

অসম



ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY AUTHORITY

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No.214 Dispur, Thursday, 31st December, 1998, 10th Pausa, 1920 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
PERSONNEL (A) DEPARTMENT

NOTIFICATION

The 8th September, 1998

No.AAP.16/92/48.-- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of the Assam Civil Service (Class I) Rules, 1960 and the Assam Civil Service (Class I) (Special Recruitment) Regulations, 1969, except as respects things done or omitted to be done before such supersession, the Governor of Assam is hereby pleased to make the following rules regulating the recruitment and the conditions of service of the persons appointed to the Assam Civil Service, namely :-

Short title and
Commencement.

1. (1) These rules may be called the Assam civil Service Rules, 1998.
- (2) They shall come into force on the date of their publication in the Official Gazette.

Definitions

2. In these rules, unless there is anything repugnant in the subject or context.
 - (a) 'Appointing Authority' means the Governor of Assam ;
 - (b) 'Board' means the Selection Board constituted under rule 14 ;
 - (c) 'Commission' means the Assam Public Service Commission;
 - (d) 'Constitution' means the Constitution of India.
 - (e) 'Government' means the Government of Assam;
 - (f) 'Governor' means the Governor of Assam;
 - (g) 'member' means a member of the Assam Civil Service;
 - (h) 'Select List' means the list referred to in rules 6, 11, 12 and 13 ;
 - (i) 'service' means the Assam Civil Service;
 - (j) 'year' means the calendar year; and
 - (k) 'Recommending Authority' means the Secretaries of Administrative Department/Heads of Department.

Class and cadre

3. (1) The service shall consist of the following class-I and cadres :-
 - (1) Junior Grade ;
 - (ii) Senior Grade-II;

- (iii) Senior Grade-I,
- (iv) Secretary to the Government.
- (2) The members of the service in different cadres shall hold the posts as shown in Schedule-I.
- (3) The service may also include -
 - (a) any post equivalent to a post in any cadres mentioned in sub-rule (1) and
 - (b) any cadre or post laid down by Government to be included in a cadre of the service.

Strength of service 4. ✓ The strength of each cadre in the service shall be such as determined by the Governor from time to time. The strength of the cadres of the service on the date commencement of these rules shall be as shown in Schedule-II.

Provided that the Governor may hold in abeyance any post as and when considered necessary ;

Provided further that the Governor may review the strength of service once in every three years.

Method of recruitment 5. Recruitment to the service shall be made in the manner prescribed here in after :

(1) Recruitment to the cadre of Junior Grade shall be made by the following methods, namely :-

- (a) by direct recruitment through competitive examination conducted by the Commission, and
- (b) by selection, in special cases, from among persons serving in connection with the affairs of the Government in non-ACS posts:

Provided that the persons recruited under clause (b) shall not in any year exceed two and shall not at any time exceed five percent of the total strength of the cadre.

- (2) Recruitment to the cadre of Senior Grade-II, Senior Grade-I and Secretary to the Government shall be made by promotion.

Direct recruitment 6. Direct recruitment shall be made on the basis of recommendation made by the Commission in accordance with the procedure herein after provided :-

- (a) Before the end of each year the Appointing Authority shall make an assessment regarding the likely number of vacancies to be filled by direct recruitment during the next year and shall intimate the same to the Commission together with the details about reservation for candidates belonging to Scheduled Castes, Scheduled Tribes and any other category as laid down by the Government as provided in rule 16 and about carry forward of such reservation.
- (b) The Appointing Authority shall simultaneously request the Commission to recommend a list of candidate for direct recruitment, in order of preference ;
- (c) A competitive examination shall be conducted by the Commission in accordance with the scheme of selection prescribed by the Government (in consultation with the Commission).
- (d) The Commission shall prepare a list of all candidates who qualify in order of merit in accordance with the aggregate marks obtained by each candidate. The number of candidates to be recommended for appointment may be decided by the Commission keeping in view the number of vacancies. The Commission shall forward such list to the Government.
- (e) The list mentioned in clause (d) of this rule shall remain valid for twelve calendar months from the date of recommendation.

