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NOTIFICATION

No.A.11020/1/87-P&AR (GSW), the 11th May, 1989. In exercise of the powers conferred by Article 318 of the Constitution of India, the Governor of Mizoram is pleased to make the following regulations as respects to the composition and staff of the Mizoram Public Service Commission, their tenure of office and conditions of service.

PART - I

INTRODUCTION

- Short title, extent and Commencement.
1. (1) These regulations may be called the Mizoram Public Service Commission Regulation, 1989.
- (2) These regulations shall extend to the whole of the State of Mizoram and shall come into force at once.
- Definitions.
2. In these regulations, unless the context otherwise requires,
- (i) 'Chairman' means the Chairman of the Mizoram Public Service Commission;
 - (ii) 'Commission' means the Mizoram Public Service Commission;
 - (iii) 'Constitution' means the Constitution of India;
 - (iv) 'Ex-M.L.A.' means an ex-member of Legislative Assembly of Mizoram;
 - (v) 'Ex-M.P.' means an ex-member of Parliament from Mizoram.
 - (vi) 'Governor' means the Governor of Mizoram; and
 - (vii) 'Member' means a member of the Mizoram Public Service Commission.

P A R T - II

COMPOSITION, PAY AND TENURE

Composition. 3. The Commission shall consist of a Chairman and such other Members not exceeding three, as may be determined by the Governor from time to time.

Tenure. 4. The Chairman and a Member of the Commission shall hold office for a term of six years from the date on which he assumes office or until he attains the age of 62 years, whichever is earlier :

Provided that the Chairman or a Member of the Commission may, by writing under his hand, addressed to the Governor, resign in office;

Provided further that the Chairman or a Member of the Commission may be removed or suspended from office earlier in the manner provided in Article 317 of the Constitution.

Salaries & allowances of the Chairman & Members

5. (1) There shall be paid to the Chairman and a Member a fixed salary of Rupees Seven Thousand Six Hundred, and Rupees Seven Thousand Three Hundred per mensem respectively and such other allowances, at such rates as admissible to Government servants under the Government of Mizoram from time to time.

Provided that the Chairman or a Member who, on the date of his appointment as such, was in the service of the Government of India or of any State, a local body, or any other body wholly or substantially owned or controlled by the Government be deemed to have retired from such service from the date of appointment as Chairman or Member.

(2) Nothing in this Regulation shall prevent the Chairman or a Member who at the time of his appointment as such, was in the service of or has retired from the service of the Government of India or of any State or a local body, or any other body wholly or substantially owned or controlled by the Government from drawing pay in the scale which he was drawing on the date of his retirement in lieu of the scale of pay prescribed as above for Chairman or Member. Option once exercised shall be final.

Provided, however, that the option of drawing of pay exercised by the Chairman or a Member in lieu of the scale of pay prescribed for the Chairman and Member will remain valid only till the period of six years from the date on which he enters upon his Office or until he attains the age of 62 years, which ever is earlier.

(3) If the Chairman or a member at the time of his appointment is in receipt of a pension, has received or has become entitled to receive any pension and other retirement benefits in respect of any previous service under the Government of India or a State Government, a local body, or any other body wholly or substantially owned or controlled by the Government or as Ex-M.P. or Ex-M.L.A., his pay in respect of the service in the Commission shall be reduced by the amount of that pension during the service under the Commission.

Leave
admissi-
ble.

6. (1) The Chairman and a Member may be granted Earned Leave, Half Pay Leave, Commuted Leave on Medical ground and Extraordinary Leave.

(2) The admissibility of leave as specified in sub-regulation (1) above shall be regulated as per the provisions of the Central Civil Service (Leave) Rules, 1972 as applicable to the Government of Mizoram.

Power of
Governor
to grant
or refuse
leave.

7. The power to grant or refuse leave to the Chairman or a Member and revoke or curtail the leave granted to him shall vest in the Governor.

Leave credit
or Member
to lapse.

