



## **1. Dual Charge - Payment of additional remuneration.**

*I. OM No. ABP,  
383/31/8, dated  
22/01/1983*

*Sub :- Proper submission of proposal for grant of additional pay under  
F.R. 49.*

It has been observed that proposals for grant of additional pay under F. R. 49 are often sent to this Department without furnishing adequate information. This result in avoidable correspondence and consequent delay in disposal of the proposals. To ensure expeditious disposal of such cases henceforth full particulars as per proforma given below may be furnished in duplicate (a copy of which will be retained in this Department) along with the proposals.

2. Dual charge arrangements should not continue for unduly long periods. Administrative Departments should take appropriate action to fill up the posts on a regular basis without delay.

## PARTICULARS OF PROPOSALS FOR GRANTING ADDITIONAL/SPECIAL PAY

1. Name and Designation of the officer to whom it is proposed to give additional/special pay etc.
2. Whether dual charge Notification, if any, has been issued with the concurrence of Finance Department. If so, details thereof.
3. For what period will the proposed arrangement granting special/additional pay last.
4. Whether the additional/special pay is admissible under F.R.9(25) or F. R. 49 and for what purpose it is to be granted. State clearly whether there is a duly sanctioned second post.
5. Pay scales of the posts involved and the present pay, with scale, of the officer concerned.
6. Whether the officer concerned is in receipt of any additional/special pay etc. and in case of special pay whether the same is attached to the post.
7. Any other additional facts which may be relevant.
8. Whether both the posts are in the same sanction/ cadre line/office of promotion.

2. O.M. No. ABP.  
383/81/9, dated  
14/03/84

***Sub :- Specifying nature of additional charge for holding dual charge***

The undersigned is directed to invite attention to the instruction contained in this Department's Office Memorandum No.ABP.383/81/8 Dated 22/01/1983 regarding processing of proposals for grant of additional remuneration for holding dual charge under F. R. 49.

In this context it has come to the notice that some time, the Administrative Departments issue the dual charge notification involving holding of current duties or holding of full charge without mentioning whether the arrangement is in addition to one's own duties or not and then modify the dual charge notification subsequently showing it to be one of holding full charge in addition to one's own duties with a view to giving financial benefit, which is highly irregular.

In view of the above it has been decided that henceforth this practice should be discontinued and no ex post facto notification should be issued, except in exceptional circumstances and with the prior concurrence of Personnel (B) and Finance Departments.

3. O. M. No. ABP.  
383/81/10, dated  
18/09/1984

**Sub :- Concurrence of Personnel Department for paying additional remuneration.**

Under Rule 39(3)(III) of the Assam Rules of Executive Business it has been provided that concurrence of Appointment Department (now Personnel Department) is required to be obtained by other Departments in the matter of payment of additional remuneration to any Gazetted Officer. In this context it is stressed that when an arrangement for dual charge results in payment of additional remuneration to any Gazetted Officer, the views of Personnel Department should invariably be taken by all concerned before such an arrangement is finalised and notification issued in this regard. Otherwise, Personnel(B) Department is faced with a **fait accompli** and consultation required under the Rules of Executive Business loses all its meaning.

4. O.M. No. ABP.  
383/81/23, dated  
06/09/1989

**Sub :- Views of Personnel and Finance to be taken before finalising payment for dual charge arrangements.**

In continuation of this Department's O. M. No. ABP. 383/81/10 Dated 18/9/84 it has been reiterated that concurrence of Personnel Department is required to be obtained by other Departments in the matter of processing of proposals for grant of additional remuneration under F. R. 49 when it is proposed to allow dual charge arrangement. But, it has been observed that without prior approval of Personnel, some Administrative Departments have been continuing to make dual charge arrangements and allow these to continue for undue long period without filling up the post on a regular basis which is highly irregular. It is, therefore, stressed that the views of Personnel and Finance should invariably be taken by all concerned before such an arrangement is finalised and notification issued in this regard. No proposal for ex-post facto approval will be entertained in the Personnel Department.

The Administrative Departments should ensure to take urgent steps to fill up the post(s) on a regular basis instead of allowing continuance of the dual charge arrangement indefinitely.

5. O. M. No. ABP.  
383/81/27, dated  
03/10/1991

**Sub :- Limitation of three months for holding charge of higher post.**

Consequent upon the amendment of F.R.49 of the A.F.Rs & S.Rs vide correction Slip No.249 Dated 05/08/91 issued under Finance Establishment (A) Department's Notification No. FEG. 18/90/24 Dated 05/08/91 the Administrative Departments should not allow the full charge of the duties of a higher post or posts in addition to one's own duties beyond a period of three months as per provisions of F.R.49 (a)(b) as amended, and to take urgent steps where necessary to fill up the post(s) on a regular basis in accordance with the provisions of the service rules prescribed for the purpose.

**2. Departmental proceedings.**

<p><i>I. O. M. No. ABP. 162/88/1, dated 21/02/1989</i></p>
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**Sub :- Standard form for Departmental Proceedings.**

The undersigned is directed to invite a reference to rule 9(5) of the Assam Services (Discipline & Appeal) Rules, 1964 and to say that it has been held that it is the duty of the disciplinary Authority/Enquiring authority to inform the charged officer about his right to be represented in a disciplinary proceedings against him, failing which the entire proceedings may become void. It further appears that sometimes the disciplinary authorities do not think it necessary to furnish the list of documents and witnesses to the charged officer though this is essential under the Rules, thereby endangering the validity of the proceedings. To avoid any such a contingency, the existing standard form for departmental proceedings circulated under O. M. No. ABP. 186/69/3 dated 16/09/69 is modified suitably and is enclosed herewith and should henceforth be followed by all concerned. In the disciplinary proceeding cases where charge sheets were served on the Government servant in the existing standard form and where inquiry has not started or even if started, has not made substantial progress, the proceedings need not be restarted merely because the existing standard form has been used. The charged officer may however be separately informed about the provisions of Rule 9(5) of the Assam Services (Discipline & Appeal) Rules, 1964 and also furnished with the lists of witnesses and documents, if not already furnished.

**STANDARD FORM FOR DEPARTMENTAL PROCEEDINGS UNDER RULE 9 of  
THE ASSAM SERVICES (DISCIPLINE AND APPEAL) RULES, 1964**

**CONFIDENTIAL**

GOVERNMENT OF ASSAM

No

Dated

To

Shri \_\_\_\_\_

You are hereby required to show cause under Rule 9 of the Assam Services (Discipline and Appeal) Rules, 1964 read with Article 311 of the Constitution of India, why any of the penalties prescribed in Rule 7 of the aforesaid rules, should not be inflicted on you on the following charges based on the statement of allegations attached herewith -

\* (1) That while you were \_\_\_\_\_ you are therefore charged with

\* (2) That you \_\_\_\_\_ you are therefore charged with

\_\_\_\_\_

\_\_\_\_\_

#(3) \_\_\_\_\_

#(4) \_\_\_\_\_

Lists of documents and witnesses proposed to be relied upon for proving these charges and allegations, are also enclosed.

You should submit your written statement in defence within ten days from the date of receipt of this communication provided you do not intend to inspect the documents which have relevance with the issues under enquiry. In case you intend to inspect those documents you should write to the undersigned for the same within seven days from the date of receipt of this communication and submit your explanation thereafter within ten days from the date of completion of the inspection.

Your written statement stating whether you desire to be heard in person should be submitted to the undersigned within the period specified above.

If the disciplinary authority decides to appoint an inquiry officer to inquire into the charges, you will be allowed to present your case, if you so desire, with the assistance of any other Government Servant approved by the disciplinary authority, but will not be allowed to engage a legal practitioner for the purpose unless the person nominated by the disciplinary authority, to present the case in support of the charges before the inquiring authority is a legal practitioner or unless the disciplinary authority, so permits.

.....

(Signature of the disciplinary authority)

LIST OF DOCUMENTS

- 1.
- 2.
- 3.
- 4.

LIST OF WITNESSES

- 1.
- 2.
- 3.
- 4.

**STATEMENT OF ALLEGATIONS**

1. While you were \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

\* Each charge should be drawn up precisely and clearly, care being taken to avoid vagueness.

# Modification to suit individual cases may be made where necessary, i. e. when the appointing authority is not the Governor of Assam

**N. B. :** The charge sheet should be given to the person concerned and his signature should be taken on a copy of the charge sheet, if that is not possible, it should be served by registered post with acknowledgement due.

**2. G. M. No.**  
**ABP/2-10/36/1,**  
**dated 31/10/1936**

**Sub:- Expeditions disposal of the departmental proceedings - attendance of Witness/Presenting officer.**

Instructions have been issued from time to time to the concerned authorities to ensure attendance of the Departmental Witnesses and Presenting officers on the date and time fixed for hearing by the Enquiry Officer. It has been noticed that in many instances, Presenting Officers and Departmental witnesses fail to appear before the Enquiry Officer on the stipulated date causing delay in finalisation of the departmental proceedings. Such failure to appear is a violation of Government instructions.

It is, therefore, reiterated that the Disciplinary Authorities shall make all efforts to ensure the appearance of the Presenting Officer and Departmental Witnesses on the dates fixed by the Enquiry Officer. It is also emphasised again that the Government servant, whether a Presenting Officer or a Witness, as the case may be, who fails to comply with the direction of the Enquiry Officer, will be liable to be proceeded under the Assam Services (Discipline and Appeal) Rules, 1964.

3. O.M.  
No. ABP. 34/75/11,  
dated 22/04/75

**Sub :- Making available copies of deposition by witnesses to Presenting/Charged Officer.**

The undersigned is directed to say that there has been a certain amount of confusion as to whether the copies of depositions of witnesses in departmental proceedings should be made available at the close of the enquiry each day to the Presenting Officer as well as to the charged Government servant.

It has therefore been clarified that henceforward the copies of depositions by the witnesses recorded by the enquiry officer in course of the enquiry in a departmental proceedings may be made available both to the Presenting Officer and the Charged Officer, at the close of the enquiry each day.

4. No. ABP. 3/65/1,  
dated 18/01/1965

**Sub :- Procedure and selection of Presenting Officer.**

1. The instructions contained in Government office Memo No. ABM. 18/64/41, Dated 13. 5. 1964 regarding time limits at various stages in conducting disciplinary proceedings as well as the instructions hereinafter laid down should be followed by all concerned for the speedy disposal of all types of cases of disciplinary proceedings.

(i) In all cases of departmental proceedings which are initiated on the reports of the Anti-Corruption Branch the disciplinary authority should take the assistance of the Anti-Corruption Branch officials in conducting the enquiry by nominating them to present the case in support of the charges with the records seized by them before the Inquiry Officer as provided under Rule 9(6) of the Assam Services (Discipline & Appeal Rules) 1964.

(ii) In all cases, instituted otherwise than on Anti-Corruption Branch report, the disciplinary authority should engage a particular officer of the Department acquainted with the charges and materials and he should be asked to present the case before the Inquiry Officer in support of the charges as provided under Rule 9(6) of the aforesaid Rules.

2. Any contravention of the instructions laid down above as well as those laid down in Office Memorandum No. ABM. 18/64/41 Dated 13/5/1964 will be seriously viewed by Government and responsibility will have to be fixed by the concerning competent authorities on the person or persons at fault and he or they may be proceeded against. Any loss sustained by Government for such losses may also be realised from him or them.

S. No. ABM.  
18/64/41, dated  
13/05/1964

**Sub :- Consolidated instructions on stages of Departmental Proceedings.**

The following consolidated instructions indicating various stages of the departmental proceedings with time limits are issued for the guidance of all concerned and should be strictly adhered to:-

(I) The authority deciding to draw up the disciplinary proceedings should invariably obtain all relevant papers and documents on which it intends to base the charges and statement of allegations without delay and keep them ready so that access thereto may be given readily whenever such request is made by the delinquent official.

(II) Charges and statement of allegations should be framed by the authority concerned as soon as possible and when the officer proceeded against is placed under suspension in no case should it take more than fifteen days from the date of placing the officer under suspension. The charge sheet should indicate by designation the Inquiring Officer appointed for the purpose.

