

B

1. Bungalow Peon.

J. O.M. No. FEB.
104/835, dated
16/12/83.

Sub :- Creation of post of Bungalow peon for officers of the rank of Joint Secretary and above in the Assam Secretariat and Directors of Heads of Departments.

The Governor of Assam is after due consideration, pleased to decide that officers of the rank of Joint Secretary and above in the Assam Secretariat and Directors of Heads of Department are to be entitled to one Bungalow peon each for discharging duties like attending telephone calls, receiving and delivering dak, etc. in the residence of the officer concerned.

The peon shall be entitled to a consolidated salary of Rs. 450/- (Rupees four hundred fifty) only per month (all inclusive). He may be entertained by the officer for the period for which he remains in such office from the actual date of entertainment and when the officer vacates that office, the services of the Peon so engaged shall stand terminated. The officer

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entertaining the Peon may either appoint a person of his choice or take a regular peon from the Office/Secretariat in which the officer is working. The Peon selected by the officer should generally conform to the qualifications laid down for such posts. Such Bungalow Peons who have completed more than five years of continuous services may be considered for absorption in the regular cadre of Grade IV of the concerned office. The Bungalow Peon should be borne outside the regular cadre of peons and the expenditure on this account will be debitable to the detailed head "2. Wages" in the concerned Major/Minor/Sub-head of account.

While Personnel S. A. (E) Department has already issued necessary sanction for creation of posts of Bungalow Peon for officers of the rank of Joint Secretary and above in the Assam Secretariat, other Administrative Departments are hereby vested with the power for creation of post of one Bungalow Peon for each of the officers of the rank of Director of Heads of Department for the above purpose and subject to necessary budget provision being available.

The terms and conditions under which the appointment is to be made as detailed above should be strictly adhered to.

2. OM. No. ABP.
113/90/2, dated
29/01/91

Sub :- Preference to be given in regular appointments to Bungalow Peons who have completed more than five years of service.

Detailed instructions have already been outlined by the finance Department in their OM. No. FEB. 108/83/5 Dated 16/12/83 (see above) for creation of the post of Bungalow Peon of officers of the rank of Joint Secretary and above in the Assam Secretariat and Directors of Heads of Department.

The Administrative Departments and Heads of Department are hereby advised that the Bungalow peons so appointed for the officers mentioned above who have completed more than five years of service and applied for regular appointment may be given a preferential treatment at the time of regular recruitment to the Grade IV post in their respective offices, after being satisfied on the eligibility of the candidate as per terms and conditions laid down in the aforesaid O. M.

2. Bodo agitation.

1. OM. No. ABP.
103/93/7, dated
13/12/93

Sub :- Review of disciplinary cases arising out of the Bodo Agitation.

In view of the Bodo Accord signed between the leaders of the Bodo agitation and the State Government on 20th February, 1993 it has been decided to review the

cases of the Government employees who were suspended, dismissed, removed during the Bodo agitation sympathetically and to ensure that there is no victimisation. Accordingly, the following guidelines are laid down for guidance of all authorities for dealing with the cases of employees in this regard.

(1) Treatment of period of absence :

The period of absence of the State Government employees including retired employees on account of Bodo agitation shall be treated as on duty for all purposes inclusive of pay and allowances, leave, increment, pension, eligibility for promotion etc.

(2) Suspension cases :

All suspension orders against the employees involved in cases including criminal cases not of heinous nature relating to the Bodo agitation shall be revoked and the employees concerned, if there be any, even now, reinstated within 7 days from the date of issue of this communication.

(3) Departmental Proceeding cases :

1. All departmental proceedings including those for indulging in acts of criminal nature which are pending for want of substantial evidence in support thereof shall be dropped forthwith and the period of suspension, if any, treated as on duty for all purposes inclusive of pay and allowance, leave, increment, pension, eligibility for promotion etc.

2. All departmental proceedings including those initiated for indulging in acts of criminal nature which have already been disposed of with penalty will be treated as dropped and the period of suspension, if any, be treated as on duty for all purposes inclusive of pay and allowances, leave, pension, increment, eligibility for promotion etc.

(4) Cases of discharge, dismissed, remove termination from service :

All employees who have been discharged, dismissed, removed, compulsorily retired as a penalty and whose services were terminated will be reinstated to the post they would have held had they not been discharged, dismissed, removed compulsorily retired or their services were not terminated but for involvement in the agitation. The period of discharge, dismissal, removal compulsory retirement and termination may be treated as on duty for all purposes inclusive of pay and allowance, leave, increment, pension, eligibility for promotion etc. Supernumerary posts may be created to accommodate the person appointed in the posts falling vacant due to discharge, dismissed, removed, compulsory retirement and termination of Government employees.

(5) Promotion :

An employee falling under any of the categories mentioned in paras (1) to (4) above, will be treated as promoted to the post that they would have been promoted to had they not been charged for unauthorised absence, suspended, discharged, removed compulsorily, retired from service or their services terminated whatever the case may be.

(6) Motivated Transfer :

After review of cases of transfer of employees made during the agitation if the Administrative Departments are convinced of any motivated transfer, the same may be cancelled and the person concerned will be re-transferred to his earlier place of posting.

(7) Retired Employees:

The cases of retired employees falling under paras (1) to (5) above, will be treated in accordance with the above decision. All such cases will be disposed of within 15 days from the date of issue of these instructions.

(8) Public Sector Undertakings:

The cases of employees including retired employees of the State Government Undertakings, Public Sector Undertakings, Companies, Corporations and other bodies like Mahikuma Parishads, Municipalities, Town Committees, Panchayats, Boards etc. are to be treated on the same line as in the case of State Government employees as stated above.

3. Bodoland Autonomous Council Act, 1993.

I. OM. No.
TAD/BAC/1993/pt.
I, dated 08/06/93

Sub :- Delegation of executive powers to the Bodoland Autonomous Council.

Consequent upon enforcement of the Bodoland Autonomous Council Act, 1993 with effect from 19. 05. 1993 vide Notification No. PLA. 219/92/pt. /155 dated 08/06/1993 issued by Home and Political Department the General Council shall have executive powers within the area of its jurisdiction relating to the subjects as detailed at Annexure- 'A' as per Section 24 of the aforesaid Act. with effect from 10. 05. 1993.

Annexure -A

LIST OF MATTERS UNDER THE CONTROL AND ADMINISTRATION OF THE GENERAL COUNCIL (SECTION 24)

- | | |
|-------------------------|--------------------------|
| 1. Cottage Industries | 20. Weights and Measures |
| 2. Animal Husbandry and | 21. Library Services. |

Veterinary.	
3. Forests	22. Museums and Archaeology
4. Agriculture	23. Urban Development-Town and Country Planning.
5. P. W. D.	24. Tribal Research Institute.
6. Sericulture.	25. College Education (General)
7. Education.	26. Land, Land Revenue and Revenue.
(a) Adult Education.	
(b) Primary Education	
(c) Up to Higher Secondary including vocational training	
8. Cultural Affairs.	27. Publicity/ Public Relation.
9. Soil Conservation.	28. Printing and Stationery.
10. Co-operation	29. Tourism.
11. Fisheries.	30. Transport.
12. Panchayat and Rural Development.	31. Any other matter connected with development.
13. Handlooms and Textile.	32. Municipal Corporation, Improvement Trust, District. Boards and other local self Government or village administration.
	33. Tribal Welfare.
14. Health and Family Welfare	34. Markets and Fairs.
15. Public Health Engineering.	35. Lottery, Theatres, Dramatics Performance and Cinemas.
16. Irrigation	36. Vital Statistics including registration of Births and Deaths.
17. Social Welfare.	37. Food and Civil Supplies.
18. Flood Control schemes for protection of villages (not of highly technical nature)	

19. Sports and Youth Welfare

38. Intoxicating liquors, opium & derivatives etc.

**2 OM No. ABP.
144/93/5, dated
24/12/1993.**

Sub :- Placing services of officers for posting under the Bodoland Autonomous Council.

The General Council of the Bodoland Autonomous Council has been delegated with executive powers within the area of its jurisdiction relating to 38 subjects as shown in OM No. TAD/BAC/1/93/Pt. I dated 08/06/93 (See above). The areas within the Bodoland Autonomous Council in the State of Assam has been notified under Notification No. TAD/BAC/26/93/18 dated 10/12/93.

The concerned Administrative Departments shall place the services of the individual Officers of the rank of Class-II and above at the disposal of W. P. T. & B. C. Department, being the Administrative Department of Bodoland Autonomous Council, for posting in turn in the Council Area with due regard to the views of the General Council about the Officers so posted, as required under Section 45(1) of the Bodoland Autonomous Council Act, 1993.

On being so posted the services of these Officers shall be deemed to have been placed at the disposal of Bodoland Autonomous Council as provided under Section 45(2) of the Bodoland Autonomous Council Act, 1993.

**3. OM No. ABP.
144/93/9, dated
10/01/1994**

Sub :- Delegation of power to recruit Class-III and Class-IV employees to the Bodoland Autonomous Council.

The areas within the Bodoland Autonomous Council in the State of Assam have been notified under Notification No. TAD/BAC/26/93/18 dated 10/12/93 and the General Council of the Bodoland Autonomous Council has been delegated with executive powers within its area relating to 38 subjects as per Section 24 of the Bodoland Autonomous Council Act, 1993.

