

The Meghalaya Health Service, Rules, 1990

MEGHALAYA

India

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The Meghalaya Health Service, Rules, 1990Published vide Notification No. Health 109/87/21, dated the 5th December 1990Last Updated 19th February, 2020Notification No. Health 109/87/21, dated the 5th December 1990. - In exercise of the powers conferred under the provision to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rule, to regulate the appointment and other conditions of service, of persons appointed to the Meghalaya Health Service:-

1. Short title and commencement.

(1)These rules may be called the Meghalaya Health Service Rules, 1990.(2)They shall come into force on the date of their notification in the official Gazette.

2. Definitions.

- In these rules unless there is anything repugnant to the subject or context-(a)'Commission' means the Meghalaya Public Service Commission ;(b)'Committee' means the Departmental Promotion Committee constituted under rule 10 ;(c)'Central Deputy Stream' means the General Deputy Stream consisting of grades and posts as indicated under the corresponding heading in the Schedule;(d)'Common Posts' means the posts included in the Senior Grade as indicated under the corresponding heading in the Schedule;(e)'Government' means the Government of the State of Meghalaya ;(f)'Governor' means the Governor of Meghalaya ;(g)'Grade' means a grade of the service;(h)'Member' means a person appointed or deemed to have been appointed to posts in the service under these rules ;(i)'Post-Graduate Degree' means a Post-Graduate medical degree obtained after undergoing a course of two or more years of study and recognised by the Medical Council of India ;(j)'Post-Graduate Diploma' means a Post-Graduate medical diploma obtained after undergoing a course of not less than one, but less than two years of study and recognised by the Medical Council of India ;(k)'Rules' means the Meghalaya Health Service Rules, 1990 ;(l)'Schedule' means the Schedule appended to these rules ;(m)'Select List' means the List prepared by the

Committee under sub-rule (3) of rule 11;(n)'Service' means the Meghalaya Health Service ;(o)'Specialist Stream' means the Specialist Stream consisting of grades and posts as indicated under the corresponding heading in the Schedule;(p)'Stream' means the General Duty Stream or the Specialist Stream, as the case may be and ;(q)'year' means a calendar year.

3. Constitution of the service and statues of the members.

(1)There shall be constituted a service to be known as the Meghalaya Health Service consisting of the following, namely :-(a)members of the Assam Health Service who are allocated to the State of Meghalaya in accordance with the provisions of Section 64(1) of the North Eastern Areas (Re-organisation) Act, 1971 ;(b)persons appointed to different posts in the service by the Government of Meghalaya on she recommendation of the Assam Public Service Commission prior to 21st January, 1972 ;(c)persons appointed to different posts in the service on the recommendation of the Commission before the commencement of these rules ;(d)persons appointed to posts in the service in accordance with the provisions of these rules ; and(e)persons serving in connection with the affairs of other State Government or Central Government and who have been brought over on deputation to, and permanently absorbed under Government of Meghalaya, before the commencement of these rules.(2)All members of the service shall be of gazetted status.

4. composition of the Service.

(1)The service shall comprise of-(a)Common Posts ;(b)General Duty Stream ; and(c)Specialist Stream, each consisting of grades and posts as indicated in the Schedule.(2)Each of the categories of posts in different grades in the respective steam shall form an independent cadre Members of the lower cadre shall have claim for appointment to the higher cadre except in accordance with the provisions made in these rules.

5. Strength of the Service.

(1)The Strength of the service shall be such as may be determined by the Governor from time to time.(2)At the commencement of these rules, the strength of the service shall be as indicated in the Schedule.

6. Appointment to the Service.

(1)Except as provided under sub-rule (4) of rule 9, appointment to posts in the service shall be made only at the grade 111 level, by direct recruitment, conducted bi-annually by the Commission in accordance with the provisions of these rules.(2)Appointment whether by direct recruitment or by promotion shall be made by the Governor and shall be published in the Official Gazette.(3)Subject to the provision of sub-rule (4) of rule 7, appointment shall be made from time to time, in the orders of the name of the candidates appear in the list prepared by the Commission under sub-rule (2) of rule 7, or the select lists prepared by the Committee under sub-rule (3) of rule 11.(4)A person shall joint within fifteen days from the date of receipt of the order of appointment, falling which, unless

the Governor extends the period of joining, which period shall not exceed three months in all, the appointment shall be cancelled.

