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NOTIFICATION

No.A.12018/1/95-PAR(GSW), the 11th October, 1995. 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 :—

PART - I : GENERAL AND DEFINITIONS

- Title & Commencement** : 1. (1) These rules shall be called the Mizoram Engineering Service Rules, 1995.
- (2) They shall come into force from the date of publication in the Gazette.
- Scope and applicability** : 2. These rules shall be applicable to all persons appointed to the service either before or after promulgation of these rules in—
- (1) The Public Works Department,
 - (2) The Public Health Engineering Department,
 - (3) The Power & Electricity Department, and
 - (4) Any other Department as the Government may consider appropriate from time to time.

Definitions : 3. In these rules, unless there is anything repugnant to the subject or context.

- (1) "Appointing Authority" means the Governor of Mizoram.
- (2) "Commission" means the Mizoram Public Service Commission.
- (3) "Constitution" means the Constitution of India.
- (4) "Controlling Authority" means the Secretary, which shall include Commissioner or Special Secretary appointed as the head of respective Administrative Department mentioned in rule 2 above.
- (5) "Direct Recruitment" means recruitment made to the service other than by promotion.
- (6) "Gazette" means the Mizoram Gazette.
- (7) "Government" means the Government of Mizoram.
- (8) "Governor" means the Governor of Mizoram.
- (9) "Member" means a member of the Mizoram Engineering Service.
- (10) "Schedule" means a Schedule attached to these Rules.
- (11) "Service" means the Mizoram Engineering Service.
- (12) "Year" means a Calendar Year.

PART - II : CADRE ETC.

- Constitu- : 4.** (1) With effect from such date as the Government may, by notification in the Gazette, appoint in this behalf there shall be constituted a service known as the Mizoram Engineering Service (MES, in short) initially consisting of Engineers of different disciplines appointed to the Engineering Departments or any other Department as may be found suitable by the Government, and thereafter, as may be appointed to the Service by the Government from time to time.
- (2) The Mizoram Engineering Service shall consist of the following :—
- (i) Public Works Cadre - Which includes the following separate wings :—
 - (a) Civil Wing which includes posts of Civil Engineers under Public Works Department and Power & Electricity Department,
 - (b) Mechanical Wing including Mechanical Engineers under Public Works and Power & Electricity Departments, and
 - (c) Architectural Wing;
 - (ii) Power & Electricity Cadre which shall include all posts of electricals/electronics engineer under Power & Electricity Department and Public Works Department.

- (iii) Public Health Engineering Cadre—which shall comprise of all engineers appointed to the Public Health Engineering Department.
- (3) All the Civil/Mechanical Engineers recruited under Public Works Department and Power & Electricity prior to the commencement of these Rules shall stand allocated to the Public Works Cadre from the commencement of these Rules. Similarly, all the Electrical/Electronics Engineers recruited under Power & Electricity Department and Public Works Department prior to the commencement of these rules shall stand allocated to the Power & Electricity Cadre.
- (4) (i) There shall be a Committee consisting of the Chief Secretary, Secretary, Public Works Department, Secretary, Power & Electricity Department and Secretary, Department of Personnel & Administrative Reforms to be called the Joint Cadre Authority.
- (ii) The Joint Cadre Authority shall recommend the names of officers for inter-transfer and posting against the respective duty posts under Public Works Department and Power & Electricity Department.
- (5) A member of one cadre shall not be appointed or have any right for appointment or promotion to any post included in any other cadre. Similarly, a member of one Wing shall have no right either for appointment or for promotion in any other Wing except under special circumstances as may be decided by the Government from time to time.

Provided that the Government may for good and sufficient reason fill up any of the posts in any cadre by transfer of any member from one cadre to another of the component department if the Cadre Controlling Authority is satisfied that such transfer adequately meets the specialisation needs of the post.

- (6) The post of Civil, Mechanical and Architectural Engineers of different grades in any other department not covered by rule 2 shall be filled from appropriate wing of Public Works Cadre on the recommendation of the Joint Cadre Authority. Similarly, the requirement of Electrical and Electronics Engineers by another department other than those mentioned at rule 2 shall be filled from the Power & Electricity Cadre.