(III) In the charge-sheet the time limits showing dates for the defendant official, if he so desires, to complete the inspection of documents, ask for additional documents, if any, and to submit his written statement should be rigidly specified. The time to be allowed for each of these may be as follows:-

(a) *Completing the inspection of the documents mentioned in the list supplied to the defendant official:* - Seven working days from the date on which the aforesaid list is supplied in case where it is intended to inflict a major punishment. In case where it is intended to impose a minor punishment, request for permission to inspect documents must be made within five days of the date on which the officer proceeded against is informed of the allegations against him, and if the request is acceded to, the inspection should be completed within seven working days of the date on which permission to inspect is communicated to him ;

(b) *Making a request for access to additional records :-* Five days from the date of completion of inspection;

(c) *Time by which additional records asked for should be made available:-* Five days from the date of receipt of the request for additional records :-

(d) *Time by which additional records made available should be inspected:-* Five working days from the date on which such additional records are made available;

(e) *Submission of written statement:-* Ten days from the date of completion of inspection of records referred to at items(a) or (d) above, whichever is later, or where the officer



proceeded against does not intend to inspect the documents ten days from the date of receipt of the charge sheet.

(IV) On receipt of the written statement the Inquiry Officer should proceed immediately with the recording of evidence. He should decide who are to be examined as witnesses in support of the charges keeping the number to the barest minimum and allow all reasonable scope for cross examination of the witnesses by the delinquent official. To avoid delay the attendance of witnesses who are in Government Service should be secured by the Inquiry Officer by writing personally to them and also to their superior officers. The Inquiry Officer should also apply his discretion in deciding the number of witnesses against the charges and examine those witnesses only to be produced by the officer proceeded against, whose evidence will be relevant to the charges and whose non-examination may prejudice the interest of the defendant and lead to injustice. He should not proceed to examine all and sundry produced by the officer proceeded against. The recording of evidence should be completed within two months and in exceptionally complicated cases it may extend to three months.

(V) After completion of recording the evidence, the Inquiry Officer may allow the delinquent official, if any request is made by him in writing in this direction, a personal hearing within a week's time. The report and findings should be submitted to the Disciplinary authority by the Inquiry Officer within fifteen days thereafter.

\* (VI) The Disciplinary authority on receipt of the findings from the Inquiry Officer should immediately take steps to issue the second show cause notice in cases where major punishment is contemplated and this stage of issue of the second show cause notice and receipt of the written explanation thereto from the officer proceeded against should be completed within a month.

\* (VII) The Disciplinary authority should thereafter immediately proceed to examine the proceedings and findings of the Inquiry Officer and come to a final decision in consultation with the Assam Public Service Commission within one month from the date of receipt of the explanation to the second show cause notice submitted by the officer proceeded against where it is intended to inflict a major punishment.

(VIII) The Disciplinary authority should come to a final decision within 15 days from the date of receipt of the findings from the Inquiry Officer where it is intended to inflict a minor punishment. Wherever consultation with the Assam Public Service Commission is necessary the time limit may extend to one month.

(IX) The Disciplinary authority and the Inquiry Officer should keep clear records of various stages of the disciplinary proceedings in the relevant order sheets and should also enter all special reasons for which if any, deviation has to be made from prescribed time limits.

(X) The officer appointed as the Inquiry Officer in a disciplinary proceedings should conduct the inquiry by himself and under no circumstances he should entrust the task of conducting the inquiry at any stage to any of his subordinate officers. Contravention of this instruction will be taken serious notice of.

(XI) In regard to the question as to which of the documents and records relevant to the proceedings are to be allowed for inspection, the discretion will lie with the Inquiry Officer and the Disciplinary authority. Broadly speaking those papers which have relevance with the issues under inquiry can be allowed for inspection. In deciding those matters the Inquiry Officer and the Disciplinary authority should not enter into long official correspondence but should decide by personal contact.

\* **NOTE** :- After the forty second amendment of the Constitution, the second show cause notice has been withdrawn vide notification No. ABP.295/75/70 dated 17/02/78 and No. ABP.111/80/1 dated 28/03/80.

6. No. ABI.  
13/37/30, dated  
18/05/1959

**Sub :- Distinction between "Warning" and "Censure".**

1. With a view to remove certain doubts and misapprehensions as to the distinction between "Warning" and "Censure", the position is clarified as follows:-
2. The foremost aspect to bear in mind is the fundamental and formal distinction between the two terms. An order of "Censure" is a formal and public act intended to convey that the person concerned has been held guilty of some blame-worthy act or omission for which it has been found necessary to award him a formal punishment. Nothing can amount to a "Censure" unless it is intended to be such a formal punishment and imposed for "good and sufficient reasons" after following the prescribed procedure. A record of the punishment so imposed is kept on the officers confidential roll and the fact that he has been "Censured" will have its bearing on the assessment of his merit of suitability for promotion to higher posts.
3. There may be occasions, on the other hand, when a superior officer may find it necessary to criticise adversely the work of an officer working under him (e. g. point out negligence, carelessness, lack of thoroughness, delays etc. ) or he may call for an explanation for some act or omission and taking all circumstances into consideration, it may be felt that, while the matter is serious enough to justify the imposition of the formal punishment of "censure", it calls for some informal action, such as the communication of a written warning, admonition or reprimand. If the circumstances justify it, a mention may also be made of such a warning

etc. in the officer's confidential roll; however, the mere fact that it is so mentioned in the character roll does not convert the warnings etc. into a "censure". Although such comments, remarks, warnings etc. also would have the effect of making it apparent or known to the person concerned that he has done something blame-worthy and, to some extent, may also affect the assessment of his merit and suitability for promotion, they do not amount to the imposition of the penalty of "censure" because it was not intended that any formal punishment should be inflicted.

4. The fact that a mere informal warning cannot be equated to a formal "censure", should not, however be taken as tantamount to suggesting that a written warning may be freely given without caring whether or not is really justified. It is a matter of simple natural justice that written warnings, reprimands, etc. should not be administered or placed on an officer's confidential record unless the authority doing so is satisfied that there is good and sufficient reason to do so.

7. No. G. O. I. No.  
39/54/54-Exec(A),  
dated 25/02/1955

**Sub :- Duty of Government servant to intimate facts of his arrest to his superior promptly.**

8. No. AAP. 84/58,  
dated 27/04/1958

It shall be the duty of a Government servant who may be arrested for any reason to intimate the fact of his arrest and the circumstances connected therewith to his official superiors promptly even though he might have subsequently been released on bail. On receipt of the information from the person concerned or from any other source the Departmental authorities should decide whether the facts and circumstances leading to the arrest of the person call for his suspension. Failure on the part of any Government servant to so inform his official superiors will be regarded as suppression of material information and will render him liable to disciplinary action on this ground alone, apart from the action that may be called for on the outcome of the police case against him.

9. No. ABP.  
109/59/3, dated  
10/12/1959

**Sub :- Prosecuting Officers to send intimation of conviction of Government Servant/Pensioners in criminal cases.**

All prosecuting officers are required to send prompt intimation to the administrative authorities of cases where Government servants are convicted of criminal offences. This procedure should be extended to cases where a civil pensioner is convicted of a serious crime.

10. GOI's  
Ministry of Home  
Affairs.  
24/103/64-AYD,  
Dated 06/04/1965.  
Government of  
Assam

11. No. ABP.  
33/65/9, dated  
06/10/1965.

**Sub :- Requisition of original documents from audit office in departmental proceedings.**

In cases where the Departmental Inquiry Officer of the department or the Commissioner for Departmental Enquiries considers that it is not possible to proceed with the inquiry without securing the original documents which are in possession of the Audit Offices, the Inquiry Officer should report the matter to the Secretary to the Government in the Administrative Department of the State Government or an Officer of Joint Secretary's rank in the Ministry of the Government of India as the case may be. The latter should after satisfying himself that there is sufficient justification for obtaining the original documents personally address the Accountant General by name to hand over the documents in original to the Inquiry Officer indicating that copies, including Photostat copies would not serve the purpose of the Inquiry Officer. The Accountant General will then arrange for those documents to be handed over to the Inquiry Officer as early as possible after retaining Photostat copies. The original documents should be returned intact to the Audit Office as soon as it has served the purpose of investigation.

12. No. ABP,  
103/62/122, dated  
02/12/65

**Sub :- Examination of written statement of delinquent official.**

The instructions for the guidance of all concerned and in particular of the Enquiring Officer are as follows :-

**1. Examination of the written statement of delinquent officer :**

While examining the reports of Inquiring Officers appointed under Rule 9(4) of the Assam Services (Discipline and Appeal) Rules, 1964, Government have had occasion to observe that even on charges admitted by the delinquent officer, evidence is led by the prosecution resulting in considerable delay in inquiry proceedings. If the written statements of the delinquent officer had been examined by the Inquiring Officer or presenting officer in time it would have been possible to eliminate such oral or documentary evidence as might have been originally intended to be adduced, but which became unnecessary in consequence of admissions or averments in the written statements. It is, therefore, suggested that the written statements of the delinquent officer should be carefully examined at the outset of the inquiry and the presenting officers, who should be acquainted with the papers, should draw the attention of the Inquiring Officer to relevant admission in the written statements. The delinquent officer should be insisted upon by the Inquiring Officer thereafter for some oral statement with specific reference to the admissions made by him in his written statement of defence. Pointed attention of the delinquent officer should be drawn to the admissions made

by him. The Inquiring Officer should record them and sign the record and obtain the signature of the Government servant thereon. To enable the presenting officer to present the case properly it is also necessary for the disciplinary authority to ensure that he is supplied with copies of the statements of the charges and allegations and written statements of the delinquent officer well in time :

**2. Recommendations of the Inquiring Officer as to the punishment which may be imposed on the delinquent officer :**

Unless the specific order under which an officer is appointed to hold an inquiry so requires, the Inquiring Officer need not make any recommendations as to the punishment which may be imposed on the delinquent officer in case the charges framed against him are held proved at the enquiry. If, however, the disciplinary authority desires that the Inquiring Officer should recommend the punishment this should be specifically mentioned in the charge-sheet. The Inquiring Officer when so required should appraise the evidence, record his conclusions and suggest the appropriate punishment.

13. No. ABP.  
108/61/118, dated  
07/07/1965

**Sub:- Disciplinary Proceedings - Procedure for ensuring confidentiality.**

In order to ensure fair opportunity of any charges against the delinquent officer and for prevention of leakage of confidential information to him, the following procedure should be followed. Any contravention of these instructions will be viewed seriously by Government and the responsibility in such cases will have to be fixed immediately by the competent authorities on the persons at fault.

- (1) Strict care should be taken by all concerned so that there may be no leakage of confidential documents/letters connected with the disciplinary case, copies of which are not to be supplied to the delinquent official. In case these are leaked out and produced before the Court, advice of the Legal Remembrance should be sought for as to the steps to be taken.
- (2) Allegations regarding *malafide or bias* made by the delinquent official in any petition against any officer connected with the case should be specifically contradicted forthwith if those allegations are not accepted. The Department concerned should seek guidance of the Legal Remembrance, whenever any affidavit has to be filed for the purpose.
- (3) In the proceedings, the Enquiry Officer though competent to collect evidence, etc. should produce that evidence, etc. before the delinquent official and give him a fair opportunity to rebut the same. When such opportunity is not afforded to the delinquent official the evidence so collected should not be used against him under any circumstances.

14. No. ABP.  
21/671, dated  
06/05/1967

**Sub :- Different aspects of procedure to be followed to avoid commission of irregularities in proceedings.**

The following instructions are issued in order to avoid irregularities in conducting the departmental proceedings and also to ensure their expeditious disposal.

(1) The Disciplinary Authorities while framing the charges should be careful enough to indicate concisely the basis on which the charges are framed and the charges should be specific in character.

A statement of allegations should always be included with the charge sheet and this should give the details of the charges as well as the nature of evidence that may be forthcoming in support of such allegations.

[Note :- Para (2) has been left out as it is no longer relevant.] (3) Retrospective suspension is a contradiction in terms and is not permissible. Any such suspension order or an order inflicting any penalty in a departmental proceedings or an order of discharge to a temporary Government servant in terms of his appointment should be always be with effect from the date of passing of the order or from a prospective date.

(4) Where a Government officer is placed under suspension pending enquiry into such charges, elementary justice requires that those charges should be enquired into as expeditiously as possible. There is reason to believe that such matters are not dealt with expeditiously although for the various stages of departmental proceedings, time limit has been fixed in Appointment Department's Office Memorandum No. ABM. 18/64/41, Dated 13th May 1964 [see above]. It is, therefore, reiterated that it must be ensured as far as possible that-

(a) In cases where an officer has to be placed under suspension without charges being simultaneously served on him, the time lag between the suspension and the framing of the actual charges should be reduced to the barest minimum. The charges against the delinquent should be prepared simultaneously with the suspension order wherever it is possible. In cases of corruption where it may not be possible to immediately frame charges, two factors may be borne in mind, namely, the possibility of serving the main charge almost simultaneously and adding to it supplementary charges when more material comes in. The gap between the main charge and the supplementary charge should be reduced to the absolute minimum. Where this is not possible and the main charge cannot be framed straightway, it has to be ensured that there is no avoidable delay in framing the charges after the suspension.