7. Direct recruitment at grade III level.

(1) For recruitment at grade III level (a) the minimum qualification shall be :- (i) for the post of Medical and health Officer in the General Duty stream, a bachelor's degree in medicine and surgery (MBBS), recognised by the Medical Council of India ; and (ii) for the post of Junior Specialist in the Specialist Stream and Postgraduate degree of Postgraduate diploma; and (b) the respective age limits shall not be less than twenty-three and not more than twenty-nine years on the first day of the year the advertisement is made : Provided that the upper age limit shall be relaxable by 5 years in favour of candidates belonging to the Scheduled Castes and Scheduled Tribe communities. Provided, further, that Government may, be general or special order, relax the age limits as it may deem fit from time to time. (2) Vacancies occurring in Grade III, in any of the streams in any particular year, shall be intimated by Government to the Commission for recruiting suitable persons. The Commission shall prepare a list of such candidates who have qualified in a test, in order of merit, and in accordance with their general suitability for appointment to the service, and shall forward the list so prepared to Government. (3) The inclusion of a candidates' name in the list prepared under sub-rule (2) confers no right to appointment unless the Governor is otherwise satisfied, after such enquiry as may be considered necessary, that the candidate is suitable in all respects for appointment to the service. (4) Of the number of vacancies to be filled up, there shall be reservation in favour of candidates belonging to Scheduled Castes and Scheduled Tribes to the extent and subject to the conditions as Government may from time to time prescribe.

8. Disqualification for appointment to posts in the Service.

(1) No person shall be appointed who, after such medical examination as the Government may prescribe, is not found to be good mental or bodily health and free from any physical defect or infirmity which may render him unfit in the discharge of his duties. (2) No person shall be appointed to any post in the service who has been convicted for any offence involving moral turpitude. (3) No person who has more than one spouse living shall be eligible for appointment to posts in the service : Provided that the Governor may, if he is satisfied that there are special grounds for doing so, exempt any person from the operations of this sub-rule. (4) No person who attempts to enlist support for his candidature either directly or indirectly by any recommendations either written or oral or by any other means, shall be appointed to posts in the service.

9. Promotion to Grade II and above.

(1) Appointment to any post in Grade, II of either stream shall be made by promotion from amongst the members belonging to Grade 111 of the respective stream and included in the selected list prepared under sub- rule (3) of rule 11 : Provided that in the General Duty Stream no member shall be eligible for consideration for promotion under this sub-rule unless he has completed nine years of continuous in Grade 111: Provided, further, that in the Specialist Stream no member shall be eligible for promotion under this sub-rule unless he has completed- (a) in the case of member

processing a Post Graduate Degree six years; and(b)in the case of a members possessing a Postgraduate Diploma, eight years, of continuous service in Grade III.(2)In each stream of the service promotion from Grade III to Grade II shall be functional, that is, promotion shall depend on the total qualifying length of continuous service and not on availability of posts.(3)Appointment to any post in the Grade I of each stream shall be made by promotion from amongst the members belonging to Grade II of the respective stream and included in the select list prepared under sub-rule (3) of rule 1 :Provided that in the General Duty Stream no members shall be eligible for consideration for promotion under this sub-rule unless he has completed a total eighteen years of continuous service in Grade III and Grade II taken together, of which, a minimum period of two years should be in Grade II:Provided further, that in the Specialist Stream no member shall be eligible for consideration for promotion under this sub-rule unless he has completed-(a)in the case of a member possessing a Postgraduate Degree, fifteen) years; and(b)in the case of a member possessing a Postgraduate Diploma seventeen years of continuous service in Grade III and Grade II taken together.A minimum period of two years should be in Grade II for each of these categories:Provided, further that notwithstanding anything contained in the proviso above,m for members of the service, who, on the date of Commencement of these rules have completed eighteen years of continuous service in Grades II and III taken together, the minimum required period of service in Grade II would be one year.(4)Notwithstanding anything provided (3) Government may, in exceptional cases and for good and sufficient reasons and purpose to be recorded in writing, make appointment of persons of such age and possessing such qualifications and experience as it may think fit to prescribe from time to time, to the post of Senior Specialist in the Grade I of the Specialist Stream, by direct recruitment through the Commission but the persons so appointed shall not be encadred in service.(5)No member of service, either of the General Duty Stream or of the Specialist Stream, shall be eligible for consideration for promotion under sub-rule (1) or sub-rule (3) unless he has done a minimum period of rural service in place as may be specified by the Government from time to time.(6)Appointment to the post of Director of Health Services in the Senior Grade shall be made by promotion from amongst the members holding the posts of Additional Directors of Health Service and Director of Pasteur Institute and having a minimum total period of two years of regular service in any such post or posts taken together, failing which it shall be made from amongst the members holding post of Joint Directors of Health Services, Joint Director of Pasteur Institute, Superintendents of Hospitals and State Tubercusoiss Officer having a minimum total period of four years of continuous service in any such post or posts taken together.(7)Appointment to the post of Additional Director of Health Services or Director of Pasteur Institute in senior grade shall be made by promotion from amongst the member holding the post of Joint Director of Health Services, Joint Director of pasteure Institute, Superintendent of Hospitals and State Tuberculosis Officer and having a minimum total period of three years of continuous service in any such post or posts taken together.(8)Appointment tot he post of Joint of Health Services, Joint Director of Pesteur Institute, Superintendent of Hospital or State Tuberculosis Officer in the senior grade shall be made by promotion from amongst members holding posts in Grade I of either stream and having a minimum total period of four years continuous in that Grade.