Grades and: 5
Status

- (1) The Service shall have the following grades of posts in the concerned departments:—

- (i) Engineering Grade I : Chief Engineer and equivalent posts.
- (ii) Engineering Grade II : Additional Chief Engineer and equivalent posts.

- (iii) Engineering Grade III : Superintending Engineer/Architect (Sr) and equivalent posts.
 - (iv) Engineering Grade IV : Executive Engineer/Architect and equivalent posts.
 - (v) Engineering Grade V : Assistant Engineer/Sub-Divisional Officer/Assistant Architect and equivalent posts.
- (2) The posts in the Engineering Grade-I and Grade-II mentioned in sub-rule (i) above under the Public Works Department shall be borne in the Civil Wing or discipline unless specifically created for any other Wing or discipline.
- (3) The service shall also include :-
- (i) Any post equivalent to the post in any of the grades mentioned in sub-rule (1) of rule 5 under any other Department of the Government.
 - (ii) Any post or grade subsequently included in the cadre of the service.
- (4) The Government may fill in any non-cadre Engineering posts as may be decided from time to time from members of the cadres aforesaid.
- Cadre Strength.** : 6. The cadre strength of different as may be determined by the Government from time to time.

Provided that the cadre strength of the service at its initial constitution shall be as shown in Schedule 'A'.

PART-III : INITIAL CONSTITUTION, RECRUITMENT ETC.

- Initial Constitution.** : 7. Notwithstanding anything contained in Rule 10 of these Rules, recruitment to the service on its initial Constitution shall be made by way of absorption of the Engineers serving under Public Works Department, Power & Electricity Department and Public Health Engineering Department in their respective equivalent grades of the service.
- Recruitment to the service.** : 8. Recruitment to various grades of the service after the commencement of these rules shall be regulated as per the terms and conditions stipulated in Schedule 'A' provided that the percentage for recruitment under each grade shall be within the percentage prescribed in the aforesaid Schedule.
- Nationality and Domicile.** : 9. (1) No person shall be qualified for appointment to the service unless he/she is a citizen of India as defined in Article 5 to 8 of the Constitution of India.

- (2) A candidate, in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview conducted by the Commission on his/her furnishing proof that he/she has applied for a certificate.

Modes of Recruitment : 10.

Recruitment referred to in rule 8 shall after the commencement of these Rules, be made in accordance with Schedule 'A' and as follows :-

(1) **Direct Recruitment :**

(a) For direct recruitment to the posts of Engineering Grade-V, the Government shall send requisition to the Commissions separately for each cadre indicating number of vacancies to be filled.

(b) Mere inclusion of a candidate's name in the list of successful candidates shall confer no right to him/her for appointment unless the Government is satisfied after such enquiry as may be considered necessary that the candidate is suitable in all respects for appointment to the service.

(2) **Departmental Promotion :**

One-third of the posts in Engineering Grade-V or each wing of a cadre shall be reserved for filling up from the panel of Junior Engineers belonging to Mizoram Subordinate Engineering Service if any, and who may be considered fit for promotion by the Government after passing Departmental Examinations in Engineering and Accounts for Junior Engineers, unless exempted by special or general order as under :-

(a) by promotion from candidates possessing Diploma in appropriate line from recognised Institute (s) and must have completed 8 years of service as Junior Engineer or equivalent.

(b) by promotion from Non-Diploma Junior Engineer who have completed 12 years regular service in the rank of Junior Engineer.

Qualification : 11. No person shall be appointed to the service by direct recruitment unless—

(a) He/she holds an Engineering Degree or equivalent qualification in the appropriate line from any Indian University/Institution or foreign University/Institution recognised by the Government.

'OR'

He/she has passed Section A and B of the Associate Membership Examination of Engineers (India) and possessing certificate to that effect from the Institution of Engineers.

- (b) He/she produces from the medical authority a certificate of mental and physical fitness in all respects for outdoor duties.
- (c) His/her character and antecedents are such as to qualify him/her for such service.

