

 অসম  ৰাজপত্ৰ
 THE ASSAM GAZETTE
 অসাধাৰণ
 EXTRAORDINARY
 প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত
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GOVERNMENT OF ASSAM
 ORDERS BY THE GOVERNOR
 URBAN DEVELOPMENT (T) DEPARTMENT
 DISPUR :: :: GUWAHATI-6

NOTIFICATION

The 2nd March, 2016

No.UDD(T)17/2012/120:- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is hereby pleased to make the following rules regulating the recruitment and conditions of service of the persons appointed to the Assam Town and Country Planning Research Service, namely:-

1. **Short title and commencement:-**

- (1) These rules may be called the Assam Town and Country Planning Research Service Rules, 2016
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definition:-**

In these Rules, unless there is anything repugnant in the subject or context;

- (a) 'Appointing Authority' means the Governor of Assam;
- (b) 'Board' means the Selection Board constituted under Rule 9;
- (c) 'Commission' means the Assam Public Service Commission;
- (d) 'Constitution' means the Constitution of India;
- (e) 'Government' means the Government of Assam;
- (f) 'Governor' means the Governor of Assam;
- (g) 'Member' means a member of the Assam Town and Country Planning Research Service;
- (h) 'Select list' means the list referred to in clause 6 of Rule 8;
- (i) 'Service' means the Assam Town and Country Planning Research Service; and
- (j) 'Year' means a calendar year i.e. from January to December

3. **Group and Cadre:-**

- (1) The Service shall consist of the following groups and cadres:-
- (a) Group A (Grade-I)-it shall include the cadre of;
 - (i) Senior Research Officer;
 - (ii) Research Officer;
 - (b) Group B (Grade II)-it shall include the cadre of
 - (i) Assistant Research Officer;
 - (c) any post equivalent to a post in any of the cadres mentioned in sub-rule (1) (a) and (b);
 - (d) any cadre or post laid down by Government to be included in cadre of the Service
- (2) The posts equivalent to the posts in the cadres of the service as on date of commencement of these rules are mentioned in Schedule-I

4. **Strength of the Service:-**

- (1) The strength of each cadre and class of the service shall be such as may be determined by the Governor from time to time. The Strength of the cadres of the Service on the date of commencement of these rules shall be as shown in Schedule -II.

Provided that the Governor may hold in abeyance any post as and when considered necessary.

5. **Method of Recruitment:-**

Recruitment to the service shall be made in the manner prescribed hereinafter :-

Recruitment to the cadres of Senior Research Officer, Research Officer and Assistant Research Officer shall be made by promotion only.

6. **Recruitment By Promotion:-**

Appointment by promotion in the cadre of Assistant Research Officer shall be made in the manner provided hereinafter:-

- (1) Before the end of each year the appointing authority shall make an assessment of number of vacancies occurred or likely to occur for filling up by promotion in the next year in each cadre.
- (2) Subject to suitability as may be decided by the Board and by the Appointing Authority members belonging to the Assam Town and Country Planning Subordinate Service shall be promoted as stated below:
 - (a) Research Assistant to Assistant Research Officer
- (3) A member of the cadre of Research Assistant from Assam Town and Country Planning Subordinate Service shall be eligible for promotion as stated in sub-rules (2) subject to following conditions:-
 - (a) he has the requisite qualification as provided in the Assam Town and Country Planning Subordinate Service Rules;
 - (b) he has rendered service as Research Assistant continuously for a minimum period of 5 years from the date of taking over charge of the post on the first day of the year in which selection is made;
 - (c) he has successfully undergone the training and passed departmental examination, as may be prescribed for the purpose;
 - (d) promotion of the Research Assistant to the post of Assistant Research Officer shall be on the basis of merit cum seniority only.

Promotion:

- (1) Vacancies in the cadre of Senior Research Officer and Research Officer to the extent as specified in sub-rule (2) shall be filled up by promotion in the manner prescribed herein below:-
Provided that the Governor may for good and sufficient reasons fill any of the posts for specialized investigation, design, research work temporarily or on tenure by transfer or deputation from outside the service, if it is satisfied that no suitable officer in the service available for filling the vacancy.
- (2) In case of specialization of a member of the service posted in connection with the specialized subject, shall be retained in the same specialized work, on his promotion in the normal course by creation of higher post in the cadre to which he is so promoted, keeping the lower post in abeyance, if the Government considers that such an officer can not be withdrawn from the specialized work due to non availability of any other officer of the lower or equivalent cadre in the service to perform the specialized work.
- (3) Subject to suitability as may be decided by the Board and by the Appointing Authority as set forth in Rule 8 and also subject to possessing qualification and experiences as prescribed hereinafter, an officer shall be eligible for promotion from one cadre to another of the service:-
 - (a) From Research Officer to Senior Research Officer;
 - (b) From Assistant Research Officer to Research OfficerAll the promotion as stated under sub-rule (a) and (b) as stated above shall be on the basis of seniority cum merit only.
- (4) Subject to suitability, an Officer shall be eligible for promotion if he has possessed the qualification and experience as set forth below:
 - (a) For the post of Senior Research Officer, an Officer shall be required to have served continuously in the cadre of Research Officer for 5(five) years on the 1st January of the year of promotion.
 - (b) For the post of Research Officer, an Officer shall be required to have served continuously in the cadre of Assistant Research Officer for 5(five) years on the 1st January of the year of promotion.

