

The Nagaland Civil Service (Class II) Rules, 1967

NAGALAND

India

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Rule THE-NAGALAND-CIVIL-SERVICE-CLASS-II-RULES-1967 of 1967

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The Nagaland Civil Service (Class II) Rules, 1967Last Updated 15th February, 2020In exercise of the powers conferred by the proviso to Article. 309 of the Constitution of India, the Governor of Nagaland is pleased to make the following rules regulating recruitment and the conditions of service of person appointed to the Nagaland Civil Service (Class II).

1. Short title.

(1)These Rules may be called the Nagaland Civil Service (Class II) Rules, 1967.(2)They shall come into force from the date of this notification.

2. Definitions.

- In this Rules, unless there is anything repugnant in the subject or context-;(1)"Constitution" means the Constitution of India;(2)"Commission" means the Nagaland Public Service Commission;(3)"Committee" means a committee constituted in accordance with sub-rule (2) of Rule 6;(4)"Government" means the State Government of Nagaland;(5)"Governor" means the Governor of Nagaland;(6)"Member of the Service" means a member of the Nagaland Civil Service (Class II) recruited to the Service either before or after the commencement of these Rules;(7)"Recommending authority" means the Head of the Department under whose department a person is serving for the time being;(8)"Service" means the Nagaland Civil Service (Class II);(9)"Year" means a calendar year;(10)"Gazette" means Nagaland Gazette.

3. Designation.

- The members of the Nagaland Civil Service (Class II) shall be designated as Circle Officer, Block Development Officer, Election Officer, and such other designation which the Governor will decide from time to time of the posts, which shall be included in the Nagaland Civil Service (Class II).

4. Recruitment.

- Recruitment to the service after the commencement of these Rules, shall be by the following methods, namely:(1)By a competitive examination conducted by the Commission. The Government may reserve 80 per cent of the total vacancies which occur in a calendar year for direct recruitment to be filled in by candidates belonging to the Naga Tribes and those other non-Naga Communities permanently settled in Nagaland;Provided that the Government may reserve such number of those vacancies to be filled in by the candidates belonging to those Naga Tribes having minimum requisite academic qualification and which have not been represented in the service.(2)By selection in special cases from among persons serving in connection with the affairs of the Government:Provided that the number of persons recruited number Clause (2) shall not in any year exceed 10% of the total number of vacancies to be filled in a year.(3)Not more than 90 per cent of the total number of vacancies which occur in a year shall be filled in by direct recruitment in order of merit after a competitive examination and personality test.

5. Recruitment by competitive examination.

(1)A competitive examination for recruitment to the service shall be held at such intervals as the Governor, in consultation with the Commission, from time to time, may determine.(2)The examination shall be conducted by the Commission in accordance with such rules and regulations as the Governor may, from time to time, make in consultation with the Commission.(3)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, 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 to the service:Provided that in so preparing the list, the names of qualified tribal candidates shall first be shown against the vacancies reserved for them. The list shall be forwarded to the Governor and may also be published in the Gazette.(4)The inclusion of a candidate's name in the list of successful candidates published in the Gazette 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.(5)The remaining list of successful candidates so published in the Gazette, but who could not be selected due to lack of vacancies, shall remain eligible for appointment against the subsequent, vacancies for a further period of six months from the date of publication of such result.

6. Recruitment by selection.

(1)The Governor may, from time to time, for the purpose of recruitment to the service under Rule 4 (2) call upon the Recommending Authorities to submit recommendations in respect of all persons, who-(a)are of outstanding merit and ability;(b)have completed not less than five years' continuous service under the Government.(2)There shall be a Selection Committee consisting of the following, namely:(a)Chairman, Nagaland Public Service Commission or, a Member of the Nagaland Public Service Commission nominated by the Chairman-Chairman.(b)Chief Secretary to the Government-Member.(c)The Commissioner, Nagaland-Member.(d)The Development

