



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 25 দিশপুৰ, সোমবাৰ, 1 ফেব্ৰুৱাৰী, 2016, 12 মাঘ, 1937 (শক)

No. 25 Dispur, Monday, 1st February, 2016, 12th Magha, 1937 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

PANCHAYAT AND RURAL DEVELOPMENT (B) DEPARTMENT

NOTIFICATION

The 30th January, 2016

No.PDB 140/2012/Pt.II/121 : In exercise of powers conferred by the proviso to Article 309 of the Constitution of India, 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 Panchayat and Rural Development Officers (Technical) Service under the Panchayat and Rural Development Department, Government of Assam, namely, -

- Short Title and commencement.** 1. (1) These Rules may be called "The Assam Panchayat and Rural Development Officers (Technical) Service Rules, 2015".
(2) They shall come into force on the date of their publication in the Official Gazette.
- Definition** 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 13;
(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) 'Act' means the Assam Panchayat Act, 1994 as amended from time to time;
(h) 'Member' means a member of the Assam Panchayat and Rural Development Officers (Technical) Service;

- (i) **'Select List'** means the list recommended by the Commission and Board for recruitment to a cadre both by direct recruitment or by promotion as referred to in rule-6 and rule-12 respectively;
- (j) **'Service'** means the Assam Panchayat and Rural Development Officers (Technical) Service;
- (k) **'Year'** means calendar year;
- (l) **"Schedule"** means the Schedules appended to these rules.
- Cadres** 3. (1) The Service Shall consist of the following Cadres : –
- (a) Assistant Engineer.
- (b) Junior Engineer.
- (2) The Service may also include,
- (a) any Government post equivalent to a post in any of the cadres mentioned in sub-rule(1);
- (b) any cadre or post laid down by Government to be included in a cadre or service;
- (3) The posts in the cadres of the Service as on the date of commencement of these rules are mentioned in Schedule – I.
- Strength** 4. The strength of each cadre of the Service shall be such as determined by the Government from time to time. The strength of the cadres of the service on the date of commencement of these rules shall be shown in Schedule – I:
- Provided that the Government may hold in abeyance any post as and when considered necessary.
- Method of recruitment.** 5. Recruitment to the cadres of the Service shall be made in the manner prescribed hereinafter;-
- (1) Recruitment to the fifty percent strength of the cadre of Assistant Engineer shall be made by promotion and fifty percent by direct recruitment through the Commission.
- (2) Recruitment to the cadre of Junior Engineer shall be made by direct recruitment through the Commission.
- Direct Recruitment.** 6. (1) Direct recruitment to the cadre shall be made on the basis of recommendations made by the Commission in accordance with the procedure hereinafter provided:
- (a) Before the end of each year the Appointing Authority shall make an assessment regarding the likely number of vacancies to be filled up by direct recruitment during the next year as provided under rule 5 and shall intimate the Commission together with the details about reservation for candidates belonging to the reserved categories.

(b) The Appointing Authority shall simultaneously request the Commission to recommend a list of candidates for direct recruitment in order of preference.

(c) The Commission shall make selection in accordance with the scheme of selection prescribed by the Government (in consultation with the Commission) and may conduct such test/examination or interview as may be considered necessary.

(d) The Commission shall furnish to the Appointing Authority a list of candidates recommended by it in order of merit in accordance with the aggregate marks obtained by each candidate found suitable for direct recruitment as per indent given by the Government. While selecting candidates and recommending to the Government, the Commission will do so with due consideration to the existing Acts, Rules and guidelines issued by the Government from time to time.

(2) The list mentioned in Clause (d) of sub-rule (1) of this rule shall remain valid for 12 calendar months from the date of recommendation.

(3) In the event of the Commission being unable to recommend sufficient number of candidates to fill up all the vacancies in a year, it shall in consultation with the Appointing Authority, repeat the procedure as mentioned herein before under sub-rule (1) of this rule, for recommending a subsequent list in the year:

Provided that the Appointing Authority shall not make appointment from the subsequent list until all the candidates of the earlier list in the same year, eligible for appointment, have been offered appointment.