Qualification for direct recruitment.

- Age** 7. A candidate for direct recruitment to the service shall belong to the age group of 21-36 years on the first day of January of the year in which the advertisement is made with relaxation in the case of candidates belonging to special categories in accordance with the orders of the Government in force for the time being.
- Academic qualification** 8. The Academic qualifications of a candidate for direct recruitment shall be as prescribed by the Government from time to time. The qualifications and experience prescribed, as on the date of commencement of these rules, are given in Schedule-III.
- Physical Fitness** 9. (1) A candidate for direct recruitment shall be (i) of sound health, both mentally and physically and free from organic defects or bodily infirmity likely to interfere with the efficient performance of his duties; and (ii) required to undergo medical examination before final approval for appointment to the service.
- Character** 10. A candidate for direct recruitment shall produce to the Commission certificates of good character from
 (a) the Principal Academic Officer of the University or College in which he studied last and
 (b) two respectable persons, who are well acquainted with (but not related to) the candidate.
- Recruitment by selection** 11. (1) The Governor may, from time to time, for the purpose of recruitment to the service under clause (b) of sub-rule (1) of rule 5, call upon the Recommendation Authorities to submit recommendation in respect of persons who -
 (a) are of outstanding merit and ability, and,
 (b) have completed total period of fifteen years continuous service under the Government in a post involving duties comparable in importance and responsibility to that of Assam Civil Service, and such a person should be confirmed in service.
- (2) The Governor shall refer the cases of persons

recommended under sub-rule (1) to the Board constituted with the following which shall, on initial scrutiny of recommendation and character rolls, call such persons as it may consider prima facie suitable for interview and prepare a list of selected candidates not exceeding four in order of preference with a note against each candidate-

- (i) Chief Secretary to the Government .. Chairman
- (ii) Commissioner, Lower Assam Division.. Member
- (iii) Commissioner, Upper Assam Division.. Member
- (iv) Commissioner of Hills and Barak Valley Division. Member
- (v) Commissioner & Secretary/Secretary.. Member
to the Government of Assam, Personnel Department. Secretary.

Provided that no person shall be recommended under sub-rule (1) shall the Board select any such person unless the recommending authority and the Board, as the case may be, has taken into consideration the requirements of sub-rule (1) and is further satisfied that -

- (a) he has executive ability;
- (b) his services can more profitably be utilised by appointment to the service ;
- (c) he possesses the academic and other qualification, except that of age, referred to in rule 7 necessary for a candidate to appear at a competitive examination for direct recruitment to the service :

Provided further that to transact any business in a meeting of the Board, there shall be present at least four members including the Chairman to form a quorum.

- (3) On receipt of the list as aforesaid, the Governor shall forward the same to the Commission together with the character rolls and other relevant papers.
- (4) The Commission shall consider the list prepared by the Board alongwith other documents received from the Governor or on receipt of other documents, as may be called for by the Commission, and unless it considers any change necessary, approve the list.

(5) If the Commission consider it necessary to make any change in the list received from the Governor, the Commission shall inform the Governor of changes proposed and after taking into account the comments, if any, of the Governor, may approve the list finally with such modification, if any, in its opinion, be just and proper.

(6) The list finally approved by the Commission shall be forwarded to the Governor along with all other documents received under sub-rule (3).

General
Procedure of
promotion.

12. (1) Before the end of each year the Appointing Authority shall make an assessment of the likely number of vacancies to be filled by promotion in the next year in each cadre.

(2) The Appointing Authority shall then furnish to the Board the following documents and information with regard to as many officers in order of seniority as are eligible for promotion—subject to maximum of four times the number of actual vacancies.

- (a) Information about the number of vacancies ;
- (b) list of officers in order of seniority, eligible for promotion (separate list for promotion to different cadres shall be furnished) indicating the cadre to which the case of promotion is to be considered ;

(c) character rolls and personal files of the officers listed ;

(d) details about reservation including carry forward vacancies as admissible under the Act and the Rule referred to in Rule 16.

(e) any other documents and information as may be considered necessary by the Appointing Authority or required by the Board.

