

The Assam Civil Service (Class II) Rules, 1962

ASSAM

India

The Assam Civil Service (Class II) Rules, 1962

Rule THE-ASSAM-CIVIL-SERVICE-CLASS-II-RULES-1962 of 1962

- Published on 11 June 1929
- Commenced on 11 June 1929
- [This is the version of this document from 11 June 1929.]
- [Note: The original publication document is not available and this content could not be verified.]

The Assam Civil Service (Class II) Rules, 1962 Last Updated 11th February, 2020

1. Short title and commencement.

(1) These Rules may be called the Assam Civil Service (Class II) Rules, 1962. (2) They shall take effect from the date of this notification.

2. Designation.

- The members of the Assam Civil Service (Class II) shall be designated as Sub-Deputy Collectors.

3. Definitions.

- In these Rules, unless there is anything repugnant in the subject or context-(a)"Constitution" means the Constitution of India;(b)"Commission" means the Assam Public Service Commission;(c)"Committee" means a committee constituted in accordance with sub-rule (2) of Rule 6;(d)"Government" means the State Government of Assam;(e)"Governor" means the Governor of Assam;(f)"Member of the Service" means a member of the Assam Civil Service (Class II) recruited to the Service either before or after the commencement of these Rules;(g)"Recommending authority" means the Head of the Department under whose administrative control a person is serving for the time being;(h)"Service" means the Assam Civil Service (Class II); and(i)"Year" means calendar year. Recruitment

4. Method of recruitment to the service.

(1) Recruitment to the service after the commencement of these Rules, shall be by the following methods, namely:(a) by competitive examination conducted by the Commission;(b) by selection, in special cases, from among persons serving in connection with the affairs of the Government:

Provided that the number of persons recruited under Clause. (b) shall not in any year exceed five and shall not at any time exceed 30 per cent of the total strength of the cadre.(c)by absorption of members belonging to service or services under the Government involving duties and responsibilities comparable to that of Assam Civil Service (Class II):Provided that for the purposes of absorption under Clause (c), the Governor shall select the persons in consultation with the Commission.Explanation. For the purpose of this clause retrenched personnel of temporary Department of Government shall be deemed to be persons serving in connection with the affairs of the Government.(2)Notwithstanding anything contained in sub-rule (1), if in the opinion of the Governor, the exigencies of the service so require, the Governor may, after consultation with the Commission, adopt such method of recruitment to the service other than those specified in the said sub-rule, as he may, by regulations made in this behalf, prescribe:(3)Provided that the Governor with the prior approval of the Commission shall have the power to relax the proviso to sub-rule (1) (b) in respect of the number to be recruited in a year when the exigencies of the service so require.

5. Recruitment by competitive examination.

(1)A competitive examination for recruitment to the service shall be held at such intervals as the Governor may, in consultation with the Commission, from time to time, determine.(2)The examination shall be conducted by the Commission in accordance with such rules and syllabus as the Governor may from time to time make in consultation with the Commission.(3)Of the number of vacancies to be filled up on the results of each examination there shall be reservation in favour of candidates belonging to Scheduled Castes, Scheduled Tribes (Plains) and Scheduled Tribes (Hills) to the extent not exceeding 5 per cent, 10 per cent, and 12 per cent, respectively.(4)If a sufficient number of suitable candidates with minimum qualifications belonging to the Scheduled Castes, Scheduled Tribes (Plains) and Scheduled Tribes (Hills) referred to in sub-rule (3) is not available or filling up all the vacancies reserved for them the remaining vacancies shall be filled from among other candidates and an equivalent number of additional vacancies shall be reserved for the candidates belonging to the Scheduled Castes, Scheduled Tribes (Plains) and Scheduled Tribes (Hills) for the next examination:Provided that if a sufficient number of suitable candidates is not available at the next examination to fill all the reserved vacancies including the additional vacancies, the additional vacancies or such of them as are not filled shall lapse.(5)The Commission shall prepare a list of all candidates who have qualified in the examination in order or merit, which shall be determined in accordance with the aggregate marks obtained by each candidate, and if two or more candidates obtain equal marks, the Commission shall arrange them in order of their relative merit which shall be determined in accordance with the general suitability of the candidates of the service. The list shall be forwarded to the Governor.(6)The inclusion of a candidate's name in the list shall confer no right to appointment unless the Governor is satisfied after such enquiry as may be considered necessary, that the candidate is suitable in all respects for appointment to the service.