(b) In the case of matters going to the Court of Law and in matters placed before the Inquiry Officer it is essential that the departmental views are completely and adequately represented. It would be the duty of the Disciplinary Authority initiating the proceedings to see that the Inquiry Officer is suitably assisted by a knowledgeable person of the Department concerned as per instructions contained in Appointment Department's O.M.NO. ABP.3/65/1 Dated 18th January, 1965 [see above].

15. No. ABP.  
21/677, dated  
06/05/1967

**Sub:- Representation of Government in Courts in disciplinary proceedings.**

To ensure proper presentation of facts in all cases involving disciplinary proceedings before the Court, the following procedure should be followed:-

The Department concerned before submitting the comments should discuss with an officer of the Law Department and incorporate all possible aspects of the case after such discussion in their comments so that the Government Advocate is properly briefed and proper presentation before the Court could be ensured. In very important cases, on the advice of the Law Department a responsible officer of the concerned Department who has studied the case should also meet the Government Advocate and discuss with him all aspects of the case.

16. No. ABP.  
61/65/17, dated  
02/09/1967

**Sub:- Functions of the State Enquiry Officer.**

The following instructions are issued regarding functions of the State Enquiry Officer :-

1. The status of the State Enquiry Officer is equivalent to that of a Head of a Department.
2. The functions of the State Enquiry Officer is to cause enquiry in departmental proceedings drawn up against any gazetted officer upto the rank of Joint Head of a Department or Deputy Secretary to Government.
3. The State Enquiry Officer may be appointed as the Enquiry Officer in all cases of departmental proceedings against gazetted officers irrespective of their places of posting, upto the level stated above by the respective Departments and they should render all assistance to him that may be necessary for conducting the enquiries.
4. The State Enquiry Officer may call for reports, statements and other information as may be necessary from all Departments/Offices for the purpose of conducting the enquiries.
5. For all administrative purposes, Appointment (B) Department will be the Administrative Department for the office of the State Enquiry Officer.

17. No. ABP.  
59/67/PT/4, dated  
19/09/1967

***Sub:- Transfer of departmental proceedings to State Enquiry Officer.***

In continuation of O. M. NO. ABP. 61/65/17 Dated 2nd September 1967 the following further instructions are issued :-

(1) While the State Enquiry Officer may be appointed by the authorities concerned as the Enquiry Officer in all cases of departmental proceedings against gazetted officers of the levels mentioned in the aforesaid Office Memorandum, it is of course not obligatory to appoint him as such in all cases. Only in cases where a major penalty, viz. dismissal, removal, compulsory retirement and reduction in rank and pay as laid down in rule 7(iv) to 7(vii), of the Assam Services (Discipline and Appeal) Rules, 1964, is aimed at and also in all cases in which the officers proceeded against are placed under suspension the State Enquiry Officer should invariably be appointed as the Enquiry Officer.

The above instructions applies to the cases which are pending as well as those which may be initiated now or in future.

(2) All cases which are now pending at a stage where no enquiry has been started yet by the present Enquiry Officer, i. e. where the officer proceeded against has not been heard in person by the present Enquiry Officer irrespective of whether the defence statement in reply to the charge-sheet has been submitted or not by the officers proceeded against, should be transferred to the State Enquiry Officer immediately by all authorities concerned. This should be done in each case separately by specific orders appointing him as the Enquiry Officer *vice* the present Enquiry Officer for conducting the enquiry against gazetted officers of the level mentioned in the office memorandum under reference.

Any proceedings where the enquiry has been started should not be transferred to the State Enquiry Officer.

Further, the authorities concerned should however transfer only the cases where major penalty has been aimed at and/or the officer involved is under suspension to the State Enquiry Officer first before transferring other cases to him.

18. No. ABP.  
58/62/228, dated  
05/12/1967

***Sub :- Delegation of power to impose Minor Penalties.***

In exercise of the powers conferred by sub-rule (2) of Rule 8 of the Assam Services (Discipline and Appeal) Rules 1964, the Governor of Assam is pleased to empower all the Secretaries to Government, Head of Departments, all Deputy Commissioners and Subdivisional Officers (Civil), to impose any one or more of the minor penalties specified in clauses (i) to (iii) of Rule 7 of the aforesaid rules to certain categories of officers as follows :-



Authority to which the power is delegated	Categories of officers on whom penalties may be inflicted
1. Commissioner of Division	All A. C. S. Class I and A. C. S. Class II officers in his division below the rank of S.D.O.
2. Secretaries of Departments	All Ministerial staff upto the level of Superintendent, and Grade IV Employees under them in the Departments of Secretariat.
3. All other Heads of Departments	All gazetted officers below the rank of Deputy Heads and/or district level officers serving under them.
4. Deputy Commissioner	Revenue Sheristadars, Head Assistants and other non gazetted officers serving directly under him in respect of whom he is not the appointing authority.
5. Subdivisional Officer (Civil)	All Ministerial and Grade IV employees including Supervisor Kanungos and Lot Mandals, serving under him ;

Provided that before the final order is passed, if the delegated authority is of opinion that any of the minor penalties would not meet the ends of justice, he shall forthwith submit the records of the proceedings with his opinion to the Appointing Authority, whereupon the Appointing Authority shall proceed to deal with case from the stage where it was left and shall impose such penalties as he considers adequate.

19. G.M. No. ABP.  
27/92/1, date  
23/06/92.

*Sub :- Care and Caution to be exercised before commencing/recommending departmental proceedings.*

Instances have come to the notice of Government that Departmental proceedings were contemplated on the recommendations of some Departments or the others but after a number of years of protracted correspondences the Departments come-up with a negative response stating that neither documents nor witnesses are available. It is not understood what prompts the Department/authorities to recommend proceedings and later on to be so shy of producing the required materials. Matters have come to such a pass that a measure to deter the Departments/ authorities from recommending proceedings/ suspensions etc. without due care and caution, is to be considered so that unnecessarily the time of Disciplinary authority is not wasted and the persons concerned are not harassed/embarrassed.

All the Departments to whom, inter-alia, disciplinary power were delegated vide Notification No. ABP.58/62/228 dated 05/12/67 are therefore, advised not to recommend proceedings against any Officer/Assistant lightly without due care and caution. If a Departmental proceeding against Officers/Assistants is recommended by a Department and subsequently the Department fails to firm up their request by providing necessary material/witnesses etc. within a reasonable time, Government may consider drawing up of Departmental proceedings against such recommending Officers/Assistants of the department. who may indiscriminately recommend proceedings/suspension.

20. No. ABP.  
58/68/230, dated  
05/12/67

***Sub:- Delegation of disciplinary powers-forms for departmental proceedings***

Consequent upon the recent delegation of powers to the Heads of Departments, Deputy Commissioners and Subdivisional Officers (Civil) etc. vide No. ABP. 58/62/228, dated 5th December, 1967, the authorities concerned are required to use separate forms for drawl of departmental proceedings in such cases. For the convenience of all concerned two separate forms are given below for their use in all such cases.

It should be borne in mind that :-

- (1) While framing the charges they should be careful enough to indicate concisely the basis on which the charges are framed and that the charges are specific in character.
- (2) A statement of allegations should always be included with the charge-sheet and this should give the details of the charges as well as the nature of evidence that may be forthcoming in support of such allegations.

Standard Form for Departmental Proceedings under Rule 9 of the Assam Services (Discipline and Appeal) Rules, 1964, when the enquiry is conducted by the authority itself in exercise of the powers conferred by Government Notification No. ABP.58/62/228, dated 5th December, 1967.

Confidential

GOVERNMENT OF ASSAM

No. \_\_\_\_\_

Dated \_\_\_\_\_

To,

Shri \_\_\_\_\_

In exercise of the powers conferred by Government Notification No. ABP.58/62/228, dated 5th December, 1967, the undersigned hereby asks you to show cause under Rule 9 of the

Assam Services (Discipline and Appeal) Rules, 1964, why any of the penalties prescribed in clauses(i) to (iii) of Rule 7 of the aforesaid Rules should not be inflicted on you on the following charges based on the statements of allegations attached herewith-

- \* (1) That while you were \_\_\_\_\_ you are, therefore, charged with \_\_\_\_\_
- \* (2) That you \_\_\_\_\_ you are, therefore, charged with \_\_\_\_\_
- \* (3) \_\_\_\_\_
- \* (4) \_\_\_\_\_

You should submit your written statement in defence within ten days from the date of receipt of this communication provided you do not intend to inspect the documents which have relevance with the issues under enquiry. In case you intend to inspect those documents you should write to the undersigned for the same within seven days from the date of receipt of this communication and submit your explanation thereafter within ten days from the date of completion of the inspection.

Shri/Shrimati \_\_\_\_\_ is hereby authorised to conduct the inquiry and to submit his/her report to the undersigned with his/her findings.

Your written statement stating whether you desire to be heard in person should be submitted to the undersigned.

(Signature of the Disciplinary Authority)

Memo. No. \_\_\_\_\_

Dated \_\_\_\_\_

Copy to the \_\_\_\_\_ (Inquiry Officer) for necessary action

By order etc.

(Signature of the Disciplinary Authority)

\* (Each charge should be drawn up precisely and clearly, care being taken to avoid vagueness).

N.B :- The charge-sheet should be given to the person concerned and his signature should be taken on a copy of the charge sheet, if that is not possible, it should be served by registered post with acknowledgement due.

#### STATEMENT OF ALLEGATIONS

1. While you were \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_  
 4. \_\_\_\_\_

**Standard Form for Departmental Proceedings under Rule 9 of the Assam Services (Discipline and Appeal) Rules, 1964 drawn up by the authorities concerned in exercise of the powers conferred by Government Notification No. ABP.58/62/228, dated 5th December, 1967, when enquiry is conducted by an authority other than the authorities to whom the powers to impose the penalties have been delegated by the said Notification**

No. \_\_\_\_\_

Dated \_\_\_\_\_

To,

Shri \_\_\_\_\_

In exercise of the powers conferred by Government Notification No. ABP.59/62/228, dated 5th December, 1967, the undersigned hereby asks you to show cause under Rule 9 of the Assam Services (Discipline and Appeal) Rules, 1964 why any of the penalties prescribed in clauses(i) to (iii) of Rule 7 of the aforesaid Rules should not be inflicted on you on the following charges based on the statement of allegations attached herewith-

\* (1) That while you were \_\_\_\_\_ you are, therefore, charged with \_\_\_\_\_

\* (2) That you \_\_\_\_\_ you are, therefore, charged with \_\_\_\_\_

\* (3) \_\_\_\_\_

\* (4) \_\_\_\_\_

You should submit your written statement in defence within ten days from the date of receipt of this communication provided you do not intend to inspect the documents which have relevance with the issues under enquiry. In case you intend to inspect those documents you should write to the undersigned for the same within seven days from the date of receipt of this communication and submit your explanation thereafter within ten days from the date of completion of the inspection.

Shri/Smti \_\_\_\_\_ is hereby authorised to conduct the inquiry and to submit his/her report to the undersigned with his/her findings.

Your written statement stating whether you desire to be heard in person should be submitted to the aforesaid Inquiry Officer.

(Signature of the Disciplinary Authority)

Memo. No. \_\_\_\_\_

Dated \_\_\_\_\_

Copy to the \_\_\_\_\_ (Inquiry Officer) for necessary action

By order etc.

(Signature of the Disciplinary Authority)

\* (Each charge should be drawn up precisely and clearly, care being taken to avoid vagueness).

N.B :- The charge-sheet should be given to the person concerned and his signature should be taken on a copy of the charge sheet. If that is not possible, it should be served by registered post with acknowledgement due.

## STATEMENT OF ALLEGATIONS

1. While you were \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

21. No. ABP.  
58/62/229, dated  
06/12/1967

**Sub:-Disciplinary powers - Delegation of.**

With reference to Notification. No. ABP. 58/62/228 Dated 5th December, 1967, the following instructions are issued in explanation thereto:-

1. The authorities concerned so empowered, should draw up departmental proceedings against the officers and impose any one or more of the penalties specified in clauses (i) to (iii) of Rule 7 of the Assam Services (Discipline and Appeal) Rules, 1964 after any enquiry held in the manner provided in Rule 9 of the aforesaid rules and after consulting the Assam Public Service Commission where such consultation is necessary in the cases where the authorities concerned are satisfied from the facts and circumstances involved and the charges framed that imposition of a minor penalty will be adequate to meet the ends of justice if the charges are finally proved. To illustrate, some offences for which minor penalties may be contemplated are given below :-

- (a) Violation of the provisions of Rules 4 to 9, 12 to 17, 20 to 23 and 25 of the Assam Civil Services (Conduct) Rules, 1965.
- (b) Irregularities involving financial loss to Government not exceeding Rs. 500.
- (c) Disobedience of orders of superior officers and other official misdemeanour.