The Bodoland Autonomous Council has been delegated with the power to recruit the Class-III and IV employees relating to the above mentioned 30 subjects and falling under the Bodoland Autonomous Council Area under Section 25(iii) of the Bodoland Autonomous Council Act, 1993.

It is, therefore, clarified that henceforth no recruitment in respect of Class-III and IV posts as mentioned above should be made by the concerned Departments.

4. O.M. No. ABP.
144/93/8, dated
10/01/94

Sub:- Placement of Officers at the disposal of W. P. T. & B. C. Department for posting in the Bodoland Autonomous Council Area.

For the purpose of placing the Services of the Officers of the rank of Class-II and above at the disposal of W. P. T. & B. C. Department for posting in turn in the Bodoland Autonomous Council Area, necessary instructions have been issued vide this Department O. M. No. ABP. 144/93/5 dated 24/12/93.

The concerned Administrative Departments are, therefore, requested to ensure that the placement of the services of all officers now working in the Bodoland Autonomous Council Area partially at the disposal of W. P. T. & B. C. /Bodoland Autonomous Council is completed within 15th January, 1994.

4. Bungalow - To be kept for successor.

1. Para 256 of
Executive Manual.

Sub :- Rent of residential accommodation - co-ordination with successor.

When an officer is leaving a station in which he owns the house he occupies, he should, in the first instance, endeavour to come to an arrangement with his successor, and only in the event of his failing to make such an arrangement should he dispose of it to an outsider. Similarly, when the outgoing officer rents a house, he should endeavour to secure the lease of the house for his successors, and should if possible not let his departure be known, until his successor has an opportunity of arranging for a residence, so that outsiders on the spot may not have a better chance than the incoming official.

C

1. Conduct - Communications with and publication in the press and other media by Government servants.

*I. O.M No. AAI.
11/76/207, dated
11/04/94*

Sub :- Restriction on publication of Articles by AIS officers in Journals etc. owned by Political Parties.

It has been observed that some officers belonging to the All India Services under the Government of Assam have requested for permission to publish articles in souvenir and journals etc. owned and published by political parties.

The Government of Assam, in consultation with the Government of India, have decided that any such articles written by any All India Service Officer cannot be permitted to be published in any such souvenir and journals etc. published by any political party.

This will come into force with immediate effect.

2. No. AAP.
87/48/11, dated
20/04/1949

Sub :- Power of Heads of Departments to grant permission for broadcasting on All India Radio.

Heads of Offices may permit officers subordinate to them to broadcast in the All India Radio and accept honorarium for the same, provided the Heads of Offices take the responsibility of perusing in advance the proposed broadcast speech or song to ensure that it does not contain any form of criticism of Government and their policy or contravenes the Government Servants' Conduct Rules. Heads of Offices will, in their own case, obtain permission from the Heads of their Departments and the latter from Government in the Administrative Department.

3. NO. AAP.
198/58/17, dated
02/04/1962

Sub :- Publication of literary articles or broadcasts on All India Radio permitted.

Reference Rule 14 of the Assam Government Servants' Conduct Rules, 1937, Government servants are now not required to obtain Government's sanction to broadcast on All India Radio or publish articles in the press if such broadcasts or article are of purely literary character. In such cases, the onus of ensuring that the broadcasts are of such character rests on the Government servants concerned. In cases in which no sanction is required for such broadcasts or articles, no permission of the competent authority is necessary for the purpose of acceptance of honorarium under F. R. 46(b) by the Government servant. In cases where sanction to broadcast or to publish articles is necessary, such sanction, if given, should be taken to carry with it also the sanction to receive honorarium Orders contained in this circular will also apply to the All India Services Officers serving in connection with affairs of this State.

4. ABP. 52/92/48,
dated 20/06/95

Sub :- Prior sanction of Government required for broadcasting on T.V. etc. or publishing articles.

It has been noticed that a good number of State Government employees are engaged in or are indulging in giving statements in or information to Newspapers in matters pertaining to their conditions of service and other matters of State without obtaining prior permission from the State Government through their superior authorities in contravention of the provisions of the Assam Civil Services (Conduct) Rules, 1965. In this connection, the attention of the State Government employees is invited to Rule 16 of the Assam Civil Services (Conduct) Rules, 1965 as quoted below :

"(1) No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.

(2) No Government servant shall, except with the previous sanction of the Government or the prescribed authority, or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person to any newspaper or periodical :

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely, literary, artistic or scientific character."

These provisions prohibit the participation of a State Government employee in the Radio broadcast or giving statements in the newspaper without obtaining prior approval or permission from the State Government through his superior authorities. Similar provisions obtain the corresponding Rules for the members of the All India Services.

It is, therefore, reiterated that no State Government servant shall participate in a TV/Radio broadcast or give any statement in the news paper or publish any article in any News paper or periodicals without first obtaining the prior approval of the State Government and any violation of the provisions of the Conduct Rules will be viewed seriously.

All controlling authorities are requested to bring the contents of this O.M. to the notice of all State Government officials and to take appropriate disciplinary action ;if such acts of indiscipline come to their notice.

S. O. M. NO. ABP.
52/92/12, dated
14/07/94

Sub :- Criticism of Government policies/action of Central and State Governments - Prohibition of.

The Government views with serious concern recent instances of certain Government servants associating with or encouraging open criticisms of Government policies, decisions and actions and communicating official information including passing on of official documents to unauthorised persons for use in such criticisms or in any way other than necessary in the performances of official business and in contravention of the Government Servants' Conduct Rules.

It is reiterated that no Government servant shall, except in accordance with any general or special order of the Government or in the performances in good faith, of the duties assigned to him, communicate, directly or indirectly, any official documents or any part thereof or of information to any Government servant or any other person to whom he is not authorised to communicate such documents or information as has been provided under Rule 15 of the

Assam Civil Services (Conduct) Rules, 1965 and Rule 9 of All India Services (Conduct) Rules, 1968.

No Government servant shall, in any radio broadcast or in any documents or in any communication to the press or in any public utterance, whether published in his own name or in the name of any other person(s), anonymously or pseudonymously, make any statement of fact :-

- (i) which has the effect of an adverse criticism of any current or recent policies or action of the Central Government or a State Government;
- (ii) which is capable of embarrassing the relation between the Central Government and the Government of any State; or
- (iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State;

Provided that nothing as mentioned above shall apply to any statement made or views expressed by a Government servant in his official capacity or in due performance of the duties assigned to him as provided under Rule 7 of the Assam Civil Services (Conduct) Rules, 1965 and Rule 7 of the All India Services (Conduct) Rules, 1968.

It is further reiterated that no Government servant shall indulge in such act in contravention of the provisions of the Rules mentioned above and that any Government servant indulging in such act in contravention of the provisions of the Rules mentioned above shall be dealt with seriously.

6. No. AAP.
110/49, dated
14/05/1951

Sub :- Restrictions on criticism of Government action or policies.

Open criticism of Government actions or policy by Government servants in a public place or otherwise cannot be tolerated merely on the ground that such criticism is not made through the medium of the press or platform.

7 No. AAP.
312/81/1, dated
07/09/1981

Sub :- Issue of press statement by Government servants criticising the Government.

It has come to the notice of the Government that sometimes Government servants in their individual capacity or as office bearers of an Association make statements to the Press criticising the policy and action of the Government. Such action is a clear violation of the provisions of Rules 7 and 16 of the Assam Civil Services (Conduct) Rules, 1965.

A watch over such activities by Government servants may be kept and in appropriate cases departmental proceeding against the delinquent Government servants may be forthwith initiated under the provisions of Assam Services (Discipline and Appeal) Rules, 1964 for violation of Civil Services (Conduct) Rules, 1965.

While granting recognition to an Association, it should be emphasised that the recognition of the Association, is liable to be withdrawn if the Association fails to abide by the provisions of Rule 23 of the Assam Civil Services (Conduct) Rules, 1965. It has been clearly laid down in Rule 23(5)(ii) that the Association shall not except with the previous sanction of the State Government publish any representation on behalf of its members in the Press or otherwise. Whenever instances of such violation by a recognised service Association is noticed the matter may be brought to the notice of the Personnel (B) Department with all connected papers so that the question of withdrawal of recognition can be considered by the Government.

Note :The Rule 23 of the Assam Civil Services (Conduct) Rules, 1965 has since been deleted and replaced by O.M. No.ABP.157/86/139, dated 19/09/91.

2. Conduct - Bringing extraneous influence in service matters

I. No. ABP.
41/62/2, dated
25/04/62.

Sub :- Consolidated instructions on submission of representations on service matters.

