

The 5th February, 1971

ASSAM RULE VIII OF 1971

No.GLR. 192/68/18. - In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Assam is pleased to make the following rules regulating the conditions of service of persons appointed to the Assam Labour Service.

1. Short title and commencement :

- (i) These rules may be called the Assam Labour Service Rules, 1970.
- (ii) They shall come into force at once.

2. Definitions :

In these rules unless there is anything repugnant to the subject or context :

- (a) "Commission" means the Assam Public Service Commission ;
- (b) "Committee" means a committee constituted in accordance with rule 7(1) ;
- (c) "Government" means the State Government of Assam ;
- (d) "Governor" means the Governor of Assam ;
- (e) "Member of the Service" means a member of the Assam Labour Service recruited to the service either before or after the commencement of these rules ;
- (f) "Service" means the Assam Labour Service ; and
- (g) "Year" means calendar year ;

3. Service :

- (I) The service shall consist of the following categories of posts:-

Category I - Labour Commissioner (if held by a member of the service)

Category II - Additional Labour Commissioner.

Category III -Chief Inspector of Plantations-cum-Deputy Labour Commissioner, Chief Inspector of Motor Transport Undertakings-cum-Deputy Labour Commissioner and such other posts as may be included by the Governor from time to time.

- Category IV -Senior Assistant Labour Commissioner, Deputy Chief Inspector of Plantations-*cum*-Assistant Labour Commissioner and such other posts as may be included by the Governor from time to time.
- Category V -Labour Officers, Labour Welfare Officer, Special Officer of Committees and Conferences and such other posts as may be included by the Governor from time to time.
- Category VI -Labour Inspectors, Inspectors of Motor Transport Undertakings and such other posts as the Governor may from time to time include.

(2) Each of the categories in sub-rule (1) shall constitute an independent cadre. Members of any category shall have no claim for appointment to a higher category except in accordance with the provisions of these rules.

4. Status and designation :

The status of the members belonging to categories I to IV shall be that of Class I, Government Servants ; members belonging to category V shall be of Class II, Government servants and members belonging to category VI shall be of Class III Government servants. The members of the service shall be designated according to the post-held by them.

5. Strength of the service :

(1) The strength of the service and the number and nature of posts permanent and temporary under each of the categories mentioned in sub-rule (1) of rule 3 shall be as determined by the Governor from time to time.

(2) On the commencement of these rules the strength of the service and the nature of posts therein permanent as well as temporary are shown in Schedule I.

6. Recruitment :

(1) Recruitment to the post of Labour Commissioner shall be made by promotion under rule 7 on the basis of seniority-*cum*-merit from amongst the Additional Labour Commissioner, Chief Inspector of Plantations-*cum*-Deputy Labour Commissioner, Chief Inspector of Motor Transport Undertakings-*cum*-Deputy Labour Commissioner who have rendered at least 5 years service in any one or more of the aforesaid posts taken together either as Deputy Labour Commissioner or as Additional Labour Commissioner or both and passed the Departmental examination unless it is decided by the Governor to appoint a member of the Indian Administrative Service.

(8) If a suitable number of candidates with minimum qualification belonging to Scheduled Castes, Scheduled Tribes (Plain), Scheduled Tribes (Hills) referred to in sub-rule 7, is not available for filling up all the vacancies reserved for them the remaining vacancies shall be filled up from amongst other candidates and an equivalent number of vacancies shall be reserved for the candidates belonging to the Scheduled Castes, Schedule Tribes (Plains), Scheduled Tribes (Hills) for the next recruitment year :

Provided that if sufficient number of suitable candidates is not available to fill up all the reserved vacancies including the additional vacancies, the reservation including the additional vacancies on account of the deficiency shall be carried forward upto two subsequent years or for such period as the state Government may, by general or special order, from time to time prescribe before the reservation is finally treated as lapsed.