- (d) Negligence of duty.
- (e) Absence from duty without permission.
- (f) Any other offence of the like nature.

These offences may, however, in some cases be of a serious nature deserving a major penalty. Depending on the gravity of the offence, the authorities concerned should in such cases refer the same to the Appointing Authority concerned for further action, if proceedings aiming at a major penalty are considered necessary by them.

2. Unless there is any doubt as to the rules and procedure to be followed, no reference should be made to the Appointing Authority for its approval either to draw up proceedings or to inflict the penalty to an officer under the powers conferred in the notification.
3. The instruction regarding time limit for various stages of departmental proceedings prescribed in O. M. No. ABM. 18/64/41 Dated 13th May 1964 as well as other instructions issued by the Appointment Department from time to time should be followed.
4. The powers conferred in the notification will not entitle the authorities concerned to suspend an officer. The power to suspend an officer shall be exercised only by the Appointing Authority or any other authority specified Rule 6(i) of the Assam Services (Discipline and Appeal) Rules 1964.

### 3. Departmental examination.

I. No. AAP.  
142/58/183, dated  
01/02/1963

*Sub :- Rules for Departmental Examinations for I.A.S. and A.C.S. Officers.*

#### DEPARTMENTAL EXAMINATION RULES FOR THE DEPARTMENTAL EXAMINATION OF IAS AND ACS OFFICERS

1. In supersession of the existing rules, the following rules are prescribed for the Departmental Examinations of Officers of the Indian Administrative Service, the Assam Civil Service Class-I, and the Assam Civil Service Class-II. The rules come into force with immediate effect.
2. The existing rules for the examination of officers of all other Departments of Government will continue to be in force.

*Rules For The Conduct Of Departmental Examinations, 1963.***Section I-General**

1. These examinations will be held under the direction of the Assam Public Service Commission. All Officers intending to appear in an examination will apply in the prescribed form (Annexure) within the prescribed date published by the Commission.
2. The dates of the examinations will be fixed by the Commission and duly notified to the examiners and the examinees at least one month before the examinations begin.
3. Examinations will be held twice a year usually in April and November.
4. (1)The examinations will be simultaneously conducted at Gauhati and Silchar by Local Committees which will consist of either the Chairman or Member of the Assam Public Service Commission as its President and such other official and non-official members as may be appointed by the Chairman, Assam Public Service Commission. The President may select a substitute in case an official or non-official person originally appointed as a Member of the Committee is unable for any reason to attend the examinations.  
(2)The Chairman, will select a member of the Committee to act as Superintendent of the Examinations for each centre. The Superintendent shall perform the duties of the President if for any unavoidable reason the latter is prevented from attending to his work.  
(3)The Local Committee will have no concern with the written examination other than to see that it is conducted with proper strictness and that the answers of examinees are forwarded in sealed covers to the Commission.
5. (1)The examination in Assamese, Bengali, Hindi, Khasi, Lushai, Garo and Mikir will be conducted by a Board of Examiners which will consist of such member of the Local Committee together with any additional officer or non-official persons as may be appointed by the President to assist at the examination.  
(2)The paper for these examinations in languages will be selected or prepared according to the direction of the Chairman, Assam Public Service Commission and marks will be assigned by this Board or under their instructions.
6. The Chairman, Assam Public Service Commission may direct an examinee to appear at the language examination in Khasi, Lushai, Garo and Mikir at a place other than the usual centre of Examination.
7. For the written examination referred to in the above rule, question will usually be set on the requisitions of the Public Service Commission by the officers named below :-

Secretary to the Government of Assam in the Law Department:	For the papers in Law, Part I with and without books - (First and Second papers).
Secretary to the Government of Assam in Revenue Department:	For the papers in Law, Part II (Revenue Law) with books - (Second Paper).
Director of Land Records, Assam:	For the papers in Law, Part III (Revenue Law) with books- (First Paper).
Secretary to the Government of Assam in the Finance Department:	For the papers in Accounts - (First and Second Papers)

8. The Commission is authorised to borrow the necessary codes and Acts from the offices of the Commissioners and from the Secretariat Library and from other Government officers, if necessary, to enable examinations with books to be conducted. At the close of the examination the Superintendent will be responsible for the return of the books to the officers to which they belong.

9. (1) Written papers will be examined by the officers who set them or, if for special reasons their services are not available, by such other officers as the commission may select.

(2) The officers who examine the papers will, as speedily, as possible communicate to the Secretary, Public Service Commission, the number of marks obtained by the examinees. The Commission will tabulate the marks and submit the results to the Chief Secretary, Government or such other authority as may be empowered so to do who will publish the final results of the examinations in the gazette.

## Section II

### *Subject And Standards Of Examination*

#### *A - LANGUAGE*

10. The languages in which examinations will be held are :-

- (a) Assamese
- (b) Bengali
- (c) The following tribal languages :
  - (i) Mikir (Assamese Script)
  - (ii) Khasi (Roman Script)
  - (iii) Lushai (Roman Script)



(iv) Garo (Roman Script)

(d) Hindi

11. (a) The examination will of one standard and divided into three parts except in Hindi Viz. :-

(i) Conversation and reading

(ii) Translation

(iii) Dictation.

(b) The marks allotted and the time allowed in each part are as follows :-

Total Marks	Time allowed	Pass marks
(i) Conversation and Reading 40	15 minutes	40
(ii) Translation 30	1 hour	
(iii) Dictation 30	30 minutes	

12. (a) Every officer must pass the language examination compulsorily as follows :-

If the mother tongue of the officer is	Compulsory language to be passed
(i) Assamese	Bengali and a tribal language or two tribal languages.
(ii) Bengali	Assamese and a tribal language.
(iii) Other than above	Assamese and Bengali or Assamese and a tribal language (Other than mother tongue)

"Tribal language" here means one of the languages mentioned under Rule 10(c) which have a written script

(b) the standard of the examination in the language except Hindi will be as given below :-

(i) An officer must be able to converse freely in the language in which he is appearing. He should be able to read with fair fluency, and explain in English two papers written in a plain running hand.

(ii) The officer must be able to correctly write down sentences spoken in the language.

(iii) He must without assistance translate from English a short passage.

(c) Immediately after his posting every officer should intimate to Government in the Appointment Department, the languages which he will take for the departmental examinations.

13. An officer must also pass in the Hindi examination. The examination in Hindi will consist of conversation only and will be of fifteen minutes' duration. Maximum marks will be 10 and the pass marks 4.

***B : Law***

14. The examination in law are divided into the following two parts :-

- (1) Criminal Law, Civil Law and the Law of Evidence.
- (2) Revenue Law.

15. There will be four sets of question papers in the examination in Law, viz. one in each part to be answered without the aid of books, and one in each part to be answered with the books. Officers are not required to pass by the lower standard in the papers with the books.

16. To pass in law parts I and II an officer will have to obtain the following minimum marks.

The maximum marks prescribed for each of the examinations 150. For the examination without books, 60 marks will be minimum for lower standard and 100 marks will be the minimum for Higher Standard. For the examination with books, 100 marks will be minimum for higher standard. However; an officer will be deemed to have passed by the Higher standard if he secures a minimum of 90 marks in each of the papers (with and without books) and 200 marks in the aggregate. The time allowed for each paper will be three hours. An examinee is not required to appear in a paper again in which he secures at least 100 marks.

17. The Acts, Regulations and Rules from which questions will be set are shown below. All amending acts, regulations, etc. are automatically included :-

***Law Part - I***

Criminal and Civil Law and the Law of Evidence First Paper-without books.

The I. P. C. Act XLV of 1860, Chapters 2, 4, 5, and 8 and definition of all offences.

The Code of Criminal Procedure, Act V of 1898, Chapters 4-9, 13-21, 24-26.

The Code of Civil Procedure, Act V of 1908.

Sections 15 to 35, 137 to 139, 142 and 146 to 153 and the First Schedule, Orders I to XX and XLVIII.

The Indian Evidence Act I of 1872.

*Law Part - I*

Criminal and Civil Law and the Law of Evidence Second paper - with book.

The I. P. C. Act, XLV of 1860

The Code of Criminal Procedure, Act V of 1898.

The Code of Civil Procedure, Act V of 1908.

The Indian Evidence Act I of 1872.

The Police Act V of 1861.

The Cattle Trespass Act I of 1871.

The Indian Contract Act IX of 1872.

The Indian Oaths Act X of 1873. The Indian Arms Act. XI of 1878 and the Rules framed thereunder (To be substituted by the new Act when it comes into force).

The Northern India Ferries Act XVII of 1878.

The Advocates Act, 1961 (The Legal practitioners Act XVIII of 1879 has been substituted by the Advocates Act, 1961, which is being enforced in instalments).

The Transfer of Property Act IV of 1882.

The Indian Explosives Act IV of 1884, and the Rules framed thereunder.

The Registration Act XVI of 1908.

The Factories Act, 1948 (Act XXV of 1934, has been substituted).

The Workmen's Compensation Act VIII of 1923.

The Minimum Wages Act XI of 1948.

The Prevention of Food Adulteration Act, 1954.

The Industrial Disputes Act XIV of 1947.

The Indian Motor Vehicles Act, 1939.

*Assam Acts, Rules and Regulations.*

The Bengal Eastern Frontier Regulation 5 of 1873. (This is the correct name for the Inner Line Regulation V of 1873).

The Assam Private Fisheries Protection Act I of 1935.

The Assam Opium Prohibition Act XXIII of 1947.

The Assam Liquor Prohibition Act I of 1953.

The Excise Act I of 1910.

*Bengal Acts.*

The Village Chaukidari Act VI of 1870.

*Law Part - II*

Revenue Law.

First paper - without books.

The Assam Land and Revenue Regulation I of 1886, as amended and the Rules framed thereunder.

*Law Part II.*

Second Paper with books.

1. The Assam Land Revenue Manual (including the introduction).
2. The Goalpara Tenancy Act, 1929.
3. The Land Records Manual.
4. The Assam Re-Settlement Manual.
5. The Agriculturist Loans Act XII of 1884.
6. The Assam Local Rates Regulation III of 1879 as amended and Rules framed thereunder.
7. The Assam Forest Regulation VII of 1891.
8. The Assam (Temporary - Settled Districts) Tenancy Act III of 1935.
9. The Sylhet Tenancy Act XI of 1936.
10. The Assam Estate Acquisition of Zamindaris Act XVIII of 1951.
11. The Assam fixation of Ceiling on Land Holding Act, 1956, Act I of 1957.

12. The Assam Urban Areas Rent Control Act, 1961.
13. The Assam Gramdan Act, 1961.
14. The Assam consolidation of Land Holdings Act, 1960.
15. The Land Acquisition Act I of 1894.
16. The Assam Land (Acquisition and Requisition) Act, 1948.
17. The Assam Adhiars Protection and Regulation Act, 1948.
18. Assam Flood Control and Prevention of Erosion Act, 1955

**C - Accounts.**

18. (1) The examination in Accounts will be one standard and two papers will be set. The question in the first paper will be set from Chapters 6-8, 10-16, 19, 20 and 27 of the publication "An Introduction to Indian Government Accounts and Audit. Second Edition." The candidates will not be allowed to use the book at the time of examination.

(2) The questions in the second paper, in answering which candidates will be allowed to refer to books and which will be of practical character, will be set from :-

(a) The Fundamental and Subsidiary Rules :-

(i) Section II - Chapters II, III, IV, V (omitting Rules 45-48) VI, VII, IX, X (omitting Rules 64, 75(2) to 75(c), 79-81 (b)(i), 82-83, 89-92, 94,100-A-101) and XI of the Fundamental and Assam Subsidiary Rules, 1939. Second Edition and Subsidiary Rules framed under the Fundamental Rules relating to chapters mentioned above, but excluding those relating to officers and departments specially mentioned, such as Police, Assam Survey Departments etc. etc.