1. 1. The following revised instructions are issued for general information and guidance :-
1. 2. Whenever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior or the Head of his office, or such other authority at the lowest level, as is competent to deal with the matter. An appeal or representation to a higher authority must not be made unless the appropriate lower authority has already rejected the claim or refused relief or ignored or unduly delayed the disposal of the case. Representations to still higher authorities (e. g. those addressed to the Governor, the Government or to the Ministers) must not be made unless all means of securing attention or redress from lower authorities have been exhausted; even in such cases the representation must be submitted through the proper channel (i. e. the head of Office, etc. concerned). There will be no objection at that stage, but only at that state to an advance copy of the representation being sent direct.
1. 3 The treatment by the higher authorities of advance copies of representations so received should be governed by the following general principles :-

(a) If the advance copy does not clearly show that all means of securing attention or redress from lower authorities have been duly tried and exhausted, the representation should be ignored or rejected summarily on that ground, the reasons being communicated briefly to the Government servants. If the Government servant persists in thus prematurely addressing the higher authorities suitable disciplinary action should be taken against him.

(b) If the advance copy shows clearly that all appropriate lower authorities have been duly addressed and exhausted, it should be examined to ascertain whether on the facts, as stated, grounds for interference or for further consideration appear, prima face to exist. Where no such grounds appear, the representation may be ignored or summarily rejected, the reasons being communicated briefly to the Government servant.

(c) Where some grounds for interference or further consideration appear to exist, the appropriate lower authority should be asked, within a reasonable time to forward the original representation, with its report and comments on the point urged. There is ordinarily no justification for the passing of any orders on any representation without thus ascertaining the comments of the appropriate lower authority.

1. 4. Some Government servants are in the habit of sending copies of their representations also to outside authorities, i. e. authorities who are not directly concerned with the consideration thereof (e. g. other Ministers, Secretary, Member of Parliament, etc.). This is a most objectionable practice, contrary to official propriety and subversive of good discipline and all Government servants are expected scrupulously to eschew it.

2. O.M. No. ABP.
91/84/1, dated
03/12/84.

Sub :- Representation by Government servants to Ministers on service matters - Violation of Conduct Rules.

It has been repeatedly emphasised that Government servants should desist from bringing outside influence to bear upon any superior authority to further their interest in matters pertaining to their conditions of service. But it has been noticed of late that a good number of Government servants have made representations in violation of standing instructions issued from time to time. Government have reviewed the position, and the following consolidated instruction in supersession of all previous instructions in this regard are issued for guidance :-

1. Whenever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior or the Head of his office, or such other authority at the lowest level, as is competent to deal with the matter. The competent authority should consider such representation promptly and issue orders thereon expeditiously. An appeal or

representation to a higher authority must not be made unless the appropriate lower authority has already rejected the claim or refused relief or ignored or unduly delayed the disposal of the case. Representations to still higher authorities (e. g. those addressed to the Governor, the Government or to the Minister) must not be made unless all means of securing attention or redress from lower authorities have been exhausted ; even in such cases the representation must be submitted through the proper channel (i. e. the Head of Office, etc. concerned). There will be no objection at that stage, but only at that stage to an advance copy of the representation being sent direct.

The treatment by the higher authorities of advance copies of representations so received should be governed by the following general principles :-

- (a) If the advance copy does not clearly show that all means of securing attention or redress from lower authorities have been duly tried and exhausted, the representation should be rejected summarily on that ground, the reasons being communicated briefly to the Government servants. If the Government servant persists in prematurely addressing the higher authorities suitable disciplinary action should be taken against him.
 - (b) If the advance copy shows clearly that all appropriate lower authorities have been duly addressed and exhausted, it should be examined to ascertain whether on the facts, as stated, grounds for interference or for further consideration appear, *prima facie*, to exist. Where no such grounds appear, the representation may be summarily rejected, the reasons being communicated briefly to the Government servant.
 - (c) Where some grounds for interference or further consideration appear to exist, the appropriate lower authority should be asked, within a reasonable time to forward the original representation, with its report and comments on the point urged. There is ordinarily no justification for the passing of any orders on any representation without thus ascertaining the comments of the appropriate lower authority.
2. Some Government servants are in the habit of sending copies of their representations also to outside authorities, i. e. authorities who are not directly concerned with the consideration thereof (e. g. Minister, Secretary, Member of Parliament, M. L. A. etc.). This is a most objectionable practice, contrary to official propriety and subversive of good discipline and all Government servants are expected scrupulously to eschew it.
 3. Relatives of a Government servant some time make representations concerning service matters affecting the Government servant. This is done in some cases in the hope of reviving a representation which the Government servant had himself made and which had been turned down. In some cases, this procedure is resorted to in order to get round the requirements that the Government servant should submit his representation through his official superiors.

The practice is obviously undesirable and should be strongly discouraged. No notice should be taken of such representation. The only exception may be cases in which because of the death or physical disability etc. of the Government servant, it is impossible for the Government servant himself to submit a representation.

4. The claim of a Government servant that he himself did not ask an M. P. or M. L. A. or any other person to intercede on his behalf will not be accepted and there will be presumption of officers involvement in the matter unless the contrary is proved by him. Government servants are cautioned that an adverse entry will be recorded in their A.C.R. if Government/controlling officers feel that an M. P. M.L.A. or any other outside person has approached Government on his behalf and such entry will act as an adverse factor for the purpose of promotion, confirmation, crossing of E. B. etc.

5. Wide publicity should be given to this Office Memorandum by circulating it in all offices and a Register should be maintained in each office wherein signatures of all Government servants should be taken and kept updated as a token of having seen and understood these instructions.

3 O.M. No. ABP.
91/84/13, dated
10/12/84

Sub :- Representations by Government servants to Ministers on service matters - violation of Conduct Rules.

It has come to the notice of the Government that many officers and employees write directly to the Ministers and even the Chief Minister in matters relating to transfer, seniority, promotion and other conditions of service. This practice of directly addressing representation to the authorities who are not the immediate superior authority or not concerned with the matters represented is against all norms of discipline and is a violation of the Government Servants' Conduct Rules.

All controlling authorities are requested to initiate appropriate disciplinary action if such acts of indiscipline come to their notice.

In this connection the procedure regarding submission of representation in matters relating to conditions of service as laid down in the O.M.No.ABP.91/84/1 Dated 03/12/84 may be kept in view.

4. O.M. No. ABP.
91/84/43, dated
24/03/87

Sub :- *Reiteration of instructions for Government servants to desist from representing to authorities who are not their immediate superior.*

It has come to the notice of the Government that many Officers and employees write directly to the Ministers and even to the Chief Minister in matters relating to transfer, seniority, promotion and other conditions of services and obtain their orders thereon. It has been repeatedly emphasised that Government servants should desist from such a practice. The practice of directly addressing representation to the authorities who are not the immediate superior authority or not concerned with the matters represented is against all norms of discipline and is a violation of the Government Servants' conduct Rules.

In this connection the guidelines and instructions issued earlier vide Government O.M.No.ABP.91/84/1 Dated 03/12/84, O.M.No.ABP. 91/84/13 Dated 10/12/84 may strictly be adhered to.

It is requested that wide publicity be given to these instructions by displaying them prominently in each office and acknowledgement of the officers and staff in the offices be taken in token of having understood the instructions.

5. No. ABP.
102/89/73, dated
15/12/92

Sub :- *Representations by ACS officers on service matters - Violation of procedures.*

I am directed to refer to Government in Personnel (B) Department's Office Memorandum No.ABP.91/84/1, dated 03/12/1984 and No. ABP.66/92/73, dated 15/06/1992 on the above subject and to say that inspite of clear instructions issued by the Government a good number of ACS officers have made representations in violation of Standing instructions. It is also observed that many ACS officers after receipt of the transfer order are not proceeding to join their new places of posting and instead approached verbally or write directly to the Ministers, and other political personalities and even to the Chief Minister and try to get their transfer orders cancelled/stayed. This practice on the part of ACS officers who are in the premier service of the State, addressing representation to the authorities who are not immediately superior or not concerned with the matters is against all norms of discipline and in violation of the provisions of Assam Civil Services (Conduct) Rules, 1965. Some very junior ACS officers of the rank of Extra Assistant Commissioner are submitting representations direct to the Secretary, Personnel Department or Chief Secretary in connection with his/her service matters bypassing their Controlling Authority in violation of the instruction of the Government and of the provisions of the Assam Civil Services (Conduct) Rules. Government have taken a serious view on the matter.

It is also seen that the wife, father, mother and other relatives of the ACS Officers sometimes submit representations concerning service matters of the particular ACS Officer to the Ministers and even to the Chief Minister and other political personalities with a hope of reviving a representation which the officer had himself made and which had been turned down. This practice is obviously undesirable and should be strongly discouraged.

The claim of officer that he himself did not ask favour of a Minister or M. P. or M. L. A. or any other person to intercede on his behalf will not be accepted and there will be presumption of the officers involvement in the matter unless the contrary is proved by him.

Whenever, in any matter connected with his service right or conditions, an officer wishes to prefer a claim or to seek redress of grievances, the proper course for him is to address his immediate official superior or head of his office, or such authority at the lowest level as is competent to deal with the matter.

Whenever a representation / request written or verbal, asking for the cancellation of transfer or for the posting of a particular officer is received in violation of the circulars, it will be presumed that the official affected by it has, in fact, prompted such political personalities / outsiders to make such request, it will invite disciplinary action against such officials.

In view of the above, you are, therefore, requested to bring it to the notice of all ACS officers to strictly follow the Government instructions. It may be made clear to them that in case of any violation of the Government instructions, disciplinary action will be initiated against them. They may also be instructed suitably to proceed to join their new places of posting after receipt of the transfer orders on availing minimum joining time.

