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NOTIFICATION

THE MIZORAM SUBORDINATE MINISTERIAL SERVICE RULES, 1993

No. A. 12018/1/91—P&AR(GSW): Dated Aizawl, the 25th June, 1993: In exercise of the powers conferred by the Proviso to Article 309 of the Constitution and all other powers enabling him in this behalf, the Governor of Mizoram hereby makes the following rules, namely:—

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|---------------------------------|---|
| 1. Short Title and commencement | : (1) These rules may be called the Mizoram Subordinate Ministerial Service Rules, 1993. |
| | (2) They shall come into force at once with effect from the date of publication in the Official Gazette of Mizoram. |
| 2. Definition | : In these rules, unless the context otherwise requires:— |
| | (a) "Appointed Day" means the date on which these Rules come into force. |
| | (b) "Appointing Authority" in relation to any grade means the authority empowered under the CCS (CCA) Rules, 1965, to make appointments to that grade. |
| | (c) "Authorised Permanent Strength" in relation to any grade means the strength of permanent and specified posts in that grade, against which substantive appointments may be made. |
| | (d) "Grade" means any of the Grades specified in Rule 3. |
| | (e) "Commission" means the Mizoram Public Service Commission. |

- (f) "DPC/Selection Committee" means appropriate DPC/Selection Committee duly constituted by the Government from time to time.
- (g) "Direct Recruit" means a person recruited on the basis of a Competitive Examination.
- (h) "Duty Post" means any posts specified in Rule 3 of these Rules.
- (i) "Government" means Government of Mizoram.
- (j) "Panel List" means the Panel List prepared in accordance with the regulation made under Rule (10).
- (k) "Permanent Officer" in relation to any grade means a person who has been substantively appointed to any grade.
- (l) "Probationer" means a direct recruit appointed to a grade on probation.
- (m) "Schedule" means schedule to these Rules.
- (n) "Service" means the "Mizoram Subordinate Ministerial Service".
- (o) "Temporary Officer" in relation to any grade means a person holding temporary or officiating appointment in that grade on the basis of his being approved for such appointment.

3. Composition of the Service : (1) There shall be 3 (three) grades in the Service classified as follows, namely:—

| Sl. No. | Grade |
|---------|--|
| 1. | Assistant Grade — Assistant and its equivalent posts |
| 2. | U.D.C. Grade — U.D.C. and its equivalent posts |
| 3. | L.D.C. Grade — L.D.C. and its equivalent posts |

- (2) The posts at Sl. No. 1 shall be non-Gazetted Group 'B' and the posts at Sl. No. 2 and 3 shall be non-Gazetted Group 'C'.

4. Combined Gradation List of the Officers of the 3 (three) Grades : There shall be a combined gradation list in respect of the officers in each grade for all the Departments and offices specified in the first Schedule.

5. Authorised permanent Strength and temporary strength of the Service :
- (1) The authorised strength of the various grades of the Service on the appointed day shall be as specified in the second Schedule.
 - (2) After the appointed day, the authorised permanent strength of various grades shall be such as may, from time to time, be determined by the Government.
 - (3) The Government may make temporary/permanent additions to the authorised permanent strength of the various grades as it may deem necessary from time to time.

6. Initial Constitution of Service : The Permanent and Temporary Officers of various grades holding the posts in each grade on the appointed day shall be the members of the Service.

7. Posting of the Members of the Service : Every member of these is on leave or otherwise not available for holding a duty post, be posted against a duty post of the appropriate grade in the cadre.

Provided that any member of the service may be liable to be posted to an ex-cadre post either on deputation or otherwise.

8. Duty Post to be held by members of the Service : Every duty post in a cadre shall, unless declared to be excluded from the cadre, or kept in abeyance for any reason, be held by a member of the service of the appropriate grade.

9. Substantive Appointment in the Service : All substantive appointments in the Service shall be made to the appropriate grade of the Service and not against any specific post in that grade.

10. Recruitment :
- (1) Assistant Grade: 70% of the vacancies in this grade shall be filled by promotion from amongst the members of the Service in the U.D.C. grade, viz. 50% by promotion from U.D.C. grade with 5 years regular service and 20% by promotion through limited Departmental Examination from amongst U.D.C. grade with 3 years regular service.

The remaining 30% of the vacancies shall be filled by direct recruitment on the basis of the result of Competitive Examination conducted in accordance with the appropriate Regulation.

- (2) U.D.C. Grade 66 $\frac{2}{3}$ % of the vacancies shall be in this grade filled by promotion from amongst the members of the Service in L.D.C. Grade with 5 years of service and are included in the Panel list for promotion to U.D.C. Grade. The method of recruitment to this grade shall be Non-Selection.