(3) The Appointing Authority shall simultaneously request the Board to recommend within one month's list of officers, found suitable for promotion in order of preference, in respect of promotion to each of the cadre in which recruitment is to be made by promotion.

- (4) The selection shall be made on the basis of merit with due regard to seniority.
- (5) The Board, after examination of the documents and information furnished by the Appointing Authority shall recommend to the Appointing Authority a list of officers about double the probable number of vacancies in order of preference, found suitable for promotion :

Provided that in every case where a junior officer gets preference over a senior officer in the Select list, the Board shall record in writing the reason for giving such preference.

- (6) The Appointing Authority on receipt of the lists alongwith character rolls and personal files of the officers concerned recommended by the Board shall consider it for promotion to the cadres of Senior Grade-II, Senior Grade-I and Secretary to the Government and approve the list unless it considers any change necessary. If the Appointing Authority considers it necessary to make any change in the list received from the Board, it shall inform the Board of the changes proposed and after taking into account the comments, if any, the Board may approve the list finally with such modification, if any, in its opinion, be just and proper.
- (7) The inclusion of a candidate's name in a Select List shall confer no right to promotion unless the Appointing Authority is satisfied after such enquiry as may be considered necessary that a candidate is suitable for promotion.
- (8) The Select Lists shall remain valid for twelve calendar months from the date of approval by the Appointing Authority.
- (9) The promotion shall be in accordance with the lists finally approved.

Recruitment 13.
by promotion

Appointment by promotion in the cadres of Senior Grade-II, Senior Grade-I and Secretary to the Government shall be made in the manner prescribed hereinafter :-

(1) A member of the service in the Senior Grade time scale shall be eligible for promotion to the senior Grade-II time scale on completion of 6 years of service in the Junior Grade scale on the first day of January of the year in which the selection is made and the Governor is satisfied about his ability, integrity and character.

(2) A member of the service in the Senior Grade-II time scale shall be eligible for promotion to the Senior Grade-I time scale if he has completed 15 years of service in the Assam Civil Service of which 9 years must be in the Senior Grade time scale on the first day of January of the year in which the selection is made and Governor is satisfied about his ability, integrity and character.

(3) A member of the service in the senior Grade-I time scale shall be eligible for promotion to the cadre of Secretary to the Government on completion of minimum twenty eight years in the service and who has attained 54 years of age on the first day of January of the year in which the promotion is considered and the Governor is satisfied about his ability, integrity and character.

(4) The promotion shall be made in accordance with the list finally approved by the Appointing Authority.

Selection Board

14. The Board, as referred to in rule 13 shall consist of the following :-

(1) Board for considering promotion to the cadres of Senior Grade-I and Senior Grade-II :-

- (i) Chief Secretary to the Government...chairman
- (ii) Two Commissioners of Divisions ...Members
nominated by the Government.
- (iii) Planning and Development ...Member
Commissioner to the Government
- (iv) Commissioner & Secretary/
Secretary to the Government
Revenue Department. ...Member.

(v) Commissioner & Secretary/
Secretary to the Government.
in Personnel Department. ... Member-
Secretary.

(2) Board for considering promotion to the cadre of
Secretary to the Government :-

- (i) Chief Secretary to the Government ..Chairman
(ii) Addl. Chief Secretary to the ...Member
Government.
(iii) Two Seniormost Commissioners ...Members
and Secretaries to the Government
(iv) Commissioners & Secy./ ...Member-
Secretary to the Government Secretary.
in Personnel Department.

Provided that presence of at least
four member including the chairman in each meeting of
the Boards referred to in sub-rules (1) and (2) shall
form a quorum.

Disqualifi- (15) (1) No person shall be appointed to the service -
cation

- (a) unless he is a citizen of India; and
(b) if he has more than one wife living or in case
of a female candidate who has married a person
who has one wife living, provided that the Governor
may, if he is satisfied that there are special
grounds for doing so, exempt any person from the
operation of this clause.

(2) No person who attempts to enlist support for his
candidature directly or indirectly by any recommend-
ation, either written or oral or by any means,
shall be appointed to the service.

Reservation 16.

