadres by the State Government or any officer or authority authorized by it in this behalf in accordance with the principles and procedure hereinafter specified and in accordance with the rules notified by the Government.

(2) The Local persons may be given an opportunity to opt for being allotted to the local cadre and may be allotted to the local cadres in the Region.

(3) Any person aggrieved by an order allotting him to the local cadre may submit a representation to the State Government within a period of sixty days from the date of communication of the order.

(4) The State Government or competent authority shall, on receipt of such representations shall dispose off the same after due inquiry.

Provided that wherever such an order is likely to result in the change of allotment of any other person, no such order shall be made without giving an opportunity to that other person to make a representation.

5. **Local cadres and transfer of persons.** - (1) The region for which a local cadre has been organized in respect of any category of posts, shall be a separate unit for purposes of recruitment, appointment, seniority, promotion and transfer and such other matters as may be specified by the State Government in respect of that category of posts.

(2) Nothing in this order shall prevent the State Government from making provision for:-

(a) the transfer (or deputation) of a person from any local cadre to any other local cadre or to any office or establishment to which this order does not apply, or Vice versa.

(b) the transfer (or deputation) of a person from one local cadre to another cadre where no qualified or suitable person is available in the latter cadre or where such transfer is otherwise considered necessary in the public interest.

(c) the overall joint seniority list in the State (along with the separate local cadre seniority list) for such cadres which ordinarily have state wide cadre.

(d) The Governor may ensure that the persons borne on the local cadre at Gazetted levels are not discriminated against in being posted anywhere in Karnataka.

6. **Domicile (Local person).** - (1) A candidate for direct recruitment or promotion to any post shall be regarded as a local person in relation to a local area:-

(a) If he is born in the local area or either of his parents was born in that region before 1.1.2013, or, either of his parents ordinarily lived in the local area for more than ten years prior to 1.1.2013 and had their name either in the electoral list or ration card; or owned any immovable property on or before 1.1.2013 in the local area; or

(b) In cases where a minimum educational qualification has been prescribed for recruitment to the post,-

(i) If he has studied in an educational institution or educational institutions in such local area for a period of not less than Ten consecutive academic years ending with the academic year in which he appeared or, as the case may be, first appeared for the relevant qualifying examination; or

(ii) Where during the whole or any part of the Ten consecutive academic years ending with the academic year in which he appeared or as the case may be, first appeared for the relevant qualifying examination;

appeared for the relevant qualifying examination he has not studied in any educational institution, if he has resided in that local area for a period of not less than Ten year immediately preceding the date of commencement of the qualifying examination in which he appeared or as the case may be, first appeared; or

- (iii) Where either of his parents has studied in an Educational Institution in such Local area for a period of Ten consecutive academic years.
- (c) In cases where no minimum educational qualification has been prescribed for recruitment to the post, if he or either of his parents has resided in that local area for a period of not less than Ten years immediately preceding the date on which the post is notified for recruitment; and
- (d) In case of a woman, if she got married to a Local person specified in the clauses (a) to (c) above.
- (e) For existing employees for whom these rules apply, the entry in their service register before 1.1.2013 as to their home town or place falling within the local area shall be conclusive proof of their domicile.

Explanations.- For the purpose for this paragraph,-

- (i) "Education institution" means a University or any educational institution recognized by the State Government, a University or other competent authority.
- (ii) "Relevant qualifying examination in relation to a post" mean,-
 - (a) the examination, a pass in which is the minimum educational qualification prescribed for the post;
 - (b) the secondary School leaving certificate examination or an examination declared by the State Government to be equivalent to the Secondary School leaving Certificate examination, whichever is lower; and
- (iii) in reckoning the consecutive academic years during which a candidate has studied, any period of interruption of his study by reason of his failure to pass any examination shall be disregarded;
- (iv) the question whether any candidate or either of his parents resided in any local area shall be not only determined with reference to the places where the candidate or either of his parents actually resided.

7. Competent Authority to issue Certificate.- (1) The Government may notify Competent Authority to issue eligibility certificate for a local person. The Competent Authority after due inquiry and public notice in such manner as may be prescribed issue eligibility certificate.

(2) Any person (applicant or the member of the public) aggrieved by the order of the Competent Authority may make appeal to the Deputy Commissioner or any other Appellate Authority notified by the Government, within thirty days of issue of such eligibility certificate.

(3) The Competent authority and the Appellate Authority shall dispose off the application or appeal within thirty days from the date of its receipt.

(4) 'Birth Certificate' required to prove Domicile shall be issued in the manner prescribed by the Government.

(5) Government may lay down procedure for issue of Validity Certificate for the proof of Domicile.

8. Reservation in the matter of direct recruitment or promotion.- (1) All posts in any local cadre to be filled by direct recruitment or by promotion at any time under the State Government in any local authority or in any body or organization in that region comprising of and upto Group-A (Junior Scale), Group-B, Group-C and Group-D posts shall be reserved in favour of local persons in relation to the local area or the region in respect of such cadre to the extent specified in para 3.

(2) The cadre and recruitment for group C and D posts shall be organized as district wise cadre.

