

G

1. Grade IV employees.

I. No. ABP.
56/60/31-A, dated
28/09/61.

Sub :- Employment of Grade IV employees on private work and the procedure of discharge.

1. No Grade IV employee should be employed on private work during office hours except when a Grade IV employee accompanies an officer on tour, or is engaged on official duties at the residence of the officer.
2. When it becomes necessary to discharge a member of Grade IV staff on account of reduction of establishment, the juniormost should be discharged. In making fresh appointments, cases of those who have been retrenched from Relief and Rehabilitation and other Departments should be considered, subject to their being suitable.

2. No. S. 158/46/4,
dated 18/12/58.

Sub :- Submission of leave applications by Grade-IV employees.

1. All Grade IV Government servants of the Assam Secretariat (Civil) are directed to submit all their leave petitions with the recommendation of the officers with whom they are attached or through the Superintendent of the Department where they are posted, along with their fall leave notices. In case of those attached to Ministers, Deputy Ministers and Parliamentary Secretaries, recommendations of Private Secretaries, Stenographers or Personal Assistants as the case may be will be necessary.

2. No leave application from Grade IV government servants submitted direct to Secretariat Administration Department or Nazarat without the prior recommendation of the officers as indicated will be accepted.

3. No. FC(II)111/65,
dated 15/11/67

Sub :- Entitlement/Allotment of Grade-IV employees of different offices/posts.

In supersession of Memo. No. F. 1657 dated 28th June, 1965 the revised allotment of Grade IV staff will be as follows:

Designation of the Officer	Revised Allotment
1. Chief Secretary	1 Jamadar and 2 Peons
2. Additional Chief Secretary	1 Jamadar and 2 Peons
3. Deputy Commissioner	1 Jamadar and 2 Peons
4. Additional Deputy Commissioner	2 Peons
5. Sub Divisional Officer (Civil)	2 Peons
6. Secretary	1 Jamadar and 1 Peon
7. Additional Secretary	1 Jamadar and 1 Peon
8. Chief Engineer, Public Works Department	1 Jamadar and 1 Peon
9. Addl. Chief Engineer, W.D.	1 Jamadar and 1 Peon
10. Inspector General of Police	1 Head Constable/Jamadar and 1 constable/peon.

11. Deputy Inspector General of Police	1 constable/peon
12. Assistant. Inspector General of Police	1 constable/peon
13. Superintendent of Police	1 constable/peon
14. Additional Superintendent of Police	1 constable/peon
15. Special Superintendent of Police	1 constable/peon
16. Joint Secretary	1 peon
17. Deputy Secretary	1 peon
18. Under Secretary	1 peon
19. Chief Translator	1 peon
20. Principal Private Secretary to Chief Minister	1 peon
21. Joint or Deputy Heads of Department	1 peon
22. Special Officer	Allotment will be made on the nature of duties of the posts and not on the status of Officer concerned.

2. The allocation of class IV staff to the officers not mentioned above will be made on above mentioned basis. However, in the event of any confusion, the matter may be referred to Finance Department for a decision.

3. Consistently with the above decisions, where the existing number of Class IV staff allotted to an officer is two, it should be reduced to one and where the existing allotment is more than two, it should be reduced to two or one as the case may be.

4. The existing number of Class IV staff allotted to the Ministers, Ministers of State, Deputy Ministers will remain unchanged.

Allotment to offices

I (a) For Secretariat Department (a) One peon for each Department.

- consisting of one Superintendent. or one Assistant Superintendent/in-charge of a Branch.
- (b) Two peons for each Department consisting of one Superintendent and one Assistant Superintendent.
- (b) Secretariat Branch (Issue) The existing number of 7 peons and 4 Duffries should remain.
- (c) Secretariat Branch (Nazarat) The existing number of 2 Duffries should remain. The number of peons in the Nazarat pool should be 5 percent of the total strength of Grade IV staff in the Secretariat.
- (d) Secretariat Record Branch including section. The existing number of three peons should remain but the two posts of Duffries should be abolished.
- II. For offices of Heads of Departments.
- (a) One peon for each Branch consisting of one Head Assistant/Superintendent.
- (b) A pool equal to 5 percent of the total post of peons for offices and officers for any casual absence of the peon or any unforeseen work may be formed. This pool is subject to the condition that the officer's peons are reduced according to general recommendations. In working out the percentage, the fraction equal to half and less than half may be ignored and more than half may be rounded off to the next number.
- (c) Other additional peons may be given on the basis of the strength of Establishment excluding Grade IV as follows :-
- (i) Where the strength does not exceed 25=1.
- (ii) Where the strength exceeds 25 but does not exceed 50=2

(iii) Where the strength exceeds 50 but does not exceed 100=3.

III. For District and Subordinate Offices. One peon for every 20 Assistants or a fraction thereof not less than half.

5. Cases not covered by the above and cases where more class IV Staff is considered necessary should be referred to Finance Departments with proper justification for determining the allotment which will be considered on its own merit.

6. The Class IV Staff thus rendered surplus should not be retrenched. They should be gradually absorbed against future expansion. Government have also decided that for this purpose, all future recruitment of Class IV Staff, in all offices including Secretariat should be stopped forthwith.

As all Class IV staff are exclusively meant for Government work, the use of the appellation "Personal orderly" should henceforth be discontinued. The Appointing Authority in case of all categories of Class IV employees including those allotted to officer should be the usual Appointing Authority competent to fill up the appointment for the office or Establishment concerned.

4. No. S(N)
78/76/27, dated
26/09/81.

Sub :- Wearing of liveries by Grade-IV employees.

It has been observed that most of the Grade IV employees are not attending their duties wearing their liveries till now despite instructions issued repeatedly from time to time instructing the wearing of liveries by them during office hours, who have already been supplied with the liveries. Government, therefore, views with great concern the lapse on the part of these employees.

However, Government once again directs all Grade IV employees, particularly those not wearing liveries to abide by the instructions and to attend office duties wearing the prescribed liveries regularly. Those who violate the Government order may be liable to disciplinary action under rule.

(officers were requested to instruct the peons attached to them to attend duties wearing prescribed liveries supplied to them.)

II

1. Handing over of charge

1. No. AAA.
12/51/2, dated
28/06/51.

Sub :- Handing over charge in ten days.

A Government servant must arrange to hand over charge within ten days of the receipt of orders of transfer and must arrange to take over at his new place of posting after availing of the prescribed joining time. Any delay in complying with orders of transfer without specific permission of the authority ordering the transfer will be punishable as an act of gross indiscipline.

2. No. AAA.
44/51/1, dated
01/06/53.

Sub :- Writing full name in charge reports.

1. All officers signing the Transfer Charge Certificate as "Relieving" or "Relieved" Officer should write their names in full, in block letters (first name, middle name

and surname) under their signatures, within brackets, while signing the certificate of transfer of charge.

2. Revenue and Appointment Departments should be kept informed in all cases of transfer, posting and leave of Sub-Deputy Collectors.

3. O.M. No. AAP.
166/93/10, dated
27/10/93.

Sub :- Need to ensure that the charge is handed over within ten days - representations against transfer.

Reference is invited to Government O. M. No. AAA.12/51/2 dated 28.06.1951 wherein it has been clearly laid down that a Government servant must arrange to hand over charge within 10 (ten) days of the receipt of the orders of transfer and proceed to his/her new place of posting after availing of the admissible joining time. Any delay in complying with orders of transfer without specific permission of the authority who issued the order of the transfer will be punishable as an act of gross indiscipline.

It has also been made clear in O. M. No. HMI 67/72/99 dated 13.10.1972 that violation of orders of transfer and posting sometimes put the Government in a very embarrassing position compelling the Government to alter, cancel or modify the orders. Since orders of transfer and posting are issued in the interest of public service, if the orders are not complied with the very idea behind such action of Government gets defeated. Therefore, such orders should be complied with without any loss of time. Government will take a serious view of cases of violation of the orders.

In this connection, Government instructions vide No. ABP. 66/92/73 dated 15.06.1992, No. ABP. 91/84/1, dated 03.12.1984 and No. AAA. 102/89/73 dated 15.12.1992 may also be referred to. However, inspite of clear instruction issued by the Government from time to time, a good number of officers keep submitting representations repeatedly. It is also observed that many officers after receipt of the transfer orders instead of proceeding to join their new place of posting approach verbally or in writing directly Ministers and other political personalities, non-officials and even the Chief Minister and try to get their transfer orders cancelled/stayed/modified. This practice on the part of the officers of not carrying out the orders of the Government and addressing representation to the authorities who are not immediately superior or not at all concerned with the transfer, are against all norms of discipline and in violation of the Government instructions and provisions of the Assam Civil Services (Conduct) Rules, 1965. Some very junior officers have been submitting representations directly to the Secretary, Personnel Department or Chief Secretary in connection with his/her service matters by-passing his/her Controlling Authorities in violation of the instructions of the Government and of the provisions of the Assam Civil Services (Conduct) Rules, 1965. Government have taken a serious view on the matter.

It is seen that even wives, fathers, mothers and other relatives of the officers sometimes submit representations concerning service matters of the particular officers to the Ministers, non-officials and even to the Chief Minister and other political personalities (with the hope of getting the representation which the officer had himself made and which had been turned down) reconsidered. This practice again is obviously undesirable and should be strongly discouraged. All officers are duty bound to work in any part of the State as per Government orders.

In such cases the claim of the officer that he himself did not seek the intervention of a Minister, or M. P. or M. L. A. or any other person on his behalf will not be accepted and there will be a presumption of the officer's involvement in the matter unless the contrary is proved by him.

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

Whenever a representation/request (written or verbal) asking for the cancellation/modification of transfer and posting orders of a particular officer is received in violation of the Government instructions/Circulars, it will be presumed that the official affected by it, has in fact, prompted such political personalities/non-officials/outside to make such a request and will invite disciplinary action including suspension against such officials automatically.

It is again impressed upon all concerned to strictly follow the Government instructions and to join their new place of posting within 10(ten) days of the receipt of the transfer orders after availing admissible joining time. For any violation of the Government instructions, disciplinary action including suspension will be initiated against them. An adverse entry will also be recorded in their ACR, if Government/Controlling officers feel that an M. P., M. L. A., Minister or any other outside person has approached Government on his behalf and such entry will act as a negative factor for the purpose of promotion, confirmation, crossing of efficiency bar, etc.

4. No AAP.
160/92/53, dated
25/08/94.

Sub :- Controlling officers to ensure compliance of transfer orders by subordinates.

Detailed instructions have been issued vide Office Memorandum No. AAP. 166/93/10 Dated 27. 10. 93 in the matter of Handing over and taking over of charge on transfer and representations in service matters. It has come to the notice of the Government that not only are the officers under transfer violating the Government instructions as aforesaid but the

controlling officers are also in the habit of violating the same which the Government have viewed very seriously. It is once again impressed upon all concerned that the instructions contained in Office Memorandum No. AAP. 166/93/10 Dated 27. 10. 93 must be scrupulously followed.

It has also come to the notice of the Government that on many a occasion, the controlling officers do not release the officer under transfer on different pleas and in many a case plead for cancellation of the transfer order. This state of affairs cannot be allowed as all transfer/posting are made in the interest of public service and in case of frequent cancellation/modification of transfer/posting orders, the very purpose for which the same is made is frustrated.

In view of the above, it is reiterated that on receipt of transfer orders the controlling officers should take immediate action to release the officer(s) without making any correspondence for stay/modification/ cancellation of the transfer orders and the officer(s) concerned must be released with a direction to join his/her new place of posting within 10(ten) days failing which the concerned officer(s) both including the controlling officer will be held personally responsible.

2. Headquarters - Permission for leaving .

I. O.M. No. ABP.
5/83/1, dated
21/01/83.

Sub :- Permissions required for leaving headquarters.

The attention of the State Government has been drawn to the fact that on several occasions in the past Heads of Offices have left their headquarters without due intimation to all concerned. In order to ensure uniformity of practice, State Government have decided to issue the following instructions :-

1. Officers of the rank of Under Secretary/Deputy Secretary/Joint Secretary and Additional Secretary to the Government of Assam as also Heads of Departments shall obtain prior permission of the Chief Secretary to the Government of Assam before leaving headquarters either on tour or otherwise.
2. Officers of the rank of Secretary and above, and Commissioners of Divisions, shall obtain prior permission of the Adviser concerned before leaving headquarters. Applications for this purpose should be routed through the Chief Secretary.
3. District level officers and other State Government Officers posted at district headquarters or in the Sadar Sub-Divisions must similarly obtain prior approval of the Deputy Commissioners concerned. Sub-Divisional level officers in outlying Sub-divisions, and

officers below them, must similarly take approval of the Subdivisional officers (Civil) concerned.

