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सत्यमेव जयते

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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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)15/2012/374 : 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 Town Planners' Service, namely;-

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

- (1) These rules shall be called the Assam Town and Country Planning Town Planners' Service Rules, 2016
- (2) They shall come into force on the date of their notification 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 13;
- (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 & Country Planning Town Planners' Service;
- (h) 'Select list' means the list referred to in clause (1) (d) of rule 6 and the lists finally approved under sub-rule (6) of rule 12;
- (i) 'Service' means the Assam Town & Country Planning Town Planners' Service; and
- (j) 'Year' means a calendar year i.e. from January to December;

Group and Cadre:-

- (1) The Service shall consist of the following classes and cadres:-
 - (a) Group A (Senior Grade)- it shall include the cadre of;
 - (i) Director
 - (b) Group A - it shall include the cadre of;
 - (i) Joint Director;
 - (ii) Deputy Director;
 - (iii) Assistant Director;
 - (c) any post equivalent to a post in any of the cadres mentioned in sub-rule (1)(a)(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 in a class of the service shall be such as 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 held 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 :

- (1) Recruitment to the cadre of Assistant Director shall be made by direct recruitment only.
- (2) Recruitment to the cadres of Director, Joint Director, Deputy Director, shall be made by promotion only.

6. Direct Recruitment:-

- (1) Direct recruitment to the cadre of Assistant Director shall be made on the basis of selection made by the Commission in accordance with the procedure here-in-after provided:-
 - (a) Before the end of each year (i.e. in the month of December) the Appointing Authority shall make assessment regarding the likely number of vacancies to be filled by direct recruitment likely number of vacancies to be filled by direct recruitment during the next year and shall intimate the same to the Commission together with details about reservation for candidates belonging to Scheduled Castes, Scheduled Tribes or any other Category as laid down by the Government, as provided under Rule 15 and about carry forward of such reservation;
 - (b) The Appointing Authority shall simultaneously request the Commission to recommend a list of candidates for direct recruitment in order of preference;
 - (c) The Commission shall make a selection in accordance with the scheme of selection prescribed by the Government in consultation with the Commission. The Commission may hold such test or interview as may be considered necessary.
 - (d) The Commission shall furnish to the Appointing Authority a list of candidates recommended by It in order of preference, found suitable for direct recruitment. The number of candidates in such a list shall be equal to the number of vacancies notified.
 - (e) The Commission shall simultaneously publish the list in the Assam Gazette or such other places as the Commission may consider proper.

- (2) The List mentioned in clause (d) and (e) of sub-rule (1) of this Rule shall remain valid for 12 calendar months from the date of recommendation.
- (3) In the event of the Commission being unable to recommend sufficient number of candidates to fill up the vacancies in a year, it shall, in consultation with the Appointing Authority repeat the procedure as mentioned herein before under sub-rule (1) of this rule for recommending subsequent list in the year. Provided that the Appointing Authority shall not make appointment of any candidate from the subsequent select list until all the candidates of the earlier list of the same year, eligible for appointment, have been offered the appointment.

7. **Age for direct recruitment:-**

A candidate for direct recruitment to the service shall be within the age of 38 years on the first January of the year of advertisement, with relaxation in case of candidates belonging to special categories like Scheduled Castes, Scheduled Tribes and any other category as laid down by the Government in accordance with the orders of the Government in force for the time being.

8. **Academic qualification:-**

The academic qualification of a candidate for direct recruitment shall be prescribed by the Governor/ Appointing Authority from time to time. The qualifications and experience prescribed, as on the date of commencement of the rules, are given in Schedule-III

9. **Physical Fitness:-**

A candidate for direct recruitment shall be:

- (1) of sound health, both mentally and physically and free from organic defect of bodily infirmity likely to interfere with the efficient performance of his duties; and
- (2) required to undergo medical examination before appointment to the service.

10. **Character:-**

A candidate for direct recruitment shall produce to the Commission Certificates of good character from:

- (a) the Principal /Academic Officer of the University or College in which he studied last; and
- (b) two respectable persons, who are well acquainted with (but not related to) the candidate.

11. **Recruitment by promotion:-**

- (1) Vacancies in the cadre of Director, Joint Director and Deputy Director 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 is 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 12 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 Joint Director to Director;
- (b) From Deputy Director to Joint Director;
- (c) From Assistant Director to Deputy Director.

All the promotion as mentioned under clauses (a) (b) and (c) shall be on the basis of merit with due regard to seniority.

(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 Director, an Officer shall be required to have served continuously in the cadre of Joint Director for 2(two) years;

(b) For the post of Joint Director, an Officer shall be required to have served continuously in the cadre of Deputy Director for 5(Five) years on 1st January of the year of promotion;

(c) For the post of Deputy Director, an Officer shall be required to have served continuously in the cadre of Assistant Director for 5(five) years on 1st January of the year of promotion.