Commissioner, Nagaland-Member.(e)Secretary/Joint Secretary to the Government of Nagaland, Home Department-Member:Provided that the Committee may, if and when it may consider necessary, require to presence of the Head of the Department or the Controlling Officer to advise the Committee pertaining to the affairs of the concerned candidate.(3)The Governor shall refer the cases of candidates recommended under sub-rule (1) of Rule 6 to the Committee. The Committee shall on initial scrutiny of the recommendations and the Character Rolls and other relevant papers, call such candidates as it may consider prima facie suitable for interview and prepare a list of selected candidates and note the remarks against each candidate and forward to the Governor:Provided that no person shall be recommended under sub-rule (1) of Rule 6 nor shall the Committee 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)tract, energy and general intelligence;(c)integrity,(d)previous record of service;and is further satisfied that-(i)he has executive ability;(ii)his services can more profitably be utilised by appointment to the service;(iii)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 he is physically fit to under-take extensive tours in outlying areas.(4)The Governor shall prepare a consolidated statement of the list as stated under Rule 6 (3) and forward die same to the Commission together with the Character Rolls and other relevant papers.(5)The Commission if it considers necessary may make any changes in the list received from the Governor, or may approve the list finally with such modification, if any, as may, in its opinion, be just and proper.(6)The list as finally approved by the Commission shall be forwarded to the Governor along with all the papers received under sub-rules (4) and (5), of Rule 6 if anyCadre

7. Strength of the service.

(1)The strength of the service and the nature of posts thereon 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; but the upper age limit will be relaxed by five years in the case of candidates belonging to the local Scheduled Tribes and local Scheduled Castes. The upper age limit is also relaxable in each case by 5 years in respect of Government servants who have put in continuous service of not less than three years under the Government of Nagaland.

9. Academic qualifications.

- A candidate shall hold a degree in Arts. Science or Commerce of the Universities (mentioned in Schedule II) recognised by the Government of Nagaland.

10. Character.

- A candidate shall produce to the Commission certificates of good character in the matter prescribed 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 Gazetted Officers/Members of Legislative Assembly/Members of Parliament (not related to the candidate) who are well acquainted with him.

11. Physical fitness.

(1)A candidate shall be of 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 under a Medical Board approved by the Government before final approval for appointment to the service in accordance with the rules framed under sub-rule (2) of Rule 5.

12. Disqualifications 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 person who attempts to enlist support for his candidature directly or indirectly by any recommendation, either written or oral, shall be appointed to the service.

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 30 days from the date of issue of the order of appointment in case of direct recruits failing which and unless the Governor extends the period, which shall not exceed two months, the appointment shall be cancelled.(3)Subject to the provisions of sub-rules (3) and (5) of Rule 5 appointment under Clause (1) of Rule 4 shall be made in the order of the names appear in the list prepared and forwarded by the Commission.(4)Appointments under Clause (2) of Rule 4 shall be made in the order the names appear in the list prepared by the Committee under Rule 6.

14. Probation.

(1)All persons recruited direct to the service 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.(2)Every probationer shall during the period of probation successfully undergo such 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-(1)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(2)if he fails to pass the Departmental Examination unless the Governor permits him to sit for re-examination in the subject or subjects in which he failed; or(3)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(4)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-(1)He has passed the Departmental Examination completely and has successfully undergone the prescribed training; and(2)He is considered otherwise fit for confirmation by the Governor;Provided that where a probationer is not given an opportunity for undergoing the prescribed training during the period of probation, his confirmation shall not be held up for reasons of not successfully undergoing such 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 be removal from service unless the Governor allows him other chances.(3)The officers appointed to the Nagaland Civil Service (Class II) before these Rules came into force shall be confirmed on crossing the first stage of the efficiency bar in their respective grades; but they will be required to appear in such prescribed departmental examinations and training before they are allowed to cross the second stage of the efficiency bar in the same grade.(4)No member of the service other than those governed by sub- Clause (3) shall be confirmed in the service unless the member successfully passes such departmental examination conducted in any of the Naga languages spoken in Nagaland and such languages approved by the Government for this purpose. A member of the service shall not be entitled to his usual increment in time scale of pay of his grade vide Rule 20 (3) if he fails to pass in the departmental examination conducted in any of the Naga languages approved for the purpose except under Rule 20 (1).