4. Officers in ranks above district-level officers but below Heads of Departments posted in district or Subdivisional headquarters should send prior intimation of their tour programmes to the Deputy Commissioner/Sub-Divisional Officers concerned. In the cases of these officers if the Deputy Commissioners/Sub-Divisional Officers request them not to leave headquarters they will be expected to abide by the requests.

2. No. ABP.
78/90/100, dated
06/06/95

Sub :- Taking prior permission of Controlling Officer for leaving head quarters.

Specific instructions have been issued time and again to all officials not to leave head quarters without prior permission of the Controlling Officer. Of late, it has come to the notice of the Government that many officers, particularly those who are deployed in districts leave head quarters very often on some pretext or other. Some even do not obtain prior permission of the Controlling Officer but just submit application for this purpose through other functionaries. Government have taken a serious view of such a state of affairs. The practice of leaving head quarters every now and then by officers who are entrusted with the responsibilities of maintaining Law and Order and other matters relating to the affairs of the Government not only causes dislocation to work but also creates serious embarrassing situation. Government Officials are expected to discharge their duties with due sincerity, honesty and devotion.

It is once again reiterated that no Government officials should leave headquarters without prior permission from the Controlling Officers. Mere submission of application through other sources seeking permission to leave headquarters will not be entertained except on very special circumstances in rare cases. Officers leaving headquarters without obtaining prior permission of the Controlling Officers will have to face disciplinary action under the Assam Services (Discipline and Appeal) Rules, 1964.

The contents of this Office Memorandum may be brought to the notice of all concerned by the respective Controlling Officers for strict compliance.

3. O.M. No.
ABP. 113/83/54,
dated 03/08/85.

Sub :- Note on matters to be discussed for tours outside the State.

In continuation of the instructions issued under Government Office Memorandum No. ABP-113/83/18, dated 14/11/83 on the subject indicated above, it has been further decided that the officers undertaking tours outside the State should send a small

note on the matters to be discussed and the Government stand on them along with the request for permission.

In this connection, a reference is also invited to the instructions contained in letter No. ABP.113/83/48, dated 31/05/85.

4. No. ABP.
113/83/18, dated
14/11/83.

Sub :- Further instructions regarding leaving headquarters.

The attention of the State Government have been drawn to the fact that on several occasions in the past Heads of offices have left their Headquarters without obtaining permission from, or without due intimation to authorities concerned. In order to ensure uniformity of practice, State Government after careful consideration, have decided to issue the following instructions-

(1) Officers of the rank of Secretary and above shall obtain prior permission of the Minister concerned through the Chief Secretary before leaving the Headquarters for tour either within or outside the State. Commissioners of Divisions before leaving Headquarters for tour within his division shall send prior intimation of the tour to the Chief Secretary. For tours by a Commissioner of Division outside his area of jurisdiction, as well as for tours outside the State, except when such tours have to be undertaken at the instance of the Government, prior permission of the Chief Secretary should be obtained.

(2) Officers of the rank of Under Secretary/Deputy Secretary/Joint Secretary/ and Additional Secretary to the Government. of Assam shall obtain prior permission of the Chief Secretary before leaving Headquarters on tour either within or outside the State. Request for permission should be sent through the Secretary of the department concerned to the Chief Secretary.

(3) A Head of department or an Additional Head/Joint Head/Deputy Head/Assistant Head of a department or a Divisional or a Regional officer going on tour inside the State should send his tour programme at least 7 days ahead to the next higher officer to enable the latter to advise stopping or adjusting of such tour for administrative reasons, if required. In cases of emergency when it is not possible to send the tour programme before the officer leaves his Headquarters, a message about the purpose and nature of tour should be sent to the next superior officer leaves his headquarters, a message about the purpose and nature of tour should be sent to the next superior officer..

A Head of Department or an Additional Head/Joint Head/Deputy Head/Assistant Head of a department or a Divisional or a Regional officer should obtain the prior approval of the Minister-in-charge through the Secretary of the department concerned for their tours outside the State before leaving the Headquarters. If considered necessary or desirable Secretary of

the department may place the matter before Minister-in-charge through Chief Secretary. In any case the Chief Secretary should be kept informed of all tours by the Heads of departments.

(4) A Deputy Commissioner or a sub divisional officer in charge of an independent subdivision shall not have restrictions on undertaking tours within his jurisdiction but he should keep the Commissioner of Division/Deputy Commissioner informed of all tours. It is required of him even without any specific work to go round and meet people, and see how things are going on within his jurisdiction for taking necessary and timely action in the interest of administration.

A Deputy Commissioner or a Sub-Divisional officer shall obtain prior permission of the Commissioner/Deputy Commissioner before leaving Headquarters for tours outside his jurisdiction. But when he is required to leave the Headquarters pursuant to directions from Government instead of taking prior permission he should keep the Commissioner/Deputy Commissioner informed of such tour.

(5) Officers in rank above District level officer but below Head of department, District level officer and other State Government officer posted at District Headquarters, Sadar Sub Divisions and outlying Subdivisions should send prior intimation of their tour programme to Deputy Commissioner/Sub Divisional officer concerned. In the cases of these officers, if the Deputy Commissioner/Sub Divisional officer requests them not to leave the Headquarters, they will be expected to abide by the request.

(6) Whenever a Head of office undertakes tour either inside or outside the State he should ensure that some responsible officer is always present in the Headquarters.

(7) Resident Commissioner Delhi, Trade Adviser, Calcutta and other officers posted at Delhi and Calcutta will be required to take permission of Secretary concerned/Chief Secretary/Minister-in-charge as the case may be for visiting Assam on official work or going to other places beyond their jurisdiction.

Tours relating to Conference/Meeting held outside the State.

(8) Attempt should be made to see that as few officers as possible attend. Secretaries should study the subject so that they can go without taking any other officer with them.

(9) As soon as intimation regarding a meeting or conference at Delhi is received, and the agenda is known, a decision should be taken regarding the officer who will represent the State Government at the meeting or conference. Depending on the importance of the meeting or conference it should also be decided whether it would suffice if the Commissioner and Secretary, G. A. D, Assam House, New Delhi were to attend the meeting or conference.

(10) After it has been decided as to who should attend, the officer deputed should prepare notes on the agenda subjects and the views of the State Government in each matter. The officer deputed should also meet the Minister concerned before leaving for the meeting or the conference and should take the Minister's specific instructions whenever necessary. If the Commissioner, G. A. D, Assam House, New Delhi is required to represent the State Government he should be provided with a comprehensive brief well in advance. On his return from the meeting the officer deputed should meet the Minister and apprise him of the important points discussed, the decisions arrived at and follow up action, if any. This would be followed by a brief written report. If the Commissioner, G. A. D, New Delhi, has attended the meeting or conference he should be requested to submit a report as early as possible.

Tour Diaries

(11) Tour diaries of all officers who have not been specifically mentioned in the forgoing paragraphs should be submitted to the next superior officer in the office or department concerned.

(12) The tour diaries of all levels should be submitted monthly to the next superior officer giving details of work done and time spent in tour.

(13) The above instructions will be applicable to tours both inside and outside the State as the case may be. Every endeavour should, however, be made to reduce tours, especially those outside the State, to the minimum possible. It should also be ensured that not more than one officer from one office goes outside the State at a time for the same job or to the same place, unless specially required for some very urgent work. Even in such urgent cases, if two or more officers have to go, they should move with the previous special permission of the competent higher authorities for which proper justification should be given.

The tours by officers should be planned and purposive. Superior officers to whom the tour programmes and tour diaries are submitted should satisfy themselves that tours by the officers under them are planned and purposive.

(14) For Police Officers the instructions issued vide D. G. P's. Memo No.G/XVII/9/81/24 dated 3rd January 1983 will apply with the following modifications

(a) The Superintendent of Police will invariably inform the District Magistrate when he wants to leave station for visiting any place within his jurisdiction.

(b) The Superintendents of Police will not leave their district without the consent of Deputy Commissioner. They should however be allowed to attend the co-ordination meeting convened by Director General of Police unless in emergencies. In either case the Deputy Commissioner may request the

Superintendent of Police not to leave Station for reasons to be recorded by him and the Superintendent of Police will be bound to comply with such request. The D. G. or I. G. will inform the Deputy Commissioner while informing S.Ps. about holding of such co-ordination meetings and permission to attend such meeting will ordinarily be granted.

General

(15) As regards undertaking of tour during bandh, picketing etc. instructions issued under letter No. ABP. 391/81/9 dated 10.12.81 shall apply with the modification that instead of taking prior concurrence/approval of Personnel (B) Department, prior approval of the Minister concerned should be obtained.

(16) This supersedes the instructions issued under letter No. AAP. 128/81/3 dated 21/07/81, No. ABP 128/81/4 dated 18/11/82 and O. M. No. ABP. 113/83/6 dated 18/03/83.

S. No. ABP.
78/90/102, dated
16/06/95

Sub :- Permission/Intimation to Deputy Commissioner by District functionaries prior to leaving headquarters.

Despite specific instructions have been issued from time to time regarding permission for leaving headquarters by State Government officials, instances have come to the notice of the Government that many Government officials leave often head quarters and even do not obtain prior permission or intimation, as the case may be, of the Deputy Commissioner. Consequently, a Deputy Commissioner can not exercise his regulatory functions in the District Administration.

It is reiterated that all District functionaries of the different departments should ensure that they do not leave the District without prior permission or intimation, as the case may be, of the Deputy Commissioner, even when they are summoned by the Competent Authorities from the Assam Secretariat or Heads of Departments. The Deputy Commissioner, being the head of the District Administration as a whole and also being the representative of the State Government in the District, is competent to inspect the office of any department in the district and his position must be respected by all officials in the District.

The above instructions should be brought to the notice of all Government officials under your control for strict compliance failing which appropriate action under the Assam Services (Discipline and Appeal) Rules, 1964 may be taken against the officers at fault.

G. No. ABP.
113/83/36, dated
29/08/85.

Sub :- Instructions regarding permission for undertaking tours outside the District - for Deputy Commissioners/Sub-Divisional Officers.

I am directed to invite your attention to para 4 of this Department's O. M. No. ABP. 113/83/18, Dated 14. 11. 83 on the above noted subject which is reproduced below for your ready reference.

“ A Deputy Commissioner or a Sub-Divisional Officer in charge of an independent subdivision shall not have restrictions on undertaking tours within his jurisdiction but he should keep the Commissioner of Division/Deputy Commissioner informed of all tours. It is required of him, even without any specific work to go round and meet people, and see how things are going on within his jurisdiction for taking necessary and timely action in the interest of administration.

A Deputy Commissioner or a Sub-Divisional Officer shall obtain prior permission of the Commissioner/Deputy Commissioner before leaving Headquarters for tours outside his jurisdiction. But when he is required to leave the Headquarters pursuant to directions from Government, instead of taking prior permission he should keep the Commissioner, Deputy Commissioner informed of such tour.”

In view of the prevailing law and order situation the following further instructions may be taken note of and strictly followed.

When a Deputy Commissioner or a Sub-Divisional Officer is required to leave the headquarters pursuant to a direction from Government he should obtain prior permission of the Chief Secretary through the Commissioner of Division before leaving headquarters for tour outside his jurisdiction.

3. Honorarium & Fees.

F. No. ABP.
6/59/38, dated
28/07/61.

Sub :- Previous sanction of Chief Secretary required for grant of honorarium.

The previous sanction of the Chief Secretary, who has been declared the competent Authority for this purpose under correction slips. Nos.476 and 482 of Appendix-4 of F.Rs. and S.Rs. must be taken in all cases when office assistants or officers are allowed by the Heads of Departments to undertake extra work with fee or honorarium. No requests for " ex-post facto" sanctions will be entertained in future.

2. No. FEG.
72/70/82, dated.
12/03/76.

Sub :- Discontinuance of honorarium during emergency (1975-77).

1. The Governor of Assam vide letter No. FM. 156/75/7 Dated 11. 9. 75 addressed to all Secretaries and Heads of Departments was pleased to order that Honorarium should not be allowed to Government employees above the rank of Under Secretaries and Officers of equivalent rank and status and under no circumstances more than 10% of the employees in an office be entitled to receive honorarium.

2. Now, the Governor of Assam after careful consideration is pleased further to order that no honorarium should be sanctioned to any class of Government employee during the period of Emergency.

3. This order shall take immediate effect.

3. No. FEB.
103/77/115, dated
20/07/77.

Sub :- Ban on sanctioning honorarium to the State Government employees

1. The Governor of Assam vide OM. No. FEG. 72/70/82 Dated 12. 3. 76 was pleased to order that no honorarium should be sanctioned to any class of Government employees during the period of emergency.