7. Procedure for promotion. – (1) for the purpose of promotion of a member of the service from one cadre to the next higher cadre in the service there shall be a Selection Committee consisting of the following members. –

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| (I) | Chairman, Assam Public Service Commission
or, where the Chairman is unable to attend a
member, Assam Public Service Commission
nominated by him. | ...Chairman |
| (II) | Secretary to the Government of Assam,
Labour Department. | ...Member |
| (III) | Labour Commissioner, Assam. | |
| (IV) | Joint Secretary or Deputy Secretary to the
Government of Assam, Apptt. Department. | ...Member |
| (V) | Joint Secretary or Deputy Secretary or Under
Secretary to the Government of Assam,
Labour Department | Member Secy. |

Note :-The Labour Commissioner shall not be present in the Committee for selection of candidates for the post of Labour Commissioner.

(2) The Governor shall, from time to time for the purpose of promotion in the service under rule 6, refer to the Committee the approximate number of vacancies mentioned in sub-rule (1) of rule 3 and furnish the Committee with the Character Rolls, Personal files and other Relevant records of all the eligible candidates. The Committee shall examine the Character Rolls and other relevant records of the candidates, taking into consideration the seniority and merit of the candidates and prepare the list of names in order of preference as far as practicable equal to double the number of vacancies to be filled up by promotion. In every case, where a junior member in a cadre is selected in preference to his senior in that the Committee shall record in writing the reasons for such supersession. The Lists so prepared shall be forwarded by the Committee to the Governor.

(2) Recruitment to the post of Additional Labour Commissioner shall be made by promotion under Rule 7, on the basis of seniority-cum-merit from amongst the Chief Inspector of Plantations-cum-Deputy Labour Commissioner and Chief Inspector of Motor Transport Undertakings-cum-Deputy Labour Commissioner who have rendered at least 3 years' service in at least any of the posts of these categories taken together and have passed the Departmental examination.

(3) Recruitment to the posts of Chief Inspector of Plantations-cum-Deputy Labour Commissioner and Chief Inspector of Motor Transport Undertakings-cum-Deputy Labour Commissioner and such other posts of this category as may be created, shall be made by promotion under Rule 7 on the basis of seniority-cum-merit from amongst the Senior Assistant Labour Commissioner and Deputy Chief Inspectors of Plantations-cum-Assistant Labour Commissioners who have rendered at least 3 years' service in any of the posts in question taken together and have passed the Departmental Examination.

(4) Recruitment to the posts of Senior Assistant Labour Commissioner and Deputy Chief Inspector of Plantations-cum-Assistant Labour Commissioner and such other posts of this category as may be created, shall be made by promotion under Rule 7, on the basis of seniority-cum-merit from amongst the Labour Officers, Labour Welfare Officer, Special Officer or Committees and Conferences, who have rendered at least 3 years service in any of these posts in question taken together and have passed the Departmental Examination.

✓(5) Recruitment to the posts of Labour Officers, Labour Welfare Officer and Special Officer of Committee and Conferences and such other posts of this category as may be created, shall be made by the following methods, viz

(a) by promotion, under Rule 7, on the basis of seniority-cum-merit from amongst the Labour Inspectors and Inspectors of Motor Transport Undertakings who have rendered at least 5 years' service as Labour Inspector or Inspector of Motor Transport Undertakings as the case may be and have passed the Departmental Examination.

(b) by direct recruitment, under Rule 8:

Provided that fifty per cent of the posts shall be filled up under sub-rule (a) and the balance fifty per cent of the posts under sub-rule (b), of the total number of vacancies to be filled up in a year.

(6) Recruitment to the posts of Labour Inspector and Inspector of Motor Transport Undertakings and such other posts of this categories as may be created, shall be made by direct recruitment under Rule 8.

(7) Of the number of vacancies to be filled up in a year under sub-rule 5(b) and (6) of Rule 6, there shall be reservation in favour of candidates belonging to Scheduled Castes, Schedule Tribes (Plains), Scheduled Tribes (Hills) to the extent not exceeding 7 per cent, 10 per cent and 12 per cent respectively or to such extent as the Governor may from time to time determine.