6. Recruitment by selection.

(1)The Governor may, from time to time for the purpose of recruitment to the service and Clause. (b) of sub-rule (1) of Rule 4, call upon the Recommending Authorities to submit recommendations in respect of persons who,-(a)are of outstanding merit and ability; and(b)have completed not less than

eight years' continuous service under the Government. Note. If in any particular year, adequate number of persons of outstanding merit and ability is not available, Governor shall have power to relax the requirement of Clause (a), sub-rule (1) of Rule 6 for the purposes of recruitment to the service under proviso (3) of Rule 4, if exigencies of public service so necessitate. (2) There shall be a Selection Committee consisting of the following, namely: (a) Chairman, Assam Public Service Commission or, where the Chairman is unable to attend, a Member, Assam Public Service Commission nominated by him-Chairman. (b) Chief Secretary to the Government of Assam-Member, (c) Two Commissioners in Divisions-Member. (d) Commissioners for Agricultural Production and Rural Development and Special Secretary, Agricultural etc. Department-Member. (e) Secretary, Revenue Department-Member. (f) Secretary/Additional Secretary or any other officer of the Appointment Department nominated by the Chief Secretary-Member-Secretary. Provided that the Committee may, if and when it may consider necessary, require the presence of a Head of Department or a district officer to aid and advise the Committee. (3) The Governor shall refer the cases of candidates recommended under sub-rule (1) to the Committee. The Committee shall on initial scrutiny of the recommendations and the Character Rolls, call such candidates, as it may consider prima facie suitable for interview and prepare a list of selected candidates in order of preference with a note against each candidate: Provided that no person shall be recommended under sub-rule (1) nor the Committee shall select any such person unless the recommending authority and the Committee, as the case may be, has taken into consideration the following aspects of a candidate, namely: (a) personality and character; (b) tact, energy and general intelligence; (c) integrity, (d) previous record of service; 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 higher qualifications except that of age referred to in Rule 8 necessary for a candidate to appear at a competitive examination; and (d) he is physically fit to undertake extensive tours in outlying areas. (4) On receipt of the list as aforesaid, if any, the Governor shall forward the same to the Commission together with the character rolls and other relevant papers. (5) The Commission shall consider the list prepared by the Committee along with other documents received from the Governor or on receipt of the other documents as may be called for by the Commissioner, and, unless it considers any change necessary, approve the list. (6) If the Commission considers it necessary to make any changes in the list received from the Governor, the Commission shall inform the Governor of the changes proposed and after taking into account the comments, if any, the Governor, may approve the list finally with such modification, if any, as may, in its opinion, be just and proper. (7) The list as finally approved by the Commission shall be forwarded to the Governor along with all the papers received under sub-rule (4) or under sub-rule (5), if any.

6A. Recruitment by absorption.

(1) The Governor shall prepare a list of persons selected or absorption under Clause (c) of sub-rule (1) of Rule 4 in order of preference and shall forward the same to the Commission together with character rolls and relevant papers. (2) The Commission shall consider the list prepared by the Governor along with 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. (3) If the Commission considers it necessary to make any change in the list received from the

Governor, the Commission shall inform the Governor of the changes proposed and taking into account the comments, if any, of the Governor, may approve the list finally with such modification, if any, as may, in its opinion be just and proper.(4)The list as finally approved by the Commission shall be forwarded to the Governor along with all the papers received under sub-rule (1) or sub-rule (2), if any.Cadre

7. Strength of the service.

(1)The strength of the service and nature of posts therein shall be as determined by the Governor from time to time.(2)On the commencement of these Rules, the strength of the service and the nature of posts therein shall be as given in Schedule I.Qualification for Recruitment by Competitive Examination

8. Age.

- The candidates shall belong to the age group of 21-25 years on the first day of January of the year in which the competitive examination is held with relaxation in the case of candidates belonging to special categories in accordance with the general order issued from time to time.

9. Academic qualifications.

(1)A candidate must be a graduate of one of the Universities mentioned in Schedule II.(2)On the commencement of these Rules, the Universities recognised shall be as given in Schedule II. ,

10. Character.

- A candidate shall produce to the Commission certificates of good character in the manner prescribed under the rules made under sub-rule (2) of Rule 5 from-(a)the Principal Academic Officer of the University or College in which he last studied, and(b)two respectable persons (not related to the candidate) who are well acquainted with him.

11. Physical fitness.

(1)A candidate shall be sound health, both mentally and physically, and shall be free from organic defects or bodily infirmity likely to interfere with the efficient performance of his duties.(2)A candidate shall be required to undergo a medical examination before final approval of appointment to the service in accordance with the rules framed under sub-rule (2) of Rule 5.

12. Disqualification for appointment.

(1)No person shall be qualified for appointment for the service unless he is a citizen of India.(2)No person who has more than one wife living shall be eligible for appointment to the service: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 sub-rule.(3)No married woman shall be entitled as of right to be appointed to the service, and where a woman appointed to the service subsequently marries, the Governor may, if the maintenance of efficiency of service so requires, call upon her to resign.(4)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.Appointment, Probation, ETC.