6. No. ABP.
52/92/47 dated
28/06/95

Sub :- Representations to be made only to immediate superiors and not to Ministers/MLAs.

It has come to notice of the Government that despite specific instructions directing the State Government employees not to approach directly or circuitously the Ministers, M.L.As. and others to bring outside influence to bear upon the competent authorities to further their personal interest in matters pertaining to transfer, seniority, promotion or other conditions of service, some of the Government employees are still indulging or involved in writing representation, letters etc. pertaining to service matters directly to the Ministers or other superior authorities bypassing the due official channel.

It is, therefore, reiterated hereby that this unauthorised practice of addressing representations by the Government employees directly to any higher authority who is not his immediate superior or not concerned with the matters represented, is against all norms and rules of discipline and is also violative of the provisions of the Assam Civil Services (Conduct) Rules, 1965 as well as the All India Services (Conduct) Rules, 1956, as the case may be. In

this connection, the attention of all Government employees are invited to the State Government's O.M. No. ABP. 91/84/1 dated 03/12/84 regarding submission of representation in matters relating to conditions of service and subsequent O.M. Nos. ABP. 91/84/13 dated 10/12/84 and No. ABP. 91/84/45 dated 24/03/87.

All controlling authorities are, therefore, once again requested to bring the contents of these O.M. to the notice of all State Government employees exhorting them that lapses in this regard would not be viewed by the Government with equanimity. They must also take appropriate disciplinary action if such acts of indiscipline come to their notice.

Receipt of this O.M. should be acknowledged.

3. Conduct - Political activities by Government servants.

**1. O.M. No. AAP.
76/87/13, dated
14/08/87**

Sub :- Violation of Rule 18(1) of Conduct Rules by employees joining political parties.

Government have received reports that some State Government employees have joined Political parties and have become their office bearers like Advisers, Joint Secretaries, etc. in violation of the Rules 18(1) of the Assam Civil Services (Conduct) Rules, 1965. Government have taken a serious view of this act of indiscipline.

All concerned appointing authorities are, therefore, requested to initiate forthwith disciplinary proceedings against such erring employees for violation of the provision of Assam Civil Services (Conduct) Rules, 1965.

The above instruction is also applicable to the employees of the State Public Sector Undertakings where service conduct Rules prohibit joining political parties.

**2. No. ABP.
271/57/2, dated
11/12/57**

Sub :- Bar on employees' participation in the elections to Municipal or other bodies.

No Government servant should be granted permission to contest elections to Municipal or other local bodies.

**3. No. ABP.
271/57/8, dated
21/01/60**

Sub :- Restriction on employees' contesting elections to Panchayats.

No Government servant should be permitted to contest elections to bodies

like Panchayat also. There should, however, be no bar to Government servants seeking election to Managing Committees of schools, clubs and other cultural and social institutions.

4. No. ABP.
145/60, dated
10/10/1960

Sub:- Restrictions on participation in political meetings, processions, etc.

Attendance at any meetings or participating in any processions or directly or indirectly involving themselves in matters which have a political significance will lead to disciplinary action against the Government servant concerned.

5. No. AAP.
77/65/Pt. 1/10,
dated 28/10/65

Sub:- Conduct of Government servants - Participation in function organised by communal parties

All Government servants should keep themselves aloof from participating in any function organised by communal parties.

6. No. ABP.
154/81/6, dated
04/09/1981

Sub:- Conduct of Government servants - Participation in function organised by communal parties

1. Attention of all concerned is invited to sub rule (1) of rule 18 of the Assam Civil Services (Conduct) Rules, 1965 which provides that "no Government Servant shall be a member of, or be otherwise associated with any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, assist in any other manner, any political movement or activity."

2. In the context of the current situation in the country, the need to ensure a secular out-look on the part of Government servants has become all the more important. The need to eradicate communal feelings and communal bias also cannot be over emphasised.

3 As certain doubts have been raised about Government policy with respect to the membership of and participation in the activities of the Rashtriya Swayam Sewak Sangh and the Jammata-e-Islami by Government servants, it is clarified that Government have always held the activities of these two organisations to be of such a nature that participation in them by Government servants would attract the provisions of sub-rule (1) of rule 18 of the Assam Civil Services (Conduct) Rules, 1965. Any Government servant, who is a member of or is otherwise associated with the aforesaid organisations or with their activities is liable to disciplinary action.

4 No notice will be taken by Government and its officers, local bodies, state-aided institutions of petitions or representations on communal basis and no patronage whatsoever will be extended to any communal organisation.

5 All Departments of the Government, Heads of the Departments etc. are, therefore, requested to specially bring to the notice of all Government servants, working in or under them the above quoted provisions in para 1 and in subsequent paras on the subject. It is emphasised that any disregard of these instruction should be considered as a serious act of indiscipline and suitable action initiated against the erring employees.

All Commissioners and Secretaries to the Government are requested to issue similar instructions covering the employees of the public undertakings of the state Government

4. Conduct - Rule 12 of Assam Civil Service (Conduct) Rules.

I. O.M. No. ABP.
23/86/15, dated
23/09/86

Sub :- Use of influence to procure business for family members - violation of Rule 12 of Conduct Rules.

Government have viewed with concern that the Assam Civil Services (Conduct) Rules 1965 and the instructions laid down in Government O.M.No.ABP. 283/83/6 Dated 17/04/84 are not being strictly followed by Government employees. It has been noticed of late that some Government employees run insurance agencies in the name of their family members or their relatives and exercise their influence to procure business in violation of Rule 12 of the Assam Civil Services (Conduct) Rule 1965.

Government desire that no Government servant contravenes any provision of the Assam Civil Services (Conduct) Rules, 1965 by indulging in activities as aforesaid which Government consider unbecoming of a Government servant. It is accordingly conveyed that appropriate action against the officers and employees at fault should be taken by the authorities concerned.

This instruction may be brought to the notice of all concerned including the employees of Public Sector Undertaking of Government of Assam.

5. Conduct - Consumption of alcoholic beverages.

I. U. O. No. ABP.
61/94/1, dated
26/04/94

Sub :- Consumption of Alcoholic beverages drugs in public - violation of Rule 9 of Conduct Rules.

It has come to the notice of Government that some Government Officials have made it a habit of taking intoxicating drinks and drugs even in public and in office hours. Such vicious habits of the officers and staff create not only untoward incidents but also unwarranted situation affecting performance of official duty bringing disrepute to the Government.

It is, therefore, impressed upon all concerned to avoid such vicious habits which are unbecoming on the part of a Government servant. In this connection, attention is drawn to rule 20 of the All India Services (Conduct) Rules, 1968 and rule 9 of the Assam Civil Services (Conduct) Rules, 1965. Violation of the provisions of the above mentioned rules will be seriously viewed and disciplinary action will be taken against such Government officials as per existing rules and procedures.

2. No. AAP.
7763/Pt. 1/28,
dated 28/12/66

Sub :- Ban on drinking liquor in areas under prohibition without valid permit.

No Government servant should indulge in drinking liquor in areas where prohibition has been enforced without always possessing valid permits. Conduct of the Government servant contrary to these instructions is extremely deplorable as it belittles the dignity and prestige of the Government and also constitutes violation of the provisions of the Assam Civil Services (Conduct) Rules, 1965.

6. Conduct - Participation in public functions.

1. No. AAP.
58/37/22, dated
15/07/58

Sub :- Naming of roads, buildings, parks etc. after public servants - inconsistent with role of detached impartiality/violation of Conduct Rules.

It would not only be against the spirit of Rule 11 of the Government Servants' Conduct Rules for Government servants to accept invitations to declare public buildings, etc. open or to lay the foundation stones of new buildings or to allow roads, bridges, buildings, parks or public institutions such as hospitals, schools or colleges to be named after them but would also be inappropriate and inconsistent with the role of detached impartiality legitimately expected of Government servants and that it would generally have an unwholesome effect. While it is possible that there may be occasions when Government servants may have to participate in such functions which have cultural and sociological significance, especially in remote areas, they should, as far as possible refrain from associating themselves with such functions. In case where they are in doubt they should take the prior permission of their superior officers.

Note : The revised corresponding rule is 6 as against rule 11 quoted.

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7. Conduct, Participation in proselytising activities.

Sub: Participating/organising conversions from one religion to another by Government servant - tantamount to discriminatory behaviour.

1. The Constitution of India is based on the principle of a secular State and expressly prohibits any discrimination in favour of or against any person or classes of persons on religious grounds. It follows that, though servants of the State are entitled in their private lives freely to profess, practise or propagate any religion, they should so conduct themselves in public as to leave no room for an impression to arise that they are likely in their official dealings to favour persons belonging to any particular religion. Such an impression is bound to arise in respect of a Government servant who participates in bringing about or organising conversions from one religion to another and such conduct would be even more reprehensible if, in the process, he makes use directly or indirectly, of his official position or influence.

2. As such cases are not likely to be very frequent, it has been decided that no specific provision need be added to the existing conduct rules.