Provided that if a sufficient number of suitable candidates is not available to fill up all the reserved vacancies including the additional vacancies the reservation including the additional vacancies on account of deficiency shall be carried forward upto two subsequent years or for such period as the State Government may, by a general or special order, from time to time, prescribe before the reservation is finally treated as lapsed.

(5) The inclusion of a candidate's name in the list shall confer no right to appointment unless the Governor is satisfied after such enquiry as may be considered necessary, that the candidate is suitable in all respects for appointment to the service.

9. Qualifications for direct recruitment :

(i) **Nationality.** — A candidate shall be a citizen of India as defined in the Constitution of India.

(2) **Age.** — (a) A candidate for direct recruitment to the service shall not be less than 21 years and more than 25 years of age on the 1st day of the year of advertisement : Provided that in the case of candidates belonging to special categories, the upper age limit shall be subject to such relaxation as may be made by the Governor from time to time.

Explanation. — "Special categories" means persons belonging to Scheduled Castes/Scheduled Tribes, War Service Personnel and such other persons or class of person as may be notified by Governor from time to time.

(3) **Academic Qualifications.** — (a) A candidate for the post of Labour Inspector/Inspector of Motor Transport Undertakings and Labour Officer, shall at least be a graduate in Arts, Science or Commerce of a recognised University.

Preference would be given to those candidates particularly for the post of Labour Officer, having experience in the line either in Government offices, Semi-Government offices or Private Companies with Diploma in Social Science, from any recognised Institution.

(4) **Physical Fitness.** — (a) A candidate shall be of sound health, both mentally and physically, and shall be free from organic defects or bodily infirmities likely to interfere with the efficient performance of his duties.

(b) A candidate shall be required to undergo medical examination before final approval for appointment to the service.

(5) **Character.** — A candidate shall produce to the Commission Certificate and testimonials in the manner prescribed under the rules made under sub-rule (i) of Rule 8 from :-

(a) the Principal Academic Officer of the University or College in which he last studied, and

(3) On receipt of the Lists as aforesaid, the Governor shall forward the same together with his observations and the Character Rolls and other relevant papers to the Commission. The Commission shall consider the lists prepared by the Committee along with other documents received from the Governor, and unless it considers any change necessary, approve the lists. If the Commission considers necessary to make any changes in the lists received from the Governor, the Commission shall inform the Governor of the changes proposed and after taking into account the comments, if any, of the Governor, may approve the lists finally with such modification, if any, as may in its opinion be just and proper. The list as finally approved by the Commission shall be forwarded to the Governor along with all the relevant papers.

The lists so finally approved by the Commission and thereafter accepted by the Governor shall form the Select Lists for the purpose of recruitment under the provisions of those rules.

(4) The Select Lists shall remain valid for one year from the date of recommendation of the Commission, provided that in the event of any great lapse in the conduct or performance of duties on the part of any candidate in the Select Lists the Governor may, if he so thinks fit, remove any such candidates from the Select Lists. In removing a name of a candidate from the Select Lists the Commission shall be consulted.

8. Procedure for direct recruitment. — (i) For the purpose of direct recruitment to the service, a competitive examination shall be held by the Commission at such intervals and in accordance with such rules and syllabus as the Governor may, in consultation with the Commission from time to time determine.

(2) The Commission shall prepare a list of all candidates who have qualified in the examination in order of merit, which shall be determined in accordance with the aggregate marks obtained by each candidate and if two or more candidates obtained equal marks, the Commission shall arrange them in order of their relative merit which shall be determined in accordance with the general suitability of the candidates to the service. The list shall be forwarded to the Governor and be published in the Assam Gazette.

(3) Of the number of vacancies to be filled up on the results of each examination there shall be reservation in favour of candidates belonging to Scheduled Castes, Scheduled Tribes (Plains) and Scheduled Tribes (Hills) to the extent not exceeding 7 per cent, 10 per cent and 12 per cent respectively or to such extent as the Governor may from time to time determine.