In all case of appointment by direct recruitment
and promotion under rule 6 and 13 there shall be
reservation in case of candidates belonging to the
Scheduled castes and the Scheduled Tribes as per
provision of the Assam Scheduled Castes

and Scheduled Tribes (Reservation of vacancies
in services and posts) Act, 1978 and the Rules framed
thereunder. There shall also be reservation for
candidates belonging to Other Backward Classes as
per Government instructions contained in O.M. NO.
ABP. 338/83/14, dated 4-1-1984 for direct
recruitment only.

Appointment 17. (1) All appointments to the service shall be made by the Governor and shall be notified in the Official Gazette.

(2) Subject to the provision of rule 16 and sub-rule (3) of this rule, appointment under rule 6 shall be made in accordance with the order of preference determined in the list referred to in clause (d) of rule 6.

(3) The inclusion of a candidate's name in the list mentioned in clause (d) of rule 6 shall confer no right to appointment unless the Governor is satisfied after such enquiry as prescribed by the Government from time to time and also, as may be considered necessary, that a candidate is suitable in all respects for appointment to the service.

(4) Appointment under clause (b) of rule 5 shall be made in the order the names appear in the list approved by the Commission under sub-rule (5) of rule 11.

Joining time 18.

A person shall join within 15 days from the date of receipt of the order of appointment or of promotion, failing which the appointment shall be cancelled unless the Governor extends the period, which shall not, in all exceed three months.

Training

19.

A member of the service shall be required to undergo such training and pass such departmental examinations as the Government may prescribe.

Discharge of Probationer 20.

A member shall be liable to be discharged from service -

- (a) if he fails to make sufficient use of the opportunities given during the training or otherwise fails to give satisfaction, during or at the end of the period of probation or
- (b) if he fails to pass the departmental examination unless the Governor permits him to sit for re-examination in the subject or subjects in which he failed, or
- (c) if any information received relating to his integrity, age, health, character and antecedents, the Governor is satisfied that the probationer is ineligible or otherwise unfit for being a member of the service, or
- (d) if he fails to comply with any of the provisions of these rules or
- (e) if it is found on a subsequent verification that he was initially not qualified for the appointment or that he had furnished any incorrect information with regard to his appointment.

Seniority

21. (1) The seniority of a member in a cadre appointed by direct recruitment or by selection shall be determined according to the order of preference in the respective list recommended by the Commission/Board under rule 6 and rule 11 and also in the respective list finally approved by the Appointing Authority under rule 12, if he joins the appointment within 15 days from the date of receipt of the order or within the extended period as mentioned in rule 18.
- (2) If a member fails to join the appointment within the initial 15 days of receipt of the order or within the extended period as mentioned in rule 18, but joins later, his seniority shall be determined in accordance with the date of joining.
- (3) A member appointed in a year under rule 11 shall be senior to a member appointed under rule 6.
- (4) If the confirmation of a member of the service is delayed beyond two years of probation on account of his failure to qualify for such confirmation, he shall lose his position in the order of seniority viz-a-vis such of his juniors as may be confirmed earlier than he. His original seniority shall, however, be restored on his confirmation subsequent.
- (5) The seniority of a member of the service promoted to Senior Grade-II time scale or to the Senior Grade-I time scale or to the cadre of Secretary to the Government as the case may be, shall be in the order on which their names are arranged by the Board under rule 13 for the purpose of promotion to the respective grade.

Probation and confirmation

22. (1) A member of the service shall be placed, according to seniority on probation for a period of 2 years, provided that the period of probation may for good and sufficient reasons be extended by the Governor in individual case for any specified period not exceeding a period of 2 years provided that the period of probation may be curtailed or dispensed with in any case for good and sufficient reasons by the Appointing Authority.

(2) A member of the service placed on probation under sub-rule (1) shall be confirmed against the permanent vacancy subject to the following conditions :-

(a) he has completed the period of probation to the satisfaction of the Appointing Authority in accordance with sub-rule (1);

(b) he has successfully undergone the training and passed the departmental examination, prescribed by Government under rule 19;

(3) every probationer shall during the period of probation successfully undergo the Survey and Settlement Training and such other training as the Governor may from time to time prescribe and shall appear and pass the departmental examination conducted by the Commission.