2. Though the emergency is over now, the Governor of Assam after careful consideration is pleased to order that the ban on grant of honorarium will continue in the light of economy measures introduced in the State. This order is issued in partial modification of earlier OM. noted above.

4. OM. No. PE.
77/9/157, dated.
21/03/84.

Sub :- Honorarium and perquisites for part-time non-official Chairmen of State Public Enterprises.

It has come to the notice of the Government that no uniform policy is being followed by the State Public Enterprises as regards payment of honorarium and perks to the part-time non-official Chairmen of the State Public Enterprises. In order to ensure uniform decisions on such matters, the Government after due consideration have taken the following decisions.

1. All non-official part-time Chairmen including sitting M. Ps. /M. L. As should be paid following honorarium and perquisites :

(i) Consolidated honorarium of Rs. 1000/ per month. No further sitting fee will be admissible to the Chairman.

(ii) T. A. and D. A. at rates admissible to the Chief Executive of the concerned Enterprise for tours undertaken for the purposes of the enterprise.

(iii) Medical benefits as admissible to the highest grade of officers of the concerned Enterprise.

(iv) A car with a driver may be provided. The Chairman may be provided with 75 litres of petrol per month free of charge for local movements.

(v) A peon may be provided to the Chairman.

2. Irrespective of the Government decision on the matter as aforementioned, the Chairmen of the statutory corporations will be eligible for honorarium and perks as provided for in the concerned statutes.

3. In cases where non-officials are appointed as part time Chairmen of more than one enterprise, such non-officials will be eligible to draw the honorarium and perks mentioned under para 1 above from only one enterprise.

All Administrative Departments are requested to give immediate effect to these Government decisions.

4. Honorary workers in civil posts.

I. No. AAP.
147/51/7, dated.
17/12/51.

Sub :- Basic principles for Honorary Workers in Civil Posts.

1. The following instructions are laid down for the guidance of all concerned.

2. The basic principles to be adopted in this matter are-

(i) Employment of honorary workers in civil posts should be an exceptional procedure to be resorted to only in abnormal circumstances or when suitable paid employees are not available

(ii) Honorary employment should be offered only to such persons as have rendered meritorious services or are eminent in public life and have a striking reputation for integrity.

(iii) Services of an honorary worker should be utilised only in an advisory capacity. The work to be entrusted to him should not be such as would involve exercise of executive, administrative or judicial powers as the holders of a Civil post exercise authority in the name or on behalf of Government

(iv) An-honorary worker should be paid a nominal salary of Re.1 per month in respect of the civil post the duties of which he is required to perform. This is necessary in order to bring him within the ambit of the Government Servants Conduct Rules and other service Rules. An honorary worker need not, however, actually draw such normal salary and may, by

writing to the Accounts Officer concerned, voluntarily surrender it. For the purposes of official records, however, such nominal salary must be fixed and specified in the order of appointment.

(v) All honorary workers should automatically and 'proprio vigore' be subject to the provisions of the Indian Official Secrets Act, 1923. They need not be required to sign any declaration in this connection, but the position should expressly be made clear to each honorary worker at the time of his appointment.

3. It is realised that strict enforcement of the above principles may present practical difficulties in individual cases. For example, it may not be necessary to enforce the requirements of clause (iii) in paragraph 2 above in the case of persons who have previously held a high office under Government. Again, honorary workers who are prominent in the public or political life of the country cannot reasonably be expected to sever their life-long association with the political parties to which they belong; as a working arrangement, therefore, Rules, 18, 21 and 23 of the Assam Government Servants Conduct Rules, 1937, ought not to be enforced against such persons in so far as participation in politics is concerned. In all other respects, however, such persons should be governed by the provisions of the Assam Government Servants' Conduct Rules, 1937.

4. In the case of the employment of Members of Parliament in an honorary capacity it is necessary to ensure that such employment does not amount to holding an office of profit under the Article 102(1) (a) of the Constitution. In such cases the requirements of clause (iii) in paragraph 2 above should be strictly adhered to while requirements of clause (iv) should not be enforced at all.

5. All proposals for the employment of honorary workers in Civil Posts as well as proposals for exceptional treatment in cases in which the Departments concerned consider that the requirements of any of the basic principles laid down in paragraph 2 above should be relaxed, should be referred to the Appointment Departments for prior concurrence.

6. It should be made clear to honorary workers at the time of their appointment that there is no obligation on the part of Government to provide them with residential accommodation or any other concessions usually allowed to salaried employees of Government. Each such case would be treated on its merits. Accommodation, furniture, etc. may be made available if justified and to the extent it can be done without detriment to Government's commitments to salaried employees.

7. A copy of this office Memorandum should be forwarded to every honorary worker along with the orders of his appointment.

I

1. Joining time.

1. Para 255 of
Executive Manual.

Sub :- Commencement of joining time.

3. When an officer is transferred from one station to another his joining time will commence from the date when he receives official intimation of his transfer, provided that a district officer may direct any subordinate to defer giving over charge for a certain number of days, till he shall have disposed of current or emergent work, reporting the same to the Commissioner for information. Officers should certify on the charge report the day on which the official intimation reached them, and particulars of the orders if any authorising them to defer giving over charge.

L

1. Language.

1. No. 6204-AP,
dated 10/11/1927

Sub :- Rules for the encouragement of the study of languages of the Frontier Tribes.

2. No. AAP.
189/63/14, dated
30/03/64

Sub :- Rules for studying languages of Frontier Tribes.

The following revised rule for the encouragement of the study of the languages of the Frontier Tribes in Assam are published for general information :

(1) These rules apply to members of all India and Provincial Service who are employed in the Province of Assam, including commandants and Assistant Commandants of the Assam Rifles, but excepting officers of the judicial branch of the Provincial Civil Service. These rules apply to the officers of the Central Government employed in the Tribal Areas of Assam.

(2) (a) Any officer, to whom these rules apply, if he passes by the standard prescribed in rules 5 below an examination in any one language in any group of the languages noted in the margin will be granted a reward provided that the language is spoken within the district where the officer is at the time employed or from which he has been transferred not more than one year before the submission of his application for permission to appear at the examination or is spoken by tribes coterminous to the said district with whom he has official relations or had such relations before the said transfer.

(b) Applications for permission to appear for examination must be submitted through the ordinary official channels to the Local Government. No officer will be allowed to present himself for examination in any language unless he has obtained a certificate that it is necessary or desirable that he shall be acquainted with such language for the purpose of his work. The following officers are authorised to grant such certificates to officers directly subordinate to them.

(i) Commissioner of Divisions.

(ii) Head of Departments.

(iii) Political Agent, Manipur and Political Officers, Sadiya and Balipara Frontier Tracts.

I. Abor-Miri, Dafla, Apa, Tani and Lamai,

II. Western Naga-Angami (Tengina or Ghakrima or Keshami) Sema.Rengma (any one of three dialects).

III. Central Naga-Ao (Cho gli or Mongsen) Lotha, Chang, Yimsungr, Phom and Sangtam, (Northern and Southern).

IV. Eastern Naga-Konyak (any one of many dialects).

V. Naga Bodo-Kabui, Kacha Naga (any one of three dialects).

VIII. Bodo-Kachari (any one of many dialects)

IX. Khasi *Khasis* or Synteng.

X. Aka

XI. Singpo or Kachin.

XIII. Chuilkata Mishmi, Digaru Mishmi, Mia Mishmi.

XIV. Khamti.

XV. Tibetan, Bhutanese, Bhutia Munhuil and Nepali.

(iv) Adviser to the Governor of Assam

(c) The grant of a reward to a Commandant or Assistant Commandant of the Assam Rifles is subject to the condition that at the time of passing the examination the officer has at least two years more to serve with the Assam Rifles.

(d) An Officer of Asiatic domicile will not be eligible for a reward for passing an examination in a language with which by reason of his birth, education or other circumstances he is naturally familiar, or which is closely allied to his vernacular language. No officers of Asiatic domicile will be paid a reward unless, before he appears at the examination, he has obtained an order from the Government recognising his eligibility for a reward.

(3) (The amount of reward will be Rs. 1, 000 for officers of all services to whom the rules apply provided that in the case of Tibetan the reward will be Rs.500 for passing the first examination as in Rule 5 and Rs. 1, 000 in passing the second examination as in Rule 6 and in the case of Bhutanese Bhutia the reward will be Rs. 500 only. The full reward will not be paid for more than one language in any group, but an officer who has received a reward for proficiency in any language may earn a reward of Rs. 5, 000 for any other language in the same group in which he has passed the test).

In the case of officers of the Assam Junior Civil Service and of Class II of the Subordinate Educational Service, the amount of reward will be half the above rates.

(4) The examination shall be conducted by a Local Committee to be specially appointed by the Government on each occasion.

(5) The tests which a candidate for a reward must undergo are as follows :-

(a) He must be able to converse freely with the people of the tribes in whose vernacular he may wish to qualify to understand them and to make himself understood to them.

(b) He must write down sentences spoken in the Tribal language by one of them and must explain the sentences or the conversation correctly in English.

(c) He must, without assistance, translate from English or his mother tongue into the Tribal language sentences which are not of a very much more difficult nature than those described in clause (b). The translation must be substantially correct and intelligible to a native whose language he is writing.

(6) There will be a second examination in the Tibetan language. This examination will consist of -

(a) a much more severe conversational test than in rule (5) (a);

- (b) writing letters in Tibetan ;
- (c) translation of Tibetan letters.

Study of Tribal languages-Rules for the encouragement of the study of the languages of the Frontier Tribes.

(7) With reference to Rule 5 of the Rules above, the candidate must secure 40% marks in each individual part of the prescribed test and 50% marks in the aggregate for the purpose of declaring him to have passed the test.

2. Leave - Casual

**I. O. M. No. AAP.
185/89/34, dated
12/11/1992**

Sub:- Grant of casual leave to IAS/ACS Officers - maintenance of record thereof.

It has been observed that the IAS/ACS Officers serving in the State often avail casual leave but a proper record of such leave is not maintained. It has been decided that the following procedures shall be followed while granting casual leave to IAS/ACS Officers by the authorities concerned.

- (i) Chief Secretary is the authority to grant casual leave to IAS Officers of the Secretariat as well as of Commissioners of Divisions and Personnel (A) Department will keep a record in this regard.
- (ii) Casual leave of Deputy Commissioners belonging to the State's IAS/ACS Cadres will be granted by the respective Commissioners of Division and record as such will be kept by the concerned Office of the Commissioners of Division.
- (iii) Casual leave of IAS/ACS Officers posted in Public Sector undertakings as well as Heads of Department will be granted by the concerned Head of the Administrative Department and record as such will be kept by the Administrative Department concerned.
- (iv) Casual leave of ACS Officers posted in the Secretariat will be granted by the Commissioner/ Secretary of the Department concerned and record as such will be maintained by the concerned Administrative Department.
- (v) Casual leave of IAS/ACS Officers posted in the Districts will be granted by the Deputy Commissioner and records as such will be maintained by the concerned Office of the Deputy Commissioner of the District.

The above guidelines may strictly be adhered to in order to prevent misuse of casual leave.

2. Para 246 of the
Executive Manual.

Sub:-Rules For Grant Of Casual Leave.

Casual leave is not recognised by the Regulations, and an officer absent on casual leave is not treated as absent from duty. Government will make no arrangement to supply the place of officers absent on such leave. The Officer granting the leave and the officer taking it will be held responsible if the Public service suffers in any way from the absence of the officer on casual leave.

3. No. AAP.
125/60/147, dated
03/08/67

Sub :- Combination of casual leave with other kinds of leave - Extracts from Executive Manual and Manual of Office Procedure (Secretariat).

Casual leave may not be combined with any other kind of leave and may not extend to more than 15 consecutive days and more than 15 days in any one Calendar year. The Sundays and Gazetted holidays which precede a period of casual leave or come at the end of the casual leave may be permitted to be both prefixed and suffixed as the case may be, to a single spell of casual leave without counting as part of the casual leave. If holidays/Sundays come in between the period of casual leave, they will not be counted as part of the casual leave.

Government, Commissioners and Heads of Department may in exceptional cases allow a departure from this rule or part thereof recording reasons for such relaxation.

[Para 246(2) of the Executive Manual substituted vide AAP. 125/60/147 Dated 3. 8. 67]

- (3) Casual leave should only be granted for adequate reasons. The concession of casual leave must not be converted into an unauthorised system of privilege leave. Government trust that Commissioners and Officers of all grades will not allow the privilege to be abused.
- (4) An Officer who takes casual leave when on tour is not entitled to draw daily allowance during such leave.
- (5) The Officers empowered to grant casual leave to their subordinates may also grant to those subordinates leave of absence during holidays. In all cases in which the officer asking for casual leave or for leave of absence during holidays desires to absent himself from the jurisdiction of the officer empowered to grant the request, this fact should be clearly stated in the application.
- (6) Before a Civil Surgeon or Superintendent of a Central Jail avails himself of casual leave, he should report to the Commissioner of the Division through the Deputy Commissioner of the district the period of such leave and the date of his departure. He should also report the date of his return to duty.

