

The Assam Boiler Service Class I, Rules, 1975

ASSAM

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Rule THE-ASSAM-BOILER-SERVICE-CLASS-I-RULES-1975 of 1975

- Published on 22 January 1977
- Commenced on 22 January 1977
- [This is the version of this document from 22 January 1977.]
- [Note: The original publication document is not available and this content could not be verified.]

The Assam Boiler Service Class I, Rules, 1975 Published vide Notification No. G.T.R. 363/63, dated the 22nd January, 1977, Published in the Assam Gazette, Part 2A, dated the 20th April, 1977 at pp. 1351- 59 Last Updated 10th February, 2020 Notification No. G.T.R. 363/63, dated the 22nd January, 1977. - In exercise of the powers conferred by the provisions of Article 309 of the Constitution of India, the Governor of Assam is pleased to make the following rules regulating the recruitment and the conditions of service of persons appointed to the Assam Boiler Class I Service :

1. Short title and commencement.

(1) These rules may be called the Assam Boiler Service Class I Rules, 1975. (2) They shall come into force at once.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject to context-(a)"Appointing Authority" means the Government of Assam ;(b)"Commission" means the Assam Public Service Commission ;(c)"Constitution" means the Constitution of India ;(d)"Government" means the Government of Assam ;(e)"Governor" means the Government of Assam ;(f)"Member of the Service" means a member of the Assam Boiler Service Class I 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 member of the same is serving for the time being;(h)"Service" means the Assam Boiler Service (Class 1); and(i)"Year" means a calendar year.Cadre

3. Service.

(1)The service shall comprise of the following categories of posts-(a)Chief Inspector of Boilers ;(b)Senior Inspector of Boilers ; and(c)Inspector of Boilers.(2)Each of the categories of posts in sub-rule (1) shall form an independent cadre. Members of the lower cadre shall have no claim for appointment to any of the higher cadre except in accordance with the provisions made in these rules.

4. Status of the service.

- The status of the members of the service shall be that of Class I Gazetted Officers.

5. Strength of the service.

(a)The strength of the service and nature of posts, permanent as well as temporary, under each category mentioned in sub-rule (1) of Rule 3 shall be determined by the Governor from time to time.(b)On the commencement of these rules the strength of the service and the nature of posts therein, permanent as well as temporary, is and shall be as shown in Schedule. I.Recruitment

6. Method of recruitment to the service.

- (a) Inspectors of Boilers Recruitment. - The post of Inspectors of Boilers shall be made through a competitive examination as prescribed under Rule 13.(b)Senior Inspector of Boilers. - Recruitment to the Cadre or Senior Inspector of Boilers shall be made by promotion from the select list prepared for the purpose under Rule 7 from amongst the members of the service who have rendered not less than 5 years of service as Inspector of Boilers on the first day of the year in which the selection for promotion is made.(c)Chief Inspector of Boilers. - Recruitment to the Chief Inspector of Boilers shall be made by promotion from the select list prepared for the purpose under Rule 7 from amongst the members of the service holding the post of Senior Inspector of Boilers who have rendered not less than 7 years of service as Senior Inspector of Boilers on the first day of the year in which selection of promotion is made.

7. Recruitment by promotion.

- For the purpose of preparing the select list mentioned in Rule 6(b) and (c) there shall be a Selection Committee consisting of the following members :Chairman : (1) Chairman, Assam Public Service Commission or where the Chairman is unable to attend, a member of A.P.S.C. nominated by him.Members : (2) Secretary to the Government of Assam in Labour Department.(3)Joint Secretary or Deputy Secretary in the Appointment Department or any other officer nominated by the Chief Secretary.Convener and Secretary of the Committee :(4)Deputy Secretary or Under Secretary in the Labour Department.

8. Preparation of selection list of candidates.

(1)The Governor shall refer the Committee, the approximate number of vacancies likely to occur during the year in each of the categories and furnish the Committee with the character rolls and other relevant records of the service of all eligible candidates.(2)The Committee shall examine the character rolls and other relevant records of service of the candidates, take into consideration the seniority and merit of the candidates and prepare lists of names in order of preference separately for recruitment under Rule 6(b) and (c).In every case when a junior member of the service in a cadre is selected in preference to his senior, in that cadre, the Committee shall record in writing the reasons for such supersession. The list shall be forwarded by the Committee to the Governor.(3)the selection shall be based on merit and suitability in all respects with due regard to seniority and the following aspects of a candidate, namely:(a)Personality and character;(b)Tact, energy and general intelligence ;(c)Integrity; and(d)Previous record of service.