8. Subject to the provisions of regulation 6, leave at the credit of the Chairman or a Member, shall lapse on the date on which he shall vacate Office under regulation four (4) ;

Provided that if a Member is further appointed as Chairman, the leave at the credit of the Member, shall be carried forward and can be availed of during his tenure as a Chairman subject to the provision of regulation 6 of these Regulations.

PART - IV

PENSION

Pension.

9.(1) The Chairman or a Member, who, at the date of his appointment, was in the service of the Government of India or of a State, a local body, or any other body wholly or substantially owned or controlled by the Government his services as Chairman or Member shall not count as qualifying service for the purpose of re-calculating his pension at the expiry of his office as Chairman or Member.

(2) The Chairman or a Member, who at the date of his appointment was in receipt of Pension from the Government of India or a State Government, a local body, or any other body wholly or substantially owned or controlled by the Government or as Ex-M.P. or Ex-M.L.A., shall draw pay prescribed in Part-II of these Regu-

lations and on the expiry of his tenure in the Commission, shall not be eligible for pension for the service in the Commission.

(3)(a) Subject to the provisions of these Regulations, every Member, who, at the date of his appointment as such was not in the service of the Government of India or a State Government, a local body, or any other body wholly or substantially owned or controlled by Government, shall, paid is ceasing to hold office as Chairman or Member, be paid pension as specified in clause (c) of this sub-regulations.

Provided that no such pension shall be payable to the Chairman or a Member -

- (i) Unless he has completed at least three years of service as Chairman or as a Member ;
 - (ii) if he has been removed from office of the Commission.
- (b) Pension under these regulations shall be payable to the Chairman or a Member for life :

Provided that no such pension shall be payable during any period for which such Chairman or Member may, after his retirement as such, hold office as the Chairman or Member of the Union Public Service Commission or as the Chairman of a State Public Service Commission, as the case may be.

- (c) Pension under this regulation shall be paid at the following rates, namely :-
- (i) In the case of the Chairman, Rupees One Thousand per mensem if he has completed six years of service ;
 - and (ii) In the case of a Member, Rupees Eight Hundred per mensem, if he has completed six years of service.

Provided that where the services rendered by Chairman or Member is for period of three years or more but less than six years, the amount of the pension shall be determined in accordance with the following formula, namely, :-

Completed years of service for pension shall be multiplied by the amount of the maximum pension admissible under clause (i) or clause (ii) as the case may be, and shall be divided by six.

EXPLANATION-I

When the total services for pension is rendered by a person partly as Member and partly as Chairman, the pension admissible to such person in each such term shall be calculate separately subject to the condition that the aggregate pension shall not exceed the pension admissible to the Chairman.

EXPLANATION II

The duration of service of a person as a Member shall be computed in terms of completed years, but if the service rendered is six months or more, additional benefit of half year's pension may be allowed.

(4) No pension shall be payable under these regulations to the Chairman or a Member who, at the date of his appointment as such had retired from service under the Government of India or a State Government, a local body or any other body wholly or substantially owned or controlled by Government, if he is in receipt of, has received or has become entitled to receive any retirement benefits by way of pension, gratuity, payment from any contributory Provident Fund or otherwise.

Provided such person may, at his option, come under the pension scheme under these regulations, if the amount of the pension or the pension equivalent of the retirement benefits or both admissible to him in accordance with the rules and orders of the service to which he belonged falls short of the amount of the pension admissible to him under these regulations.

PART - V

GENERAL PROVIDENT FUND

Provident
Fund.

10. The Chairman or a Member shall be eligible to contribute to General Provident Fund under normal rules at his request, provided that the Chairman or a Member is expected to serve in the Commission for a period exceeding one year.

PART - VI

TRAVELLING ALLOWANCE AND OTHER FACILITIES

Rates of 11.
Travelling
Allowances.

(1) The Chairman or a Member who, at the date of his appointment, was in the service of the Government of India or of a State, a local body, or any other body wholly or substantially owned or controlled by the Government shall for his journey to join his appointment as such, draw travelling allowances as on transfer as per Rules applicable to him in his previous service.

(2) The Chairman or a Member who, at the date of his first appointment, is not in the service of the Government of India or any State Government, a local body or any other body wholly or substantially owned or controlled by the Government shall be entitled to travelling allowances as on transfer as admissible to officer of the Government of Mizoram of his equivalent grade from the station of his normal stay.