8. Conduct, Observance of courtesy in dealing with M. Ps.

I. G. O. L. No. P. 25/29/56-Estt(A), dated 28/08/1957.
2. No. AAP 226/58/14, dated 16/01/1959.

Sub: Giving due regard/courtesy to MPs/MLAs.

Due courtesy and regard to the representatives of the people are desirable in the larger interests of the country. The Members of Parliament have important functions to perform under the Constitution and it should be the endeavour of every officer to help them to the extent possible in the discharge of their functions. In cases, however, when officers are unable to accede to the request or suggestion of Members of Parliament, the reason for the officers' inability to do so should be courteously explained to them. For purposes of interview, Members of Parliament should be given preference over other visitors, and in the very rare cases where an officer is unable to see a Member of Parliament at a time about which he had no previous notice, the position should be politely explained to the Member and another appointment fixed in consultation with him. The same courtesy and regard should be shown to Members of Legislatures attending public functions where, in particular, seats befitting their position should be reserved for them.

3. No. G. O. I. No.
250/56-Ests (A),
dated 27/03/1968

4. No. PARL
246/106, dated
02/02/1969

Sub :- Need to give timely notice to MPs to attending meetings.

In continuation of letter No. F. 25/29/56-Ests(A), Dated 25th August 1957, where any meeting convened by Government is to be attended by Members of Parliament, special care should be taken to see that notice is given to them in good time regarding the date, time, venue, etc. of the meeting; and it should be ensured that there is no slip in any matter of detail, however minor it may be.

5. U. O. NO.
PARL 3782/110,
dated 17/06/1993

Sub:- Summary of points on procedure for dealings between officials and M.Ps./M.L.As.

The instructions contained in the Government of India's Office Memorandum below may please be followed strictly in letter and spirit and all concerned may be instructed accordingly.

6. G.O.I. No.
11013/292-Estt.
(A), dated
27/05/1993

Sub :- Procedure for dealing with M.Ps./M.L.As.

The undersigned is directed to refer to this Department. OM of even number Dated 21. 12. 92 on the subject mentioned above and to say that for facility of a summary of points clear understanding as contained in the said guidelines is given below :-

- (i) Courtesy and consideration should be shown to Members of Parliament and State Legislatures. While considering carefully what they have to say, Government servants should act according to their own best judgement strictly adhering to the Rules.
- (ii) Officers must provide help to the extent possible to the Members of Parliament and State Legislatures in the discharge of their important functions under the Constitution. If unable to accede to the request of a Member, reasons to be courteously explained.
- (iii) Any deviation from an appointment made with a Member must be promptly explained to him to avoid any possible inconvenience. Fresh appointment should be fixed in consultation with him.
- (iv) An officer should be meticulously correct and courteous and rise to receive and see off a Member visiting him.
- (v) Members of Parliament/State Legislatures of the area to be invariably invited to a public function organised by a Government Office. Proper and comfortable seating arrangements

at public functions made for M. Ps who appear above officers of the rank of Secretaries to Government of India in Warrant of Precedence.

(vi) Letters from M. Ps. and Members of State Legislatures must be promptly acknowledged, and a reply sent at an appropriate level expeditiously. Relevant provisions in the Manual of Office Procedure should be observed.

(vii) Information or statistics relating to matters of local importance must be furnished to M. Ps and M. L. As when asked for. If request is to be refused, instructions from higher authority should be taken.

(viii) A Government servant should not approach MPs/MLAs for sponsoring his individual case; and

(ix) References from Committees of Parliament must be attended to promptly. A senior officer at the level of Joint Secretary or equivalent should be charged with the responsibility for ensuring this.

Ministries/ Departments are again requested to ensure that these instructions are followed by all concerned in letter and spirit.

9. Conduct - Participation in auction.

*I. No. AAP,
115/58/5, dated
23/02/1959*

Sub :- Restriction on participation in auction conducted by some department where an official works.

Any Government servant bidding at auctions arranged by their Department would be regarded as indulging in conduct unbecoming a Government servant within the meaning of the Government Servants' Conduct Rules.

10. Conduct - Collection of subscription by Government servants.

*I. No. C
453/58/11, dated
03/08/1959*

Sub :- Ban on collecting subscription etc. by Government servants.

Collections of subscriptions by Government servants or acceptance by them of any gift, gratuity, reward, etc. directly or indirectly and on their own behalf or on behalf of any other person as well as permitting any member of the family of the Government servant to accept such gift, gratuity or reward from any person who is not related to him are highly objectionable and are in direct contravention of the provision in the Assam

Government Servants' Conduct Rules. Similarly, issuing of certificates by Government officers which may help Government servants in collecting financial help, etc. is also equally objectionable from the administrative point of view. The above practice should therefore be stopped forthwith and the provision in the Assam Government Servants' Conduct Rules should be followed by all concerned.

2. Memo. No.
AAP. 54/68/3,
dated 29/04/1968

Sub :- Ban on raising funds by Government employees.

No Government servants should be allowed to raise any funds, subscription, contribution, etc. from the public however laudable the object might be, without the permission of the Government.

11. Conduct - Unbiased discharge of duties

1. No. PLA.
459/60/1, dated
23/08/1960

Sub:- Officers to be fair, impartial and just in the discharge of their duties.

To ensure orderly life of the community and enable every citizen to enjoy security of life and property, it is absolutely essential that the guardians of law and order viz. the Magistracy and Police, should be strictly impartial, fair and just and carry out their duties for the maintenance of law and order, without being in any way swayed by political, racial, communal or other extraneous considerations. Not only in their official conduct, but even in their private behaviour and conversation, they should set an example of rectitude and discipline and loyalty to the State they serve.

12. Conduct - Prosecution of higher studies.

1. No. AAP.
128/59/34, dated
08/08/1962

Sub :- Prior permission of appointing authority required for prosecuting higher studies.

No Government servant while in service should be allowed to join or attend any educational institutions for the purpose of preparing himself or should be allowed to appear at any examination without obtaining previous permission from the Appointing Authority.

Normally, no one should be allowed to continue studies beyond the Degree course. Persons doing executive work should not normally be given permission to prosecute studies.

Moreover, where giving permission means leaving a big gap in the working strength of the office, permission may be refused by the Appointing Authority at his discretion.

13. Conduct - Association with a University.

*I. No. ABP.
116/62/106, dated
14/09/64*

Sub :- Restriction on being on the executive or non-executive body of a University.

No Government servant during the tenure of his office should be allowed to associate with any executive or non-executive body of a University. No Government servant should be appointed as Vice Chancellor since both the assignments, his Government post and the post of vice-chancellor, are whole-time and should not be held concurrently by one person. There is no bar to a Government servant being selected for appointment as vice-chancellor provided he resigns from his service before taking up his new assignment.

14. Conduct - Attendance in the meeting of the Advisory Councils for SC/ST/BC.

*I. No. AAM.
11/64/4, dated
24/03/1964*

Sub :- Requirement to attend meetings of advisory councils for SC/ST.

The rules of the Advisory Councils relating to matters connected with the Welfare of the Scheduled Caste, Scheduled Tribe and Backward Classes provide that any officer of the State other than ex-officio members whose presence is considered necessary by the Chairman for consideration of any matter before the Council shall attend a meeting of the Council as and when required to do so. Officers concerned are to attend such meetings of the Advisory Councils whenever they are called upon to do so.

15. Conduct - Acceptance of free passage/hospitality.

*I. G.O.I. 's No.F.
25/34/64-Ests(A),
dated 25/05/1965*

Sub :- Acceptance of participation in inaugural flights free of cost - procedure for.

The Air India and the Indian Airlines Corporation sometimes extend invitations to Government servants and members of their families to participate, free of cost, in their inaugural flights. Similar invitations may also be received by Government servants and members of their families from foreign air transport companies operating through India.

Such invitations amount to 'gifts', vide Explanation below rule 18(1) of the Central Civil Services (Conduct) Rules, 1964 and acceptance of such gifts will attract the provisions of rule 13(4) *ibid*.

2. It is, therefore, necessary to regulate the acceptance of the gifts referred to above, so as to ensure that these favours do not place the Government servants, exercising a measure of discretion on behalf of Government, in a position where their impartial judgement would be affected, or would seem to be so affected to an outside observer. The Administrative Ministries/ Departments should keep this in view while considering requests of individual officers to permit them or the members of their families to accept invitations for free inaugural flights offered by the Air India, the Indian Airlines Corporation or foreign airlines. The Ministry of Civil Aviation should be consulted in all cases before granting or withholding permission.

3. Cases of officers of the All India Services serving under the Government of India should be referred to the All India Services Division of the Ministry of Home Affairs who will decide each individual case in consultation with the Ministry of Civil Aviation.

2. No. AAP.
77/65/pt. II/12,
dated 18/12/1965

Sub :- Procedure for availing invitation for inaugural flights.

The State Government have decided to fall in line with the Government of India in this matter and all such cases should be referred to Appointment (A) Department for a decision.

3. G. O. I's No. F.
25/4/67-Ests(A),
dated 03/04/1967

Sub:-Acceptance of passage and hospitality from foreign contracting firms - Restrictions on.