Provided that any person who is dismissed or discharged from service under the Government or any other organisation for misconduct or who is convicted of any offence involving moral turpitude shall be disqualified for recruitment.

- Age Limit : 12. (1) The age limit for direct recruitment shall be not less than 21 years and not more than 30 years on the 1st day of the month of recruitment with relaxation of 5 years in case of candidates belonging to Scheduled Castes/Tribes or any other category as laid down by the Government and of 2 years in case of Post Graduate Degree holder (s).
- (2) The age recorded in Matriculate/HSLC or equivalent examination shall be accepted as final.
- (3) In case of candidates possessing the requisite qualification, who was already in the service of the Government or any other organisations, the upper age limit may be relaxed upto the extent of continuous regular service rendered by them.
- (4) In exceptional circumstances, the appointing authority may condone overage of a candidate to the extent necessary on the merit of each case.

- Physical fitness : 13. (1) A candidate for direct recruitment shall be of sound health both mentally and physically and shall be free from organic defect or bodily infirmity likely to interfere with the efficient performance of his duty.
- (2) A candidate for direct recruitment shall be required to undergo medical examination before appointment to the service as may be decided by the Government from time to time.

Disqualification for Examination and Interview : 14. Any attempt on the part of a candidate to obtain support for his candidature by any means or to adopt any unfair means may be held by the Commission to disqualify him for admission/selection to the examination/interview.

Penalty for Misconduct : 15. A candidate who is or has been declared by the Commission guilty of impersonation or of submitting fabricated document (s) which has/have been tampered with or of making statement (s) which is/are incorrect or false or suppressing material information or of using or attempting to use unfair means in the exami-

nation hall/interview or otherwise resorting to any other irregular or improper means for obtaining admission to the examination/interview, in addition to rendering himself liable to criminal prosecution, may be

- (a) debarred permanently or for a specified period.
 - (i) by the Commission from admission to any examinations or appearance at any interview held by the Commission or for consideration for selection and
 - (ii) by the Government from employment under them ; and also
- (b) liable to disciplinary action under the appropriate rules, if he/she is already in the service under the Government.

Disquali- : 16. (1) No person who has more than one wife living shall be
fication for appointment eligible for appointment to any post under these rules.

Provided that if any candidates is allowed to marry more than one wife at a time under the personal law applicable to such candidate and the other party to the marriage and the Government are satisfied about the permissibility of such marriage, they shall not be disqualified by reason of such marriage.

- (2) No person who is in service of a Government and other Government undertaking shall be eligible for appointment in service unless he/she produces a discharge certificate from his/her previous employer.
- (3) The appointing authority may institute such inquiries as he may deem necessary as to the particulars of any candidate in respect of nationality, age, character, conduct, antecedents, etc. and if the result of such inquiry in his opinion is unsatisfactory in any of these aspects, the candidate may be declared disqualified with an intimation to the Commission.

PART IV : APPOINTMENT, PROMOTION, CONFIRMATION ETC.

Appoint- : 17. (1) Subject to the provisions of rule 10 and subject to the
ment to the service availability of vacancy or vacancies, appointment to the service shall be made by the Governor in accordance with the order of names arranged in the list by the Commission shall be notified in the Gazette.

- (2) A person recruited under Sub-Rule (1) of rule 10 shall join within 30 (thirty) days from the date of issue of the order of appointment, failing which and unless the Governor extends the period, the appointment shall be deemed to be cancelled.

Promotion : 18. (1) All vacancies in Engineering Grade IV and above shall be filled by promotion by selection as prescribed in Schedule 'B'.

Provided that the Government may, for good and sufficient reasons, fill up any of the posts in Engineering Grade-IV and above, for specialised investigation, design and research temporarily or on tenure by transfer on deputation from outside the service, if it is satisfied that there is no suitable officer in the service available for filling up the vacancy.

- (2) Subject to suitability as may be decided by the Commission and by the Appointing Authority as set forth in rule 19 and also subject to possessing such qualification and experience as may be prescribed by the Governor from time to time, a member shall be eligible for promotion to the corresponding higher grade in the manner hereinafter provided as prescribed in Schedule 'B'.
- (3) For promotion of members in Engineering Grade-V to Engineering Grade-IV (that is, Assistant Engineer to Executive Engineer or equivalent) an officer shall be eligible if :-
- (a) he/she has successfully undergone training and passed the Departmental Examinations in Engineering and Accounts for Assistant Engineers/Sub-Divisional Officers as may be prescribed by the Govt. from time to time.

