

The 4th January 1979

ASSAM RULE II OF 1979

No I(E)55/75/109.—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 to and the conditions of service of the persons appointed to the Assam Subordinate Engineering (Irrigation Department) Service :—

1. **Title and commencement**—These rules shall be called the Assam Subordinate Engineering (Irrigation Department) Service Rules, 1978.

(2) They shall take effect from the date of this notification.

(3) These rules shall be applicable to all the persons appointed to the service either before or after the promulgation of these rules.

2. **Definition**.—In these rules, unless there is anything repugnant in the subject or context :—

(a) 'Appointing Authority' means the Chief Engineer Irrigation Department, Assam.

(b) 'Board' means the Selection Board constituted under rule 13 ;

(c) 'Constitution' means the Constitution of India.

(d) 'Government' means the Government of Assam ;

(e) 'Governor' means the Governor of Assam ;

(f) 'Member' means a member of the Assam Subordinate Engineering (Irrigation Department) Service.

(g) 'Select list' means the list as referred to in sub-rule 2 (e) (f) of rule 6 and under Sub-rule 5 of rule 12 ;

(h) 'Service' means the Assam Subordinate Engineering (Irrigation Department) Service ; and

(i) 'Year' means a calendar year.

3. **Cadre, Branch and Status**.—(1) The Service shall consist of the following cadres :—

(i) Foreman X

(ii) Subordinate Engineer Grade I. (JE)

(iii) Overseer Grade II. (Subordinate Engr Grd. I)

(iv) Draftsman Grade II. (Subordinate Engr Gr II)

(v) Draftsman Grade III. X

(v) Divisional Mechanic. X

(2) There exist the following additional cadres to which no further recruitment shall be made :—

(i) Overseer Grade III.

(ii) Computer Grade II.

(3) The service may also include :

(a) any post equivalent to a post in any of the cadres mentioned in sub-rule (1); and

(b) any cadre or post subsequently laid down by Government to be included in a cadre or the service.

(4) The Cadres of Subordinate Engineer Grade I, Overseer Grade II, Draftsman Grade II and Draftsman Grade III may have distinct Branches, namely, Civil, Mechanical and Electrical and each such branch shall be considered to constitute separate cadre.

(5) The status of the members shall be non-gazetted in Class III. Government Service.

4. **Strength.**—The Strength of each cadre in the service shall be such as determined by the Governor from time to time. Strength of the cadres of the Service on the date of commencement of these rules shall be as shown in Schedule 1 :

Provide 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—

(a) by direct recruitment on the basis of competitive examination in accordance with rule 6; and

(b) by promotion in accordance with rules 11 and 12.

6. **Direct Recruitment.**—(1) Direct recruitment in the service shall be in the cadre of Subordinate Engineer Grade I, Draftsman Grade II, Draftsman Grade III and Divisional Mechanic and it shall be subject to the provisions of sub-rule (2) of rule 11.

(2) Direct recruitment shall be made by the Appointing Authority on the basis of selection 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 up by direct recruitment during the next year in each cadre and shall intimate the same to

(v) From Draftsman Grade III to Draftsman Grade II in the respective branches.

(vi) From untrained Section Assistant to Overseer Grade III after completion of 18 years of service.

(2) The percentage of vacancies in a cadre occurring in a year to be filled up by promotion shall be as provided herein below:—

(i) In the cadre of Foreman ... 100 Per cent.

(ii) In the cadre of Subordinate Engineer Grade I in a branch. 10 Per cent.

(iii) In the cadre of Overseer Grade II (Civil). 100 Per cent from Trained Section Assistant/Overseer Grade III.

(iv) In the cadre of Overseer Grade II (Mechanical). 25 Per cent by promotion from confirmed or regular Divisional Mechanics in the Mechanical Branch.

(v) In the cadre of Draftsman Grade II. 25 Per cent.

(vi) In the cadre of Overseer Grade III. 100 Per cent on promotion from untrained Section Assistant.

(3) For promotion to a cadre of the service from a Lower cadre or from another service, a member of the service shall be eligible if he has—

(a) rendered minimum 8 years continuous service in the corresponding lower cadre from which the promotion is to be made; and

(b) Successfully undergone the training and has passed the departmental examination as prescribed by the Government from time to time.

(4) Any shortfall of the reservations made under subrule (2) of this rule due to non-availability of adequate number of suitable candidates in a particular year shall be carried forward to subsequent year (s).

12. **General procedure for promotion.**—(1) Before the end of each year the Appointing Authority shall make an assessment of the likely number of vacancies to be filled up by promotion in the next year in each cadre.

(2) The Appointing Authority shall then furnish to the Selection Board the following documents and information with regard to as many officers in order of seniority as 4 times the number of vacancies as assessed under sub-rule (1).