4. No. AAP.
77/66/60, dated
13/06/67

The explanation below rule 13(k) of the Central Civil Service (Conduct) Rules, 1964, provides that "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the Government servant. Note II below the said rule further provides that a Government servant shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organisations, etc. In the circumstances, it has been decided that officers should neither accept, nor be permitted to accept offers of the cost of passage to foreign countries and hospitality by way of free board and lodging there, if such offers are made by foreign firms contracting with Government either directly or through their agents/representatives in India. The only exception to this will be in respect of facilities for training abroad offered by foreign firms

(who obtain reimbursement from the foreign Government concerned) as part of aid programmes.

16 Conduct - Cash awards/gifts/rewards for Armed Force Personnel.

*I.G. O. P's No.
28(17)/65/D(AG.
I), dated
17/12/1965*

*2. No. ABP.
20/59/229, dated
20/01/1966*

Sub :- Policy restricting giving of awards, rewards, gifts to Armed Forces Personnel.

Reference No. 5873-EW-65, Dated 22nd September 1965 the policy of the Government of India is that no person subject to the Army, Navy or Air Force Act shall directly or indirectly accept any gift, gratuity or reward in respect of any act performed in his official capacity without the consent of the Government of India. The question whether the cheques received by the State Government from some person in the State in the names of certain Army and Air Force Officers, should be passed on to the officers concerned, has been considered by the Government of India. All officers and men of the Defence forces who participated in the recent operations against Pakistan did a commendable job and it will not be desirable to discriminate in favour of particular individuals merely because they won awards for gallantry. Suitable cash rewards have already been granted by the Central and State Governments to awardees of gallantry awards, and the Government of India do not consider it desirable for particular individuals awarded gallantry awards to accept cash awards from members of the public. The position may be explained accordingly to the senders of cash/cheques and they may be requested to donate the amounts to the Displaced Army Personnel Widows and Orphans Fund or the IAF Benevolent Fund. There is, however, no objection to cash awards being accepted by individual Service personnel when they are made by State Governments or by a private party for a whole category of personnel through the respective Service Headquarters. There is also no objection to individual cash awards being received direct by the families of deceased Service personnel.

17. Conduct - Activities of Government servants prejudicial to the country.

*1. Notification No.
AAP. 99/62/58,
dated 15/07/1964*

Sub :- Ban on joining any association whose activities are prejudicial to the country.

No Government servant shall join, or continue to be a member of an Association, the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

18 Creation / Upgradation of gazetted posts

I. OM. No. AAP.
200/94/4, dated
30/11/94

Sub :- Policy and detailed procedure for creating/upgrading gazetted posts.

Despite clear instruction issued laying down the procedure for submission of proposals for creation/up-gradation of Gazetted posts vide No. AAP. 219/88/35 Dated 5/5/92 and No. AAP. 219/88/pt/3 Dated 15/12/1992, it is observed that most of the Departments submit proposals to Personnel(A) Department for creation/up-gradation of various categories of Gazetted posts without furnishing the minimum basic information/particulars required for proper examination. As a result the Department is not in a position to arrive at a decision as to whether there is adequate justification for creation/up-gradation of the post(s) and for which the concerned Department(s) is/are required to be requested more than once for furnishing such information/particulars resulting in inordinate delay in communicating approval/views on the proposal(s). It is seen that some of the Administrative Departments are just forwarding the proposal(s) of the Heads of Departments/ office for creation/up-gradation of the post(s) to the Personnel(A) Department for approval without even examination of the minimum basic points for such creation/up-gradation of post(s). In certain cases, decisions for creation/up-gradation of the post(s) are being taken at the level of Additional Secretary/ Joint Secretary/ Deputy Secretary/ Under Secretary, which is/are not at all proper. It is the responsibility of the Administrative Department to examine the proposal of the Heads of Department/office properly as to whether there is/are adequate justification for creation/up-gradation of such post(s). Only those proposal(s) which fulfil all the conditions and where there is adequate need for creation/up-gradation of the post(s) in the interest of public service, should be submitted to the Personnel(A) Department after obtaining prior approval of the Minister-in-charge of the Department as required under Para 5.5 read with Appendix-II, Part-2 of the Manual of Office Procedure Secretariat.

As a result of submitting proposal(s) without furnishing the minimum basic information/particulars and adequate justification for creation/ up-gradation of post(s), Personnel(A) Department finds it difficult to communicate its approval/views to the proposal speedily resulting in delays in disposal of the proposal.

It is known to every Department that creation/up-gradation of the post(s) should always be upto the last day of February every year. Knowing the fact fully well, some Departments submit proposal(s) for creation/up-gradation of the post(s) after the last day of February and even at the lag-end of the month of March of the year. It is the responsibility of all the Administrative Departments to examine the proposal(s) for creation/up-gradation of the

post(s) well in advance with a view to submitting the same to the Personnel Department/ Finance Department for approval/concurrence without waiting for submission of the same at the last moment.

In supersession of all previous circulars issued in this regard and in order to examine the proposal(s) for creation / upgradation of the post(s) and also to avoid undue delay in disposal of the proposal(s), it is impressed upon all Administrative Departments to submit such proposal(s), with a self-contained typed note with adequate and proper justification for creation/up-gradation of the post(s) to the Personnel(A) Department along with the following information/particulars. The approval of Minister-in-charge must be obtained as required before submitting proposal(s) for creation/up-gradation of the post(s).

1. Back-ground of the Scheme(s).
2. Adequate and proper justification for creation/up-gradation of the post(s).
3. Whether creation/up-gradation of the post(s) is/are under the new Scheme or in modification of the existing Scheme.
4. Whether creation/up-gradation of the post(s) is/are in the interest of public service or to provide promotional benefit to particular officer(s).
5. Future prospect of such creation/up-gradation of the post(s).
6. (a) Mode of filling up of the post(s) with reference to the provisions made in the Service Rules/Service Order.
(b) The qualification/ experience required for filling up of the post(s).
(c) Promotional avenues.
(d) Service Rules/ Service Orders.
7. Existing cadre strength of all Gazetted posts in the Department, category-wise.
8. Whether the existing cadre strength is inadequate to cope with the work of the Department, and if so, the specific reasons.
9. Staffing pattern/ structural pattern/ organisational chart of the Department.
10. Whether there is budget provision for creation/up-gradation of the post(s).
11. Whether proposal for creation/up-gradation of the post(s) is/are under state Plan/Non-Plan/Central Sector/Centrally Sponsored Schemes.

12. If the creation/up-gradation of the post(s) is/are under Central Sector/Centrally Sponsored Scheme, whether the sanction for implementation of the scheme has been received from the Government of India.
13. Number of vacant post(s), if any, category-wise.
14. Specific reasons for not filling up of the vacant post(s), if any.
15. Number of ex-cadre post, if any, category-wise.

It should be noted that no proposal(s) for creation/up-gradation of the post(s) will be entertained if it is submitted after 20th February of the year and without the information/particulars as mentioned above.

19. Creation/retention of posts under Sixth Schedule and General Areas

**J. No. ABM.
40/63/SS, dated
24/04/1968**

Sub :- Procedure for creation/retention/recruitment to posts in Sixth Schedule/General Areas - also District Establishment.

It has since been decided that while creating and issuing sanctions for posts under the Sixth Scheduled Areas, the following procedure may be followed :-

The Administrative Department which controls the budget provision under the relevant head of account is the competent authority to sanction posts under Sixth Scheduled Areas. In cases where funds are to be provided out of the "common outlay" which is at the disposal of the Development Commissioner for the Hills the Administrative Department concerned will move the Development Commissioner to allot funds to it from the "common outlay" for the specific purpose and then will issue necessary sanction from its end. The procedure will be similar to that adopted in cases where funds are allotted from the Plan Budget by the Planning and Development Department to the Administrative Departments concerned.

It has also been decided vide letter No. ABM.115/67/2 Dated 28th November 1967, that all expenditure relating to pay and allowances and contingencies of Judicial Service Officers and their staff (i. e. Assistants, Typists and Grade IV) should be met from the Head "21-Administration. of Justice, etc."

Any proposal for creation, temporary/permanent retention of posts of ministerial and Grade IV staff in amalgamated (District) establishment may please be submitted henceforward to the Administrative Departments concerned which control the budget provision under the relevant heads of accounts.

Name of the Department

Head of Account

T. A. & W. B. C. Department	19-G. A. -District. Administration. -Sixth Schedule Areas.
Law Department	21-Administration. of Justice, etc.
Revenue Department	9-Land Revenue.
Excise Department	10-Excise

Such proposals, the expenditure relating to which is debitable to the Head of Accounts-19-General Admn.-E-Dist. Admn.-E-I-General Estt. etc. excepting the Sixth Scheduled Areas should, however, be submitted to Appointment (B) Department.

Recruitment to all the posts in the amalgamated establishment of the Deputy Commissioners covering the entire District and created by different Administrative Departments under different Heads of Accounts should be made by the appointing authority as laid down in the Assam Ministerial District Establishment Service Rules, 1967.

Note :-The Head of Account numbers as shown against the Departments in the above O.M. have since been changed. Therefore, present head of account numbers may be read accordingly.

20. Creation of sub-divisions.

I. No. AAP.
10/64/346, dated
28/03/1967

Sub:-Creation of Subdivision - Nalbari in Kamrup district.