(7) Superintendents and Assistant Superintendents of Police should forward requests for casual leave through the Deputy Commissioner of the district. Should the Deputy Commissioner record an objection to the grant of the leave, the leave applied for cannot be granted. If the leave is granted, it will still be necessary that the Police officers should take the Deputy Commissioner's orders before leaving the district. The Deputy Commissioner should invariably inform the Commissioner when he consents to the grant of casual leave to a Superintendent.

(8) A District Officer, a Civil Surgeon and a Superintendent of Police before taking casual leave should notify to the district office their addresses during the period of such leave.

[Para (9) excluded as it relates to Judiciary]

(10) The special sanction of Government is no longer required when an officer desires to spend his casual leave out of the province.

(11) Every authority which grants casual leave shall cause a register of such leave to be maintained. The register should be regularly examined by inspecting officers.

[EXTRACTS FROM THE MANUAL OF OFFICE PROCEDURES- SECRETARIAT]

Para 216. 6. 1 - Penalty for late attendance:- Forfeiture of a day's casual leave will ordinarily be the penalty for three days' late attendance consecutively.

Para 216. 6. 2 - Any day on which a member of the establishment attends office after 12. 30p. m. but before 2 p. m. whether with or without permission will be treated as casual leave for half a day. Attendance after 2 p. m. will be treated as casual leave for full day. Similarly, if he leaves office between 12. 30 p. m. and 2 p. m., it will be treated as casual leave for half a day. Departure before 12. 30 p.m. will be treated as casual leave for full day.

Para 216. 7 - A casual leave account of a member of the establishment will be transferred from one department to another along with his transfer.

Para 219. 1 - Casual leave to a Government servant in the Secretariat will be sanctioned as follows :-

Sl. No.	Designation of Government Servant	Person whose permission to be taken
1.	A Secretary	Chief Secretary, Minister will be informed.
2.	Joint/Deputy Secretary	Secretary of the Department.

3.	Under Secretary	Joint Secretary or Secretary, under whom he is directly placed.
4.	Superintendent, Asst Superintendent, Asstt. Typist etc.	Branch Officer.
5.	Peons	Superintendent, Officer concerned or Nazir, as the case may be.
6.	Personal staff attached to Minister / Officer	Minister/Officer, provided casual leave is admissible.

Para 219. 2 - If any Government servant avails himself of casual leave when it is not admissible, he will do so at his own risk and ordinarily will be treated as absent on leave without pay.

Para 219. 3 - Prior permission for casual leave on account of anticipated causes will be taken. Absence in anticipation of sanction will be condoned only if the necessity for the leave could not have been foreseen. In such cases, the nature of sudden emergency should be stated in the application.

Para 219. 4 - A member of the establishment applying for casual leave on account of temporary indisposition may, if considered necessary by the leave sanctioning authority, be required to produce medical certificate or hospital ticket.

Para 219. 5 - An application for casual leave submitted from the residence of an applicant should contain his residential address. If he proposes to leave the head quarters during the leave period, the permission to leave the headquarters should be taken and the leave address should also be given.

Para 219. 6 - An abstract statement showing casual leave taken and late attendance will be exhibited in the last column on the Attendance Register and consolidated by the Superintendent immediately after a month is over.

**4. No. AAP.
125/60/167, dated
18/12/1969**

Sub :- Sanction of casual leave to Additional Deputy Commissioners

The Deputy Commissioner may grant casual leave to the Additional Deputy Commissioner in cases where the casual leave is proposed to be availed of at the headquarters. The Commissioner of Division, however, will continue to grant casual leave

to the Additional Deputy Commissioner if it is proposed to be availed of outside the headquarters.

5. No. S(E)
47/58/3, dated
01/04/1958

Sub :- Maintenance of account of casual leave for Secretariat staff.

The grant of casual leave and maintenance of the account thereof should be dealt with and disposed of by the respective Secretariat Department where a particular incumbent is working. The casual leave application need not be sent to Secretariat Administration Department for record.

6. No. AAP.
125/60/108, dated
21/10/1964

Sub :- Diarising of casual leave applications - Not required.

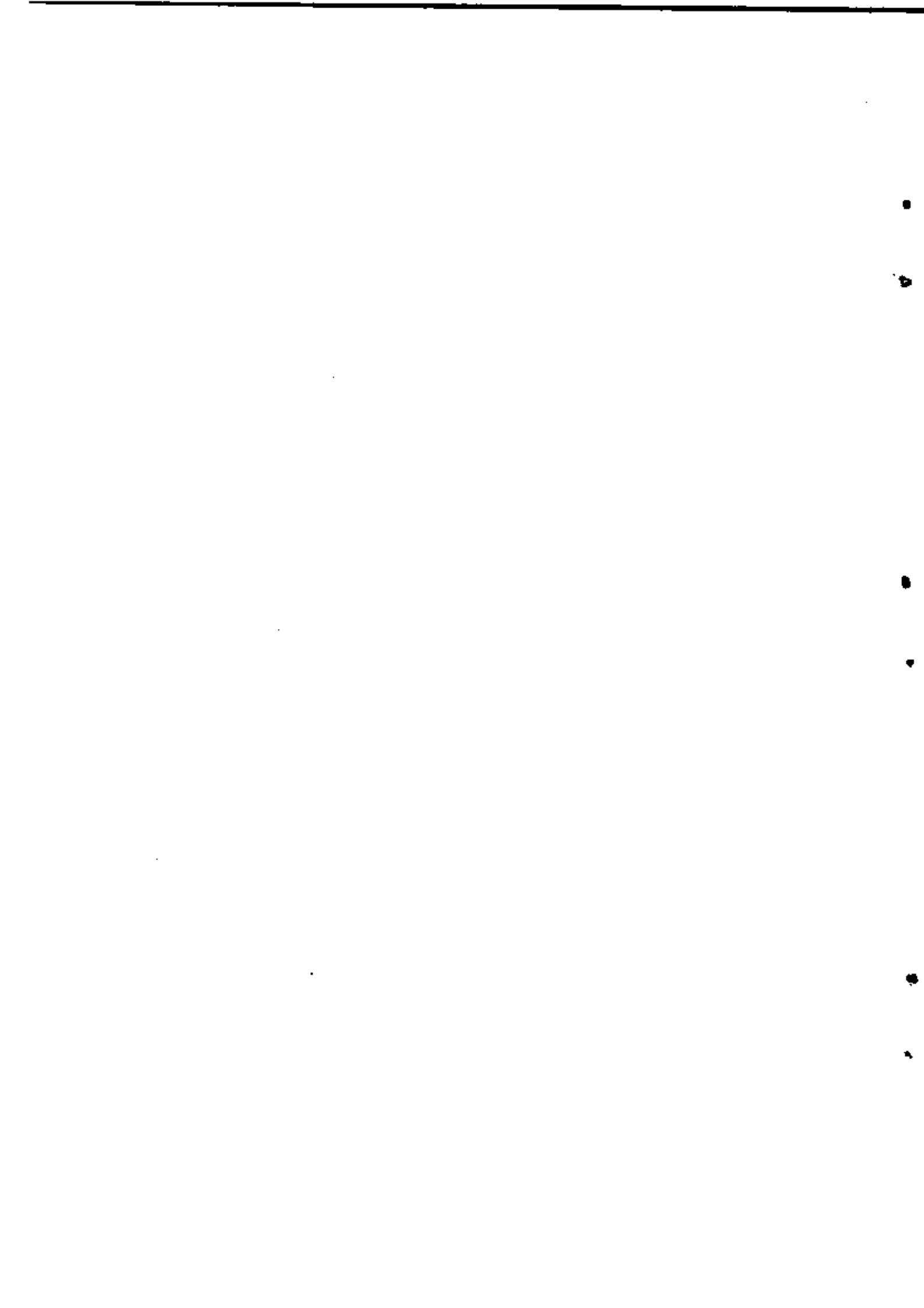
Casual leave applications should not be diarised as receipts. The Superintendent or the appropriate authority, at the end of each month, should make entries in the prescribed columns of the Attendance Register, Assam Schedule II, Form No. 68 about the total number of days spent on casual leave till the end of the previous month and during the current month, against each employee.

7. No. AAP.
125/60/Pt. 1/7,
dated 15/12/1967

Sub:- Conditions for granting Special Casual leave.- Competent authorities.

Casual leave in excess of 15 days is, in fact, not a normal thing and therefore, there is no rule governing the grant of such casual leave. The only enabling provision for granting such leave is the proviso to Rule 246(2) of the Assam Executive Manual which is as follows :- "Government, Commissioners and Heads of Departments may in exceptional cases allow a departure from this rule or part thereof recording reasons for such relaxation".

The Authority to make a departure from Rule 246(2) for granting special casual leave in all cases is, of course, the Government, but as Commissioners and Heads of Departments are also given these powers, they can also grant such leave to those who are granted the normal casual leave by them. The reasons for such special leave to individual employees need not be either private or public reasons. What is important is that this must be an exceptional case to deserve a departure from the normal rule and the granting authority must satisfy himself of the merit of the case and record the reasons for allowing such special casual leave. The limit upto which such special casual leave can be granted in a calendar year has not been fixed so far. As it is a special thing, no such limit can also be normally fixed. It is expected that the authority granting such leave even in exceptional cases will restrict it to the absolute minimum and will not normally allow it for any long period for which the employee can be



J. OM. No. FEG.
60/63/p, dated
03/02/67.

Sub :- Principles for sanction of leave reserve posts for Ministerial and Class-IV establishments.

The undersigned is directed to say that at present no uniform procedure is followed in respect of creation of leave reserve posts for ministerial and class IV establishments. Such posts are created on ad-hoc requirements generally @10% of the permanent strength of the establishment. The State Government have since reviewed the position as a whole, particularly in the light of the present condition of requirements and quantum of leave admissible to permanent and temporary employees, and the sanction of the Government of Assam is hereby conveyed to the adoption of the following principles :

In Ministerial establishments including Secretariat, leave reserve will be calculated separately for permanent and temporary post on the basis of 14% of the posts in a cadre. This will be equally applicable to the class IV staff, excluding malis and sweepers whose nature of work does not require leave reserve.

In calculating the temporary leave reserve strength, only those temporary posts which are sanctioned for a minimum period of one year will be taken into account. Leave reserve posts sanctioned on the basis of permanent posts will be permanent and those sectioned on the basis of temporary posts will be temporary.

The leave reserve posts in case of Ministerial Establishments will be in the lowest cadre of the same promotion group i.e. in the cadre of L. D. Assistants. But in calculating the leave reserve strength the number of U.D.A. posts and such supervisory posts of H. A. Superintendent and Registrar which are filled up by promotion during a leave vacancy may be taken into consideration. In the Secretariat posts upto Superintendent should only be included. The posts of Under Secretary filled up from the Secretariat Service should be excluded while calculating the posts of leave reserve. In case of class IV staff, posts of dufries and jamadar chaprasis may be included.

In calculating the leave reserve, fraction of less than half should be omitted and fraction of half or more be rounded off to the next higher integer.

It should be clearly understood that in an establishment where there are sanctioned leave reserve posts, it is not permissible to entertain outsiders in leave vacancies. The leave reserve covers all vacancies including those caused by the grant of leave preparatory to retirement. But in the case of small offices where the leave reserve posts are only a few in number the grant of leave preparatory to retirement to a few individuals for a long period may inconvenience the office concerned. In such cases, it has been decided that specific sanction of the Finance Department should be obtained to the filling up of vacancies caused

by the grant of leave preparatory to retirement beyond the first period of 4 months if the state of work in the office would justify such a special relaxation. If the seniority was not determined otherwise on the basis of merit at the time of application, the seniority is determined in the above manner, these employees can be confirmed according to the existing practice in the Departments concerned viz., confirmation of T. C. to All India Services according to seniority in the temporary cadre concerned.

L. No. AAI.
37/63/208, dated
15/02/66

Sub :- L.T.C. to All India Service Officers on reversion from deputation - Grant of advance.

In continuation of Office Memorandum No. ABI:32/56/135 Dated 18th May 1960, the following procedure shall be followed in granting advance for leave travel concession to an officer on deputation who immediately on reversion to the State Government wishes to proceed on leave and join the State Government on the expiry of such leave.