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| Age | 7. | A candidate for direct recruitment to the service shall be minimum 21 years of age and shall not exceed 38 years on the first January of the year of advertisement with relaxation in case of Scheduled Caste/Scheduled Tribe or any other category as laid down by Government and in accordance with the orders of government and in force from time to time. |
| Qualification | 8. | The requisite qualification of a candidate for direct recruitment shall be as prescribed by the Government from time to time. The qualification prescribed as on the date of commencement of these rules, are given in Schedule – II. |
| Physical fitness | 9. | A candidate for direct recruitment shall be:
(1) of sound health, both mentally and physically; and |

- (2) required to undergo medical examination before the appointment to the service;
- Character** 10. A candidate for direct recruitment shall produce to the Commission Certificate of good character from:
- (a) The Principal/Academic Officer of the University or College or Institute in which he studied last; and
- (b) Two responsible persons, who are well acquainted with the candidates (but not related).
- Recruitment by promotion.** 11. (1) The Appointing Authority shall publish in the Government Gazette annually the number of vacancies in the respective cadres of Assistant Engineer which have occurred or are likely to occur in the year.
- (2) Subject to suitability as may be decided by the Selection Board and by the Appointing Authority in consultation with the Commission, an officer belonging to the corresponding cadre of Junior Engineer in the Assam Panchayat and Rural Development (Technical) Service under the Government, and possessing the qualifications as set forth herein below shall be promoted to the cadre of Assistant Engineer in the manner provided in rules 12 and 13.
- (3) The vacancies to be filled up by promotion from Junior Engineer shall be so fixed that the promoted Engineers do not exceed 50% of the total cadre strength of Assistant Engineers.
- (4) A member of the Assam Panchayat and Rural Development (Technical) Service shall be eligible for promotion as Assistant Engineer subject to the following conditions :-
- (a) he has rendered minimum 8 years of continuous service as a Junior Engineer on the First day of January of the year of promotion;
- (b) he has successfully undergone the training and passed the Departmental Examination as prescribed by Government from time to time;
- (c) notwithstanding anything contained herein before in this rule, subject to suitability, a Junior Engineer of the Assam Panchayat and Rural Development (Technical) Service, on his acquiring the academic qualification, as prescribed for a direct recruit Assistant Engineer, shall be promoted as Assistant Engineer, in consultation with the Commission, as provided in rule 12 against the next available vacancy in the cadre and such promotion shall be treated as direct recruitment to the cadre of Assistant Engineer for the purpose of these rules.

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 up 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;

(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) annual Confidential Reports for last five years;

(d) details about reservation of vacancies in case of promotion to the cadre meant for reserved categories;

(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 a list of officers found suitable for promotion in order of preference, in respect of promotion to each of the cadre in which requirement 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 against probable number of vacancies, in order of preference, found suitable for promotion:

Provided that the Appointing Authority shall keep the promotion of an officer under seal cover who has Departmental Proceeding or any enquiry pending and cannot be disposed of immediately and till its finalisation. If the departmental enquiry is not finalised within one year the matter may further be placed before the Board.

(6) The Appointing Authority on receipt of the list recommended by the Board, shall –

(a) consider the list for promotion to the concerned cadre and approve the list unless it considers any change necessary.

If the Appointing Authority considers it necessary to make any change in the list recommended by the Board, it shall inform the Board of the change proposed and after taking

into account the comments, if any, of the Board may approve the list finally with such modification, if any, as may, in his opinion, be just and proper.

- (b) i) forward the list to the Commission together with the information as referred to in sub-rule (2) of rule 12 with a request to approve the list;
- ii) the Commission shall consider the list recommended by the Board together with the information and documents and such other documents and information as may be required by the Commission and obtained from the Appointing Authority. The Commission shall finally approve the list with such modification as it considers 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 lists finally approved by the Appointing Authority or by the Commission, as the case may be, shall be published by the Appointing Authority in the Assam Gazette within 15 days from the date of final approval and the promotions shall be in accordance with the lists finally approved.
- (9) The select lists shall remain valid for 12 calendar months from the date of approval by the Commission, or by the Appointing Authority, as the case may be.

Selection Board 13.

The Selection Board as referred to in Rule 11 and 12 shall consist of the following :

- 1) Principal Secretary and in absence of him Commissioner & Secretary, Panchayat & Rural Development Department, Govt. of Assam. - Chairman
- 2) Commissioner, Panchayat & Rural Development Deptt., Govt. of Assam. - Member
- 3) Commissioner & Secretary Govt. of Assam, Personnel Department and in absence of him, his nominee. - Member
- 4) Joint Secretary, Panchayat & Rural Development Department, Govt. of Assam. - Member Secretary

Disqualification 14.

