

GOVERNMENT OF ASSAM



The Assam Ministerial District Establishment
Service Rules, 1967

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The 10th August 1967

No. ABP.161/60/243.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is pleased to make the following rules regulating recruitment and conditions of service of persons appointed to the Assam Ministerial District Establishment Service, namely:—

**The Assam Ministerial District Establishment Service Rules,
1967.**

PRELIMINARY

to, title
of Govern-
ment

1.(1) These rules may be called "The Assam Ministerial District Establishment Service Rules, 1967".

(2) They shall come into force at once.

Definitions

2. In these rules unless there is anything repugnant in the subject or context—

- (1) "appointing authority" means (a) Commissioner in the case of appointment to the posts of Revenue Sheristadars, Sadar Head Assistants and Subdivisional Head Assistants and (b) Deputy Commissioner in the case of appointment to all other ministerial posts in the District Establishment ;
- (2) "Commissioner" means the Commissioner of the Division in which the District is included ;
- (3) "Deputy Commissioner" means the Deputy Commissioner of the District ;
- (4) "District Establishment" means and includes all non-gazetted ministerial staff in the offices of the Deputy Commissioner, Subdivisional Officers, Sub-Deputy Collectors and Block Development Officers of the District ;

Note—Officers of Deputy Commissioners and Subdivisional Officers shall include branches like Supply, Textile, Election, Revenue, Excise, Development and other general branches.

- (5) "Government" means Government of Assam ;
- (6) "member of the service" means a member of the Assam Ministerial District Establishment Service ;
- (7) "Subdivisional Officer" means the Officer-in-charge of the general administration of a Subdivision of a District ;
- (8) "Sub-Deputy Collector" means the officer placed in-charge of a Revenue circle ;
- (9) "Service" means the Assam Ministerial District Establishment Service ;
- (10) "Year" means the English Calendar year.

CADRE

Service 3.(1) The service shall comprise of the following categories of posts—

- (i) Revenue Sheristadar ;
- (ii) Sadar Head Assistant,
Subdivisional Head Assistant ;
- (iii) Supervisory Assistant ;
- (iv) Sadar Nazir ;
- (v) Upper Division Assistant,
Subdivisional Nazir ;
- (vi) Lower Division Assistant.

(2) Each of the categories of posts in sub-rule (1) shall form an independant cadre. Members of a lower cadre shall have no claim for appointment to any of the higher cadres except in accordance with the provisions made in these rules.

Status of the Service. 4. The status of the members of the service shall be that of Class III non-gazetted ministerial service.

Strength of the Service. 5. The number of posts, permanent as well as temporary, under each of the categories mentioned in sub-rule (1) of rule 3 shall be such as may be determined by Government from time to time.

RECRUITMENT

Recruitment. 6. Recruitment to the service shall be made by the appointing authority according to the procedure laid down below—

(1) **Sheristadar**—By selection from amongst persons who must have served for at least 15 years in any Deputy Commissioner's establishment and have experiences of different branches in general and of revenue branch in particular.

(2) **Sadar Head Assistant Subdivisional Head Assistant**—By selection from amongst the Supervisory Assistants who have rendered not less than 3 years of continuous service as Supervisory Assistant in any Deputy Commissioner's Establishment.

Note—Vacancies to the posts of Sheristadar Sadar Assistant/Subdivisional Head Assistant shall be advertised by the Deputy Commissioner concerned inviting applications from suitable persons fulfilling the requirements of the posts. On receipt of the applications the Deputy Commissioner shall forward the same with his views together with character rolls and other relevant papers concerning the applicants to the Commissioner concerned who shall make the selection strictly on merit and make the appointment.

(3) **Supervisory Assistant**—By promotion of the Sadar Nazir of the District Establishment concerned. If more than one vacancy are to be filled up at the same time, the other vacancies shall be filled up by promotion on the basis of seniority-cum-merit from amongst the Upper Division Assistants (including Subdivisional Nazir) of the District Establishment concerned who have rendered not less than 7 years of service in the District Establishment concerned out of which at least 3 years shall be of continuous service as Upper Division Assistant or Subdivisional Nazir on the 1st day of the year in which the promotion is made.

Note—For the purpose of promotion of the Upper Division Assistant (including Sadar Nazir), the Deputy Commissioner shall prepare a select list at the beginning of each year taking into account the number of vacancies likely to occur during the year in question. The Deputy Commissioner shall associate the Subdivisional Officers in the selection. The criterion for selection shall be on the basis of seniority-cum-merit and the select list shall remain valid for one year. It shall be reviewed after one year and all those eligible shall again be considered.

(4) **Sadar Nazir**—By promotion from the select list prepared as per provisions in the Note below sub-rule (3) from amongst the Upper Division Assistants (including Subdivisional Nazir) of the District Establishment concerned who have rendered not less than 7 years of service in the District Establishment concerned out of which at least 3 years shall be of continuous service as Upper Division Assistant or Subdivisional Nazir on the 1st day of the year in which the promotion is made.