The formation of a Subdivision in the District of Kamrup to be called Nalbari Subdivision was sanctioned. It composed of the following areas with its Headquarters at Nalbari.

1. Nalbari Circle
 2. Tihu Circle
 3. Tamulpur Circle
 4. (a) Pub-Banbhag Mauza
 - (b) Paschim Banbhag Mauza, and
 - (c) Borkhala Gaon Panchayat, Baharghat Gaon Panchayat and Sanckuchi Gaon Panchayat of Paschim Borigog Mauza
- | of Rangiya Circle.

5. (a) Pachim Borkhetri Mauza.

(b) Madhyam Borkhetri Mauza

(c) Pub-Borkhetri Mauza

(d) Laopara Gaon Panchayat of Paschim Bongsor Mauza

of Hajo Circle.

This took effect from 1st April 1967.

21. Conversion of posts.

I. O.M. No. ABP.
325/83/3, dated
30/04/84

Sub:- Conversion of posts of L. D. Assistants in District and Subordinate Offices and in the offices of Heads of Departments.

With a view to improving the prospects of promotion of the ministerial employees serving in the District and Subordinate Offices and in the Offices of the Heads of Departments, the Pay Commission, 1979, after going through all the records of Government and existing yardsticks, has recommended that the ratio of U. D. Assistants to L. D. Assistants in the aforesaid offices should be 2:3.

In the light of the above recommendation and after careful consideration of all aspects of the matter, the Governor of Assam has been pleased to order that, in supersession of all previous orders on this subject, the ratio of the posts of U. D. Assistants to the post of L. D. Assistants in the District and Subordinate offices and in the offices of the Heads of Departments shall be changed to 2:3. The Governor of Assam is pleased to order further that the posts of L. D. Assistants comprising both permanent posts and temporary posts continuing for 5 years or more shall be converted to the posts of U. D. Assistants in such a way as to bring the ratio of the posts of U. D. Assistants, including the existing ones, if any, to such posts of L. D. Assistants to 2:3. For such conversion, no fraction shall be taken into consideration.

To illustrate, suppose in the office 'A' there are 40 posts of U. D. Assistants 60 permanent post of L. D. Assistants 10 temporary posts of L. D. Assistants continuously in existence for 5 years or more and 10 temporary posts of L. D. Assistants continuing for less than 5 years. The number of U. D. Assistant posts to be entitled by the office will be two-fifths of 110 posts (i. e. 40+60+10), 10 posts not being taken into account for the purpose. Hence, the office will be entitled to 44 posts of U. D. A. As there are already 40 posts of U. D. Assistants in the office, it may convert 4 posts (44-40) of L. D. Assistants to U. D. A. posts.

With a view to avoiding delay in effecting conversion, the Governor of Assam is pleased to authorise the Heads of the District and Subordinate offices and the Heads of the Department to issue formal orders converting the appropriate number of the posts of L. D. Assistant to those of U. D. Assistants according to the ratio indicated above and specifying the posts in respect of which such conversion is necessary without obtaining sanction from Government for the purpose. The copies of the conversion orders shall be sent by the Heads of the offices to audit and their controlling officers whose duty will be to oversee that the conversion has been correctly made.

2. OMI No. ABP.
96/75/12, dated
21/05/1977

**Sub:- Ratio of U. D. A. to L. D. A. in District and Subordinate Offices-
Conversion of posts of Lower Division Assistants to those of Upper
Division Assistants.**

1. The Pay Commission, 1973 carefully considered the ratio of U. D. Assistants to L. D. Assistants in the District and Other Subordinate Offices and recommended that this might be changed to 1:2 taking into account the number of posts both permanent and temporary which have been in existence for not less than 5 years. The question of reviewing the existing ratio in the light of Pay Commission's recommendation was under consideration of Government. After careful consideration of all aspects of the matter, the Governor of Assam is pleased to order that, in supersession of all previous orders on this subject, the ratio of the posts of U. D. Assistants to the posts of L. D. Assistants continuing for 5 years or more in the District and subordinate offices shall be changed to 1:2. Accordingly the Governor of Assam is pleased to order that the total strength of L. D. Assistants comprising both permanent posts of L. D. Assistants and temporary posts of L. D. Assistants continuing for 5 years or more shall be converted to posts of U. D. Assistants in such a way as to bring the ratio of the posts of U. D. Assistants including the existing ones, if any, to such posts of L. D. Assistant to 1:2. For such conversion no fraction shall be taken into consideration. To make the position clear the following illustration is given :-

2. Suppose, in the office "X", there are 53 posts of U. D. Assistant, 108 permanent posts of L. D. Assistant, 70 temporary posts of L. D. Assistant continuously in existence for 5 years or more and 28 temporary posts of L. D. Assistant continuing for less than 5 years. The number of U. D. Assistant posts entitled by the office will be one-third of 231 posts (i. e. $55+108+70$), 28 posts not being taken into account for the purpose. Hence, the office will be entitled 77 posts of U. D. Assistant. But there are already 53 posts of U. D. Assistant. The Office may, therefore, convert 24 (i. e. $77-53$) posts of L. D. Assistant to U. D. Assistant posts.

3. With a view to avoiding delay in effecting conversion, the Governor of Assam is also pleased to authorise the Heads of the District and subordinate offices to issue formal orders converting the appropriate number of posts of L. D. Assistant in the District and Subordinate Offices to those of Upper Division Assistant according to the ratio of 1:2 as indicated above and specifying the posts in respect of which such conversion is necessary without obtaining sanction from Government for the purpose. The Heads of Departments and Subordinate Offices will send copies of the conversion orders to audit and their controlling officers whose duty will be to see that conversion has been correctly made.

22. Casual employees - Matters relating to

1. No. AAP.
92/53/3, dated
20/05/1953

Sub:- "Casual Employee" is the proper expression of the term "Menial"

Following the Government of India's policy, the use of the expression "menial" used with reference to certain employees of Government who are paid from contingencies should be discontinued and that the term "casual employees" should be used instead in the case of such employees.

2. No. FEG.
152/58/167, dated
23/03/1960

The circumstances under which services of Grade-IV employees paid from contingency can be made permanent.

Whole-time Grade IV employees paid from contingency in the permanent Departments and offices who have put in continuous service for five years or more may be made permanent except those who were engaged against posts which were created specifically under experimental schemes or for the purpose of handling any work of purely temporary or sporadic character.

3. No. FEG.
131/61/24, dated
12/08/1964

Bringing permanent casual employees under the regular establishment.

All casual employees paid from contingency on their being made permanent on the basis of this Department's letter No. FEG. 152/58/167 Dated 23. 3. 1960 should be brought to regular establishment and given leave and pensionary benefit like other State Government servants in respect of their service in regular establishment. This order shall be deemed to have taken effect from the 23rd March, 1960.

4. No. FEG.
131/61/37, dated
05/12/1964

Malis/Chowkidars under schemes not be brought under regular establishment.

Malis and chowkidars appointed for specific schemes, like farms, orchards, research stations etc. should be contingency workers and not borne on regular establishment.

23. Civil Defence Organisation.

1. No. ABM.
75/65/1, dated
20/11/1965

Sub :- Appointment/absorption of Civil Defence trained from the State Government employees in Civil Defence Organisation.

It is necessary to appoint civil defence trained persons from other offices of the State Government as Civil Defence Instructors or absorb them in some suitable capacity for Civil Defence. The selected person for the Civil Defence post should be released on requisition. The permanent Government servants will retain their lien in their post. Temporary ones should be allowed to retain their rights in the service during the temporary transfer to the Civil Defence Organisation so long as the posts last. The resultant vacancy should be filled up on purely temporary basis.

2. No. HMB.
766/82/143, dated
18/11/88

Sub :- Allowance for duty in Civil Defence Organisation.

I am directed to convey the sanction of the Governor of Assam to the grant of following allowances as per revised rate prescribed by Government of India's letter No.II-29012/41/88-DGCD(CD) dated 12/09/88 with effect from 01/09/88

- | | |
|-------------------------------|---|
| (1) Duty allowance | @ Rs.22/- per head per day |
| (2) Training/parade allowance | @ Rs.10/- per head per parade/training of 2.1/2 hours duration or Rs.20/- for 2 (two) parades or more of same duration. |

3. No. AAP.
1/63/93, dated
13/06/1967

Sub :- Permission for joining the Civil Defence Organisation.

It has been decided that such of the State Government servants as are not holding key posts and who can be released in emergency may be encouraged to join Civil Defence Organisations as Government servants should not lag behind in playing an important and useful role in the life of the citizens. A Government servant who is enrolled as a member

of the Civil Defence Service and is required under the C. D. Services Rules, 1962 to perform any duties and functions during office hours, the period of absence shall be treated as special casual leave.

24. Company - Ownership of shares of the State in.

1. G. O. I's No.
15/32/65-IGC,
dated 13/10/65

2. No. AAM,
9/66/52, dated
0-1/02/67

Sub :- Company - Pattern of share holding.

