

The Assam Civil Defence (Non-Gazetted) Services Rules, 1991

ASSAM

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Rule

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The Assam Civil Defence (Non-Gazetted) Services Rules, 1991Published vide Notification No. HMB. 665/83/81, dated 24th October, 1991Last Updated 11th February, 2020Notification No. HMB. 665/83/81, dated 24th October, 1991. - 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 the recruitment and conditions of service of the persons appointed to the Assam Civil Defence (Non-Gazetted) Service:

1. Short title and commencement.

(1)These rules shall be called the Assam Civil Defence (Non-Gazetted) Service Rules, 1991(2)They shall come into force from the date of the notification in the official Gazette.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context-(1)'Appointing Authority' means the Director of Civil Defence, Assam and Deputy Director of Civil Defence, Assam, Director of Civil Defence, Assam shall be the appointing authority for all the posts in the cadre of Civil Defence Instructor Class-I, Store Superintendent, Store Officer, Civil Defence Instructor Class-III and Deputy Store Officer; Deputy Director of Civil Defence, Assam shall be the appointing authority in case of Civil Defence Demonstrator and Wireless Operator.(2)'Board' means the Selection Board constituted for promotion and direct recruitment under Rule 13.(3)'Constitution' means the Constitution of India.(4)'Government' means the State Government of Assam.(5)'Member' means a member of the Assam Civil Defence (Non-Gazetted) Service.(6)'Select list' means the list as referred, to in Clause (d) to Rule 6 (1) and the lists finally approved by the

Board under Rule 12 (6).(7)'Service' means the Assam Civil Defence (Non-Gazetted) Service.(8)'Year' means calendar year.(9)'Commission' means the Assam Public Service Commission.

3. Class and cadre.

(1)The service shall consist of the following classes and cadres:(a)Civil Defence Instructor, Class I. The posts of-(i)Civil Defence Instructor Class I.(ii)Store Superintendent, and(iii)Store Officer are included in this cadre and incumbents of these posts shall be interchangeable.(b)Civil Defence Instructor, Class II. The posts of-(i)Civil Defence Instructor II, and(ii)Deputy Store Officer are included in this cadre and the incumbents to three posts shall be interchangeable.(c)Civil Defence Demonstrator, and(d)Civil Defence Wireless Operator.(2)The service may also include-(a)any post equivalent to a post in any of the cadre mentioned in sub-rule (1); and(b)any cadre or post laid down by Government to be included in a cadre or the service.(3)The posts equivalent to the posts in the cadres of the service and the incumbents interchangeable as on the date of commencement of these rules are mentioned in Schedule I.

4. Strength of service.

- The strength of each cadre in a class of the service shall be such as determined by the Governor from time to time. The strength of the cadres of the service on the date of commencement of these rules shall be as shown in Schedule II.

5. Method of recruitment.

- Recruitment to the service shall be made in the manner prescribed hereinafter:(1)(a)Recruitment to the cadre of Wireless Operators shall be made by direct recruitment;(b)Recruitment to the cadre of Civil Defence Demonstrators shall be made on the basis of 50% direct recruitment from the Civil Defence Volunteers and the balance 50% by promotion from the cadre of wireless operators;(c)Recruitment to the cadre of Civil Defence Instructor Class II shall be made on the basis of 50% direct recruitment and balance 50% by promotion from the cadre of Civil Defence Demonstrators;(d)Recruitment to the cadre of Civil Defence Instructor, Class I shall be made by promotion only.(2)Notwithstanding anything contained hereinbefore under sub-Rule (b) of this rule, persons appointed in equivalent posts in the Civil Defence Department before commencement of these rules shall be treated to have been encadred in Civil Defence Demonstrator.

6. Direct recruitment.

(1)District recruitment shall be made on the basis of recommendations made by the Board 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 Board together with the details about reservation for candidates belonging to Scheduled Castes, Scheduled Tribes or any other

categories laid down by the Government as provided under Rule 15 and about carry forward of such reservation.(b)The Appointing Authority shall simultaneously request the Board to recommend a list of candidates for direct recruitment in order of preference.(c)The Board shall make a selection in accordance with the scheme of selection prescribed by the Appointing Authority in consultation with the Board. The Board may hold such test or interview and undertake scrutiny of certificates and other documents as may be considered necessary.(d)The Board 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 such as may be found suitable by the Board. The Appointing Authority shall approve the list so furnished by the Board with such modification as it deem necessary after taking into consideration the views of the Board, if any, for such modification.(2)The list mentioned in Clause (d) of sub-rule (1) of this rule shall remain valid for 12 calendar months from the date of approval by the Appointing Authority.(3)In the event of the Board 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 the appointment, have been offered appointment.Qualification for direct recruitment

7. Age.

- A candidate for direct recruitment to the service shall be within the age limits of 18 years 30 years 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 Government, in accordance with the orders of the Government in force for the time being.

