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NOTIFICATION

No.A.12018/1/95-PAR(GSW), the 5th December, 2001. In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Mizoram hereby makes the following rules, namely :—

PART - I

PRELIMINARY

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|-------------------------------|--|
| Short title and commencement. | 1. (1) These Rules may be called the Mizoram Engineering Service Rules, 2001.
(2) They shall come into force from the date of their publication in the official 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 -
(a) the Public Works Department;
(b) the public Health Engineering Department;
(c) the Power and Electricity Department; and
(d) Any other Department as the Government may consider appropriate from time to time. |

Definitions. 3. In these rules, unless the context otherwise requires –

- (a) “Appointing Authority” means the Governor of Mizoram;
- (b) “Commission” means the Mizoram Public Service Commission;
- (c) “Constitution” means the Constitution of India;
- (d) “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;
- (e) “Direct Recruitment” means Recruitment made to the service other than by promotion;
- (f) “Gazette” means the Mizoram Gazette;
- (g) “Government” means the Government of Mizoram;
- (h) “Governor” means the Governor of Mizoram;
- (i) “Members” means a Member of the Mizoram Engineering Service;
- (j) “Schedule” means a Schedule attached to these Rules;
- (k) “Service” means the Mizoram Engineering Service;
- (l) “Year” means a Calendar Year.

PART—II

CONSTITUTION, COMPOSITION, GRADES AND STRENGTH OF THE MIZORAM ENGINEERING SERVICE.

Constitution and Composition.

- 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 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 cadres, namely—

(i) Public Works Cadre, which shall include the following separate Wings—

(a) Civil Wing, which shall consist of the posts of Civil Engineers under the Public Works Department.

(b) Mechanical Wing, which shall consist of the posts of Mechanical Engineers/Electrical Engineers under Public Works Department recruited by the department.

(c) Architectural Wing.

(ii) Power & Electricity Cadre, which shall include the following separate wing :—

(a) Electrical Wing, which shall consist of all posts of Electricals/Electronics/Mechanical Engineers under Power & Electricity Department.

(b) Civil Wing, which shall consist of all the posts of Civil Engineers under Power & Electricity Department.

(iii) Public Health Engineering Cadre which shall comprise of all Engineers appointed to the Public Health Engineering Department.

(3) On and from the commencement of these rules.

(a) all the Civil Engineers, Mechanical Engineers, Electrical Engineers, Architect recruited under Public Works Department shall stand allocated to the Public Works cadre;

(b) all the Electrical or Electronics Engineers, Mechanical Engineers, Civil Engineers recruited under the Power and Electricity Department shall stand allocated to the Power and Electricity Cadre; and

(c) all the Mechanical Engineers, Civil Engineers and the Electrical Engineer or Electronics Engineer recruited under the Public Health Engineering Department shall stand allocated to the Public Health Engineering Cadre.

Cadre and 5. (1) There shall be a Committee consisting of the Chief Secretary, Secretary, Public Works Department, Secretary, Power and Electricity Department, Secretary, Public Health Engineering and Secretary, Department of Personnel and Administrative Reforms to be called the Joint Cadre Authority.

(2) 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 and Electricity Department and Public Health Engineering not covered by rule 2.

- (3) 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 for appointment or for promotion in any other wing.
- (4) Any post of civil Engineers, Mechanical Engineers, Electronics Engineers, Electrical Engineers and Architect of different grades or equivalent grades in any other Departments Corporations, Boards, or Organisation not covered by rule 2 shall be filled up by appropriate Engineers from the Public works Department, Power and Electricity Department and Public Health Engineering Department on the recommendation of Joint Cadre Authority.

Various Grades of the Service.

6. (1) The Service shall have the following grades of posts in the concerned Departments :-
 - (a) Engineering Grade I (A)-Engineer-in-Chief (for PWD Cadre only)
 - (b) Engineering Grade I-B-Chief Engineer and equivalent post
 - (c) Engineering Grade II- Additional Chief Engineer and equivalent post.
 - (d) Engineering Grade III- Superintending Engineers/ Senior Architect and equivalent posts.
 - (e) Engineering Grade IV- Executive Engineers/ Architect and equivalent posts.
 - (f) Engineering Grade V- Assistant Engineer/ Sub-Divisional Officer Assistant Architects/ Architectural Assistant and equivalent posts.
- (2) The Service shall also include :-
 - (a) Any post equivalent to the post in any of the grades mentioned in sub-rule (1) of rule 6 under any other Department of the Government;
 - (b) any post or grade subsequently included in the cadre of the service.

- (3) The Government may fill in any ex-cadre Engineering posts as may be decided from time to time from members of the cadres aforesaid.

Cadre Strength. 7. The Cadre strength of different grades of the service at the initial Constitution of the service shall be as shown in the Schedule-A which may be increased or decreased by the Government from time to time.