(ii) Section IV-Divisions, I, III, IV (excluding S. R. 161) V, (excluding S. R. 165), VI (excluding SRs. 171-185), VII, VIII (excluding S. R. 191) IX. X (excluding S. Rs 201, 204, 207, 208-213, 217, 219, 222, 226-234) XI (excluding S. R. 238), XII (excluding S. Rs 243-252), XIV, XV (excluding S. R. 268) XVI, XVII, XVIII (excluding S. Rs 280-287) XX, XXIII and XXVI.

(b) The Assam Pension Manual, Second Edition, 1939- Chapters I, VI, VIII, X, and XI, as amended.

**Note :-**This has been replaced by the Assam Services (Pension) Rules, 1969.

(c) The Budget Manual, Third Edition 1960-Vol. I-Chapters XV and XVI.

- (d) The Assam Financial Rules-Second Edition 1939 with appendices 4-8, 10 and 15 (omitting portions relating to Forest and Public Works Departments).
- (e) The Treasury Rules and Subsidiary Orders made thereunder. Second Edition, 1939 with appendices I and III-V (omitting positions relating to Forest and Public Works Departments).
- (f) Assam Contingency Manual.

The time allowed for each paper will be three hours. The maximum marks for each paper will be 150 and the minimum pass marks will be 90. However, an officer will be deemed to have passed in Accounts if he secures a minimum of 80 marks in each of the papers and 180 marks in the aggregate.

An examinee is not required to appear in a paper again in which he secures at least 90.

An examinee will not be held to have passed the examination in Accounts until the Deputy Commissioner of the District to which he is attached furnishes a certificate that the examinee was placed in charge of a District or Sub-Treasury under the general supervision of the Treasury/Sub-Treasury Officer for a period of not less than six weeks and that he underwent the training satisfactorily.

### Section III

Special Rules framed under the I. A. S. Pay Rules affecting the members of the Indian Administrative Service.

19. (1)(a) An I. A. S. Officer (direct recruit-regular as well as special recruit) is compulsorily liable to pass the following examinations :-

Law, Parts I and II by Lower and Higher Standards. Language examination as prescribed in Rules 12 and 13 and Accounts.

(b) He will be required to undergo training in Survey and Settlement, as and when deputed to the course and pass the examinations that may be prescribed to test his proficiency in these subjects and obtain a certificate of proficiency.

(2) Immediately on passing the Lower Standard of Law Parts I and II and a language (other than Hindi) a direct recruit will be allowed to draw the first increment due to him. He will be allowed to draw his second increment due to him on passing the remaining parts of the examination mentioned in sub-rule 1(a) and on obtaining a certificate mentioned in sub-rule 1(b), provided that it will not be obligatory to obtain the certificate under sub-rule 1(b) if he has not been deputed to training in Survey and Settlement by the time he passes the examinations in sub-rule 1(a). These increments will have effect from the first day following

that on which the Departmental Examination in which he is declared to have passed, ended. No further increment will be earned by him till the completion of his fourth year of service.

(3) A direct recruit is expected to pass the Lower Standard of Law Parts I and II and a language (other than Hindi) within one year of his arrival in the State, if he fails to pass within this period he will not be eligible to draw the first increment of pay due to him. He is expected to pass the remaining parts of the examinations within two years of his arrival in the State; he will not be eligible to draw the second and subsequent increments of pay due to him until he passes all the examinations prescribed in sub-rule (1)(a) and obtains the certificate mentioned in sub-rule (1)(b) provided that it will not be obligatory to obtain the certificate under sub-rule ((1)(b) if he has not been deputed to training in Survey and Settlement by the time he passes the examinations in sub-rule (1)(a).

Provided Government may, by a general or special order exempt an officer from passing any one or more of the examinations mentioned in sub-rule (1):

Provided further that Government may by general or special order, extend the periods prescribed in sub-rule (3) in case of any Officer, and allow him to draw his normal increments.

#### 'B'

Special Rules affecting members of the Assam Civil Service, Class-I.

20.(1). Officers of the Assam Civil Service, Class I are compulsorily liable to pass the following examinations :-

Law, Parts I and II by Lower and Higher Standards.

Language examinations as prescribed in Rules 12 and 13 and Accounts.

(2) They will also be required to undergo training in Survey and Settlement as and when deputed to the course, pass the examinations that may be prescribed to test their proficiency in these subjects; and obtain a certificate of proficiency.

(3) An officer will not be eligible for confirmation until he passes all the Departmental Examinations mentioned in sub-rule (1) and also obtains the certificate mentioned in sub-rule (2) if he had been deputed to the training in Survey and Settlement either within the period of probation or before he passes the examination mentioned in sub-rule (1).

Provided that, where an officer has intimated his intention to appear in an examination and (1) he is unable to appear as he is not spared by Government owing to any emergency or (2) the entire examination is abandoned or postponed by more than three months, the benefit of

confirmation shall be given to the officer retrospectively if he comes out completely successful in the next examination in all the subjects in which he is liable to pass.

Provided that Government may by general or special orders exempt an officer from passing any one or more of the examinations mentioned in sub-rule (1).

Provided further that Government may by general or special orders, temporarily exempt an officer from passing the departmental examinations prescribed in sub-rule (1) and confirm him in the service and allow him to draw his increments.

'C'

Special Rules affecting members of the Assam Civil Service, Class II.

21. (1) Officers of the Assam Civil Service, Class II are compulsorily liable to pass the following examinations :-

Law, parts I and II by Lower Standard.

and

Language examinations as prescribed in Rules 14 and 15

(2). They will also be required to undergo training in Survey and Settlement as and when deputed to the course, pass the examinations that may be prescribed to test their proficiency in these subjects; and obtain a certificate of proficiency.

(3) An officer will not be eligible for confirmation until he passes all the Departmental Examinations mentioned in sub-rule (1) and also obtain the certificate mentioned in sub-rule (2) if he had been deputed to the training in survey and Settlement either within the period of probation or before he passes the examinations mentioned in sub-rule (1):

Provided that, where an officer has intimated his intention to appear in an examination and (1) he is unable to appear as he is not spared by Government owing to any emergency or (2) the entire examinations is abandoned or postponed by more than three months the benefit of confirmation shall be given to the officer retrospectively if he comes out completely successful in the next examination in all the subjects in which he is liable to pass.

Provided Government may, by general or special orders, exempt an officer from passing any one or more of the examinations mentioned in sub-rule (1).

Provided further that Government may, by general or special order, temporarily exempt an officer from passing the departmental examinations prescribed in sub-rule (1) and confirm him in the service and allow him to draw his increments.



**Section IV****'D'**

Rules for the training of IAS, ACS Class I and ACS Class II Officers in survey and Settlement Work.

The course of training is divided into two parts, namely Survey and Settlement.

22. (1) IAS Officers and Extra Assistant Commissioners will undergo a course of training lasting for two months, approximately one month being devoted to each of the two subjects. In the case of Sub-Deputy Collectors duration of the course will be four months, three months being devoted to Survey and one month to Land Records and Settlement training. During the period of training Officers will be under the order of the Director of Land Records and Surveys.

**SURVEY**

(2) The training in Survey will be carried out at the Assam Survey School at Jhalukbari. The Director of Surveys will arrange for the training and will lay down detailed rules from time to time for the conduct of the class.

(3) The course for IAS Officers and Extra Assistant Commissioners will include lectures on the general principles of Survey, and instructions in the use of the different instruments with a view to give officers a practical acquaintance with the system of survey found in Assam. The syllabus of the course is as follows :-

(i) Chain Survey- 4 working days.

Necessity for testing chains.

Method of chaining.

Taking offsets.

Recording in field books and on Khata.

Reconnaissance and setting out triangles.

Necessity for the lines.

Method of Surveying detail by subsidiary lines.

Plotting from field books and in field.

Executing the chain survey of about 10 acres, on the scale of 16 inches or 64 inches to 1 mile. Plotting the survey and drawing a scale of chains and links. Preparation of diagonal scales and area square. Explanation of the compass and Magnetic North.

(ii) Plane table - 2 working days- Use of plane table and sight vane for traversing.

(iii) Theodolite traversing- 3 working days.

(iv) *Adjustment of instruments-*

Method of observing, marking traverse stations, conditions of a traverse circuit, the universal theorem; system of co-ordinate; plotting by co-ordinates; the calculation of areas, and the necessity for Azimuthal observations.

Executing of closed traverse circuit of at least 10 stations computing and plotting the same on a scale of 32 inch to 1 mile and calculating area. Drawing a scale of yards and one of chains and links. North point and magnetic declination to be shown.

(v) *Cadastral Survey-10 working days-*

Methods of filling in detail from plotted traverse stations. Necessity for distribution of error in subsidiary lines use of pentagraph and planimeter. Execution of a cadastral survey of about 20 acres on the scale 64 inches to 1 mile. Areas to be extracted by acre comb and Planimeter.

(vi) *Partalling - 2 days-*

Cadastral survey executed to be partalled.

The sub-deputy collector's course during the first month will follow the same lines as that of IAS Officers and Extra Assistant Commissioners. The two subsequent months will be devoted to training in practical problems ordinarily met with by officers in-charge of circles. The Director will lay down the details of the course.

(4) Working routine- On working days, officers should work in the field from 3 to 6 hours. There will be no work on Sundays.

During the course officers will have access to 16 inch, cadastral maps prepared during settlement operations and one inch, half inch and quarter inch topographical maps of the Survey of India. The Director will arrange for a supply of these as required.

#### Land Records And Settlement

(5) On the termination of the training in Survey, the officers will if there be then no district under settlement be deputed for training in Land Records and Settlement work under the

Deputy Director. The period of such training will ordinarily be not less than three weeks distributed as follows :-

(i) Preliminary instructions in office-4 days. This consist of course of lectures on the subject noted below :-

(a) Past Land Revenue History.

(b) Surveyed and unsurveyed areas in Assam

(c) Preparation and maintenance of maps and records.

(d) Regular and Supplementary Settlement.

(e) Maintenance of Survey marks.

(f) General duties of recorders, Supervisor Kanungoes, Registrar Kanungoes and Sub-Deputy Collectors.

(g) Procedure of mutation in field and in office.

(h) Settlement rules under Section I, II, and III.

(i) Assessment of Local Rates.

(j) Rules for deferred enhancement of Land Revenue.

(k) Grazing Reserve.

(l) Suspension and remission of revenue.

(ii) Practical instruction in doing field mutation in villages-2 days. This will consist of reading out the names of settlement holders recorded in periodic jamabandis and recording the names of dakhilkars in column 5 of the chitha.

(iii) Practical training in the present system of land classification - 2 days-. The officer will be taken to a typical village and given practical training in the system of land classification adopted at the last re-settlement.

(iv) *Writing of a chitha in the field-3 days-*

For this purpose the officers will be divided in batches of two or three and will be given copies of existing cadastral maps of certain typical villages. Each officer will write out the chitha for at least 50 days, recording crops as well as classification in addition to name of the settlement holders and their work as it goes on will be tested by the officer in charge.

(v) *Area calculation and other office work after chitha working-4-days.*

This will be done in office. Revenue and Local rates should be calculated at the same time.

(vi) *Re-settlement and the method of assessment under soil unit system-3-days.*

The various processes of the re-settlement and the soil unit system of assessment will be clearly explained.

(vii) Visit to the Registrar Kanungo's and Sub-Deputy Collector's office and examination of the registers. The officers can easily be taken to the Registrar Kanungo's office at Gauhati which is only 8 miles from Jhalukbari.

(viii) *Coaching in rules-*

For this purpose the officers will be taken in batches of two or three at a time and the rules of the Land Revenue and Land Records Manuals will be discussed.

(ix) Time allowed for preparation - 3 days.

(x) Examination- 1 day.

(6) On the termination of the training in Survey, the officers, will, if there be then a district under Settlement usually be deputed there for training under the Settlement Officer in as many of the above mentioned items as convenient. The Director will arrange for such examination oral and written, if any, as he may deem necessary after the training is over.

(7) The Director shall after the examination, if any, held under Rules 5 and 6 above submit a report on the proficiency of each officer.

(8) An officer shall not be deemed to have passed the departmental examinations until he is reported by the Director to be proficient in Survey and Settlement work.

ANNEXURE

*APPLICATION FORM*

From:-

To

The Chairman, Assam Public Service Commission,  
Beltola, Gauhati.

Through the Chief Secretary to the Government of Assam, Appointment (A) Department,  
Dispur.