Provided that for exceptional reasons to be recorded in writing, an officer may be exempted by the Government from passing the said examination.

- (b) In case of a directly recruited Graduate Engineer, he/she has rendered a minimum of 7 (seven) years regular continuous service in the Engineering Grade-V : provided that out of the total cadre strength of the grade, 75% of the posts shall be filled up by promotion of Graduate Engineers who are members of the Service.
- (c) In case of Diploma holder Assistant Engineer/Sub-Divisional Officer, he/she has rendered at least 10 (ten) years regular continuous service in the Engineering Grade-V, provided that 25% of the total cadre strength of the grade shall be reserved for Diploma holders.

- (4) For promotion to Engineering Grade III (i.e. to the posts of Superintending Engineer/Senior Architect a graduate Engineer/Architect should have put in a minimum period of 5 (five) years of regular continuous service in Engineering Grade-IV, whereas a Diploma holder should have put in a minimum period of 8 (eight) years regular continuous service in Engineering Grade-IV with outstanding record of service in the grade; provided that 90% of the posts in Engineering Grade-III shall be reserved for the Graduate Engineers and the remaining 10% shall be reserved for the Diploma holders.
- (5) For promotion to Engineering Grade-II in any of the Cadres, a member of the service in the grade III should have completed at least 5 (five) years of regular continuous service in the Engineering Grade-III in respect of the Graduate Engineers, and at least 7 (seven) years of regular service in the Engineering Grade-III in respect of the Diploma holders.
- (6) For promotion to Engineering Grade-I of the service, a member of the service should have completed at least 3 (three) years of regular continuous service in the Engineering Grade II.
- (7) Other things having been equal preference may be given to post-graduate degree holders for promotion, to higher grades at various levels, provided that such a degree is relevant to the works concerned.

General pro-: 19 (1) Whenever any vacancy/vacancies arise(s) in the service to be filled up by promotion, the controlling authority shall furnish to the Commission the following documents and informations-

- (a) information about the number of vacancies
- (b) final upto date seniority list (separately) for Graduate Engineers and Diploma holders
- (c) list of officers in order of seniority, eligible for promotion (separate list for promotion to different grades and cadres to be furnished) indicating the grade and cadre to which the case of promotion is to be considered.
- (d) Annual Confidential Reports of eligible candidates of preceding years as required, duly reviewed and accepted by the authorities concerned.

- (e) details about reservation for members of the Service and subordinate, Engineering Service/Diploma holders as provided under Sub-Rule (3) & (4) of rule 18 :
 - (f) clearance from Vigilance Department separately in respect of each and
 - (g) any other documents information as may be considered necessary by the authority or the Commission.
- (2) The appointing authority shall simultaneously request the Commission to recommend within one month a list of officers found suitable for promotion in order of merit in respect of promotion to each grade/cadre in which recruitment is to be made by promotion.
- (3) The selection/promotion to the various grades mentioned in rule 5(1) shall be on the basis of merit-cum-seniority.
- (4) The inclusion of a candidate's name in the select list shall confer no right to promotion unless the appointing authority is satisfied after such enquiry as may be considered for promotion.
- (5) The select list shall remain valid for 12 (twelve) months from the date of approval by the Government or as extended by the Government.
- (6) The promotion shall be in accordance with the list finally approved by the Government.
- Probation : 20.(1) a person recruited to the service under sub-rule (1) of the rule and confirmation. 10 shall be on probation for a period of two years which may be extended for good and sufficient reasons by the Government for a further period, as may be determined by the Government.
- (2) Where a probationer has successfully completed his/her probation period to the satisfaction of the appointing authority, he/she shall be confirmed in the service.

- (3) There shall be separate seniority list for persons recruited under sub-rule (1) and sub-rule (2) of rule 10.