There is no provision in the Companies Act, 1956 that the shares in the Company may be held in the name of a public office. Section 41(2) of the said Act provides how a "person" (other than a subscriber of the Memorandum) becomes a member. The Secretary to the Government of India or the Collector of Central Excise is not a legal entity. Shares cannot, therefore, be held in the name of such office. Similar observations apply to the holder of any other public office which is not a corporation sole constituted by a statute (e. g. the Administrative General constituted a corporation sole by the Administrators General Act, 1963). Hence shares in a company can not be registered in the name of a public office which is not a corporation sole as understood in law.

The above advice applies equally to the holding of shares in Government companies.

Where the shares in a Government Company are at present held by an officer by designation (and not by name) the Ministry/Department concerned may take necessary action for transferring such shares to the name of the officer concerned.

3. G. O. I's No.
15/32/65-IGC,
dated 30/09/66

4. No. AAM,
9/66/52, dated
0-1/02/1967

Sub :- Acquisition and holding of shares in a company in the name of Governor of the State - Clarification on.

In continuation of O. M. No. 15/32/65-IGC Dated 13th October 1965, it is clarified that the position that the share in a Company cannot be held in the name of the Collector of Central Excise or the Secretary to the Government of India, etc., may be followed in the case of holders of public office same as mentioned below :-

The President or the Governor of a State functioning under the constitution is not a corporation sole, just as the Administrator General constituted under the Administrators General Act, 1963 is. As provided by Articles 77(1) and 166(1) of the Constitution, all executive action of the Government of India or the Government of a State shall be expressed to be taken in the name of the President or the Governor, as the case may be. "Executive

action" or "Executive Power" has been broadly stated to be "the residue of Governmental functions that remain after legislative and judicial functions are taken away". Further, it appears that the said articles are confined to cases where the executive action is required to be expressed in the shape of a formal order or notification or any other instrument. When an executive decision affects an outsider or is required to be officially notified or communicated, it should be normally expressed in the form mentioned in these Articles, that is, in the name of the President or the Governor, as the case may be.

The acquisition or holding of shares in a company by the Government of India or a State Government is "executive action" as contemplated by Articles 77(4) and 166(1) of the Constitution and can, therefore, be made in the name of the President of India or the Governor of the State, as the case may be.

In view of the above, shares in a Government Company can be held in the name of the President of India or the Governor of a State.

25. Certificates of nativity and/or Permanent residents.

*1. No. ABM.
45/62/469, dated
19/09/67*

Sub :- Care to be taken for issue of certificates of nativity and / or permanent residents.

All Deputy Commissioners and Subdivisional Officers should ensure that proper care is taken before issuing the certificates of nativity or permanent residents to the applicants.

26. Courts.

*1. Memo. No.
ABP. 367/56/2,
dated 14/09/56*

Sub :- Seeking redress in Courts of law by Government servants.

*2. GOI. No.
25/52/52-Estts,
dated 12/09/55*

The under mentioned paper is forwarded to all Departments of the Secretariat in continuation of this Department Memo No. AAP. 144/52, dated the 19th November 1952. The State Government have adopted the same principle as conveyed in the Government of India's letter No. 25/52/52-Estts. dated the 12th September, 1955 in this matter.

*3. No. AAP.
144/52, dated
19/11/53*

Copy of letter No.25/52/52-Estts., dated 12th September, 1955, from the Government of India, Ministry of Home Affairs, New Delhi.

With reference to the correspondence resting with your letter No. AAP. 10/53/28, dated the 22nd August 1955 on the subject noted above, I am directed to say that it has since been

decided that the existing instructions in our Office Memorandum No. 25/52/52-Estts., dated the 11th October, 1952 which had not been specifically commented upon in the judgement of the High Court referred to in earlier correspondence need not be modified. However, in cases where Government servants seek permission to sue Government, a reply on the following lines is now being sent to them :-

"Government do not propose either to permit or prohibit him from having recourse to a Court of Law for the redress of his alleged service grievances. But he should understand clearly that if he does so he must do it on his own responsibility as to the cost and consequences of the legal proceedings".

No reference to disciplinary action in the circumstances mentioned in the Office Memorandum, Dated the 11th October 1952 is made in such replies as the Punjab High Court had objected to such a reference as a threat designed to prevent the employee from approaching the Court which in its opinion, amounted to contempt of Court.

4. GOI. NO.
25/52/52-Estts,
dated 11/10/52

Sub:- Seeking redress in Courts of Law, and representations from Government servants on service matters.

The Government of Assam have agreed to follow the decisions conveyed in the Government of India's Office Memoranda No. 25/52/52-Estts. and No. 118/52-Estts. Dated the 11th October 1952 and 30th April 1952 respectively. The instructions conveyed therein may be brought to the notice of all Government servants under their control.

Copy of Office Memoranda No. 25/52/52-Estts. and No. 118/52-Estts, Dated the 11th October 1952 and 30th April 1952 respectively from the Government of India, Ministry of Home Affairs :-

Attention is invited to the instructions contained in this Ministry's O. M. No. 118/52-Ests, Dated the 30th April 1952, which deals generally with circumstances and the manner in which Government servants can seek redress of grievances arising out of their employment or condition of service.

2. Instances have occurred where Government servants have improperly had recourse to the Courts of Law in such matters. It is, therefore, considered necessary, in continuation with the instructions quoted above, to state that, in the matter of grievances arising out of a Government servant's employment or conditions of service, the proper course is to seek redress from the appropriate Departmental and Governmental authorities. Any attempt by a Government servant to seek a decision on such issues in a Court of Law, (even in cases where such a remedy is legally admissible) without first exhausting the normal official channels of redress, can only be regarded as contrary to official propriety and subversive of

good discipline and may well justify the initiation of disciplinary action against the Government servant.

5. No. ABP.
83/91/3, dated
18/04/91

Sub :- Proceedings under the Contempt of Court Act - According higher priority to judgements/order/direction of courts.

Attention of Government has been drawn to certain instances where proceedings under the provisions of Contempt of Court Act were resorted to consequent upon failure of the concerned authorities to act in accordance with the judgement order or direction of a court within the stipulated time. Such failure may not only lead to serious consequences for the officer concerned, but also cause embarrassment to the Government.

It is, therefore, impressed upon all concerned that a judgement order or direction of the Honourable Supreme Court, the Honourable High Court or any other Court or Tribunal should be accorded that highest priority and obeyed and implemented within the time-frame stipulated therein. A system to monitor action in such cases may be devised by every Department.

Contents of this O.M. may please be brought to the notice of all concerned and action taken to ensure proper monitoring of such cases in future intimated to this Department.

27. Correspondence.

1. No. OM. NO.
AR. 38/93/2, dated
10/09/1993

Sub:- Mode of correspondence by Heads of Department/District and other subordinate with the State Government.

In supersession of all existing executive instructions on the above mentioned subject the following is laid down as the procedure for the purpose of communication/correspondence from a Head of Department or lower authorities (i. e. Regional/Zonal Heads, District/ Sub-Divisional Heads or other subordinate Heads) to the State Government. No Head of Department, Regional/Zonal Head of Department, District/ Sub-Divisional Head nor any subordinate Head shall deviate from this in the making of correspondence with the State Government.

1. Head of Department. (Example- Director of Agriculture, Director of Health Service, Chief Engineer, P. W. D. (Roads) etc.)

- Secretary to the Government of Assam of his Administrative Department. (However, the Chief Engineer, (P. W. D.) Building may correspond with the Secretary of the concerned administrative Department , whose building construction, entrusted to the P. W. D. is the

2. Regional Heads / Zonal Heads of Departments.

subject matter of the correspondence. The Commissioners of Divisions and such higher authorities may correspond with the Secretary of any Administrative Department of the State Government, as may be required by them).

Respective Head of Departments. Copy may be endorsed to the Secretary of the respective Administrative Department. However, Regional Head / Zonal Head of the Hill Areas of Assam may correspond with the Secretary of his Administrative Department but copy must be endorsed to his Head of Department.

- Respective Head of Department.

3. Other Regional Heads (Example - Joint Director of a region or Superintending Engineer of Works Department.)

- Secretary of the Administrative Department concerned with the subject. But copy must be endorsed to his Commissioner of Division.

4. Deputy Commissioner

- His Deputy Commissioner with copy to the Head of Department concerned with the subject and Secretary of the Department concerned with the subject. Copy must also be endorsed to the respective Commissioner of Division.

5. Sub-Divisional Officer

In case of extreme urgency, the Sub-Divisional Officer may correspond directly with the Head of Department concerned with the subject or the Secretary of the Department concerned with the subject but copy must be endorsed to his Deputy Commissioner and commissioner of Division.

6. Other District Heads (Example- District Agriculture Officer Executive Engineer of a works Department.)

Respective Head of Department or Regional/Zonal Head of Department, as deemed by the District Head. If it is

7. Other Sub-Divisional Heads
(Example- Sub-Divisional
Agriculture Officer, Sub-Divisional
Medical & Health Officer, Sub-
Divisional Officer of a Works
Department, etc.)

8. Lower Heads of Office.
(Example- Block Development
Officer, etc.)

addressed to the Head of Department, copy should be endorsed to the Regional/Zonal Head of Department.

Respective District Heads (Example- District Agriculture Officer, Executive Engineer of the Works Department.)

- Respective District or Sub-Divisional Heads depending whether the office is in a Sadar Sub-Division or outlying Sub-Division.