- (a) In the leave application of the reverting officer, the fact that he would be availing of the leave travel concession during the period of leave will have been mentioned by him. The borrowing authority may, when sanctioning the leave or while forwarding the leave application to the State Government for sanction, as the case may be inform the State Government that in the event of leave being sanctioned, they would sanction advance to the extent admissible and subject to the conditions laid down in the office memorandum referred to above. On receipt of intimation regarding sanction of leave, the controlling officer for T. A. purpose in the borrowing authority in respect of the officer availing of the leave travel concession may sanction the advance and endorse a copy to the State Government who will keep a watch on the adjustment of leave travel concession advance.
- (b) The procedure in (a) above may be made applicable in the event of the reverting officer applying for leave and intending to avail of, during the leave, the leave, travel concession himself or with any or all members of his family. If during the period of leave in question, any or all members of his family alone intend to avail of the concession and not the officer himself even then the procedure at (a) above may also be made applicable.
- (c) The leave travel concession advance granted by the borrowing authority will be adjusted against the account of the borrowing authority/State Government which is ultimately liable to bear the expenditure on account of the leave travel concession availed of by the officer concerned and/or his family.

6. Local Board employees.

I. No. ABP.
54/64/168, dated
26/02/67.

Sub :- Principle for counting past service of local board employees on absorption in Government service.

In regard to the counting of the past services of the employees of defunct Local Boards on absorption in Government service, towards (a) pension, (b) leave and (c) seniority, it has been decided as follows :-

(a) For the purpose of pension the ex-employees of the Local Boards may be put into two categories :-

(i) Firstly those who were comparatively young in age at the time of absorption and therefore have many years to serve under Government.

This category of employees will eventually get confirmed in Government service and will be getting the benefit of pension and gratuity like other Government servants on the basis of their qualifying service under the Government.

(ii) Secondly those who were fairly advanced in age at the time of absorption in Government service and have retired already or will be retiring shortly without being confirmed in Government service.

This category of employees will not be entitled to any benefit of pension or gratuity on superannuation. Although it will involve some hardship to this category of employees on account of their having lost the benefit of the Contributory Provident Fund from the date of their absorption in Government service they will get the amount due at their credit on their account on retirement. Moreover Government have been examining the recommendations of the last Pay Committee which envisaged that the temporary Government servants rendering services for five years or more under Government should be granted gratuity on retirement at the rate of 1/2 month's pay for every completed year of service.

(b) As far as leave is concerned the Ex--Local Board employees should be treated at par with the outsiders and their past services will not count towards leave on absorption in Government service.

(c) The seniority of such employees should count from the date of their absorption in the respective Departments under Government and that no weightage should be given for their past services in the defunct Local Boards. In the case of absorption in the same establishment/Department, the inter-se seniority of the ex-Local Board employees should, however, be fixed according to their length of service in their respective Local Boards. Besides, if inter-se seniority of two or more of the persons had already been fixed by the Board, it need not be disturbed. Regarding inter-se seniority of employees who might have been appointed on the same day under the Local Board it can be fixed according to the age of the employees : a person more advanced in age to be treated as senior to the younger one

provided their seniority was not determined otherwise on the basis of merit at the time of appointment. When the seniority is determined in the above manner, these employees can be confirmed according to the existing practice in the Departments concerned viz., confirmation should be made according to seniority in the temporary cadre concerned.

M

1. Magisterial Powers.

**J. OM. No. AAP.
93/84/58, dated
13/01/93**

Sub :- Procedure for recommending Magisterial Powers for Non-ACS Officers.

The question of investiture of Magisterial powers to Non-ACS officers is engaging the attention of the Government for quite some time past. It has been observed that the Deputy Commissioners/Sub-Divisional Officers put forward proposals for investiture of Magisterial powers to Non-ACS officers in haste without proper examination of the issue. After careful consideration it has been decided that the following procedure should be adopted for investiture of Magisterial powers to Non-ACS Officers.

(i) The proposals should be studied in depth by the Deputy Commissioners considering the necessity and the reasons for resorting to such measure should be explained in detail.

- (ii) Except in special circumstances, Non-ACS Officers other than Senior Block Development Officers/Block Development Officers should not be recommended for investiture of Magisterial powers. The full name and designation of the officers should be indicated invariably.
- (iii) The officers sought to be equipped with Magisterial powers should be briefed thoroughly so that they understand its implication and exercise the powers in a judicious manner in order to avoid its misuse. The Deputy Commissioner should clearly make a mention in this regard in the proposals.
- (iv) In case of recommending non-ACS Officers for investiture of Magisterial powers, it should be ensured that such officers should be equivalent in status and responsibility to that of ACS-I officers.
- (v) The proposals should be routed through the concerned Divisional Commissioners.



1. Next Below Rule.

I. No. AAA,
97/42/60, dated
10/07/45.

Sub :- Application of the "Next-below Rule".

I am directed to say that from certain cases which have come to notice of the Government have reason to believe that the implication of the "Next-below rule"- which is not a rule but a guiding principle- is not generally understood. In order to make the position clear I am to explain the implication of this principle.

This principle as defined by the Government of India is that a special appointment of an officer outside the regular line of his service should not cause him to suffer if he would have been otherwise promoted, and he should therefore be allowed to draw the pay of the post to which he would have been promoted had he been spared. A claim on this account cannot be established until all members of his service who are above him and at least the one next below have received promotion. It does not matter whether the post held outside the regular

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line is one in the cadre or one outside the cadre. In respect of the All India Services it has been made plain that the principle cannot be applied without the sanction of the Secretary of State to any case but that generally the same result can be procured under the second proviso of the Fundamental Rule 30 (1), i. e. if Government specify the post outside the ordinary line of the Service as one the holder of which can be given an officiating promotion in the cadre of the service which the promoting authority may consider proper. Take, for instance a post from which the holder could not be spared when he became eligible for consideration for a vacancy in the post.

The Government of India have, however, pointed out the necessity of not unduly pressing this principle. They consider that if the officiating appointment is only for a short period and it is undesirable on grounds of exigency to allow the holder of a particular post who has a claim to the promotion to occupy it, he should be expected to waive his prospects for a short period like three months. Ordinarily, however, an officer with such claim should be allowed to take the officiating promotion and should be appointed to any substantive vacancy rather than being kept in his post outside (or indeed inside) the ordinary line and deprived of the promotion but given compensatory pay. It has been suggested that normally therefore the "Next-below" principle in this form ought not to be applied except in the case of vacancies for six months or so, and this Government have accepted the formula.

It is, therefore, clear that no officer has a claim to be given compensatory pay merely because his junior has for a few months been acting on the superior scale. If the vacancy is likely to continue for a considerable period the proper course would ordinarily be to appoint the senior fit officer to it, even if this involves some dislocation.

2. GOI. No. F.
2(25)-Est-111/46,
dated 02/04/47.

Sub :- Clarification of the Secretary of State's rulings relating to the "next below rule".

I am directed to state that doubts have frequently being expressed by Provincial Governments and Audit Officers regarding the exact scope of the various rulings issued by the Secretary of State in connection with the operation of the "next below rule". For avoidance of doubt, the extent of decisions on this subject have been summarised below.

2. The working rule subjoined to this paragraph may be taken to express the convention which is commonly known as the "next below rule" as originally approved, and its provisos, the modifications made from time to time by the Secretary of State. The intention underlying the "rule" is that an officer out of his regular line should not suffer by forfeiting the officiating promotion which he would otherwise have received had he remained in his original line. The so called "rule" is not a rule of any independent application. It sets out

only the guiding principles for application in any case in which the Governor General in Council, or the Governor exercising his individual judgement by virtue of the powers conferred on him by the Secretary of States rule of the 14th April 1942 published with Home Department, Notification No. 195/40-Ests, dated the 9th June 1942, proposed to regulate officiating pay by special orders under the second proviso to Fundamental Rule 30 (1). The conditions precedent to the application of the "next below rule" must therefore be fulfilled in each individual case before action may be taken under this proviso. It also follows that the benefit of officiating promotion is to be given only in respect of the period or periods during which the conditions of the "next below rule" are satisfied.

Rule - "When an officer in a post (whether within the cadre of his service or not) is for any reason prevented from officiating in his turn in a post on a higher scale of grade borne on the cadre of the Service to which he belongs, he may be authorised by special order of the appropriate authority proforma officiating promotion into such scale or grade, and thereupon be granted the pay of that scale or grade, if that be more advantageous to him, on each occasion on which the officer immediately junior to him in the cadre of his Service (or if that officer has been passed over by reason of inefficiency or unsuitability or because he is on leave or serving outside the ordinary line or foregoes officiating promotion of his own volition to that scale or grade then the officer next junior to him not so passed over) draws officiating pay in that scale or grade.

Provided that all officers senior to the officer to whom the benefit under the substantive part of this rule is to be allowed are also drawing, unless they have been passed over for one or other of the reasons aforesaid, officiating pay in the said or some higher scale or grade within the cadre :

Provided further that, except in cases covered by any special orders of the Secretary of State, not more than one officer (either the senior most fit officer in a series of adjacent officers outside the ordinary line, or, if such an officer either forgoes the benefit of his own volition or does not require the benefit in virtue of his holding a post outside the ordinary line which secures him at least equivalent benefits in respect of pay and pension then the next below in the series) may be authorised to draw the pay of the higher scale or grade in respect of any one officiating vacancy within the cadre filled by his junior under this rule".

3. The "next below rule" set out in the preceding paragraphs should be applied with due regard to the rulings or decisions mentioned hereunder :-

(i) A purely fortuitous officiating promotion given to an officer who is junior to an officer outside the regular cadre does not in itself give rise to a claim under the "next below rule".

(ii) The expression "outside the ordinary line" and occurring in Fundamental Rule 30 (1) is not intended to be rigidly interpreted as necessarily involving a post either "outside the cadre and service" or "outside the ordinary time-scale".

(iii) Although certain special posts in a cadre may be considered to be posts outside the ordinary line of a service for the purpose of applying the "next below rule" (vide the Secretary of State's orders in India Office letter No. S. and G. 5079/44-Ests. Dated the 2nd Jan, 1945), there are no orders to cover the converse type, viz. the treating as cadre posts of those posts created by Governments in India which are declared to be equivalent in status and responsibility to permanent posts included in a Secretary of State's cadre. Now that the powers of Governments in India to and temporary posts to the cadre of a Secretary of State's Service have been withdrawn under the Constitution Act of 1935, the benefit under the next below rule may not be allowed, without the sanction of the Secretary of State, to an officer outside the ordinary line if an officer junior to him is appointed to a post created and declared by a Government in India to be so equivalent.

(iv) If Government have approved in any department a list of officers in order of merit for promotion to administrative rank or a selection grade, then that order will prevail as the order of seniority for the purpose of the "next below rule" over the order of seniority of the officers in the ordinary gradation list of their cadre.

4. The Secretary of State has held that holders of special (e. g. tenure) posts such as Secretary to a Governor in a Provincial Government should be ready to accept loss of officiating promotion for short periods to posts on a higher scale or grade in the ordinary line in consequence of their incumbency and that, when the stage is reached at which their retention involves loss of substantive or lengthy officiating promotion, the proper course is to make arrangements to release them from the special posts rather than to compensate them for the loss of officiating promotion under the "next below rule". "Short periods" should be interpreted as meaning periods not exceeding three months.

If in such a case the conditions of the "next below rule" are not satisfied and an officer is deprived of officiating promotion owing to its being impracticable for the time being to release him from the special posts, he may be granted with the approval of the Governor General in Council or of the Governor acting in his individual judgements. According as the officer concerned is serving at the Centre or in the Province, such compensation for loss of officiating promotion as would have been admissible under the next below rule for the period in excess of the first three months of his retention in the special post in the public interest. No specification or declaration in terms of the second proviso to Fundamental Rule 30 (1) by the Governor General in Council or the Governor will be necessary in these cases and it will suffice if those authorities issue the requisite orders granting the officers concerned the

compensation on that basis. As in the case of the "next below rule" the periods for which compensation equivalent to the "next below rule" benefit is allowed will count for increment in the higher scale or grade in which the officer would have officiated, had he not been holding the special post in the public interest.

If, however, in such a case the conditions of the "next below rule" are satisfied, the officer concerned may be granted under the second proviso to Fundamental Rule 30 (1), the concession admissible under the "next below rule," but, save in exceptional circumstances, such an officer should not be retained in the special post if the pay attached thereto is lower than that admissible to him under the "next below rule" for more than 6 months beyond the date from which the "next below rule" begins to operate. The sanction of the Secretary of State is however unnecessary for exceeding this time limit in individual cases in exceptional circumstances.

5. This letter issues with the approval of the Secretary of State.

3. GOI No.
47/256-Estt (A),
dated 20/01/1958.

Sub :- Application of "Next Below Rule" to Government servant joining Territorial Army.