- (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) 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 and about carry forward of vacancies as provided under subrule 4 of Rule 11 ; and
- (e) any other documents and information 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 order of preference, in respect of promotion to each of the cadres in which recruitment is to be made by promotion.

(4) The selection will be made on the basis of merit-cum-seniority.

(5) The Selection Board, after examination of the documents and information furnished by the Appointing Authority shall recommend to the Appointing Authority a select list of officers about double the probable number of vacancies in order of preference, found suitable for promotion.

(6) The Appointing Authority shall consider the select list prepared by the Board along with character rolls and personal files of the employees and approve the list unless it considers any change 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, in his opinion, be just and proper.

(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 months from the date of final approval by the Appointing Authority.

(9) The promotions shall be in accordance with the lists finally approved by the Appointing Authority.

the Board together with the details about reservation for candidates belonging to Scheduled Castes, Scheduled Tribes or any other category laid down by Government as provided under Rule 15 and about carry forward of such reservation ;

(b) The Appointing Authority shall then invite applications through advertisement in accordance with the general instructions in force ;

(c) On receipt of applications in response to the advertisement, the Appointing Authority shall prepare a statement of the candidates in respect of each cadre and forward it to the Board together with the following documents and informations :—

(i) Copies of advertisement ;

(ii) Original applications ;

(iii) information about the probable number of vacancies assessed under clause (a) of this sub-rule ;

(iv) details about reservation for candidates belonging to Scheduled Castes, Scheduled Tribes or any other category as laid down by Government as provided under rule 15 and about carry forward of such reservation ; and

(v) any other information as may be considered necessary by the Appointing Authority or as may be required by the Board

(d) The Appointing Authority shall simultaneously request the Board to recommend a list of candidates for direct recruitment, in order of preference, in respect of each cadre.

(e) The Board shall make the selection in accordance with the scheme of selection prescribed by the Government.

(f) The Board shall furnish the Appointing Authority with a list of candidates recommended by it in order of preference, found suitable for direct recruitment separately for each cadre. The number of candidates in such a list may be approximately double the number of vacancies.

(g) The Appointing Authority shall publish the list as such places as it may consider proper.

(3) The list mentioned in clauses (f) and (g) of sub-rule (2) of this rule shall remain valid for 12 calendar months from the date of recommendation.

(4) In the event of the Board being unable to recommend sufficient number of candidates to fill up the vacancies in a cadre in a particular year, it shall, in consultation with the Appointing Authority repeat the procedure as mentioned herein before under sub-rule (2) 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 select list until all the candidates of the earlier list of the same year eligible for appointment have been offered the appointment.

QUALIFICATIONS FOR DIRECT RECRUITMENT

7. **Age.**—A candidate shall not be less than 18 years and more than 30 years of age on the First January of the year of recruitment, with relaxation in case of candidates belonging to special categories like Scheduled Castes, Scheduled Tribes or any other category as laid down by Government in accordance with the general orders of the Government in force.

8. **Academic Qualification.**—The academic qualifications of a candidate for direct recruitment shall be as prescribed in Schedule II.

9. **Physical fitness**—A candidate for direct recruitment shall be.—

(1) 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

(2) required to undergo medical examination before appointment to the service.

10. **Character.**—A candidate for direct recruitment shall produce to the Appointing Authority certificates of good character from:—

(a) the principal Academic Officer of the institution in which he studied last, and

(b) two respectable persons, who are well acquainted with (but not related to) the candidate.

11. **Appointment on Promotion.**—(1) Subject to suitability as may be decided by the Board and by the Appointing Authority as set forth in Rule 12 and also Subject to possessing such qualification as may be prescribed by the Government from time to time, a member shall be eligible for promotion to the corresponding higher cadre in the manner hereinafter provided:—

(i) From Subordinate Engineer Grade I (Mechanical) to Foreman.

(ii) From Overseer Grade II Draftsman Gr. II to Subordinate Engineer Grade I in the respective branches.

(iii) From Trained Section Assistant/Overseer Grade III to Overseer Grade II (Civil) after completion of 18 years of service of which at least 10 years of service as trained Section Assistant.

(iv) From Divisional Mechanics to Overseer Grade II (Mechanical)

13. **Constitution of Selection Board.**—The selection boards as referred to in Rules 6, 11 and 12 shall consist of the following:—

- (i) Chief Engineer, Irrigation Chairman.
- (ii) Deputy Chief Engineer,
Irrigation Member-Secretary.
- (iii) Deputy Secretary,
Irrigation Department Member.

14. **Disqualification.**—(1) No person shall be eligible for appointment to or promotion or confirmation in service—

- (a) Unless he is a citizen of India;
- (b) If he has more than one wife living or in case of a female candidate who has 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 the case of direct recruitment to the Service, there shall be reservation in favour of candidates belonging to Scheduled Castes, Scheduled Tribes and any other category as determined by Government from time to time in accordance with general orders of the Government in force.