The remaining 33 $\frac{1}{3}$ % of the vacancies shall be filled by direct recruitment on the results of Competitive Examination conducted in accordance with the appropriate Regulation.

(3) L.D.C. Grade: 90% of the vacancies shall be filled by Direct Recruitment on the results of the Competitive Examination conducted in accordance with the appropriate Regulations.

The remaining 10% of the vacancies shall be filled by promotion from Group 'D' staff who are educationally qualified for appointment to the post subject to the condition that they will have to possess a typing speed of 30 words per minute within 6 months of their promotion.

(4) Substantive appointments to the various grades shall be made in order of seniority of officers in the respective grade except, when for reasons to be recorded in writing, a person is not considered fit for such appointment in his turn.

(5) For the purpose of sub-rules (1) to (3) of Rule 10, Panel List for the various grades shall be prepared and may be revised and revising the panel list shall be as such as may be prescribed by regulations made by the Government.

(6) Notwithstanding anything contained in sub-rule (1), (2) and (3) of Rule 10, officers of the grades under sub-rule (1), sub-rule (2) and sub-rule (3) of Rule 10 may be appointed to officiate in a temporary vacancy for a period not exceeding six months in the grade specified in Rule 6 of these Rules as the case may be, if an officer included in the Panel List for the relevant grade is not available or cannot for any reasons be appointed to such vacancy.

Provided that the aforesaid period of six months mentioned above, may in exceptional cases and with the approval of the Competent Authority in the Government of Mizoram be extended to another 6 months in public interest.

(7) The Rules for Limited Departmental Examination and Competitive Examination referred to in sub-rule (1), (2) and (3) of Rule 10 shall be as determined by Regulations made by the Government.

11. Probation

(1) Every person appointed to the Service on direct recruit against any regular vacancy shall be on probation for a period of 2 (two) years.

Provided that the period of probation may, for good and sufficient reasons be extended by the appointing authority in individual case by a period not exceeding 1 (one) year.

Provided further that a person who have already been officiating continuously in a cadre of the service for a period of not less than 2 (two) years shall unless, he is otherwise found unfit be substantively appointed to that particular cadre.

(2) A Probationer who holds lien on a post under the Central Government or any State Government may be reverted to such post at any of the circumstances specified in sub-rule (1).

(3) A Probationer who is not considered suitable for confirmation at the end of the period of probation prescribed in sub-rule (1) of Rule 11 or at the end of the extended period of probation, if any, under sub-rule (2) of that Rule, shall be discharged or reverted in accordance with sub-rule (1) above as the case may be.

12. Seniority

(1) The relative seniority of members of the Service appointed to any grade before the appointed day shall be regulated by their relative seniority as determined before that day.

Provided that, if the seniority of any such officer has not been specifically determined before that day, it shall be as determined by the Government of Mizoram.

A. Assistant Grade, UDC Grade, LDC Grade:

I. Permanent Officers: (a) Direct recruits shall be ranked inter-se in the order of merit in which they are placed at the examination on the results of an earlier examination being ranked senior to those of a later examination.

(b) Persons appointed on promotion to the grade from the panel list for the grade be ranked inter-se according to the order in which they are so appointed.

(c) The relative seniority of direct recruits to a grade and persons promoted to the grade from the panel list for the grade shall be regulated in accordance with the provisions made in this rule.

II. Temporary or Officiating Officers:

(1) Direct recruit through Competitive/Limited Competitive Departmental Examination to the grade and person appointed to the grade from the Panel list for the grade shall be assigned seniority inter-se according to the quotas of vacancies in the grade reserved for them.

Provided that persons appointed on promotion to the grade from the panel list in any grade in any year, against direct recruitment vacancies for which the later are not available shall be placed enblock below the last direct recruitment in the year irrespective of the quotas reserved for them.

13. Constitution of D.P.C.

(1) The D.P.C. for recruitment and promotion of Assistant grade will consist of:—

(a) Secretary to the Govt. of Mizoram, D.P. & A.R.
— Chairman.

- (b) Deputy Secretary, D.P. & A.R.
— Member.
- (c) Under Secretary, D.P. & A.R.
— Member-Secy.
- (2) The D.P.C. for recruitment and promotion to the posts of U.D.C. and L.D.C. Grades shall consist of :—
 - (a) Secretary of the Department concerned
— Chairman.
 - (b) Head of Department concerned
— Member-Secy.
 - (c) Under Secretary, D.P. & A.R.
— Member.

14. Power of the Governor to amend, dispense with or relax : Whereas the Governor is satisfied that the operation of any of these rules causes undue hardship in any particular case or that in the exigencies of public service as well as for effective implementation of these Rules, he may dispense with or relax or amend and repeal such particular rule or rules or any of the schedules to these Rules. to such extent or subject to such conditions as he may consider necessary from time to time.