13. Appointment to the service.

(1)All appointments to the service shall be made by the Governor and shall be notified in the official Gazette.(2)A person shall join within 15 days of the date of receipt of the order of appointment, failing which and unless the Governor extends the period, which shall not in all exceed three months, the appointment shall be cancelled.(3)Subject to the provisions of sub-rules (3) and (6) of Rule 5 appointment under Clause (a) of sub-rule (1) of Rule 4 shall be made in the order the names appear in the list prepared and forwarded by the Commission.(4)Appointments under Clause (b) and (c) of sub-rule (1) of Rule 4 shall be made in the order the names appear in the list approved by the Commission under Rule 6 and Rule 6-A.

14. Probation.

(1)All persons recruited to service shall be appointed to the service on probation;Provided that the Governor may, for good and sufficient reasons, dispense with the period of probation and confirm an officer in the service;Provided further that persons recruited under Clause (c) of sub-rule (1) of Rule 4 who were already confirmed in the previous posts held by them immediately prior to their absorption into the service will not be required to be placed on probation, and shall be deemed to have been confirmed in the service from the date of their joining thereto.(2)Every probationer shall be on probation for a period of two years;Provided that the period of probation may, for good and sufficient reasons be extended by the Governor in individual cases.(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 at and pass the Departmental Examinations conducted by the Commission.

15. Discharge of a probationer.

- A probationer shall be liable to be discharged from the 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 Examinations unless the Governor permits him to sit for re-examination in the subject or subjects in which he failed; or(c)if on any information received relating to his nationality, 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.

16. Confirmation.

- Where a probationer has completed his period of probation to the satisfaction of the Governor, he shall be confirmed in the service if-(a)he has passed the Departmental Examination completely and has successfully undergone the Survey and Settlement training, and(b)he is considered otherwise fit for confirmation by the Governor:(1)Provided that where a probationer is not given an opportunity for undergoing the prescribed Survey and Settlement training during the period of probation, his confirmation shall not be held up for reason of not successfully undergoing the said training but such a probationer shall, when called upon by the Governor and opportunity given, successfully undergo the said training failing which he shall be liable to removal from service unless the Governor allows him other chances.(2)Provided further that the Governor may for good and sufficient reasons temporarily exempt a member of the service from passing any one or more of the prescribed Departmental Examinations and confirm him in the service.

17. Seniority.

(1)The seniority of members of the service shall be determined according to the order of merit in the list prepared under sub-rule (5) of Rule 5 or approved under Rule 6 or Rule 6-A, if the members join their appointments within 15 days of the date of receipt of the order of appointment;Provided that in case a member is prevented from joining within the said period of 15 days by circumstances of a public nature or for reasons beyond his control, the Governor may extend it for a further period of 15 days. If the period is not so extended and the member of the service joins within the period extended under sub-rule (2) of Rule 15, his seniority shall be determined in accordance with the date of joining;Provided further that the members of the service recruited in a year in the same batch under Clause (a), (b) and (c) of sub-rule (1) of Rule 4 shall take seniority in the following order:(i)Members recruited under Clause (c) of sub-rule (1) of Rule 4.(ii)Members recruited under Clause (b) of sub-rule (1) of Rule 4.(iii)Members recruited under Clause (a) of sub-rule (1) of Rule 4.(2)Notwithstanding anything contained in sub-rule (1), the seniority of a member of the service recruited or absorbed under Clause (b) or (c) of sub-rule (1) of Rule 4 who has holding a post involving duties comparable in importance and responsibility to that of Assam Civil Service (Class II) prior to his appointment to the service, shall be determined after taking into consideration half the period of continuous service in completed year subject to a maximum of 4 years rendered in such service:Provided that in case of a member who was confirmed in his previous post prior to his absorption into the service under Clause (c) of sub-rule (1) of Rule 4 his seniority may be determined on the merits of the case from the date of such confirmation, if the same falls earlier to the date determine under sub-rule (2) otherwise his seniority will be as determinated above;Provided further that-(a)where the date for the purpose of determination, after taking into consideration the period of service rendered in a comparable post as per sub-rule (2) of Rule 17, is the same as that of the date of commencement of service by a member recruited under Clause (a) of sub-rule (1) of Rule 4, the former shall rank senior to the latter and a member recruited under Clause (c) of sub-rule (1) of Rule 4 shall be senior to the member recruited under Clause (b) of sub-rule (1) of Rule 4;(b)where after taking into consideration, the period of service rendered in a comparable post as per sub-rule (2) of Rule of 17 the date, for the purpose of determination of seniority of more than one member of the service recruited under Clause (b), or Clause (c) of

sub-rule (1) of Rule 4 is the same their seniority inter se shall be in the order in which their names are arranged in the respectively list prepared and approved under the respective Rule 6 and Rule 6-A.(3)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 vis-a-vis such of his juniors as may be confirmed earlier than he. His original position shall, however, be restored on his confirmation subsequently. Pay, Increments ETC.