8. Qualification.

- The qualifications of a candidate for direct recruitment shall be as prescribed by the Governor from time to time. The qualifications and experience prescribed, as on the date of commencement of these rules, are given in Schedule III.

9. Physical fitness.

- A candidate for direct recruitment shall be-(1)of sound health, both mentally and physically and free from organic defect/infirmity likely to interfere with the efficient performance of his duties; and(2)required to undergo medical examination before appointment to the service.

10.

A candidate for direct recruitment shall produce to the Board certificates of good character from-(1)the Principal Academic Officer of the University, College or School in which he studied last; and(2)two respectable persons, who are well acquainted with (but not related to) the candidate.

11. Promotion.

(1) Subject to suitability as may be decided by the Board and passing of the cadre training course as prescribed, an officer shall be eligible for promotion in the manner provided below; (a) From Civil Defence Wireless Operator to Civil Defence Demonstrator; (b) From Civil Defence Demonstrator to Civil Defence Instructor, Class II and Deputy Store Officer; (c) From Civil Defence Instructor, Class II, and Deputy Stores Officer to Civil Defence Instructor, Class I, Stores Superintendent and Store Officer. (2) Subject to suitability, an officer shall be eligible for promotion if he possesses the qualifications and experience as set forth below: (a) For the purpose of promotion as Civil Defence Demonstrator, a Civil Wireless Operator must have completed 3 years' continuous service as such on the 1st January of the year of selection. (b) For the purpose of promotion as Civil Defence Instructor, Class II and Deputy Stores Officer a Civil Defence Demonstrator must have completed 3 years' continuous service as such on the first January of the year of selection. (c) For the purpose of promotion as Civil Defence Instructor, Class-I, Stores Superintendent and Stores Officer, a Civil Defence Instructor, Class II and/or a Deputy Store Officer must have completed 5 years' continuous service as Civil Defence Instructor, Class II and/or Deputy Stores Officer inclusive of the service rendered in an equivalent post in the service prior to his encadrement under Rule 3 (2) in Civil Defence Organisation on the first January of the year of selection.

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/selection in the next year in each cadre and from each source. (2) The Appointing Authority shall then furnish to the Board the following documents and informations with regard to as many officers in order of seniority as are eligible for promotion/appointment by selection. (a) information about the number of vacancies; (b) list of officers in order of seniority eligible for promotion (separate limits for promotion to different cadres shall be furnished indicating the cadre to which the case of promotion is to be considered; (c) character rolls and personal files of the officers listed; (d) details about reservation in case of promotion to the service and about carry forward of vacancies; (e) any other documents and informations as may be considered necessary 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 in each of the cadres in which recruitment is to be made by promotion. (4) The selection shall be made on the basis of seniority-cum-merit with due weightage to merit. (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 list recommended by the Board under sub-rule (5) of this rule shall finally be approved by the Appointing Authority with such modification as it deems necessary after taking into consideration the views of the Board, if any, for such modification and shall be modified within 15 days of approval: Provided that in the cases of promotion of the cadre of Civil Defence Instructor Class I, Store Officer and Store Superintendent the commission shall be consulted before the list is approved by the Appointing Authority. (7) The inclusion of a candidate's name in a select list shall confer no 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 select lists shall remain valid for 12 calendar months from the date of approval by the Appointing Authority.(9)The promotions/appointments shall be in accordance with the lists finally approved.

13. Selection Board.

- The Board, as referred to in Rules 11 and 12 shall consist of the following:For considering promotion and direct recruitment to the posts:I. Deputy Director of Civil Defence, Assam, Guwahati-3 - ChairmanII. Senior Staff Officer (CD) - Member-SecretaryIII. Principal, Central Training Institute. - Member

14. Disqualification.

(1)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 was married a person who has one wife living;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.(2)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.

15. Reservation.

- In all cases of appointment by direct recruitment or by promotion to the service, there shall be reservation in favour of candidates belonging to the Scheduled Castes, Scheduled Tribes (Plains) and Scheduled Tribes (Hills) in accordance with the provisions of the Assam Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1978 and the rules made thereunder. There shall also be reservation in favour of the ex-servicemen and other categories of candidates and may be determined by the Government from time to time.