(3) The Chairman or a Member, while travelling on duty or on tour, shall be entitled to travelling and daily allowances at the rate admissible to officer of the Government of Mizoram of his equivalent grade.

(4) The Chairman or a Member on vacating his office shall be entitled to travelling allowances as on transfer as admissible to officers of the Government of Mizoram of his equivalent grade from the station of his duty to the station of his normal stay/home town.

Provided that no such travelling allowance shall be admissible to the Chairman or a Member if he has been removed from office.

(5) The Chairman or a Member, who has completed one year of service with the Commission shall be eligible for Leave Travel Concession for himself and his family to home town or anywhere in India as per Leave Travel Concession orders on the subject as applicable to the Government servant under the Government of Mizoram.

EXPLANATION :

The salary of the Chairman and a Member as specified in regulation 5 shall be treated as pay for the purpose of entitlement of Travelling Allowance and Daily Allowance of the Chairman and a Member under sub-regulations, (2),(3), and (4) of this regulation.

12. The Chairman and a Member shall be entitled to a free furnished accomodation of the type commensurate with his pay.

Motor-
Car

13. An advance for the purchase of a Motor Car to a Chairman or a Member will be regulated by the appropriate rules for the time being in force applicable to State Government servants drawing comparable pay.

P A R T - V I I

STAFF OF THE COMMISSION AND THEIR CONDITIONS

Staff of the
Commission
& appointing
authorhty.

14. (1) The Staff of the Commission shall include a Secretary, Deputy Secretary, Under Secretary, Finance & Accounts Officer and such other Gazetted or Non-Gazetted staff as the Governor may, from time to time, determine in consultation with the Commission.

(2) The Secretary, Deputy Secretary, Under Secretary and the Finance & Accounts Officer and other Gazetted staff shall be appointed by the Governor in consultation with the Commission and shall receive such emoluments as admissible to the Government servants of corresponding grade in the Government of Mizoram.

(3) The ministerial non-gazetted staff including Group 'D' staff shall be appointed by the Secretary with the approval of the Chairman and shall receive such emoluments as admissible to the Government servants of corresponding grade in the Government of Mizoram.

Disciplinary and appellate authority.

15. The Chairman in case of gazetted staff and the Secretary, in case of the non-gazetted staff including Group 'D' employees, shall be the authority who may impose any of the penalties prescribed in the Central Civil Service (Classification, Control and Appeal) Rules, 1965 as adapted by the Government of Mizoram and, the Governor, in respect of the gazetted staff and the Chairman in respect of the non-gazetted staff including the Group 'D' shall be the appellate authority.

Residuary matters.

16. In respect of any matter for which provision is not made by these regulations, the conditions of service of a person serving as a Chairman or Member of the Commission or its staff shall be governed by rules and orders for the time being applicable to such classes of Government servants under the Government of Mizoram.

P A R T - VIII

MISCELLANEOUS

Interpretations.

17. If any doubt arises about the interpretation of any of these regulations, the interpretation of the Governor shall be final.

Power to relax.

18. Where the Governor is satisfied that the operation of these Regulations causes undue hardship in any particular case, he may by order, for reasons to be recorded in writing, dispense with or relax the requirements of that regulation to such extent and subject to such exceptions and conditions as he may consider necessary for dealing with the case in a just and equitable manner.

By order etc.

H. Lal Thlamuana,
Special Secretary to the Govt. of Mizoram.

REGULATIONS SPECIFYING THE MATTERS IN WHICH IT SHALL NOT BE NECESSARY TO CONSULT THE PUBLIC SERVICE COMMISSION.

No.A. 11020/1/87-P&AR. (CSW) :- the 11th May, 1989. In exercise of the powers conferred by the provision to clause (3) Article 320 of the Constitution of India, the Governor of Mizoram is pleased to make the following Regulations as respects

to services and posts in connection with the affairs of the State of Mizoram, specifying matters in which it shall not be necessary for the Mizoram Public Service Commission to be consulted.