Training : 22. A member of the service shall be required to undergo such training and pass such Departmental Examinations as may be prescribed by the Government from time to time.

PART V : MISCELLANEOUS

Resignation : 23. A member of the service may, at any time resign from service by giving notice for the period as may be prescribed under general rules framed or adapted by the Government from time to time.

Discharge or reversion : 24. A temporary or officiating member shall be liable to be discharged or reverted to the lower grade or feeder cadre of the service, or to his/her original service, if-

- (1) he/she fails to qualify in or successfully complete any training as may be prescribed by the Government from time to time, or fails to render satisfactory service during his/her tenure of service in the cadre; and
- (2) it is found on a subsequent verification or inquiry that he/she was initially not qualified for the appointment or that he/she furnished any fraudulently incorrect or fabricated or false information with regard to his appointment.

Pay of Members of the service : 25. The members of the service shall be entitled to such scales of pay and allowances as may be authorised by the Government from time to time.

Leave, pension and other matters : 26. In respect of leave, pension, discipline and other conditions of the service not expressly provided for in these rules, the members of the Service shall be governed by the general rules in force as adapted by the Government from time to time.

Mode of Employment : 27. A member of service shall be liable to be posted anywhere within the state of Mizoram or anywhere in India in public interest. He/she may also be posted to any other department of the Government.

Superannuation : 28. A member of the service shall retire on attaining 58 years being the age of superannuation as per rules and regulations governing such conditions of service in the Government or as may be adapted or framed by the Government from time to time.

Interpretation : 29. If any question arises relating to the interpretation of these rules, it shall be referred to the Governor whose decision thereon shall be final.

Power to : 30. Where the Governor is of the opinion that it is necessary to relax
relax expedient to do so, he may, by order and for reasons to be recorded in writing in consultation with the Commission, relax any of the provisions of these rules with respect to any class or category of persons.

Appeal & : 31. All the previous Recruitment Rules for the posts covered by
Saving these rules are hereby repealed.

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

Lalmalsawma,
Secretary to the Govt. of Mizoram.

Seniority. : 21(1) Seniority of persons recruited under sub-rule

- (1) of rule 10 shall be fixed in accordance with the merit list prepared by the Commission and approved by the Government.
- (2) Seniority of persons recruitment under sub-rule (2) of rule 10 shall be in accordance with the dates of promotion or regularization, or as may fixed by the Commission and approved by the Government.

SCHEDULE - 'B'

Rule - 5,7,9,10,11,17,20&21

Names of the Grades of service.	Source of recruitment & percentage to be filled by promotion.			Names of posts covered under the Grade.	Whether Selection post in the lower service promotion post.	Minimum length of regular service required immediately below grade or total for promotion.	Period of probation.	Technical qualification required for direct recruitment.	If DPC existed, what is its composition	Age limit for direct recruitment.
	Degree holder or equivalent.	Dip-loma holder or equivalent.	Non-Dip-loma holder.							
1	2	3	4	5	6	7	8	9	10	11
1. Engineering Grade - I	-	-	-	C.E.	Selection post	-	N.A.	N.A.	Through MPSC for promotion	N.A.
2. Engineering Grade - II	-	-	-	Addl. C.E.	-do-	-	N.A.	N.A.	-do-	N.A.
3. Engineering Grade - III	90%	10%	-	S.E. Sr. Arch, equivalent post	-do-	5 yrs. for Col. 3, 8yrs with outstanding record for Col. 4.	N.A.	-	-do-	N.A.
4. Engineering Grade-IV	75%	25%	-	EE, Arch.	-do-	7 yrs. for Col. 3, 10yrs for Col. 4.	-	N.A.	-do-	N.A.
5. Engineering Grade - V	67% (Direct)	33% (for Col 4&5)	-	AE/SDO/ Asst. Arch.	Selection post for Col. 4&5	Direct for Col. 3, 8yrs as JE for Col.4, 12 Yrs as JE for Col. 5.	2Yrs. which can be extended under the orders of the Govt. for Col. 3.	Degree in the concerned Engineering Branch of its equivalent.	Through MPSC for direct recruitment.	Between 21-30 years.