15. Interpretation : If any question arises as to the interpretation of these rules, the Government shall decide the same.

16. Repeal and saving : All the previous Recruitment Rules for the posts included in these Rules shall stand repealed with the commencement of these Rules :

Provided that any order made or actions taken under the Rules so repealed or under any general order ancillary thereto shall be deemed to have been made, done or taken under the corresponding provisions of these Rules.

FIRST SCHEDULE (SEE RULE 4)

NAMES OF DEPARTMENTS/OFFICES TO WHICH THE MIZORAM SUBORDINATE MINISTERIAL SERVICE RULES, 1993, APPLY

| Sl. No. | Name of Department |
|---------|---|
| 1. | All Departments in Civil Secretariat. |
| 2. | Directorate of Agriculture & Fisheries and its subordinate Offices. |
| 3. | Directorate of Animal Husbandry & Veterinary and its subordinate Offices. |

| Sl. No. | Name of Department |
|---------|--|
| 4. | Administrative Training Institute. |
| 5. | Directorate of School Education and its subordinate Offices. |
| 6. | Chief Controller of Accounts' Office / Directorate of Accounts & Treasury and its subordinate Offices. |
| 7. | Office of the Principal Chief Conservator of Forests and its subordinate Offices. |
| 8. | Office of the Deputy Commissioner and its subordinate Offices. |
| 9. | Office of the Registrar (Co-op) and its subordinate Offices. |
| 10. | Directorate of Health Services and its subordinate Offices. |
| 11. | Directorate of Industries and its subordinate Offices. |
| 12. | District Council Court and its subordinate Offices. |
| 13. | Directorate of Local Administration Department and its subordinate Offices. |
| 14. | Office of the Inspector General of Prison and its subordinate Office. |
| 15. | Directorate of Labour & Employment and its subordinate Offices. |
| 16. | Directorate of Economics and Statistics and its subordinate Offices. |
| 17. | Office of the Chief Engineer, PWD and its subordinate Offices. |
| 18. | Directorate of Rural Development and its subordinate Offices. |
| 19. | Office of the Chief Engineer, P & E and its subordinate Offices. |
| 20. | Office of the Chief Engineer, PHE and its subordinate Offices. |
| 21. | Directorate of Land Revenue & Settlement and its subordinate Offices. |
| 22. | Directorate of Taxation and its subordinate Offices. |
| 23. | Directorate of Civil Supplies and its subordinate Offices. |
| 24. | Directorate of Transport and its subordinate Offices. |
| 25. | Directorate of Trade & Commerce and its subordinate Offices. |
| 26. | Directorate of Rehabilitation and its subordinate Offices. |
| 27. | Directorate of Information & Public Relations and its subordinate Offices. |
| 28. | Directorate of Tourism and its subordinate Offices. |
| 29. | Directorate of Sericulture and its subordinate Offices. |
| 30. | Office of the Deputy Chief Election Officer and its subordinate Offices. |
| 31. | Directorate of Social Welfare and its subordinate Offices. |
| 32. | Office of the Controller of Printing & Stationery and its subordinate Offices. |

| Sl. No. | Name of Department |
|---------|---|
| 33. | Directorate of Soil & Water Conservation and its subordinate Offices. |
| 34. | Directorate of Sports & Youth Welfare and its subordinate Offices. |
| 35. | Mizoram Liaison Offices. |
| 36. | Office of the Commanding General, Home Guard and its subordinate Offices. |
| 37. | Directorate of Institutional Finance and Small Savings and its subordinate Offices. |
| 38. | Commissionariat of Excise and its subordinate Offices. |
| 39. | Directorate of Higher and Technical Education and its subordinate Offices. |
| 40. | Directorate of Art & Culture and its subordinate Offices. |
| 41. | Office of the Chairman, Mizoram Public Service Commission. |

SECOND SCHEDULE (SEE RULE 5 (1))

Authorised Permanent Strength of the various grades of the Mizoram Subordinate Ministerial Service on the appointed day.

| Sl. No. | Grade | Authorised Permanent Strength |
|---------|------------------|---|
| 1. | Assistant Grade. | 100% of the sanctioned strength of Assistant, Block Accountant, Sr. Nazir, Nazir Accountant, Cashier, Headson Officer, Reception and Caretaker. Investigator. |
| 2. | U.D.C. Grade. | 100% of the sanctioned strength of U.D.C. Accountant, Nazir, Assistant Nazir, Cashier. |
| 3. | L.D.C. | 90% of the sanctioned strength of L.D.C. cum-Typist, L.D.C. and Typist. |

Lalmalsawma,
Secretary to the Govt. of Mizoram,
Department of Personnel & Administrative Reforms.