(4) If a sufficient number of suitable candidates with minimum qualifications belonging to the Scheduled Castes, Scheduled Tribes (Plains) and Scheduled Tribes (Hills) referred to in clause (3) above is not available for filling up all the vacancies reserved for them the remaining vacancies shall be filled up from amongst other candidates and an equivalent number of additional vacancies shall be reserved for the candidates belonging to the Scheduled Castes, Scheduled Tribes (Plains) and Scheduled Tribes (Hills) for the next recruitment year :

12. Probation. – Persons appointed to the service against permanent vacancies shall be on probation for a period of two year :

Provided that the period of such probation may, for good and sufficient reasons, be extended by the appointing authority in individual cases by a period not exceeding two years :

Provided further that the Governor may reduce the period of probation to one year for those who have already, successfully undergone the prescribed training and passed all the Departmental Examination as prescribed for the service.

(2) Every probationer shall during the period of probation successfully undergo such training as the Governor may, from time to time, prescribe and shall appear at and pass the Departmental Examination prescribed for the service conducted by the Commission.

(3) Where a cadre consists of both permanent and temporary posts appointment on probation against permanent vacancies in the respective cadres shall be according to the order of seniority as determined under Rule 15.

(4) All persons appointed against temporary post in a cadre shall also be allowed to undergo the training and appear at and pass the Departmental Examinations prescribed for the service.

13. Discharge of a Probationer. – a probationer shall be liable to be discharged from the service –

(a) if he fails to make sufficient use of the opportunities given during the training or otherwise fails to give satisfaction, during or at the end of the period of probation ; or

(b) if he fails to pass the Departmental Examinations unless the Governor permits him to sit for re-examination in the subject or subjects in which he failed ; or

(c) if on any information received relating to his nationality age, health, character and antecedents the Government is satisfied that the probationer is ineligible or otherwise unfit for being a member of the service ; or

(d) if he fails to comply with any of the provisions of these rules.

14. Confirmation. – Where a probationer has completed his period of probation to the satisfaction of the Governor, he shall be confirmed in the Cadre to which he is appointed, if :-

(i) he has passed the Departmental Examinations completely and has successfully undergone the training, if any,

- (b) two respectable persons (not related to the candidate) who are well acquainted with him.

10. Disqualification for appointment. – (i) No person who has more than one wife living shall be eligible for appointment to the service :

Provided that the Governor may, if he is satisfied that there are special grounds for doing so, exempt any person from the operation of this condition.

(2) No married woman shall be entitled as of right to be appointed to the service and where a woman appointed to the service subsequent marries, the Government may call upon her to resign.

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

11. Appointment. – (1) All appointments to the service shall be

(a) made by the Governor ;

and

(b) notified in the official Gazette.

(2) A person shall join within 15 days of the date of receipt of the order of appointment, failing which and unless the Governor on valid grounds extends the period, which shall not exceed three months from the date of appointment, his appointment shall be liable to cancellation.

(3) Subject to the provisions of sub-rule (4) of rule 7 all appointments by promotion under rule 6 shall be made in the order the names appear in the Select Lists approved under sub-rule (3) of rule 7.

(4) Subject to the provisions of sub-rules (3) and (5) of rule 8 all appointments by direct recruitment under rule 6 shall be made in the order of the names appear in the list prepared and forwarded by the Commission.

19. **Miscellaneous.** – Except as provided in these rules, all matters relating to pay, allowances, leave, pension, discipline and other conditions of service shall be regulated by general rules framed by Governor from time to time.

20. **Relaxation.** – Where the Governor is satisfied that the operation of any of these rules causes hardship in any particular case, he may order to dispense with or relax the requirement of that rule to such extent and subject to such conditions as he 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.

21. **Interpretation.** – If any question arises relating to the Interpretation of these rules, it shall be referred to the Government in the Labour Department whose decision thereon shall be final.

22. **Validation of past orders.** – All orders made or action taken prior to the commencement of these rules in respect of matters for which there was no specific provision in any rules previously prevailing, shall be deemed to have been validly made or taken under the corresponding provision of these rules.