9. Approval of selection list by Commission.

- The list so prepared shall be forwarded to the Commission along with the Character Roll and Service Records of all eligible candidates, the Commission shall consider the list along with other documents received and approve the list unless the Commission considers any change necessary. It shall inform the Governor of the changes proposed and after taking into consideration the comments, if any, of the Governor, the Governor shall approve the list finally with such modification, if any, as the Commission may think to be just and proper. The lists to finally approved by the Commission shall form select lists for the purpose of appointment under Rule 6(b) and (c).

10. Meeting of Selection Committee.

- The Selection Committee shall meet once a year and review select lists every year.

11.

A select list shall ordinarily be in force until it is reviewed or revised under Rule 10, provided that in the event of any great lapse in the conduct or performance of duties on the part of any candidate in the select list, the Governor may, if he thinks fit, remove any such candidate from the select list. In removing a name of the candidate from the select list, the Commission shall be consulted.

12. Temporary appointments not exceeding two months.

- Appointments shall be made from the select list in the order in which the names appear in the list ; provided that a temporary appointment for a period not exceeding two months may be made by the Governor at his own discretion.

13. Recruitment by competitive examination.

(1)A competitive examination for recruitment under Rule 6(a) 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 result of each examination, there shall be reservation in favour of candidates belonging to Scheduled Castes, Scheduled Tribes (Plains) and Scheduled Tribes (Hills) and such other persons or class of persons as may be notified by the Government from time to time.(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 for 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 recruitment year :Provided that if a sufficient number of suitable candidates is not available to fill up all the reserved vacancies including the additional vacancies, the reservation including the additional vacancies on account of the deficiency shall be carried forward up to two subsequent years or for such period as the State Government may, by a general or special order from time to time prescribe before the reservation is finally treated as lapsed.(5)The Commission shall prepare a list of all candidates who have qualified in the examination in order of merit, which shall be determined in accordance with the aggregate marks obtained by each candidate. 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 general suitability of the candidates to the service. The list shall be forwarded to the Governor and be published in the Assam Gazette.(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.

Qualification for Recruitment by Competitive Examination

14. Age.

- The candidate shall belong to the age group of 21-30 years for the posts of Inspectors of Boilers on the first day of the year of advertisement issued by the Assam Public Service Commission with relaxation in the case of candidates belonging to special categories in accordance with the general order issued from time to time by the Governor.

15. Academic qualification.

- A candidate required by competitive examination for appointment to the post of Inspector of Boilers as required under Rule 6(a) should hold a degree in Mechanical Engineering from a recognised University or any qualification declared by the Union or State Government as equivalent thereof and has received training as a practical engineer in the design , construction, operation or/and maintenance of boilers for not less than two years. The condition of practical training is subject to relaxation by Commission, if sufficient number of experienced candidates are

forthcoming.

16. 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 13 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 acquainted with him.

17. Physical fitness.

(1)A candidate should be of sound health, both mentally and physically, and 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 for appointment to the service in accordance with the rule framed under Rule 13.

18. Disqualification for appointment.

(1)No person shall be qualified for appointment to 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 the sub-rule.(3)No person who attempts to enlist support for his candidate directly or indirectly by any recommendation, either written or oral or by any other means, shall be appointed to the service.

19. Appointment to the service.

(1)All appointments shall be made by the Governor and 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 appointing authority extends the period which in all shall not exceed three months, the appointment shall be cancelled.(3)Subject to the provisions of sub-rule (3) and (6) of Rule 13, appointment under Rule 6(a) shall be made in the order the names appearing in the list prepared and forwarded by the Commission.(4)Appointment under Rule 6(b) and (c) shall be made in the order the names appearing in the list approved by the Commission under Rule 9.Probation and Confirmation

20.

(1)All persons appointed to the service against permanent vacancies except those appointed under Rule 12 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 by a period not exceeding two years :Provided further that the Governor may reduce the period of probation to one year for those who have already successfully undergone the prescribed training and passed the

Departmental Examination as prescribed for the service.(2)Every probationer except those falling under, the second proviso to sub-rule (1) above shall during the period of probation be required to undergo and successfully complete such training as the Governor may from time to time prescribe and shall appear at and pass the Departmental Examination prescribed for the service conducted by the Commission.