12. **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.

(2) The Appointing Authority shall then furnish to the Board the following documents and information with regards as many as 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 concerned,
 (d) details about reservation in case of promotion to the service and

(e) any other documents and information as may be considered necessary by the Appointing Authority or required by the Board.

(3) The Appointing Authority shall simultaneously request the Board to recommend within one month a list of officers, found suitable for promotion in order of preference, in respect of promotion to each of the cadres in which recruitment is to be made by promotion.

(4) The selection shall be made on the basis of merit with due regard to seniority in case of promotion.

(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 prepared by the Board, along with character rolls and personal files of the employees and approve the list unless it considers any change necessary. If the Appointing Authority considers it necessary to make any change in the list received from the Board, he shall inform the Board of the changes proposed and after taking into account the comments, if any, of the Board, may approve the list finally with such modification if any, as may, in his opinion, be just and proper.
- (7) The inclusion of a candidate's name in a select list shall confer no right to promotion unless the Appointing Authority is satisfied after such enquiry as maybe considered necessary that a candidate is suitable for promotion.
- (8) The list finally approved by the Appointing Authority shall be finally 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 by the Appointing Authority.
- (10) The promotions shall be in accordance with lists finally approved.

13. **Selection Board:-**

The Boards as referred to in rules 11 and 12 shall consist of the following:-

- | | |
|---|------------------|
| (1) The Board for promotion to the post of Director. | |
| (i) Chief Secretary | Chairman |
| (ii) Senlor most Secretary of the Department | Member Secretary |
| (iii) Secretary, Personnel Department or his nominee not below the rank of Deputy Secretary | Member |
| (2) The Board for promotion to the posts of Joint Director and Deputy Director. | |
| i) Senlor most Secretary of the Department | Chairman |
| ii) Jt. Secretary /Dy. Secretary of the Deptt. | Member Secretary |
| iii) Secretary, Personnel Department or his nominee not below the rank of Deputy Secretary | Member |
| iv) Director, Town and Country Planning | Member |

14. **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.

15. **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 thereunder. There shall also be reservation for candidates belonging to other Backward Classes as per Govt. instructions contained in OM.NO. TAD/OBC/1/2004/5 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 the Person with Disabilities (Equal opportunities, Protection of Rights and Full Participation Act, 1995 shall also be followed in direct recruitment.

16. Appointment:-

- (1) Subject to the provision of sub-rule (2) of this rule, appointment under Rule 6 shall be made by the Appointing Authority in accordance with the order of preference determined in the list referred to in clause (d) of sub-rule (1) of Rule 6.
- (2) The inclusion of candidate's name in the list mentioned in clause (d) of sub-rule (1) of Rule 6 shall confer no right to appointment unless the Appointing Authority is satisfied after such enquiry as prescribed by the Government from time to time and also, as may be considered necessary, that a candidate is suitable in all respects for appointment to the service.

17. Joining Time:-

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

18. Training:-

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

19. Discharge or reversion:-

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

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

20. Seniority:-

- (1) The seniority of a member in a cadre appointed by direct recruitment or by promotion shall be determined according to the order of preference in the respective list recommended by the Commission under Rule 6 and also in the respective list finally approved by the Appointing Authority under sub-rule (6) of Rule 12, if he joins the appointment within 15 days from the date of receipt of order or within the extended period as mentioned in Rule 17.
- (2) If a member fails to join the appointment within the initial 15 days of receipt of the order or within extended period as mentioned in Rule 17, but joins later, his seniority shall be determined in accordance with the date of joining.

21. **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 18.

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

22. **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.

23. **Pay:-**

All appointment in the service shall be made in the time scale of pay as may be prescribed by the Government from time to time. The 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.

24. **Made 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.

25. **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.

26. 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 requirement 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 these rules.

27. Interpretation:-

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

28. Repeal and 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	Director	Not Applicable	
2	Joint Director	Not Applicable	
3	Deputy Director	Not Applicable	
4	Assistant Director	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	Director	12000-40000	7400	1	-	1
2	Joint Director	12000-40000	6400	1	1	2
3	Deputy Director	12000-40000	6300	10	7	17
4	Assistant Director	12000-40000	5900	11	11	22

Schedule-III

Academic qualifications prescribed for direct recruitment to the cadres of Assistant Director.

1. A candidate for direct recruitment to the cadre of Assistant Director must possess:
Post Graduate Degree or Diploma in Town & Country Planning (City or Regional Planning) from any recognized Institution or its equivalent qualifications.

Commissioner & Secretary to the Government of Assam,
Urban Development Department, Dispur, Guwahati-6.