OR

The Head of Department as the case may be. - Dated \_\_\_\_\_

Sir,

With reference to the rules for the conduct of \_\_\_\_\_ Departmental Examination, I have the honour to report my intention to appear at the Departmental Examination to be held on the \_\_\_\_\_ 19 \_\_\_\_\_ in the following subject :-

SUBJECTS	STANDARD OR PART
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	

Centre:- \_\_\_\_\_

Yours faithfully,

(To be clearly written)

Name in full (in Block letters)

Designation.

Place of present posting

District.

2. No. ABP.  
45/63(P)/37, dated  
31/03/64

*Sub :- Requirement of knowledge/acquiring knowledge of language of place of posting.*

1. In accordance with the Public Employment (Requirement as to Residence) Act, 1957 the State Government prescribed a model form of advertisement but to safeguard the interests of the people of the State, a knowledge of Assamese or Bengali or one of the Tribal languages of Assam was prescribed as an essential qualification. Though the language condition covers most of the languages in Assam, yet the condition will put the linguistic minorities, whose mother tongue is other than languages prescribed, in a disadvantageous position. It has, therefore, been decided to delete the language clause in the advertisement and henceforth an

adequate knowledge of Assamese or Bengali or one of the Tribal languages of Assam should not be prescribed as an essential qualification for recruitment.

2. After initial appointment, Government servant should have an adequate knowledge of the language of the area in which he is posted. There are already Rules for Conduct of Departmental Examinations in many Departments, wherein, it has been provided that an officer would be confirmed only after his passing Assamese and another language which may be either Bengali or a Hill language. The quantum of rewards, when officers learn additional languages has also been recently increased. However, there are a large number of Departments who have made no provision for learning of languages by officers of their departments. Where there are no such rules requiring an officer to learn the language of the area in which he is posted the Department should issue instructions to the effect that their officers should be required to have a working knowledge of the languages of the district in which he is posted in order to discharge his duties satisfactorily. Besides the efficiency of a person should be judged on the basis of his having acquired a working knowledge of the language.

#### 4. Discharged Persons.

*I. No. ABM.  
81/56/P(11)/24,  
dated 09/04/1958*

*Sub :- Giving preference to discharged persons in matters of appointment.*

If a person selected and appointed in a year is subsequently discharged for no fault of his, such person will have preference over others for any vacancy arising in subsequent years, provided he is still a candidate for the post, without his being required to deposit fees and appear at the examination afresh.

#### 5. Discharge of temporary Government servants.

*I. No. ABM.  
122/64/66, dated  
21/02/1966*

*Sub :- Procedure for discharging temporary employees.*

Under the Assam Services (Discipline and Appeal) Rules, 1964, departmental proceedings are not required to be drawn up against a Government servant in whose case the appointment is expressly stated to be on temporary basis and to have been sanctioned until further orders, if he is discharged from service without stigma. It has come to the notice of the Government that some temporary Government employees who are retained from year to year on the above conditions have been summarily discharged from

service by taking recourse to the provisions in the Discipline Rules mentioned above though their juniors continued in service. Both in 1956 and 1964 Pay Committees reports, it has been suggested and accepted by Government, employees who have been in service for more than 5 years should be made permanent except when they are appointed against posts created for experimental schemes or for the purpose of handling any work of a purely temporary or sporadic character. Hence this category of Government employees should not be treated as temporary from the technical angle and summarily discharged. If there is a question of retrenchment, person who joined last should go out first according to the Gradation List prepared. In other words, termination of service of such employees consequent on reduction of posts should ordinarily take place in order of juniority. Termination of service otherwise should be done by drawing up regular departmental proceedings.

## 6. Dismissed Persons.

J. No. ABM.  
50/61/300, dated  
08/02/1964

*Sub :- Intimation to DIG(CID) of dismissal of any official.*

1. The information regarding names and other particulars of persons dismissed from service or debarred from future employment under the Government should be forwarded only to the Deputy Inspector General (Criminal Investigation Department) of the State and the Superintendent of Police of the District, where the person concerned is a permanent resident. The Deputy Inspector General (Criminal Investigation Department) will circulate this to the Director of Intelligence Bureau, New Delhi and Deputy Inspector General (Criminal Investigation Department) of other State Governments. The Deputy Inspector General (Criminal Investigation Department) of the State will also similarly collect names of such debarred persons in other States from the Director of Intelligence Bureau, New Delhi and the Deputy Inspector General (Criminal Investigation Department) of other State-Governments for his record.
2. In case of persons who are permanent residents of Calcutta, Bombay and Madras, such circulars of dismissal, etc. should be sent to the Commissioner or Deputy Commissioner of Police who is in charge of the Special Branch, by the Deputy Inspector General (Criminal Investigation Department) of the State, who will also collect similar information from them for persons so debarred from service in those presidency towns.

**7. Dismissal order under Article 311(2)(c) of the Constitution.**

I. No. ABP.  
62/67/1, dated  
19/10/1967

*Sub :- Revised form of order of dismissal under Article 311 (2) (c) of the Constitution.*

With the amendment of Article 311(2) of the Constitution of India (Fifth Amendment, 1958), it has become necessary to discontinue the old form. The revised form to be used for a dismissal order under sub-clause (c) of clause 2 of Article 311 of the Constitution will be as given below.

**GOVERNMENT OF ASSAM**

No. \_\_\_\_\_ Dated \_\_\_\_\_ the \_\_\_\_\_

The Governor of Assam is satisfied that Shri . . . . . is unfit to be retained in Public Service and that he ought to be dismissed from Service.

The Governor is further satisfied under sub-clause (c) of the proviso to clause (2) of Article 311 of the Constitution of India that in the interest of the security of the State, it is not expedient to hold an enquiry under clause (2) of Article 311 of the Constitution of India against the said Shri \_\_\_\_\_

Accordingly, the Governor of Assam hereby dismisses the said Shri. . . . . from service with immediate effect.

Secretary to the Government of Assam.

Memo No. \_\_\_\_\_ Dated, the \_\_\_\_\_

Copy to :-

- 1.
- 2.
- 3.

By order etc.



## 8. Deputation of Assam Government employees to Government of Meghalaya.

1. No. AAP.  
97/70/66, dated  
20/01/1972

*Sub :- Pending final agreement, all Government of Assam employees serving in Meghalaya to be treated on deputation without deputation allowance.*

Pending such agreement as may be arrived at between the Government of Assam and the Government of Meghalaya all employees of the Government of Assam now serving in connection with the affairs of the autonomous State of Meghalaya and all other employees of the Government of Assam who on the appointed date of the North Eastern Areas (Reorganisation) Act, 1971 would be serving in connection with the affairs of the State of Meghalaya will be treated as on deputation to the Government of Meghalaya without deputation allowance.

2. AAP. 55/72/1,  
dated 06/04/1972

*Sub :- Secretary, Tribal Areas Department to co-ordinate all matters relating to allocation of personnel to Meghalaya.*

It has been observed that references are being made by the various Administrative Departments and Heads of Departments to the Appointment Department regarding service conditions of Government servants now serving in connection with the affairs of the Government of Meghalaya.

Pending final decision regarding Permanent allocation of officers of the various Departments to the Government of Meghalaya this Department in their circular No. AAP. 97/70/66 Dated 20/01/72 had decided that all persons serving in offices coming under the Government of Meghalaya on the appointed date may be treated as on deputation without deputation allowance. It is necessary that final decisions regarding allocation of Government servants to Meghalaya as per the provisions of the North Eastern Areas (Reorganisation) Act, 1971, should be taken without further delay.

In order to ensure uniformity in the decisions relating to deputation and final allocation etc. of the personnel of various Departments to the Government of Meghalaya as well as to co-ordinate with all Departments in all other matters relating to the North Eastern Areas (Reorganisation) Act, 1971, the Secretary to the Government of Assam, Tribal Areas and Welfare of Backward Classes Department has been specially entrusted with the subject.

Accordingly all matters having a bearing on the matters may be first referred to the Tribal Areas and Welfare of Backward Classes Department for their advice before a decision is taken by the concerned Administrative Department and Heads of Departments.

### 9. Discretionary grants of Ministers.

1. GOI. Ministry of Home Affairs', No. F.50/3/68-Pol-111, dated 29/09/1970 and

2. G/A. No. PARL. 6/68/991, dated 08/08/1970

#### *Sub:- Discretionary grants of Ministers - Payment from.*

Instead of making a provision in the rules regulating the disbursements from the discretionary grants, a convention should be adopted that for a period of three months immediately prior to a polling in a general election, mid-term election or bye-election in any constituency, no expenditure should ordinarily be incurred from a Minister's discretionary grant.

### 10. Designation - Clarification on the use of the designation Special Commissioner and Special Secretary

1. O.M. No. AAP. 9/95/5, dated 23/02/95

#### *Sub :- Clarification on use of the term 'substantively' and designation of Special Commissioner and Special Secretary.*

Of late question is raised from certain quarters about the use of the word "substantively" on the promotion/transfer notification of officers.

The word "substantively" is normally used when an officer is allowed to hold the charges of more than one Department or post at a time showing substantive posting against a particular post which facilitates drawal of pay and allowances of the officer concerned against the substantive post. When an officer is transferred from one substantive post to another post, the word "substantively" is not used.

A question has also been raised by some officers about the use of designation of "Special Commissioner & Special Secretary" in the promotion and transfer notifications.

Although, as per Cadre Schedule of IAS, the designation of the post is "Special Commissioner". The word "Special Commissioner & Special Secretary" is used for all purposes with a view to perform Secretariat functions by these categories of officers as according to the provisions of the Assam Rules of Executive Business, Special Commissioners are not empowered to perform Secretariat functions unless specifically empowered.

The post of Special Secretary in the Government of India is below the rank of Secretary, while in the State of Assam the post of Special Commissioner is above the rank of Commissioner and Secretary. In order to perform Secretariat functions by the Special Commissioners, the designation of the posts as "Special Commissioner and Special Secretary" are always used.

It has come to the notice of the Government that some officers use their designation as "Commissioner". It is clarified that except the Commissioner of Division, Development Commissioner for Hill Areas, Commissioner, Border, there is no post of Commissioner in the Secretariat. The designation of the posts are "Commissioner and Secretary" in the Secretariat and not only as "Commissioner".

The contents of the Office Memorandum may be brought to the notice of all concerned for compliance/guidance.

# E

## 1. Educational qualification.

I. No ABP.  
93/62/77, dated  
13/03/63.

*Sub :- Prescribing Higher Secondary School Leaving Certificate as minimum qualification for entry to Secretariat/Heads of Departments/District Offices.*

Higher Secondary School Leaving Certificate should henceforward be the minimum qualification for entry to the Secretariat, Heads of Departments and District Offices.

During the transitional period when both the old course and the new course namely, of Matriculation and Higher Secondary, will continue together the following equivalent qualifications are also prescribed according to old standards-

(1) For entry into the Secretariat and Heads of Departments, Pre-University and Intermediate would be equivalent qualifications.

(2) For entry to the District Offices, Matriculations would continue to be the minimum educational qualification in addition to Higher Secondary.

(3) For appointment as Typists in all Government offices, Matriculation would continue to be the minimum educational qualification in addition to Higher Secondary.

Note- The minimum educational qualification for entry to the Secretariat has been raised from Higher Secondary School Leaving Certificate to Degree of the recognised University in Arts, Science and Commerce vide Rule 18 (III) of the Assam Secretariat Subordinate Service Rules, 1963 with effect from 10.02.71.

2. No. ABP.  
93/62/p/19, dated  
20/05/63.

**Sub :- Educational qualification for the posts of Stenographers.**

1. Consequent on the introduction of the Higher Secondary School Examination and the three year Degree Course, it has been decided that the Higher Secondary Leaving School Certificate should be the minimum qualification for recruitment of Grade II and Grade III Stenographers in the State. As it will take some time to convert all the existing schools into Higher Secondary Schools, during the transition period when both the old courses and the new courses will continue together, the following equivalent qualifications are also prescribed according to old standards :-

(1) For appointment of Grade II Stenographers- Pre-University and Intermediate would be equivalent qualification.

(2) For appointment of Grade III Stenographers-Matriculation would continue to be the minimum educational qualification in addition to Higher Secondary.

2. A person who does not possess the minimum speed required for the posts as laid down in Government Resolution No. ABP. 87/59/59 Dated 19/01/1960 as amended, should under no circumstances be appointed without the prior approval of Government in the Appointment (B) Department.

## 2. Efficiency Bar.

1. No AAP. 29/51,  
dated. 26/02/51.

**Sub :- Crossing of efficiency bar - special report.**

1. A month before the date on which an officer is due to cross the efficiency bar, the officer under whom he is working should send a special report through his superior for the year preceding the date on which the officer is due to cross the bar. The criterion for crossing the efficiency bar is :-

(a) That the officer must have worked during the year at the end of which he is to cross the efficiency bar to the best of his ability, and

(b) That his integrity during that year has not been in question.