SCHEDULE I

Strength of the Service

[(Vide Rule 5 (2)]

Cadre (1)	Name of post (2)	Number of post		
		Permanent (3)	Temporary (4)	Total (5)
1.	Labour Commissioner	1	(If appointed by promotion of Additional Labour Commissioner)	1
2.	Additional Labour Commissioner	1	1
3.	(a) Chief Inspector of Plantation	1	1
	(b) Chief Inspector of Motor Transport Undertakings-cum-Deputy Labour Commissioner.	1	1
4.	Senior Assistant Labour Commissioner	1	1

- (2) he is considered otherwise fit for confirmation by the Government :

Provided that where a probationer is not given opportunity for undergoing the prescribed training during the period of probation, his confirmation shall be held up for reason of not undergoing the said training and passing the Departmental Examinations but such a probationer shall, when called upon by the Governor and opportunity given, successfully undergo the prescribed training, failing which he shall be liable to removal from service unless the Governor allows him other chances.

15. Seniority. – The seniority of a member of the service in a cadre shall be determined according to the order of preference in the list referred to in sub-rule (3) of Rule 7 and sub-rule (2) of Rule 8 as the case may be if the member joins his appointment within fifteen days of the date of receipt of the order of appointment :

Provided that if a member is prevented from joining within the said period of fifteen days by circumstances of a public nature, or for reasons beyond his control, upon an application made to him specifically to that effect, the Government may extend the period of joining if the said period is not so extended but the member of the service joins within the period extended under sub-rule (2) of Rule 11 his seniority shall be determined in accordance with the date of joining.

(2) If the confirmation of a member of the service in a cadre is delayed on account of his failure to qualify for such confirmation, he shall lose his position in order of seniority in the cadre *vis-a-vis* such of his juniors as may be confirmed earlier than he. His original position in that particular cadre shall, however, be restored on his confirmation subsequently.

16. Gradation List. – There shall be prepared every year a Gradation List consisting the names of all members of the service arranged in the order of seniority and shall be notified in the Official Gazette.

17. Pay. – The scales of pay admissible to the members of the different cadres are shown in Schedule II subject to revision as may be made by the Governor from time to time :

Provided that when an I. A. S. Officer is appointed as Labour Commissioner, he will be entitled to the terms and conditions of his service.

18. Crossing of Efficiency Bar. – A member of the service shall not be allowed to cross the efficiency bar in the time-scale of pay unless the Governor is satisfied about his ability and integrity.

Cadre (1)	Name of post (2)	Number of post		
		Permanent (3)	Temporary (4)	Total (5)
5.	Deputy Chief Inspector of Plantations-cum-Assistant Labour Commissioner	4	1	5
6.	Labour Officer, Labour Welfare Officer, Special Officer of Committees and Conferences.	10	2	12
7.	Labour Inspectors/Inspectors of Motor Transport Undertakings.	19	4	23

SCHEDULE II

Scales of pay (Vide Rule 17)

Cadre	Scales of pay
1. Labour Commissioner	Rs.1,300-60-1,480-EB-60-1,600 : Provided that when an I.A.S. officer is appointed as Labour Commissioner, he will be entitled to the terms and conditions of his service.
2. Additional Labour Commissioner	Rs.1,000-50-1,150-EB-50-1,300
3. (a) Chief Inspector of Plantation-cum-Dy.Labour Commissioner (b) Chief Inspector of Motor Transport Undertakings-cum-Dy. Labour Commissioner.	} Rs.750-50-950-EB-50-1,200
4. Senior Assistant Labour Commissioner	Rs.550-40-830-EB-45-1,100 <i>plus</i> Special pay of Rs.100.
5. Deputy Chief Inspector of Plantations-cum-Assistant Labour Commissioner be made	Rs.550-10-830-EB-45-1,100
6. Labour Officer, Labour Welfare Officer, Special Officer for Committees and Conferences.	Rs.350-30-500-EB-30-680-EB-35-925.
7. Labour Inspector/Inspector of Motor Transport Undertakings.	Rs.225-15-285-EB-15-360-EB-20-600.2