8. **General procedure of promotion:-**

- (1) Before the end of each year the Appointing Authority shall make an assessment of the likely number of vacancies to be filled up by promotion in the next year in each cadre,

- The Appointing Authority shall then furnish to the Board the following documents and information with regard to as many officers in order of seniority as eligible for promotion:
- (a) information about the number of vacancies;
 - (b) list of officers in order of seniority, eligible for promotion (separate list for promotion to different cadres shall be furnished) indicating the cadre to which the case of promotion is to be considered;
 - (c) character rolls and personal files of the officers listed;
 - (d) details about reservation if any, in case of promotion to the service under rule 11 and
 - (e) any other documents and information as may be considered necessary by the Appointing Authority or required by the Board.
- (3) The Appointing Authority shall simultaneously request the Board to recommend within the one month a list of officers, found suitable for promotion in order of preference, in respect of promotion to each of the cadres in which recruitment is to be made by promotion.
 - (4) The selection shall be made on the basis of seniority with due regard to merit in case of promotion stated above.
 - (5) The Board, after examination of the documents and information furnished by the Appointing Authority shall recommend to the Appointing Authority a select list of officers against the number of vacancies, in order of preference, found suitable for promotion.
 - (6) The Appointing Authority on receipt of the lists recommended by the Board shall consider the list along with character rolls and personal files of the employees. If the Appointing Authority considers it necessary to make any change in the list received from the Board, he shall inform the Board of the changes proposed and take into account the comments, if any, of the Board. The Appointing Authority shall consider the select list recommended by the Board, together with the information as may be required. The Appointing Authority shall finally approve the list with such modification as it considers just and proper.
 - (7) The inclusion of a candidate's name in a select list shall confer no right to promotion unless the Appointing Authority is satisfied after such enquiry as maybe considered necessary that a candidate is suitable for promotion.
 - (8) The list finally approved by the Appointing Authority shall be published by the Appointing Authority within 15 days from the date of final approval.
 - (9) The select list shall remain valid for 12 calendar months from the date of approval.

9. **Selection Board:-**

The Boards as referred to in Rules 6, 7 and 8 shall consist of the following;

- (1) The Board for promotion to the posts of Senior Research Officer, Research Officer, Assistant Research Officer and others.
 - (i) Senior most Secretary of the Department Chairman
 - (ii) Jt. Secretary /Dy. Secretary of the Deptt Member Secretary
 - (iii) Secretary, Personnel Department or his nominee Member
 - (iv) Director, Town and Country Planning Member

10. **Disqualification:-**

(1) No person shall be eligible for appointment to the Service:-

- (a) unless he is a citizen of India; and
- (b) if he has more than one wife living or in case of a female candidate who has married a person who has wife living.

Provided that the Governor may, if he is satisfied that there is a special ground for doing so, exempt any person from the operation of this clause.

(2) No person who attempts to enlist support for his candidature directly or indirectly by any recommendation, either written or oral by any other means, shall be appointed to the service.

11. **Reservation:-**

In all cases of appointment by direct recruitment as well as by promotion there shall be reservation in case of candidates belonging to the members of the Schedule Castes, Scheduled Tribes as per the provisions of Assam Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Service and Posts) Act, 1978 and Rules framed there under. There shall also be reservation for candidates belonging to other Backward Classes as per Govt. instructions contained in OM.NO. TAD/OBC/1/2004/55 dated 31-5-2005 for direct recruitment only. Reservation in favour of women as per the Assam Women (Reservation of Vacancies in Service and Post) Act, 2005 and Person with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995 shall also be followed in direct recruitment.

12. **Joining Time:-**

A Person shall join within 15 days from the date of receipt of the order of promotion, failing which the appointment shall be cancelled unless the Appointing Authority extends the period, which shall not, in all, exceed three months.