1. (a) These Regulations may be called the Mizoram Public Service Commission (Limitation of Functions) Regulations, 1989.
- (b) These shall come into force at once.
2. In these Regulations, unless there is anything repugnant in the subject or context :—
 - (i) "Appointing authority" means the authority which makes the appointments to any service or post in connection with the affairs of the State of Mizoram;
 - (ii) "Commission" means the Mizoram Public Service Commission ;
 - (iii) "Constitution" means the Constitution of India ;
 - (iv) "Governor" means the Governor of Mizoram ;
 - (v) "Service" or "Post" means civil service or post in connection with the affairs of the State of Mizoram.
3. It shall not be necessary for the Commission to be consulted in matters relating to methods of recruitment to civil services and posts or the suitability of the candidates for such appointments, in the following cases, namely :—
 - (a) When an appointment is to be made by the Governor or by an authority other than Governor to a post on a scale of pay the maximum of which is less than Rs.2,041/- per month.
 - (b) When it is proposed to appoint a member of a service to a post, for appointment to which the rules of any other service makes a member of other service eligible, and which in the opinion of the Governor, is normally filled by a member of that service or is similar to posts normally filled by a member of that service.

ILLUSTRATION

The appointment of an officer of the Mizoram Civil Service to the following posts does not require consultation with the Commission.—
post of Deputy Commissioner, Joint Secretary, Deputy Secretary, Under Secretary or Officer on Special Duty in the Secretariat.

- (c) Appointment to the personal staff of the Governor and to his Secretariat.
- (d) Appointment of Law Officers of the State and the Gauhati High Court of Judicature.

- (e) When an officiating appointment is to be made by direct recruitment to a permanent post, if it is necessary in the public interest that the appointment should be made immediately and a reference to the Commission would cost undue delay:

Provided that, if the vacancy, actual or probable, is for a period of six months or more, the Commission shall, as soon as possible, be consulted in all matters mentioned in sub clause (3) of Article 320 of the Constitution but not later than the 30th day from the date of issue of such appointment orders.

- (f) When an appointment is to be made by direct recruitment to a temporary post, if it is necessary in the public interest that the appointment should be made immediately and a reference to the Commission would cost undue delay :

Provided that if the temporary post has been sanctioned for, or is likely to last more than six months, the commission shall, as soon as possible, be consulted in all matters mentioned in sub-clause (3) of Article 320 of the Constitution but not later than the 30th day from the date of issue of such appointment orders.

- (g) When it is proposed to re-appoint a retired servant of the Government of India or State Government temporarily to (i) a permanent post created as addition to the cadre of the service from which he retired, or (ii) a temporary post created as addition to the cadre of the service from which he retired or (iii) any other temporary post the duties of which are similar to those normally discharged by members of that service :
- (h) When it is proposed to appoint temporarily an officer of the Indian Armed Forces to a civil post or service for a period not exceeding three years.
- (i) When it is proposed to make appointment to a post on a contract basis for a period not exceeding three years;

Provided that in case the appointment on contract basis is likely to exceed a period of three years, the Commission shall be consulted before the contract is renewed or extended.

- (j) When it is proposed to make any appointment to an honorary post.

4. PROMOTION : It shall not be necessary to consult the Commission on the principles to be followed in making promotions or on the suitability of candidates for promotion in the following cases :-

- (a) Promotion to a service by an authority other than the Governor;
- (b) Promotion from a lower to higher grade or post within the same service according to the rules of the service;

Provided that if it is proposed to promote an officer from one grade to another, the Commission shall be consulted if direct recruitment to the higher grade can be made after consulting the Commission;

- (c) As regards the suitability for promotion from one service to another of a candidate not recommended by the authority prescribed in the rules regulating such promotion;
- (d) Officiating promotion for a period which is not likely to last for more than one year;

Provided that if the period of officiating promotion is extended beyond the term for which it was originally sanctioned, the period of promotion shall, for purpose of this regulation, be reckoned from the date when the promotion originally took effect and not from the date of the extension of the period.