2. If an officer is regarded unfit to cross the efficiency bar on one occasion his case must be considered again at the end of another year and the above criteria applied to his work during that year.

2. No AAP. 181/  
60/24, dated  
11/01/61.

**Sub :- Officers to apply three months ahead of due date for crossing Efficiency Bar.**

The instructions given in Government circular No. AAP. 29/51, dated 26/02/1951 that officers due to cross the efficiency bars should apply well in time through their superiors who are required to make a special report for the year preceding the date on which the officers are due to cross efficiency bars, should be scrupulously adhered to. Officers concerned should intimate their immediate superiors two or three months in advance of the due date so that all formalities can be completed before or shortly after the due date.

3 No. AAP.  
181/60/46, dated  
18/05/66

**Sub :- Modification in certificate required for crossing efficiency bar.**

Para (a) of No. AAP.29/51, dated 26th February 1951 is substituted by the following :-

(a) "That the officer must have worked during the year at the end of which he is to cross the efficiency bar satisfactorily and to the best of his ability, and".

4. GOI. No.  
5095/55-Ests(A),  
dated 16/09/55.

**Sub :- Stopping a Government servant at efficiency bar.**

5. Appt. U. O. No.  
665/55, dated  
29/09/55.

Stopping a Government servant at an efficiency bar in the time-scale of his pay on the ground of his unfitness to cross the bar would not amount to withholding of increments or promotion within the meaning of Rule 49 (ii) of the Civil Services (Classification, Control and Appeal). Rules and that the procedure laid down in Rule 55A of those Rules need not be followed in such cases. An appeal has, however, been provided for against such stoppage.

6. No. FEG.  
26/67/pt.1, dated  
23/03/68.

**Sub :- Crossing of efficiency bar after disposal of departmental proceedings.**

After the conclusion of a disciplinary/vigilance case, if the Government servant is completely exonerated, he may be allowed to cross the efficiency bar with effect from the

due date retrospectively unless the competent authority decides otherwise. If, however, the Government servant is not completely exonerated, he may be allowed to cross the efficiency bar with effect from a date following the conclusion of the disciplinary/vigilance case, taking into account the outcome of the disciplinary/vigilance case.

7. GOI. No. F(18)-  
E. III(A)/68, dated  
18/05/68.

**Sub :- Crossing of efficiency bar when on deputation.**

8. No. FEG.  
4/62/100, dated  
07/03/69.

Reference O. M. No. F.2(19)-E. III/62, Dated 23rd April, 1962. As an increment next above the efficiency bar needs the sanction of the authority empowered to withhold increments under F.R. 24 or the relevant disciplinary rules, the authority which has the power to make substantive appointments to the post held by the deputed Government servant or an authority empowered under the C. C. S(CCA) Rules, 1965 to withhold increments, would be the authority competent to allow him to cross the efficiency bar. In other words in respect of a State Government servant on deputation to Central Government and drawing pay in the State Government scale plus deputation (duty) allowance in accordance with the extant orders, it will be for the State Government concerned to consider the question of allowing him to cross the efficiency bar in his parent scale and issue appropriate orders in the matter. Where the State Government servant draws pay in the scale of the post held by him on deputation under the Central Government concerned of the decision taken. In cases where it is decided to enforce the efficiency bar the State Government should also be informed forthwith of the circumstance leading to the issue of the orders withholding increment at the efficiency bar, on the analogy of the proviso to Rule 20 of the C.C. S(CCA) Rules, 1961.

2. The procedure outlined above, with regard to the grant of increment above the efficiency bar will also apply mutatis mutandis, to the Central Government employees on deputation (a) from one Central Government department to another, (b) to State Governments and (c) to foreign service.

9. No. FEG.  
26/67/72, dated  
19/03/69.

**Sub :- Regulating the next date of increment after crossing efficiency bar.**

In cases of subsequent crossing of efficiency bar after a Government servant was held up at the bar stage for some time, once the competent authority has determined the stage at which the Government servant concerned should draw his pay from the date he is allowed to cross the efficiency bar, the next increment above that stage will accrue to him on the usual date of drawl of increment, if otherwise admissible, and not after rendering one year's service.

2. These orders will take effect from the date of issue and the past cases decided otherwise shall not be reopened.

**3. Employment after retirement.**

**1. GOI. No.  
29/1/1955-Exts.  
dated 20/06/56.**

***Sub :- Procedure for retired engineers to work as or under contractors after retirement.***

1 The Government of India have decided to remove the ban under which retired engineers of the Central Public Works Department are debarred from working for the department either as contractors or as employees of contractors and that as in the case of retired officers of All India Services and Central Services Class I (who are required to obtain the permission of Government before taking up any commercial employment within two years of their retirement under Article 531-B of the Civil Service Regulations), retired engineers should obtain prior permission of Government if they seek employment as contractors or under such contractors within two years of retirement.

2. This principle should be adopted uniformly in respect of all engineers of gazetted rank and other gazetted officers employed on engineering or administrative duties in the Engineering Departments of the Government of India, who after retirement, seek employment as contractors for, or in connection with the execution of public works (including Railway and Defence Works) as employees of such contractors, within two years of their retirement. Such permission within two years of such an officer's retirement will be given very rarely in special circumstances.

3. No person who is covered by these orders and has not obtained the necessary permission should be given any such contract and condition should be incorporated in the terms of the contract that it is liable to cancellation if either the contractor himself or any of his employees is found to be a person to whom these orders applied and not obtained the necessary permission.

4. As a further safeguard, it has also been decided that at the time of sanctioning pension, Officers of these categories should be required to sign an undertaking that they would not seek such employment within two years of retirement without the prior permission of Government. In the case of non-pensionable officers the officers should be required to sign a similar undertaking at the time they are paid the gratuity.

**2. No. AAP.  
234/56/19, dated  
24/10/59.**

***Sub :- Procedure for retired engineers to work as or under contractors after retirement.***

Although there is a provision in Article 153 A of the Assam Pension Manual as inserted by correction slips No. 99 and 133 and Notification No. AAI. 66/53/8 Dated 15. 2. 1955



requiring the retired engineers and gazetted officers of Engineering Departments to obtain prior permission of Government if they seek employment as contractors or employees of contractors working for the Department, in order to ensure greater safeguard for preventing the retired engineers or other officer of gazetted rank of Engineering Departments from working as contractors or employees of contractors it has been decided that the provisions of paras 3 and 4 of the above Office Memorandum of the Government of India will be applicable to Engineers and other officers of Engineering Departments under the State Government. In the case of State Government employees also such permission within two years of such officer's retirement will be given very rarely and only in special circumstances. The restriction will apply to officers whether temporary or permanent.

#### 4. Eligibility Certificate for displaced persons.

1. No. AIM.  
34/55/217, dated  
25/02/57.

*Sub :- Eligibility certificate essential for displaced persons.*

All concerned should insist on obtaining the certificates of eligibility before appointment of persons, if they are found to be displaced persons, and the Government policy as prescribed in Government letter No. AAM. 10/53/137 Dated 10/07/1953 followed. In cases of exceptional urgency the matter may be referred to the Government in the Appointment (B) Department, and at the same time the candidate should be asked to apply for certificate with all relevant documents to the appropriate Deputy Commissioner as required under para 2 of the Government letter referred to above for issuing the same.

2. No. ABAL  
60/57/pu/17, dated  
08/07/58.

*Sub :- Form for eligibility certificate - Prior approval of Government required.*

With reference to ABM. 160/57/40 Dated the 30th April, 1958, henceforward the certificates of eligibility as envisaged therein should be issued as usual by the Deputy Commissioners in the following revised form with prior approval of Government in the Appointment Department.

#### FORM

No \_\_\_\_\_ Dated, \_\_\_\_\_ The 19 \_\_\_\_\_

#### CERTIFICATE OF ELIGIBILITY

Certified that Shri \_\_\_\_\_ of Shri \_\_\_\_\_ at present residing at \_\_\_\_\_ (village, P. S. and District) is a displaced person who migrated to India on the \_\_\_\_\_ 19 \_\_\_\_\_ and is eligible for appointment under the \_\_\_\_\_

---

State Government of Assam provisionally for a period of one year with effect from the date of his appointment, or until he has been registered as an Indian citizen, whichever is earlier.

Office Seal

Signature

Date Deputy Commissioner

(District)

# F

## 1. Foreign travel.

*I. No. ABP.  
228/24/12, dated  
24/11/24.*

*Sub :- Prior approval to be taken before officers proceed on Travel  
Abroad.*

I am directed to say that instances of officers of the State Government going abroad without obtaining prior permission of the controlling authorities and in violation of standing instructions have come to the notice of the Government. The Government would take a serious view of such lapses if officers and employees undertake tours abroad without following the prescribed procedure. For guidance of all concerned it is hereby reiterated that officers and employees of the State Government should not go abroad on duty without obtaining the approval of the Chief Minister to be taken through the Chief Secretary in Personnel (B) Department and the approval of the Minister-in-charge besides complying with the instructions issued by the Government of India. The standing instructions of the

Government of India have been communicated under circulars issued by the Personnel (parliamentary Affairs) Department vide letter No. PARL 74/82/6, Dated 22/11/83, NO. PARL 74/82/15, dated 27/07/84 and NO. PARL. 74/82/18, Dated 09/11/84.

I am accordingly to request that any proposal for visit by the officials of the State Government for training, participation in seminars or for other purposes should be sent to the Personnel (B) Department by the Administrative Department after obtaining the approval of the Minister-in-charge of the Department with relevant details indicating.

- (1) The authority sponsoring the visit.
- (2) Purpose of the visit.
- (3) Authority to bear the expenditure.
- (4) The date of leaving India.
- (5) The period of visit Ex-India and
- (6) All other relevant information for due consideration of the proposal.

2. No. PARL  
24/90/51, dated  
02/11/91

*Sub :- Guidelines and procedure for taking approval for travel abroad on duty by Ministers.*

The proposal for visit of Ministers/Ministers of State, Assam to foreign countries have been attracting the attention of the Government from time to time.

After going through the guide-lines framed by the Government of India in regulating similar visits of Union Ministers, etc. it has been decided to regulate the visit of Ministers/Ministers of State, Assam abroad in their official capacity or on invitation by foreign Governments or Organisations, in adherence with the guide-lines and time frame of the Government of India communicated to all Ministers/Ministers of State, Assam under Parliamentary Affairs Department's U/O No. PARL.74/82/Pt/82, dated 04/09/91, except visits abroad on an invitation from a private source/organisation which, however, will not be encouraged/approved.

Proposal for visit to a foreign country would have to be submitted to the State Government in the Parliamentary Affairs Department at least 6 (six) weeks before the date of the proposed departure, along with the following information :-

- (a) Whether the foreign visit proposed to be undertaken is in the official capacity or on the invitation by the foreign Government or Organisation.

(b) In case of official delegations, their composition and background of the members should be indicated.

(c) The work proposed to be transacted in the place of visit with functionaries of foreign Government and the duration of stay abroad, which should be in the minimum should be indicated.

(d) Whether such a visit will be beneficial for the State as a whole, should be indicated.

Such a proposal should be submitted in a complete manner by enclosing all necessary papers/documents.

The Parliamentary Affairs Department will then examine the proposal in its proper perspective in consultation with the concerned authorities and then convey the administrative decision.

Ministers' individual foreign visit, however, will receive approval of the Cabinet as a whole.

3. No. U/O. PARL.  
24/90/78, dated  
25/01/93.

*Sub :- Forwarding letter enclosing GOI's O.M. dated 19/12/92 on foreign travel (quoted below).*

In continuation of the U/O. No.PARL.74/82/Pt/82, dated 04/09/91 please find herewith a copy of O. M. No. 1/21/EC/91 dated 19/12/92 with its enclosures received from Government of India, Ministry of Finance, New Delhi to the address of C. S., Assam.

The contents of the Ministry's office Memorandum may please be brought to the notice of C. M. /Ministers/Ministers of State/Deputy Ministers.

4. GOIs. No.  
1/21/EC/91, dated  
18/12/92.

*Sub :- Submission of proposals for foreign travel by Governors/Chief Minister/Legislators/Officials to Department of Economics Affairs GOI at least three weeks ahead of date of journey.*

In continuation of this Department's communication of even No dated . 19th July 1992 on the subject cited above, the undersigned is directed to say that instances have come to notice where letters had been addressed directly by the State Government to foreign missions for accommodation, transport etc. which is not only inconsistent with the existing guidelines but also inappropriate. Government have taken a serious view of this practice. In this connection a copy of Cabinet Secretary's D. O. NO. 21/1/5/92-CAB dated 10th December 1992 is enclosed for ready reference.