13. **Training:-**

A member of the Service shall be required to undergo such training and such departmental examination as Government may prescribe.

14. **Discharge or reversion:-**

A temporary or officiating member shall be liable to be discharged or reverted to the lower cadre of the service or to his original services, if:-

- (a) he fails to make sufficient opportunities given during any training as may be prescribed by the Government from time to time, fails to render satisfactory service during his tenure service in the cadre; and/or
- (b) it is found on a subsequent verification that he was initially not qualified for the appointment or that he had furnished any incorrect information with regard to his appointment.

15. **Seniority:-**

- (1) The seniority of a member in a cadre appointed by promotion shall be determined according to the order of preference in the respective list finally approved by the Appointing Authority under sub rule (6) of Rule 8, if he joins the appointment within 15 days from the date of receipt of order or within the extended period as mentioned in Rule 12.
- (2) If a member fails to join the appointment within the initial 15 days of receipt of the order or within extended period as mentioned in Rule 12, but joins later, his seniority shall be determined in accordance with the date of joining.

16. **Probation and Confirmation:-**

- (1) Subject to availability of a permanent vacancy in the respective cadre, a member appointed by direct recruitment in the cadre of the service shall be placed, according to seniority on probation against the permanent vacancy for a period of two years before he is confirmed against the permanent post.

Provided that the probation of a member may for good and sufficient reasons be extended by the Appointing Authority for any special period, not exceeding a period of two years:

Provided further that the period of probation may be curtailed or dispensed with in any case for good and sufficient reasons by the Appointing Authority.

- (2) A member of the service placed on probation under Sub-rule (1) shall be confirmed against the permanent post subject to the following conditions:
 - (a) he has completed the period of probation to the satisfaction of Appointing Authority in accordance with sub-rule (1);
 - (b) he has successfully undergone the training and passed the Departmental Examination, if any, prescribed by the Government under Rule 13.

- (3) If confirmation of a member is delayed on account of his failure to qualify for such confirmation he shall lose his position in order of seniority vis-à-vis such of his junior as might be confirmed earlier than him. His seniority shall, however, be restored on his confirmation subsequently.

17. **Gradation List:-**

Gradation list shall be prepared and published every year containing the names of all members of service cadre-wise in order of seniority and such other particulars as date of birth, date of appointment etc.

18. **Pay:-**

All appointment in the service shall be made in the time scale of pay as may be prescribed by the Government from time to time. The scale of pay of the posts in the cadres of the service, on the date of commencement of these rules are as shown in the Schedule- II.

19. **Mode of Employment:-**

- (1) Members of the Service shall be employed in such a manner as the appointing Authority may decide.
- (2) A member of the service shall be liable to be placed anywhere within the State of Assam or outside Assam, or to any other Department of the Government, a body corporate, in the affairs of which the Government may be sufficiently interested, or an autonomous district council, if so required in the interest of Public service and in such case the member shall not have any option against such posting or transfer.

20. **Other conditions of service:-**

- (1) Except as provided in these rules all matters relating to pay and allowances, leave, pension, discipline and other condition of service shall be regulated by the general rules or orders of the Government for the time being in force.
- (2) The conditions of service of the members, in respect of matters, for which no provisions has been made in these rules, shall be the same, as are, for the time being applicable to other officers of the Government, of the corresponding status and having similar functions.

21. **Relaxation:-**

Where the Government is satisfied, that the operation of any of these rules causes undue hardship in any particular case, it may, dispense with or relax the recruitment of that rule to such extent and subject to such conditions it may consider necessary for dealing with the case in a just and equitable manner provided that the case of any person shall not be dealt with in any manner less favourable to him than that provided in any of these rules.

22. **Interpretation:-**

If any question arises relating to the interpretation of these rules the decision of the Government shall be final.

23. **Repeal and Saving:-**

The orders corresponding to these rules and in force immediately before commencement of these rules, are hereby repealed.

Provided that all orders made or action taken under the rules so repealed or under any general orders ancillary thereto shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

Schedule-I

List of posts equivalent to and included in the Cadres of services.

Sl no.	Name of Cadre	Name of post equivalent to and including in the cadre	Remark
1	2	3	4
1	Senior Research Officer	Not Applicable	
2	Research Officer	Not Applicable	
3	Assistant Research Officer	Not Applicable	

Schedule-II

Sl.	Categories of Post	Time Scale of Pay		No of post		
		Pay band	Grade Pay	Permanent	Temporary	Total
	1	2	3	4	5	6
1	Senior Research Officer	12000-40000	6300	1	-	1
2	Research Officer	12000-40000	5900	2	-	2
3	Assistant Research Officer	8000-35000	5100	6	1	7

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