16. Appointment.

(1)Subject to the provision of Rule 15 or sub-rule (2) of this rule, 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 appointing in the service.

17. Jointing time.

- A person shall join within 15 days from the date of receipt of the order of appointment or of promotion, fail in which the appointment shall be cancelled unless the Appointing Authority extends

the period, which shall not in all, 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 from time to time.

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 direct recruitment or by promotion shall be determined accordance to the order of preference in the respective list approved by the Appointing Authority under Rule 6 and Rule 12 if he joins the appointment within 14 days from the date of receipt of the order or within the extended period as mentioned in Rule 17.(2)If a member fails to join the appointment within the initial 15 days of receipt of the order or within the extended period, as mentioned in Rule 17, but joins later, his 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 same cadre in that year.(4)Notwithstanding anything contained hereinbefore in this rule, the inter se seniority of the officers encadred in the respective service under Rule 3 shall be determined on the following basis:(a)position in the respective merit list where such merit lists exit, otherwise;(b)length of continuous service in the organisation in the respective posts equivalent to those of the service;(c)all officers of the category mentioned above shall be senior to those appointed after commencement of these rules.

21. Probation and confirmation.

(1)Subject to availability of a 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 specified period, not exceeding 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 Government under Rule 18.(3)If confirmation of a member is delayed on account of his 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 names of all members of the service cadre-wise in order of seniority and such other particulars as date of birth, date of appointment 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 scales of pay of the posts in the cadres, of the service, on the date of commencement of these rules, are as shown in Schedule II.

24. Mode of employment.

(1)Members 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 to any other department of the Government, a body corporate, in the affairs of the Government, which 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 these 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 orders 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 functions.

26. Relaxation.

- Where the Government is satisfied that the operation of any of these rules causes 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 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 and 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

[Rule 3(3)]List of posts equivalent to an included post in the Cadre of the Services

Sl. No.	Name of the Cadre	Name of the posts equivalent to and included in the Cadre	Remarks
1.	Civil Defence Instructor, Class-I	1. Civil Defence Instructor, Class-I	
2.	Stores Superintendent.		
3.	Stores Officer.		
2.	Civil Defence Instructor, Class-II	1. Civil Defence Instructor, Class-II	
2.	Deputy Store Officer.		
3.	Civil Defence Demonstrator	1. Civil Defence Demonstrator.	
4.	Civil Defence Wireless Operator	1. Civil Defence Wireless Operator.	

II

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

Categories of Posts	Time Scale of Pay	Number of Posts		
Permanent	Temporary	Total		
1. Civil Defence Instructor, Class-I	2095/- to 3950/-	4	10	14
2. Store Officer	do	1	-	1

3. Store Superintendent	do	3	5	8
4. Administrative Officer	do	1	-	1
5. Civil Defence Instructor, Class-II	1375/- to 3375/-	2	8	10
6. Deputy Store Officer	Should be in the scale of CDI-II. But the scale shown in the ROP, 1990 is 1285/-to 3075/-	-	1	1
7. Civil Defence Demonstrator	1065/- to 2095/-	3	1	4
8. Civil Defence Wireless Operator	975/- to 1995/-	2	3	5
9. Radio Mechanic	1255/- to 2635/-	-	1	1
10. PBX Operator	1125/-to 2215/-	-	1	1

III

[Rule 8]Qualification and experience prescribed for direct recruitment

1. A candidate for direct recruitment to the cadre of Civil Defence Instructor, Class II shall possess the following minimum academic qualification;

(a)A Bachelor Degree in Arts, Science, Commerce of a University recognised by the Government.(b)A candidate must have the following additional qualification for direct recruitment:(i)Passed certificate of Instructor's course from National Civil Defence College, Nagpur.(ii)Passed certificate of Elementary Fire Service Training course from National Fire Service College, Nagpur.

2. A candidate for direct recruitment to the cadre of Civil Defence Demonstrator shall possess the following minimum academic qualification:

(a)H.S.L.C. or equivalent of a University or Board recognised by the Government.(b)A candidate must have the following additional qualification:(i)Passed certificate of Instructor's course from National Civil Defence College, Nagpur;(ii)Passed certificate of Elementary Fire Service Training course from National Fire Service College, Nagpur.

3. A candidate for direct recruitment to the cadre of Wireless Operator shall possess the following minimum academic qualification:

(a)H.S.L.C. or equivalent of a University or Board recognised by the Government.