PART - III

INITIAL CONSTITUTION, RECRUITMENT ETC.

Initial Constitution. 8. Notwithstanding anything contained in rule 11 recruitment to the service on its initial constitution shall be made by way of absorption of the Engineers substantially appointed and serving under Public Works Department, Power and Electricity Department and Public Health Engineering Department in their respective and equivalent grades of the service.

Recruitment to the Service. 9. Recruitment to various grades of the service after the commencement of these Rules shall be regulated as per the table shown in the Schedule 'B'.

Nationality and domicile. 10. (1) No person shall be qualified for appointment to the service unless he is a citizen of India as defined in Articles 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 furnishing proof that he has applied for a certificate.

Modes of Recruitment. 11. Recruitment referred to in rule 9 shall, after the commencement of these Rules, be made in accordance with the table at Schedule 'B' and as follows :

(1) Direct Recruitment :

For Direct Recruitment to the post of Engineering Grade -V, the Government shall send requisition to the Commission separately for each cadre indicating number of vacancies to be filled and indicating appropriate line of Engineering.

(2) Departmental Promotion :

35% of the total posts in Engineering Grade-V of each cadre in the Mizoram Engineering Service shall be reserved for filling up from the panel of Junior Engineers or Draughtmen Grade-I who may be considered fit for promotion by the

Government after passing Examinations in Engineering and Accounts for Junior Engineers, unless exempted by special or general order as under :

(a) By selection from candidates possessing Diploma in appropriate line from recognised Institute (s) who had already completed 5 years of regular service as Junior Engineer or equivalent, and

(b) By selection from Non Diploma Junior Engineers who have completed 12 years regular service in the rank of Junior Engineers or Draughtmen Grade-I as the case may be.

Qualification for recruitment.

12. No person shall be appointed to the service by direct recruitment unless -

(a) He 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 has passed Section A and B of the Associate Membership of Engineers (India) and possessing Certificate to that effect from the Institution of Engineers.

(b) He produces from the Medical Authority a certificate of mental and physical fitness in all respects for outdoor duties.

(c) His 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 for direct recruits.

13. (1) The age limit for direct recruitment shall be not less than 21 years and not more than 30 years on the first day of the month of recruitment with the relaxation of 5 years in case of candidates belonging to Scheduled Caste or Scheduled Tribes or Govt. servant or any other backward classes as laid down by the Government and of 2 years in case of post Graduate Degree holder (s).

(2) The age recorded in High School Leaving Certificate or equivalent examination shall be accepted as final.

(3) In case of candidates possessing the required qualification, who was already in the service of the Government, Semi-

Govt. of autonomous or 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**

14. (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.

**Disqualifi-
cation for
examination
and interview**

15. Any attempt on the part of a candidate to obtain support for his candidature by any means may be held by the Commission to disqualify him for admission/selection to the examination/interview.

**Penalty
for miscon-
duct**

16. A candidature 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 examination hall/interview or otherwise resorting to any other irregular or improper means for obtaining admission to the examination or 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 examination 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 she/he is already in the service under the Government.

**Disquali-
fication for
appointment.**

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

Provided that if any candidate 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 is 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 the Government and other Government undertaking shall be eligible for appointment in service unless he produces a discharge certificate from his previous employer.

(3) The appointing authority may institute such inquiries as he may deem necessary as to the particular 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.

Appointment 18. (1) Subject to the provision of rule 11 and subject to the availability of vacancy or vacancies, appointment to the service shall be made by the Governor in accordance with the order of name arranged in the list by the Commission which shall be notified in the Gazette.

(2) A person recruited under Sub-rule (1) of rule 11 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.

Condition for promotion. 19. (1) All vacancies in Engineering Grade-IV and above shall be filled by promotion as prescribed in rule 20 and in Schedule 'B'.

Provided that the Government may, for good and sufficient reasons, which shall be recorded in writing 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 cadre of 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 20 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 herein after provided.

(3) For promotion of a member in Engineering Grade-V to Engineering Grade-IV, an officer shall be eligible if -

(a) he has undergone the training successfully and passed the Departmental Examination in Engineering and Accounts for Engineering Grade-V as may be prescribed by the Government from time to time.

(b) A member of the service in Grade-V who has rendered not less than 8 years regular service in the Engineering Grade-V, whether he is a graduate in Engineering or a holder of diploma in Engineering shall qualify for consideration ;

Provided that 75% of the total cadre strength shall be reserved for a member of the service with graduate in Engineering Science and the remaining 25% of the total cadre strength of the grade shall be reserved for a member of the service with the holders of Engineering diploma.