5. TRANSFER - It shall not be necessary to consult the Commission on the principles to be followed in making transfer, or on the suitability of candidates for transfer from one post to another in the same service.

6. DISCIPLINARY CASES - It shall not be necessary for the Commission to be consulted in disciplinary matters in the following cases :-

- (a) by any authority other than the Governor, whether the order passed is an original, an appellate or a revisionary order ;
- (b) by the Governor unless he proposes to pass an original order imposing any of the following penalties or unless an appeal, if admissible under the rules, has been submitted to him against an order of a lower authority imposing any of the following penalties :-
 - (i) Withholding of increments or promotion, but excluding stoppage at an efficiency bar,
 - (ii) reduction to a lower post or time scale or to a lower stage in a time scale or to a lower grade in a graded scale ;
 - (iii) recovery from pay of the whole or part of any pecuniary loss cause to the State Government by negligence or breach of order ;
 - (iv) removal ;
 - (v) reduction of pension ;
 - (vi) dismissal ;
 - (vii) compulsory retirement ;
- (c) by the Governor, when rejecting a petition or memorial ;
- (d) in any case in which the Commission has at any previous stage been

consulted as to the order to be passed and no fresh question has thereafter arisen for determination ;

Provided that the Commission need not be consulted in any of the cases referred to above where the integrity of the delinquent Government servant is involved and the advice of the Vigilance Department has already been obtained for imposing penalties.

ILLUSTRATIONS

- (a) The stoppage of an officer appointed by the Governor at an efficiency bar does not require consultation with the Commission ;
- (b) an officer is censured by the Governor. It is not necessary to consult the Commission before the order of censure is passed ;
- (c) an officer is suspended pending an enquiry into his conduct. The Commission need not be consulted before the order of suspension is passed ;
- (d) it is proposed to dismiss a State Service Officer or to reduce his pension. The Commission must be consulted before an order is passed by the Governor;
- (e) it shall not be necessary to consult the Commission in any case relating to -
 - (i) the termination of probation of any person ;
 - (ii) the discharge or reversion of a person otherwise than as penalty;
 - (iii) the termination of the employment of a person in accordance with the terms of his contract or employment;
 - (iv) the imposition of any penalty laid down in any rule or order for failure to pass any test or examination within a specified time.

The above illustrations will not hold good in cases where the integrity of the delinquent Government Servant is involved and the advice of the Vigilance Department has already been obtained for imposing penalties.

- (f) Reduction in pension is a disciplinary case. The pension of an official is reduced by the Head of Department. The appeal is filed before the Governor. The Commission should be consulted before the appeal is disposed of by Governor.
- (g) An assistant in a district office is dismissed by the District Officer. He appeals to the Governor. The Commission will be consulted before an order is passed by the Governor.

- (h) An official in a subordinate service is dismissed by the Head of a Department. An appeal is made to the Governor. It is not necessary for the Head of the Department to consult the Commission before dismissing the official. But the Commission should be consulted by the Governor before deciding the appeal.
- (i) An officer who was dismissed by an original order of the Governor memorializes the Governor against that order. The Commission need not be consulted on the memorial if the order of dismissal was after consulting the Commission.
- (j) An official was dismissed on his appeal rejected by an authority subordinate to the Governor. He memorializes the Governor against that order. The Commission must be consulted before the Governor re-instates him but not if the Governor decides to reject his memorial.

By order etc.

H. Lal Thlamuana,
Special Secretary to the Govt. of Mizoram,
Deptt. of Personnel & A.R.

INSTRUCTIONS REGARDING DIRECT RECRUITMENT THROUGH THE PUBLIC SERVICE COMMISSION ISSUED BY THE GOVERNOR, SUBJECT TO THE PROVISIONS OF REGULATIONS MADE UNDER ARTICLE 320 (3) OF THE CONSTITUTION.

**PART - I
GENERAL**

No. A. 11020/1/87-P&AR(GSW), dated Aizawi, the 11th May 1989. 1. In the case of service in which permanent vacancies occur throughout the year, the number of vacancies to be reported to the Commission should be the number likely to occur during the recruiting year, and no vacancy which occurs after the end of that year, shall during be filled without a further reference to the Commission.