Note—A person selected for the post of Sadar Nazir shall be required to furnish such security as may be directed by Government from time to time for appointment as such.

(5) **Upper Division Assistant/Subdivisional Nazir**—By promotion on the basis of seniority-cum-merit from amongst Lower Division Assistants of the District Establishment concerned who have rendered not less than 5 years of service as Lower Division Assistant in the District Establishment concerned on the 1st day of the year in which the promotion is made.

Note—(1) The posts of Upper Division Assistant and Subdivisional Nazir are equivalent and incumbents are interchangeable. The appointment of Nazir shall be tenure appointment for three years and he shall be required to furnish such security as may be directed by Government from time to time. The post of Subdivisional Nazir shall carry such special pay as may be ordered by Government from time to time.

Note—(2) For the purpose of promotion the Deputy Commissioner shall prepare a select list at the beginning of each year taking into account the number of vacancies likely to occur during the year in question. The Deputy Commissioner shall associate the Subdivisional Officer and the Sub-Deputy Collector in the selection. The criterion for selection shall be on the basis of seniority-cum-merit. The select list shall remain valid for one year. It shall be reviewed after one year and all those eligible shall again be considered.

(6) **Lower Division Assistant**—(a) By direct recruitment on the basis of a competitive examination to be conducted by the Deputy Commissioner at the beginning of each year unless otherwise directed by Government in this behalf:

Provided that in the office of the Deputy Commissioner, United Khasi-Jaintia Hills the recruitment shall be made through the Employment Exchange in such manner as may be directed by Government from time to time.

Note—At the beginning of each calendar year the Deputy Commissioners shall call for applications to fill up temporary vacancies of any kind which are likely to occur in course of the year in their respective establishments. On receipt of applications by a specified date, a test shall be held and a list of all candidates suitable for appointment to the posts of Lower Division Assistants shall be prepared in order of merit by the Deputy Commissioner. The list shall remain valid for one year unless it is exhausted earlier and one such list shall be prepared every year. The Deputy Commissioner shall make all appointments during the year from such a select list. The syllabus for such tests shall be as specified in the Schedule I.

(b) By selection on the basis of seniority-cum-merit from amongst Grade IV staffs of the district establishment concerned who have passed the Higher Secondary or equivalent examination and have rendered at least 7 years of continuous service in the district establishment on the 1st day of the year in which selection is made.

Note—(i) The proportion of vacancies to be filled in any year according to clauses (a) and (b) of sub-rule (6) of rule 4 shall be 90:10 respectively. In the event of sufficient number of qualified or suitable persons not being available in category (b), the balance shall be made up from category (a), i.e., through direct recruitment. Here vacancies shall include both permanent and temporary vacancies.

(ii) Appointment by selection under clause (b) of sub-rule (6) of this rule shall be made by the Deputy Commissioner from amongst the eligible Grade IV staffs.

Conditions
of eligi-
bility.

7. In order to be eligible for competing in the examination for appointment as Lower Division Assistant, a candidate must satisfy the following conditions—

(i) **Nationality**—He must be a citizen of India.

(ii) **Age limits**—He must not be less than 18 years of age and more than 25 years of age on the first day of the year in which the examination is held:

Provided that in the case of candidates belonging to special categories, the upper age limit shall be subject to such relaxation as may be made by Government from time to time.

Explanation—"Special categories" means persons belonging to Scheduled Castes/Scheduled Tribes, Political Sufferers, War Service candidates and such other persons or class of persons as may be notified by Government from time to time.

- (iii) **Educational qualification**—He must have passed the Higher Secondary Examination from a recognised University/Board or any examination declared equivalent thereto by the Government. */ High School leaving certificate*

Note—Pending conversion of all the existing schools into Higher Secondary Schools, and during the transitional period when both the old courses and the new courses continue together, the instructions issued by Government from time to time in this regard shall be followed.

- (iv) He must not have more than one wife living; provided the Government may for good and sufficient reasons exempt any candidate from the operation of this condition.
- (v) No candidate shall be eligible for appointment if he, after undergoing such medical examination as Government may specify is found to be not in good mental or bodily health and not free from any mental or physical defect, likely to interfere in the discharge of his duties.
- (vi) The candidates shall be considered for appointment in the Lower Division Cadre in the order in which their names appear in the list subject to such reservations for Scheduled Castes, Scheduled Tribes, etc., as may be directed by Government from time to time.
- (vii) Inclusion of a candidate's name in the list shall confer no right to appointment unless the appointing authority is satisfied after such enquiry as he may consider necessary that the candidate is suitable in all respects for appointment.