4. No. AMI. 3/583,
dated 06/05/58.

The period of service rendered by Government servants who join the Territorial Army or are on deputation there either on annual training or for a course of instruction or during an emergency, etc. may be treated as service outside the ordinary line, for the purpose of proviso 2 to FR. 30 (1). Accordingly they will be entitled to proforma promotion in their parent Departments, under the "next below rule". They will also get the seniority in the higher posts to which they would otherwise be entitled, if they had not been away for training, etc. in the Territorial Army.

5. O.M. No. ABP.
59/75/1, dated
23/06/75.

Sub :- Principle of proforma promotion under next below rule.

1. Instances have come to the notice of Government that in the absence of specific instructions, Administrative Departments have experienced difficulties in the matter of taking decisions in respect of application of the "next below rule" when the promotion of the immediate junior Government servant in the parent department does not take place on a "regular basis". In other words, whether proforma promotion under the "next below rule" should be allowed to the senior officer serving outside the line of his cadre (on deputation, temporary transfer etc.) when the junior in the parent department gets promotion on an ad-hoc basis including the promotion under Regulation 4(d).

2. The principle called the "next below rule" is intended to safeguard the interest of senior officers serving outside the line of the cadre and the question of application thereof arises only when the senior officer is retained by the borrowing authority and is not sparable. While elaborating the principle it has been stated inter-alia that if the officiating appointment is only for a short period like three months the senior officer should be expected to waive his prospects. In Government letter No. AAA. 97/42/60 Dated 10. 7. 45, it has been envisaged that normally the "next below rule" principle ought not to be applied except in the case of vacancies for six months or so.

3. Consistent with the principle as aforesaid it is held that an officiating promotion allowed either under Regulation 4 (d) of Assam Public Service Commission Regulations or under the provision of a service rule against a vacancy which is likely to continue for six months or more, may not be construed as a "short term" promotion and a senior officer serving for the time being outside the line of the cadre should be allowed proforma promotion under the "next below rule" subject to the usual formalities, if his immediate junior in the parent department is so promoted.

6. OM. NO. ABP.
59/75/9, dated
03/11/76.

Sub :- Benefit of proforma promotion may be given in vacancies each of more than 90 days.

1. Reference Government Letter No. AAA. 97/42/60 Dated 10. 7. 45 on the above subject. The existing principle of allowing proforma promotion under the "next below rule" has been reviewed in the light of Government of India's decision in the matter and it has been decided that the benefits as laid down in the letter quoted above may be allowed against promotion in vacancies each of more than 90 days duration as against the existing limit of six months. This benefit should not be allowed in respect of promotions against each of vacancies which taken together extend beyond 90 days.

2. This partially modifies this department OM. No. ABP. 59/75/1 Dated 23. 6. 75 also.

2. Name/Surname.

1. No. AAM
41/56/23-A, dated
27/07/60

Sub :- Change of name/surname by Government servants.

Any Government servant wishing to adopt a new name or to affect any modification in his/her existing name should be asked to adopt the change formally by a deed changing his/her name. In order that the executing of the document may not be in doubt, it is desirable that it should be attested by two witnesses, preferably those known to the head of the office in which the Government servant is serving. A sample deed form is enclosed for

guidance. The execution of the deed should be followed by publication of the change in a prominent local newspaper as well as the Gazette of Assam, the publication being undertaken by the Government servant at his/her own expense in both cases.

It is only after the formalities described in the foregoing paragraph have been complied with and satisfactory evidence of identity and execution of the deed adduced by the Government servant that the adoption of the new name or change in the existing names should be recognised officially, entries in Government records so far as may be necessary being amended accordingly. True copies of the relevant documents should be retained by the head of offices concerned.

Deed Changing Name.

By this Deed I the undersigned _____ (new name) of _____ now lately called _____ (old name) employed as _____ (designation of the post held at the time by the Government servant concerned) at _____ (place where employed in the Department) do hereby _____

(1) For and on behalf of myself and my wife and children and remoter issue wholly renounce, relinquish and abandon the use of my former name of _____ and so that I _____ may hereafter be called, known and distinguished not by former name of _____ but by my assumed name of _____

(2) For the purpose of evidencing such my determination declare that I shall at all times hereafter in all records, deeds, writings and in all proceedings, dealings and transactions as well as private and public and upon all occasions whatsoever use and sign the name of _____ as my name in place of _____ and in substitution for my former name of _____

(3) Expressly authorise and request all persons at all times hereafter to designate and address me by such assumed name of _____ accordingly.

IN WITNESS WHEREOF I have hereunto subscribe my former and adopted names of _____ (old name) and _____ (new name) and affixed my seal this _____ day of _____ Signed, sealed and delivered by the above name _____ (new name) _____ formerly (old name) in the presence of _____

Witness :-

- 1.
- 2.

3.

Signature (Old Name)

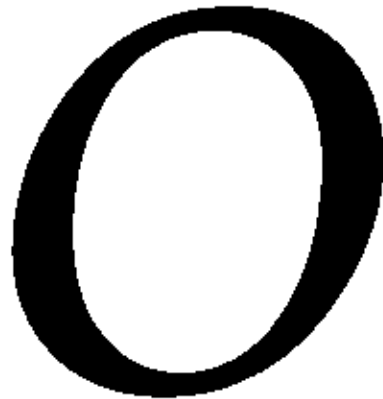
(New Name)

3. Nehru Memorial Fund.

*I. No. AAP
184/63/122, dated.
03/05/66.*

Sub :- Collection of donation for Nehru Memorial Fund.

All Government employees are authorised to collect donations for the Nehru Memorial Fund.



1. Oath/Affirmation of allegiance

I. No. AAF.
80/52/3, dated.
12/09/52.

Sub :- Maintenance of office record of oath/affirmation made.

1. In every office of Department a record of oath/affirmation should be maintained in a separate register for each different grade of Government servants. The cover and first page of the register should show the grade of Government servants in respect of whom the record is kept in the register. A copy of the revised form of oath/affirmation should be pasted on the next page, and thereafter entries may be made in the register in the form indicated below.

Serial No.	Name of Government Servant.	Date of which oath / affirmation	Whether an "oath" or affirmation	Designation of officer before whom	Signature of Officer.
------------	-----------------------------	----------------------------------	----------------------------------	------------------------------------	-----------------------

		was taken / made.	was taken / made.	the oath / affirmation was taken / made.	
1	2	3	4	5	6

2. The oath/affirmation should be taken/made before the Head of the Department or officer as may be appropriate or a gazetted officer who may be authorised in this behalf.

2. No. ABP.
289/56/11, dated
08/02/64.

Sub :- Form of oath of allegiance - Mandatory requirement for taking.

1. All entrants into Government service should hereafter take/ make the oath/affirmation of allegiance in the revised form given below.

FORM OF OATH OF ALLEGIANCE

"I, _____ do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, and that I will carry out the duties of my office loyally, honestly and with impartiality.

(So help me God)

2. Conscientious objectors to oath taking may make a solemn affirmation in the form indicated above.

2. Orders/instructions of Ministers.

1. O.M. No. ABP.
108/86/1, dated
01/04/86.

Sub :- Keeping Ministers informed of Action taken on their orders/instructions.

It is often observed that the Ministers are not apprised of the action taken on their orders and instructions given on public petitions and in their notes to various officers. It is imperative that prompt action is taken on all such orders and instructions passed and the Ministers are informed immediately about the action taken. Where implementation of orders/instructions of the Ministers entail any kind of follow-up action, the progress made towards implementation may be intimated to the concerned Ministers from time to time. Where it

entails redressal of public grievances the approximate time required for such redressal may be indicated and apprised to the concerned Ministers. Whenever any officer to whom the note or instructions/orders on the petitions is addressed has to entrust the work to the officers under him, a time limit for completing the task should be invariably laid down and the Minister concerned apprised of it.

3. Overtime allowance.

1. Extract of Para 67. 2 of the Report of the Assam Pay Committee, 1964.

Sub :- *Withdrawal of grant on overtime allowance on basis of recommendations of the Assam Pay Committee, 1964.*

In view of the above facts and in view of the general improvements made in the pay structure, it is suggested that the existing orders regarding payment of overtime allowance to the non-gazetted ministerial and class IV staff belonging to the Secretariat and offices of Heads of Departments should be withdrawn. The practice of payment of overtime allowance in the industrial establishments like that of Assam Government press may, however, continue.

2. No. FEP. 3/64/96, dated 29/12/64.

Sub :- *Withdrawal of grant on overtime allowance on basis of recommendations of the Assam Pay Committee, 1964.*

(Para 7) Leave, pension, medical and other facilities working hours etc.

The Committee's recommendations in regard to these have been accepted and necessary orders will be issued in due course by the appropriate department.

4. O. B. C./M.O.B.C.

1. No. TAD/BC/661/15, dated 12/09/61.

Sub :- *List of communities belonging to the O.B.C.*

A revised provisional list of the communities belonging to the Other Backward Classes for the purpose of granting educational facilities and other concessions in this State, is given below.

Provisional List of Other Backward Classes in Assam

- | | |
|----------|-----------|
| 1. Ahom | 15. Mukhi |
| 2. Baria | 16. Napit |

- | | |
|---------------------------------|--|
| 3. Barui | 17. Nepali (i. e. Thapa, Gurung, Lama, Newar, Lohar, Damai, Gaine, Rai, Chetri, Limbu, Sarki, i. e. Cobbler) |
| 4. Baroi | 18. Rajbanshi or Koch |
| 5. Barjubi | 19. Saloi |
| 6. Chutiya | 20. Sudra Das or Dey |
| 7. Choudang | 21. Sut. |
| 8. Ganok in Cachar only | 22. Scheduled Castes converted to Christianity |
| 9. Ghosh, Gop Gowala | 23. Sikh Harijans or Sikh Scheduled Castes. |
| 10. Kumar, Rudra Paul of Cachar | 24. Tantripal, Tanti Tantri |
| 11. Kupachar, Kushiari, Rarh | 25. Tea garden labourers or t |
| 12. Mahisya Das, Mahisya | 26. Ex-tea garden labourers or tribes (i. e. Gonds, Mundas, Khonds, Oraons, Santhals, Severas, Pans) |
| 13. Manipuri | 27. Teli |
| 14. Moran and Matak | 28. Yogi (Nath) |

N. B. The following communities are treated as more backward for the purpose of educational facilities :-

- | | |
|---|---|
| (1) Moran and Matak. | |
| (2) Tea garden labourers or tribes | Only the seven sub-tribes as mentioned above. |
| (3) Ex-tea garden labourers or tribes | |
| (4) Rajbanshi or Koch (Koch of Goalpara and Garo Hills only). | |

2. No.
TAD/BC.20/61/15,
dated 03/06/1966

Sub :- Modification of list of Other Backward Classes.

In modification of No. TAD/BC/6/61/15, dated 12th September, 1961, it

has been decided to treat "Maimals" (Muslim fishermen) as other Backward Classes of the State.

3. No. ABP.
338/83/14, dated.
04/01/84.

Sub :- List of the O.B.Cs. and Tea Garden and Ex-Tea Garden Tribes declared as M.O.B.C.(1984)

The following Tea Garden and Ex-tea Garden Tribes numbering 1 to 90 are More Other Backward Classes vide Tribal Areas and Welfare of Backward Classes Department letter No. TAD/BC/268/75/37, Dated 27th November, 1975.

- | | | |
|--------------|-----------------|---------------|
| 1. Arya Mala | 20. Beddi | 39. Kawar |
| 2. Asur | 21. Chowdhari | 40. Karmali |
| 3. Baspher | 22. Chere | 41. Korwa |
| 4. Bhokta | 23. Chick Banik | 42. Kol. |
| 5. Bowri | 24. Dandari | 43. Kalahandi |
| 6. Bhuyan | 25. Dandasi | 44. Kotwal |
| 7. Bhumij | 26. Dusad | 45. Kharia |
| 8. Bedia | 27. Dhanwar | 46. Kumhar |
| 9. Belder | 28. Ganda | 47. Kharwar |
| 10. Bharali | 29. Gonda | 48. Khodal |
| 11. Bhatta | 30. Ghansi | 49. Koya |
| 12. Basor | 31. Gorait | 50. Kondpan |
| 13. Baiga | 32. Ghatowar | 51. Kohor |
| 14. Baijar | 33. Hari | 52. Kormakar |
| 15. Bhil | 34. Holra | 53. Kashan |
| 16. Bondo | 35. Keot | 54. Lahar |
| 17. Binjia | 36. Koiri | 55. Lodha |
| 18. Birhar | 37. Khonyor | 56. Lodhi |
| 19. Birjia | 38. Kurmi | 57. Madari |

58. Mahli	69. Panika	80. Jolha
59. Mohli	70. Parja	81. Modi
60. Mahato	71. Patratanti	82. Telenge
61. Malpaharia	72. Pradhan	83. Tassa
62. Manki	73. Rajwar	84. Bauri
63. Mirdhar	74. Sawar	85. Tantubai
64. Majwar	75. Sahora	86. Kalihandi
65. Monia	76. Turi	87. Nath
66. Nagasia	77. Chamar	88. Teli
67. Pasi	78. Barhai	89. Tanti.
68. Paidi	79. Ahir-Goala	

The following classes numbering 1 to 29 are Other Backward Classes vide said letter No. TAD/BC/268/75/37, dated 27th November, 1975.

