



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

The 23rd February, 2023

No. PRD-12021/1/2020-PRD(B)-70.- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and supersession of the **Assam Panchayat and Rural Development Officers (Technical) Service Rules, 2015**, 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 (Engineering) 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 (Engineering) Service Rules, 2023**".
- (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) '**Selection Board**' means the Selection Board constituted under rule 12;
 - (c) '**Commission**' means the Assam Public Service Commission;
 - (d) '**Constitution**' means the Constitution of India;

- (e) 'Government' means Government of Assam;
- (f) 'Governor' means the Governor of Assam;
- (g) 'Act' means the Assam Panchayat Act, 1994
- (h) 'Member' means a member of the Assam Panchayat and Rural Development Officers (Engineering) 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 per Rule-6 and Rule-13 respectively;
- (J) 'Service' means the Assam Panchayat and Rural Development Officers (Engineering) Service;
- (k) 'Year' means calendar year, i.e. from January to December ;-

Class & Cadres

3. (1) The Service shall consist of the following Classes and Cadres;

(a) Class-I -

- (i) Joint Commissioner (Technical).
- (ii) Assistant Commissioner (Technical).
- (iii) Executive Engineer.

(b) Class- I - Assistant Executive Engineer.

(c) Class- II - Assistant Engineer.

(d) Class - III - Junior Engineer.

(2) The Service shall also include;

- (a) any post equivalent to a post in any of the cadres mentioned in sub-rule(1) above;
- (b) any cadre or post laid down by Government to be included in a cadre or the service.

(3) The posts equivalent to the posts in the cadres of the Service as on the date of commencement of these rules are as mentioned in Schedule - I.

Strength of Service

4. The strength of each cadre of the Service shall be such as may be determined by the Governor from time to time. The strength of the cadres of the service on the date of commencement of these Rules shall be as provided 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 following manner :-

- (i) Recruitment to the cadre of Joint Commissioner (Technical) shall be made by promotion in accordance with the provisions of Rule 11 and Rule 13 of these rules.
- (ii) Recruitment to the cadre of Assistant Commissioner (Technical) and Executive Engineer shall be made by promotion in accordance with the provisions of Rule 11 and Rule 13 of these rules.
- (iii) Recruitment to the cadre of Assistant Executive Engineer shall be made by promotion in accordance with the provisions of Rule 11 and Rule 13 of these rules.
- (iv) (a) 50% to the cadre of Assistant Engineer shall be made by Direct Recruitment in accordance with the provision of Rule 6 of these rules.
(b) 50% to the cadre of Assistant Engineer shall be made by promotion from Junior Engineer in accordance with the provision of Rule 11 of these rules:

Provided that from 50% of the said posts as a one time measure, 5% of Junior Engineer posted at Zilla Parishad level shall be promoted to the post of Assistant Engineer, who shall be subsequently included after promotion in the common gradation list of Assistant Engineer.

- (v) Recruitment to the cadre of Junior Engineer shall be made by Direct Recruitment in accordance with the provision of rule 6 of these rules.

**Procedure of
Direct
recruitment**

6. (1) Subject to clause (iv) of sub-rule (1) of rule 11, direct recruitment shall be made on the basis of recommendations made by the Commission in accordance with the procedure hereinafter provided:-

- (i) Before the end of each year (i.e. in the month of December) the Appointing Authority shall make 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 details about reservation for candidates belonging to Scheduled Caste, Scheduled Tribes and any other Category as laid down by the Government as provided under Rule 15 and about carry forward of such reservation.
- (ii) The Appointing Authority shall simultaneously request the Commission to recommend a list of candidates for direct recruitment, in order of preference.