21. Confirmation.

(1)A probationer completing his period of probation to the satisfaction of the Governor and who has successfully undergone the prescribed training and is considered otherwise fit for confirmation by the Governor shall be confirmed in the Service :Provided that where a probationer is not given opportunity for undergoing the prescribed training during the period of probation his confirmation shall not be held up for the reason of only not successfully undergoing the said training but such a probationer shall when called upon by the Governor and when opportunity is given, undergo the said training and complete it successfully failing which he shall be liable to be removed from the service unless the Governor decides to give him further chances in relaxation of this rule.(2)Subject to the availability of permanent vacancy, a member of the service appointed under Rule 12 shall be confirmed in the cadre, if he-(a)has completed at least one year of service to the satisfaction of the Governor;(b)is otherwise considered fit for confirmation by the Governor.(3)Subject to the conditions as laid down in sub-rule (1) and (2) above confirmation shall be made on the basis of seniority as determined under Rule 26.

22. Fixation of initial pay in the time scale.

- The scales of pay admissible to members of different cadres of the service shall be as shown in Schedule II subject to revision by the Government from time to time.

23. Pay 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 rule governing the fixation of pay for the time being in force, he is entitled to have his pay fixed at a higher stage in that time scale.(2)On promotion from a lower to a higher cadre in the service initial pay of a member of the same 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.

24. Increments.

(1)The first increment of a member of the service appointed on probation in the time scale shall accrue on the expiry of one year from the date of his probation; further increments shall be admissible only on his confirmation.(2)A member of the service on confirmation shall draw pay at the rate which he would have drawn had the increments were not held up due to non-confirmation

but he shall not be entitled to any arrear of pay on account of the withholding of due increments for the period prior to the date of his confirmation: Provided that if the pay so fixed happens to be above the efficiency bar that stage should be treated as the efficiency bar : Provided also that he would not be entitled to any increments held up as a penal measure. (3) The Governor may withhold, for such time as he may direct, an increment or increments due to a member of the service who has failed to the Departmental Examination within such time as the Governor may, by general or special order prescribe, but the withholding of such increments shall have no cumulative effect. (4) A member of the service appointed against a temporary vacancy in a cadre shall be eligible to draw his usual increments in the time scale under the provisions of the Assam Fundamental Rules subject to the condition that as and when placed on probation, he shall remain at the stage of pay in the time scale where he was on the date of probation till his confirmation.

25. Crossing of efficiency bar.

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

26. Seniority.

(1) The inter se seniority of the Inspectors of Boilers appointed under Rule 6(a) shall be according to the order in which their names appeared in the appointment letter if appointed by the same letter under Rule 14(3) otherwise the date of appointments will decide the seniority. (3) The seniority of other categories of officers i.e., those appointed under Rule 6 (c) and (d) shall be determined according to the order in which their names appeared in the final select list approved under Rule 9.

27.

A member of the service possessing a degree in a Civil/Mechanical/Electrical/Telecommunication Electronic Engineering shall, if so required, be liable to serve in any Defence Service of India, for a period of not less than 4 years including the period spent on training, if any : Provided that such person-(a) shall not be required to serve as aforesaid after the expiry of 10 years from the date of appointment; (b) shall not ordinarily be required to serve as aforesaid after attaining the age of 40 years. Miscellaneous Provisions

28. Leave, pension etc.

- Except as provided in the 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.

29. Power of the Governor to dispense with or relax any rules.

- Where the Governor is satisfied that the operation of any of these rules may cause undue hardship in any particular case, it may dispense with or relax 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.

30. Interpretation.

- if any question arises relating to the interpretation of any of these rules, it shall be referred to the Government in the Labour Department whose decision thereon shall be final.

31. Repeals and savings.

- All orders made and actions taken prior to the commencement of these rules in respect of the matters embodied in these rules shall be deemed to have been validly made or taken the corresponding provisions of these rules.

I

[Rule 5 (a)]Strength of service and nature of posts both permanent and temporary

Permanent:

Chief Inspector of Boilers	... 1
Senior Inspector of Boilers	... 1
Inspector of Boilers	... 5
Total	7

II

[Rule 22]Scale of pay

Chief Inspector of Boilers	Rs. 1150-55-1315-EB-60-1675
Senior Inspector of Boilers	Rs. 700-45-925-EB-50-1425
Inspector of Boilers	Rs. 525-35-700-EB-1100-EB-1325