(3) While determining under this paragraph the number of posts to be reserved in favour of local persons, any fraction of a post shall be counted as one.

(4) Notwithstanding anything contained in the foregoing provisions of this paragraph,-

(a) there shall be at least one post left unreserved out of the posts filled by direct recruitment at any time to any local cadre;

(b) there shall be, as far as possible, at least one post reserved for the local candidates in respect of each local area.

(5) If suitable local candidates are not available for any post at any point of time such vacancies will be taken as back log and carried forward till next appointment, after which it may be treated as unreserved and filled accordingly.

9. Power to authorize issue of direction.- (1) The Governor, may by order, require the State Government to issue such direction as may be necessary or expedient for the purpose of giving effect to this Order to any local authority or body or organization and such local authority body or organization shall comply with such directions.

(2) The Government may, for the purpose of issuing any direction under sub-paragraph (1) or for satisfying itself that any directions issued under sub-paragraph have been complied with require, by order in writing, any local authority or body or organization to furnish them such information or report of particulars, as may be specified, in the order and such local authority shall comply with such order.

10. Order to have over-riding effect.- (1) Provisions of this order shall have effect notwithstanding anything contained in any Act or rule, regulation or byelaw made there under before or after the commencement of this Order in respect of direct recruitment or promotion to posts under the State Government or any local authority or body or organization.

(2) Concurrence of Finance Department shall be presumed for the direct recruitments and promotions made under these orders.

(3) No economy measure shall apply for the reserved posts and as far as possible reserved post shall be filled by regular appointments and not by outsourcing.

(4) Any temporary or contract appointments made in the region shall be of Local Person atleast to the extent of reservations prescribed in para 3 above.

(5) Any procurement of Manpower in the region through outsourcing shall be of Local Person atleast to the extent of reservation prescribed in Para-3 above.

11. Removal of doubts.- For the removal of doubts, it is hereby declared that nothing in this order shall affect the operation of any provisions made by the State Government or other competent authority by or under any law before or after the commencement of this Order in respect of

reservation in the matter of appointments to posts in favour of persons belonging to the backward classes of citizens, the Scheduled Castes and the Scheduled Tribes or in favour of physically handicapped, women, ex-servicemen, rural candidates and project displaced persons in so far as such provisions are not inconsistent with this order.

12. Certain appointments and promotions to be provisional.- Any appointment or promotion made after the commencement of the Constitutional Amendment 371J on 01.01.2013, and before any local cadre has been organized and operated under the provisions of this order or any order made in pursuance to paragraph 3, to any post which is required to be included in such cadre shall be provisional and shall, within a period of six months after such organization, be reviewed and readjusted in accordance with the provisions of this Order.

Explanation.- For the purpose of this paragraph any local cadre shall be deemed to be organized with the allotment of persons to it under paragraph 4.

12 A: Local Bench of Tribunal for dispute resolution: The Governor may request appropriate authority to establish one or more Local Benches of the Administrative Tribunal to settle disputes arising out of this order.

CHAPTER-II

13. State Level Offices or Institutions or Apex Institutions.- 8% of the posts in the following State Level Offices or State Level Institutions or Apex Institutions reflecting population percentage of the Region in total population of Karnataka in all departments, body or organization and at upto levels of Group A (Junior Scale) post shall be reserved for Local persons of the region, namely:-

- (a) Secretariat of the State Government
- (b) Secretariat of the Legislative Assembly
- (c) Secretariat of the Legislative Council
- (d) Karnataka High Court: Officers and servants appointed as per article 229 of the constitution.
- (e) The Karnataka Public Service Commission
- (f) An office of the Head of a Department
- (g) A Special Office or Establishment
- (h) Any State-level office or Institution
- (i) All corporations / bodies outside the Region
- (j) The Bangalore Development Authority / Bruhat Bangalore Mahanagara Palike/Similar Institutions serving the capital city of the state, Bangalore.
- (k) Any other new office, which may be created at a later date to serve purposes similar to all above-mentioned institutions or such other office or body notified by the State Government.
- (l) All the Karnataka State Government funded Universities in the State.

13 A: Shifting of State Level Offices: The Governor may request the State Government to shift certain State Level Offices of Government and Government controlled bodies and institutions to the region so that the number of posts in the region is proportionate to the population of the region.

13 B: Age relaxation and Grace marks: (a) The Governor may by order provide for age or any other relaxation in the condition of employment for the local person in local employment.

(b) The Governor may by order provide for Grace Marks or any other concessions to the local person in employment in the whole of Karnataka State.

13 C: Protection and promotion of right of local candidates: Local candidates who had been appointed by the Government on local basis and who have worked for more than 10 years prior to 01-01-2013; or local candidates who have worked on daily or contract basis in Government for more than 10 years prior to 01-01-2013 and fulfill conditions as prescribed may be given certain concessions in appointment and other benefits as prescribed by the Government.

H.R. BHARADWAJ
GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka

K.L. LOKANATHA
Joint Secretary
(Hyderabad-Karnataka Special Cell)
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