1. Ahom	12. Mahisya Das, Mahisya	18. Rajbanshi or Koch.
2. Baria	13. Manipuri including Manipuri Brahmins and Manipur Muslims.	19. Sudra Das or Dey
3. Barui	14. Moran and Matak	20. Saloi
4. Baroi	15. Mukhi	21. Sut
5. Barjubi	16. Napit	22. Scheduled Caste, converted to Christianity.
6. Chutia	17. Nepali (i. e. Thapa, Gurung, Lama, Magar, Newar, Lohar, Damai, Gaine, Rai, Chetri, Limbu and Sarki i. e. cobbler)	23. Tantripal, Tanti, Tantri.
7. Choudang		24. Tea Garden Labourers or Tribes
8. Ganak in Cachar only.		25. Ex-tea garden labourers or Tribes (i. e. Gonds, Mundas, Khound, Santhals,
9. Ghosh, Gop, Gowala		
10. Kumar, Rudra Paul of Cachar.		
11. Kupadhar Kushiari, Rarh.		

Severas, Pans
Oraons).

26. Teli

27. Yogi (Nath)

28. Maimals (Muslim
Fisherman)

29. Maria.

P

1. Promotion.

I. No. ABP.
62/58/2, dated
24/03/58

Sub :- Promotion of Typists to post of L.D. Assistants.

Under Rule 5(2)(a)(iii) of the Assam Secretariat Subordinate Service Rules, 1964, 10% of long continuous chain of vacancies in the Lower Division Cadre, shall be filled up by promotion strictly on merit, as will be assessed by the Gradation Committee in consultation with the Assam Public Service Commission, from among typists of the Secretariat who have rendered at least four years continuous service on the first day of the year of recruitment. The conditions of service of persons appointed to the ministerial staff of the offices of the Heads of Departments and until such service rules are framed, the procedure followed in the Secretariat as above, should also be followed in the offices of the Heads of Departments.

2. No. ABP.
62/58/7, dated
17/02/59.

Sub :- Promotion of Typists with matriculation and four years experience.

In continuation of Government letter No. ABP. 62/58/2, dated 24/03/1958 in the absence of any selection by the Gradation Committee or any specific rules regulating recruitment and conditions of service of persons appointed to a service, the appointing authorities may themselves assess the merits inter se of eligible typists who have at least four years continuous service and are educationally qualified (matriculate) as typists and promote them as lower Division Assistants subject to the condition that such promotion posts should not exceed 10% of the total posts of Lower Division Assistants which fell vacant and filled up since the issue of Government letter dated 24. 3. 1958 above. The selection should be fair and strictly on merit and suitability.

3. No.
S(E)94/64/333,
dated 02/09/66.

Sub :- Promotion of U.D.As. and L.D.As. of the Assam Secretariat to the post of Assistant Superintendent/Upper Division Assistants.

Confirmed U. D. Assistants and confirmed L. D. Assistants who entered the Secretariat in the respective cadre on or after 1958 will not be allowed to officiate or promoted as Assistant Superintendent or U.D. Assistants respectively unless they have successfully undergone the prescribed training as aforesaid.

4. No. ABP.
178/74/2, dated
26. 8. 74.

Sub :- Seniority-cum-merit - giving weightage to.

According to the existing principles relating to promotion the appointing authorities have been advised to give special weightage to the factor of merit while deciding cases of promotion to posts under their control. A doubt has, in this context, been expressed by some quarters as to the validity of this principle where the service rules clearly specify the criteria for promotions as 'Seniority-cum-merit' by interpreting it as laying a little more emphasis on the factor of seniority.

After a careful consideration of the question Government have decided that irrespective of the different phraseologies occurring in various service rules, merit should be given special weight wherever distinct superiority in merit can be unmistakably judged. In determining the extent of special weight or where there is no distinctive superiority in merit, the importance of seniority may not, however, be reduced.

5. No. ABP
178/74/6, dated
08/07/77.

Sub :- Principle relating to promotion of non-gazetted personnel.

I am directed to invite a reference to this Departments letter No. ABP.

178/74/2, Dated 26. 8. 74 on the subject noted above and to say that after careful consideration, it has been decided that the principle for promotion in respect of non-Gazetted personnel should be seniority-cum-merit without giving any emphasis on merit alone. In all other cases the principle as out lined in the aforesaid circular letter will however continue.

6. OM. No. ABP.
233/85/79, dated
07/04/88.

Sub :- Promotion under clause 4(d) of the Assam Public Service Commission Regulations.

Government have had under consideration the practice followed by some authorities in making promotion for temporary periods by invoking the provision of Clause (d) of Regulation 4 of Assam Public Service Commission (Limitation and Functions) Regulations, 1951.

2. After careful examination of all aspects Government is of the view that such promotions should be regulated by the provisions of the service Rules. It has therefore been decided that henceforth no ad-hoc or officiating promotion under the aforesaid Regulation should be resorted to.
3. It is impressed upon to all concerned to see that Rules should be strictly followed and nothing should be done contrary to the Rules with a view to ensuring fairness to all concerned. Government also desire that where there is no rule regulating method of recruitment/promotion to the post, an executive order should be framed providing inter-alia a Committee to screen the eligible candidate before making promotion.
4. The Department concerned should initiate the process contemplated by the Service Rules and finalise the same as early as possible so that necessary promotion may be made in accordance with the said Rules.
5. Administrative Departments should make an assessment about the overall position of vacancies in advance and make promotions as per rules prescribed for the purpose.
6. In case of urgent necessity only, the Department may consider making temporary arrangements and allow a suitable person to hold charge of the vacant post without promoting him. Such combination of appointments as a temporary measure may be made under F. R. 49. After making such temporary arrangements, the Department should immediately follow the Rules and promote the eligible officer in accordance with the provisions of the Rule.
7. It should be ensured that persons who have already been promoted Under Regulation 4(d) of the A. P. S. C. (Limitation and Functions) Regulations, 1951 and their appointment on promotion has not been regularised, may be processed most expeditiously to regularise the same in consultation with A. P. S. C. so as to complete the work by 31. 12. 88.

7. No. PLA.
1097/83, dated
04/18/83.

Sub :- Prior concurrence of Personnel/Political and State Enquiry Officer before making promotions.

Before an officer is considered for promotion the Department concerned should obtain information and clearance from the following departments to ensure that no departmental enquiry/vigilance case or any such action is contemplated or is pending against the officer concerned.

1. Personnel Department
2. State Enquiry Officer
3. Political Department.

Government desire that no promotion order should be issued until clearance certificates are received and the concerned department is fully satisfied that no vigilance or departmental enquiry is pending against the officer.

8. No. PLA.
1097/83/49, Dated
18/07/84

Sub :- Clearance for promotion required in certain cases.

I am directed to say that as per this department's letter No.PLA.1097/83, dated 4th October, 1983 before an officer is considered for promotion the department concerned should obtain clearance from Political and Personnel departments and from the State Enquiry Officer to ensure that no departmental enquiry/vigilance case or any such action is pending against the officer to be promoted. It has now been decided that henceforth no such reference need be made to Political and Personnel Departments and the State Enquiry Officer except to the extent indicated below.

2. The system of obtaining clearance of Political Department will, however, continue in cases of promotion/appointment to the posts of Heads of Department as well as Chairmen/Members/Directors/Chief Executive Officers of statutory bodies and State Public Sector Undertakings or where Political Department has already advised the concerned department that promotion/appointment of an officer should not be made without prior consultation with it.

3. In addition, before an officer is considered for promotion, the Secretary of the Department in case of Gazetted Officers and the Heads of Department in cases of non-gazetted officers should satisfy himself to the effect that :-

(1) No departmental proceeding is pending against the officer concerned with the appropriate authority.

A list of officers against whom departmental proceedings were instituted by Personnel (B) Department is being forwarded to you separately. The clearance of Personnel(B) Department for their promotion should be obtained during the pendency of these proceedings.

- (II) There is no report of unauthorised absence which has not been regularised in accordance with the prescribed procedure.
- (III) Nothing adverse against the integrity of the officer has come to his notice.

9. No. PLA.
1097/83/246,
dated 17/07/1989

Sub :- Prior clearance of Political Department required before making promotions.

I am directed to say that it has since been decided by Government that clearance of Political Department should invariably be obtained in respect of Class - I Officers before the cases of their promotion to the next higher post are considered by the Administrative Departments concerned.

It has been considered necessary to introduce the system of prior consultation with the Political Department to ensure that no vigilance case or any other such enquiries are pending against the officers concerned selected for promotion.

2. Personnel Department - Making reference to.

1. OM. No. ABP.
8/84/3, dated
23/01/84.

Sub :- Procedure for making reference to Personnel Department.

It has been observed that a large number of cases are referred to the Personnel Department for advice by the Administrative Departments without examining with reference to statutory Service Rules, Administrative instructions etc. which are regularly circulated to all Departments. Only those cases which need be referred to Personnel Department as per requirement of rules or prescribed procedure and matters that involve dispensing with or relaxation of rules or deviation from the general principles relating to services or where interpretation of rules/instructions is involved or where rules are not clear should be referred to Personnel Department. In cases of relaxation of rules it is necessary that approval of the highest authority in the Department is taken before referring to Personnel Department.

2. It is also observed that sometimes cases are referred without bringing them to the notice of the Secretary of the Department and without even formulating a preliminary view and specifying the point at issue. This entails avoidable delay. Before referring a case to Personnel Department for advice this should be considered at the level of Secretary and with his approval the reference may be made. A reference should be accompanied by complete record of the case with a self contained précis in duplicate (one copy for retention in Personnel Department for record) clearly bringing out the point on which advice is sought.

3. It has also been observed that as soon as a matter is referred to the personnel Department the concerned officers get this information and consequently a stream of visitors keep on visiting different officers of the Personnel Department causing unnecessary wastage of time. The fact of such reference to the Personnel Department should in no case be disclosed and should be kept a secret.
4. Sometimes an Administrative Department sends draft orders/letters etc. to Personnel Department for vetting although their clear advice has already been given. It may be stated in this context that Personnel Department does not vet the drafts.
5. Of late, it has been noticed that some officers directly submit appeals, petitions addressed to the Chief Secretary/Secretary, Personnel in matters relating to their seniority, promotion, etc. in violation of rules and procedure. All officers under the control of Administrative Departments should be suitably instructed to stop this practice.
6. It has been noticed that certain Heads of Departments refer cases concerning their establishments direct to Personnel Department. This practice should be avoided and the Heads of Departments should be advised to refer their cases to the concerned Administrative Departments.
7. A copy of instructions/communications issued by the Administrative Department on the lines of the advice tendered by Personnel Department may be endorsed to the Personnel Department for record.
8. The above should be brought to the notice of all concerned.

2. OM. No. ABP.
8/84/11, dated
25/03/86.

Sub :- Reiteration of procedure for making reference to Personnel Department.

It has been observed that despite clear instructions contained in para 2 of this Department O. M. NO. ABP. 8/84/3, dated 23. 1. 84 (copy enclosed), references are being made to this Department without furnishing a self-contained précis in duplicate and/or without bringing out clearly the points on which advice/opinion/clearance of Personnel Department is necessary.

It is therefore reiterated that the aforesaid instructions should be kept in mind while making a reference to this Department and the other instructions contained in the same O. M. should also be adhered to.

3. Personal data of Government servants.

**I. No. AAP.
7763/PP-II, dated
02/12/1963**

Sub :- Furnishing of personal data of Government employees - with regard to close relatives on first appointment to Government service.

All future employees under the Government of Assam except the Class IV employees on first appointment to Government service, should furnish information in respect of their close relations in the proforma below which should be added to the confidential report of the employee concerned. Any change in the particulars given in the proforma should be forwarded by the official at the end of each year to the Administrative Department which will incorporate the information in the Confidential Report and keep it up-to-date.