Grd 23,
11s There shall be prepared and published every year a Gradation List containing the names of all the members of the service cadrewise in order of seniority and such other particulars as date of birth, date of appointment etc.

Pay 24. All appointment in the service shall be made in the time scale of pay as may be prescribed by the Government from time to time. The scale of pay of the posts in the cadres of the service, or, the date of commencement of these rules, are as shown in Schedule-II.

Inc 25.(1) The first increment admissible to a member of the service in the junior Grade time scale shall accrue on the expiry of one year from the date of his joining the service, but further increments due shall be allowed only on his confirmation in the service.

(2) The pay of a member of the service on confirmation shall be fixed at such a stage in the Junior Grade time scale as if he has been allowed his usual increments due but he shall not be entitled to any arrear in pay on account of withholding due increments for the period prior to the date of his confirmation.

(3) The Governor may withhold, for such time as he may direct an increment or increments due to a substantive member of the service who has failed to pass the departmental examination within such time as the Government may, by general or special order prescribe but the withholding of such increment shall have no cumulative effect.

Crossing of
Efficiency
Bar.

26. A member of the service shall not be allowed to cross the first or the second Efficiency Bar in the Junior Grade time scale and the Efficiency Bar in the senior Grade-II time scale unless the Governor is satisfied about his ability and integrity.

Mode of
employment

27.(1) Members of the service shall be employed in such manner as the Appointing Authority may decide.

(2) A member of the service shall be liable to be posted anywhere within the State of Assam or outside Assam, or to any other Department of the Government, a body corporate in the affairs of which the Government may be substantially interested, or an Autonomous District Council, if so required in the interest of public service against such posting or transfer.

Other conditions
of service.

28.(1) Except as provided in these rules all matters relating to pay and allowances, leave, pension, discipline and other conditions of service shall be regulated by the general rules and/or orders of the Government for the time being in force.

(2) The conditions of service of the members, in respect of matters, for which no provision has been made in these rules, shall be the same, as are, for the time being, applicable to other officers of the Government of the corresponding status and having similar functions.

Relaxation 29. Where the Governor is satisfied that the operation of any of these rules causes undue hardship in any particular case, it may, dispense with or relax the requirement of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner :

Provided that the case of any person shall not be dealt with in any manner less favourable to him than that provided in these rules.

Interpretation 30. If any question arises as to the interpretation of these rules the decision of ^{the} Government shall be final.

P. K. BORA
Chief Secretary to the Govt. of Assam.

SCHEDULE - I
(RULE 3(2))

List of posts equivalent to and included in the cadre of the service.

Sl. No.	Name of cadres	Name of posts equivalent to and included in the Cadre.	Remarks
1	2	3	4
I. Senior posts			
	A.	Secretary to the Government of Assam	
	B.	Heads of Department and Additional Heads of Department.	
		1. Director of Employment and Craftsmen Training.	
		2. Director of Land Requisition, Acquisition & Reforms.	
		3. Director, Municipal Administration.	
		4. Inspector General of Prisons.	
		5. Director of Food & Civil Supplies.	
		6. Secretary, Assam Public Service Commission.	
		7. Director of Sericulture	
		8. Director of Handloom & Textiles	
		9. Director of Small Savings	
		10. Director of Social Welfare & Probation	
		11. Trade Adviser and Director of Movements	
		12. Director of State Lotteries	
		13. Director of Manpower	
		14. Director of Tourism	
		15. Director of Organisation & Methods	
		16. Director of Financial Inspection	
		17. Director of Sports & Youth Welfare	
		18. Director of Welfare of Plains Tribes and Backward Classes.	
		19. Director of Official Language Implementation.	
		20. Director of Scheduled Castes	
		21. Director of Fisheries	
		22. Director of Border Areas	
		23. Director of Char Areas Development Authority.	
		24. Chief Valuation Officer, Directorate of Municipal Administration.	

