

The Assam Factories Service Rules, 1990

ASSAM

India

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Rule THE-ASSAM-FACTORIES-SERVICE-RULES-1990 of 1990

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1. Short title and commencement.

(1)These Rules may be called the Assam Factories Service Rules, 1990.(2)They shall take effect from the date of this Notification.

2. Definitions.

- 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)'Member' means the member of the Assam Factories Service.(h)'Select List' means the list referred to in clause (d) of Rule 6 (i) and the lists finally approved under sub-rule (6)(a) and (6)(ii) of Rule 12.(i)'Scheduled Castes' or 'Scheduled Tribes' means the community declared as such under Article, 341 or 342 of the Constitution as the case may be.(j)'Service' means Assam Factories Service.(k)'University' means a university established by an Act of the Central or State Legislature of India and includes any other university recognised by the Governor subject to such limitations and conditions as may be deemed necessary.(l)'Year' means a Calendar Year.

3. Class and cadre of constitution of service.

(1)At the commencement of these Rules the Service shall consist of the following categories of posts, but the Governor may include in the service such other posts as may be found necessary from time to time:(i)Chief Inspector of Factories.(ii)Joint Chief Inspector of Factories.(iii)Senior Inspector of

Factories.(iv)Inspector of Factories.(2)A member of any category shall have no claim for appointment to a post in higher category except in accordance with these rules.(3)All the members belonging to all the categories of sub-rule (1) shall belong to Cl. I Government service.

4. Strength of service.

- The number of posts of each category shall be such as determined by the Governor from time to time. The number of posts of each category on the date of commencement of these rules shall be as shown in Schedule I : provided that the Governor may hold in abeyance any post as and when considered necessary.

5. Method of recruitment.

- Recruitment to the service shall be made in the manner prescribed hereinafter-(i)Recruitment to the post of Inspector of Factories shall be made by direct recruitment only.(ii)Recruitment to all other posts of the service shall be made by promotion in accordance with Rules 11 to 13.

6. Direct recruitment.

(1)All vacancies in the cadre of Inspector of Factories shall be made on the basis of the 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 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 or any other category as laid down by the Government as provided under Rule 15 and about carry forward of such reservation.
(b)The Appointing Authority shall request the Commission to recommend a list of candidates for direct recruitment in order of preference.
(c)The Commission shall make a selection in accordance with the scheme of selection prescribed by the Government in consultation with the Commission. The Commission shall hold such test or interview and undertake scrutiny of certificates and documents, as may be considered necessary.
(d)The Commission shall furnish to the Appointing Authority a list of candidates recommended by it in order of preference, found suitable for direct recruitment. The number of candidates in such a list may be approximately double the number of vacancies.
(e)The Commission shall simultaneously publish the list in the Assam Gazette and/or at such other place as the Commission may consider proper.
(2)The list mentioned in clauses (d) and (e) 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 hereinbefore 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 the same year, eligible for appointment, have been offered the appointment.

7. Age.

- A candidate for direct recruitment to the service shall be within the following age limits on the first January of the year of advertisement with relaxation in case of candidates belonging to special categories like Scheduled Castes, Scheduled Tribes and any other category as laid down by the Government in accordance with the orders of the Government in force for the time being. Inspector of Factories : - Minimum 23 years-Maximum 35 years.

8. Academic qualification.

(a)The minimum academic qualification for a candidate for direct recruitment shall be as prescribed by the Appointing Authority from time to time. The qualifications prescribed as at the commencement of these rules, are given in Schedule II.(b)A candidate must have a good general education up to Intermediate or Higher Secondary Standard of a recognised University or Board.

9. Physical fitness.

- A candidate for direct recruitment shall be (i) of sound health, both mentally and physically and free from organic defect or bodily infirmity likely to interfere with the efficient performance of his duties ; and (ii) required to undergo medical examination before appointment to the service.

10. Character.

- A candidate for direct recruitment to the post of Inspector of Factories, shall produce to the Commission certificates of good character from (a) the principal academic officer of the University or the College in which he studied last; and (b) two responsible persons who are well acquainted with but not related to the candidate.

11. Promotion.

(1)Vacancies in the cadre of Joint Chief Inspector of Factories shall be filled up by promotion in accordance with Rule 5 (ii) in the manner prescribed herein below.(2)Subject to suitability as may be decided by the Board and by the Appointing Authority/Commission as set forth in Rule 12 and also subject to possessing qualification and experience as prescribed hereinafter, an officer shall be eligible for promotion from one post to another of the service in the manner provided below:(a)From Joint Chief Inspector of Factories to Chief Inspector of Factories.(b)From Senior Inspector of Factories to Joint Chief Inspector of Factories.(c)From Inspector of Factories to Senior Inspector of Factories.(3)Subject to suitability, an officer shall be eligible for promotion if he possesses the qualification and experience as set forth below:(a)For promotion to the post of Chief Inspector of Factories, an officer shall have to render at least 5 years of qualifying service in the cadre of Joint Chief Inspector of Factories.(b)For promotion to the post of Joint Chief Inspector of Factories, an officer shall have to render at least 5 years of qualifying service in the cadre of Senior Inspector of Factories.(c)For promotion to the post of Senior Inspector of Factories, an officer shall

have to render at least 8 years of qualifying service in the cadre of Inspector of Factories and shall possess such academic qualification as is prescribed under Rule 8.