16. **Appointment by direct recruitment.**—(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 (f) and (g) of sub-rule (2) of rule 6.

Enquiry before appointment.—(2) The inclusion of a candidates name in the list mentioned in clause (f) of sub-rule (?) 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 not, in all exceed three months.

18. **Training.**—A member of the service may be required to under go such training and pass such departmental examination as 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 ;

(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 according to the order of merit in the respective list mentioned under sub-rule (5) of rule 12 and sub-rule (1) of rule 16, if he joins the appointment within 15 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 against a vacancy occurring in a year shall be senior to a member appointed by direct recruitment of that year.

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 a 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 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

him. His seniority shall, however, be restored on his confirmation subsequently.

22. **Gradation list**—There shall be prepared and published every year a gradation list consisting of 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 appointment 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 I.

24. **Mode of Employment**—(1) Members of the Service shall be employed in such manner as the Appointing Authority may decide, subject to the condition that a member belonging to a particular branch of the cadre shall be employed within the same branch.

(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, a 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**—Except as provided in these rules all matters relating to pay 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.

26. **Relaxation**—Where the Governor is satisfied that the operation of any of these rules causes undue hardship in any particular case, he may 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.

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.

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 there to shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

SCHEDULE-I

(Rules 4 and 23)

Sanctioned Strength and Scales of Pay—

Sl. No.	Category of Post	Scales of pay (Rs.)	Number of posts		Total
			Permanent	Temporary	
(1)	(2)	(3)	(4)	(5)	(6)
1	Foreman	350—15—425—EB—20—625—EB—25—750	1	..	1
2	(a) Sub-Engineer (Civil)	350—15—425—EB—20—625—EB—25—750	105	628	733
	(b) Sub-Engineer (Mechl)	350—15—425—EB—20—625—EB—25—750	6	49	55
	(c) Sub-Engineer (Elect)	350—15—425—EB—20—625—EB—5—750	..	22	22
3	(a) Overseer Grade II (Civil)	300—12—360—EB—14—500—EB—15—575	15	..	..
	(b) Overseer Grade II (Mech)	300—12—360—EB—14—560—EB—15—575	..	..	..
	(c) Overseer Grade II (Elect)	300—12—360—EB—14—500—EB—15—575	..	..	..
4	(a) Draftsman Grade II (Civil)	300—12—360—EB—14—500—EB—15—575	9	56	65
	(b) Draftsman Grade II (Mech)	300—12—360—EB—14—500—EB—15—575	..	7	7
	(c) Draftsman Grade II (Elect)	300—12—360—EB—14—500—EB—15—575	..	..	..
5	Computer Grade II	300—12—360—EB—14—500—EB—15—575	..	..	..
6	(a) Draftsman Grade III (Civil)	260—7—295—EB—8—375—EB—10—425	..	..	..
	(b) Draftsman Grade III (Mech)	260—7—295—EB—8—375—EB—10—425	..	..	..
	(c) Draftsman Grade III (Elect)	260—7—295—EB—8—375—EB—10—425	..	..	..
7	Overseer Grade III (Civil)	260—7—295—EB—8—375—EB—10—425	10	..	10
8	Divisional Mechanic	260—7—295—EB—8—375—EB—10—425	..	..	..
9	Section Asstt. (T. S. A.)	260—7—265—EB—8—375—EB—10—425	81	..	81

SCHEDULE—II

(Rule : 8)

Academic qualification for direct recruitment

1. For the post of Subordinate Engineer Grade I :—

For the post of Subordinate Engineer (Civil/Machanical/Electrical) a candidate must have passed the 3 years diploma course in the respective branch of engineering from an institution recognised by Government,

2. For the post of Draftsman Grade II :—

Redesignated as Sub-Engr. I.

Certificate of Draftsmanship in the respective trade (Civil/Mechl./Elect. as the case may be) or pass two years course of three years Diploma Course in respective trade from a recognised I. T. I./Polytechnics/Engineering Institute.

3. For the post of Overseer Grade II Mech/Elect.—

Candidate must have passed the 2 years certificate course or the 2nd yr. of the 3 years Diploma course in the respective branch of Engineering recognised by the Government of Assam.

4. For the post of Divisional Mechanic—

Under-Matric (reading upto Class-x) and having one year Certificate course in Motor Mechanics/Atomobile Engineering from a recognised I. T. I. and with a minimum three years practical experience as Mechanic in any Government/Semi Government Organisation or in any reputed private firms of 10 years standing.

Note :—'Institution' referred to above means the institutions recognised by the Government of Assam.

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