10. Departmental Promotion Committee.

(1) For the purpose of making promotions under these rules there shall be a Departmental Promotion Committee consisting of the following, namely:-(a) Chairman-(a) Chief Secretary; Member Secretary-(b) Special Secretary/Secretary in the Health and Family Welfare Department. Members-(c) Special Secretary/Secretary in the Personal Department. (d) Special Secretary/Secretary in the Finance Department and (e) Director(s) of Health Services. (2) If necessary Government may co-opt. an expert as member of the Committee.

11. Preparation of Select List.

(1) If in any year a vacancy is likely in the senior grade or Grade I of either stream, Government shall, at the beginning of the year, refer to the Committee the approximate number of such vacancies to enable the Committee to prepare select lists for promotion to those grades and shall furnish the Committee with the following documents' namely:-(a) For vacancy in the post of the Director of Health Services, Additional Director of Health Services or Director of Pasteur Institute in the senior grade, a list of members holding lower posts in that grade drawn up in order of relative seniority ;(b) for vacancy in the of Joint Director of Health Services, Joint Director of Pasteur Institute, Superintendent of Hospitals and State Tuberculosis Officer in the senior grade, a combined seniority list of members belonging to grade I of both the stream drawn up in order of their relative seniority in the respective stream ;(c) For vacancies in Grade I of each stream a list of members in the Grade II of the respective stream drawn up in the order of relative seniority. (d) The character rolls and service records of members included in the lists furnished under clause (a), (b) and (c); and (e) Any other documents or information considered necessary by the Government or by the Committee. (2) The names to be furnished under sub-rule (1) shall, as far as possible, be approximately three times the number of vacancies likely to occur. (3) The committee, after examining the character rolls, service records and other documents in respect of the members concerned, shall prepare select lists based on seniority with due regard to individual merit and suitability of the members for promotion and forward the same to Government. (4) The names of the person in the select list prepared under sub-rule (3) shall be placed in the order of preference for promotion. Where a junior member is selected in preference to his seniors the committee shall record the reasons for doing so. (5) For promotion to grade II of either stream, Government shall at the beginning of the year, refer to the committee the list of members in order of seniority in the grade III of the respective streams, who have completed the qualifying length of service as specified for the provisos to sub-rule (1) of rule 9, along with the character rolls, service records and other documents or information as may be considered by the Government or by the committee. The committee shall, after examining the character rolls, service records and other documents of the members concerned, make its recommendation to Government as to the suitability of the members for promotion to grade II of the respective streams. The names recommended for promotion under this sub-rule shall be placed in the order of preference and where a junior member is recommended in preference to his seniors, the committee shall record the reasons for doing so.

12. Validity of Select Lists.

(1)The select lists shall ordinarily be in force until it is reviewed or revised :Provided that in the event of any grave lapse in the conduct or performance of duties on the part of any person included in a select list, the Governor may if he thinks fit, remove the name of such person from the select list in consultation with the commission.(2)The committee shall meet once a year to review the select list.

13. Training.

- A member of the service may be required to undergo such training and pass such departmental examinations as may be prescribed by Government from time to time.