(4) For promotion to Engineering Grade-III (i.e. to the post of Superintending Engineer or Senior Architect as the case may be) an Executive Engineer/Architect shall have put in a minimum period of 5 years of regular service in Engineering Grade-IV, provided that 90% of the cadre strength in Engineering Grade-III shall be reserved for a member of the service with graduate in Engineering and the remaining 10% shall be reserved for the holders of Engineering diploma.

(5) For promotion to Engineering Grade-II a member of the Service in grade-III shall have completed at least 5 years of regular continuous service in the Engineering Grade-III.

(6) For promotion to Engineering Grade-I-B of the service, a member of the service shall have completed at least 20 years of regular service from the date of entry out of which at least 3 years of regular continuous service in Engineering Grade-II.

(7) For promotion to Engineering Grade-I-A of the service, a member of the service shall have completed at least 25 years of regular service from the date of entry out of which at least 2 years of regular continuous service in Engineering Grade-I-B.

However, in certain Engineering Department. Where there is no post of Engineering Grade-II (Addl. C.E.) a member of the service shall have completed at least 20 years of regular service from the date of entry out of which at least 7 years should be in Engineering Grade-III (S.E.).

General Procedure promotion. 20 (I) Whenever any vacancy or vacancies arise(s) to be filled up by promotion, the Controlling Authority shall furnish to the Commission the following documents and information :-

- (a) about the number of vacancies to be filled up;
- (b) Final up-to-date seniority list separately for Graduate Engineers and Diploma Holders;
- (c) List of Officers in order of seniority eligible for promotion (separate lists 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 may be required, length of service, duly reviewed and accepted by the authorities concerned;
- (e) Details about reservation for member of the service in respect of graduate in Engineering and holders of under graduate diploma in Engineering as provided under sub-rules (3) and (4) of Rule 19.
- (f) Clearance from Vigilance Department separately in respect of each, and
- (g) Any other documents and information as may be considered necessary by 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 or cadre in which recruitment is to be made by promotion
- (3) The selection/promotion to the various grades mentioned in sub-rule (I) of rule 6 shall be on the basis of selection method.
- (4) The inclusion of a name of candidate in the select list shall confer no right to promotion unless the Appointing Authority is satisfied after such inquiry as may be considered for promotion.
- (5) The select list shall remain valid for 12 months from the date of approval by the Government or till such further time as may be extended by the Government, limited to six months.
- (6) The promotion shall be in accordance with the list finally approved by the Government.

Probation
and confir-
mation

- 21. (1) A member of the service recruited under sub-rule (1) of Rule 11 shall be on probation for a period of 2 years, which may be extended for good and sufficient reasons to be recorded in writing by the Government for a further period, as may be determined by the Government.

(2) Where a probationer has successfully completed his probation period to the satisfaction of the Appointing Authority, he shall be confirmed in the service.

- Seniority** 22. (1) The inter-se-seniority of the members of the service recruited under sub-rule (1) of Rule 11 shall be fixed in accordance with the merit list prepared by the Commission and approved by the Government.
- (2) the inter-se-seniority of the members of the service recruited under sub-rule-(2) of Rule 11 shall be in accordance with the dates of promotion or regularisation, or as may be fixed by the Commission and approved by the Government.
- (3) There shall be separate list of inter-se-seniority among the members of the service recruited under sub-rule (1) and sub-rule (2) of Rule 11.
- Training** 23. 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** 24. 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** 25. A temporary or officiating member on expiry of such appointment shall be liable to be discharged or reverted to the lower grade or feeder cadre of the service, to his original service, if :—
- (a) he 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 tenure of service in the cadre, and
- (b) it is found on subsequent verification or inquiry that he was initially not qualified for the appointment or that he furnished any fraudulent or incorrect and fabricated information with regard to his appointment.
- Pay of members of the service** 26. (1) 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.
- (2) The members of the service who obtained higher education than the prescribed qualification for direct recruitment

under clause (a) of rule 12, after joining Mizoram Engineering Service may be given incentives as follows :—

- (i) Post graduate diploma - 1 increment in Engineering/Architecture relevant to the work of Officer.
- (ii) Post Graduate degree - 2 increments in Eng./Arch. relevant to the work of Officer.
- (iii) Doctor of philosophy - 3 increments in Eng./Arch. relevant to the work of Officer.

Provided that the advance increment shall not affect the inter-se-seniority of the member of the service.

Leave, Pension and other matters 27. 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 deployment 28. A member of the service shall be liable to be posted to hold any post under the Government 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 29. A member of the service shall retire on attaining 58 years being the age of superannuation as per rules for the time being governing such conditions of service in the Government as may be adapted or framed by the Government from time to time.

Interpretation. 30. 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 Relax 31. Where the Governor is of the opinion that it is necessary or expedient so to do, 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.