- (iii) 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 in the Test/Interview. If two or more candidates obtain equal marks, the Commission shall arrange them in order of their relevant merit which shall be determined in accordance with the general suitability of the candidates to the service. The list shall be forwarded to the Appointing Authority.
- (iv) The Commission shall furnish to the Appointing Authority a list of candidates recommended by it in order of preference, found suitable for direct recruitment showing the marks obtained in examination/written test and interview. The number of candidates in such a list shall be equal to the number of vacancies notified.
- (v) The Commission shall simultaneously publish the Select List in the Assam Gazette and or at such other place the Commission may consider proper.
- (2) The list mentioned in clause (iv) and (v) 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 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 of any candidate from the subsequent list until all the candidates of the earlier list of same year, eligible for appointment, have been offered the appointment.

Qualification for Direct Recruitment

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| Age for Direct Recruitment | 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 in force from time to time. |
| Academic Qualification | 8. | The academic qualification of a candidate for direct recruitment shall be as prescribed by the Appointing Authority from time to time. The qualification prescribed as on the date of commencement of these rules, shall be as provided in Schedule - II. |
| Physical fitness | 9. | A candidate for direct recruitment shall be;-
(1) of sound health, both mentally and physically; and free from organic defect of bodily infirmities likely to interfere with the efficient performance of his/her duties; 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 or the Certificate of good character from:
- The Principal/Academic Officer of the University or College or Institute in which he/she studied last; and
 - Two responsible persons, who are well acquainted with the candidates (but not related to the candidate).
- Recruitment by Promotion** 11. Recruitment by promotion in the cadre shall be subject to following:-
- Subject to suitability as may be decided by the Selection Board and by the Appointing Authority in accordance with the procedure as set forth in rule 13, a member shall be eligible for promotion to the corresponding higher cadre in the manner hereinafter provided:-
 - Recruitment to the post of Joint Commissioner (Technical) shall be made by promotion from the post of Assistant Commissioner (Technical) or Executive Engineer who have rendered at least 7 (seven) years of continuous service and merit in the cadre of Assistant Commissioner (Technical) or Executive Engineer.
 - Recruitment to the post of Assistant Commissioner (Technical) and Executive Engineer shall be made by promotion from the post of Assistant Executive Engineer who have rendered at least 5 (five) years of continuous service in the cadre of Assistant Executive Engineer.
 - Recruitment to the post of Assistant Executive Engineer shall be made by promotion amongst the members of the Service in the post of Assistant Engineer who have rendered at least 5 (five) years of continuous service in the cadre of Assistant Engineers.
 - Recruitment to 50% of cadre strength of the Assistant Engineer shall be filled up by promotion among the members of the Service in the post of Junior Engineer of Block Development Level who have rendered at least 8 (eight) years of continuous service in the cadre of Junior Engineers:

Provided that as a one time measure 5% out of the 50% is earmarked for the Junior Engineers of Zilla Parishad as mentioned in the proviso to clause (b) of sub rule (iv) of rule 5 above.
 - Notwithstanding anything contained hereinbefore in these rule, subject to suitability, a Junior Engineer of the Assam Panchayat and Rural Development (Engineering) Service, on his/her acquiring the academic qualification, as prescribed for a direct recruit of Assistant Engineer, shall be promoted as Assistant Engineer, in consultation with the Commission, such promotion shall be treated as direct recruitment to the cadre of Assistant Engineer for the purpose of these Rules.

(3) In case of specialization of a member of the service posted in connection with the specialized subject, shall be retained in the same specialized work, on his promotion in the normal course by creation of higher post in the cadre to which he is so promoted, keeping the lower post in abeyance, if the Government considers that such an officer cannot be withdrawn from specialized work due to non-availability of any other Officer of the lower or equivalent cadre in the service to perform the specialized work.

(4) Subject to suitability as may be decided by the Appointing Authority as set forth in rule 13 and also subject to possessing qualifications and experience as prescribed in sub-rule (1) above, an officer shall be eligible for promotion from one cadre to another of the service.

