

No.5-508/98-Coop. (C&M)-VI
Directorate of Cooperation
Himachal Pradesh.

To

The Assistant Registrar,
Cooperative Societies Hamirpur,
Distt. Hamirpur Himachal Pradesh.
Dated: Shimla -09 the

31 March, 2021

Subject: -

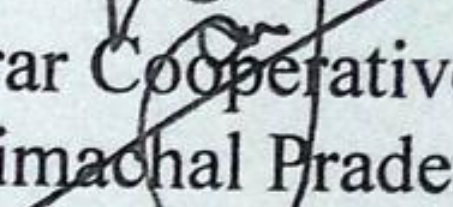
Clarification regarding Rule 8 of H.P. Primary Agriculture Cooperative Credit Societies Employees (terms of employment & working conditions) Rules, 2001 with reference to Rule 56 (3) of the Himachal Pradesh Cooperative Societies Rules, 1971.

Sir,

The Assistant Registrar Cooperative Societies, Hamirpur vide his letter No. Coop/HMR/Rk/780 dated 9th February, 2021 has sought clarification whether in case of promotion of an employee of a PACS from lower feeder category to higher post (under Rule 8 (7) of the Rules Relating to the terms of employment and working conditions of the employees of PACS, 2001) where the total monthly emolument exceeds Rs. 5000/-, the recommendation of a selection committee (as is required under Rule 8 (1) of the Rules ibid for recruitment/appointment to a PACS) is necessary, in view of the first proviso to Rule 56 (3) of the H.P. Cooperative Societies Rules 1971, which specifies that "promotion of an employee to a higher post shall be construed as an appointment under this sub-rule".

The matter was examined in light of the Rule 56 (1) & 56 (3) of the H.P. Cooperative Societies Rules 1971, wherein it has been provided that prior permission of the Registrar is only required where a Primary Society proposes to employ a salaried officer/servant with total monthly emolument exceeding Rs. five thousand and other procedures prescribed for such appointments viz. advertisement of post & recommendation of selection committee are mandatorily required to be followed/adhered to. But the first proviso to Rule 56 (3) of the H.P. Cooperative Societies Rules 1971 clearly directs that "promotion of an employee to a higher post shall be construed as an appointment under this sub-rule". Therefore, in promotion matters relating to employees of PACS, the recommendation of "Selection Committee", to be constituted as per the terms of Rule 9 (1) of the Rules relating to the terms of employment and working conditions of the employees of Primary Agriculture Credit Co-operative Societies (2001), is compulsory/obligatory. Accordingly, sub-rule (7) of Rule 8 of the Rules ibid, which provides that vacancies in the categories of Manager/Secretary and Assistant Secretary/Accountant/Clerk /Salesman/Cashier shall be filled up

by "promotion" of employees from the immediate next lower category, is to be understood as covered/included within the sweep/ambit of Rule 56 (3) of the H.P. Cooperative Societies Rules 1971. This may be brought to the notice of all field staff for guiding their future course of action as regard such matters.

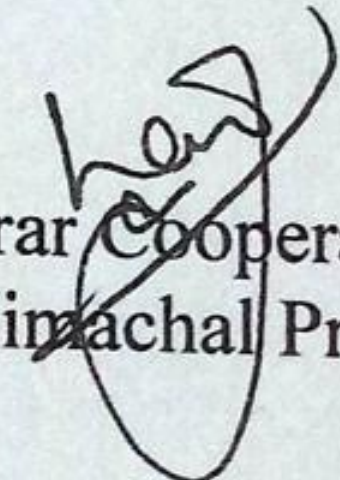

Registrar Cooperative Societies,
Himachal Pradesh.

31 March, 2021

Endst. No. As above. Dated: Shimla -09 the

Copy to:-

1. The Additional Registrar Coop. Societies Shimla/Dharamshala for information.
2. All the Joint Registrar Cooperative Societies, in H.P. for information.
3. All the Deputy Registrar Coop. Societies in H.P. for information.
4. All the Assistant Registrar Cooperative Societies in H.P. for information and necessary action. They are directed to bring the above clarification to the notice of all Cooperative Societies working under their respective jurisdiction.
5. Legal cell of this Directorate for information.
6. Dealing Assistant I.T. Directorate of Cooperation with the direction to up-load the above clarification in official Website of this department.


Registrar Cooperative Societies,
Himachal Pradesh.