It is therefore, requested that all the proposals pertaining to foreign visits on official account by Governors/ Chief Ministers/Legislators/officials may please be addressed to the De-

partment of Economic Affairs at least three weeks in advance of the scheduled date of departure. It will not only avoid eleventh hour pressure but will also help in considering them properly and obtaining the approval of the Prime Minister/President. It is once again reiterated that the guidelines laid down by the Cabinet Secretariat under their O. M. No. 21/1/91-CAB of 16th August 1982 may please be followed scrupulously. A copy of the said guidelines is also enclosed for ready reference and record.

Copy of D.O. letter No.21/1/5/92-CAB, dated 10/12/92 from Shri S. Rajagopal, Cabinet Secretariat, New Delhi.

My dear Secretary,

Under the existing instructions contained in Cabinet Secretariat letter No.21/1/1/82-Cab of 16/08/82 proposal regarding foreign deputation/delegation should be sent by State Government to Ministry of Finance (Department of Economic Affairs) for approval and release of foreign exchange. Department of Economic Affairs would also advise the Ministry of External Affairs to issue instructions to the missions for release of daily allowance etc.

2. Instances have come to notice where letters had been addressed directly by the State Government to Foreign Missions for accommodation transport etc. This is not only inconsistent with the extant orders but also inappropriate.

3. It may ensured that the standing instructions referred to above are strictly followed and appointments received directly from foreign Government should be cleared by the cadre controlling authority and administrative Ministry. Finance approval should be copied to Ministry of External Affairs.

**S. NO. ABP.**  
132/93/44, dated  
28/04/94.

**Sub:- Revised consolidated instructions/guidelines for foreign travel.**

After careful consideration of the relevant Rules and orders the State Government have decided to consolidate the instructions on the above subject in supersession of all other such instructions issued till date. The procedure to be followed will be as detailed below :-

(I) In cases of officers going abroad on Commonwealth, Colombo Plan, UNDP and other programmes, approved by the Government of India, clearance of (1) the Departmental Minister and (2) the Chief Minister to be obtained through the Chief Secretary shall be sufficient. Further processing will be done in the Union Government by the Ministry concerned

(II) In cases of officers going abroad on invitation and/or financial assistance of any institution/organisation, whether Indian or foreign, approval of (1) the Departmental

Minister and (2) the Chief Minister to be obtained through the Chief Secretary will have to be supplemented by the required approvals mentioned in the enclosure which consolidates the guidelines of the Government of India in this behalf.

(III) In cases of officers going abroad individually or in a delegation at the expense of the State Government or any of its public undertakings or statutory bodies, which are wholly or partly financed by the state Government, beside the approval of (1) the Departmental Minister and (2) the Chief Minister to be obtained through the Chief Secretary and the clearances as required under the guidelines enclosed, the approval of the Cabinet shall be obtained after following the procedure laid down in Rule 17 of the Assam Rules of Executive Business, 1968.

(IV) In cases of State Government officials serving either on part time or whole time basis in any other organisation or institution, which is not wholly or partially funded by the Government of Assam and when the officer's visit abroad is sponsored and funded by the said organisation or institution the procedure laid down in para (II) above shall be followed.

The parliamentary Affairs Department may issue suitable O. Ms. in respect of Chief Minister, Ministers, Ministers of State etc. if all the points included in this O. M. have not been covered in their present O. M. In case of Members of Legislative Assembly it will be for the Honourable Speaker to consider issue of any such O. M. etc.

The above decisions were circularised vide Parliamentary Affairs Department's O. M No. PARL 24/90/51, dated the 2nd November, 1991, and it came into effect immediately. It was issued after Cabinet took a decision in the matter in its meeting held on October, 13, 1991.

**Consolidated guidelines issued by Government of India on Foreign travel of Ministers of State Government and Union Territories, Members of State Legislatures and Union Territories and State Government officials vide No. 21/1/1/81 cab Dated 16. 8. 82.**

(1) All proposals for visits of Members of State Government abroad in their official capacity will be sent by the State Government addressed to the Secretary to the Government of India in Ministry of Finance, Department of Economic Affairs for approval and release of Foreign exchange and copies of the letter would be endorsed to :-

- (1) The Ministry of External Affairs.
- (2) The Central Administrative Ministry concerned with the subject on the visit, and
- (3) The Ministry of Home Affairs.

It may be noted that the Ministry of Home Affairs have also to consider applications under FCRA specifically when foreign hospitality or financial assistance is involved. It will be the

responsibility of the officers concerned to obtain the clearance through the State Government where such hospitality and/or financial assistance is involved.

This procedure will be applicable even in the case of proposals where the expenditure is borne by State Public Sector Undertakings or Corporations.

(ii) In the case of official delegations, their composition and background of the members may be indicated.

(iii) The work proposed to be transacted in each place of visit together with duration may be indicated, specially where official meetings are to take place with functionaries of foreign Governments. It would be appreciated that keeping in view the need for conserving foreign exchange, the duration of stay abroad should be kept at the minimum necessary,

(iv) On receipt of recommendations from the different concerned Ministries, the Departments. of Economic Affairs will consolidate the case and issue final orders regarding clearance of the visit, the number of persons to go abroad, the places to be visited and duration of visit of each place.

(v) Department of Economic Affairs will thereafter issue instructions to the Reserve Bank of India for release of foreign exchange towards personal incidentals. Simultaneously, Ministry of External Affairs would be advised to issue instructions to the Missions for release of Daily Allowance and other allowances as per rates prevalent in the country of visit and also for extending appropriate courtesies to the official delegations.

(vi) On the basis of formal clearance from the Department of Economic Affairs, State Government would issue necessary formal deputation orders endorsing copies thereof to all concerned Ministries of the Central Government and Indian Missions in the places to be visited. The number and date of clearance received from the Department of Economic Affairs should be quoted in the deputation orders. Without the Department of Economic Affairs' reference number, the Missions will not be in a position to honour these deputation orders.

(vii) 1. In place(s) of visit where there are no missions, or if otherwise D. A. etc. is required to be released in India itself, a certificate of entitlement may be obtained from the Ministry of External Affairs and forwarded to the Department of Economic Affairs for release of foreign exchange.

2. In making a reference to the Department of Economic Affairs, the name of the branch of the Reserve Bank of India from where the foreign exchange is required to be released should be clearly indicated.



(viii) Within three weeks of the completion of the visit, the leader of the delegation should send a report to the Ministry of Finance, Department of Economic Affairs with copies to the Ministry concerned with the subject matter of the visit.

(2) Attention is drawn in this connection to the provisions of the Foreign Contribution (Regulation) Act of 1976 which lays down certain restrictions on acceptance of foreign hospitality. Prior permission of the Central Government is necessary before such hospitality (which includes travel assistance or concession) can be accepted by a Minister, Member of Legislature, office bearer of a political party, Government servant or employee of a Corporation in cases where foreign hospitality is involved, including travel expenses, therefore, specific and prior clearance of the Ministry of Home Affairs is required before any acceptance is conveyed. A separate reference in the prescribed form FC. 2 indicating the source from which the travel and stay expenses are proposed to be met should be made directly to that Ministry well in time.

**Consolidated guidelines issued by Government of India on foreign travel of Ministers of State Governments/Union Territories, Members of State Legislature/Union Territories & State Government officials Vide No. F1/67/EC/84 Dated, 17. 12. 85.**

**Study tours/exploratory visits**

(i) Visits abroad for gathering general information or knowledge which are in the nature of general purpose study tours need not be approved in any circumstances.

(ii) If, however, the study tour abroad is related to any pending scheme of development in the State, such a visit may be approved for a period not exceeding 10 days provided some specific issue or aspect need to be studied. In such cases, the visit abroad will be approved only if the development project is an approved one and is covered by plan allocation.

(iii) Pre/post conference study tours would be restricted to six days duration only. Such pre/post conference study tours would be allowed only when they are of the nature indicated at (ii) above.

(iv) In the case of delegates participating in the Common-wealth Parliamentary Conferences, the duration of study tours would be restricted to six days and three countries, excluding travel time.

**Visit abroad on hospitality basis:**

Visits abroad on an invitation from a private source organisations would not be encouraged/approved. Visits on hospitality basis will however, be regulated keeping in view the following criteria :-

(i) Invitations should have been received either from a foreign Government or from an international body (like UN and its specialised agencies, recognised international organisations, regional groups or any other such body with the approval of the Ministry of External Affairs, etc.). These should have been received through Ministry of External Affairs.

(ii) In case of national political parties, the expenditure relating to international travel should be borne by the concerned political parties/individuals etc. as the case may be and not by any foreign Government/Organisation etc.

(iii) In the case of Ministers, the invitation bear a relationship to their portfolio.

(iv) Invitation should have been extended on some important occasion like National Day, or an anniversary, etc. being celebrated by the host country. The period should not exceed normally 2 weeks.

**Visits abroad for attracting NRI investment/external assistance/finalising collaboration agreement.**

**(a) NRI Investment**

(i) The projects (promoted) by the State Government in the State Sector should be approved plan projects covered by plan allocations.

(ii) Sufficient advance planning should have been made before delegations are sent for attracting NRI investment for specific projects.

(iii) It would be necessary to send projects profile to the concerned offices abroad of the Indian Investment Centre to enable them to locate potential investors, etc.

(iv) Chief Ministers/Ministers need not be excluded from undertaking the visits.

**(b) External Assistance**

Separate visits abroad by Ministers of State Governments/Officials to negotiate external assistance for such projects need not be approved as this subject is within the purview of the Central Government which co-ordinates all external assistance.

**(c) Collaboration agreements**

Collaboration agreement proposals both from the public sector and private sector are considered on merits of each case. Among other things profitability aspect of the proposal is to be justified fully in each case. Negotiations with foreign parties in connection with collaboration agreements are matters which are required to be carried out by technical authorities connected with the project. While giving its approval in principle, in these cases,

Government of India indicates broad parameters within which agreement has to be finalised with the overseas parties. In cases where any change is sought by the project authorities they have to seek Government of India's approval first. It is, therefore, proposed that the visits abroad by Ministers/Chief Ministers for discussions/negotiations in connection with collaboration agreement need not be encouraged.

G. No. AAM.  
7/68/89, dated  
28/11/68.

**Sub :- Keeping Indian Missions informed of important negotiations.**

Whenever officials and/or representative of Government are sent abroad to undertake important negotiations, the Indian Missions in the Countries concerned are kept informed of all developments to enable them to be of assistance, if required, in the negotiations to be conducted and to be generally and fait with the subject for any processing of follow-up action with the local authorities.

## 2. Foreign Studies.

I G. O. Ls No.  
8/72/65-AIS III,  
dated 07/07/1966

**Grant of Scholarships etc. by foreign Government to an individual officer.**

In respect of grant of scholarships or other kinds of grants by foreign Governments/Institutions an individual officer or any State, instead of entering into direct negotiation with the foreign Government/Institution offering such scholarships or grants should approach the External Affairs Ministry and obtain its clearance before proceeding any further. In the case of A. I. S. officers, the channel is through the Home Ministry which will process such proposals with the External Affairs Ministry and Finance Ministry

In the absence of observation of such protocol requirement, there may be delay in the grant of permission, beside embarrassment in case the Government of India denies permission to the officer for availing the facilities from foreign Government/Institutions.

2. GOI. MILA.  
9/23/66-AIS(III),  
dated 24/10/66.

**Sub :- Instructions relating to study abroad.**

3. No. AAP.  
193/64/44, dated  
28/11/66.

**Sub :- Officers may correspond with Foreign Universities for admissions.**

In continuation of letter No. 8/72/65-AIS(III), Dated 7th July 1966, the State Government officers and A. I. S. officers desirous of going abroad for higher studies

in connection with the affairs of the State on their own cost, may be permitted to contact educational institutions only and not the foreign Governments or foreign aid organisations. The State Government may consider the question of their study leave or leave of other kind after their securing admission and also permission of the Reserve Bank to go abroad and get remittances from India. But when an A. I. S./State Service officer desires to apply to a foreign Government or an aid organisation or even to a university or other educational institutions for financial assistance in the form of fellowships, scholarships, free studies, travel grants, etc., the instructions contained in the letter of 7th July 1966 should be followed.