FORM TO BE FILLED BY GOVERNMENT EMPLOYEES ON FIRST APPOINTMENT

1. Close relations who are nationals of or are domiciled in other countries.	Name	Nationality	Present Address	Place of Birth	Occupation *
1	2	3	4	5	6

(i) Father

(ii) Mother

(iii) Wife /
Husband.

(iv) Son(s)

(v) Daughter(s)

(vi) Brother(s)

(vii) Sister(s)

2. Close relations resident in India, who are of non-Indian origin.	Name	Nationality	Present Address	Place of Birth	Occupation *
1	2	3	4	5	6

- (i) Father
(ii) Mother
(iii) Wife / Husband
(iv) Daughter(s)
(v) Son(s)
(vi) Brother(s)
(vii) Sister(s)

* If in public service, give full particulars regarding designation of the post held, name of department/office, etc., where employed and the date of such employment.

I certify that the foregoing information is correct and complete to the best of my knowledge and belief.

Signature
Designation
Date

NOTE : 1. Suppression of information in this form will be considered a major departmental offence for which the punishment may extend to dismissal from service.

2. Subsequent changes, if any, in the above data should be reported to the Head of Office/Department at the end of each year.

2. OM. No. ABP.
283/83/6, dated
17/04/84.

Sub :- Submitting details of near relatives engaged in specified jobs/firms.

Attention of all Departments is invited to instructions regarding furnishing of personal data by the employees under the Government of Assam except Class IV employees on first appointment to Government service in respect of their close relations in

the proforma attached to Personnel (A) Department's letter No AAP. 77/65/PF-11, dated 8.12.65, to be added to the confidential report of the employees concerned. It has been noticed that these instructions are not being followed. All Appointing Authorities are requested to ensure that information as required is furnished by the employees in the manner prescribed without fail and the position recorded in the confidential report file.

2. Attention is also invited to Rules 12 and 19 of the Assam Civil Services (Conduct) Rules, 1965 and it is reiterated that no Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or undertake any other employment, and every Government Servant must report to the Government if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency as laid down in Rule 12 (1) and Rule 12(3) of the said Conduct Rules. As regards propriety of sons, daughters, dependants, near relatives of a Government servant seeking employment in such private firms as enjoy Government patronage or starting a business either individually or in partnership, it is clarified that Government do not stand in their way but a Class-1 Government servant must abide by the provisions of sub-rule (2) of rule 19 of the said rules. In the matter of settlement of contract, license, lease, etc. in favour of a near relative of a Government servant or allotment of any contract to any other person under whom or to any undertaking in which any member of a Government servant's family is employed or in a case where a Government servant or any member of his family is interested in such matter or contract in any other manner, the Government servant shall refer such matter or contract etc. to his next official superior. He should thereafter desist from dealing with the case himself and the matter should be disposed of according to the instructions of the authority to whom the reference is made as laid down in sub-rule (3) of rule 19 of the said rules. In all other matters, the competent authority for the purpose of granting permission under the provisions of Rules 12 and 19 will be the appointing authority of the Government servant applying for such permission.

3. The following procedure should be followed by the Appointing Authority/Authority to whom a case is referred as mentioned in the preceding para in deciding the matter :-

- (i) The Government servant should be asked to make a declaration in writing that he has no hand in the matter of procuring the employment of his son, daughter, dependent or near relative proposed to be appointed in the firm etc. .
- (ii) The Government servants should be required to give a written declaration that he has no financial dealing with the firm where his son, daughter, dependent and near relative is proposed to be appointed or has no connection with the business such son, daughter, or other near

relative proposes to engage in or has no dealing with the person or persons with whom such son, daughter or near relative proposes to establish a partnership in business as the case may be.

(iii) The authority according permission has to satisfy itself that if permission is allowed, the Government servant cannot exercise undue influence in the matter of procurement of employment, contract, license, lease etc. on behalf of his son, daughter dependent and the near relatives. The authority concerned has to further satisfy itself that the interest of Government is in no way hampered if such permission is granted.

4. These instructions should be brought to the notice of all controlling officers. Action to collect the personal data of the near relatives of Government employees mentioned in para 1 of this office Memorandum should be completed within a period of 3 months. Contents of Para 2 of the O. M. may be brought to the notice of all employees.

4. Probationers.

I. No. AAP. 98/47,
dated 09/12/47.

Sub :- Procedure for discharge of probationers.

1. The following procedure for the discharge of a probationer, whether during or at the end of the period of probation, should be followed.
2. If a probationer is discharged for want of vacancy or for failure to acquire prescribed special qualifications or to pass prescribed tests, or if the discharge is based on indisputable factual grounds, directly connected with the conditions of the probationer's service the provisions of section 240 (3) of the Government of India Act, 1935 are not attracted, and the person concerned need not be given any opportunity to show cause against his discharge. If a probationer is discharged for some specific fault or because, in the opinion of the appointing authority, he is not suitable for the service, the provisions of section 240 (3) are applicable and the probationer must be given an opportunity to show cause against his discharge. It is not necessary in the latter case, however, to invoke the full procedure prescribed for reduction, removal or dismissal, as laid down in paragraph (2) of the letter No. AAP. 37/44/9, Dated 17. 12. 1945. It would be sufficient if the requirements of paragraph (3) of the said letter are complied with.

5. Probation.

**1. No. ABL
41/57/9, dated
03/08/58.**

Sub :- Appointment on probation of persons holding permanent posts - retention of lien.

1. The appointment of a person already in permanent Government service to another service or post on probation or as a probationer does not imply that he will have to give up his lien on his permanent post. The relevant provisions relating to lien are contained in rules 12 to 15 of the F. Rs. under F. R. 14-A (a). Government servants lien on a post may, in no circumstances, be terminated even with his consent, except in the circumstances provided therein, if the result is to leave him without a lien or a suspended lien on a permanent post. It is therefore, clear that irrespective of whether he is appointed on probation or as a probationer or on an officiating basis to another post or service, a permanent Government servant continues to retain his lien either active or suspended, on his substantive post and there is no question of his forfeiting his lien merely because of his appointment to another post or service. Where such a person is appointed "as a probationer" or "on probation" to another post, the termination of his employment in that post would not have the effect of terminating his employment in Government service altogether, but would only result in his reversion to the post held by him substantively. Moreover, specified period of probation subject to specified conditions, is more advantageous than an indefinite period of trials which an appointment in an officiating capacity 'until further orders' implies. At the same time, it would be anomalous to deny the benefits of the probationary status (which has, unless otherwise stated, all the attributes of a substantive status) merely because the Government servant holds a lien on another post.

2. After a careful examination and consideration of all aspects of the case, it has now been decided that the instructions contained in para 1 (ii) of this Department letter No. APP 109/48/4 Dated the 29th January 1949 should be treated as cancelled. And that appointments of persons in permanent Government service may also be made as 'probationers' or 'on probation' against permanent vacancies in other services.

**2. No. AAP.
120/58/48, dated
17/12/60.**

Sub :- Grant of first increment to ACS Officers on probation.

1. The first increment to the direct recruit A. C. S. Class I and A. C. S. Class II officers on probation will be admissible on completion of one years service. The second and subsequent increments will be allowed only on confirmation.

2. This benefit will be allowed to officers of other services also with a probationary period of more than one year prescribed under the Service Rules or conditions.

3. This decision shall be effective from 1st April 1958. The decision does not, however, apply in the cases of temporary appointment.

6. Political Sufferers.

1. No. CMS.
151/70/32, dated
21/09/70.

Sub :- Substituting the term 'freedom fighter' for 'political sufferer'.

The Governor of Assam is pleased to order that the term 'Freedom Fighter' be substituted with immediate effect, for the term "Political Sufferer" wherever it occurs ; whether used in singular or plural, in the Assam Political Sufferers' Relief Rules, 1959 published under Notification No. CMS 165/68/pt/IV Dated 3. 9. 59 and subsequent amendments.

2. No. HLA.
537/70/8, dated.
26/06/76.

Sub :- Provision of free medical facilities to freedom fighters.

The following free medical facilities are extended to the freedom fighters who are pensioners in the Government Health Institutions in the State.

- (1) Free hospital accommodation when the pensioners are occupying a paying ward in Government Hospitals, Medical College Hospitals, Primary Health Centres or any Government Health Institutions where such facilities exist.
- (2) All pathological, radiological and other tests, free of charge in Government Hospitals/Primary Health Centres as available, where the patient is treated.

The above free medical facilities will be restricted to freedom fighters who are pensioners only and not to members of family of the freedom fighters in general.

7. Physically handicapped persons.

1. No. ABP.
35/63/3, dated
14/06/63.

Sub :- Relaxation of typing qualifications for physically handicapped persons for appointment to posts of L.D.A.

Physically handicapped persons who are otherwise qualified for appointment as Lower Division Assistants should be exempted from the typing qualification. All appointing authorities are requested not to insist upon typing qualification for such persons.

8. Population pattern in Government employment.

1. No. AAP.
189/75/47 dated
02/04/77

Sub :- Reflection Of Sub-Division Wise Population Pattern In Government Employment.

I am directed to say that it is considered necessary to rationalise appointments in Government and Semi-government services and Agencies in order to suitably reflect the sub-division-wise population pattern of various communities in each sub-division.

It is initially proposed that appointments to Grade III and Grade IV personnel in the various districts and sub-divisional offices under each head of the department should, by and large, reflect the sub-division-wise pattern of population. For this purpose, the DC/SDO shall draw up, for each sub-division, a list of communities. "Community" for this purpose, shall mean specific significant population groups, including backward classes listed as such. Thereafter, in the matter of fresh appointments in districts and sub-divisional offices under each head of department, the population pattern so intimated should be sought to be suitably reflected to the recruitment rules and procedures.

It may be stressed that, wherever examination and tests are held for recruitment to any category of post at the district/sub-divisional level in the heads of department office, prescribed minimum qualifications and standards should be maintained. Thereafter, candidates possessing minimum qualifications and achieving the minimum standards as are prescribed, should be given due weight in terms of the sub-divisional population ratio of the respective communities.

2. No. AAP.
168/81/17, dated
18/05/82

Sub :- Reiteration of instructions on population pattern in Government service.

In forwarding herewith copies of Government letter No.AAP.189/75/47, dated 02/04/77 and No.AAP.189/75/48, dated 02/04/77, I am directed to request you to kindly comply with the instructions contained therein strictly so that the population pattern of various sub-divisions are reflected in the Government and Semi-government services and agencies in proportion to their population to envisage the appointment of local candidates of various communities as emphasised in the above Government circulars.

3. No. ABP.
255/91/11, dated
07/11/1991.

Sub :- Reiteration of ensuring sub-division wise population pattern in employment.

I am directed to refer to Government letters No. AAP. 189/75/47 dated 02/04/77, No. AAP. 189/75/48 dated 02/04/77 and No. AAP. 168/81/17 dated 18/05/82 and to request you

kindly to comply with the instructions contained therein, so that Sub-Division wise population pattern is reflected in the appointments to various posts under the State Government and Semi-Government services and Agencies. Until 1991 Census details are available, the 1971 Census figures may be considered in determining the population pattern.

In this connection Government O. M. No. ABP. 192/91/12 dated 06/11/91 may be referred to directing filling up of vacant posts by 14/11/91 and the following are further clarified in this connection :-

(a) As per Political Department's circular No. PLB. 61/67/215 dated 18/05/1976, pending final police verification, appointments may be given to candidates on purely temporary basis on a provisional police verification report, recording the reason of urgency for appointment in writing.

(b) While appointments should be given as per laid down rules and procedure, in cases of candidate(s) having equal merit, preference may be given to the candidate(s) senior in age.

(c) Government have accepted the principle of 'One family one job' i. e. while making appointments preference should be given to a candidate of a family from which no member is in Government employment. Preference should also be given to candidates who have not received any financial benefit from Government as for instance as a contractor etc. These are to be followed as far as possible.

Note :-The contents of the letter No.AAP.189/75/47, dated 02/04/77 and those of the letter No.AAP.189/75/48, dated 02/04/77 are the same except the addressees.

9. Press note.

**I. No. AAP.
189/54/1, dated
07/04/54.**

Sub :- Delegation powers for issuing press note to DCs/Heads of Departments.

Government have delegated the authority to issue press notes and contradictions to Deputy Commissioners and the Heads of Departments only and it is the duty of these officers to refute tendentious reports of incidents occurring within their jurisdiction. The contradiction must be prompt and factual and must not contain any interpretation of, or opinion on Government policy. For example, district officers should contradict any wrong news about a riot in their district and should state the actual facts in a press communiqué. Similarly, the Heads of Departments may issue a press note or letter to the Editor giving correct information on the working of his Department about which wrong news appeared in the

press. The officers concerned should see that the language used is business-like and polite and not calculated to create further controversy.