Selection Board 12. The Selection Board as referred to in rule 11 and 13 shall consist of the following members, namely:-

(1)	Senior Most Secretary, Panchayat and Rural Development Department, Government of Assam	Chairman
(2)	Commissioner, Panchayat and Rural Development, Government of Assam	Member
(3)	Commissioner and Secretary, Government of Assam Personnel Department or his nominee not below the rank of Deputy Secretary	Member
(4)	Commissioner and Secretary, Government of Assam, Department of Tribal Affairs (Plain) or his nominee not below the rank of Deputy Secretary	Member
(5)	Commissioner and Secretary, Government of Assam, Department of Social Justice and Empowerment or his nominee not below the rank of Deputy Secretary	Member
(6)	Joint Secretary, Panchayat and Rural Development Department, Government of Assam	Member Secretary

General Procedure of Promotion 13. (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:-

- (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 connected;

- (c) Character rolls and personal files of the officer listed;
 - (d) Details of reservation in case of promotion to the service under rule 15;
 - (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 Selection 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 recruitment is to be made by promotion.
 - (4) The selection shall be made on the basis of seniority with due regard to merit in case of promotions stated before under rule 11.
 - (5) The Selection Board, after examination of the documents and information furnished by the Appointing Authority shall recommend to the Appointing Authority a list of officers against the number of vacancies, in order of preference, found suitable for promotion.
 - (6) The Appointing Authority on receipt of the lists recommended by the Board shall consider the list prepared by the Board along with character rolls and personal files of the employees 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 Selection Board, he shall inform the Selection Board of the changes proposed and after taking into account the comments, if any, of the Board may approve the list finally with such modifications if any, as may, in his 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 List finally approved by the Appointing Authority shall be published by the Appointing Authority within 15 days from the date of final approval.
 - (9) The Selected List shall remain valid for 12 calendar months from the date of approval by the Board as the case may be.
 - (10) The promotions shall be in accordance with lists finally approved.

Disqualification

14. (1) No person shall be eligible for appointment to the Service,-

(i) Unless he/she is a citizen of India;

(ii) If he has more than one wife living or in case of a female candidate who has married a person who has wife living:

Provided that the Governor may, if he/she is satisfied that there is a special ground for doing so, exempt any person from the operation of this clause.

(iii) If a person violates the legal age of marriage; and

(iv) If he does not comply to the provisions of Assam Public Services (Application of small family norms in direct recruitment) Rules, 2019 notified vide No.ABP/69/2019/17 dated 6th November, 2019.

(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 to the service.

Reservation

15. 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 Scheduled Castes, Scheduled Tribes as per the provision of the Assam Scheduled Castes, Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1978 and Rules framed there under and amendments and Office Memorandum issued by Government from time to time. There shall be also reservation for candidates belonging to Other Backward Classes as per Government instructions contained in OM.NO.TAD/OBC/1/2004/55 dated 31-05-2005 for direct recruitment only. Reservation in favour of women as per the Assam Women (Reservation of Vacancies in Service and Post) Act, 2005 and Person with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Act, 1995 shall also be followed in direct recruitment.

Appointment

16. (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 sub-rule (2) of this rule, the appointment under rule 6 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.

(3) The inclusion of a candidate's name in the Select List mentioned in clause (iv) 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.
- Training** 18. A member of the service shall be required to undergo such training and pass such departmental examination as Government may prescribe.
- Discharged or reversion** 19. A temporary or officiating member shall be liable to be discharged or reverted to the lower cadre of the service or to his/her original services, if,-
- (i) He/she fails to make sufficient use of the opportunities given during any training as may be prescribed by the Government from time to time, fails to render satisfactory service during his/her tenure service in the cadre; and/or
 - (ii) It is found on a subsequent verification that he/she was initially not qualified for the appointment or that he/she had furnished any incorrect information with regard to his/her appointment.
- Seniority** 20. (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 Select List recommended by the Selection Board under rule 6 and rule 13 and also in the respective list finally approved by the Appointing Authority, if he/she 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/her 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 of that cadre appointed by direct recruitment in that year.
- Probation and Confirmation** 21. (1) Subject to availability of a permanent vacancy in the respective cadre member shall be placed, according to seniority on probation against the permanent vacancy for a period of two years before he/she is confirmed against the permanent post:
- Provided that the period of probation may for good and sufficient reasons be extended by the Appointing Authority for any special period, not exceeding a period of two years:
- Provided further that the period of probation may be curtailed or dispensed within any case for good and sufficient reasons by the Appointing Authority.