14. Discharge or Reversion.

- A probationer shall be liable to be discharged from the post in the service if-(a)he fails to profitable use of the opportunity given during any training or render satisfactory service to the Government; or(b)it is found on subsequent verification that he was initially not qualified for appointment to the service, or that he had furnished for appointment to the service, or that he had furnished false or incorrect information with regard to his appointment.

15. Seniority.

(1)In any grade, the inter-se seniority of the member who belonged originally to and appointed by the Government of Assam before the 21st January, 1972 and who were allocated to the State of Meghalaya in accordance with the provisions of Section 64(1) of the North Eastern Area (Re-organisation) Act, 1971 shall be as it was under the Government of Assam immediately prior to their allocation to the State of Meghalaya.(2)Notwithstanding anything contained in sub-rule (1) in any grade, the inter-se seniority of members appointed by the Government of Meghalaya on the recommendation of the Assam Public Service Commission during the period between the 2nd April, 1970 and the 20th January, 1972 (both days inclusive) vis-a-vis those appointed by the Government of Assam under the same recommendation, shall be determined according to the dates the persons first joined the posts under the Government.(3)The inter-se seniority of members appointed either by direct recruitment or by promotion on or after the 21st January, 1972 but before the commencement of these rules shall be in the order their name appear in the list prepared or approved by the commission for the purpose of such appointment or promotion, as the case may be, and such members shall be junior to the members mentioned in sub-rules (1) and (2) in their respective grades.(4)Subject to the provisions of sub-rules (1), (2) and (3) the inter-se seniority of the members appointed to different grades after the commencement of these rules shall be in the order in which their names appear in the list prepared by the commission under sub-rule (2) of rule 7 or in the select lists prepared by the Committee under sub-rule 3 or sub-rule (5) of rule 11, as the case may be.(5)In any grade, the seniority of persons brought over on deputation from the Central Government or from any other State Government and subsequently absorbed permanently under

the Government of Meghalaya, before or after the commencement of these rules shall be determined with effect from the date such persons started serving continuously as such deputations and will rank junior to the junior-most person in position in the particular grade at that particular time :Provided that the inter-se seniority of the persons brought from the Central Government or from other State Government on deputation shall, amongst themselves, be as it was under those Governments.(6)If the confirmation of any member in any grade is delayed on account of his failure to qualify for such confirmation he shall lose his seniority vis-a-vis his juniors who may have been confirmed earlier than him. His original position shall however, be restored on his subsequent confirmation.(7)The seniority of the members in each stream shall be determined separately and for those in the Specialist Stream the notional seniority as provided in sub-rule (2) of rule 20 shall be taken into account in determining their seniority from time to time.(8)With effect from the date of commencement of these rules the inter-se seniority of the existing members in any grade of the Streams shall be determined in the order of their relative seniority as it stood immediately before the commencement.Explanation. - 'existing members' mean members who have been appointed before the commencement of these rules and who are encadred in the Specialist Stream or the General Duty Stream, as the case may be, under the provisions of these rules.

16. Probation.

- A member appointed on or before the commencement of these rules 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 for any further period not exceeding two years:Provided, further, that in the case of any member appointed before the commencement of these rules any period during which he has been continuously officiating in a post falling in the same grade may be counted towards the period of probation.

17. Confirmation.

(1)Confirmation of a member of the service appointed by promotion shall be made according to his seniority in the respective cadre subject to the following conditions.-(a)that he has served not less than one year in the post in which he is to be confirmed.(b)that his performance is satisfactory (to be judged on the basis of annual Confidential Reports and other relevant records).(c)that there is no departmental proceeding/Vigilance enquiry against him.(d)Subject to availability of vacancy and that no officer holds a lien on it.(2)Confirmation of a probationer shall be made according to his seniority in that particular cadre subject to the following conditions-(a)that he has completed the period of probation to the satisfaction of the Appointing Authority.(b)that he is considered otherwise fit for confirmation by the Appointing Authority,(c)subject to availability of vacancy.Provided that where a person is not given opportunity to undergo the prescribed training during the period of probation, his confirmation shall not be held up for reasons of not successfully undergoing the said training but such person shall when called upon by the Appointing Authority and opportunity given, successfully undergo the said training, failing which he shall be liable to removal from Service unless the Appointing Authority allow him other chance:Provided further that, the Appointing Authority, may, for good and sufficient reasons, exempt a member of the Service from passing any one or more of the prescribed Training and confirm him in the respective cadre of

the Service.