12. General procedure of promotion.

(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, including posts likely to be reserved for Scheduled Tribes/Scheduled Castes. (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. The zone of consideration for selecting eligible officers for promotion by 4 times of the number of vacancies in respective cadre: (a) Information about the number of vacancies. (b) List of officers in order of seniority eligible for promotion (separate lists for promotion to different cadres shall be furnished) including the post to which the case of promotion is to be considered. (c) Character rolls and personal file of the officer listed. (d) Details about reservation in case of promotion to the service under sub-rule (1) above. (e) And any other documents and information as may be considered 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 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-cum-merit in case of promotions stated hereinbefore under Rule 11. (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. (6) The Appointing Authority on receipt of the lists recommended by the Board shall- (a) consider the list preferred by the Board for promotion to the post of Chief Inspector of Factories, Joint Chief Inspector of Factories and Senior Inspector of Factories along with character rolls and personal file of the employees and approve the list unless any change is considered necessary. If the Appointing Authority considers it necessary to make any change in the list received from the Board, he shall inform the Board of the changes 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 be in his opinion just and proper. (b) (i) forward the lists for the posts in the cadre of Chief Inspector/Joint Chief Inspector of Factories and Senior Inspector of Factories to the Commission together with the information and documents as referred to in Rule 13 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 informations 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 not 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. (9) The select list 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. (10) The Promotions shall be in accordance with the lists finally approved.

13. Selection Board.

- The Board for considering promotion to the posts of Chief Inspector of Factories, Joint Chief Inspector of Factories and Senior Inspector of Factories shall consist of the following :

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|--|--------------|
| (i) Commissioner and Secretary, Labour and Employment Department | Chairman. |
| (ii) Joint Secretary/Deputy Secretary, Labour and Employment Department | Member-Secy. |
| (iii) Secretary, Personnel or his nominee not below the rank of Deputy Secretary | Member. |
| (iv) Chief Inspector of Factories | Member : |

Provided that in the event of promotion to the post of Chief Inspector of Factories, the Chief Inspector of Factories shall not be associated in the Selection Board.

14. Disqualification.

- (i) 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 having one wife living :(ii)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.(iii)No person who attempts to enlist support for this candidature directly or indirectly by any recommendation either written or oral or by any other means, shall be appointed to the service.

15. Reservation.

- In the case of direct recruitment and promotion to service,there shall be reservation in favour of candidates belonging to Scheduled Castes and Scheduled Tribes in accordance with the provisions of the Assam Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1978 and for other category as determined by the Government from time to time.

16. Appointment.

(1)Subject to the provision of sub-rule (2) 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.(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.

17. Joining time.

- 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, in no case exceed three months.

18. Training.

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

19. Discharge or reversion.

- 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.

20. Seniority.

(1)The seniority of a member in a cadre appointed by the direct recruitment or by promotion shall be determined according to the order of preference in the respective list recommended by the Commission/Board under Rule 6 and Rule 12 and also in the respective list finally approved by the Appointing Authority under sub-rule (6)(b) 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 extended period as mentioned in Rule 17.(2)If a member fails to join the appointment within initial 15 days of receipt of the order or within the extended period, as mentioned in Rule 17, but joins later, 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 the year.

21. Probation and confirmation.

(1)Subject to availability of permanent vacancy in the respective cadre, a member shall be placed, according to seniority on probation against the permanent vacancy for a period of two years before he is confirmed against the permanent vacancy : Provided that the period of probation may, for good and sufficient reasons, be extended by the Appointing Authority for any specific periods, not exceeding period of two years ; Provided further 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, if any, prescribed by the Government under Rule 18.(3)If confirmation of a member is delayed on account of failure to qualify for such confirmation, he shall lose his position in order of seniority vis-a-vis such of his

juniors as might be confirmed earlier than he. His seniority shall, however, be restored on his confirmation subsequently.

22. Gradation list.

- There shall be prepared and published every year a gradation list containing the name of all the members of the service cadre-wise in order of seniority and such other particulars as date of birth, date of appointment, date of confirmation, etc.

23. Pay.

- 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 posts in the cadres of the service, on the date of commencement of these rules, are as shown in Schedule I.

24. Mode of employment.

(1) Member 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 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.

25. Other conditions of service.

(1) Except as provided in those 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 order 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 function.

26. Relaxation.

- When the Government is satisfied that the operation of any of these rules 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 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.

27. Interpretation.

- If any question arises relating to the interpretation of these rules the decision of the Government shall be final.

28. Repeal and savings.

- The rules corresponding to these rules 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.

I

[Rules 4 and 23]Strength of each cadre of the service and the time scale of pay

Categories of Post	Time Scale of Pay	No. of Post		
Permanent	Temporary	Total		
(1)	(2)	(3)	(4)	(5)
	Engineering Cadre			
1. Chief Inspector of Factories	Rs.1725-60-2025-EB-70-2375	1	...	1
2. Jt. Chief Inspector of Factories	Rs.1500-60-1800-EB-60-1980-65-2175/-	2	1	3
3. Sr. Inspector of Factories	Rs. 1200-50-1450-EB-60-2050/-	...	4	4
4. Inspector of Factories	Rs.875-40-1075-EB-40-1275-EB-45-1500-50-1850	8	10	8

II

[Rule 8]Qualification and experience prescribed for direct recruitment

Sl. No.	Category of Post	Academic Qualification	Experience
(1)	(2)	(3)	(4)
1.	Inspector of Factories	Degree in any branch of Engineering or Technology Preferably Mechanical, Chemical or Electrical Engineering OR Degree in Medicine (Preferably with Diploma in Industrial Hygiene or Diploma in Public Health)	Practical experience of two years in a workshop or a manufacturing concern of good standing. Experience of at least two years in Public Hospital or a factory Medical Department.