- (1) No person shall be eligible for appointment to the service :-
- (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 and legally not valid:

- 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 recommendation, either written or oral or by any other means, shall be appointed on promotion to the service.
- Reservation** **15.** (1) In all cases of appointment by direct recruitment as well as by promotion, there shall be reservation in case of candidates belonging to the member of the reserved categories as per the provision made under the Assam Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Act, 1978 and Rules made thereunder and also as per policy/guidelines of the Government in force and issued from time to time.
- (2) In all cases of appointment by direct recruitment as well as by promotion, there shall be reservation of posts in respect of different categories of PWD candidates entitled for the cadres, as specified in the Social Welfare Department's O.M. issued from time to time.
- Appointment** **16.** (1) Subject to the provision of sub-rule (2) under rule 6 appointment shall be made by the Appointing Authority in accordance with the order of preference determined in the list referred to in clause (d) of sub-rule (1) of rule 6.
- (2) The inclusion of a candidate's name in the list mentioned in clause (d) of sub-rule (1) of rule 6 shall confer no right to appointment unless the Appointing Authority 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.
- Joining time** **17.** 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 Appointing Authority extends the period, which shall not in all exceed three months.
- Discharged or Reversion.** **18.** A temporary or officiating member shall be liable to be discharged or reverted to the lower cadre of the service or to his original service, if –
- (1) he fails to make sufficient use of the opportunities given during any training as may be prescribed by the Government from time to time or fails to render satisfactory service during his tenure of service in the cadre; *and/or*

- (2) 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 19.**
- (1) The seniority of a member in a cadre appointed by direct recruitment or by promotion shall be determined according to the order of preference in the respective list recommended by the Commission under rule 6 and also in the respective list finally approved by the Appointing Authority under sub-rule 6 (a) of rule 12 and approved by the Commission under sub-rule 6 (b) (ii) of 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 17.
- (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 17, but joins later, his seniority shall be determined in accordance with the date of joining.
- (3) A member appointed by promotion in a year shall be senior to a member appointed by direct recruitment in that year.
- Confirmation 20.**
- (1) Subject to availability of a permanent vacancy in the respective cadre, if, a member in their cadre shall be confirmed against the permanent vacancy subject to the following conditions.
- (a) He/she has completed continuous service for a period not less than five years in that cadre and rendered service with full satisfaction of the Appointing Authority.
- (b) He has successfully undergone the training and passed the departmental examination, if any, prescribed by Government under rule 18.
- (2) If confirmation of a member is delayed on account of his failure to qualify for such confirmation, he shall lose his position in order of seniority vis-à-vis such of his juniors as might be confirmed earlier than him. His seniority shall however, be restored on his confirmation subsequently.
- Gradation list 21.**
- There shall be prepared and published every year, a gradation list, containing the name of all members of the Service cadre-wise in order of seniority and such other particulars as date of birth, date of appointment etc.
- Pay 22.**
- All appointments 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, on the date of commencement of these rules, are as shown in Schedule - I.

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| Mode of Employment. | 23. | <p>(1) Member of the service shall be employed in such manner as the Appointing Authority may decide.</p> <p>(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 public interest against such posting or transfer.</p> |
| Other conditions. | 24. | <p>(1) Except as provided in these rules all matters relating to pay and allowances, leave, pension, disciplines and other conditions of service shall be, as required by the general rules and/or orders of the Government, in force and issued from time to time.</p> <p>(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, applicable to other officers of the Government of the corresponding status and having similar functions.</p> |
| Relaxation | 25. | <p>Where the Government 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:</p> <p>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.</p> |
| Interpretation | 26. | <p>If any question arises relating to the interpretation of these rules the decision of the Government shall be final.</p> |
| Repeal and savings. | 27. | <p>The rules corresponding to these rules and in force immediately before commencement of these rules, are hereby repealed:</p> <p>Provided that all orders made or action taken under the rules so repealed or under any general orders ancillary thereto shall be deemed to have been validly made or taken under the corresponding provisions of these rules.</p> |

AHMED HUSSAIN,
 Commissioner & Secretary to the Govt. of Assam,
 Panchayat & Rural Development Department.

Schedule - I

Sl. No.	Name of Posts	Pay Band	Scale of Pay	Total Nos.	Remarks
1	Assistant Engineer	P.B. - 4	12,000 - 40,000 Grade Pay 5400/-	45	
2	Junior Engineer	P.B. - 2	5,200 - 20,200 Grade Pay 3300/-	635	601 Nos. permanent 34 Nos. Temporary

Schedule - II

Sl. No.	Name of Posts	Qualification	Remarks
1	Assistant Engineer	B.E. or Equivalent Degree in Civil Engineering obtained from any Institution approved by the A.I.C.T.E.	Direct/ Promotion
2	Junior Engineer	Engineering (Diploma/degree in Civil Engineering) obtained from any Institution approved by the A.I.C.T.E.	Direct