Graduation list

8. A gradation list of the staff of the amalgamated establishment shall be prepared by the Deputy Commissioner every year and the same shall be approved by the Commissioner and published once a year.

CONFIRMATION, SENIORITY, ETC.

Confirmation.

9. (1) Subject to availability of a permanent vacancy, every member of the service shall be confirmed in the grade to which he is appointed if he—

- (a) has completed at least one year of service to the satisfaction of the appointing authority; and
- (b) is considered fit for confirmation by the appointing authority.

(2) Subject to the aforesaid conditions, confirmation shall be made on the basis of seniority as determined under rule 11.

Discharge or reversion before confirmation.

10. At any time before confirmation a member is liable to be reverted to his next lower rank or to a lower post on which he holds a lien or be discharged from the service in case he is a direct recruit, if he cannot qualify for such confirmation even after a second chance or if his performance of duty has not been satisfactory and/or if the appointing authority finds him otherwise unfit to hold the post.

Seniority

11. (i) In the Lower Division Cadre, the seniority shall be according to the date of appointment, if the persons join the appointments within 15 days of the receipt of the order of appointment:

Provided that in case of a person is prevented from joining within the said period of 15 days by circumstances of a public nature or for reasons beyond his control, the appointing authority may extend it for a further period of 15 days. If the period is not so extended, his seniority shall be determined in accordance with the date of joining.

When however more than one person are appointed on the same date their *inter-se* seniority shall be determined according to their position in the merit list prepared by the Deputy Commissioner as mentioned in Note below clause (a) of sub-rule (6) of rule 6:

Provided further that in the case of assistants in the office of the Deputy Commissioner, United Khasi-Jaintia Hills, their *inter-se* seniority shall be in the order of preference as arranged by the appointing authority in consultation with the Director of Employment and Craftsman Training, Assam. *Inter-se* seniority among Lower Division Assistants appointed under

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clauses (a) and (b) of sub-rule (6) of rule 6 on the same date shall be according to the following order—

- (a) Assistants appointed under clause (a) of sub-rule (6) of rule 6.
- (b) Assistants appointed under clause (b) of sub-rule (6) of rule 6.

(ii) In the Upper Division (including Subdivisional Nazir) cadre, the seniority shall be according to the position in the Select List from which the promotion to posts of Upper Division Assistant is made.

(iii) In the Supervisory Assistant Cadre, the seniority shall be according to the position in the Select List from which promotion to the posts of Supervisory Assistants is made.

(iv) In the Head Assistant Cadre, the seniority shall be according to the date of promotion to the post of Head Assistant.

(v) In the Revenue Sheristadar Cadre, the seniority shall be according to the date of appointment.

(vi) If confirmation of a member of the service in a cadre is delayed on account of his failure to qualify for such confirmation, he shall lose his position in order of seniority in that cadre *vis-a-vis* such of his juniors as may be confirmed earlier than him. His original position in that particular cadre shall, however, be restored on his confirmation subsequently.

12. Every member of the service shall have the right to appeal from the orders of the Deputy Commissioner to the Commissioner and from the orders of the Commissioner to Government.

They shall have no further right of appeal.

13. The scale of pay admissible to members of different cadres shall be as shown in Schedule II subject to such revision as may be made by Government from time to time.

MISCELLANEOUS

14. Except as provided in these rules, all matters relating to pay, allowances, leave, pension, discipline and other conditions of service shall be regulated by general rules framed by Government from time to time.

Power to
dispense
with or
relax any
rule

15. Where the appointing authority is satisfied that the operation of any of these rules may cause 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 any of these rules.

Interpreta-
tion.

16. If any question arises relating to the interpretation of these rules, it shall be referred to the Government in the Appointment Department whose decision thereon shall be final.

Repeal and
revocations.

17. Any rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed.

Notwithstanding such repeal any order made or any action taken under the rules so repealed shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

SCHEDULE I

[rule 6 (5)(a)]

The syllabus for test for direct recruitment

Subject	Mark
1. General English	100
2. Precis Writing	100
3. Drafting	100
4. Interview	100

SCHEDULE II

(rule 13)

	Scale of pay
Revenue Sheristadar	Rs.400—20—500—(E. B.)— 20—600.
Head Assistant (Sadar and Subdivi- sional)	Rs.300—12·50—350—(E.B.)— —12·50—425.
Supervisory Assistant	Rs.250—8—298—(E. B.)— 8—314—9—350.
Sadar Nazir	Rs.225—7—260—(E. B.)— 7—302—8—350.
Upper Division Assistant (including Subdivisional Nazir*)	Rs.200—6—236—(E. B.)— 8—300.
Lower Division Assistant	Rs.125—4—145—(E. B.)— 4—165—(E. B.)—5—200.

Subdivisional Nazir shall be allowed a special pay of Rs.20·00
month.

A. N. KIDWAI,
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