18. Time scale of pay.

- The time scales of pay admissible to a member of the service shall be as follows:(a)Rs.(b)Selection Grade Rs.

19. Fixation of initial pay in the time scale.

(1)On first appointment to the service, the initial pay of a member of the service, shall be fixed at the minimum of the time scale unless under the Assam Fundamental Rules and Assam Subsidiary Rules or under any other rules governing the fixation of pay, for the time being in force, he is entitled to his pay fixed at the higher stage at that time scale.(2)On promotion of a member of the service of the Selection grade time scale, the initial pay in the time scale shall be fixed in accordance with the principles governing such fixation in the Assam Fundamental Rules and Assam Subsidiary Rules or in any other rules for the time being in force:Provided that if the pay so fixed happens to be above the efficiency bar that stage should be treated as the efficiency bar.

20. Increments.

(1)The first increment admissible to a member of the service in the ordinary 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)A member of the service on confirmation shall draw at the rate corresponding to his position at in the time scale; but he shall not be entitled to any arrear in pay on account of withholding of the 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 or Examinations within such time as the Governor may, by general or special order, prescribe; but the withholding of such increment shall have not cumulative effect.

21. Crossing the Efficiency Bar.

- A member of the service shall not be allowed to cross the efficiency bar in the time scale unless the Governor is satisfied about his ability and integrity.

22. Promotion to selection grade time scale.

(1) A member of the service shall be eligible for promotion to the selection grade time scale ; but no member of the service shall be so promoted unless he has served as a member of the service for a minimum period of twenty years and the Governor is satisfied about his ability, integrity and character: Provided that no member shall be eligible for promotion to the Selection Grade time-scale until he passes the prescribed Departmental Examination and successfully completes the prescribed training under Rule 14. Explanation. In computing the period of twenty years under this sub-rule, the period taken into account in the determination of seniority of a member under sub-rule (2) of Rule 17 shall be included. (2) The appointments to the selection grade shall be made by the Governor on the recommendation of the Committee.

23.

No member of the service shall be considered for promotion to A.C.S. (Class I) unless he has successfully completed the prescribed training and passed the prescribed departmental examination under Rule 14.

24. Power of the Governor to dispense with or relax any rule.

- Where the Governor is satisfied that the operation of any of these Rules causes undue hardship in any particular case, he may order to dispense with or relax the requirement of those rule to such extent and subject to such conditions as he 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 by any of these Rules.

25. Miscellaneous provisions.

- Except as provided in these Rules, all matters relating to pay, allowances, leave, pension, discipline and other conditions of service shall be regulated by the general rules framed under Art. 309 of the Constitution or continued to be in force under Art. 372 of the Constitution governing such matters.

26. Interpretation.

- If any question arises relating to the interpretation of these Rules, it shall be referred to the Government whose decision thereon shall be final.

27. Repeal.

- The Assam Junior Civil Service Rules published under Notification No. 4276 AP, dated 11th June, 1929 and all other rules corresponding to those Rules and in force immediately before the commencement of these Rules are hereby repealed: Provided that any order made or action taken under the Rules so repealed shall be deemed to have been made or taken under the corresponding

provisions of these Rules.

28. Validation of past actions.

- All orders made or action taken prior to the commencement of these Rules in respect of matters for which there was no specific provision in the Rules repealed under Rule 27 shall be deemed to have been validly made or taken.

I

[Rule 7(2)]The Assam Civil,Service (Class II) Cadre:

1. Selection Grade posts (Rs...)	5
2. Ordinary posts in the time-scale	217
3.	
Total	222
4. Deputation Reserve at 15% of (3) above	34
5. Leave Reserve at 10% of (3) above	22
6. Training Reserve at 10% of (3) above	22
Grant Total	300

II

List of Universities approved by the Government of Assam
 Indian UniversitiesAny University incorporated by an Act of the Central or State Legislature in India.
 Universities In BurmaThe University of Rangoon.
 English And Welsh UniversitiesThe Universities of Birmingham, Bristol, Cambridge, Durham, Leeds, Liverpool, London, Manchester, Oxford, Reading, Sheffield and Wales.
 Scottish UniversitiesThe Universities of Aberdeen, Edinburgh, Glassgow and St. Andrews.
 Irish UniversitiesThe University of Dublin (Trinity College).The National University of Dublin.The Queen's University Belfast.
 Universities of PakistanThe University of Punjab.The Dacca University. (It is now under Bangladesh). The University of Sind.
 Universities of AmericaThe University of Harvard.The University of Yale.The University of Columbia.The University of Michigan.