Repeal and Saving 32. On and from the commencement of these rules, the Mizoram Engineering Service Rules, 1995 which was published in the Mizoram Gazette Issue No. 461 Dt. 20. 10. 1995 under Notification No. 12018/1/95-PAR(GSW)Dt. 11. 10. 1995, and its amendments under Notification No. A. 12018/1/95-PAR(GSW)/pt. dt. 26. 8. 1999 and Notification No. A. 12018/1/95-PAR(GSW)Pt. Dt. 18. 7. 2000 and published in the Mizoram Gazette Issue No. 224. Dt. 31. 8. 1999 and Issue No. 197 Dt. 21. 7. 2000 respectively shall stand repealed :

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

By order and in the name of
Governor of Mizoram.

Lalmalsawma,
Secretary to the Govt. of Mizoram.

SCHEDULE - A

CADRE STRENGTH OF THE SERVICE (See rule 7)

	P.W.D.	P.H.E.	P&E	TOTAL	REMARKS
1. Engineering Grade-I A	1	—	—	1	Engineer-in chief
2. Engineering Grade-I B	2	1	1	4	Chief Engineer
3. Engineering Grade-II	—	1	2	3	Additional Chief Engineer
4. Engineering Grade-III	10	4	6	20	S.E. & Senior Architect
5. Engineering Grade-IV	31	16	28	75	E.E. & Architect and equivalent rank
6. Engineering Grade-V	107	56	90	253	A.E./SDO, Assit. Architect/Architectural Assistant.
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GRAND TOTAL :	151	78	127	356	

DUTY CADRE POSTS IN OTHER DEPARTMENTS

1. Executive Engineer — 1 post : 1) Police Department
2. Assistant Engineer — 11 posts : 1) Police Department — 1
- 2) Sports & Youth Services Department -1
- 3) Education & Human Resources Deptt.-1
- 4) Transport Department - 1
- 5) Industries Department - 1
- 6) Deputy Commissioner, Lunglei - 1
- 7) Deputy Commissioner, Aizawl - 1
- 8) Health & Family Welfare Deptt. - 1
- 9) Mizoram Section Assistant Training Institute - 1 (designated as Road Protection Officer)
- 10) Government Polytechnic Lunglei - 2 as Lecturers.

SCHEDULE - B

See Rules - 9 and 11

Sl. No.	Name of the Grades of service	Source of recruitment and percentage to be filled by promotion			Names of posts covered under the Grade	Whether selection or Non-Selection post	Minimum length of regular service required in the lower grade	Period of Probation	Technical qualification required for direct recruitment.	If DPC exist what is its composition	Age limit for direct recruitment
		Degree holder	Diploma holder	Non-Diploma holder							
1	2	3	4	5	6	7	8	9	10	11	12
1.	Engineering Grade-I A (PWD only)	100%	-	-	Engineer-In-Chief	Selection Post	Should have completed at least 25 years of regular or continuous service out of which 2 years of regular service should be in Grade-I	NIL	No direct recruitment	Mizoram Public Service Commission	No direct recruitment
2.	Engineering Grade-I B	100%	-	-	Chief Engineer	Selection Post	<p>a) Should have completed at least 20 years of regular or continuous service out of which 3 years of regular service should be in Grade-II</p> <p>b) In certain Engineering Department where there is no post of Engineering grade-II (Addl. C.E.) a member of the service should have completed at least 20 years of regular service from the date of entry out of which at least 7 years should be in Engineering Grade-III (S.E.)</p>	NIL	No direct recruitment	Mizoram Public Service Commission	No direct recruitment
3.	Engineering Grade-II	100%	-	-	Additional Chief Engineer	Selection post	5 years in Grade-III	NIL	No direct recruitment	Mizoram Public Service Commission	No direct recruitment

1	2	3	4	5	6	7	8	9	10	11	12
4.	Engineering Grade-III	90%	10%	—	Superintending Engineer, Senior Architect.	Selection Post	5 years in Grade-IV	NIL	No direct recruitment	Mizoram Public Service Commission	No direct recruitment
5.	Engineering Grade-IV	75%	25%	—	Executive Engineer, Architect	Selection Post	5 years in Grade-V	NIL	No direct recruitment	Mizoram Public Service Commission	No direct recruitment
6.	Engineering Grade-V	65%	35% for (col. 4 & 5)	—	Assistant Engineer, Sub-Divisional Officer, Assistant Architect/Architectural Assistant	Selection post for col. 4 & 5	Direct for col. 3, 5, years as Junior Engineer for Diploma 12 years for Non-Diploma	2 years for direct recruitment	Degree in concerned Engineering branch or its equivalent	Mizoram Public Service Commission	Between 21-30 years. Upper age limit relaxable by 5 years for scheduled castes/Scheduled Tribes.