17. Seniority.

- The seniority of members of the service shall be determined according to the order of merit in the list prepared under sub-rule (3) of Rule 5 in the case of direct recruits, if the members join their appointments within 30 days from the date of issue of the order of appointment. Thereafter, the seniority shall be determined in accordance with the date of joining irrespective of merit list:Provided that in case a serving member under the Government of Nagaland is prevented from joining within the said period of 30 days by circumstances of a public nature or for reasons beyond his control, the Governor may extend it for a reasonable period of time depending on the circumstances in the interest of public service.(2)Notwithstanding anything contained in sub-rule (1), the seniority of a member of the service recruited under Clause (2) of Rule 4 who was holding a post involving duties comparable in importance and responsibilities to that of Nagaland Civil Service (Class II) prior to his appointment to the service shall be determined after taking into

consideration, the period of continuous service in completed years with a benefit of one year's seniority or every two completed years of service rendered in the past shall be counted subject to a maximum of not exceeding 3 years' seniority in the service.(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 in the same grade only. Pay, Increments ETC.

18. Time scale of pay.

(1)The time scales of pay admissible to a member of the service shall be as follows:(1)Rs. 330-25-455-(EB)-25-580-(EB)-25-730-30-880 per month.(2)Selection Grade: Rs. 890-35-960-35-1100 per month.

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 junior grade time scale unless under the Central Fundamental Rules and Central Subsidiary Rules or any other rules 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 to the selection grade time scale, the initial pay in that time-scale shall be fixed in accordance with the principles governing such fixation under the Central Fundamental Rules and Central Subsidiary Rules or any other rules for the time being in force.

20. Increments.

(1)The first increment of 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 and he shall be admissible to the second increment; but the third increment due shall be admissible only on his confirmation in the service.(2)The pay of a member of the service on confirmation shall be fixed at such stage at the rate corresponding to this time scale of pay as if he has been allowed his usual increment due; but he shall not be entitled to any arrear of pay on account of withholding of the due increment 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. Withholding of such increment will have no 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 promoted unless he has been confirmed and has served as a member of the service for a minimum period of fifteen years and the Governor is satisfied with his ability, integrity and character. Explanation. In completing the period of 15 years under this sub-rule for the period of continuous service in completed years subject to a maximum of 3 years rendered in a post involving duties comparable in importance and responsibility to that of Nagaland Civil Service (Class II) period to the appointment to the service shall be taken into account vide Rule 17

(2). (2) Appointment to selection grade shall be made by the Governor on the recommendation of the Committee.

23. 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 that 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. And that no injustice shall be done to any member of the service under this rule: 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.

24. Miscellaneous provisions.

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

25. 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.

26. 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 provisions in the Rules shall be deemed to have been made valid or taken.

I

[Rule 7(2)]

1. Ordinary grade of the service

60

This grade include those posts of Circle Officer, BlockDevelopment Officer, Election Officer and other such designationwhich the Governor shall decide from time to time of the postswwhich shall be included in the Nagaland Civil Service (Class II)

2. Selection grade of the service	6
3. Deputation reserve at 10 per cent	6
4. Leave reserve at 10 per cent	6
5. Training reserve at 10 per cent	6
Grant Total	84

II

[Rule 5]List of Universities approved by the Government of NagalandIndian UniversitiesAny University incorporated by an Act of the Central or State Legislature in India.English and Welsh UniversityThe Universities of Birmingham, Bristol, Cambridge, Durham, Leeds, Liverpool, London, Manchester, Oxford, Reading, Sheffield and Wales.Scottish UniversitiesThe Universities of Aberdeen, Edinburgh, Glasgow 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 PunjabThe Dacca University. (It is how under Bangladesh)The University of Sind.Universities of AmericaThe University of Harvard.The University of Yale.The University of Columbia.The University of Michigan.