

**MINISTRY OF COMMERCE AND INDUSTRY****(Department of Industrial Policy and Promotion)****NOTIFICATION**

New Delhi, the 16th August, 2012

**G.S.R. 635(E).**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, and in supersession of Ministry of Commerce and Industry in the Patent Office (Senior Joint Controller), Recruitment Rules, 2001, except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the post of Senior Joint Controller (Group 'A') in the Patent Office under the Office of the Controller General of Patents, Designs and Trade Marks in the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, namely:-

**1. Short title and commencement.**- (1) These rules may be called the Ministry of Commerce and Industry, Patent Office (Senior Joint Controller), Recruitment Rules, 2012.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Number of post, classification and scale of pay.**- The number of the said post, its classification and the pay scale 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 (13) of the Schedule aforesaid.

**4. Disqualification.** - 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 any 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. Recruitment Board .-** (1) There shall be a Recruitment Board consisting of (a) Joint Secretary (Admn.), Department of Industrial Policy and Promotion as Chairman, (b) Controller General of Patents, Designs and Trade Marks as Member, (c) two or more experts from other organisations in the field of Science and Technology holding a post equivalent to that of Joint Secretary to the Government of India; and (d) one Member from the Patent Office or from the Ministry or Department under the Central Government holding a post equivalent to that of the Joint Secretary to the Government of India. (2) Chairman of the Board may delegate his power to any official of the Patent Office holding a post equivalent to that of the Joint Secretary to the Government of India in relation to the post to which the recruitment is to be made to function as the Chairman to that particular Board.

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

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

3036 9/12-2

## SCHEDULE

Name of Post.	Number of Post.	Classification.	Pay band, pay scale and grade pay.	Whether selection or non-selection post.	Age limit for direct recruits.
(1)	(2)	(3)	(4)	(5)	(6)
Senior Joint Controller of Patents and Designs.	2* (2012) *Subject to variation depending upon the workload.	General Central Service, Group 'A' (Gazetted) Non-ministerial.	Pay Band -4, pay scale rupees 37,400 - 67,000 plus grade pay rupees 8,900.	Selection.	Not exceeding 50 years.  (Relaxable for Government servants up to five years in accordance with the instructions or orders issued by the Central Government.)  <b>Note:</b> The crucial date for determining the age-limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division, of Jammu and Kashmir State, Lahaul and Spiti district and Pangi sub Division of Chamba district of Himachal Pradesh, Andaman and Nicobar Islands or Lakshdweep).
Educational and other qualifications required for direct recruits.	(7)	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.	(8)	Period of probation, if any.	Method of recruitment, whether by direct recruitment or by promotion or by deputation/absorption and percentage of vacancies to be filled by various methods.
(a) Master Degree in any discipline of Science (except Mathematics, Statistics and related subjects) OR pharmaceutical science OR Bachelor Degree in engineering or technology from a recognised University or Institute or equivalent; and		Age : No. Educational Qualifications : Yes.		Two years for direct recruits	Fifty percent by promotion failing which by deputation; and fifty percent by direct recruitment.
(b)(i) fifteen years of experience in research with record of original research and published papers and knowledge of patenting procedures including drafting of patenting specifications; or (ii) fifteen years practical experience in supervisory capacity in an Industrial or Engineering Organisation of repute and knowledge of patenting procedures including drafting of patenting specifications; or (iii) fifteen years experience in Group 'A' post in the Patent Office.					

**Note 1.- Qualifications are relaxable at the discretion of the Recruitment Board, for reasons to be recorded in writing, in the case of candidates otherwise well qualified.**

granting of patenting specifications, or  
(iii) fifteen years experience in Group 'A' post in the Patent Office.

**Note 1.-** Qualifications are relaxable at the discretion of the Recruitment Board, for reasons to be recorded in writing, in the case of candidates otherwise well qualified.

**Note 2.-** The qualification regarding experience is relaxable at the discretion of the Recruitment Board, for reasons to be recorded in writing, in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribe, if at any stage of selection the Recruitment Board is of the opinion that sufficient number of candidates from these communities possessing the requisite experience or qualifications are not likely to be available to fill up the posts reserved from them.