- (2) A member of the service placed on probation under sub-rule (1) above, shall be confirmed against the permanent post subject to the following conditions:-
- (i) He/she has completed the period of probation to the satisfaction of Appointing Authority in accordance with sub-rule (1) above;
 - (ii) He/she has successfully undergone the training and passed the Departmental Examination, if any, prescribed by Government under rule 18.
- (3) If confirmation of a member is delayed on account of his/her failure to qualify for such confirmation he/she shall lose his/her position in order of seniority vis-à-vis such of his/her junior as might be confirmed earlier than him/her. His/her seniority shall, however, be restored on his/her confirmation subsequently.
- Graduation List** 22. Graduation list shall be prepared and published every year 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** 23. All appointment in the service shall be made in the time scale of pay as may be published 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 is as shown in Schedule-I.
- Mode of Employment** 24. (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 and in such case the member shall not have any option against such posting or transfer.
- Other Conditions of Service** 25. (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 or orders of the Government from 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** 26. Where the Government is satisfied that the operation of any of these rules, causes under hardship in any particular case, it may, dispense with or relax the recruitment of that rule to such extent and subject to such conditions as it may consider necessary dealing with the case in a just equitable manner:

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

Interpretation	27. If any question arises relating to the interpretation of these rules the decision of Government shall be final.
Repeal and Savings	28. The rules corresponding to these rules and in force immediately before commencement of these rules, are hereby repealed: 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.

J. B. EKKA,

Principal Secretary to the Government of Assam,
Panchayat & Rural Development Department.

Schedule – I
[See rule 3, 4 and rule 23]

Post equivalent to the cadre of the service and the scale of pay

Sl. No.	Name of Posts	Pay Band	Scale of Pay	Cadre Strength	Remarks
1.	Joint Commissioner (Technical)	PB-4	Rs.30,000 – 1,10,000 Grade pay 15700/-	1	
2.	Assistant Commissioner (Technical)	PB-4	Rs.30,000 – 1,10,000 Grade pay 14500/-	1	
3.	Executive Engineer	PB-4	Rs.30,000 – 1,10,000 Grade pay 14500/-	33	Zilla Parishads as well as Head Quarter of DRDAs in the 6 th Scheduled districts
4.	Assistant Executive Engineer	PB-4	Rs.30,000 – 1,10,000 Grade pay 13300/-	219	Development Block
5.	Assistant Engineer	PB-4	Rs.30,000 – 1,10,000 Grade pay 12700/-	471	Development Block=438 Zilla Parishad=33
6.	Junior Engineer	PB-2	Rs.14,000 – 70,000 Grade pay 8700/-	655	Development Block=635 Zilla Parishad=20

Schedule – II
[See rule 8]

Sl. No.	Name of Posts	Qualification
1.	Joint Commissioner (Technical)	Bachelor in Engineering Degree in Civil obtained from any institute approved by the All India Council Technical Education.
2.	Assistant Commissioner (Technical)	Bachelor in Engineering in Civil obtained from any institute approved by the All India Council Technical Education.
3.	Executive Engineer	B.E. or Equivalent Degree in Civil Engineering obtained from any institute approved by the All India Council Technical Education. Engineering (Diploma / Degree in Civil Engineering) obtained from any institute approved by the All India Council Technical Education.
4.	Assistant Executive Engineer	B.E. or Equivalent Degree in Civil Engineering obtained from any institute approved by the All India Council Technical Education. Engineering (Diploma / Degree in Civil Engineering) obtained from any institute approved by the All India Council Technical Education.
5.	Assistant Engineer	B.E. or Equivalent Degree in Civil Engineering obtained from any institute approved by the All India Council Technical Education. Engineering (Diploma / Degree in Civil Engineering) obtained from any institute approved by the All India Council Technical Education.
6.	Junior Engineer	Engineering (Diploma / Degree in Civil Engineering) obtained from any institute approved by the All India Council Technical Education.