- | | | | |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
|---|---|---|---|
25. Additional Director, Land Acquisition, Requisition & Reforms.
 26. Additional Director of Land Records
 27. Additional Registrar of Co-operative Societies.

C. Joint Heads of Departments.

1. Joint Director of Training, Assam Administrative Staff College.
2. Joint Director, Panchayat & Rural Development.
3. Joint Director, Sports and Youth Welfare.
4. Joint Director, Welfare of Tea and Ex-Tea Garden Tribes.
5. Joint Commissioner, Guwahati Municipal Corporation.

D. Posts in the Secretariat.

1. Joint Secretary
2. Deputy Secretary to the Government
3. PPS to Chief Minister
4. Deputy Secretary to the Governor
5. Special Assistant to Chief Secretary.

E. Posts in the Districts.

1. Deputy Commissioner
2. Addl. Deputy Commissioner (General)
3. Addl. Deputy Commissioner (Development)
4. Addl. Deputy Commissioner (Revenue)
5. Addl. Deputy Commissioner (Border)
6. Settlement Officer
7. Principal, Assam Survey & Settlement Training.
8. Project Director, I.T.D.F.
9. Special Assistants to the Commissioners of Divisions.

II. Junior posts

1. Under Secretary to the Government
2. Sub-Divisional Officer (Civil)
3. Sub-Divisional Officer (Sadar)
4. Extra Assistant Commissioner
5. Election Officer
6. Sub-Divisional Welfare Officer
7. Senior Assistant Settlement Officer
8. Circle Officer/ Asstt. Settlement Officer.
9. Additional Assistant Settlement Officer
10. Circle Officer (Attached)
11. Extra Assistant Commissioner, Gramin
12. Sub-Deputy Collector, Survey
13. Deputy Director, Panchayat & Rural Development.
14. Deputy Director, Assam Administrative Staff College
15. Deputy Director, W.P.T. & B.C.
16. Deputy Director, Sports & Youth Welfare
17. Assistant Director, Land Records
18. Project Officer, Urban Basic Service, Directorate of Municipal Administration.
19. Valuation Officer, Directorate of Municipal Administration.
20. Collector, Guwahati Municipal Corporation
21. Protocol Officer, General Administration Department.
22. Compiler, District Gazetteers.
23. O.S.D., Assam House, New Delhi
24. Liaison Officer, Assam House
25. Administrative Officer, Nazarat Branch, Secretariat.
26. Research Officer, Revenue Department.
27. Administrative Officer, Directorate of Health Services/ Family Welfare Bureau.
28. Revenue Officer, Irrigation Department.

SCHEDULE- II

(Rules 4 and 24)

Strength of each cadre of the service and the time scale of pay

Categories of posts 1.	Time scale of pay Rs. 2.	Number of posts		
		Permanent 3.	Temporary 4.	Total 5.
1. Junior Grade	Rs. 1835-50-2035-60-2395-80- 2555-EB-80-2875-100-3575- 125-4325.	690	-	690
2. Senior Grade-II	Rs. 3375-100-3575-125-4325- EB-125-4450-150-5200.	185	-	185
3. Senior Grade-I	Rs. 3825-125-4450-150-5200- 175-5900.	25	-	25
4. Secretary to the Government	Rs. 4200-125-4450-150-5200- 175-5900-200-6300.	1	-	1
Total=		901	-	901
Deputation Reserve @ 35% of 2,3 and 4 above @ 7% of 1 above		-	-	74 48
Leave Reserve @ 5% of 2,3 and 4 above @ 4% of 1 above		-	-	11 28
Training Reserve @ 5% of 2,3 and 4 above @ 4% of 1 above		-	-	11 28
Total Authorised strength -				1101

SCHEDULE- III
(RULE 8)

Academic qualification prescribed for direct recruitment.

A candidate shall hold a degree of any of the Universities incorporated by an Act of the Central or State Legislature in India or any other Educational Institutions established by an Act of Parliament or declared to be deemed as a University under section 3 of the University Grants Commission Act, 1966 or possess such qualification as may be declared equivalent by the Government to a degree of a recognised University of India.

P. K. BORA

Chief Secretary to the Govt. of Assam.