18. Gradation List.

- These shall be prepared and published every year in respect of each stream a Gradation List consisting variety names of all members drawn up in the order of seniority and containing particulars relating to date of birth, of appointment to the service and such other details as may be relevant to the service career of the member.

19. Time scale of pay.

- The time scale of pay admissible to the members shall be as shown in the Schedule subject to revision by Government from time to time. Members of the service acquiring additional qualifications while continuing in services would be entitled to advance increments as indicated below:- (b) MBBS Degree Holders acquiring Postgraduate Diploma 3 increments. (b) MBBS. Degree Holders acquiring postgraduate Degree 3 increments. (c) Postgraduate Diploma Holders acquiring postgraduate Degree 2 increments in addition to (a) above. (d) Postgraduate Holders acquiring D.M/ equivalent-3 increments in addition to (b) above.

20. Allocation and Movements between to streams of the Service.

(1) All members appointed before the commencement of these rules, shall within three months of their commencement exercise an option for allocation to the corresponding grade of either the Specialist Stream or the General Duty Stream, failing which they shall be deemed to have opted for the General Duty Stream, Option once exercised shall be final: Provided that no member not Possessing Postgraduate Degree or Postgraduate Diploma at the commencement of these rules be eligible to opt for the Specialist Stream under sub-rule (1). (2) After the commencement of these rules a member of the General Duty Stream, on obtaining a postgraduate degree or Postgraduate Degree diploma may make an option within a period of one year from the date of obtaining such a Degree of Diploma as the case may be, for allocation to the Specialist Stream. The inter-se seniority of the member so encadred shall below the junior most member of the Specialist Stream of corresponding year of appointment to the service. (3) Notwithstanding anything contained in these rules, a member of the Specialist Stream may discharge the duties and function attached to a post in the corresponding grade of the General Duty Stream.

21. Others conditions of Service.

- Except as provided in these rules, all matters relating to pay and allowances, increments, leave, pension discipline and other conditions of service shall be governed by the general rules and orders made by the Government from time to time.

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

- The Governor, if he is satisfied that the operation of any of the provisions of these rules causes undue hardship in any particular case or cases, or result in any particular post or posts being left unfilled for want of persons possessing the qualifications as specified under these rules, may dispense with or relax the requirement of any of these rules, to such extent and subject to such conditions as he may consider necessary, for dealing with the case in a just and equitable manner or for meeting the exigencies in public interest: Provided that the case of any person shall not be dealt with in any manner less favourable to him than that provided under these rules.

23. Interpretation.

- If any question arises relating to the interpretation of these rules, the decision of the Government in the Health and Family Welfare Department, with the approval of the Personnel and A.R., Department, shall be final.

24. Repeal and Savings.

- The Meghalaya Health Service Rules, 1982, the orders or notifications corresponding to and in force immediately before the commencement of these rules are hereby repealed : Provided that all orders made or actions taken under the rules, orders or notifications so repealed shall be deemed to have been validly made or taken under the corresponding provisions of these rules. The Schedule Composition and strength of the Service (Rule 4, 5 and 17)

Composition	Strength	Pay Scale
(A) COMMON POSTS		
Senior Grade		
1. Director of Health Service	3	(Rs. 4,200-150-4,950-EB-170-5,800).
2. Additional Director of Health Services	1	(Rs. 3,900-150-4,650-EB-160-5,450).
3. Director of Pasteur Institute.	1	do.
*4. (a) Joint Directors of Health Services.	3	(Rs. 3,500-125-4,000-EB-135-4,540-140-5,100).
(b) Joint Director of Pasteur Institute.	1	do.
(c) Superintendents of Hospitals.	2	do.
(d) State Tuberculosis Officer	1	do.
1/12		
(B) GENERAL DUTY STREAM		
Grade I		
1. Deputy Director of Health Services	3	(Rs. 3,000-120-3,720-EB-130-4,240-EB-140-4,800).

2.	District Medical and Health Officer-cum-Civil Surgeons.	5	do.
3.	All District Medical and Health Officers.	5	do.
4.	Principal, Regional Health and Family Welfare Training Centre.	1	do.
*5.	Superintendents/ Additional Superintendents of Hospitals.	5	do
*6.	State Leprosy Officer	1	do.
		1/20	