In case of recruitment by promotion or deputation or absorption, grades from which promotion or deputation or absorption to be made.

(11)

**Promotion:**  
Joint Controller of Patents and Designs in the pay band PB-3, pay scale of rupees 15,600 - 39,100 plus grade pay of rupees 8,700 with two years regular service in the grade.

**Note 1.-** Where juniors who have completed their qualifying or eligibility service are considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years which ever is less, and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.

**Note 2.-** For the purpose of computing minimum qualifying service for promotion, service rendered on regular basis by an officer prior to the 1<sup>st</sup> day of January, 2006 (the date from which the revised pay structure based on the Sixth Central Pay Commission recommendations has been extended) shall be deemed to be service rendered in the corresponding grade pay or pay scale extended based on the recommendations of the Pay Commission.

If a Departmental Promotion Committee exists, what is its composition.

(12)

Group 'A' Departmental Promotion Committee for considering promotion:  
(i) Secretary, Department of Industrial Policy and Promotion - Chairman.  
(ii) Joint Secretary (Administration) Department of Industrial Policy and Promotion - Member  
(iii) Controller General of Patents and Designs and Trade Marks - Member.  
(iv) Joint Secretary (Administration) Department of Commerce\* - Member.  
(\*nominee of the Department of Personnel and Training)

Composition of Selection Committee for selection of candidates for appointment on direct recruitment basis:  
"Recruitment shall be in accordance with the procedure or mechanism approved by the Central Government from time to time."

Group 'A' Departmental Promotion Committee for considering confirmation:  
(i) Joint Secretary (Administration) Department of Industrial Policy and Promotion - Chairman.  
(ii) Controller General of Patents and Designs and Trade Marks - Member.  
(iii) Joint Secretary (Administration) Department of Commerce - Member

Circumstances in which Union Public Commission is to be consulted in making recruitment.

(13)

Not applicable.

**Deputation:**

Officers of the Central Government-

- (a)(i) holding analogous posts on regular basis, OR  
 (ii) with two years' regular service rendered after appointment thereto on regular basis in posts in the pay band PB-3, pay scale of rupees 15,600 – 39,100 plus grade pay of rupees 8,700 in the parent cadre or department; and  
 (b) possessing the educational qualifications and experience prescribed for Direct Recruits under column 8.

**Note 1.-** The Departmental officers in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion.

**Note 2.-** Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation or department of the Central Government shall ordinarily not to exceed three years. The maximum age limit for appointment by deputation shall be not exceeding fifty-six years as on the closing date of receipt of application.

[F. No. 2/30/2011-JPR-I]

D. V. PRASAD, Jt. Secy.



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

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वाणिज्य एवं उद्योग मंत्रालय  
(औद्योगिक नीति एवं संवर्धन विभाग)

सूचना

नई दिल्ली, 17 सितम्बर, 2012

सं. 694(ए)।—दिनांक 16 अगस्त, 2012 की सं. सा.का.नि. 635(अ) के द्वारा भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में प्रकाशित की गई भारत सरकार, वाणिज्य एवं उद्योग मंत्रालय, औद्योगिक नीति एवं संवर्धन विभाग की दिनांक 16 अगस्त, 2012 की अधिसूचना के पृष्ठ सं. 3 और 4 में—

“वेतन बैंड-3 में वेतनमान 15600-39100 रु.” शब्दों के स्थान पर “वेतन बैंड-4 में वेतनमान 37,400-67,000 रु.” पढ़ा जाए।

[फा. सं. 2/30/2011-आईपीआर-1]

डी. वी. प्रसाद, संयुक्त सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Industrial Policy &amp; Promotion)

CORRIGENDUM

New Delhi, the 17th September, 2012

G.S.R. 694(E).—In the Notification of the Government of India, Ministry of Commerce & Industry Department of Industrial Policy & Promotion dated 16th August, 2012 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 635(E), dated 16th August, 2012, in column 11 of page numbers 7 and 8—

for the words “PB-3, pay scale of rupees 15,600-39,100”, read as “PB-4, pay scale of rupees 37,400-67,000”;

in column 11 of page number 8 for the words “column 8” read as “column 7”.

[F.No. 2/30/2011-IPR-1]

D. V. PRASAD, Jt. Secy.