2. In making recruitment to technical or specialist posts, the Commission shall invite the appointing authority to depute a technical expert to assist them. In case of recruitment to other posts, it shall be open :-

- (a) to the Commission to ask for the deputation of an Adviser and
- (b) to an appointing authority, if it feels the need for it, to intimate to the Commission, that an Adviser should be appointed to assist the Commission, and the reason for doing so.

3. In (a) above, the appointing authority shall nominate a suitable Adviser, and in (b) above, an Adviser may be appointed only if the Commission agree to its need.

In any case where the Commission have any objection to the particular adviser or expert deputed by an appointing authority, it shall be open to the Commission to intimate confidentially and semi-officially to the Chief Secretary their objection to the particular person proposed to be deputed.

PART - II

RECRUITMENT BY OPEN COMPETITION

4. In the case of recruitment by competitive examination the Commission will send to the appointing authority a complete list of the marks obtained by each of the candidates and,

- (a) If the appointing authority is the Governor, the Secretary in the Department concerned shall submit without comment for the order of the Government the names of the candidates in the order of merit, or
- (b) if the appointing authority is not the Governor, that authority shall appoint the candidates who obtained the highest marks upto the number of vacancies to be filled.

PART - III

RECRUITMENT BY SELECTION OTHERWISE THAN BY OPEN COMPETITION

5. In order to provide for possible casualties and unexpected vacancies, the number of candidates which the Commission should be asked to recommend in cases of selection otherwise than by open competition should usually exceed the number of vacancies by 50 per cent.

6. The Commission shall arrange the candidates recommended by them in order of merit, and

- (a) if the appointing authority is the Governor, the Secretary in the Department concerned, shall submit without comment for the orders of Government the names of the candidates in the order of merit or
- (b) if the appointing authority is not the Governor, that authority shall, save as provided in instruction 7, below, appoint the candidates who stand highest in the order of merit in which they have been arranged by the Commission upto the number of vacancies to be filled.

7. Where an appointing authority other than the Governor proposes to make an appointment otherwise than in accordance with the Commission's recommendations, it shall obtain the view of the Commission on the appointment which it proposes to make and shall make no appointment contrary to the final recommendation of the Commission without the approval of the Government in the Department of Personnel and Administrative Reforms.

8. In recruitment to special posts of technical nature for which educational qualifications have not been prescribed in the service rules, the appointing authority shall merely give the Commission a general indication of the qualifications required and should explain the nature of the post and other relevant points but should leave it to the Commission to decide what educational qualifications are most likely to secure the service of officers most suitable for that particular post.

P A R T - IV

ANNOUNCEMENT OF DIRECT APPOINTMENT MADE AFTER CONSULTATION WITH THE COMMISSION

9. (a) **WHEN RECRUITMENT IS MADE BY A COMPETITIVE EXAMINATION;**
- (i) As soon as the result are ready, the Commission will send to the Governor the names of all successful candidates in order of merit as disclosed by the examination. A few more names might be added, if necessary, so as to make the total number of names the nearest multiple of ten;
 - (ii) A candidate on payment of a fee of Rs. 25/- shall be supplied on his application to the Secretary, Public Service Commission with a copy of the detailed marks sheet obtained by him or any other candidate.
 - (iii) In the case of non-gazetted appointments when the appointing authority has decided the names of the candidates to be appointed, it will issue a press communique announcing the names of the candidates approved for appointment.

In the case of Gazette posts, only Gazette Notification should be issued when the appointment is actually made.

- (b) **WHEN RECRUITMENT IS MADE BY SELECTION OTHERWISE THAN BY OPEN COMPETITION;**

In the case of non-gazetted appointment when the appointing authority has decided the names of the candidates to be appointed, it will issue a Press Communique announcing the names of the candidates approved for appointment.

In the case of Gazetted posts, only Gazetted Notification will be issued when appointment is actually made.

10. The Press Communique should be issued by the appointing authority through the information and public Relations Department.

By Order and in the name of the Governor.

H. Lal Thlamurana,
Special Secretary to the Govt. of Mizoram.